

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
NOVEMBER 1, 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, November 1, 2011. President Barnhart called the meeting to order. Councilmember Graham 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

November 1, 2011

5:00 P.M.

1. Meeting called to order - President Barnhart
2. Invocation - Councilmember Graham
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 Regular Meeting held on October 18, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution approving a Mutual Aid Agreement with the University of North Alabama, sponsored by George Grabryan.
- (d) Resolution approving a Collection Agency Contractual Agreement with Smith, Rouchon and Associates, Inc., to collect delinquent utility accounts, to be paid a commission rate of 25% on recoveries and 40% on recoveries referred to the legal department and suit filed in court, sponsored by Vance Young.
- (e) Resolution appropriating \$33,664.46 from the City's Workers' Compensation Fund to settle a workers' compensation claim filed against the City by Jimmy Glass, with the medicals being left open, sponsored by Bill Musgrove.

- (f) Resolution approving an agreement for project funds between the City of Florence and the North Alabama Highway Safety Office regarding a \$2,500.00 grant to be used for traffic safety enforcement, sponsored by Rick Singleton.
- (g) Resolution approving an Affidavit of Claim by the City of Florence against the surety bond posted by Holliday's General Service Corporation in the amount of \$1,150.00, sponsored by Vance Young.
- (h) Resolution to appoint Charles (Ray) Landrum to the Parks and Recreation Board, sponsored by the City Council.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance naming the previously unnamed maintenance road within Plantation Springs Subdivision *Fore Lane*, sponsored by Melissa Bailey.
- (b) Ordinance naming the previously unnamed roadway which runs East-West between the baseball field and boat launch located in McFarland Park *Coach Robbins Drive*, sponsored by Melissa Bailey.
- (c) Ordinance naming the previously unnamed entry road at Deibert Park *Tyree Trail*, sponsored by Melissa Bailey.
- (d) Resolution authorizing the City to accept and maintain the existing improvements for Heritage Village II, Lots 1-13, sponsored by Bill Batson.
- (e) Resolution authorizing the City to accept and maintain the existing improvements for Re-Survey of Cedar Ridge, Lots 1-33, sponsored by Bill Batson.
- (f) Resolution increasing the Florence Historical Board membership from its current number of seven members to nine members, sponsored by Mayor Irons.
- (g) Resolution authorizing the City to negotiate the lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County, to be used by the City to dispose of municipal solid waste on a temporary basis, sponsored by Barry Morris.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer by GAJANAND LLC, d/b/a GAJANAND LLC, located at 2207 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by TBM LLC, d/b/a T BONES GRILLE, located at 845 COX CREEK PARKWAY, 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 DISH CAFÉ LLC, d/b/a DISH GOURMET CAFÉ AND CATERING, located at 118 WEST MOBILE STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by ALASSAR INC., d/b/a SUPER PARADISE, located at 1806 N. WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

- (e) Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$49,001,300.00 and projected expenses of \$48,988,620.00 for fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger.
- (f) Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$49,361,325.00 and projected expenses of \$49,322,950.00 for fiscal year ending September 30, 2012, sponsored by the Finance Committee. **(This Item was removed)**
- (g) Resolution approving the sixteen (16) various Special Fund Budgets , in the amount of \$16,457,535.00, for the fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger.
- (h) Resolution authorizing the City to appropriate the following sums for the Solid Waste Fund Budget, reflecting projected revenues of \$4,772,800.00 and projected expenses of \$4,710,165.00 for the fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger.

(I) 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		
SEDA	1 - Vacancy		
Tree Commission	Preston Hillis	02/03/09	11/03/11

- (j) Resolution authorizing the City to appropriate \$150,000.00 to the Florence-Lauderdale Public Library to be paid from the Capital Projects Fund Reserve, to be used for the purchase of books and materials for the library, sponsored by Dick Jordan. **(This Item was added to the Regular Agenda)**

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the earlier work-session, it was decided to remove Regular Agenda Item 13 (f) Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$49,361,325.00 and projected expenses of \$49,322,950.00 for fiscal year ending September 30, 2012, sponsored by the Finance Committee and to add Regular

Agenda Item 13 (j) Resolution to appropriate \$150,000.00 to the Florence/Lauderdale Public Library, sponsored by Finance Committee.

Councilmember Pendleton made comments regarding Mayor Irons not seeking reelection. Councilmember Pendleton stated that Mayor Irons is not seeking reelection due to personal reasons and not due to conflicts.

There being no further 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.
William D. Jordan
Hermon T. Graham
Barry Morris
James Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons welcomed the Boy Scouts Troop 285 to tonight's meeting.

Mayor Irons reminded everyone of the State of the City Program which is scheduled for November 8th at the Florence/Lauderdale Coliseum beginning at 5:30 P.M. Mayor Irons encouraged everyone to come out and participate in the program.

Mayor Irons' comments follow, to wit:

Report of Department Heads:

David Koonce, Director of Street, Solid Waste & Recycle, made comments follow, to wit:

Report of Standing Committee:

Councilmember Dick Jordan, Finance Committee Chairperson, stated that the committee on Thursday, October 27, 2011, and discussed the request from the Florence/Lauderdale Public Library and also to reinstate the full \$96,000.00 to the Florence School Board, report follows, to wit:

Public Hearing: None

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

Mr. Bill Ray Simpson, 755 West Alabama Street, appeared and made comments regarding Regular Agenda Item 12 (g) Resolution authorizing the City to negotiate the lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County, to be used by the City to dispose of municipal solid waste on a temporary basis. Mr. Simpson stated that he agrees with Mayor Irons regarding opening a new cell in the landfill. Mr. Simpson further stated that we need a compromise and a solution to the landfill situation.

Mr. John Crowder, 421 Nottingham Road, appeared and comments regarding Regular Agenda Item 12 (g) Resolution authorizing the City to negotiate the lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County, to be used by the City to dispose of municipal solid waste on a temporary basis. Mr. Crowder stated that he would like for the City to arrange on its web-site, the cost comparisons and information dealing with a transfer station versus opening a new cell.

Mr. Crowder also made comments in opposition to Consent Agenda Item 11 (c) Resolution approving a Mutual Aid Agreement with the University of North Alabama. Mr. Crowder stated that UNA is not a political subdivision as defined by the Code of Alabama. Mr. Crowder further stated that according to this resolution describes the City of Florence and UNA to be a political subdivision. Mr. Crowder also stated that according to the agreement, neither party can withdraw from the agreement unless both parties withdraw. Mr. Crowder further stated that some aspects of this agreement need to be looked at further.

Mr. Bill Smoak, 2424 Roberts Lane, made comments regarding Consent Agenda Item 11 (e) Resolution appropriating \$33,664.46 from the City's Workers' Compensation Fund to settle a workers' compensation claim filed against the City by Jimmy Glass, with the medicals being left open. Mr. Smoak stated that more information should be made available to the public regarding these types of claims.

Mr. Smoak also made comments regarding payments being made to the Solid Waste/Recycling Fund for the former Florence Golf & Country Club property.

Mr. Smoak also made comments regarding appropriations being made to the Florence School System. Mr. Smoak asked if Councilmember Jordan should vote on this appropriation because his son is a school board member.

Mr. John Hargett, North Wood Avenue, stated that the City needs to sell the Blackberry Golf Course.

Mr. George Grabryan, EMA/911 Director, appeared and made comments regarding Consent Agenda Item 11 (c) Resolution approving a Mutual Aid Agreement with the University of North Alabama. Mr. Grabryan stated that this agreement came from the Alabama Emergency Management Agency and they are encouraging cities and counties to enter into this agreement. Mr. Grabryan further stated there is a willing public safety capability at UNA.

Councilmember Pendleton made comments in support of Consent Agenda Item 11 (c) Resolution approving a Mutual Aid Agreement with the University of North Alabama.

President Barnhart stated that he has a problem with a legal binding contract or agreement that does not have an escape clause.

Councilmember Pendleton stated that each individual entity works out the details. Councilmember Pendleton further stated that each entity can agree to change the bylaws.

Mr. Joey Leavitt, 115 Creekside Drive, appeared and made comments regarding a transfer station. Mr. Leavitt stated that neither of the solutions that have been presented is great because we are still dumping garbage in someone's back yard. Mr. Leavitt further stated that we need to recycle 50 to 75 percent of waste and then we will be making money. Mr. Leavitt stated that we need to aggressively develop a stronger recycling program.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Graham moved for approval of the ordinances and resolutions as follow, to-wit:

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 an Ordinance naming the previously unnamed maintenance road within Plantation Springs Subdivision *Fore Lane*, sponsored by Melissa Bailey.

Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

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

Discussion:

Councilmember Pendleton commended Melissa Bailey, Planning Director, and her staff for their great job performance.

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 an Ordinance naming the previously unnamed roadway which runs East-West between the baseball field and boat launch located in McFarland Park *Coach Robbins Drive*, sponsored by Melissa Bailey. Said Ordinance 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 Graham moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance naming the previously unnamed entry road at Deibert Park *Tyree Trail*, sponsored by Melissa Bailey. 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 Betterton moved for adoption of the foregoing ordinance. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Pendleton noted that this street is being named in honor of Mr. Karl Tyree. Councilmember Pendleton stated that Mr. Tyree performed his job with excellence and perseverance.

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 accept and maintain the existing improvements for Heritage Village II, Lots 1-13, sponsored by Bill Batson. 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 Graham moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented Resolution authorizing the City to accept and maintain the existing improvements for Re-Survey of Cedar Ridge, Lots 1-33, sponsored by Bill Batson. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution increasing the Florence Historical Board membership from its current number of seven members to nine members, sponsored by Mayor Irons.

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 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 stated that he hopes this increase will move forward the development of the department of archives.

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 negotiate the lease of a transfer station and necessary property owned by Mr. Ronald Berkey and formerly used by Lauderdale County, to be used by the City to dispose of municipal solid waste on a temporary basis, sponsored by Barry Morris. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

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

Discussion:

Councilmember Morris' comments follow, to wit:

Mr. President, I rise to speak in favor of the resolution.

According to the EPA, in 1970, there were about 20,000 landfills in the United States. By 1990, that number had declined to 8,000. In 2000, only 2,000 remained and by 2008, there were only around 1,800 landfills operating in the United States.

Only 38 of the 100 largest cities in the US still operate their own landfills.

Of the 31 permitted landfills in Alabama, only four are operated by municipalities: Dothan, Scottsboro, Birmingham, and Florence.

The trend is clear and it is my hope that by January 2012, there will be one less MSW landfill operating in Alabama.

It is regrettable that we labored for months under the impression that we had several years before a decision to expand the landfill or build a transfer station had to be made. By the time we were all made aware the present cell would reach capacity in December of THIS YEAR, it was too late to accumulate the necessary data in order to determine the best course of action. By leasing the transfer station in Petersville on a temporary basis, we will have the time to do just that.

In addition to the environmental considerations including smell, litter, noise, vermin, leachate, and methane escape associated with a MSW landfill, I remind you of the warning of Mr. Billy Cooch (Professional Geologist and President of Highland Technical Services) during his August 9 work session presentation:

“The most urgent concern for the City of Florence is the potential that the groundwater monitoring system is not adequate to monitor groundwater quality in all down gradient directions. We are currently researching alternative approaches to explain the anomaly in the northwest corner of the landfill.

The lack of a suitable groundwater monitoring network may hinder the City’s ability to renew its solid waste permit. The current permit will expire in November 2012. The City is required to submit the renewal application 180 days prior to the expiration date (no later than May 2012). The Alabama Department of Environmental Management would likely delay renewal of the permit until such time that the groundwater monitoring system is modified.”

I suggest it would not be prudent for us to put a liner at a cost of \$2,000,000 into the landfill until we install an adequate groundwater monitoring system AND we have some assurance ADEM will renew our solid waste permit.

I offer this resolution as a temporary, compromise solution.

Leasing the transfer station in Petersville for a year will:

Allow weekly garbage pickup to continue with no residential rate increase,
Allow continued use of the landfill for C&D,
Eliminate the crisis management mentality surrounding this decision,
Reduce the risks of expensive litigation,
Give us time to gather the data and information necessary to make a rational, informed decision,
Give us time to learn if ADEM will renew or deny our solid waste permit.
I ask you to join me in supporting this resolution.

Councilmember Betterton made comments in favor of the proposed resolution.

Councilmember Betterton stated that his concern is if we choose to go without a residential rate increase for five years and we have a major storm that is not covered by FEMA. Councilmember Betterton stated that we need a solution that will help us move forward.

Councilmember Jordan made comments in support of the proposed resolution.

Councilmember Jordan stated that we do not have enough time to build a transfer station or open a

new cell by January 1, 2012. Councilmember Jordan further stated that he supports the resolution because it is the most viable and cost-effective solution at this time.

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 motion failed by a vote of 3-3)

Councilmember Morris stated that in the spirit of compromise that he is willing to vote in favor of opening a new cell if the City hires a firm to test the waters at Wallace Springs and Cypress Creek and if we can get assurance from ADEM that they will reissue the permit.

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 GAJANAND LLC, d/b/a GAJANAND LLC, located at 2207 HUNTSVILLE 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 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.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by TBM LLC, d/b/a T BONES GRILLE, located at 845 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

Councilmember Morris 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 resolution. Councilmember Pendleton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Beer & Wine by DISH CAFÉ LLC, d/b/a DISH GOURMET CAFÉ AND CATERING, located at 118 WEST MOBILE STREET, FLORENCE, AL 35630, 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 Graham 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

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of an Automobile Self- Service Station & Convenience Foods with Off-Premises Beer & Wine by ALASSAR INC., d/b/a SUPER PARADISE, located at 1806 N. WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde. 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.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to appropriate the following sums for the General Fund Budget, reflecting projected revenues of \$49,001,300.00 and projected expenses of \$48,988,620.00 for fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger. 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 Pendleton moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the lay off of employees during Mayor Jordan's administration. Councilmember Pendleton stated that during the hard economic times there will be future layoffs.

Councilmember Jordan made comments in favor of the resolution. Councilmember Jordan expressed his appreciation to Mayor Irons for appropriating money into the Florence-Lauderdale Public Library and to the Florence School System.

President Barnhart stated that he supports the budget because in the past seven years he has found Mayor Irons and Dan Barger, Chief Accountant/Treasurer, to always be correct. President Barnhart further stated that until Mayor Irons proves himself wrong, he will support him every time.

Councilmember Pendleton made comments regarding his principles. Councilmember Pendleton stated that he does not sell out or compromise.

Councilmember Graham stated that he appreciates Mayor Irons' hard work on this budget. Councilmember Graham further stated that with the present day economy, it is a tribute to Mayor Irons that there have not been any layoffs.

Councilmember Pendleton stated that it is a difference between disagreeing with someone and undermining someone. Councilmember Pendleton stated that he is not going to be politically correct.

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 approving the sixteen (16) various Special Fund Budgets , in the amount of \$16,457,535.00, for the fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger. Said Resolution follows, to wit:

Councilmember Graham moved for immediate consideration of the foregoing resolution.

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

Discussion:

Councilmember Pendleton stated that he would rather drink water and eat pulse.

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 appropriate the following sums for the Solid Waste Fund Budget, reflecting projected revenues of \$4,772,800.00 and projected expenses of \$4,710,165.00 for the fiscal year ending September 30, 2012, sponsored by Mayor Irons and Dan Barger. 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 Betterton seconded the motion.

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

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

Noes: None

City Clerk, Robert M. Leyde presented a Resolution authorizing the City to appropriate \$150,000.00 to the Florence-Lauderdale Public Library to be paid from the Capital Projects Fund Reserve, to be used for the purchase of books and materials for the library, sponsored by Dick Jordan. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

Councilmember Morris 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 made comments in favor of the proposed resolution.

Councilmember Jordan noted that for several years the Florence/Lauderdale Public Library has been using the money designated for books for operating expenses.

Councilmember Pendleton made comments in favor of the proposed resolution.

Councilmember Pendleton stated that he has been trying to get Councilmember Betterton to correct the flooding problems in District 6. Councilmember Pendleton further stated that the flooding problems are getting worse. Councilmember Pendleton stated that he has tried to keep Councilmember Betterton on track with District 6 flooding to keep District 1 from having problems. Councilmember Pendleton also stated that Councilmember Betterton wants to use the one cent sales tax for other things besides correcting the flooding problems.

Councilmember Betterton made comments in favor of the proposed resolution.

Councilmember Betterton stated that he knows that District 6 has more flooding problems than other districts. Councilmember Betterton further stated that he is always meeting and discussing flooding issues.

President Barnhart stated that we have several issues that have not been addressed because we appropriate money to far too many organizations. President Barnhart further stated that the problem with our City government is too many special interest groups and no one wants to anger them. President Barnhart stated that we agreed over a year ago to open up West Florence and there is no money in this budget to do this. President Barnhart further stated that basic problems do not get people to the ballot boxes. President Barnhart stated that the big culprit in politics is special-interests and self-interests.

Councilmember Pendleton made comments regarding drainage problems in the City.

Councilmember Pendleton stated that every District 6 Councilmember has know how he feels about the drainage problems. Councilmember Pendleton further stated that some people only care about garbage bags when water will be going into residences' homes.

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

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		
SEDA	1 - Vacancy		
Tree Commission	Preston Hillis	02/03/09	11/03/11

President Barnhart noted that there were several vacancies that were nominated at today's work session and they will be confirmed at the next City Council meeting.

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and stated that he does not agree with Councilmember Pendleton's comments. Mr. Simpson stated that the City has an immediate problem with drug dealers and outlaws that have moved several times and now reside on West Mobile. Mr. Simpson stated that he has told Councilmember Pendleton and Chief Singleton and no action has been taken so far.

Councilmember Pendleton responded to Mr. Simpson's comments. Councilmember Pendleton stated that Mr. Simpson has always advocated legalizing marijuana and other drugs.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding the mutual aid agreement with UNA. Mr. Crowder reiterated that UNA is not a political subdivision. Mr. Crowder stated that the agreement may be found void. Mr. Crowder further stated that if UNA is a legal party to this agreement, thus their employees may not be entitled to the benefits of protection.

Mr. Billy Sledge, 4415 Chisholm Road appeared and made comments regarding the cemetery that is located on the former Florence Golf & Country Club property. Mr. Sledge presented the City Council with a copy of a survey of the former Florence Golf & Country Club dated 1974. Mr. Sledge stated that he has been unavailable to get any City Officials to agree that there is a cemetery located on this property. Mr. Sledge further stated that something needs to be done.

Ms. Barbara Hill, 769 Sannoner Avenue, appeared and made comments in support of the Councilmembers who support a transfer station. Ms. Hill further stated that she does not want any of her tax money given to local Christian Schools. Ms. Hill stated that she believes in separation of Church and State.

Council Reports and/or Comments:

Councilmember Jordan thanked the Boy Scouts for their attendance at tonight's meeting.

Councilmember Jordan also thanked Mr. Sledge for his concern regarding the cemetery that is located on the former Florence Golf & Country Club property. Councilmember Jordan stated that he is a member of the Historical Preservation Society and he will follow up on the funding to take care of this matter.

Councilmember Jordan made comments regarding the increased funding to the Florence/Lauderdale Public Library. Councilmember Jordan thanked the members of the City Council and the Anderson Family for their support of the library.

Councilmember Jordan made comments regarding the one cent sales tax that is designated for Capital Projects. Councilmember Jordan noted that several projects, including drainage corrections, Deibert Park, construction of the Florence/Lauderdale Public Library, improvements to Florence Harbor and West Florence, were paid out of the one-cent sale tax fund. Councilmember Jordan stated that each District has unique projects that we need to work together to complete.

Councilmember Graham welcomed all the Boy Scouts to the meeting tonight. Councilmember Graham thanked everyone in attendance tonight and those watching by television.

Councilmember Graham stated that the Council approved the spending of a lot of money

tonight but that is what it takes to move the City forward. Councilmember Graham stated that we have to work together.

Councilmember Morris thanked the Boy Scouts for their attendance.

Councilmember Morris made comments regarding the engineer's report regarding ground water flow and the possibility of ADEM delaying the permitting of the landfill until the ground water monitoring system is modified. Councilmember Morris stated that he believes the City should hire a firm to test Wallace Springs, Ram Springs and Lewis Springs for volatile organic compounds.

Councilmember Morris stated that Hibbett School will sponsor a Veterans Day program to honor our Veterans on Thursday.

Councilmember Betterton welcomed the Boy Scouts and thanked them for their attendance. Councilmember Betterton thanked the leaders of the Scouts for their hard work.

Councilmember Betterton made comments regarding the archives at Burrell Slater. Councilmember Betterton stated that he is pleased with the progress.

Councilmember Betterton stated that he has met many times with Mayor Irons and other City Officials regarding drainage problems. Councilmember Betterton further stated that we are contemplating other funding options to correct these problems.

Councilmember Betterton thanked Ms. Hill for her comments supporting the members of the Council that believe we should build a transfer station. Councilmember Betterton stated that we are moving forward with a solution.

Councilmember Pendleton made comments in opposition to legalizing drugs. Councilmember Pendleton also made comments regarding Regional Care. Councilmember Pendleton stated that there was a meeting at Downtown Florence Unlimited and the current administrator of ECM Hospital told everyone that he had been in contact with each City Councilmember. Councilmember Pendleton stated that he was not contacted. Councilmember Pendleton further stated that we should not underestimate the power of this administrator. Councilmember Pendleton stated that he has the power to move ECM Hospital out of this City. Councilmember Pendleton also stated that all the gateways into Florence are being closed. Councilmember Pendleton stated that Florence has only one gate open and that is in the West.

President Barnhart made comments regarding a meeting that took place at his home with Mayor Irons and Councilmember Pendleton. President Barnhart stated that it was an attempt on his part to work out differences. President Barnhart further stated that this Council is at a deadlock regarding certain issues.

President Barnhart presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK