

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
DECEMBER 6, 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 6, 2011. President Barnhart called the meeting to order. Reverend Billy Ray Simpson gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that six Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Hermon T. Graham, Barry Morris, James Barnhart and Andrew Betterton.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

December 6, 2011

5:00 P.M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Reverend Billy Ray Simpson
 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 November 15, 2011.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution to approve a contract with Austin Fencing, Inc., to provide labor, equipment, materials and incidentals necessary to install lot substation grade fencing at seven locations in Florence and Lauderdale County, in the amount of \$28,107.00; \$16.60 per foot to install additional fence; \$275.00 to install additional four foot gates; \$600.00 to install additional 24 foot gates; and \$50.00 to install additional terminal posts, to be paid from Fund 390.00 Structures and Improvements, sponsored by Richard Morrissey.

- (d) Resolution to approve a contract with Alabama Guardrail, Inc., to provide labor, equipment, materials and incidentals necessary to repair and install guardrail at Sweetwater Avenue and State Street, Mars Hill Road and Caples Drive, and Mars Hill Road near Industrial Park, in the amount of \$6,850.00, to be paid from budgeted Gas Tax Funds , sponsored by Bill Batson.
- (e) Resolution to approve a contract with John Johnson, DBA Johnny's Home Restorations, to provide labor, equipment, materials and incidentals necessary to repair deteriorating logs at the W. C. Handy Home and Museum, in the amount of \$5,000.00, to be paid from Fund 117, Account # 1053-43600, sponsored by Todd Nix.
- (f) Resolution to approve the Satisfaction of Mortgage to Robert and Gina Bailey, sponsored by Melissa Bailey.
- (g) Resolution to approve the Satisfaction of Mortgage to Marilyn Evonne McClure, sponsored by Melissa Bailey.
- (h) Resolution authorizing the Release and Assignment of Claim from the City to Travelers, in the amount of \$1,550.00, relative to Holliday's General Service Corporation, sponsored by Vance Young.
- (i) Resolution authorizing the Employer Agreement and Participation Request for Voluntary Products between Humana Specialty Benefits and the City, sponsored by Dan Barger.
- (j) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to amend Section 22-26 of the Code of Florence, Alabama, Dumpster container: Use by Businesses, sponsored by Mayor Irons, David Koonce, Dan Barger.
- (b) Ordinance to amend Section 22-91 of the Code of Florence, Alabama, Commercial Garbage Collection Fees, sponsored by Mayor Irons, David Koonce, and Dan Barger.
- (c) Resolution to vacate part of public road right of way on 3rd Avenue in Muscle Shoals Business Center Subdivision, sponsored by Melissa Bailey.
- (d) Resolution to vacate a part of the westwardly right-of-way of Pine Street, sponsored by Bill Musgrove.
- (e) Resolution to recognize and support the current structure of the Retirement Systems of Alabama and Chief Executive Officer Dr. David G. Bronner, sponsored by Dick Jordan.
- (f) Resolution authorizing the City to enter into a contract with Waste Connections, Inc., to excavate, remove, haul and dispose of solid waste for the city of Florence, in the amount of \$27.58 per ton, to be paid from 256-43200 Contractual Services, sponsored by David Koonce.

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>
Beautification Board	2 - Vacancies		
Historical Board	Vince Brewton 3 - Vacancies	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		
Tree Commission	1 - Vacancy		

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

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

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

16. Motion to Adjourn.

President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the 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

Message from the Mayor:

Mayor Irons' comments follow, to wit:

Report of Department Heads:

Chief Rick Singleton stated that the Florence Police Department has recently received accreditation. Chief Rick Singleton recognized Officer Jason Hodges and Officer Alex Gwynn who are in attendance tonight and are each working toward a Lipscomb Leadership Award. Chief Rick Singleton issued the Oath of Office to Officers Michael Price, Tim Grimes, and Brian Berry.

Report of Standing Committee: None

Public Hearing: None

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

Consent Agenda:

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

Councilmember 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 amend Section 22-26 of the Code of Florence, Alabama, Dumpster container: Use by Businesses, sponsored by Mayor Irons, David Koonce, Dan Barger. 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 Graham moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the proposed ordinance. Councilmember Pendleton stated that we will actually be operating three landfills. Councilmember Pendleton further stated that the landfill located in Underwood does not accommodate a night time pickup.

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 to amend Section 22-91 of the Code of Florence, Alabama, Commercial Garbage Collection Fees, sponsored by Mayor Irons, David Koonce, and Dan Barger. 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 Jordan moved for adoption of the foregoing ordinance. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the proposed ordinance. Councilmember Pendleton stated that the City has a liability fund that pays for litigation. Councilmember Pendleton further stated that a rate increase was approved in 2002 and that increase was intended to be for a period of ten years.

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 to vacate part of public road right of way on 3rd Avenue in Muscle Shoals Business Center Subdivision, sponsored by Melissa Bailey. Said Resolution follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to vacate a part of the westwardly right-of-way of Pine Street, sponsored by Bill Musgrove. 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 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 to recognize and support the current structure of the Retirement Systems of Alabama and Chief Executive Officer Dr. David G. Bronner, 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 Morris 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 stated that Dr. Bronner has made a positive economic impact on our area.

Councilmember Pendleton stated that Dr. Bronner is a good man but he does not have a vote. Councilmember Pendleton further stated that the Republican Party won and we need to let them know how we feel regarding changes to RSA. Councilmember Pendleton stated that we need to meet with those who are in office and talk to them.

President Barnhart stated that he believes this discussion is becoming political and should not be discussed at tonight's meeting. President Barnhart further stated that in the future no one on the Council is allowed to use the word Republican or Democrat.

Councilmember Jordan made comments in favor of the proposed resolution. Councilmember Jordan stated that the purpose of this resolution is to show support for Dr. Bronner and to recognize the positive economic impact for our area.

Councilmember Pendleton stated that he is in full support of Dr. Bronner and he is not siding with any particular political party.

Councilmember Pendleton asked President Barnhart where will this resolution be forwarded.

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 authorizing the City to enter into a contract with Waste Connections, Inc., to excavate, remove, haul and dispose of solid waste for the city of Florence, in the amount of \$27.58 per ton, to be paid from 256-43200 Contractual Services, sponsored by David Koonce. Said Resolution follows, to wit:

Councilmember Morris 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 Pendleton asked Mayor Irons if he compromised on this resolution.

Mayor Irons stated that by introducing this resolution he was fulfilling a promise to the citizens of Florence not to allow garbage to be in the City streets. Mayor Irons further stated that this was not what he believed was the ideal solution, but at this time it was the most cost-effective option. Mayor Irons stated that this option saved money by using leasing equipment. Mayor Irons also stated that it was to build some type of compromise so that we can work out a permanent solution.

Councilmember Pendleton stated that he would like to know what is this Council willing to compromise. Councilmember Pendleton stated that he would like an amendment added to the proposed resolution stating that after 90 calendar days if no decision has been reached by the City Council concerning opening a new cell or building a transfer station that Mayor Irons will be authorized to negotiate and present contracts for engineering studies to construct a new cell and also for building a transfer station.

William Musgrove III, City Attorney, stated that the wording would need to state that the Mayor has the authority to negotiate contracts and then present them to the City Council for approval.

Councilmember Pendleton stated that Mayor Irons has provided an option for garbage to be picked up and also gives the Council additional time to make a decision.

Councilmember Morris made comments in opposition to the amendment. Councilmember Morris stated that he would like for Mayor Irons and David Koonce, Solid Waste Director, to commission a study with people who are knowledgeable and for them to present what is best for everyone.

Councilmember Pendleton stated that we need more compromising regarding these issues. Councilmember Pendleton further stated that we should do what is best for the City and the

environment, but these decisions cannot be put off for six months. Councilmember Pendleton stated that we have already had studies and that ADEM has no issues with the current landfill except for one well. Councilmember Pendleton further stated that Councilmember Morris has been researching and checking out options for over a year now and that there has been two years of discussions.

Councilmember Betterton stated that he had a discussion with Councilmember Pendleton and made a comment in regards to the City West Option. Councilmember Betterton further stated that he is able to compromise in order for the Council to move forward on this issue.

Councilmember Pendleton made comments regarding the former Florence Golf and Country Club property. Councilmember Pendleton stated that Mayor Irons does not need the permission of the Council to make changes on the Country Club property. Councilmember Pendleton stated that this Council has been trying to make a decision but it is time to move forward and do what is best for our citizens.

President Barnhart made comments regarding the first time that he met Mayor Irons and that over the last seven years he has watched him manage the budget. President Barnhart stated that he will go along with Mayor Irons because he is a number cruncher and that he is not in favor of an increase of garbage fees.

Councilmember Graham made comments regarding the proposed resolution. Councilmember Graham stated that this resolution says that we do not have the money to build a transfer station. Councilmember Graham further stated that we have compromised by agreeing to close the cell in five years and build a transfer station. Councilmember Graham stated that there will be a rate increase if we continue with this current plan. Councilmember Graham further stated that he is opposed to a rate increase for the citizens of Florence.

Councilmember Pendleton made comments regarding Mayor Irons comments concerning the former Florence Golf & Country Club property. Councilmember Pendleton stated that Mayor Irons was a scape goat regarding the purchase of the Country Club property. Councilmember Pendleton stated that it was clear to him that Councilmember Jordan and Councilmember Morris after being elected to the City Council four years ago wanted to make Mayor Irons look bad. Councilmember Pendleton asked Councilmember Jordan and Councilmember Morris what that would do with the landfill situation. Councilmember Pendleton further stated that Mayor Irons has compromised and brought us an alternative and now some Councilmembers still wants to conduct a study.

Robert M. Leyde, City Clerk, presented the following amendment to the proposed resolution:

Being it Further resolved that after 90 calendar days from the passage of this resolution if no decision is made concerning the new cell and the transfer station that the Mayor be authorized to move forward with engineering studies for the new cell and transfer station at the same time.

Mr. Musgrove stated that this amendment is not binding because he has already brought contracts to the Council. Mr. Musgrove further stated that the amendment states that the Mayor will come back and present contracts for a new cell and for building a transfer station.

Councilmember Jordan stated that it will still allow us a year to decide whether to build a transfer station or open a new cell.

Councilmember Betterton asked if this amendment will allow Mayor Irons to bring the Council contracts to build a transfer station and to open a new cell.

Councilmember Pendleton stated that this is something a new Mayor will do. Councilmember Pendleton stated that Jordan wants to take the money to open a new cell and be used to build a transfer station. Councilmember Pendleton stated that Mr. Koonce is setting aside a certain amount of space in the current landfill for night time dumping and that will run out because the transfer station located in Underwood does not have night time dumping.

President Barnhart stated that no matter how much money that this temporary solution is saving there will be an increase of \$4.83 a month for our citizens for a temporary measure.

Councilmember Pendleton stated that Councilmember Jordan and Councilmember Morris came with an agenda to work against Mayor Irons.

Councilmember Morris stated that the only people that he has heard talk badly about Mayor Irons is Councilmember Pendleton.

Councilmember Pendleton stated that Councilmember Morris brought the former country club property to Mayor Irons' attention.

Councilmember Jordan asked Mr. Musgrove if we vote in favor of the amendment will it alter the contract.

Mr. Musgrove stated that this amendment is expressing an intent because Mayor Irons has the authority to do this anyway.

Councilmember Pendleton stated that this amendment is for the new Mayor.

Councilmember Jordan stated that this amendment gives the Mayor authority that he currently has anyway.

Councilmember Pendleton stated that this amendment is sending a message to the Mayor that if no decision is made that he can move forward and that this is a compromise.

President Barnhart asked for a vote for the approval of the amendment.

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

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

Noes: Barry Morris

Councilmember Jordan made a motion for the approval of the amendment 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
James H. Barnhart
Andrew Betterton

Noes: Barry Morris

General Business:

(a) 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 3 - Vacancies	03/22/11	12/17/11
Housing & Construction Appeals Board	3 - Vacancies		
Tree Commission	1 - Vacancy		

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding team work. Mr. Simpson stated that sometimes we can make things more complex that they really are. Mr. Simpson further stated that ECM Hospital is a good team because of the employees. Mr. Simpson stated that ECM should check with their team (employees) with the decision of where the new hospital

should be located. Mr. Simpson also stated that the City Council and Mayor are team members and should also work as a team.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding "Heater Huskers." Mr. Crowder stated that they are overpriced space heaters and do not produce heat at an economical cost. Mr. Crowder further stated that the consumers are being ripe-off.

Mr. Billy Sledge, 445 Chisholm Road Apt C-6, appeared and made comments regarding the establishment of a cemetery authority. Mr. Sledge requested the City Council to form a Cemetery Authority to oversee all the cemeteries that are located in the City of Florence.

Council Reports and/or Comments:

Councilmember Morris had no comments.

Councilmember Betterton praised the Florence Parks & Recreation and the Florence City School System for working together on a basketball program. Councilmember Betterton noted that there are 128 students involved in this program.

Councilmember Betterton made comments regarding drainage projects in the City. Councilmember Betterton stated that Bill Batson, City Engineer, keeps an up-to-date list of drainage problems and that the costs of making these repairs are not going down.

Councilmember Pendleton made comments regarding drainage problems in the City. Councilmember Pendleton stated that he assured Steve Pierce, former Councilmember, that he would see that drainage projects are completed.

Councilmember Pendleton made comments regarding the City-West Option. Councilmember Pendleton stated that he is thankful that Mayor Irons realizes that he does not need this Council for him to be able to use this property.

Councilmember Pendleton thanked Councilmember Jordan, Councilmember Morris and Councilmember Betterton for almost letting ECM Hospital get away.

Councilmember Pendleton thanked Mayor Irons for moving the administrative offices to the former Florence Golf & Country Club property. Councilmember Pendleton stated that he never makes anyone mad with his comments that don't deserve it.

Councilmember Jordan recognized Mr. Josh Carpenter, son of David Carpenter, Building Department, for recently being named a 2012 Rhodes Scholar.

Councilmember Jordan made comments regarding the amended resolution that was approved tonight. Councilmember Jordan stated that this resolution will give us more time for research. Councilmember Jordan stated that he would not ever vote in favor of approving the development of a new cell in the current landfill.

Councilmember Graham congratulated the Florence Police Officers that were sworn into Office tonight.

Councilmember Graham noted that the District 3 Community Meetings will start back up in April 2012.

President Barnhart had no comments.

Chief Singleton presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK