

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
JUNE 21, 2011**

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, June 21, 2011. President Barnhart called the meeting to order. Florence Police Chief Rick Singleton 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

June 21, 2011

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation
 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:
 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 June 7, 2011. **(This item was moved to the Regular Agenda Item 12 (f))**
- (b) Confirm payment of bills by the City Treasurer. **(This item was moved to the Regular Agenda Item 12 (g))**
- (c) Resolution authorizing the City to enter into a contract with Highland Technical Services, Inc., for video services associated with determining the integrity of the leachate line draining the northwestern-most cell at the Florence Landfill, in the amount of \$8,275.00 to be paid from Fund 151, Account # 267-43200, sponsored by David Koonce.

- (d) Resolution authorizing the City to enter into a contract with Larry Keeton, DBA Keeton Electric Company to provide labor, equipment, materials and incidentals necessary to install electrical power and push button station for two electric door openers the Florence Recycling Facility in the amount of \$1,166.00, to be paid from Fund 151, Account # 1053-43125, sponsored by David Koonce. **(This item was moved to the Regular Agenda Item 12 (e))**
- (e) Resolution authorizing the City to enter into a contract with Shoals Overhead Door, Inc., to provide labor, equipment, materials and incidentals necessary to install two Liftmaster H-33-11, Commercial Hoist Operators and accessories at the Florence Recycling Facility in the amount of \$2,010.00, to be paid from Fund 151, Account # 1053-43125, sponsored by David Koonce.
- (f) Resolution authorizing the City to enter into an Amendment to Contract with the Cramer Children's Center, Inc., to increase the amount budgeted for payment of support services to \$9,000.00, sponsored by City Council.
- (g) Resolution authorizing the City to enter into Supplemental Agreement #1 with Garver, LLC, for Right-of-Way Acquisition Services and Geotechnical Investigations, Soil Study, Slope Study, Foundations Study, and Materials Report for ALDOT Projects #STPOA-8863 (600); CPMS #100047002 (PE) and Project #STPOA-8863 (); CPMS #100047003 (ROW) Hermitage Drive Bridge Replacement over Tennessee Southern Railroad and Railroad Avenue in the maximum amount of \$334,794.00, to be paid from budgeted funds, sponsored by Bill Batson.
- (h) Resolution authorizing the City to enter into a contract with Monarch Ceramic Tile, Inc., to provide Natural Gas Transport Service, sponsored by Mike Doyle.
- (i) Resolution to appoint Charles J. Kelley to the Board of Zoning Adjustments.
- (j) Resolution to appoint Bob Sneed to the Board of Zoning Adjustments.
- (k) Resolution to appoint Brad Dethero to the Board of Zoning Adjustments.
- (l) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to lease Suite 411 in the Florence-Lauderdale Government Building to Stacy Hooper, sponsored by Dan Barger.
- (b) Resolution to vacate a portion of the alley running along the West side of Lots 7, 8, and 9, Block H, Norwood Park First Addition, sponsored by Melissa Bailey.
- (c) Ordinance approving the issuance, sale, delivery and payment of \$20,640,000 Water and Sewer Revenue Warrants, Series 2011, dated June 1, 2011, sponsored by Vance Young and Mike Doyle.
- (d) Resolution to enter into a contract with the Tennessee Valley Authority regarding an acceptance agreement for McFarland Park Visitor's Center, sponsored by Councilmember Jordan. **(This item was added to the agenda)**
- (e) Resolution authorizing the City to enter into a contract with Larry Keeton, DBA Keeton Electric Company to provide labor, equipment, materials and incidentals necessary to install electrical power and push button station for two electric door openers the Florence Recycling Facility in the amount of \$1,166.00, to be paid from Fund 151, Account # 1053-43125, sponsored by David Koonce. **(This item was moved from Consent Agenda Item 11(d))**
- (f) Approval of minutes of the Regular Meeting held on June 7, 2011. **(This item was moved from Consent Agenda Item 11(a))**
- (g) Confirm payment of bills by the City Treasurer. **(This item was moved from Consent Agenda Item 11(b))**

13. General Business:

(a) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL STEVES #3, located at 825 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

(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		
Port Authority	Darlene Ballard (Joint)	05/06/08	07/21/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work session it was decided to add Regular Agenda Item 12 (d) Resolution to enter into an agreement with TVA regarding McFarland Park Visitor's Center, to move Consent Agenda Item 11 (d) Resolution authorizing the City to enter into a contract with Larry Keeton, DBA Keeton Electric Company to provide labor, equipment, materials and incidentals necessary to install electrical power and push button station for two electric door openers the Florence Recycling Facility in the amount of \$1,166.00, to be paid from Fund 151, Account # 1053-43125, sponsored by David Koonce, move Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on June 7, 2011 to Regular Agenda Item 12 (f) and to move Consent Agenda Item 11 (b) Confirm payment of bills by the City Treasurer to Regular Agenda Item 12 (g).

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

Discussion:

Councilmember Pendleton made comments regarding the Moody study that appeared on the last City Council meeting. Councilmember Pendleton stated that he did not want to vote in favor of paying for the study.

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

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

Noes: None

Message from the Mayor:

I have reappointed **Robert Redd** to the **Florence Housing Authority**. His new term is effective immediately and will expire on June 14, 2016.

I have reappointed **Susan H. Stanley** to the **Florence Planning Commission**. Her new term is effective June 27, 2011, and will expire on the fourth Monday of June, 2017.

Financial Update – Sales Tax Report

Sales Tax Collection for the month of May improved 7.6% and continued to show improvements each month over the same month last year. The year to date for this budget year is 4.9% better and approximately \$385,000 in additional revenue for the City. As reported earlier, the decline of approximately \$160,000 in TVA Payment in Lieu of Taxes will offset part of the gain in sales taxes.

Department Heads continue to do an outstanding job in controlling operating expenses.

The year to date performance to budget for the first eight months is approximately 100%.

I am optimistic that we will finish this fiscal year at 100% budget performance in operating expenses and a moderate gain in operating revenues.

New retail business continues to open at a brisk pace with 12 new national retailers either opened in the last few months or planned to open within the next few months.

Storm Damage Report –

As all of you know, the City experienced two major storms this spring within one month of each other. We had tremendous damage to the area, however, we feel very fortunate compared to the deaths and damage incurred in other cities in our area.

For the **Electricity Department**, the two storms were very similar in destruction to the distribution system and the cost to repair. Damage was widespread and affected all areas of the City and County.

The cost to date for the 1st storm is approximately \$700,000 and will likely exceed \$1,000,000 after all bills are paid. The second storm costs will not be known until the end of June but will be very close to that of the first storm. Fortunately, both events qualify for FEMA reimbursement and the department will be responsible for absorbing 15 percent of the restoration costs.

During each of the storms approximately 25,000 customers were without service at some time or another. This represents about 50% of our customers. Each of the storms required approximately five (5) days to restore service to all customers affected.

All crews worked 16 hour days and we pleased to report that we had no reported accidents or injuries to any of our workers. We are very proud of that accomplishment and thank them for their dedication and commitment to serve the citizens of Florence and Lauderdale County.

Outside crews from other utilities in Alabama and Tennessee assisted our crews to restore service. After the May storm we were assisted by Russellville, Muscle Shoals, Tuscumbia, Hartselle, Tarrant City, Scottsboro, Tullahoma TN, Shelbyville TN., and Garnet Electric.

In the Water Department

During the storm on May 26 and 27, approximately 35,000 water customers throughout Florence and Lauderdale County were affected either by low water pressure or no water. It is estimated that several hundred in higher elevations were without water from 12-24 hours.

Power was out at the Wilson Lake Water Plant for a short period of time late Wednesday 26th and in the early morning hours of Thursday, May 27th, but was restored quickly by the Florence Electric Department.

Due to downed lines, the Cypress Creek Water Plant was without power from late Wednesday, the 26th, until about 1:00 p.m., Thursday, the 27th.

A 16" water main was damaged by a large tree, resulting in heavy water losses, but was isolated early Thursday morning.

Due to combination of the damaged water line and the power outages, water pressure throughout the system declined to a very low level, resulting in a Drinking Water Warning being issued the morning of Thursday, the 27th, as a **PRECAUTIONARY** measure due to the potential of a possible contamination of the water system. There was never any known contamination of the water system.

The Drinking Water Warning was lifted late Friday, the 28th.

We apologize for the major inconvenience to our customers and we thank the Water Department personnel and all of the City employees who worked diligently to restore our water supply to our citizens.

For our Street Department

We are continuing our curbside pickup collection, however, we are still behind and working hard to get all areas cleaned in the very near future.

Our Street and Solid Waste employees have worked 1,973 hours of overtime. They have picked up more than 3,000 tons of storm debris. In addition, our residents have brought in about 130 tons of debris.

In all the difficulty and long hours of recovery, we have received many compliments from our citizens regarding the dedication and commitment of our employees. We are very proud of them and appreciate their extra efforts

Mayor Irons announced the winner of "Get Caught Recycling." This week winner is Richard & Irene Statom.

Mayor Irons thanked everyone for their concern and well wishes for his wife, Sara, during her recuperation from a recent fall.

Mayor Irons ask Chief Singleton to come forward to present awards to a number of Florence Police Department employees. The following employees were recognized: Lieutenant Robert Richey, Amanda White, Supervisor of Communications, Sergeant Chris Ticer, Officer Maxwell, Officer Gurley and Officer Haynes. Chief Singleton also recognized the members of the Cold Case Squad. Those members are Craig Blasingame,

Tim Glover, Chuck Hearn, Kevin Jackson and Angie Hamilton, Team Leader of the Cold Case Unit and an employee with the Lauderdale County District Attorney's Office. Chief Singleton recognized Mr. Tyler Staggs who found a robbery's mask and gun. Chief Singleton noted that as a result of his actions a crime was solved.

Councilmember Pendleton commended the Cold Case Unit for their work solving the Chris Stanback murder. Councilmember Pendleton stated that there were a lot of people who were falsely accused in this case. Councilmember Pendleton also commended Mr. Chris Connelly and the District Attorney's Office

Reports of Department Heads:

Melissa Bailey, Planning Director, welcomed the World Changers Organization to Florence. Ms. Bailey noted that World Changers is a faith-based organization that provides residential rehabilitation and public facility improvements. Ms. Bailey also noted that these projects are being funded through the Community Development Block Grant Program which is administered through the Planning and Development Department.

Reports of Standing Committees: None

Public Hearing: None

Business from the Floor Pertaining to Items on the Consent or Regular Agenda: None

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:

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance to lease Suite 411 in the Florence-Lauderdale Government Building to Stacy Hooper, sponsored by Dan Barger. Said Ordinance follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing ordinance.

Councilmember Graham seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to vacate a portion of the alley running along the West side of Lots 7, 8, and 9, Block H, Norwood Park First Addition, sponsored by Melissa Bailey. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance approving the issuance, sale, delivery and payment of \$20,600,000 Water and Sewer Revenue Warrants, Series 2011, dated June 1, 2011, sponsored by Vance Young and Mike Doyle. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

Councilmember Betterton moved for adoption of the foregoing Ordinance.

Councilmember Jordan seconded the motion.

Discussion:

Councilmember Pendleton made comments in opposition to the proposed ordinance.

Councilmember Pendleton noted that maintenance and operation costs cannot be included in the bond amount. Councilmember Pendleton asked if there is an exception in this case.

Councilmember Betterton made comments in favor of the proposed ordinance.

Councilmember Betterton stated that according to Mike Doyle, Water Department Manager, this is a much bigger project than just wiring. Councilmember Betterton stated that replacement equipment will have to be manufactured.

Councilmember Pendleton made comments in opposition to the proposed ordinance.

Councilmember Pendleton stated that this was not his understanding.

President Barnhart turned the Chair over to President Pro Tem Graham. President Barnhart made comments in opposition to the proposed ordinance. President Barnhart stated that he would like to have had more time to review the documents. President Barnhart also stated that he would not vote in favor of this ordinance until he can review the documents thoroughly. President Barnhart stated that the underwriter's fee for the bond warrant was not put out for bid.

Councilmember Jordan made comments in favor of the proposed ordinance.

Councilmember Jordan stated that there was a meeting with Joe Joly & Company in Mayor Irons' office and these matters were discussed.

Councilmember Pendleton stated that according to Mike Doyle, Water Department Manager, that to comply with EPA, the new equipment that will be installed will increase the Water Department's present operating budget by \$500,000.00. Councilmember Pendleton stated that the department is currently operating on a shoe string budget and we have raised the water rates by 9.5%. Councilmember Pendleton also stated that more planning should have been done.

Councilmember Jordan made comments regarding the underwriter's fee. Councilmember Jordan stated that the fee was more because this was a new bond issue and was not a refinancing of a current bond issue.

Councilmember Morris made comments in favor of the proposed ordinance. Councilmember Morris stated that he believes that there was adequate oversight by the Utilities Controller and Water Department Manager regarding the negotiations of the fees.

Councilmember Pendleton stated that President Barnhart did not say that he was not in the meeting with the Utilities Controller and Joe Joly & Company, but that he did not receive the documents in time to read and study them. Councilmember Pendleton asked if Dan Barger, General Fund Accountant/Treasurer was involved in this process. Councilmember Pendleton stated that Mr. Barger would have provided more information. Councilmember Pendleton stated that some of these improvements can wait.

President Barnhart stated that he did not remember being in a meeting with Joe Joly & Company regarding this matter.

Councilmember Jordan stated that there was a meeting with Mayor Irons, President Barnhart, Mr. Johnny Dill, Mr. Jim Burchell, our bond agent, Vance Young, Utilities Controller along with Mike Doyle, Water Department Manager and the documents were explained completely. Councilmember Jordan stated that we must trust Mr. Burchall, Bonding Agent, and Mr. Johnny Dill, Fiscal Agent, who are very reputable people.

President Barnhart stated that he was in the meeting two weeks ago but he still wants to thoroughly read the contracts in case any of the wording has been changed.

Councilmember Jordan stated that he hoped President Barnhart was not insinuating that the bonding council or fiscal agent had changed any of the wording of the contract.

Councilmember Jordan stated that we hired the best bond attorney and bond agent in the state.

Councilmember Betterton stated that over the recent months we have met with and asked numerous questions of Mr. Doyle and Mr. Young and they have worked extensively on this project. Councilmember Betterton also stated that there are projects that will take many years down the road to complete. Councilmember Betterton stated that we are looking at this seriously and he wanted to compliment Mr. Young and Mr. Doyle for their assistance. Councilmember Betterton also commended Mr. Burchall and Mr. Dill for their work. Councilmember Betterton stated that he would like everyone to know that this City Council was provided very adequate information

Councilmember Pendleton stated that Mr. Barger was not at the meetings regarding the bond issues. Councilmember Pendleton also stated that Mr. Barger is the Treasurer with the City

and should have been at all the meetings. Councilmember Pendleton also stated that there should have not been any increase in water rates and we should have been looking at this situation in early 2010. Councilmember Pendleton stated that he is not going to vote in favor of this ordinance. Councilmember Pendleton also stated that Mr. Young and Mr. Doyle were doing the very best that they could, but the expert, Mr. Barger, had been left out.

Councilmember Morris stated that Mr. Young and Mr. Doyle have been extremely open and cooperative at all the meetings. Councilmember Morris stated that no information has been withheld from anyone. Councilmember Morris also stated that these documents have been available for sometime except for a number of blank spaces. Councilmember Morris noted that the documents that he received today had the numbers filled in the spaces. Councilmember Morris stated that the only things that he needed to review on these new documents were the interest rates and fees on the warrants. Councilmember Morris stated that he does not understand everything completely but that is the reason we hire a reputable bonding agent to handle the work for us. Councilmember Morris stated that if Mr. Barger was not at the meetings, then probably the Chief Executive Officer felt that he was not needed. Councilmember Morris stated that if the Treasurer was needed at the meetings then he would have been in attendance. Councilmember Morris noted that Mayor Irons has extensive experience with these types of issues.

President Barnhart stated that there are a lot of legal terms in this document that he does not understand. President Barnhart also stated that he agrees that Mr. Young and Mr. Doyle have been very helpful in this matter.

Councilmember Pendleton made comments regarding the qualifications of running a City. Councilmember Pendleton stated that just because you have executive experience does not mean you know how to run a city.

Councilmember Jordan stated that while he served as Mayor of Florence, there were a number of bond issues. Councilmember Jordan stated that General Fund and Utilities are separate. Councilmember Jordan also stated that bond issues are handled separately with the appropriate departments. Councilmember Jordan stated that he has confidence in our department heads.

Councilmember Betterton noted that we will always have to maintain the Water Department. Councilmember Betterton stated that what if we had to tell our citizens that because of lack of maintenance that they would be without water for a month. Councilmember Betterton stated that this would not be acceptable. Councilmember Betterton also stated that Mr. Doyle is always looking at ways to improve and maintain the quality of our drinking water.

President Barnhart made comments regarding the amount of time that was given to review

the documents. President Barnhart noted that he did not receive the documents until 3:00 p.m. today.

Councilmember Pendleton stated that if he thought that this was a life-threatening situation, he would have started planning for these improvements in 2009. Councilmember Pendleton also stated that we should not have given a 3% cost of living raises to the City employees and instead use this money to make improvements. Councilmember Pendleton stated that there was a lack of planning regarding this matter and instead we raised water rates. Councilmember Pendleton stated that no one could tell him that we planned for this rate increase and yet approved a cost of living raise for our employees.

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

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

Noes: Sam Pendleton, Jr.
James H. Barnhart

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with TVA for a Visitor's Center to be located at McFarland Park. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution.

Councilmember Jordan seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Larry Keeton, DBA Keeton Electric Company to provide labor, equipment, materials and incidentals necessary to install electrical power and push button station for two electric door openers the Florence Recycling Facility in the amount of \$1,166.00, to be paid from Fund 151, Account # 1053-43125, sponsored by David Koonce. Said Resolution follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

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

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

Noes: None

Abstain: Andrew Betterton

City Clerk, Robert M. Leyde, presented a Resolution for the Approval of minutes of the Regular Meeting held on June 7, 2011. 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.
William D. Jordan
Hermon T. Graham
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton stated that he is voting against this resolution because at the last City Council meeting, there were a number of issues voted on that he was not in favor of.

Councilmember Pendleton made comments regarding the Alabama Attorney General's opinion regarding declaring surplus property. Councilmember Pendleton's documents follow, to wit:

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

Ayes: William D. Jordan
Hermon T. Graham
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. 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.
William D. Jordan
Hermon T. Graham
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 regarding taxation with representation.

Councilmember Pendleton stated that are no taxes collected in this area that does not have representation from all cities and counties involved.

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

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

Noes: None

Abstain: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL STEVES #3, located at 825 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing ordinance.

Councilmember Morris seconded the motion.

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

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

Noes: None

Board Openings:

(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		
Port Authority	Darlene Ballard (Joint)	05/06/08	07/21/11

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

Mr. Charles Harlan, Berry Avenue, appeared and made comments regarding the bond issue. Mr. Harlan stated that he appreciates the discussion of issues and this Council asking questions. Mr. Harlan also stated that he agrees with Councilmember Pendleton's comments regarding planning ahead.

Mr. Harlan made comments regarding expanding the landfill. Mr. Harlan stated that the land should have never been purchased by the City.

Mr. John Hargett, North Wood Avenue, appeared and made comments regarding jobs. Mr. Hargett stated that jobs can only be increased by demand. Mr. Hargett also made comments

regarding the Alabama Constitution.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments in favor of legalizing marijuana. Mr. Simpson stated that Alabama is the last State to ever right a wrong. Mr. Simpson stated that the U.S. imprisoned more individuals for drug use than any other country. Mr. Simpson also stated that the “war on drugs” has created racial profiling and racial overtones.

Mr. Dennis Barnett, 132 Sandusky Way, appeared and made comments regarding appropriations that the City gives to nonprofit organizations.

Mr. Barnett also made comments regarding the City’s purchase of a piece of property located in Creekwood Subdivision. Mr. Barnett noted that according to the tax assessor’s office, the value of the property purchased was \$1,000.00.

Mr. Barnett asked the City Council to review tonight’s meeting to listen to exactly what was said. Mr. Barnett stated that the Council talked for 30 minutes and no new information was discussed. Mr. Barnett also stated that you must trust, but verify and that talk is cheap. Mr. Barnett expressed his appreciation to the City Council for their hard work.

Mr. Billy Sledge, 445 Chisholm Road, appeared and made comments regarding the former Florence Golf & Country Club property. Mr. Sledge stated that he does not believe the people that have expressed an interest in purchasing the property know that there is a cemetery located on the property.

Council Reports and/or Comments:

Councilmember Jordan made comments regarding the \$20,600,000 Water and Sewer Revenue Warrants that was approved tonight. Councilmember Jordan stated that the Council received the pertinent financial information earlier today. Councilmember Jordan stated that the interest rate and underwriting fees were made available today. Councilmember Jordan also stated that he read and discussed the information with the City’s bond agent and Vance Young, Utilities Controller.

Councilmember Jordan stated that the City needs to check out the party that has expressed interest in purchasing the former Florence Golf & Country Club property. Councilmember Jordan also stated that the Council needs to meet and talk with engineering and testing companies regarding this property.

Councilmember Jordan made comments regarding the three people who were appointed to the Board of Zoning Adjustments tonight. Councilmember Jordan expressed his appreciation to the City Departments that have worked so hard during the storm clean up.

Councilmember Graham made comments regarding the \$20,600,000 Water and Sewer

Revenue Warrants that was approved tonight. Councilmember Graham stated that those who voted in favor of this ordinance had the best interests of their constituents at heart.

Councilmember Graham also stated that the citizens' safety are very important. Councilmember Graham stated that this was not the first water rate increase and it will probably not be the last.

Councilmember Graham also stated that the City of Florence's water rates is cheaper than the surrounding cities.

Councilmember Graham commended the City employees for their hard work during and after the recent storms.

Councilmember Morris commended the Police Officers and other City employees for their hard work.

Councilmember Betterton thanked Mr. Barnett for his comments and responded to his question regarding the purchase of property in Creekwood Subdivision. Councilmember Betterton stated that City Engineer, Bill Batson, listed the entrance to Creekwood Subdivision as the top priority regarding drainage issues. Councilmember Betterton stated that purchasing the property is still going to be cheaper than other options in repairing the drainage problems.

Councilmember Betterton made comments regarding the upcoming Tri-State Exposure Baseball Tournament and the Fishers of Men Bass Tournament. Councilmember Betterton also complimented everyone who is involved with First Fridays. Councilmember Betterton also welcomed World Changers to our City.

Councilmember Pendleton made comments regarding the former Florence Golf & Country Club property and the University of North Alabama. Councilmember Pendleton stated that the City needs to use the former Florence Golf & Country Club property for the original purpose we intended and not to sell it to UNA. Councilmember Pendleton asked if the public knew that the University was collecting one dollar from every student to pay for the upkeep and maintenance of the property. Councilmember Pendleton stated that UNA was peddling a product that they did not own. Councilmember Pendleton also stated that UNA was so confident that they had a "sweetheart" deal that they were already collecting money for the upkeep. Councilmember Pendleton submitted copies that follow, to wit:

Councilmember Pendleton encouraged others not to support UNA.

Councilmember Pendleton also made comments regarding redrawing of City Council Districts. Councilmember Pendleton stated that Melissa Bailey, Planning Director, and Bryan Mitchell, IT Department, are capable of redrawing the district lines.

Councilmember Pendleton made comments regarding a foreign country's interest in purchasing the former Florence Golf & Country Club property.

President Barnhart had no comments.

There being no more comments, Councilmember Morris made a motion to adjourn the meeting. Councilmember Graham seconded 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

Noes: None

Councilmember Pendleton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

City of Florence, AL
Minutes of City Council
June 21, 2011