

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
SEPTEMBER 20, 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, September 20, 2011. President Barnhart called the meeting to order. Councilmember Morris 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.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

September 20, 2011

5:00 P.M.

-
1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Morris
 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 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 760-6400 for questions on Consent Agenda items prior to the Council meeting.

- (a) Approval of minutes of the Regular Meeting held on September 6, 2011. **(This item was moved to Regular Agenda Item 12 (d))**
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Capable Enterprises, Inc., DBA Jani-King of Huntsville, to provide labor, equipment, materials and incidentals necessary to provide janitorial service at the Utilities Electricity Department Administrative offices and warehouse complex, in the amount of \$2,095.00 per month, \$.25 per SF to strip and wax vinyl, and \$.15 per SF to steam clean carpets, to be paid from FERC account #932-1 Maintenance of Structures, sponsored by Richard Morrissey.
- (d) Resolution authorizing the City to enter into a contract with the Northwest Alabama Council of Local Governments, in the amount of \$15,000.00, to provide transportation services to persons living in public housing and other low/moderate income persons, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.

- (e) Resolution authorizing the City to enter into a contract with the Handy Hills Citizens for Progress, in the amount of \$10,000.00, to provide technology training to low/moderate income persons, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.
- (f) Resolution authorizing the City to enter into a contract with the Boys and Girls Club, in the amount of \$14,000.00, to provide programs for low/moderate income families and at risk youths, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.
- (g) Resolution authorizing the City to enter into a contract with the Florence Housing Authority, in the amount of \$11,000.00, to provide support and assistance to remove persons and families from public assistance, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.
- (h) Resolution authorizing the City to enter into a contract with the Northwest Community Health Clinic, in the amount of \$11,000.00, to provide health care to low/moderate income persons, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.
- (i) Resolution authorizing the City to enter into a contract with North Alabama Paving, Inc., to provide labor, equipment, materials and incidentals necessary to clean, seal and restripe the asphalt at the Utilities Gas Department Complex, in the amount of \$8,416.00, to be paid from 935.00 Maintenance of General Plant, sponsored by Mike Doyle.
- (j) Resolution authorizing the City to enter into a contract with Lower Brothers company, Inc., to provide labor, equipment, materials and incidentals necessary to repair and resurface the six tennis courts at the Royal Avenue Tennis Complex, in the amount of \$19,200.00, to be paid from Fund 117 Municipal Capital Improvements 939-44725, sponsored by Todd Nix.
- (k) Resolution authorizing the City to enter into a contract with Little Cypress Natives, LLC, to provide labor, equipment, materials and incidentals necessary for professional landscape services necessary to complete a drainage project at 2113 Covington Drive, in the amount of \$2,565.00, to be paid from 399-43120 Street Department, sponsored by David Koonce.
- (l) Resolution to approve a Contract with the Florence All Sports Booster Club to advertise and promote the City, in the amount of \$5,000.00, to be paid one-half from the Mayor's Special Project Fund 398-41111 and one-half from the Council's Special Project Fund 398-41112, sponsored by Mayor Irons and the City Council.
- (m) Resolution authorizing the City to enter into a contract with Big River Broadcasting Corporation to advertise and promote the City during the Sam Phillips Music Festival, in the amount of \$7,500.00, to be paid one-half from the Mayor's Special Project Fund 398-41111 and one-half from the Council's Special Project Fund 398-41112, sponsored by Mayor Irons and City Council.
- (n) Resolution authorizing the City to enter into a Reimbursable Agreement for Relocation of Utility Facilities on Private or Public Right-Of-Way with the Alabama Department of Transportation for relocation and betterment of water and sewer facilities in connection with the Hermitage Drive bridge replacement project, sponsored by Mike Doyle.
- (o) Resolution authorizing the City to enter into a Reimbursable Agreement for Relocation of Utility Facilities on Private or Public Right-Of-Way with the Alabama Department of Transportation for relocation of natural gas facilities in connection with the Hermitage Drive bridge replacement project, sponsored by Mike Doyle.
- (p) Resolution authorizing the City to enter into a contract for the sale, purchase and transport of natural gas with ALAGASCO, sponsored by Mike Doyle.

- (q) Resolution authorizing the City to approve a Facade Improvement Loan in the amount of \$5,000.00 to Pat Harris for improvement to 315 North Court Street, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey.
- (r) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with Geo-Source, Inc., to prepare permit application materials and documentation for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule, sponsored by Dick Jordan.
- (b) Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to provide professional civil engineering and surveying services to develop plans and specifications for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule, sponsored by Dick Jordan.
- (c) Ordinance to amend Section 3-39, Special Events, of the Code of Florence, Alabama, for a business possessing a current valid City of Florence privilege license authorizing the on-site consumption of alcoholic beverages. The special event involves activities associated with the sale of alcoholic beverages, which may occur annually or occasionally, but not periodically, throughout the year, sponsored by Bob Leyde. **(This item was added to the Regular Agenda)**
- (d) Approval of minutes of the Regular Meeting held on September 6, 2011. **(This item was moved from Consent Agenda Item 11 (a))**

13. General Business:

- (a) Resolution authorizing the City to appropriate the following sums for the Electricity Department Budget, reflecting projected revenues of \$128,988,000.00 and projected expenses of \$125,151,400.00, for fiscal year ending June 30, 2012, and shall not appropriate an amount in excess of its annual legally authorized revenue, sponsored by Mayor Irons.
- (b) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer by STEVEN DANIEL MODAS, JR., d/b/a LITTLE STEVES 4, located at 2804 CLOVERDALE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (c) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by HUI NING INC., d/b/a MONGOLIAN GRILL BUFFET, located at 121 COX CREEK PARKWAY SOUTH, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by CITY GROCERY AND HARDWARE LLC, d/b/a CITY HARDWARE, located at 105 NORTH COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (e) Resolution – Special Events Alcohol Beverage License Application by ON THE ROCKS LLC, d/b/a ON THE ROCKS, located at 110 N. COURT STREET, FLORENCE, AL 35630 to serve alcohol in the street during the Sam Phillips Music Festival on October 15, 2011, sponsored by Robert M. Leyde.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	1 - Vacancy		
Housing & Construction Appeals Board	3 - Vacancies		
Parks & Recreation	Mansfield "Pete" Key 1 - Vacancy	12/19/06	10/30/11
SEDA	Martin R. Abroms 1 - Vacancy	12/18/08	09/30/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work session, it was decided to add Regular Agenda Item 12 (c) Ordinance amending Section 3-39, Special Events, of the Code of Florence, Alabama, and at the request of Councilmember Pendleton, Consent Agenda Item 11 (a) Approval of the Minutes of the Regular Meeting held on September 6, 2011 will be moved to Regular Agenda Item 12 (d).

Councilmember Pendleton made comments regarding the hospital contract with Regional Health Care. Councilmember Pendleton stated that he had contacted City Clerk, Robert Leyde for the exact wording of the contract that the City Council signed. Councilmember Pendleton stated that no one is going to walk over him and his constituents.

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: No

Reports of Department Heads: No

Reports of Standing Committees:

Councilmember Graham, Chairperson of the Utilities Committee, gave a report that follows,
to wit:

Councilmember Pendleton asked Councilmember Graham if the budget includes hiring or needing to hire more line crews. Councilmember Graham noted that line crewmen are hired from the Electricity Department's tree crews.

Public Hearing: None

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

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments in opposition to Regular Agenda Item 12 (a) Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with Geo-Source, Inc., to prepare permit application materials and documentation for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule and Regular Agenda Item (b) Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to provide professional civil engineering and surveying services to develop plans and specifications for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule. Mr. Smoak stated that the City Council has not provided enough information to the citizens of Florence and these two items should be removed until the cost is determined. Mr. Smoak also stated that more detailed information regarding a transfer station and the cost of transporting the garbage to a regional landfill is needed. Mr. Smoak stated that the City should allow their garbage trucks to pick up the garbage and transport it directly to the regional landfill and bypass a transfer station. Mr. Smoak noted that no figures have been provided to the public. Mr. Smoak also stated that the Council should consider Councilmember Pendleton's ideas regarding the former Florence Golf & Country Club property.

Ms. Donna Martin, appeared and made comments in support of closing the landfill. Ms. Martin stated that freedom and the pursuit of happiness will mean nothing without the basic necessities of life such as clean air and water. Ms. Martin stated that we can not get away from all chemicals but we can stop burying garbage near Cypress Creek.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding the cost of operating a landfill and constructing a transfer station. Mr. Crowder stated that in operating a landfill it is required to install a up-gradient monitoring well. Mr. Crowder also stated that no up-gradient well has been installed at the present landfill.

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 a Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with Geo-Source, Inc., to prepare permit application materials and documentation for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule, sponsored by Dick Jordan. Said Resolution 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 Jordan moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Jordan's comments follow, to wit:

Councilmember Pendleton made comments in opposition to the proposed resolution. Councilmember Pendleton stated when the City purchased the former Florence Golf & Country Club property in 2009, the Council knew that there were decisions that they would need to make regarding the landfill. Councilmember Pendleton stated that there has not been a meeting with David Koonce, Street, Solid Waste & Recycle Director, to discuss what he believes we need to do. Councilmember Pendleton stated that he is in favor of a transfer station but he wants Cypress Creek to be protected. Councilmember Pendleton also stated that the members of this City Council have not sat down and negotiated anything. Councilmember Pendleton stated that he is not going to hi-jack this City for Mayor Irons' recommendation when this City Council has not made a recommendation. Councilmember Pendleton also stated that Mayor Irons has presented a proposal to continue to bury garbage and there is no alternative plan. Councilmember Pendleton stated that Mayor Irons has the authority to continue to bury garbage. Councilmember Pendleton also stated that everyone knew a year ago that the landfill was running out of space. Councilmember Pendleton stated that he has changed his mind regarding burying garbage.

Councilmember Betterton made comments in favor of the proposed resolution. Councilmember Betterton stated that several months ago the City Council agreed to have extra work sessions to discuss various topics. Councilmember Betterton stated that at the last work session the topic of the landfill was supposed to be discussed, but was not. Councilmember Betterton noted that he had numerous discussions with others outside of this Council to determine what is best for our citizens. Councilmember Betterton stated that it is time to make a decision and move on.

Councilmember Morris made comments in favor of the proposed resolution. Councilmember Morris stated that he has stated public numerous times that there has been a lack of communication between the administration and the Council regarding the amount of time we had left to make a decision. Councilmember Morris stated that he was told by Mayor Irons that if he had done his homework he would have known that time was running out to make a decision. Councilmember Morris stated that he had a meeting with the City Treasurer and was told that information regarding the landfill was located in the financial statements of the Solid Waste Fund. Councilmember Morris noted that the document which was dated September 2010, stated that the construction of a new cell in 2004-2005 should service solid waste for the next two or three years. Councilmember Morris also noted that it should reach capacity in 2012 and that he did not know that the current landfill would reach capacity in December 2011. Councilmember Morris stated that a decision must be made now. Councilmember Morris also stated that he would like to have more time to gather information but there is not enough time for that. Councilmember Morris stated that regarding the time line maybe he was not misled on purpose but a decision must be made now. Councilmember Morris also stated that there

is a growing competition with regional landfills. Councilmember Morris noted that there are problems with the former Florence Golf & Country Club property obtaining the proper permits to bury the garbage at that location.

President Barnhart made comments in opposition to the proposed resolution. President Barnhart stated that he had made a mistake voting in favor of purchasing the former Florence Golf & Country Club property to expand the landfill because of all the rhetoric that has been said about the property. President Barnhart stated that the bottom line is simple, it is better for our ratepayers that we expand the landfill for 4 or 5 more years.

Councilmember Graham made comment in opposition to the proposed resolution. Councilmember Graham stated that now is not the time to build a transfer station because of the rate increase to our citizens and that is the reason why he is not voting in favor of a transfer station.

Councilmember Pendleton stated that this City Council has divided loyalty. Councilmember Pendleton also stated that Mayor Irons has not sat down with this City Council to legitimately solve these problems. Councilmember Pendleton stated that the life of a cell is determined by the amount of garbage that is deposited on a daily basis. Councilmember Pendleton also stated that the Council should wait until the land survey is complete. Councilmember Pendleton stated that this Council is trying “not” to expand the landfill onto the former Florence Golf & Country Club property.

Councilmember Jordan stated that he has always been consistent in regards to expanding the landfill onto the country club property. Councilmember Jordan also stated that he was in favor of purchasing the country club property because of its close proximity to UNA and the center of downtown Florence. Councilmember Jordan stated that the only comments that he had received from the Mayor’s Office is that a transfer station it will cost an additional one million dollars per year and we will have to increase garbage rates for the taxpayers.

Councilmember Pendleton stated that he disagrees with Councilmember Jordan’s reason for the purchase of former Florence Golf & Country Club property. Councilmember Pendleton stated that UNA knew when the property came available and they chose not to buy it. Councilmember Pendleton stated that UNA is landlocked by choice.

Councilmember Jordan stated again that he was in favor of purchasing the property because of its close proximity to UNA and downtown Florence and is not in favor of selling the property.

Councilmember Pendleton stated that everyone is trying to protect UNA.

Councilmember Jordan stated that he is trying to protect the citizens and Cypress Creek.

President Barnhart stated that the residential rate payers have been subsidizing the commercial rate payers for years.

Councilmember Jordan stated that we can subsidize a transfer station by the saving the cost of

expanding the landfill.

Councilmember Pendleton stated that we do not have to approve a rate increase if General Fund would reimburse the Solid Waste Fund with the one cent sales tax money for the former Florence Golf & Country Club property. Councilmember Pendleton stated that by doing this then there would not be a need for a rate increase, build a transfer station and we could utilize the property for the City.

Councilmember Jordan stated that no one on this Council has recommended a garbage rate increase. Councilmember Jordan stated that his recommendation is to take the savings of 1.6 million dollars of building a transfer station over expanding the landfill and use this savings for operating the transfer station.

Councilmember Betterton asked the Council how to make a decision and move forward with a decision that is important to our citizens. Councilmember Betterton stated that everyone is in agreement that in the next 4 or 5 years we will have to go to a transfer station. Councilmember Betterton also stated that we are not there yet to discuss a rate schedule. Councilmember Betterton stated that we have heard from Dan Barger, David Koonce, engineers and citizens and will still have not made a decision. Councilmember Betterton stated that it is time to make a decision and that is why we were elected.

President Barnhart stated that he has been provided with enough information to make a decision tonight.

Councilmember Pendleton stated that we do not need to lose sight of who we are serving and that is the citizens of Florence. Councilmember Pendleton stated he knows who he represents.

Councilmember Jordan stated that he knows who he represents and that he believes that it is in the best interest of the citizens of Florence to stop burying garbage. Councilmember Jordan stated that this has been his belief since 2009. Councilmember Jordan stated that there has been numerous meetings with citizens regarding the landfill. Councilmember Jordan also stated that he has spent years doing research and believes that the best interest for the citizens is to build a transfer station.

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

Ayes: William D. Jordan
Barry Morris
Andrew Betterton

Noes: Sam Pendleton, Jr.
Hermon T. Graham
James H. Barnhart

(This resolution failed with a vote of 3-3)

Councilmember Pendleton stated that if he has been wrong regarding this issue then he would

have been the first to apologize.

Councilmember Jordan stated that based on the information he has received it is in the best interest for the citizens of Florence to build a transfer station.

City Clerk, Robert M. Leyde, presented a Resolution stating the City's intent to build a solid waste transfer station, stating the City's intent not to construct another lined cell at the landfill, and authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., to provide professional civil engineering and surveying services to develop plans and specifications for a solid waste transfer station at the Florence landfill, to be paid according to a fee schedule, sponsored by Dick Jordan. Said Resolution 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 Jordan moved for adoption of the foregoing resolution. Councilmember Morris seconded the motion.

Discussion:

Councilmember Pendleton made comments in opposition to the proposed resolution. Councilmember Pendleton read from the West Florence Plan. Councilmember Pendleton stated no one wants to listen to his recommendations. Councilmember Pendleton also stated that the Council passed a resolution several meetings ago to survey the entire property including the former Florence Golf & Country Club property. Councilmember Pendleton stated that a report has not been provided regarding the visit to a transfer station. Councilmember Pendleton also stated that information needs to be shared.

Councilmember Jordan made comments in favor of the proposed resolution. Councilmember Jordan stated that an e-mail was sent to the Council notifying them of the trip to a regional landfill. Councilmember Jordan also stated that when he returned he gave a full report to Robert Palmer that was published in the Times Daily. Councilmember Jordan stated that he thought the information in the newspaper was sufficient.

President Barnhart asked about the cost and the authorization of the trip to Memphis to visit a regional landfill .

Councilmember Jordan stated that he would reimburse the City for the cost of the trip.

Councilmember Pendleton stated that he does not take trips because they are perks.

Councilmember Pendleton stated that the information should have been shared with the City Council.

Councilmember Jordan again stated that he would reimburse the City for the trip

Councilmember Betterton stated that he is willing to make tough decisions. Councilmember Betterton asked again how do we make a good decision now and move forward. Councilmember Betterton stated that this Council needs to sit down and make the proper decisions. Councilmember

Betterton ask if we can not make a decision tonight then how do we put an agenda together to make a decision in a reasonable amount of time.

President Barnhart stated that we did not need to make long range plans in this economy.

Councilmember Pendleton stated that Councilmember Betterton has already made his mind of regarding the country club property. Councilmember Pendleton stated that no one is entering the negotiations with clean hands.

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

Ayes: William D. Jordan
Barry Morris
Andrew Betterton

Noes: Sam Pendleton, Jr.
Hermon T. Graham
James H. Barnhart

(This resolution failed with a vote of 3-3)

City Clerk, Robert M. Leyde, presented an Ordinance to amend Section 3-39, Special Events, of the Code of Florence, Alabama, for a business possessing a current valid City of Florence privilege license authorizing the on-site consumption of alcoholic beverages. The special event involves activities associated with the sale of alcoholic beverages, which may occur annually or occasionally, but not periodically, throughout the year, sponsored by Robert Leyde. Said Ordinance 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 resolution. Councilmember Graham 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 Resolution for the Approval of minutes of the Regular Meeting held on September 6, 2011. 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.
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 Pendleton seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the possible locations of a new hospital. Councilmember Pendleton stated that he is very upset about the possibility of the new hospital being built in Colbert County.

Councilmember Pendleton stated that he has included enough information into the minutes regarding the landfill. Councilmember Pendleton also stated that he is in favor of a transfer station but he is not in favor of selling the former Florence Golf & Country Club property.

There being no discussion, a vote taken thereon 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 authorizing the City to appropriate the following sums for the Electricity Department Budget, reflecting projected revenues of \$128,988,000.00 and projected expenses of \$125,151,400.00, for fiscal year ending June 30, 2012, and shall not appropriate an amount in excess of its annual legally authorized revenue, sponsored by Mayor Irons. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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 H. Barnhart
Andrew Betterton

Noes: None

Councilmember Jordan 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 commended Richard Morrissey, Manager of the Electricity Department and Vance Young, Utilities Controller, for their hard work.

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 a Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer by STEVEN DANIEL MODAS, JR., d/b/a LITTLE STEVES 4, located at 2804 CLOVERDALE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton 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.

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 a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by HUI NING INC., d/b/a MONGOLIAN GRILL BUFFET, located at 121 COX CREEK PARKWAY SOUTH, FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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 Jordan moved for adoption of the foregoing resolution. 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 a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by CITY GROCERY AND HARDWARE LLC, d/b/a CITY HARDWARE, located at 105 NORTH COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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 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 a Resolution – Special Events Alcohol Beverage License Application by ON THE ROCKS LLC, d/b/a ON THE ROCKS, located at 110 N. COURT STREET, FLORENCE, AL 35630 to serve alcohol in the street during the Sam Phillips Music Festival on October 15, 2011, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Morris 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 Morris 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

Board Openings:

Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	1 - Vacancy		
Housing & Construction Appeals Board	3 - Vacancies		
Parks & Recreation	Mansfield "Pete" Key 1 - Vacancy	12/19/06	10/30/11
SEDA	Martin R. Abroms 1 - Vacancy	12/18/08	09/30/11

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding a house located on Wood Avenue that was purchased by the University of North Alabama. Mr. Crowder stated that UNA is landlocked. Mr. Crowder stated that he comes in defense of UNA.

Ms. Donna Martin, appeared and made comments in support of closing the landfill. Ms. Martin stated that she is pleading with the City Council to close the landfill. Ms. Martin stated that time is running short. Ms. Martin also stated that opening another cell is not the solution.

Mr. Joey Leavitt, appeared and made comments regarding the landfill. Mr. Leavitt stated that this Council needs to take more responsibility regarding the landfill. Mr. Leavitt stated that he lives on the creek and that if another cell opens up then there will be more problems. Mr. Leavitt also stated that this Council needs to take action now.

Mr. Jones Colcock, 445 Palisades Drive, appeared and ask what the life of the present cell. Councilmember Morris stated that the current cell will be full by December 2011.

Council Reports and/or Comments:

Councilmember Morris made a motion to adjourn. Councilmember Betterton seconded the motion. A vote taken thereon resulted as follows:

Ayes: Barry Morris
Andrew Betterton

Noes: Sam Pendleton, Jr.
William D. Jordan
Hermon T. Graham
James H. Barnhart

(This motion fails with a vote of 2-4)

Councilmember Morris stated that this Council needs to learn the meaning of mutually exclusive. Councilmember Morris also stated that he resents the suggestion that he does not come into this meeting with clean hands and that he does not consider the best interests of the City.

Councilmember Betterton made comments regarding the building site of the new hospital. Councilmember Betterton stated that he would not support any decision to build a hospital that is not located in Lauderdale County.

Councilmember Betterton made comments regarding synthetic marijuana. Councilmember Betterton stated that this has become an epidemic and he is looking for solutions to protect our citizens and youth.

Councilmember Pendleton stated that the problems with this Council began with secret meetings and polling in regards to selling property to UNA. Councilmember Pendleton stated that UNA is landlocked by choice.

Councilmember Pendleton submitted documents that follow, to wit:

Councilmember Jordan stated that his concern regarding the landfill began on November 8, 2009. Councilmember Jordan also stated that his desire from the beginning was to stop burying garbage and build a transfer station and that has never wavered.

Councilmember Graham thanked everyone in attendance tonight and watching by television. Councilmember Graham noted that Mr. Bo Osborne's wife passed away last night after a long battle with cancer.

President Barnhart stated that when you listen to what a politician is saying, you will probably find a special interest or self- interest in his conversation.

Councilmember Pendleton stated that he would like for the Council to schedule a special-called meeting to discuss the landfill.

Councilmember Morris presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

