

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
OCTOBER 18, 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, October 18, 2011. President Barnhart called the meeting to order. City Clerk, Robert M. Leyde 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

October 18, 2011

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - City Clerk, Robert M. Leyde
 3. Pledge of Allegiance
 4. Roll Call - President Barnhart
 5. Approval of Agenda
 6. Message from Mayor
 7. Reports of Department Heads
 8. Reports of Standing Committees
 9. Public Hearings: None
 10. Business from floor pertaining to items on the consent and regular agenda (5-minute 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 Special Called Meeting on September 29, 2011 and the Regular Meeting held on October 4, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Portfolio Recovery Associates, Inc., DBA Revenue Discovery Systems, for professional services necessary for business license discovery/recovery for the City. RDS will receive fifty percent (50%) of business license revenue collected by RDS plus \$1.75 per business license application mailed or faxed, 31810 Business License Revenue, sponsored by Bob Leyde.
- (d) Resolution authorizing the City to enter into an agreement for the cooperative maintenance of public right-of-way at mile marker 11.77 and 11.85 along the east side (intersection of Hough Road and Cox Creek Parkway (SR133) and approximately 394' north along the center line of that intersection) on Route 133, sponsored by Bill Batson.

- (e) Resolution authorizing the City to enter into a lease agreement with Pitney Bowes, Inc., for a D1950 Inserting System, 4 Tower Feeder System, 2 Insert Feeders, 2 Sheet Feeders and Belt Stacker with Install-to-Height Stand with full maintenance, installation and training for the Information Technology Department for a time period of 60 months at a cost of \$1,093.00 per month, to be paid from budgeted FERC Fund 391 & 932, sponsored by Steve Price.
- (f) Resolution to approve a Satisfaction of Mortgage from the City to Roberta Thompson, sponsored by Melissa Bailey.
- (g) Resolution to approve a Special Deferred Emergency Repair Loan to Lavanda (Cowan) Eastland in the amount of \$7,993.39 for emergency repairs to property located at 602 Larimore Street, to be paid from budgeted Community Development Block Grant Funds, sponsored by Melissa Bailey.
- (h) Resolution to appropriate \$115,000.00 from the City's Workers' compensation Fund to settle a workers' compensation claim filed against the City by Delbert Stanfield, with the medicals being left open, sponsored by Bill Musgrove.
- (i) Resolution to appoint Martha Surratt to the Beautification Board, sponsored by the City Council.
- (j) Resolution to reappoint Mansfield "Pete" Key to the Parks and Recreation Board, sponsored by the City Council.
- (k) Resolution to reappoint Martin R. Abrams to the SEDA Board, sponsored by the City Council.

12. Regular Agenda:

- (a) Ordinance declaring Lot 33, Block 19, Jackson Highway Terrace Subdivision, as surplus property and authorizing the sale and conveyance of the property for the sum of \$1,440.00, sponsored by Bob Leyde.
- (b) Ordinance to name the previously unnamed street located at the old armory site "Memorial Grove Drive," sponsored by Melissa Bailey.
- (c) Resolution authorizing the City to enter into a contract with LPC Technologies, for professional engineering services necessary for the design and preparation of construction documents for the design of Municipal Solid Waste disposal cell B-1 at the Florence Landfill, in the amount of \$19,725.00, to be expensed to 267-43200, sponsored by Mayor Irons.
- (d) Resolution to support the agreement made between Regional Care and the Healthcare Authority of Lauderdale County and the City of Florence, Alabama, and approved by the City Council, which obligates Regional Care to build a regional hospital in Lauderdale County, sponsored by Mayor Irons and the City Council.
- (e) Resolution authorizing the City to negotiate a lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County for temporary use to dispose municipal solid waste on a temporary basis, sponsored by Barry Morris. **(This item was added to the Regular Agenda)**
- (f) Resolution authorizing the City to appropriate \$44,000.00 from a fund to be designated by the City Treasurer to the Florence-Lauderdale Public Library with such amount being credited against any annual appropriation made to the library in the 2011-2012 fiscal year general fund budget, sponsored by Dan Barger. **(This item was added to the Regular Agenda)**

13. General Business:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business Center	David Beasley	02/03/09	11/15/11
Beautification Board	Linda VanSandt 1 - Vacancy	08/05/08	11/01/11
Housing & Construction Appeals Board	3 - Vacancies		
Library Board	1 - Vacancy		
Parks & Recreation	1 - Vacancy		
SEDA	1 - Vacancy		
Tree Commission	Preston Hillis	02/03/09	11/03/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work-session, it was decided to add Regular Agenda Item 12 (e) Resolution authorizing the City to negotiate a lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County for temporary use to dispose municipal solid waste on a temporary basis, sponsored by Barry Morris and Regular Agenda Item 12 (f) Resolution authorizing the City to appropriate \$44,000.00 from a fund to be designated by the City Treasurer to the Florence-Lauderdale Public Library with such amount being credited against any annual appropriation made to the library in the 2011-2012 fiscal year general fund budget, sponsored by Dan Barger.

There being no further changes, President Barnhart asked for a motion for approval of the amended agenda. Councilmember Morris moved for approval of the amended agenda. 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 Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons presented a Proclamation designating the week of October 23-29, 2011, "Pro Bono Week" to recognize the contributions of our legal community for helping those in need. This Proclamation was received by Mr. Keith Medley, local attorney.

Mayor Irons announced the 115th Battalion deployment on Sunday, October 30th. Mayor Irons stated that he would like our local businesses and citizens to show their support by displaying flags, ribbons, or signs in the days prior to their departure. Mayor Irons further stated that he wants them to know that they will be in our thoughts and prayers while they are away on this year-long mission.

Mayor Irons' comments follows, to wit:

**Mayor's Comments
City Council Meeting
October 18, 2011**

I want everyone to know that the plan to build a new landfill cell is the only plan that the administration has authorization to work with. It is included in the long range Solid Waste Plan and is in last year's and this year's Solid Waste annual budgets. This plan has not been changed by a majority vote of the Council and until that happens, we will continue to work under the approved plans for the Solid Waste operations.

Also, if we want to talk about wasting money, if this Council remains in a stalemate and does not make a decision for the citizens of this City, then you can be assured that tax payers' dollars will be wasted. It will cost an additional \$100,000 each month relating to the emergency handling of our City's garbage. We have two options that we are researching and each one will be very costly. If we are forced into this situation, then the taxpayers will have reason to be up in arms about wasting their tax dollars. This will probably happen by January 1, and will require a rate increase in the garbage fees just to cover the excess handling costs.

Reports of Department Heads: No

Reports of Standing Committees:

Councilmember Pendleton noted that he will meet with Mr. David Hinton regarding the parking of 18 wheel trucks in residential areas when Mr. Hinton is available.

Public Hearing: None

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the City Council. Mr. Simpson stated that he has a problem with all the resolutions on this agenda, especially if Mayor Irons has not approved them. Mr. Simpson asked the Council to stop trying to be Mayor. Mr. Simpson further stated that this City elected Mayor Irons to be Mayor and that if anyone on this Council wants to be Mayor then they should run for that position.

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (c) Resolution authorizing the City to enter into a contract with LPC Technologies, for professional engineering services necessary for the design and preparation of construction documents for the design of Municipal Solid Waste disposal cell B-1 at the Florence Landfill, in the amount of \$19,725.00. Mr. Cope stated that Mayor Irons' proposal's actual cost is more like 3.4 million dollars. Mr. Cope further stated that there has been sufficient ground water contamination detected in the ground water wells by ADEM. Mr. Cope noted that he is also concerned about the streams that are flowing from the vicinity of the landfill. Mr. Cope stated that he does not blame David Koonce, Solid Waste/Recycle Director, for any of the problems that are occurring at the current landfill.

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments in support of Regular Agenda Item 12 (d) Resolution to support the agreement made between Regional Care and the Healthcare Authority of Lauderdale County and the City of Florence, Alabama, and approved by the City Council, which obligates Regional Care to build a regional hospital in Lauderdale County, sponsored by Mayor Irons and the City Council. Mr. Smoak stated that this resolution should have stronger language. Mr. Smoak also made comments regarding Consent Agenda Item 11 (h) Resolution to appropriate \$115,000.00 from the City's Workers' compensation Fund to settle a workers' compensation claim filed against the City by Delbert Stanfield, with the medicals being left open. Mr. Smoak stated that when drafting this type of resolution, the person's identity should be protected but more information should be provided regarding the details of the person's claim.

Ms. Donna Martin, Gilbert Court, appeared and made comments in opposition to the expansion of the current landfill. Ms. Martin elaborated Mr. Cope's comments regarding volatile organic chemicals. Ms. Martin stated that there is no safe exposure of these chemicals. Ms. Martin further stated that the risk of cancer will increase if the landfill is allowed to continue. Ms. Martin stated that Cypress Creek supplies the City's drinking water.

Ms. Karen Lowery, 119 Creekside Drive, appeared and made comments in opposition to the expansion of the current landfill. Ms. Lowery stated that the City of Florence has a real value in Cypress Creek. Ms. Lowery also stated that years ago when the landfill was established that no one was aware of the dangers to our City. Ms. Lowery stated that the City needs to get out of the landfill business.

Mr. Miles Colcock, 136 Creekside Drive, appeared and made comments in opposition to the expansion of the current landfill. Mr. Colcock stated that Cypress Creek is a great asset to our City. Mr. Colcock brought a sample of water from the new spring on the West side of the landfill on Cypress Creek and presented it to the Council.

Mr. Charles Rose, President of Shoals Environmental Alliance, appeared and made comments in opposition to the expansion of the current landfill. Mr. Rose stated that this decision should not be all about money. Mr. Rose presented photos of springs that are being polluted by the landfill. Mr. Rose stated that if you do expand the landfill, ADEM will probably revoke the permit. Mr. Rose further stated that the City is sending poisons into the creek.

Mr. Norman Ross, Cypress Bend Place, appeared and made comments in favor of the expansion of the current landfill. Mr. Ross stated that he has lived on Cypress Creek for 30 years and truly appreciates its natural resources. Mr. Ross further stated that he has never seen any negative effect from the landfill. Mr. Ross further stated that the view of the special-interest group that is here tonight does not represent the majority of the people in Florence. Mr. Ross stated that the majority of the people in Florence feel that this resolution should pass. Mr. Ross also stated that he has heard for years what the adverse effects of the landfill has been on the environment and yet he sees wildlife on his property every day. Mr. Ross stated that ADEM is the expert regarding the landfill. Mr. Ross further stated that he trusts ADEM to make the right decisions and that he agrees with all of the points that Mayor Irons presented tonight regarding the landfill decision.

Mr. Scott Ruffrage, Eunice Avenue, appeared and stated that the City Council should take a closer look at budget numbers presented by Dan Barger, Chief Accountant/Treasurer. Mr. Ruffrage stated that money is important. Mr. Ruffrage stated that legal expenses should be considered along with the cost of building a transfer station five years from now.

Mr. Joey Leavitt, 115 Creekside Drive, appeared and made comments in opposition to expanding the landfill. Mr. Leavitt stated that Mr. Ross' comments are wrong. Mr. Leavitt further stated that he walks to Wallace Spring and smells garbage. Mr. Leavitt stated that his family swims

regularly in the creek. Mr. Leavitt also stated that the Council needs to look at this from a business' perspective. Mr. Leavitt stated that this is a solvable issue. Mr. Leavitt also stated that the Florence Golf & Country Club closed because of the landfill.

Mr. John Hargett, North Wood Avenue, stated that the City of Florence killed the Florence Golf & Country Club business by going into the golf business.

Ms. Helen Allmon, Royal Avenue, appeared and stated that she is very disappointed with the actions of this City Council. Ms. Allmon stated that with all of the valuable information that has been presented, yet some are not able to reach a decision.

Mr. Ricky Curtis, 145 Cypress Bend Place, appeared and made comments regarding mediation costs. Mr. Curtis asked the Council are they prepared for those costs.

Ms. Hester Cope, 1750 Eunice Avenue, appeared and made comments in opposition to the expansion of the current landfill. Ms. Cope stated that the cost of burying c & d waste is very low because a liner is not required.

Jacob Senecal, 215 Baker Drive, appeared and made comments in opposition to the expansion of the current landfill. Mr. Senecal stated that City should look into recycling more items such as glass.

Ms. Jean Gay Mussleman, 141 Wildwood Trail, appeared and made comments in opposition to the expansion of the current landfill. Ms. Mussleman asked the City Council to provide her with the information and costs regarding opening a new cell and building a transfer station.

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 declaring Lot 33, Block 19, Jackson Highway Terrace Subdivision, as surplus property and authorizing the sale and conveyance of the property for the sum of \$1,440.00, sponsored by Bob Leyde. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

Ayes: Sam Pendleton, Jr.
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 name the previously unnamed street located at the old armory site "Memorial Grove Drive," sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing ordinance.

Councilmember Betterton 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 noted that any aluminum structures to be relocated to this site will need approval by City Engineer, Bill Batson.

There being no further 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 LPC Technologies, for professional engineering services necessary for the design and preparation of construction documents for the design of Municipal Solid Waste disposal cell B-1 at the Florence Landfill, in the amount of \$19,725.00, to be expensed to 267-43200, sponsored by Mayor Irons. Said Resolution 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.

Discussion:

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that he has never said that Cypress Creek was being contaminated but that there are water flow problems. Councilmember Pendleton also stated that the water flow problems are with a well that has been closed. Councilmember Pendleton further stated that there is a difference in something being detected in a monitoring well than contaminating the creek. Councilmember Pendleton stated that he does not want any citizen to believe that the City is operating a landfill that is polluting our environment. Councilmember Pendleton stated that no one on this Council that disagrees with the Mayor's plan has presented a more viable plan.

Councilmember Jordan made comments in opposition to the proposed resolution. Councilmember Jordan stated that if you look at the option of opening a new cell and at the end of five years the cell will be full, you will then have to build a transfer station and find property to dispose of c & d. Councilmember Jordan stated that it is time to stop burying garbage and build a transfer station.

Councilmember Morris made comments in opposition to the proposed resolution. Councilmember Morris read a portion of a report from ADEM dated 2007 that stated the City needs to conduct dye trace studies, which the City did. Councilmember Morris quoted from several letters from ADEM. Councilmember Morris stated that clearly ADEM is concerned with pollutants coming from the landfill. Councilmember Morris noted that the geologist, Mr. Kooge, presented a slide presentation outlining the dye-trace study stated that he was surprised that red dye was found in Wallace Springs that came from monitoring well # 9. Councilmember Morris asked Mr. Kooge if he found any voc contaminates in Wallace Springs but when ask if he tested for vocs contaminates in Wallace Springs, Mr. Kooge stated that he had not. Councilmember Morris stated that you will not find anything that you do not test for. Councilmember Morris further stated that re permitting the new cell will be questionable. Councilmember Morris also stated that there are 34 permitted landfills in Alabama and only four of the permitted landfills are municipalities that use their landfill to dispose of their municipalities' waste. Councilmember Morris stated that more and more cities are doing away with municipal landfills and are going to regional landfills.

Councilmember Betterton made comments in opposition to the proposed resolution. Councilmember Betterton stated that he has compared both sides of the issues and has discussed this issue with both sides. Councilmember Betterton stated that we have only five years use in the new cell but if we use the new cell for only c & d then we can expand it for 12 years. Councilmember

Betterton stated that he sees no reason to wait to build a transfer station. Councilmember Betterton further stated that there will be a 30% commercial rate increase which gives us 336,000.00 and yet we have operated the last three years in a deficit. Councilmember Betterton stated that he looked at this closely and he weighted all options and concluded that we need to build a transfer station. Councilmember Betterton further stated we must look at environmental issues and as well as dollars and cents.

Councilmember Graham made comments in favor of the proposed resolution. Councilmember Graham stated that we can raise rates now or in five years. Councilmember Graham further stated that if we can wait to raise rates then we should.

President Barnhart made comments in favor of the proposed resolution. President Barnhart stated that water rates have increased and that people cannot afford another rate increase. President Barnhart further stated that Florence has the lowest garbage rates and those cities with higher rates use a transfer station. President Barnhart stated that we should open a new cell and in five years go to a transfer station. President Barnhart also stated that citizens of Florence do not need another increase at this time.

Councilmember Pendleton stated that we have a plan. Councilmember Pendleton stated that there are more options regarding recycling. Councilmember Pendleton further stated that there are five Councilmembers who have other plans for the former Florence Golf & Country Club property. Councilmember Pendleton stated that the problem is that others are not making the citizens of Florence a priority. Councilmember Pendleton stated that we must not just represent our own District but everyone in Florence. Councilmember Pendleton stated that everyone has made their own decision based on their own special-interest. Councilmember Pendleton thanked Mr. Rose and Mr. Cope for their hard work.

Councilmember Jordan stated that we should not continue to make a bad decision worse by continuing to bury garbage. Councilmember Jordan further stated that it would be two years before we will have to even think about a rate increase. Councilmember Jordan stated that it is not only good for the citizens in District 2 but for all of Florence if we go to a transfer station.

Councilmember Pendleton stated that Councilmember Jordan was pleased that UNA voted to buy 60.5 acres of the former Florence Golf & Country Club property. Councilmember Pendleton quoted Councilmember Jordan as saying that he is a proponent of UNA purchasing the property and for the City to get out of the landfill business. Councilmember Pendleton stated that if some of the Council wants to sell the property then why did we buy it in the first place.

Councilmember Morris called for a point-of-order and asked what these comments have to do with the landfill.

President Barnhart told Councilmember Pendleton to continue with his comments.

Councilmember Pendleton stated that every time some Councilmembers come up with a solution other than a transfer station, the other Councilmembers balk because they want to sell the adjoining property known as the former Florence Golf & Country Club property.

Councilmember Morris stated that it is not the Council's negligence that has brought us to this point. Councilmember Morris further stated that for several years now we were told that the landfill has three or four years left before it is filled to capacity. Councilmember Morris stated that he told other Councilmembers two years ago that we need to start making preparations and that he was told that we have plenty of time. Councilmember Morris further stated that the Council was told in July 2011 that the landfill would be full by December 2011.

Councilmember Pendleton stated that this Council knows how to solve the landfill problem. Councilmember Pendleton further stated that some members of this Council want a quick answer.

Councilmember Jordan stated that he is still confused regarding the cost of opening the cell because A.L.I. has given us several different quotes. Councilmember Jordan stated that at the end of five years we are out of landfill property because he is opposed to expanding the landfill onto the Country Club property. Councilmember Jordan further stated that he has no problem not selling the Country Club property. Councilmember Jordan stated that we need to move now to a transfer station.

Councilmember Pendleton stated that we should lease a portion of Cypress Creek to the environmentalists to be used for canoeing. Councilmember Pendleton further stated that the environmentalists should not come out of this without winning because they have worked hard for Cypress Creek. Councilmember Pendleton stated that he has no problem with UNA using it for Environmental studies.

Councilmember Jordan stated that he agrees with Councilmember Pendleton that we should protect Cypress Creek and we can do that by going to a transfer station.

President Barnhart stated that several years ago someone laid out a plan and that plan being to open another cell and when that is full to go to a transfer station. President Barnhart further stated why are we not continuing with the plan.

Councilmember Betterton stated that if a plan was put in place and was not subject to change because of problems, then that is not a true plan.

Councilmember Graham stated that all of the landfill is lined.

Councilmember Pendleton stated that if anyone else had approached him besides Mr. Ross or former Mayor Bill Batson about purchasing the former Florence Golf & Country Club property, he would have not agreed to the purchase.

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

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

City Clerk, Robert M. Leyde, presented a Resolution to support the agreement made between Regional Care and the Healthcare Authority of Lauderdale County and the City of Florence, Alabama, and approved by the City Council, which obligates Regional Care to build a regional hospital in Lauderdale County, sponsored by Mayor Irons and the City Council. 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 Betterton moved for adoption of the foregoing resolution. Councilmember Pendleton seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton asked City Clerk, Robert Leyde to read the contract that was approved to transfer ECM Hospital to Regional Care. Councilmember Pendleton stated we should not buy into a regional hospital and that this is a for-profit hospital. Councilmember Pendleton stated that Regional Care will sacrifice \$40 million to make \$500 million. Councilmember Pendleton further stated that they are wanting to make money. Councilmember Pendleton stated that we need to prepare for war now and make them pay for violating the contract. Councilmember Pendleton further stated that we need to develop to the West and keep our gates open. Councilmember Pendleton stated that we need to take this matter seriously.

Councilmember Graham stated that it is vital for the new hospital to be built in Lauderdale County. Councilmember Graham further stated that the City will lose a lot of money if we lose the hospital.

Councilmember Jordan stated that we owe it to our citizens to provide them with quality healthcare. Councilmember Jordan noted that it would also hurt the Florence City Schools if we lose the hospital. Councilmember Jordan stated that Regional Care signed a contract and agreed to build a hospital in Lauderdale County and that should they fulfill the contract.

Councilmember Pendleton stated that we need to prepare for a fight and we should not be scared. Councilmember Pendleton further stated that we need legal staff to fight them. Councilmember Pendleton stated that they are doing what they said that would do and that is to make a profit. Councilmember Pendleton also stated that Colbert County does not want to help us.

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 H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to negotiate a lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County for temporary use to dispose municipal solid waste on a temporary basis, sponsored by Barry Morris. Said Resolution follows, to wit;

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

Discussion:

Councilmember Morris made comments in support of the proposed resolution. Councilmember Morris stated that we are at an impasse regarding what to do with our garbage. Councilmember Morris stated that this plan will buy the City Council some time to resolve this issue. Councilmember Morris further stated that gives the Mayor and City officials authority to discuss this matter with Mr. Berkey and will give us time to weigh our options.

Councilmember Pendleton stated to get to this transfer station you must travel through Petersville and that the City's garbage trucks are too large to fit into this transfer station. Councilmember Pendleton also stated that there is not a scale and that the City's trucks will have to be modified. Councilmember Pendleton stated that this situation should cause us to do the right thing. Councilmember Pendleton further stated that everyone should drive out to Lauderdale County's landfill to see a landfill that is done right. Councilmember Pendleton asked why should we go to the expense for a quick fix because we are unable to reach a decision. Councilmember Pendleton stated that other cities are closing the gates to our City.

Councilmember Jordan agreed that Lauderdale County is doing it the right way. Councilmember Jordan stated that maybe we should talk to Lauderdale County about forming a solid waste authority.

Councilmember Pendleton asks the citizens to look at the plan and to talk to the other Councilmembers who want a transfer station and find out what they are thinking.

There being no further discussion, a vote taken on the motion 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 we must come together and make a decision.

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to appropriate \$44,000.00 from a fund to be designated by the City Treasurer to the Florence-Lauderdale Public Library with such amount being credited against any annual appropriation made to the library in the 2011-2012 fiscal year general fund budget, sponsored by Dan Barger. Said Resolution follows, to wit:

Councilmember Betterton 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 Betterton seconded the motion.

Discussion:

President Barnhart stated that he wants the employees of the Florence-Lauderdale Public Library to receive a pay check but that this is not the way to conduct business. President Barnhart also stated that he does not agree with appropriating money without a budget.

Councilmember Pendleton made comments in favor of the proposed resolution.

Councilmember Pendleton stated that we need to help people when they are down.

President Barnhart stated that we have many entities that we appropriate money to and do we allow them to come to us and say that they are in need and then we increase their appropriation.

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 H. Barnhart
Andrew Betterton

Noes: None

13. General Business:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business Center	David Beasley	02/03/09	11/15/11
Beautification Board	Linda VanSandt 1 - Vacancy	08/05/08	11/01/11
Housing & Construction Appeals Board	3 - Vacancies		
Library Board	1 - Vacancy		
Parks & Recreation	1 - Vacancy		
SEDA	1 - Vacancy		
Tree Commission	Preston Hillis	02/03/09	11/03/11

President Barnhart asked for a motion to nominate Ray Landrum to the Parks & Recreation Board. Councilmember Graham moved for approval of the appointment.

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

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

Mr. Billy Ray Simpson, 755 West Alabama Street, stated that a wise man says few words. Mr. Simpson commended Councilmember Graham for being a wise man. Mr. Simpson further stated that the City Council was elected to serve their districts. Mr. Simpson also stated that Mayor Irons was elected to take care of all the citizens of Florence. Mr. Simpson stated that if any of the Councilmembers want to be Mayor then they should run for Mayor.

Mr. Charles Rose, resident of Colbert County, appeared and made comments regarding the current landfill. Mr. Rose stated that the landfill has not always been lined. Mr. Rose further stated that ample scientific evidence shows that the remaining cell should not be opened.

Mr. Miles Colcock, 136 Creekside Drive, requested a copy of the report that shows the actual cost of building a transfer station versus opening a cell.

Mr. Joey Leavitt, 115 Creekside Drive, appeared and made comments regarding the Council making a decision. Mr. Leavitt stated that he agrees with Councilmember Pendleton that the City does need a long term plan. Mr. Leavitt further stated that this Council is at an impasse and that a decision must be made soon.

Mr. Norman Ross, Cedar Bend Place, appeared and stated that he feels sure the pollution is coming from the unlined cell. Mr. Ross stated that he agrees with Mr. Simpson's comments regarding Mayor Irons. Mr. Ross further stated that it is a shame that the City is losing Mayor Irons because of the way this Council has conducted itself. Mr. Ross also stated that there should be some way to have a tiebreaker so a stalemate does not occur again. Mr. Ross stated that the City Council has got to make a decision regarding the garbage situation.

Mr. Scott Ruffrage, Eunice Avenue, appeared and made comments regarding LAI Engineering Firm. Mr. Ruffrage stated that this firm has been wrong on so many points. Mr. Ruffrage further stated that the firm could not say for sure if the current landfill was emitting a foul odor.

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments regarding the leaking of the lined cells. Mr. Cope stated that it is not correct to say that the only cell that is leaking is the unlined cell. Mr. Cope further stated that the underlying bed rock is highly broken into fragments that allow rapid infiltration from the cells.

Council Reports and/or Comments:

Councilmember Pendleton made comments regarding his seat as a City Councilmember. Councilmember Pendleton stated that he will criticize the Mayor and the Council when they are wrong and will agree with them when they are right. Councilmember Pendleton further stated that even if we agree to build a transfer station, it cannot be done overnight. Councilmember Pendleton encouraged everyone to get involved with local politics

Councilmember Jordan stated that he is in favor of building a transfer station. Councilmember Jordan further stated that for two years he has advocated building a transfer station and to get out of the landfill business. Councilmember Jordan thanked everyone for coming forward and speaking. Councilmember Jordan further stated that we need to protect Cypress Creek.

Councilmember Graham offered condolences to the family of Mr. David Irons.

Councilmember Graham reminded everyone of the District 3 meeting on October 27 at 6:00 at the Broadway Recreation Center.

Councilmember Graham applauded Governor Bentley for passing a law banning synthetic drugs.

Councilmember Morris offered his best wishes to the 115th Battalion that is leaving for Afghanistan.

Councilmember Betterton made comments about Mr. Ray Landrum. Councilmember Betterton thanked Mr. Landrum for his years of service. Councilmember Betterton also recognized Rod Shepherd, Principal at Florence Freshman Center, for his great work educating our children.

Councilmember Betterton also applauded Governor Bentley regarding the ban on synthetic marijuana.

President Barnhart had no comments.

Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK