



**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
SEPTEMBER 4, 2018**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 5:00 p.m., on Tuesday, September 4, 2018. President Pro Tem Simmons called the meeting to order. Councilmember Edwards gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that four Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Kaytrina Simmons, Michelle Eubanks, Blake Edwards and Andrew Betterton. Those members not present were William D. Jordan and David Bradley

**AMENDED AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**September 4, 2018**

**5:00 P. M.**

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1. Meeting called to order - President Pro Tem Simmons
  2. Invocation - Councilmember Edwards
  3. Pledge of Allegiance
  4. Roll Call - President Pro Tem Simmons
  5. Approval of Agenda
  6. Message from Mayor
  7. Reports of Department Heads
  8. Reports of Standing Committees
  9. Public Hearings:
    - (a) Proposed rezoning of the properties located at 902 and 906 West College Street, to be rezoned from B-1 (Neighborhood Business District to R-B (Residential Business District), as requested by Tanecia Turner.
  10. Business from floor pertaining to items on the consent and regular agenda (5-minute time 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 256-760-6400 for questions on Consent Agenda items prior to the Council meeting.

    - (a) Approval of minutes of the August 21, 2018, meeting.
    - (b) Confirm payment of bills by the City Treasurer.

- (c) Resolution to approve the invoice from Hand Service Company for installation of a new well pump at Blackberry Trail Golf Course, in the amount of \$7,600.00, to be paid from budgeted Fund 117-1147-44730, sponsored by Todd Nix.
- (d) Resolution to approve the contract with Commercial Industrial Renovators, Inc., (CIR), to provide labor, equipment, materials and incidentals necessary to paint the old Senior Citizens Building on Fairground Road, in the amount of \$6,800.00, to be paid from budgeted Fund 117-1147-44410, sponsored by Todd Nix.
- (e) Resolution to approve the contract with McCrory's Carpet and Interiors, Inc., to provide labor, equipment, materials and incidentals necessary to install flooring in the Reception area and Office at Broadway Recreation Center, in the amount of \$1,875.00, to be paid from budgeted Fund 117-1047-44410, sponsored by Todd Nix.
- (f) Resolution to approve the contract with Wilson Properties, Inc., to provide labor, equipment, materials and incidentals necessary to replace the flooring in the dressing rooms at the Florence-Lauderdale Coliseum, in the amount of \$4,750.00, to be paid from budgeted Fund 117-1047-44410, sponsored by Todd Nix.
- (g) Resolution to approve the Letter of Engagement between the City and McCarter & English, LLP, to provide legal services for the Gas Department relative to its membership in the Tennessee Gas Pipeline (TGP) Customer Service Group and other matters upon request, sponsored by Mike Doyle.
- (h) Resolution to approve the Support and Maintenance Agreement between the City and Schneider Electric Systems USA, Inc., for support and discounted equipment replacement as needed for the Foxboro I/A control systems at the Wilson Lake Water Plant, Cypress Creek Water Plant and Cypress Creek Wastewater Plant, in the amount of \$210,232.00 for a three year renewal, to be paid from budgeted funds, Account #652.00 - Water/Wastewater Production Maintenance, sponsored by Mike Doyle.
- (i) Resolution to approve the contract with United Systems & Software Inc., to upgrade and maintain the current MV-RS software to the updated version of the FCS software for the Gas, Electric and Water Departments, in the amount of \$5,000.00, to be prorated among Gas, Water and Electric, as appropriate from each's respective budget accounts, sponsored by Mike Doyle and Steve Price.
- (j) Resolution to approve the contract with Irons Electric Co., Inc., to provide labor, equipment, materials and incidentals necessary for repairs required per the Fire Inspection Report at the City Hall Building, in the amount of \$1,394.36, to be paid from budgeted funds, Account #266-41810, sponsored by Gary Williamson. **(This item was moved to Regular Agenda Item 12 (g))**
- (k) Resolution to approve the contract with Asplundh Tree Expert Company, to provide labor, equipment, materials and incidentals for a three-year period to clear electric lines for the Electricity Department (\$3,215,736.49 in 2018, \$2,837,347.09 in 2019, \$2,727,955.78 in 2020), to be paid from budgeted funds, Account #571.10 - Maintenance of Overhead Lines, sponsored by Richard Morrissey. **(This item was removed)**
- (l) Resolution to advance and reimburse travel expenses to City employees, sponsored by Mayor Holt.

12. Regular Agenda:

- (a) Ordinance to rezone the properties located at 902 and 906 West College Street from B-1 (Neighborhood Business District) to R-B (Residential Business District), sponsored by Melissa Bailey.
- (b) Resolution to approve the settlement of the lawsuit between the City and Amy Vanderpool for the amount of \$67,500.00, sponsored by Bill Musgrove.
- (c) Resolution to approve the contract with Pyro Shows, Inc., to provide a fireworks show for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council. **(This item was added to the Regular Agenda)**
- (d) Resolution to approve the contract with RMB Marine Services, LLC, to provide tugboat services for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council. **(This item was added to the Regular Agenda)**
- (e) Resolution to approve the contract with Jabco, Inc., to provide labor, equipment, materials and incidentals necessary to re-plaster the Competition Pool and repair major cracks in the Royal Avenue Rec Pool in the amount of \$74,601.00, sponsored by Todd Nix. **(This item was added to the Regular Agenda)**

- (f) Resolution to approve the agreement between the City of Florence, the Florence-Lauderdale Tourism Board and the Alabama High School Athletic Association (AHSAA) to host the State Regionals Softball Tournament in 2019 and 2020, sponsored by Todd Nix. **(This item was added to the Regular Agenda)**
- (g) Resolution to approve the contract with Irons Electric Co., Inc., to provide labor, equipment, materials and incidentals necessary for repairs required per the Fire Inspection Report at the City Hall Building, in the amount of \$1,394.36, to be paid from budgeted funds, Account #266-41810, sponsored by Gary Williamson. **(This item was moved from Consent Agenda Item 11(j))**

13. General Business:

- (a) Alcohol Beverage License Application for the operation of a Full Menu Restaurant with On-Premises Liquor, Beer & Wine by LAS FIESTAS INC., d/b/a BURRITO LOKO, located at 1701 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. **(This item was removed)**
- (b) Alcohol Beverage License Application for the operation of a Full Menu Restaurant with On-Premises Liquor, Beer & Wine by LAS FIESTAS INC., d/b/a FIESTA MEXICANA 10, located at 3721 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

- (c) Board openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expires</u>
SEDA	Bud Ward	12/04/12	09/30/18
	Brad Haddock	12/04/12	09/30/18
Tourism Board	David Abramson	08/17/10	10/29/18
	David Muhlendorf	09/16/14	10/29/18

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

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

- Council member Eubanks
- Council member Edwards
- Council member Betterton
- Council member Simmons
- Mayor Steve Holt

16. Motion to Adjourn.

President Pro Tem Simmons noted that it was decided at the earlier work session to remove Consent Agenda Item 11 (k) Resolution to approve the contract with Asplundh Tree Expert Company, to provide labor, equipment, materials and incidentals for a three-year period to clear electric lines for the Electricity Department (\$3,215,736.49 in 2018, \$2,837,347.09 in 2019, \$2,727,955.78 in 2020), to be paid from budgeted funds, Account #571.10 - Maintenance of Overhead Lines, sponsored by Richard Morrissey and General Business Item 13 (a) Alcohol Beverage License Application for the operation of a Full Menu Restaurant with On-Premises Liquor, Beer & Wine by LAS FIESTAS INC., d/b/a BURRITO LOKO, located at 1701 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

President Pro Tem Simmons also noted that it was decided to move Consent Agenda Item 11 (j) Resolution to approve the contract with Irons Electric Co., Inc., to provide labor, equipment, materials and incidentals necessary for repairs required per the Fire Inspection Report at the City Hall Building, in the amount of \$1,394.36, to be paid from budgeted funds, Account #266-41810, sponsored by Gary Williamson to Regular Agenda Item 12 (g).

President Pro Tem Simmons further noted that it was also decided to add the following items to the Regular Agenda:

- (1) Regular Agenda Item 12 (c) Resolution to approve the contract with Pyro Shows, Inc., to provide a fireworks show for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council.
- (2) Regular Agenda Item 12 (d) Resolution to approve the contract with RMB Marine Services, LLC, to provide tugboat services for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council.
- (3) Regular Agenda Item 12 (e) Resolution to approve the contract with Jabco, Inc., to provide labor, equipment, materials and incidentals necessary to re-plaster the Competition Pool and repair major cracks in the Royal Avenue Rec Pool in the amount of \$74,601.00, sponsored by Todd Nix.
- (4) Regular Agenda Item 12 (f) Resolution to approve the agreement between the City of Florence, the Florence-Lauderdale Tourism Board and the Alabama High School Athletic Association (AHSAA) to host the State Regionals Softball Tournament in 2019 and 2020, sponsored by Todd Nix.

President Pro Tem Simmons asked for a motion for approval of the amended agenda. Councilmember Eubanks moved for approval of the amended agenda. Councilmember Edwards seconded the motion.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

**Message from the Mayor:**

Mayor Holt presented a Proclamation designating the week of September 17 thru 23, 2018 as the 231<sup>st</sup> anniversary of the drafting of the United States Constitution. The Proclamation was presented to representatives of the Daughters of the American Revolution.

Mayor Holt presented a Proclamation designating September 24 as “Family Day” and September 23 thru 29, 2018 as “Family Week” to promote the importance of family interaction.

Mayor Holt asked Deputy Fire Chief Tim Anderton to come forward and introduce eight new firefighters. Deputy Chief Anderton introduced the following firefighters who recently completed their training:

Jarred Andrews	Bryan Shipman
Houston Walker	Jake Lee
Brittany Currier	
Ethan Eck	
James Ezekiel	
Justin Ezekiel	

Mayor Holt presented a letter to the Council from the Public Affairs Research Council regarding a research agreement that was approved on February 20, 2018. The letter follows, to wit:

**Report of Department Heads:** none

**Report of Standing Committee:** none

**Public Hearing:**

President Pro Tem Simmons noted that this is the day and time advertised for a public hearing regarding the proposed rezoning of property located at 902 and 906 West College Street, to be rezoned from B-1 (Neighborhood Business District) to R-B (Residential Business District), as requested by Tanecia Turner.

Melissa Bailey, Planning Director, appeared and stated that the Planning Commission voted unanimously to recommend the proposed rezoning to the Council.

There being no comments or questions from the public, President Pro Tem closed the public hearing.

**Business from the Floor Pertaining to Items on the Consent or Regular Agenda:**

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments regarding Consent Agenda Item 11 (a) Approval of minutes of the August 21, 2018, meeting. Mr. Smoak stated that he would like the City Council to rescind the vote regarding the 3% electricity rate increase that appeared on the August 21, 2018 agenda.

**Consent Agenda:**

President Pro Tem Simmons 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:

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to rezone the properties located at 902 and 906 West College Street from B-1 (Neighborhood Business District) to R-B (Residential Business District), sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Eubanks moved for immediate consideration of the foregoing Ordinance.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Edwards moved for adoption of the foregoing Ordinance. Councilmember Eubanks seconded the motion.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the settlement of the lawsuit between the City and Amy Vanderpool for the amount of \$67,500.00, sponsored by Bill Musgrove.

Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Edwards moved for adoption of the foregoing Resolution.

Councilmember Eubanks seconded the motion.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the contract with Pyro Shows, Inc., to provide a fireworks show for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Edwards seconded the motion.

**Discussion:**

Councilmember Eubanks made comments in favor of the proposed resolution. Councilmember Eubanks stated that this is a Bi-Centennial event and it is free to the public.

Councilmember Edwards noted that the Bi-Centennial Committee is paying for the fireworks.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the contract with RMB Marine Services, LLC, to provide tugboat services for the City's Reunion at the River Celebration, sponsored by Mayor Holt and City Council. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Edwards seconded the motion.

**Discussion:**

Councilmember Edwards noted that the Bi-Centennial Committee is paying for this service also.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the contract with Jabco, Inc., to provide labor, equipment, materials and incidentals necessary to re-plaster the Competition Pool and repair major cracks in the Royal Avenue Rec Pool in the amount of \$74,601.00, sponsored by Todd Nix. Said Resolution follows, to wit:

Councilmember Edwards moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Edwards seconded the motion.

**Discussion:**

Councilmember Edwards made comments in support of the proposed Resolution.

Councilmember Edwards stated that the City must maintain its facilities.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the agreement between the City of Florence, the Florence-Lauderdale Tourism Board and the Alabama High School Athletic Association (AHSAA) to host the State Regional Softball Tournament in 2019 and 2020, sponsored by Todd Nix. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Betterton seconded the motion.

**Discussion:**

Councilmember Eubanks stated that this agreement does not cost the City any money and that there will be a lot of tourism dollars spent in Florence.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to approve the contract with Irons Electric Co., Inc., to provide labor, equipment, materials and incidentals necessary for repairs required per the Fire Inspection Report at the City Hall Building, in the amount of \$1,394.36, to be paid from budgeted funds, Account #266-41810, sponsored by Gary Williamson. Said Resolution follows, to wit:

Councilmember Eubanks moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Edwards seconded the motion.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards

Noes: None

Abstain: Andrew Betterton

City Clerk, Robert M. Leyde, presented a Alcohol Beverage License Application for the operation of a Full Menu Restaurant with On-Premises Liquor, Beer & Wine by LAS FIESTAS INC., d/b/a FIESTA MEXICANA 10, located at 3721 FLORENCE BOULEVARD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing Resolution.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Councilmember Eubanks moved for adoption of the foregoing Resolution. Councilmember Betterton seconded the motion.

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

Ayes: Kaytrina Simmons  
Michelle Eubanks  
Blake Edwards  
Andrew Betterton

Noes: None

Board openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expires</u>
SEDA	Bud Ward	12/04/12	09/30/18
	Brad Haddock	12/04/12	09/30/18
Tourism Board	David Abramson	08/17/10	10/29/18
	David Muhlendorf	09/16/14	10/29/18

**Business from the Public (5-minute time limit):**

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments regarding the Public Affairs Research Council agreement. Mr. Smoak stated that the cost of the contract was not listed in the resolution. Mr. Smoak further stated that Robert Palmer, TimesDaily Newspaper, wrote in an article that the cost is \$15,000.00 for the study.

Mr. Larry Bowser, member of the Hospitality, appeared and asked the Council to nominate Ms. Laura Ingram to the Florence-Lauderdale Tourism Board. Mr. Bowser stated that Ms. Ingram is currently the director of finance at the Marriott Shoals Hotel/Spa. Mr. Bowser further stated that with Ms. Ingram credentials, she is highly qualified to serve on the Tourism Board.

Mr. Sam Pendleton, a twenty-year City Councilmember, 1934 Maple Avenue, appeared and thanked Reverend Billy Ray Simpson for his work in the community. Mr. Pendleton made comments regarding the Electricity Department employees. Mr. Pendleton noted that the electrical employees are union and they are in attendance tonight. Mr. Pendleton further noted that these employees are here for a reason. Mr. Pendleton stated that Mayor Holt is over administration and that it is his fault they are here because he will not negotiate with them. Mr. Pendleton stated that you have to negotiate with union members. Mr. Pendleton further stated that when storms come and the electricity goes out then who are you going to call if these men are no longer here.

Ms. Diane Michael, 984 County Road 390, Lexington, AL, appeared and invited everyone to attend First Friday and to participate in “Dunking for Dollars.” Ms. Michael stated that this is a fund raiser for Chloe’s Fund which raises money to assist with medical needs for Florence Shelter animals. Ms. Michael encouraged members of the Council to volunteer for the dunking booth.

Ms. Chappel King, 209 Bainbridge Road, appeared and echoed Ms. Michael’s comments regarding the fund raiser for Chloe’s Fund. Ms. King noted that the dunking booth will be located in front of 306 Barbeque Restaurant and dunking will begin at 5:00.

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and thanked Mr. Pendleton for his kind words. Mr. Simpson stated that Mr. Pendleton was the only Councilmember who asked him what he could do to help the residents. Mr. Simpson stated that we need to take care of the homeless

and those people with addictions.

Mr. Simpson stated that there are people who salute the U. S. Flag and also salute the confederate flag. Mr. Simpson further stated that he still believes there is discrimination in many of the departments at the City. Mr. Simpson stated that people believe patriotism is saluting the flag. Mr. Simpson further stated the love of money has messed up our Country. Mr. Simpson stated that we seek fame and fortune and turn our backs on those in need.

**Council Reports and Comments:**

Councilmember Eubanks thanked the Fire Department for responding to an emergency at her house. Councilmember Eubanks congratulated the eight new firefighters that were introduced tonight. Councilmember Eubanks also thanked everyone who spoke tonight. Councilmember Eubanks noted that there are members of the Council that do know why the Electricity employees are here tonight.

Councilmember Edwards noted that he does not want to be in the dark. Councilmember Edwards further noted that he has experienced power failure during a storm and that he appreciates the Electricity employees hard work. Councilmember Edwards also congratulated the new firefighters. Councilmember Edwards stated that we have had a number of repairs on our facilities lately and that the City has a responsibility to maintain our facilities.

Councilmember Betterton had no comments.

Councilmember Simmons thanked everyone in attendance tonight. Councilmember Simmons thanked those who spoke tonight and that she has been in contact with a few employees with the Electricity Department.

Mayor Holt stated that he is very proud of all City employees. Mayor Holt further stated that he has been amazed at their hard work and dedication to our City. Mayor Holt also stated that he will not answer accusations tonight but everyone is welcome to call him with any questions that they may have.

Mayor Holt presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK

