

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
MARCH 22, 2011**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 10:00 a.m., on Tuesday, March 22, 2011. President Barnhart called the meeting to order. Councilmember Betterton gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that six Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Hermon T. Graham, Barry Morris, James Barnhart and Andrew Betterton.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

March 22, 2011

10:00 A.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Betterton
 3. Pledge of Allegiance
 4. Roll Call - President Barnhart
 5. Approval of Agenda
 6. Message from Mayor
 7. Reports of Department Heads
 8. Reports of Standing Committees
 9. Public Hearings: None
 10. Business from floor pertaining to items on the consent and regular agenda (5-minute limit).
 11. Consent Agenda:

All matters listed within the Consent Agenda have been distributed to each member of the Florence City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request. Please call 760-6400 for questions on Consent Agenda items prior to the Council meeting.

- (a) Approval of minutes of the Regular Meeting held on March 1, 2011. **(This item was moved to Regular Agenda Item 12 (d))**
- (b) Confirm payment of bills by the City Treasurer. **(This item was moved to Regular Agenda Item 12 (e))**
- (c) Resolution authorizing the City to enter into a contract with Chuck Bermele, to conduct line dancing lessons at Parks and Recreation facilities, 80% of the fees collected will be paid to contractor and the City shall retain the remaining 20%, sponsored by Todd Nix.

- (d) Resolution authorizing the City to enter into a contract with The Carpet Stores, Inc., to provide labor, equipment, materials and incidentals necessary to remove and replace floor tile in a portion of the Third Floor corridor, City Hall, in the amount of \$2,181.25, to be paid 266-41810 Repair and Maintenance, sponsored by Gary Williamson.
- (e) Resolution authorizing the City to enter into a contract with PRA Government Services, LLC, DBA RDS, for revenue administration services for the City, to be paid an amount equal to Two Dollars and Seventy Six Cents per account per transaction OR 1.85% of gross revenues collected, whichever is lower, to be paid from 258-41590 Collection Cost-Sales Tax, sponsored by Bob Leyde.
- (f) Resolution authorizing the City to enter into a contract with Shoals Radio Group to advertise and promote the City of Florence for the Spirit of Freedom Celebration at McFarland Park on July 4, 2011, in the amount of \$10,000.00, to be paid from 398-41112 Council Special Projects, sponsored by the City Council.
- (g) Resolution to approve a Letter of Representation between Miller, Balis & O'Neil and the City, to join the Tennessee Customer Group of Natural Gas Providers in hiring Miller, Balis & O'Neil to oppose rate increase request by Tennessee Gas Pipeline Company in front of the Federal Energy Regulatory Commission, at a prorated cost of approximately 6% or less of the total cost of contesting the rate increase, Services provided charged to Gas Acct. 923.00, Outside Services Employed, sponsored by Mike Doyle.**(This item was moved to Regular Agenda Item 12 (f))**
- (h) Resolution to appoint Vince Brewton to the Florence Historical Board, sponsored by the City Council.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to annex property located in Lauderdale County owned by Faith Tabernacle Church Inc., into the City of Florence, sponsored by Melissa Bailey.
- (b) Resolution to convey to all members of the Lauderdale County Legislative Delegation the City's opposition to the proposal to the Legislature by Alabama's providers of wireless telephone service which has the effect of negatively impacting the funding and control of Alabama's local emergency communication districts, including the Florence-Lauderdale County Emergency Management Agency, sponsored by George Grabryan.
- (c) Resolution to approve the Community Development Block Grant Program budget for fiscal year 2011-2012, sponsored by Melissa Bailey.
- (d) Approval of minutes of the Regular Meeting held on March 1, 2011.**(This item was moved from Consent Agenda Item 11 (a))**
- (e) Confirm payment of bills by the City Treasurer.**(This item was moved from Consent Agenda Item 11 (b))**
- (f) Resolution to approve a Letter of Representation between Miller, Balis & O'Neil and the City, to join the Tennessee Customer Group of Natural Gas Providers in hiring Miller, Balis & O'Neil to oppose rate increase request by Tennessee Gas Pipeline Company in front of the Federal Energy Regulatory Commission, at a prorated cost of approximately 6% or less of the total cost of contesting the rate increase, Services provided charged to Gas Acct. 923.00, Outside Services Employed, sponsored by Mike Doyle.**(This item was moved from Consent Agenda Item 11 (g))**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by SMOKEHOUSE BILLIARD PARLOR INC., d/b/a SMOKEHOUSE BILLIARDS & GRILLE, located at 118 E. TENNESSEE STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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(b) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Civil Service Board	Jim Smith	05/02/05	04/11
Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

14. Business from the public (5-minute time limit).

15. Council Members reports and/or comments (5-minute limit).

- Councilmember Pendleton
- Councilmember Jordan
- Councilmember Graham
- Councilmember Morris
- Councilmember Betterton
- Councilmember Barnhart

16. Motion to Adjourn.

Prior to the approval of the agenda, President Barnhart welcomed the 52 Seniors from Florence High School in attendance today for the City's annual "Youth In Government" Day sponsored by the Exchange Club. President Barnhart noted that Councilmember Pendleton requested that the following items be moved from the Consent Agenda to the Regular Agenda: Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on March 1, 2011 to Regular Agenda Item 12 (d), Consent Agenda Item 11 (b) Confirm payment of bills by the City Treasurer to Regular Agenda Item 12 (c) and Consent Agenda Item 11 (g) Resolution to approve a Letter of Representation between Miller, Balis & O'Neil and the City, to join the Tennessee Customer Group of Natural Gas Providers in hiring Miller, Balis & O'Neil to oppose rate increase request by Tennessee Gas Pipeline Company in front of the Federal Energy Regulatory Commission, at a prorated cost of approximately 6% or less of the total cost of contesting the rate increase, Services provided charged to Gas Acct. 923.00, Outside Services Employed, sponsored by Mike Doyle to Regular Agenda Item 12 (f).

Councilmember Pendleton made comments regarding the Attorney General's opinion on committee meetings. Councilmember Pendleton stated that the City Council has received the Attorney General's opinion regarding committee meetings. Councilmember Pendleton stated that the opinion reads that Councilmembers that are not on the committee can attend the meetings but can not vote on any issue or participate in the meeting. Councilmember Pendleton stated that he

hopes after this opinion, this Council will have more opening discussions and will not allow committees to run this City. Councilmember Betterton stated that since he has been on this City Council he has not attended a committee meeting that has had 4 votes. Councilmember Graham asked if councilmembers can not attend committee meetings as a citizen and partisipate then how can a councilmember come before the City Council has a citizen and speak?

President Barnhart stated that the City Council needs to move forward with the meeting and if Councilmember Pendeton would submit a resolution to dissolve the committees then he would support it.

There being no more changes, President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Graham seconded the motion.

There being no further discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons welcomed students from Florence High School for “Youth In Government” Day. Mayor Irons stated that this is the 35th year for the youth to participate in our local government.

Mayor Irons asked Police Chief Rick Singleton to come forward to present “Life Saving” medals to several Florence Police Officers. The following Officers received medals: Officer Art Stephenson, Officer Michael South, Officer Max Dotson, Officer Luke McIntyre and Sergeant Dennis Patterson. Chief Singleton noted that these officers have performed live saving duties during the last three months.

Mayor Irons noted that the CityWide Clean up Day for the City of Florence will be held on Saturday, April 2. Mayor Irons also noted that volunteers should meet at the Florence/Lauderdale

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Coliseum at 8:00 a.m.

Reports of Standing Committees:

Councilmember Andy Betterton gave a report on the Parks & Recreation Committee meeting that was held on March 2, 2011. Report follows, to wit:

Public Hearings: None

Business from the floor pertaining to items on the Consent and Regular Agenda:

Mr. James Jennings, owner of SmokeHouse Billiards & Grille, appeared and made comments in favor of Regular Agenda Item 13 (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by SMOKEHOUSE BILLIARD PARLOR INC., d/b/a SMOKEHOUSE BILLIARDS & GRILLE, located at 118 E. TENNESSEE STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Mr. Jennings stated that he has recently purchased SmokeHouse Billiards and will be making improvements.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items.
Councilmember Betterton moved for approval of the ordinances and resolutions as follow, to-wit:

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Councilmember Graham seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance to annex property located in Lauderdale County owned by Faith Tabernacle Church Inc., into the City of Florence, sponsored by Melissa Bailey. Said Ordinance follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

Councilmember Graham seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the proposed ordinance.

Councilmember Pendleton stated that this ordinance is proof that churches in the area are growing.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to convey to all members of the Lauderdale County Legislative Delegation the City's opposition to the proposal to the Legislature by Alabama's providers of wireless telephone service which has the effect of negatively impacting the funding and control of Alabama's local emergency communication districts, including the Florence-Lauderdale County Emergency Management Agency, sponsored by George Grabryan. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the proposed resolution.

Councilmember Pendleton expressed his appreciation to George Grabryan, Director of EMA and 911 Board and the 911 Board for their hard work.

Councilmember Jordan also expressed his appreciation to Mr. Grabryan for his work for the City of Florence as well as Lauderdale County.

Councilmember Pendleton stated that he was on the City Council when the 911 Board was formed and that the City has a voice in the hiring of the Director.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the Community Development Block Grant Program budget for fiscal year 2011-2012, sponsored by Melissa Bailey. Said Resolution follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing resolution. Councilmember Pendleton seconded the motion.

Discussion:

Councilmember Graham made comments in support of the proposed resolution.

Councilmember Graham stated that for some communities, this grant is the only funding by which they can make improvements to drainage problems.

Councilmember Pendleton made comments in support of the proposed resolution.

Councilmember Pendleton expressed his appreciation to the leadership through the years that has supported Community Development.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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City Clerk, Robert M. Leyde, presented a Resolution for the approval of minutes of the Regular Meeting held on March 1, 2011. **(This item was moved form Consent Agenda Item 11(a))**

Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Graham seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Graham moved for adoption of the foregoing resolution. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding Mayor Irons' comments dated September 21, 2010. Councilmember Pendleton encouraged the City Council to read the Mayor's comments from the September 21st meeting. Councilmember Pendleton stated that he knew nothing of the buying and selling of the former Florence Golf & Country Club property. Councilmember Pendleton also stated that he was not involved in any secret meetings or telephone polls. Councilmember Pendleton also stated that he now questions whether it was planned all along to purchase the former Florence Golf & Country Club property and then sell part of it to the University of North Alabama.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution to confirm payment of bills by the City Treasurer. **(This item was moved from Consent Agenda Item 11(b))** Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Jordan seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Betterton moved for adoption of the foregoing resolution. Councilmember Graham seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the City's finances. Councilmember Pendleton stated that he wants to see a report that shows how much it cost the City to give the employees a cost-of-living raise in October 2010. Councilmember Pendleton also stated that this money could have been used to correct drainage problems. Councilmember Pendleton stated that Florence is not broke.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve a Letter of Representation between Miller, Balis & O'Neil and the City, to join the Tennessee Customer Group of Natural Gas Providers in hiring Miller, Balis & O'Neil to oppose rate increase request by Tennessee Gas Pipeline Company in front of the Federal Energy Regulatory Commission, at a prorated cost of approximately 6% or less of the total cost of contesting the rate increase, Services provided charged to Gas Acct. 923.00, Outside Services Employed, sponsored by Mike Doyle. **(This item was moved from Consent Agenda Item 11 (g) Said Resolution follows, to wit:**

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Graham seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the proposed resolution.

Councilmember Pendleton commended Mike Doyle, Gas Department Manager, for his work.

Councilmember Pendleton stated that he is confident we are doing the right thing by hiring this law firm to protest a rate increase.

Councilmember Graham stated that as a member of the National Energy Environmental Committee, fighting costs will be our major policy.

Councilmember Pendleton stated that elected officials are cutting funding and hurting our citizens.

Councilmember Morris made comments in opposition to the proposed resolution.

Councilmember Morris stated that he does not believe that spending money will have an impact on the final decision. Councilmember Morris also commended Mike Doyle for trying to keep costs low.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
James H. Barnhart
Andrew Betterton

Noes: Barry Morris

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General Business:

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by SMOKEHOUSE BILLIARD PARLOR INC., d/b/a SMOKEHOUSE BILLIARDS & GRILLE, located at 118 E. TENNESSEE STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Councilmember Graham seconded the motion.

Discussion:

Councilmember Jordan commended Mr. Jennings for his improvements to this establishment. Councilmember Jordan stated that it is good for the downtown area.

Councilmember Pendleton also commended Mr. Jennings for his vision. Councilmember Pendleton stated that a strong downtown area helps the citizens in West Florence.

There being no further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

Board Openings within the next 90 days or less:

(b)	<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
	Beautification Board	3 - Vacancies		
	Civil Service Board	Jim Smith	05/02/05	04/11
	Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

Business from the Public (5-minute time limit): *None*

Council Reports and/or Comments:

Councilmember Pendleton welcomed the students from Florence High School and thanked Ms. Courtney Brown who will be representing District 1 today. Councilmember Pendleton encouraged the students to further their education and to register to vote.

Councilmember Jordan thanked the Florence High School students who are participating in today's "Youth In Government" Day and also to the Exchange Club for sponsoring this event.

Councilmember Graham congratulated Ms. Rachel Wade, who is representing District 3 today, and to the Florence Police Officers who received "Life Saving" medals.

Councilmember Morris also thanked the students for their participation today.

Councilmember Betterton thanked the Department Heads for their attendance today. Councilmember Betterton offered condolences to the Parkhurst family in the death of Ms. Jo Parkhurst, who was employed by the City as Curator of Pope's Tavern Museum.

Councilmember Betterton also thanked the Florence High School students for their participation in local government.

President Barnhart stated that he is very proud of the students who are in attendance today.

Councilmember Graham made a motion to adjourn the meeting. Councilmember Morris second the motion.

A vote taken thereon resulted as follows:

Ayes:	Sam Pendleton, Jr. William D. Jordan Hermon T. Graham Barry Morris James Barnhart Andrew Betterton
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Noes:	None
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Councilmember Pendleton presented the closing prayer.

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There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK