

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
December 1, 2009**

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 1, 2009. President Barnhart called the meeting to order. Councilmember Morris 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., Barry Morris, James H. Barnhart, William D. Jordan Andrew Betterton and Hermon T. Graham.

**AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**December 1, 2009**

**5:00 P. M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Morris
  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:
  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 November 17, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Shotcrete of America, LLC, to provide labor, equipment, materials and incidental necessary to remove and replace the concrete alley between the Southall-Moore House, 209 East Tuscaloosa Street and the Kennedy-Douglas Art Center, 217 East Tuscaloosa Street, in the amount of \$9,800.00 to be paid from budgeted funds, sponsored by Todd Nix. **(Removed by Sponsor at Work Session)**
- (d) Resolution authorizing the City to enter into a contract with Robert W. Whitten, Architect, to produce plans, specifications and bidding documents and provide administration for improvements to Mobile Plaza at a cost of 6.5% of the proposed contract amount, sponsored by Dick Jordan, City Councilman.

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- (e) Resolution appointing Mike Williams to the Florence Parks and Recreation Board, sponsored by Sam Pendleton, Hermon Graham, Barry Morris, James Barnhart, and Andy Betterton.
- (f) Resolution appointing Susan Burdine to the Florence Beautification Board, sponsored by Sam Pendleton, Hermon Graham, Barry Morris, James Barnhart, and Andy Betterton.

12. Regular Agenda:

13. General Business:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business	Terry Tipper	07/06/06	11/15/09
Animal Control	Roy Kelsey	02/18/97	12/04/09
Beautification Board	Kelly LaBiche	02/03/09	11/01/09
	Phillip Oliver	05/17/05	11/01/09
	Doris Ross	02/06/07	11/01/09
Historical Board	Kenneth Johnson	03/24/09	12/17/09
	Elijah Smith	02/03/98	12/17/09
Library Board	Simpson Russell	01/04/00	12/01/09
	Peter Paine	02/18/97	12/01/09
Tree Commission	Lavetta Adams	01/02/07	11/03/09
	Nancy Muse	05/01/07	11/03/09
	Kevin Jangaad	09/16/09	11/03/09

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

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

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

16. Motion to Adjourn.

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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: None

**Message from the Mayor:**

Mayor Irons along with David Koonce, Solid Waste, Street and Recycling Manager, and Rachel Mansell, Recycling Education and Outreach Coordinator, recognized the winners of the school recycling contest that was held in November. The first place winner was Hibbett Middle School and the second place winner was Weeden Elementary School.

Mayor Irons encouraged all citizens to support our local merchants and purchase your goods and services from businesses in this area. Mayor Irons noted that spending your money locally will benefit all of us, so do your part to help keep our economy healthy.

Mayor Irons asked Florence Police Chief Rick Singleton to come forward. Chief Singleton presented Officer Luke McIntyre a purple heart for injuries he sustained while performing a routine traffic stop in October, 2009.

Mayor Irons wished all citizens of Florence a wonderful and safe holiday season.

**Reports of Department Heads:**

David Koonce, Manager of Solid waste, Street & Recycle Department, announced the Street Department's leaf collection schedule.

**Reports of Standing Committees:** None

**Public Hearings:** None

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

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**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on November 17, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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Councilmember Jordan 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: None

**Regular Agenda:** 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>
Agri-Business	Terry Tipper	07/06/06	11/15/09
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Tree Commission	Lavetta Adams	01/02/07	11/03/09
	Nancy Muse	05/01/07	11/03/09
	Kevin Jangaad	09/16/09	11/03/09

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

Dr. Alvaro Segura, 302 Reddoch Road, appeared and made comments in opposition to the purchase of the Florence Golf & Country Club property. Dr. Alvaro Segura stated that he was astonished that the City Council at the last meeting did not postpone the vote due to the opposition of numerous citizens.

Dr. Alvaro Segura ask if the purchase of this property is contingent the property passing an environmental survey. Dr. Alvaro Segura stated that the City of Florence could be impacted economically if citizens move from this area.

David Cope, 1750 Eunice Avenue, appeared and made comments in opposition to the prospective expansion of the Florence Landfill. Mr. Cope stated that it is commendable that the City is working with the local schools regarding recycling. Mr. Cope also stated that the ADEM's regulations does not allow the City to modify it's current landfill permit to extend the landfill to additional acreage. Mr. Cope also stated that ADEM's regulation does allow permit modification to include additional disposal acreage that lies inside the permitted perimeter of the existing site, in other words , inside of the 74 acre tract that the City permitted a number of years ago. Mr. Cope stated that to permit the land purchased from the Florence Golf & Country Club would require the same type of hydro geological assessment and all other environmental considerations.

Rich Larkins, who lives along Cypress Creek, appeared and stated that it was forward thinking by the City Council to purchase the Florence Golf & Country Club property. Mr. Larkins stated that we need to have civil co-operation between citizens and our local government. Mr. Larkins also stated that we all need to work together. Mr. Larkins ask the City Council to work with the citizens. Mr. Larkins stated that we need a citizens advisory board to look for ways to reuse, recycle and provide information.

Ricky Curtis, Cypress Bend Place, appeared and made comments in opposition to the purchase of the Florence Golf & Country Club property. Mr. Curtis read from a guide produced by the EPA regarding waste transfer stations. Mr. Curtis noted that the nationwide trend in solid-waste disposal is moving toward construction of larger, more regional landfills.

Laurie Givens, Richards Street, appeared and made comments in opposition to the prospective expansion of the landfill. Ms. Givens stated that other options have been overlooked. Ms. Givens also stated that recycling should be given more support by the community.

Chris Westbrook, Principal of Weeden Elementary School, appeared and thanked Mayor Irons and the City Council regarding the Recycling Award Program.

Josh Johntson, 139 North Leland Drive, appeared and made comments regarding statements at the previous City Council meeting. Mr. Johnson stated that is was disrespectful for Councilmember

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Jordan not be in attendance at the previous City Council meeting due to the fact that the landfill is located in his district.

President Barnhart addressed Mr. Johnson regarding his comments at the previous City Council meeting. President Barnhart stated that he would not allow anyone to call his colleagues on the City Council stupid.

Scott Ruffrage, Eunice Circle, appeared and apologized for calling Councilmember Morris and Councilmember Betterton "Weak Links" at a meeting that took place at the Florence/Lauderdale Library. Mr. Ruffrage stated that he meant that Councilmember Morris and Councilmember Betterton did not seem fully committed to the expansion of the landfill. Mr. Ruffrage stated that everyone should work together to bring a solution which is best for the homeowners and the City. Mr. Ruffrage also stated that the proposed expansion property is unsuitable for a landfill. Mr. Ruffrage stated that there is no way to keep trash from flowing into the creek.

Ms. Jackie Tipper, County Road 415, Town Creek, Alabama, appeared and made comments in opposition to the expansion of the landfill. Ms. Tipper stated that Florence is doing a lot of things right. Ms. Tipper stated that Florence needs to reinforce recycling. Ms. Tipper also stated that it is not right to expand the landfill.

Charles Rose, Sheffield Alabama, appeared and made comments regarding transfer stations. Mr. Rose stated that the cost of closing a landfill is very expensive. Mr. Rose also stated that cities that use transfer stations do not incur these costs.

John Crowder, 421 Nottingham Road, appeared and made comments regarding the contract agreement to purchase the Florence Golf & Country Club property. Mr. Crowder commended the City for having Section 10 A(1) in the contract. Mr. Crowder noted that this section states that the buyer (City) can terminate this agreement in the event that the buyer (City) notifies the seller in writing prior to the expiration of the due diligence period that buyer elects to terminate the agreement with any reason being given to the seller.

Charles Harlan, Berry Avenue, appeared and stated that he did not infer anything about a "back room" deal at the last City Council meeting. Mr. Berry stated that when you live near a landfill you would expect that at some point the landfill would close. Mr. Berry made comments regarding earthquakes. Mr. Berry stated that an earthquake could cause major damage to the landfill.

Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments. Mr. Simpson encouraged everyone to volunteer with the non-profit organizations.

**Council Reports and/or Comments:**

Councilmember Pendleton commended Officer McIntyre for receiving the purple heart.

Councilmember Pendleton made comments regarding the landfill. Councilmember Pendleton stated that the City has not received a citation regarding the landfill, but the City has been cited for waste disposal. Councilmember Pendleton also stated that he has plotted the addresses of those individuals that spoke at the last City Council meeting regarding the purchase of the Florence Golf & Country Club property. Councilmember Pendleton made comments in opposition to the editorial printed in the TimesDaily Newspaper regarding his comments at the November 17<sup>th</sup> City Council meeting.

Councilmember Jordan stated that he represents District 2 everyday not just on Tuesdays. Councilmember Jordan made comments regarding his absence at the November 17<sup>th</sup> meeting. Councilmember Jordan stated that he had made a family commitment over nine months ago. Councilmember Jordan also stated that he does not owe anyone an apology for being out of town.

Councilmember Graham thanked those in attendance and watching by television. Councilmember Graham stated that he appreciated everyone's comments tonight.

Councilmember Graham commended Florence Police Officer Luke McIntyre for receiving the purple heart. Councilmember Graham wished everyone a Merry Christmas and a Happy New Year.

Councilmember Morris made comments regarding the purchase of the Florence Golf & Country Club property. Councilmember Morris noted that it is environment versus economics. Councilmember Morris also noted that the decision to use the property to extend the landfill is a ways off.

Councilmember Betterton made general comments. Councilmember Betterton's comments follow, to wit:

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President Barnhart had no comments.

Councilmember Graham made a motion to adjourn the meeting. Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

Councilmember Betterton presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK

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