

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
DECEMBER 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, December 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.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

December 20, 2011

5:00 P.M.

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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:
 - (a) Rezoning of 507 South Walnut Street from I-1 (Light Industrial District) to B-2 (General Business District) as requested by Diane Rowell.
 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 December 6, 2011. **(This item was moved to Regular Agenda Item 12 (d))**
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution to approve an Agreement for Contract Labor with the Lauderdale County District Attorney's Office, sponsored by Rick Singleton.

- (d) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., for professional engineering and topographic survey services necessary to develop plans and specifications for a proposed Memorial Garden at the old Armory site on Florence Boulevard, in the amount of \$10,500.00, to be paid from Fund #117, Municipal Capital Improvement Fund line item 939 – 44725 (Improvements – Parks), sponsored by Todd Nix.
- (e) Resolution authorizing the City to enter into a contract with Greg Hart, DBA Hart Floor Finishing, to provide labor, materials and incidentals necessary for refinishing the floors and stairs at the Deibert House, in the amount of \$1,646.00, to be paid from Fund #117, 1053-44410, sponsored by Todd Nix.
- (f) Resolution to approve a one year insurance policy covering excess loss health insurance from Frey and Holder Insurance, sponsored by Dan Barger.
- (g) Resolution to approve a three year insurance policy covering long term disability, term life, and accidental death and dismemberment, from SunLife Financial, sponsored by Dan Barger.
- (h) Resolution to approve a Utilities Field Solutions Professional Services Agreement with Trimble Navigation Limited, sponsored by Steve Price.
- (i) Resolution to approve an Agreement with White, Lynn, Collins and Associates, Inc., to provide engineering and design services for the West Florence Sidewalk Improvement Project, sponsored by Melissa Bailey.
- (j) Resolution authorizing the City to enter into an Agreement with Miranda M. Haddock for the provision of transcription services to the Florence Police Department for a period of one year, to be paid from 256-42100 Contractual Services, sponsored by Rick Singleton.
- (k) Resolution to appoint Bradley Dean to the Florence Historical Board, sponsored by the City Council.
- (l) Resolution to appoint James Clay to the Florence Historical Board, sponsored by the City Council.
- (m) Resolution to reappoint Louise Bone to the Tree Commission, sponsored by the City Council.
- (n) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to vacate a 20-foot Utility Easement, sponsored by Bill Musgrove.
- (b) Ordinance to rezone property located at 507 South Walnut Street from I-1 (Light Industrial District) to B-2 (General Business District), sponsored by Melissa Bailey.
- (c) Ordinance to amend Section 22-71 of the Code of Florence, Alabama, Residential Solid Waste Collection Fee, to temporarily increase solid waste collection fees, sponsored by Mayor Irons, Dan Barger and David Koonce. **(This item failed by a vote of 3-3)**
- (d) Approval of minutes of the Regular Meeting held on December 6, 2011. **(This item was moved from Consent Agenda Item 11 (a))**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Specialty-Menu Restaurant with On-Premises Beer by NAL FOODS LLC, d/b/a CARLA'S SANDWICHES & BURGERS, located at 570 SOUTH COURT STREET, 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	2 - Vacancies		
Historical Board	Vince Brewton 1 - Vacancy	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		

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

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

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

16. Motion to Adjourn.

President Barnhart noted that Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on December 6, 2011 is being moved to Regular Agenda Item 12 (d) and President Barnhart also noted that the dollar amount in Consent Agenda Item 11 (d) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., for professional engineering and topographic survey services necessary to develop plans and specifications for a proposed Memorial Garden at the old Armory site on Florence Boulevard, in the amount of \$10,200.00, to be paid from Fund #117, Municipal Capital Improvement Fund line item 939 – 44725 should be \$10,500.00.

There being no more changes, President Barnhart asked for a motion for approval of the amended agenda. Councilmember Betterton moved for approval of the amended agenda. Councilmember Graham seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

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

Noes: No

Councilmember Pendleton questioned City Clerk, Robert M. Leyde, regarding documents he submitted at past Council meetings.

Message from the Mayor:

Mayor Irons' comments follow, to wit:

Report of Department Heads: None

Report of Standing Committee: None

Public Hearing:

President Barnhart noted that this is the date and time for a Public Hearing regarding the rezoning of 507 South Walnut Street from I-1 (Light Industrial District) to B-2 (General Business District) as requested by Dianne Rowell.

Melissa Bailey, Planning Director, stated that the Florence Planning Commission unanimously recommends this zoning change.

There were no questions or comments from the public.

Councilmember Pendleton stated that there are several pieces of property in that area that are vacant. Councilmember Pendleton further stated that he appreciates the work that the Planning Department is doing to help those areas.

There being no further comments, President Barnhart stated that the Public Hearing was now closed.

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

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments regarding Mayor Irons' opposition to building a transfer station. Mr. Cope read from a document that was adopted by the City Council in December 2004. Mr. Cope noted that Mayor Irons forward this document to ADEM. Mr. Cope further noted that in the document Mayor Irons states that he and the City Council anticipate that in the next five years, the City will build a transfer station and will use the existing landfill for construction and demolition material only. Mr. Cope stated that a transfer station has evidently been the plan since 2004. Mr. Cope further stated that seven years later Mayor Irons is now opposed and is blaming three other Councilmembers for wanting to move forward with the original plan. Mr. Cope stated that he does not understand why the Mayor is now changing his mind from the original plan that he signed off on. Mr. Cope further stated that he is upset because the City Councilmembers who are opposed to expanding the landfill are being ridiculed. Mr. Cope stated that these Councilmembers do not deserve to be treated this way.

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 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 an Ordinance to vacate a 20-foot Utility Easement, sponsored by Bill Musgrove. Said Ordinance follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing ordinance.

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 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

Councilmember Pendleton stated that if the public needs more information regarding an item on the agenda that they can look on the City's website for more information.

City Clerk, Robert M. Leyde, presented an Ordinance to rezone property located at 507 South Walnut Street from I-1 (Light Industrial District) to B-2 (General Business District), sponsored by Melissa Bailey. 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 an Ordinance to amend Section 22-71 of the Code of Florence, Alabama, Residential Solid Waste Collection Fee, to temporarily increase solid waste collection fees, sponsored by Mayor Irons, Dan Barger and David Koonce. Said Ordinance follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing ordinance.

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

Discussion:

Councilmember Pendleton made comments in support of the proposed ordinance. Councilmember Pendleton stated that he took issue with Dr. Cope's earlier comments. Councilmember Pendleton stated that Mayor Irons has developed an aggressive recycling program which extended the life of the current landfill. Councilmember Pendleton stated that the only thing that Councilmember Jordan, Councilmember Morris and Councilmember Betterton has accomplished is to run the clock out.

Councilmember Graham made comments in support of the proposed ordinance. Councilmember Graham stated that it is terrible that we have to spend \$80,000.00 a month. Councilmember Graham further stated that the landfill has kept the garbage rates low. Councilmember Graham stated that when you do not operate your own landfill then costs will generally go up every three years.

Councilmember Betterton stated that he would not support the proposed ordinance. Councilmember Betterton stated that this Council has spent a lot of time looking at this matter. Councilmember Betterton further stated that he is not willing to risk two million dollars to expand the landfill when the permit from ADEM at the least will be delayed.

Councilmember Jordan stated that he would not support the proposed ordinance. Councilmember Jordan further stated that this increase is placed on the residential customers and not on the commercial customers.

Councilmember Morris stated that he would not support the proposed ordinance. Councilmember Morris read a portion of Mayor Irons' comment from an article in the TimesDaily that said Mayor Irons stated that this rate increase would not have been necessary if the Council had agreed

to open a new cell. Councilmember Morris read a portion of Mayor Irons' comment from September 21, 2010 that stated that to recommend the use the former Florence Golf & Country Club property for a City Department would not be good financial management and would likely require a garbage collection rate increase. Councilmember Morris stated that after Mayor Irons met with Councilmember Pendleton he changed his mind. Councilmember Morris further stated that Mayor Irons said that by moving the administrative offices of the Solid Waste/Recycle Department to the former golf course property will provide some return on our investment. Councilmember Morris stated that the revenue from recycling is \$495,000.00 but the cost to recycle are \$809,000.00 in expenditures. Councilmember Morris further stated that the deficit should be eliminated and that Dan Barger, Chief Accountant/Treasurer had already said that the rates will have to increase to cover costs whether we build a transfer station or continue to operate a landfill.

President Barnhart stated that he would support the proposed ordinance. President Barnhart stated that one year ago the plan from 2004 was done away with when we voted to approve the purchase of the former golf & country club property. President Barnhart further stated that the increase of \$5.00 is for six months and then if we build a transfer station, then there will be another increase. President Barnhart stated that he is voting in favor of an increase now to keep the cost lower later on.

Councilmember Jordan stated that he has not tried to hijack Mayor Irons but he has disagreed with the Mayor regarding the landfill. Councilmember Jordan further stated that he is doing the best for the citizens of Florence by wanting to build a transfer station and closing the current landfill.

President Barnhart stated that maybe a compromise could be met by looking at the rate schedule and opening a new cell. President Barnhart noted that this has been a crazy process that has caused him much concern.

Councilmember Graham stated that when the current landfill is full in five years then we can build a transfer station. Councilmember Graham further stated that he believes that this is a good compromise. Councilmember Graham stated that the City can operate the new cell for five years with no residential rate increase. Councilmember Graham further stated that he does not believe we can build a transfer station and not have a residential rate increase.

Councilmember Jordan stated that he disagrees with Councilmember Graham's figures regarding building a transfer station.

Councilmember Pendleton stated that we are now at the mercy of companies that haul garbage. Councilmember Pendleton further stated that this Council has spent two years trying to sell the former Florence Golf & Country Club property. Councilmember stated that Councilmember Jordan believes that UNA should have all of the property.

Councilmember Jordan stated that when the property was purchased he did say that he was not

in favor of expanding the landfill. Councilmember Jordan further stated that he wanted the City to purchase the property because of its proximity to UNA and downtown Florence.

Councilmember Pendleton stated that we are currently in a jam regarding our garbage and in the next few years we will continue to be in a bigger jam.

After a general discussion regarding the proposed resolution and there being no further discussion, a vote taken on the motion resulted as follows:

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

Noes: William D. Jordan
Barry Morris
Andrew Betterton

(The motion failed by a vote of 3-3)

City Clerk, Robert M. Leyde, presented a Resolution for the Approval of minutes of the Regular Meeting held on December 6, 2011. 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 Pendleton moved for adoption of the foregoing resolution. Councilmember Graham seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the City West Plan and ethics.

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 a Specialty-Menu Restaurant with On-Premises Beer by NAL FOODS LLC, d/b/a CARLA'S SANDWICHES & BURGERS, located at 570 SOUTH 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 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 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

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	2 - Vacancies		
Historical Board	Vince Brewton 1 - Vacancy	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		

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

Ms. Yolanda Johnson Faulk, 414 West Tombigbee Street, appeared and made comments regarding the Dr. Martin Luther King, Jr. Basketball Tournaments. Ms. Faulk stated that sponsorships are needed for the tournaments that are held at the W. C. Handy Gymnasium.

Mr. Billy Sledge, 4415 Chisholm Road, Apt. C-6, appeared and stated that he is pro-cemetery.

Council Reports and/or Comments:

Councilmember Betterton congratulated Mr. Garrett Turner on his Marshall Scholarship Award. Councilmember Betterton wished everyone a joyous Christmas season and asked everyone to be safe.

Councilmember Pendleton also congratulated Mr. Garrett Turner and wished everyone a Merry Christmas and a Happy New Year.

Councilmember Jordan congratulated Mr. Kevin Turner on his son's Marshall Scholarship Award. Councilmember Jordan made comments regarding downtown Florence.

Councilmember Graham also congratulated the Turner family. Councilmember Graham congratulated Mr. Grady Liles and the National Championship Committee for a great job during the National Championship Football Game last weekend.

Councilmember Graham wished everyone a Merry Christmas and a Happy New Year.

Councilmember Morris also congratulated Mr. Grady Liles and the committee for their hard work.

Councilmember Morris stated that he would sponsor a basketball team at the W. C. Handy Gymnasium. Councilmember Morris also wished everyone a Merry Christmas and a Happy New Year.

President Barnhart also commended Mr. Grady Liles and the committee. President Barnhart wished everyone a Blessed Holiday.

Reverend William Downtown presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK