

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
SEPTEMBER 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, September 6, 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**

**September 6, 2011**

**5:00 P.M.**

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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:
    - (a) Rezoning of property located at 635 West College Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential Business District) as requested by Riverbend Center for Mental Health, Inc. **(This item was removed)**
  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 August 16, 2011. **(This item was moved to Regular Agenda Item 12 (f))**
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with United Stage Equipment, Inc., to provide labor, equipment, materials and incidentals necessary to install new curtains at the Florence/Lauderdale Coliseum, in the amount of \$5,790.00, to be paid from budgeted funds 1147-44410, sponsored by Todd Nix.

- (d) Resolution authorizing the City to approve a Lease Agreement with the University of North Alabama for 177 parking spaces on Levels J, K, L, and M in the Downtown Parking Deck for additional UNA student parking for a time period of August 21, 2011 to May 20, 2012, in the amount of \$6.00 per month per space for a total lease amount of \$9,558.00, sponsored by Bob Leyde. **(This item was moved to Regular Agenda Item 12 (e))**
- (e) Resolution authorizing the City to enter into a contract with Engineers of the South, LLC., for professional civil engineering and surveying services necessary to develop plans and specifications for the replacement of two 42-inch aerial sewer crossings on Cypress Creek, to be paid according to a fee schedule from budgeted Collection Sewer funds, sponsored by Mike Doyle.
- (f) Resolution authorizing the City to enter into a contract with Miller Drilling Company, Inc., to provide labor, equipment, materials and incidentals necessary to install two groundwater monitoring wells at the Florence Sanitary Landfill, in the amount of \$13,445.00, to be paid from Solid Waste Fund 267-43200, sponsored by David Koonce.
- (g) Resolution to approve a Water Purchase Contract with Chisholm Heights Water and Fire Protection Authority, sponsored by Mike Doyle.
- (h) Resolution to approve a State of Home Energy Supplier Agreement regarding the Low Income Home Energy Assistance Program (LIHEAP) between the City and ADECA, sponsored by Richard Morrissey and Vance Young.
- (i) Resolution to approve a Special Deferred Emergency Repair Loan to Marilyn McClure in the amount of \$7,370.00 for emergency repairs to property located at 1307 Park Street, sponsored by Melissa Bailey.
- (j) Resolution to appoint Kelly Woods to the Beautification Board.
- (k) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to rezone property located at 635 West College Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential Business District), sponsored by Melissa Bailey. **(This item was removed)**
- (b) Ordinance to annex approximately seven acres adjoining the easternmost end of Westbury Lane as requested by Allen and Marcia Sorrell, sponsored by Melissa Bailey.
- (c) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., for professional civil engineering and surveying services necessary to develop plans and specifications for a Municipal Solid Waste Transfer Station at the Florence Landfill, to be paid from Solid Waste Fund 267-43200, sponsored by Dick Jordan.
- (d) Resolution authorizing the City to enter into a contract with Geo-Source, Inc., for professional services necessary to prepare permit application materials and documentation for the Municipal Solid Waste Transfer Station at the Florence Landfill, to be paid from Solid Waste Fund 267-43200, sponsored by Dick Jordan.
- (e) Resolution authorizing the City to approve a Lease Agreement with the University of North Alabama for 177 parking spaces on Levels J, K, L, and M in the Downtown Parking Deck for additional UNA student parking for a time period of August 21, 2011 to May 20, 2012, in the amount of \$6.00 per month per space for a total lease amount of \$9,558.00, sponsored by Bob Leyde. **(This item was moved from Consent Agenda Item 11 (d))**
- (f) Approval of minutes of the Regular Meeting held on August 16, 2011. **(This item was moved from the Consent Agenda Item 11 (a))**

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>
Adjustments & Appeals	William T. Wynne	09/06/05	09/30/11
	Thomas G. Pigg	09/06/05	09/30/11
	Fitzgerald Hill	09/06/05	09/30/11
Beautification Board	1 - Vacancy		
Park & Recreation	Jimmy H. Williams	07/02/02	10/30/11
	Mansfield "Pete" Key	12/19/06	10/30/11
SEDA	Martin R. Abroms	12/18/08	09/30/11
	Hermon Graham	07/06/06	09/30/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that at the request of Councilmember Pendleton, it was decided to move Consent Agenda Item 11 (d) Resolution authorizing the City to approve a Lease Agreement with the University of North Alabama for 177 parking spaces on Levels J, K, L, and M in the Downtown Parking Deck for additional UNA student parking for a time period of August 21, 2011 to May 2012, in the amount of \$6.00 per month per space for a total lease amount of \$9,558.00 to Regular Agenda Item 12(e), and Consent Agenda Item 11(a) Approval of minutes of the Regular Meeting held on August 16, 2011 to Regular Agenda Item 12 (f). President Barnhart also noted that it was decided at the earlier work session to remove Regular Agenda Item 12(a) Ordinance to rezone property located at 635 West College Street from R-2 (Single-Family Residential/Small Lots) to R-B (Residential Business District) and also Agenda Item 9 (a) Public Hearing for the rezoning.

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

**Discussion:**

Councilmember Pendleton made comments regarding the "rules of order" for the City Council meeting. Councilmember Pendleton stated that he was requesting the approval of the minutes be moved

to the Regular Agenda so that he may request the City Clerk, Robert M. Leyde to research his questions regarding the contract with Regional Health Care. Councilmember Pendleton questioned why Regional Health Care is now searching for a site to build a new hospital in Colbert County when the contract stated that the new hospital was to be built in Lauderdale County.

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

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

Noes: None

**Message from the Mayor:**

Mayor Irons recognized five new Green Team Partners. Mayor Irons asked Rachel Mansell, Recycling Education and Outreach Coordinator for the City, to come forward to present certificates to the following businesses: Shoals Yoga, McGraw's Coffee House, Face 2 Face Cosmetics Boutique, Carol's Simply Southern Café and Makadoo's. Ms. Mansell stated that the City of Florence was the first city in the State of Alabama to provide curbside recycling and also the first to establish a Green Team Program. Mayor Irons expressed his appreciation for their participation and community involvement.

Mayor Irons stated that he was pleased to announce that in November the Florence Police Department will be the 4<sup>th</sup> Police Department in Alabama to be accredited by the Commission on Accreditation for Law Enforcement Agencies, Inc. Mayor Irons noted that the other Alabama cities already accredited are Birmingham, Mobile, and Huntsville. Mayor Irons also noted that the Commission, also known as CALEA, was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations. Mayor Irons stated that the purpose of the CALEA's Accreditation Program is to improve the delivery of public safety services by maintaining a body of standards covering a wide range of up-to-date public safety initiatives and by establishing and administering an accreditation process while recognizing professional excellence. Mayor Irons offered his congratulations to the entire Florence Police Department for their diligence and hard work to achieve this level of certification.

Mayor Irons presented a Proclamation recognizing the 10<sup>th</sup> Anniversary of 9/11 and joining the Nation in a Moment of Remembrance. The Proclamation was received by Police Chief Rick Singleton, Fire Chief Charles Cochran and George Grabryan, EMA Director.

**MAYOR'S COMMENTS**  
**LANDFILL PROPOSAL**  
**September 6, 2011**

There are two items on the agenda today to hire a professional engineer to develop plans to build a transfer station and transport the City's garbage to a regional landfill, which will cost our citizens approximately \$1 million more each year in additional fees.

Based on the landfill philosophy of our State Government, EPA, and ADEM, I believe it is inevitable that the City of Florence will be forced to transfer garbage to a regional landfill at sometime in the future, but this is not the right time in all fairness to the 40,000 citizens in Florence. I want to emphasize that there is five years expected life in the current landfill if the new cell is built as recommended by the City's consultant and it is my recommendation that the new cell be constructed this year. This will allow the landfill to continue operations for approximately five more years with an overall cost savings of about \$3.5 million to our citizens. I also recommend a reasonable increase in the commercial solid waste fees which would eliminate the landfill's operating deficit, and delay any residential rate increases for approximately four years.

During the past few years, we have been successful in improving and increasing our recycling efforts. I am fully committed to implementing other new recycling programs and to reduce the amount of waste going into the landfill, and, thereby, reduce the total cost of operations and extend the life of the current landfill even further. All of these will have a positive impact on our citizens' monthly sanitation rates.

Now, some members are playing games with the numbers to convince the citizens that there will not be a garbage rate increase to close the landfill. As I said earlier, it will cost \$1 million more per year to transfer garbage and it does not matter how the additional \$1.0 million per year is paid, "It is what it is" – an immediate \$1.0 million per year cost increase to the tax payers. And, there is no magical way to avoid that cost for an extended period of time. It will come back to our citizens as a rate increase in some form or fashion because under today's financial stress, there are no excess funds generated to pay for unnecessary garbage cost increases and no way to pay for higher garbage cost other than out of the tax payers' pockets. Due to tight controlled cost and deferred purchases of equipment during the past three years, the General Fund budget for 2011-2012 is extremely underfunded to meet the operating needs of the Police, Fire, and other departments and maintain current service levels to our citizens.

There are suggestions that have been made to pay for excess land and garbage costs from the City's Reserve Funds. This is irresponsible and unwise management of taxpayer dollars. These tax dollars do not belong to me or to the Council. They belong to the citizens of this City and should be managed accordingly. To deplete financial reserves in the General Fund to pay for excess land and garbage costs is absolutely unsound. This could lead the City into lower credit ratings resulting in higher interest costs and eventually leads to financial disaster. Our City has done exceptionally well during this Great Recession, but it is not immune from the current threats for a deeper national recession which could adversely affect the City's tax collections.

As a matter of information, it requires approximately \$4 million per month to operate our City and pay the normal liabilities and appropriations. This means that the City has approximately three months of operating expenses in reserves, which is not excessive. The reserves are there for many reasons, but primarily to provide financial soundness for the City which improves credit ratings and to provide security for emergencies and to protect the City during hard economic times.

We could be one heartbeat away from a Tuscaloosa or Hackleburg tornado and the City would be financially devastated.

We worked hard during the past seven years, especially during the Great Recession, to maintain good reserves and because of this; we recently received an upgrade to the City's credit rating. We do not want to see this destroyed due to improper management of tax payers' funds. Therefore, it would not be wise and fiscally responsible to use financial reserves to purchase land and or to pay for

unnecessary increased garbage costs brought about by the closing of the landfill which does not have to be closed for at least five more years.

Another concern surrounding the landfill is the misconception that the landfill would never meet the requirements to be permitted. I want to introduce to the minutes Mr. Pat Chumbley's engineering report relating to the landfill permitting issues. Mr. Chumbley presented this report to the Council on August 9, 2011, and stated:

1. Permits are only denied when a landfill has numerous, serious operating violations (which our landfill does not have)
2. It is highly unlikely permit renewal would be denied or ADEM would mandate closure due to environmental issues
3. If it is denied, the City could appeal to the State Environmental Management Commission and then to the Court System

The report did not state that in all likelihood that the permit would be denied. I want Mr. Chumbley's report to be added to the minutes.

It seems some of the Council are thinking like Washington bureaucrats who want to spend, spend, spend, and borrow, borrow, borrow, with no idea how it is going to be paid back. I caution our 40,000 citizens to watch the development of this landfill deal very closely because you are not going to be pleased with the final outcome with your garbage rate increases. Especially since the City could save the citizens approximately \$3.5 million over the next five years by building the new landfill cell, and continue operations five years without a residential rate increase. The decision to raise Solid Waste rates rests in the hands of our Council and I ask them to not impose a residential rate increase on our citizens for the next few years since it is not absolutely necessary. We have many families who live on a fixed income and they cannot afford another rate increase from the City. How much more can they stand on top of a 9.75% water rate increase and a current rate increase by TVA for electricity.

This is a reasonable and practical approach to the problem and the most economical to our citizens. They do not need or want another rate increase for City services at this time.

Mayor Irons' reports follow, to wit:

**Reports of Department Heads:**

Florence Police Chief Rick Singleton made comments regarding the local churches that are holding special services honoring the 10<sup>th</sup> anniversary of 9/11. Chief Singleton noted that services are being held at Highland Baptist Church, Magnolia Church of Christ and Christ Chapel on Sunday.

Chief Singleton noted that the Florence Police Training Center is completely booked until November 21<sup>st</sup>. Chief Singleton stated that a number of training events are planned. Chief Singleton thanked Mayor Irons and the City Council for providing the funding for the training center.

Chief Singleton administered the Oath of Office to Officer Brad Holmes.

**Reports of Standing Committees:** None

**Public Hearing:** None

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

Mr. Byron Bower IV, 2016 Hickory Hills Road, appeared and made comments regarding Consent Agenda Item 11 (e) Resolution authorizing the City to enter into a contract with Engineers of the South, LLC., for professional civil engineering and surveying services necessary to develop plans and specifications for the replacement of two 42-inch aerial sewer crossings on Cypress Creek, to be paid according to a fee schedule from budgeted Collection Sewer funds, sponsored by Mike Doyle. Mr. Bower stated that this item does not provide enough information regarding Cypress Creek.

Ms. Donna Martin, appeared and made comments regarding saving Cypress Creek. Ms. Martin also stated that recycling should be mandatory with stiff penalties for those not willing to do so. Ms. Martin stated that Cypress Creek is a beautiful place and needs to be preserved. Ms. Martin stated that once something is damaged, it will never be the same.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding Consent Agenda Item 11 (f) Resolution authorizing the City to enter into a contract with Miller Drilling Company, Inc., to provide labor, equipment, materials and incidentals necessary to install two groundwater monitoring wells at the Florence Sanitary Landfill, in the amount of \$13,445.00, Regular Agenda Item 12 (c) Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., for professional civil engineering and surveying services necessary to develop plans and specifications for a Municipal Solid Waste Transfer Station at the Florence Landfill and Regular Agenda Item 12 (d) Resolution authorizing the City to enter into a contract with Geo-Source, Inc., for professional services necessary to prepare permit application materials

and documentation for the Municipal Solid Waste Transfer Station at the Florence Landfill. Mr. Crowder made comments regarding the City's landfill. Mr. Crowder stated that he believes that the current landfill has serious problems. Mr. Crowder also stated that ADEM acknowledges that at some point a landfill liner will leak. Mr. Crowder stated that he strongly recommends that the Council approve these resolutions.

Ms. Jean Gay Mussleman, 141 Wildwood Terrace Place, appeared and made comments in support of the City building a transfer station. Ms. Mussleman stated that Florence has proven that landfills to not work. Ms. Mussleman also stated that a transfer station will be a good investment and a sound financial decision for the City of Florence. Ms. Mussleman stated that we should be more grateful for Cypress Creek. Ms. Mussleman stated that Cypress Creek is very important to the citizens of Florence. Ms. Mussleman also stated that tonight the City Council has the opportunity to right the wrongs.

Mr. Scott Ruffrage, Eunice Avenue, appeared and made comments regarding the current landfill. Mr. Ruffrage stated that we should stop burying garbage. Mr. Ruffrage also stated that this issue has been continuing for two years now. Mr. Ruffrage stated that Mayor Irons' comments were a scare tactic. Mr. Ruffrage also stated that the City has many options to keep garbage rates down.

**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
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Noes:	None
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City Clerk, Robert M. Leyde, presented an Ordinance to annex approximately seven acres adjoining the easternmost end of Westbury Lane as requested by Allen and Marcia Sorrell, 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 Pendleton moved for adoption of the foregoing resolution. 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 a Resolution authorizing the City to enter into a contract with White, Lynn, Collins & Associates, Inc., for professional civil engineering and surveying services necessary to develop plans and specifications for a Municipal Solid Waste Transfer Station at the Florence Landfill, to be paid from Solid Waste Fund 267-43200, sponsored by Dick Jordan. 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 Jordan moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

**Discussion:**

Councilmember Pendleton made comments in opposition to the proposed resolution. Councilmember Pendleton stated that he was not satisfied procedurally with this resolution. Councilmember Pendleton stated that this is premature because we have no assurance that Cypress Creek will be protected. Councilmember Pendleton also stated that he has a lot of issues with Mayor Irons but that he is not willing to hi-jack this City. Councilmember Pendleton stated that a resolution needs to be approved for a transfer station before we approve plans to build it. Councilmember Pendleton also stated that he is prepared to vote when this Council decides to vote for a transfer station. Councilmember Pendleton stated that he is in favor of saving Cypress Creek and that the citizens needs to be more involved with this decision.

Councilmember Jordan made comments in favor of the proposed resolution. Councilmember Jordan stated that he was following the advice of Bill Musgrove, City Attorney, regarding this resolution. Councilmember Jordan stated that a transfer station is a beginning to protecting Cypress Creek. Councilmember Jordan also stated that no one has mislead the public regarding a transfer station. Councilmember Jordan stated that it is irresponsible to spend 2 million dollars to line a cell that may last 4 or 5 years than to build a transfer station for 4 to 5 hundred thousand dollars. Councilmember Jordan stated that he has never mentioned taking money from the City's reserves to fund a transfer station. Councilmember Jordan also stated that there could be problems with the new cell being permitted. Councilmember Jordan stated that Dan Barger, Chief Accountant, has provided numbers for a transfer station and that he disagrees with some of the

numbers. Councilmember Jordan stated that there are a lot of variables but that it makes good sense to stop burying garbage.

Councilmember Betterton made comments in favor of the proposed resolution.

Councilmember Betterton stated that he has had many discussions regarding a transfer station.

Councilmember Betterton also stated that with all the information he has received that a rate increase is coming whether we go to a transfer station or continue to operate a landfill.

Councilmember Betterton stated that there will be additional costs to transfer garbage.

Councilmember Betterton also stated that if we go to a transfer station then we can use the remaining cell or cells for c & d dumping. Councilmember Betterton stated that the former Florence Golf & Country Club property is a pristine property and that we could expand on a small portion of the property to dispose of c & d. Councilmember Betterton also stated that we must work together and move forward.

Councilmember Graham made comments in opposition to the proposed resolution.

Councilmember Graham stated that he is opposed to a transfer station due to the cost to the citizens of Florence. Councilmember Graham stated that the question is whether we want an increase now, or open the cell and have an increase in the next five years.

Councilmember Morris made comments in favor of the proposed resolution.

Councilmember Morris stated that now the time has come to make a decision. Councilmember Morris also stated that his biggest problem is that the public needed more input and that maybe we should have hired a firm to help us make these decisions. Councilmember Morris stated that the time has come and a decision must be made now. Councilmember Morris also stated that he is in favor of getting out of the landfill business and going to a transfer station.

President Barnhart made comments in opposition to the proposed resolution. President Barnhart stated that this Council agreed to purchase the former Florence Golf & Country Club property for the sole purpose of expanding the landfill. President Barnhart stated that we can continue with the current landfill and a rate increase will not be necessary for 4 or 5 more years.

Councilmember Pendleton stated that this resolution states to develop plans and does not state that we are going to a transfer station. Councilmember Pendleton also stated that we will need to vote on a resolution that properly states that the City is going to a transfer station.

Councilmember Pendleton stated that this resolution is not approving a transfer station.

Councilmember Pendleton also stated that this resolution is not protecting Cypress Creek.

Councilmember stated that the General Fund should reimburse the Solid Waste Fund for the former Florence Golf & Country Club property, therefore, a garbage rate increase will not be necessary.

Councilmember Pendleton also stated that then the property could be used by City departments to advance our City. Councilmember Pendleton stated that the only way to move forward is to be honest with ourselves. Councilmember Pendleton also stated that we need to develop a resolution to move to a transfer station and we should have all of the figures that support the resolution.

Councilmember Pendleton stated that we must plan ahead. Councilmember Pendleton stated that he will not vote in favor of any resolution that does not protect the creek and that this resolution is premature. Councilmember Pendleton stated that we should wait on a survey of the property.

Councilmember Pendleton stated that the Councilmembers who believe in a transfer station should not vote in favor of this resolution, but should support developing a resolution to go to a transfer station.

Councilmember Betterton stated that this resolution will provide information for a transfer station. Councilmember Betterton also stated that if we wait too long making a decision then we will have to ship out all of the garbage including c & d.

Councilmember Pendleton stated that this resolution is for naught because it does not protect Cypress Creek. Councilmember Pendleton stated that we have waited this long and to wait two more weeks to do the resolution correctly will be the right thing to do.

Councilmember Jordan stated that this Council has done more than just get the citizens involved regarding the landfill. Councilmember Jordan noted that there has been numerous meetings with citizens to discuss the landfill and a transfer station. Councilmember Jordan also stated that he was trying to protect Cypress Creek and to gain more information by developing this resolution. Councilmember Jordan stated that this resolution is a beginning of the process. Councilmember Jordan stated that he would like to meet with Councilmember Pendleton and to prepare a resolution to move to a transfer station. Councilmember Jordan stated that this resolution is a beginning and if this resolution fails, then he will begin tomorrow on drafting a new resolution.

Councilmember Pendleton stated that this resolution is only for developing plans for building a transfer station. Councilmember Pendleton stated that this resolution is part of the second phase but we must have a first phase. Councilmember Pendleton stated that he believes that this resolution is improper at this time. Councilmember Pendleton also stated that he fully supports a transfer station.

President Barnhart stated that visits to other transfer stations were unauthorized and were unnecessary because we have not decided to build a transfer station.

Councilmember Jordan stated that we visited other transfer stations to get an idea of how they operate and he believed that this was good planning.

Councilmember Morris stated that this resolution gives the intention that we are going to a transfer station. Councilmember Morris also stated that in 2 ½ months, the landfill will be full and he is not sure if we can build a transfer station or line a new cell in that time period. Councilmember Morris stated that which ever way we go we need to make a decision soon.

Councilmember Betterton stated that there are many decisions that will need to be made once we have decided to go to a transfer station. Councilmember Betterton also stated that if other decisions are being incorporated into a resolution along with going to a transfer station, then he would have a problem voting in favor of such a resolution.

Councilmember Pendleton stated that we are not running out of property and that we are not in the real estate business. Councilmember Pendleton stated that we have been battling this property issue for some time now. Councilmember Pendleton also stated that these things have clouded the issue of building a transfer station.

Councilmember Pendleton asked Robert M. Leyde, City Clerk, to read the resolution again.

Councilmember Morris called for the vote.

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

Ayes: William D. Jordan  
Barry Morris  
Andrew Betterton

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

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

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with Geo-Source, Inc., for professional services necessary to prepare permit application materials and documentation for the Municipal Solid Waste Transfer Station at the Florence Landfill, to be paid from Solid Waste Fund 267-43200, sponsored by Dick Jordan. Said Resolution follows, to wit:

Councilmember Jordan 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 Morris seconded the motion.

**Discussion:**

Councilmember Pendleton made comments in opposition to the proposed resolution. Councilmember Pendleton asked that the resolution be read again. Councilmember Pendleton stated that this resolution is saying that the station is already built and that we are trying to get it permitted.

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

Ayes: William D. Jordan  
Barry Morris  
Andrew Betterton

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

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

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to approve a Lease Agreement with the University of North Alabama for 177 parking spaces on Levels J, K, L, and M in the Downtown Parking Deck for additional UNA student parking for a time period of August 21, 2011 to May 20, 2012, in the amount of \$6.00 per month per space for a total lease amount of \$9,558.00, sponsored by Bob Leyde. 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 Pendleton seconded the motion.

**Discussion:**

Councilmember Pendleton stated that UNA needs to build another parking garage. Councilmember Pendleton also stated that the administration is not trying to find solutions to their parking problems. Councilmember Pendleton stated that this is a safer alternative.

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution for the Approval of minutes of the Regular Meeting held on August 16, 2011. 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 Pendleton seconded the motion.

**Discussion:**

Councilmember Pendleton made comments regarding a new hospital being built in Colbert County. Councilmember Pendleton stated that if Colbert County was so concerned with us, then why did they agreed to partner with a hospital in Huntsville.

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

**Board Openings:**

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Adjustments & Appeals	William T. Wynne	09/06/05	09/30/11
	Thomas G. Pigg	09/06/05	09/30/11
	Fitzgerald Hill	09/06/05	09/30/11
Beautification Board	1 - Vacancy		
Park & Recreation	Jimmy H. Williams	07/02/02	10/30/11
	Mansfield "Pete" Key	12/19/06	10/30/11
SEDA	Martin R. Abroms	12/18/08	09/30/11
	Hermon Graham	07/06/06	09/30/11

President Barnhart stated that due to discussions at the earlier work session, it has been decided to postpone current board openings until numerous questions have been answered.

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding legalizing marijuana. Mr. Simpson stated that our greatest enemies are those citizens in the United States that do not believe in liberty and justice for all. Mr. Simpson also stated that we spent more money incarcerating individuals than we do educating them.

Mr. Miles Colcock, 126 Creekside Drive appeared and made comments regarding the landfill. Mr. Colcock stated that he agrees with Councilmember Pendleton regarding his remarks about the resolutions that are on tonight's agenda. Mr. Colcock thanked those who visited the transfer stations.

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding building a transfer station. Mr. Crowder stated that if, in the absence of previous information regarding a transfer station, you would think that by reading these particular resolutions that someone is up to something.

**Council Reports and/or Comments:**

Councilmember Graham congratulated Officer Brad Holmes for coming back to the Florence Police Department. Councilmember Graham also congratulated UNA and Florence High School on their recent wins.

Councilmember Morris had no comments.

Councilmember Betterton congratulated the Florence Police Department regarding the accreditation program.

Councilmember Betterton made comments regarding “No Texting While Driving” ordinance. Councilmember Betterton stated that UNA had passed this information on to their incoming students.

Councilmember Pendleton made comments regarding the Constitution. Councilmember Pendleton stated that many years ago you had to pass a test about the Constitution before you could register to vote. Councilmember Pendleton submitted documents that follow, to wit:

Councilmember Pendleton stated that people who come before us has the right to speak and say whatever they want to about us. Councilmember Pendleton stated that he will continue to support a transfer station, but it must be done correctly. Councilmember Pendleton stated that we have time to do it right. Councilmember Pendleton also stated he is not prepared to mess up with Cypress Creek.

Councilmember Jordan stated that he believes that the resolution was correct and was submitted in the right order. Councilmember Jordan also stated that according to information that he has received, a rate increase will not be necessary. Councilmember Jordan thanked everyone for their attendance.

President Barnhart stated that he introduced a resolution to re-instate public comments and still after all the discussion regarding a transfer station, we still do not know the true cost to our citizens.

Councilmember Morris made a motion to adjourn the meeting. Councilmember Betterton second the motion.

A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Pendleton presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK



