

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
FEBRUARY 15, 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, February 15, 2011. President Pro Temp Graham called the meeting to order. Councilmember Betterton gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted President Barnhart was absent and five 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, and Andrew Betterton.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

February 15, 2011

5:00 P.M.

-
1. Meeting called to order - **President Pro Tem Graham**
 2. Invocation
 3. Pledge of Allegiance
 4. Roll Call - President Pro Tem Graham
 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 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 February 1, 2011. **(This item was moved to Regular Agenda Item 12 (e))**
- (b) Confirm payment of bills by the City Treasurer. **(This item was moved to Regular Agenda Item 12 (f))**
- (c) Resolution authorizing the City to enter into a Memorandum of Understanding with the University of North Alabama for the Marketing and Promotion of the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$10,000.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey. **(This item was moved to Regular Agenda Item 12 (g))**

- (d) Resolution authorizing the City to enter into a Group Sales Agreement with the Marriott Shoals Hotel and Spa regarding the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$13,250.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey. **(Amount changed from \$19,475.00 to \$13,250.00) (This item was moved to Regular Agenda Item 12 (h))**

- (e) Resolution authorizing the City to enter into an Amendment to Contract with the Northwest Alabama Community Health Association, Inc., to increase the amount budgeted for payment of medical staff by \$5,663.00, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey. **(This item was moved to Regular Agenda Item 12 (i))**

- (f) Resolution authorizing the City to enter into a contract with Mark D. Smith Bridge Inspector, LLC, to discover the foundation elevations for bridges numbered 002730, 03090, 005004, 011874 and 0129846 located within the corporate limits of the City, to meet requirements of the Alabama Department of Transportation, in the amount of \$12,500.00, to be paid from Engineering Department budgeted funds, Line Item 398 Special Projects Account, sponsored by Bill Batson. **(This item was moved to Regular Agenda Item 12 (j))**

- (g) Resolution authorizing the City to enter into a contract with Craig Brown, DBA Maintenance Plus, to provide labor, equipment, materials and incidentals necessary to remove the ducts and ceilings in the break room and bedrooms; install all new ducts and return system; and reinstall the electric and gas on the 5 ton HVAC unit at Fire Station No. 4, Huntsville Road, in the amount of \$9,600.00, to be paid from Fire Department budgeted funds, Line item 266 Repair and Maintenance of Buildings, sponsored by Charlie Cochran. **(This item was moved to Regular Agenda Item 12 (k))**

- (h) Resolution authorizing the City to enter into a contract with Thornton, Musso, & Bellemin, Inc., to conduct a Purate based Chlorine Dioxide 120 day trial for the Wilson Lake Water Treatment Plant, in the amount of \$54,550.00, to be paid from FY11 Water/Wastewater Budget Account 635.10 Laboratory/Testing, sponsored by Mike Doyle. **(This item was moved to Regular Agenda Item 12 (l))**

- (i) Resolution authorizing the City to enter into a contract with Southern Environmental Testing, Inc., to collect stormwater samples for the NPDES permit renewal application at the Wastewater Treatment Plants, in the amount of \$5,300.00, to be paid from FY11 Water/Wastewater Budget Account 641.10 Treatment Chemicals, sponsored by Mike Doyle. **(This item was moved to Regular Agenda Item 12 (m))**

- (j) Resolution authorizing the City to enter into an Amendatory Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 57, regarding the Enhanced Security Deposit Program, sponsored by Richard Morrissey. **(This item was moved to Regular Agenda Item 12 (n))**

- (k) Resolution authorizing the City to enter into an Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 58, regarding wholesale electricity rates, sponsored by Richard Morrissey. **(This item was moved to Regular Agenda Item 12 (o))**

- (l) Resolution authorizing the City to enter into a License Agreement for Pole Attachments with Comcast of Alabama, Inc., sponsored by Richard Morrissey. **(This item was moved to Regular Agenda Item 12 (p))**

- (m) Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove 8 trees on the north side of Mobile Street near the Bunyan Building, all trees of less than 12 inches diameter, all brush including privet, all trash and grind and cleanup of all stumps around the western corner of Hill Street on the south side of Mobile Street and the easement on the eastern side of Hill Street to Burgess Street on the south side of Mobile Street, in the amount of \$36,550.00, to be paid from Community Development Block Grant Funds, sponsored by Sam Pendleton. **(This item was moved to Regular Agenda Item 12 (q))**
- (n) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons. **(This item was moved to Regular Agenda Item 12 (r))**

12. **Regular Agenda:**

- (a) Ordinance authorizing the redemption of the City's Outstanding Water and Sewer Revenue Warrants, Series 1995, dated November 1, 1995, sponsored by Vance Young and Mike Doyle.
- (b) Ordinance to amend Sec. 2-63. Order of business, Code of Florence, Alabama, as amended, sponsored by Barry Morris. **(Removed from agenda by a vote of 5-0)**
- (c) Resolution to establish a recruitment and appointment process for City boards and commissions, sponsored by Barry Morris.
- (d) Resolution authorizing the City of Florence to enter into a contract with Price & Rider Engineering, Inc., to provide engineering services necessary for revisions to construction plans for corrections to drainage problems in the Garfield Avenue and Madison Avenue area, Florence, Alabama, sponsored by Bill Batson. **(Added to the agenda)**
- (e) Approval of minutes of the Regular Meeting held on February 1, 2011. **(This item moved from the Consent Agenda Item 11 (a))**
- (f) Confirm payment of bills by the City Treasurer. **(This item moved from the Consent Agenda Item 11 (b))**
- (g) Resolution authorizing the City to enter into a Memorandum of Understanding with the University of North Alabama for the Marketing and Promotion of the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$10,000.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey. **(This item moved from the Consent Agenda Item 11 (c))**
- (h) Resolution authorizing the City to enter into a Group Sales Agreement with the Marriott Shoals Hotel and Spa regarding the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$13,250.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey. **(Amount changed from \$19,475.00 to \$13,250.00) (This item moved from the Consent Agenda Item 11 (d))**
- (i) Resolution authorizing the City to enter into an Amendment to Contract with the Northwest Alabama Community Health Association, Inc., to increase the amount budgeted for payment of medical staff by \$5,663.00, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey. **(This item moved from the Consent Agenda Item 11 (e))**

- (j) Resolution authorizing the City to enter into a contract with Mark D. Smith Bridge Inspector, LLC, to discover the foundation elevations for bridges numbered 002730, 03090, 005004, 011874 and 0129846 located within the corporate limits of the City, to meet requirements of the Alabama Department of Transportation, in the amount of \$12,500.00, to be paid from Engineering Department budgeted funds, Line Item 398 Special Projects Account, sponsored by Bill Batson. **(This item moved from the Consent Agenda Item 11 (f))**

- (k) Resolution authorizing the City to enter into a contract with Craig Brown, DBA Maintenance Plus, to provide labor, equipment, materials and incidentals necessary to remove the ducts and ceilings in the break room and bedrooms; install all new ducts and return system; and reinstall the electric and gas on the 5 ton HVAC unit at Fire Station No. 4, Huntsville Road, in the amount of \$9,600.00, to be paid from Fire Department budgeted funds, Line item 266 Repair and Maintenance of Buildings, sponsored by Charlie Cochran. **(This item moved from the Consent Agenda Item 11 (g))**

- (l) Resolution authorizing the City to enter into a contract with Thornton, Musso, & Bellemin, Inc., to conduct a Purate based Chlorine Dioxide 120 day trial for the Wilson Lake Water Treatment Plant, in the amount of \$54,550.00, to be paid from FY11 Water/Wastewater Budget Account 635.10 Laboratory/Testing, sponsored by Mike Doyle. **(This item moved from the Consent Agenda Item 11 (h))**

- (m) Resolution authorizing the City to enter into a contract with Southern Environmental Testing, Inc., to collect stormwater samples for the NPDES permit renewal application at the Wastewater Treatment Plants, in the amount of \$5,300.00, to be paid from FY11 Water/Wastewater Budget Account 641.10 Treatment Chemicals, sponsored by Mike Doyle. **(This item moved from the Consent Agenda Item 11 (i))**

- (n) Resolution authorizing the City to enter into an Amendatory Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 57, regarding the Enhanced Security Deposit Program, sponsored by Richard Morrissey. **(This item moved from the Consent Agenda Item 11 (j))**

- (o) Resolution authorizing the City to enter into an Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 58, regarding wholesale electricity rates, sponsored by Richard Morrissey. **(This item moved from the Consent Agenda Item 11 (k))**

- (p) Resolution authorizing the City to enter into a License Agreement for Pole Attachments with Comcast of Alabama, Inc., sponsored by Richard Morrissey. **(This item moved from the Consent Agenda Item 11 (l))**

- (q) Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove 8 trees on the north side of Mobile Street near the Bunyan Building, all trees of less than 12 inches diameter, all brush including privet, all trash and grind and cleanup of all stumps around the western corner of Hill Street on the south side of Mobile Street and the easement on the eastern side of Hill Street to Burgess Street on the south side of Mobile Street, in the amount of \$36,550.00, to be paid from Community Development Block Grant Funds, sponsored by Sam Pendleton. **(This item moved from the Consent Agenda Item 11 (m))**

- (r) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons. **(This item moved from the Consent Agenda Item 11 (n))**

13. **General Business:**

(a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by WINGIN’ IT, LLC, d/b/a BUFFALO WILD WINGS, located at 2870 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Civil Service Board	Jim Smith	05/02/05	04/11
Historical Board	Vacancy		
Riverbed Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

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

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

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

16. Motion to Adjourn.

Prior to the approval of the agenda, President Pro Tem Graham noted that all Consent Agenda Items are being moved to the Regular Agenda as requested by Councilmember Pendleton. President Pro Tem Graham stated that there can be a discussion after each item that is moved from the Consent Agenda to the regular agenda, but the discussion can only be regarding the proposed ordinance or resolution. President Pro Tem Graham also noted that Consent Agenda Item 11 (d) Resolution authorizing the City to enter into a Group Sales Agreement with the Marriott Shoals Hotel and Spa regarding the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$19,475.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey has been changed to in the amount of \$13,250.00 and Item 12 (d) has been added to the agenda.

There being no more changes, President Pro Tem Graham asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Morris seconded the motion.

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

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

Noes: None

Councilmember Jordan moved for Regular Agenda Item 12 (b) Ordinance to amend Sec. 2-63. Order of business, Code of Florence, Alabama, as amended, sponsored by Barry Morris to be removed from the agenda. Councilmember Betterton seconded the motion

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

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

Noes: None

Message from the Mayor:

Mayor Irons recognized the Green Team Partners for the last quarter. Mayor Irons noted that this program is for businesses and non-profit organizations which agree to make good environmental changes and choices in their work areas.

Ms. Rachel Mansell, Recycling Education and Outreach Coordinator announced the City's Clean-up event to be conducted on Saturday, April 2nd.

Mayor Irons presented a Proclamation designating the week of February 20th thru 26th as National Arbor Week in the City of Florence. The Proclamation was received by Mr. Preston Hillis, Chairperson of the Florence Tree Commission, and Mr. Paul Graham, Urban Forester and Horticulturist. Mr. Preston made comments regarding the 16th Annual Urban Forestry & Horticulture Conference to be held on Tuesday, February 22nd at Cross Point Church of Christ located on Cox Creek Parkway.

Mayor Irons asked Ms. Michelle Reed, Chairperson for the Families First Program - Shoals Family Success Center, to come forward and share insights about the program as well as what the program has to offer our citizens.

Mayor Irons made comments regarding the recent announcement made by Governor Bentley regarding North American Lighting. Mayor Irons noted that North American Lighting will invest 35 million dollars for a new manufacturing facility in our area with an employment of 250 new jobs. Mayor Irons also noted that retail and commercial developments continue at a brisk pace and that there are other projects that are in the planning stages that will be announced in the next few weeks. Mayor Irons stated that all of these projects are positive news for our area and that he is very optimistic about the City's future and the new jobs that are being created.

Reports of Department Heads: None

Reports of Standing Committees:

Councilmember Betterton, Chairperson of the Safety Committee, gave a report on a recent committee meeting. Councilmember Betterton's report follows, to wit:

Public Hearings: None

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

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding General Business Item 13 (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by WINGIN’ IT, LLC, d/b/a BUFFALO WILD WINGS, located at 2870 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Mr. Simpson stated that it is better for government to try and control alcohol rather than banning alcohol.

Consent Agenda:

All Consent Agenda Items were moved to the Regular Agenda.

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance authorizing the redemption of the City’s Outstanding Water and Sewer Revenue Warrants, Series 1995, dated November 1, 1995, sponsored by Vance Young and Mike Doyle. 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Jordan stated that Joe Joly & Company recommended the approval of the proposed ordinance.

Councilmember Pendleton stated that the current administration was not in favor of the City having a financial agent. Councilmember Pendleton also stated that the Utility Department is regulated by the Federal Government.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to establish a recruitment and appointment process for City boards and commissions, sponsored by Barry Morris. 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Morris noted that the proposed resolution added deadlines for submitting applications for new board appointments and for those currently serving but whose terms are expiring and would like to continue to serve.

Councilmember Jordan commended Councilmember Morris for his work on the proposed resolution.

Councilmember Pendleton also commended Councilmember Morris for his work on the proposed resolution.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to enter into a contract with Price and Rider Engineering Inc. to provide Civil Engineering services sponsored by Bill Batson. Said Resolution follows, to wit: **(This resolution was added to the agenda)**

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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Jordan 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution for the approval of minutes of the Regular Meeting held on February 1, 2011. **(This item was moved from Consent Agenda Item 11**

(a) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Morris 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to confirm payment of bills by the City Treasurer. **(This item was moved from Consent Agenda Item 11 (b))** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton asked that Dan Barger, City Treasurer, to provide financial information regarding the landfill.

Councilmember Morris called for a Point of Order and asked President Pro Tem Graham to rule on whether Councilmember Pendleton's comments are out of order. President Pro Tem Graham ruled that Councilmember Pendleton's comments are out of order.

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

Ayes: Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: Sam Pendleton, Jr.

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a Memorandum of Understanding with the University of North Alabama for the Marketing and Promotion of the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$10,000.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey.

(This item was moved from Consent Agenda Item 11 (c) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Morris 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a Group Sales Agreement with the Marriott Shoals Hotel and Spa regarding the Brownfield Redevelopment for Community Revitalization Conference, in the amount of \$13,250.00, to be paid from grant funds received from EPA, sponsored by Melissa Bailey. **(This item was moved from Consent Agenda Item 11 (d) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Morris 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into an Amendment to Contract with the Northwest Alabama Community Health Association, Inc., to increase the amount budgeted for payment of medical staff by \$5,663.00, to be paid from Community Development Block Grant funds, sponsored by Melissa Bailey. **(This Item was moved from Consent Agenda Item 11 (e) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Morris 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Mark D. Smith Bridge Inspector, LLC, to discover the foundation elevations for bridges numbered 002730, 03090, 005004, 011874 and 0129846 located within the corporate limits of the City, to meet requirements of the Alabama Department of Transportation, in the amount of \$12,500.00, to be paid from Engineering Department budgeted funds, Line Item 398 Special Projects Account, sponsored by Bill Batson. **(This item was moved from Consent Agenda Item 11 (f))** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Morris 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Craig Brown, DBA Maintenance Plus, to provide labor, equipment, materials and incidentals necessary to remove the ducts and ceilings in the break room and bedrooms; install all new ducts and return system; and reinstall the electric and gas on the 5 ton HVAC unit at Fire Station No. 4, Huntsville Road, in the amount of \$9,600.00, to be paid from Fire Department budgeted funds, Line item 266 Repair and Maintenance of Buildings, sponsored by Charlie Cochran.

(This item was moved from Consent Agenda Item 11 (g) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton made comments in favor of building a new fire station in the East Florence area.

President Pro Tem Graham also made comments in favor of building a new fire station in the East Florence area.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Thornton, Musso, & Bellemin, Inc., to conduct a Purate based Chlorine Dioxide 120 day trial for the Wilson Lake Water Treatment Plant, in the amount of \$54,550.00, to be paid from FY11 Water/Wastewater Budget Account 635.10 Laboratory/Testing, sponsored by Mike Doyle.

(This item was moved from Consent Agenda Item 11 (h) 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Southern Environmental Testing, Inc., to collect stormwater samples for the NPDES permit renewal application at the Wastewater Treatment Plants, in the amount of \$5,300.00, to be paid from FY11 Water/Wastewater Budget Account 641.10 Treatment Chemicals, sponsored by Mike Doyle. **(This item was moved from Consent Agenda Item 11 (i))** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Jordan 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into an Amendatory Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 57, regarding the Enhanced Security Deposit Program, sponsored by Richard Morrissey. **(This item was moved from the Consent Agenda Item 11 (j))** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Jordan asked Richard Morrissey, Manager of Florence Electricity Department, to explain the proposed resolution.

Mr. Morrissey stated that regards the proposed resolution allows a security deposit for large regional accounts to be paid for a an insurance policy through TVA. Mr Morrissey also stated that this agreement continues the current program.

Mr. Morrissey made comments regarding the next proposed resolution that is also with TVA. Mr. Morrissey stated that this contract changes the way TVA bills it's customers. Mr. Morrissey also stated that this is on a wholesale level and will not affect the rates to our customers.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into an Agreement with the Tennessee Valley Authority, Contract Number TV-70310A, Supplement Number 58, regarding wholesale electricity rates, sponsored by Richard Morrissey. **(this item was moved from Consent Agenda Item 11 (k)** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a License Agreement for Pole Attachments with Comcast of Alabama, Inc., sponsored by Richard Morrissey. **(This item was moved from Consent Agenda Item 11 (I)** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove 8 trees on the north side of Mobile Street near the Bunyan Building, all trees of less than 12 inches diameter, all brush including privet, all trash and grind and cleanup of all stumps around the western corner of Hill Street on the south side of Mobile Street and the easement on the eastern side of Hill Street to Burgess Street on the south side of Mobile Street, in the amount of \$36,550.00, to be paid from Community Development Block Grant Funds, sponsored by Sam Pendleton. **(This item was moved from Consent Agenda Item 11 (m) Said Resolution follows, to wit:**

Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution.

Councilmember Morris seconded the motion.

Discussion:

Councilmember Jordan stated this clean-up will enhance the West Florence area.

Councilmember Jordan thanked Councilmember Pendleton and Melissa Bailey for their work in this area.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons. **(This item was moved from Consent Agenda Item 11 (n))** 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

Councilmember Betterton 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by WINGIN' IT, LLC, d/b/a BUFFALO WILD WINGS, located at 2870 FLORENCE BLVD., 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.
Hermon T. Graham
William D. Jordan
Barry Morris
Andrew Betterton

Noes: None

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

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

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
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>
Beautification Board	3 - Vacancies		
Civil Service Board	Jim Smith	05/02/05	04/11
Historical Board	Vacancy		
Riverbed Center for Mental Health	Richard H. Davy	05/15/07	04/01/11

Councilmember Jordan noted that the Civil Service Board appointment expiration is mandated by law and must be filled by 04/11. Councilmember Jordan stated that this appointment will be discussed at the next City Council meeting on March 1st.

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

Melissa Bailey, Planning Director/Community Development, appeared and made comments regarding the Brownfield Redevelopment for Community Revitalization Conference that the City of Florence is sponsoring. Ms. Bailey stated that the conference is scheduled for March 3 & 4 and registration is required.

Mr. John Crowder, 421 Knottingham Road, appeared and made comments regarding the Oxford American Magazine's recent release of its Southern Music CD. Mr. Crowder noted that all the artists on the cd are from Alabama. Mr. Crowder also noted that on the back cover of the cd is information regarding the Florence/Lauderdale Tourism Office.

Mr. Crowder made comments regarding the TVA Reservation and the possible changes regarding how the land is used. Mr. Crowder stated that local governments and anyone with a vision for the use of this property needs to get involved.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding the use of marijuana. Mr. Simpson stated that we have a bad law. Mr. Simpson stated that cigarettes and alcohol are more harmful than smoking marijuana.

Mr. Marshall Gardner, 433 North Pine Street, appeared and made comments regarding Veterans Park. Mr. Gardner proposed that Veterans Park be re-named to Sgt. Don Michael Memorial Veterans Park. Mr. Gardner stated that Sgt. Don Michael is from Lexington and is a Medal of Honor winner.

Councilmember Pendleton stated that he will always go against the grain and will be unpopular. Councilmember Pendleton also stated that he is not interested in becoming Mayor of Florence. Councilmember Pendleton stated that he is very disappointed in this City Council. Councilmember Pendleton also stated that he has to fight for District 1 everyday.

Council Reports and/or Comments:

Councilmember Morris had no comments.

Councilmember Betterton had no comments.

Councilmember Pendleton stated that the City has a weak Mayor and has put everyone down except the University of North Alabama. Councilmember Pendleton referenced Mayor Irons' comments regarding the Street & Sanitation Department moving to the former Florence Golf & Country Club. Councilmember Pendleton stated that is not in favor of burying garbage. Councilmember Pendleton stated that he fully supports a transfer station to handle our garbage. Councilmember Pendleton also stated that he is in favor of moving the Street Department and Sanitation Department to the former country club property.

Councilmember Pendleton made comments concerning the University of North Alabama. Councilmember Pendleton stated that UNA is a bad neighbor to West Florence.

Councilmember Pendleton stated that UNA was in a relationship with the former Florence Country Club. Councilmember Pendleton also stated that if UNA had wanted the former golf club property then why did they not purchase it instead of the City of Florence. Councilmember Pendleton stated that we are afraid to tell UNA and Mayor Irons that they are going in the wrong direction.

Councilmember Pendleton submitted a copy of Mayor Irons' comments from September 21, 2010.

Copy of comments follow, to wit:

Please see EXHIBIT "A" at the end of this document

Councilmember Jordan offered congratulations to Harlan School for receiving a Torch-Bearer School award and also to the Florence City School System for their outstanding work. Councilmember Jordan also congratulated Mr. Billy Reid for his recent awards in the fashion industry.

President Pro Tem Graham thanked everyone in attendance and those watching by television. President Pro Tem Graham offered his condolences to the families of Ms. Deibert and Mr. Graham Edwards.

Councilmember Morris made a motion to adjourn the meeting.

A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Morris presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

February 15, 2011

EXHIBIT "A"

MAYOR'S COMMENTS

COUNCIL MEETING-SEPTEMBER 21 , 2010

I would like to make some comments today in response to my friend, Councilman Pendleton's statements in the TimesDaily on Monday, September 20, relating to the potential sale of the former Florence Country Club property to the University of North Alabama.

One of the most inaccurate and misleading comments he made in the interview was his statement that the Mayor cut a sweetheart deal with UNA against the best interest of the City. I am convinced that Mr. Pendleton, after 18 years on the City Council, understands operating procedures and knows that the Mayor does not have the authority to make any deal without the approval of a majority of the Council.

As Mayor and Administrator of our City, it is my responsibility to coordinate many projects and programs on behalf of the City and then bring my recommendations to the Council for final approval or disapproval. Mr. Pendleton knows that is exactly what happened with the potential sale of the Country Club property to UNA. All of the Council knew from the beginning, including Mr. Pendleton, that UNA had an interest in purchasing some of the property and it was up to UNA to come back to the City with an offer at the appropriate time.

This transaction with UNA, if approved by the Council, will be a "winwin" situation for the University and the City. It is definitely an economic development project that enhances future development of the other acreage at the Country Club and the future growth of the West Side of our City. It will also complement the opening of College Street and the redevelopment of West Florence. Growth in the western part of our area will be very important to expedite the opening of College Street to the Sportsplex and Gunwaleford Road. Mr. Pendleton, you are half right. This is a sweet deal. It is a sweet deal for the City and all of its citizens. I wish I had more sweet deals like this to present to the Council.

To recommend the usage of the large, expensive Club House as an office for the Street and Sanitation Departments or for that matter, any City Department, is unwise and would not be good financial management of taxpayer dollars. This would add a tremendous cost to the collection of solid waste and in all likelihood, would require an increase in garbage collection fees. This increase in fees to our citizens is exactly what I am trying to prevent by selling the property and recovering part of the initial investment which was our plan from its inception. We realized that the City did not need 150 acres of land surrounding the Landfill, but it was the only way the property could be purchased.

In response to Mr. Pendleton's comment that he and I took the heat for buying this property, is not the way I remember it. There were 6 Council members and myself involved in the purchase and we took the heat equally. Before I even knew the property was for sale, Mr.

Pendleton and several other Councilmen approached me to research the possibility of buying this property for Landfill purposes.

I would like to make it clear that I am not getting out of the heat or anything else as accused by Mr. Pendleton. I am trying to uphold my duty to the citizens by recommending a sound financial transaction by bringing \$1.2 million back into the City treasury and continuing to control cost of solid waste operations. And, I am trying to do everything I can to encourage development in the West Side of our community.

In addition to Mr. Pendleton's comment about his disappointment in me, I must remind him that I am a person who studies the issues thoroughly before making any decision and then I have the fortitude to stand by that decision. Elected officials who constantly change their positions on issues depending on the way the wind blows eventually lose the respect of the community.

Again, I want to emphasize that the proposed sale of this property to the University is a "win-win" situation for our City and UNA and I strongly recommend that the Council approve the sale at the appropriate time.