

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
JANUARY 4, 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, January 4, 2011. President Barnhart called the meeting to order. Councilmember Jordan gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that all 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 H. Barnhart and Andrew Betterton.

AMENDED AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

January 4, 2011

5:00 P.M.

-
1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Jordan
 3. Pledge of Allegiance
 4. Roll Call - President Barnhart
 5. Approval of Agenda
 6. Message from Mayor
 7. Reports of Department Heads
 8. Reports of Standing Committees
 9. Public Hearings: None
 10. Business from floor pertaining to items on the consent and regular agenda (5-minute 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 December 21, 2010. **(THIS ITEM WAS MOVED TO REGULAR AGENDA ITEM 12 (a))**
- (b) Confirm payment of bills by the City Treasurer. **(THIS ITEM WAS MOVED TO REGULAR AGENDA ITEM 12 (b))**
- (c) Resolution authorizing the City to enter into a contract with B & A Contractors, Inc., for the design/build of a new skate bowl at Cox Creek Park, in the amount of \$81,634.25, to be paid from budgeted funds, sponsored by Todd Nix. **(THIS ITEM WAS MOVED TO REGULAR AGENDA ITEM 12 (C))**

- (d) 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 approximately 23 trees, clear brush and grind stumps along West Mobile and Perry Streets, in the amount of \$23,475.00, to be paid from budgeted funds, sponsored by Sam Pendleton. **(THIS ITEM WAS MOVED TO REGULAR AGENDA ITEM 12 (d))**
- (e) Resolution to approve a License Agreement for Pole Attachments between CoBridge Telecom, LLC, and the City of Florence, sponsored by Richard Morrissey.
- (f) Resolution authorizing the City to enter into a contract with DRM Utilities, LLC, for the replacement of the Wilson Creek and Water Street Sewer, SRF Project, in the amount of \$425,458.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (g) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Approval of minutes of the Regular Meeting held on December 21, 2010. **(THIS ITEM WAS MOVED FROM CONSENT AGENDA ITEM 11 (a))**
- (b) Confirm payment of bills by the City Treasurer. **(THIS ITEM WAS MOVED FROM CONSENT AGENDA ITEM 11 (b))**
- (c) Resolution authorizing the City to enter into a contract with B & A Contractors, Inc., for the design/build of a new skate bowl at Cox Creek Park, in the amount of \$81,634.25, to be paid from budgeted funds, sponsored by Todd Nix. **(THIS ITEM WAS MOVED FROM CONSENT AGENDA ITEM 11 (C))**
- (d) 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 approximately 23 trees, clear brush and grind stumps along West Mobile and Perry Streets, in the amount of \$23,475.00, to be paid from budgeted funds, sponsored by Sam Pendleton. **(THIS ITEM WAS MOVED FROM CONSENT AGENDA ITEM 11 (d))**
- (e) Ordinance to rezone 8.50 acres located on Gresham Road 350 feet more or less west of the intersection of Seville Street, and part of Pinehurst Addition to Muscle Shoals from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential), sponsored by Melissa Bailey. **(THIS ITEM WAS ADDED TO THE REGULAR AGENDA)**
- (f) Resolution to appoint Heath Trousdale as the City Prosecutor of the City of Florence, AL for a term of two (2) years beginning on January 17, 2011 and ending on January 16, 2013, sponsored by Councilmember Pendleton, Councilmember Jordan, Councilmember Morris and Councilmember Betterton. **(THIS ITEM WAS ADDED TO THE REGULAR AGENDA)**

City of Florence, AL
 Minutes of City Council
 January 4, 2011

13. General Business:

- (a) Resolution to revise the 1995 One Cent Sales Tax Capital Fund, Fiscal Year 2010-2011 to appropriate \$78,000.00 from the unreserved fund balance for the purpose of building a skate-bowl at the City's skate park, sponsored by Dan Barger.
- (b) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	Vacancy Vacancy		
Civil Service Board	Vacancy		
Historical Board	Julia Dowd	02/01/06	12/17/10
	Donna Thompson	02/21/06	12/17/10
	Kaye Hillis	03/02/99	12/17/10

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.

Prior to the approval of the agenda, President Barnhart noted that Consent Agenda Item 11 (a) Approval of minutes of the Regular Meeting held on December 21, 2010 was moved to the Regular Agenda Item 12 (a), Consent Agenda Item 11 (b) Confirm payment of bills by the City Treasurer was moved to Consent Agenda Item 12 (b), Consent Agenda Item 11 (c) Resolution authorizing the City to enter into a contract with B & A Contractors, Inc., for the design/build of a new skate bowl at Cox Creek Park, in the amount of \$81,634.25, to be paid from budgeted funds, sponsored by Todd Nix was moved to Regular Agenda Item 12 (c) and Consent Agenda Item 11 (d) 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 approximately 23 trees, clear brush and grind stumps along West Mobile and Perry Streets, in the amount of \$23,475.00, to be paid from budgeted funds, sponsored by Sam Pendleton was moved to Regular Agenda Item 12 (d). President Barnhart also noted that an Ordinance to rezone 8.50 acres located on Gresham Road 350 feet more or less west of the intersection of Seville Street, and part of Pinehurst Addition to Muscle Shoals from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential), sponsored by Melissa Bailey was added to Regular Agenda Item 12 (e) and a Resolution to appoint Heath Trousdale as City Prosecutor was added to Regular Agenda Item 12 (f).

City of Florence, AL
Minutes of City Council
January 4, 2011

There being no more changes, President Barnhart asked for a motion for approval of the agenda. Councilmember Graham moved for approval of 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
James H. Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons' comments follow, to wit:

City of Florence, AL
Minutes of City Council
January 4, 2011

I would like to take this time to recognize several Electricity Department employees who have gone beyond their call of duty to help our citizens. I would like to ask that Kevin Faires, a tree crew foreman, Heath Thigpen, Marcus Parker, Clay Fowler, and Jimmy Bates, another foreman, and also Mitch Holland to come to the front.

I understand that the tree crew, which Kevin Faires is foreman over, was working off of Chisholm Road on Davis Avenue, trimming trees. One of the crew members noticed smoke coming from a garage. They immediately call 911 and notified the owner of the house. They then tried to help contain the fire by using a garden hose. Their prompt action prevented more property from catching on fire.

And, in another incident, Mitch Holland was on his way to a job when he witnessed a terrible accident at the intersection of Florence Blvd. and Patton Street. A car ran a red light and hit another vehicle in the side. The impact of the wreck sent the car into a culvert on its side. This particular morning was one of the coldest we have had. Mitch immediately stopped and gave assistance to the injured until emergency personnel could arrive.

I would like to present Certificates of Commendation to each of these employees for their quick response to a serious situation. We certainly appreciate their alertness and willingness to help.

Tax collections for October & November sales are 4.3% better than the same months last year which is good news for our economy. However, TVA's Payment in Lieu of Taxes is down by \$164,000 for this fiscal year which offsets any gains in sales tax revenue. We will continue to monitor our spending levels very carefully as long as the recession remains in force. Again, I want to thank the Department Heads for their commitment to operate their Departments within their financial means.

City of Florence, AL
Minutes of City Council
January 4, 2011

Reports of Department Heads:

Melissa Bailey, Planning Director, noted that on January 27th at 6:00 p.m. at Broadway Recreation, that there will be CDBG meeting to inform the public of community develop projects that are planned for 2011.

Reports of Standing Committees:

Councilmember Betterton, Chairperson of the Parks & Recreation Committee, comments follow, to wit:

City of Florence, AL
Minutes of City Council
January 4, 2011

Florence Parks & Recreation Committee Meeting - Monday, 12/13/2010 2:00 PM

Mayor's Conference Room

Committee Attending - Andy Betterton, James Barnhart, Hermon Graham

Others Attending - Mayor Irons, Todd Nix, Tina Kitchen, Fred Boughner, Pat Wachter, Tom Kinkle, Robert Palmer (TimesDaily)

The following items were discussed:

1. Todd Nix gave an up-date on the successful basketball program in coordination with the f
Florence City Schools.
2. After a discussion regarding drainage issues around the Skate Park, the committee
unanimously approved a recommendation that the full Council move forward with a
contract to build the Skate Bowl.
3. In other business, the committee discussed how to best move forward with upgrades to
Veterans Park. A recommendation was approved to work closely with the Public Park
Authority & Dr. David Bronner to move forward with an attraction or seek approval to
allow the City to plan much needed infrastructure changes to this well used natural resource.

Public Hearings: None

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

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments regarding Regular Agenda Item 12(c) Resolution authorizing the City to enter into a contract with B & A Contractors, Inc., for the design/build of a new skate bowl at Cox Creek Park, in the amount of \$81,634.25, to be paid from budgeted funds, sponsored by Todd Nix. Mr. Smoak also made comments regarding the wording of the Consent and Regular Agendas. Mr. Smoak stated that the public deserves to have more information regarding contracts. Mr. Smoak stated that he lives close to Cox Creek Park and the use of the park has dropped.

Discussion:

President Barnhart noted that the Resolution to appoint Heath Trousdale as City Prosecutor will appear on the Regular Agenda Item 12 (f).

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:

City of Florence, AL
Minutes of City Council
January 4, 2011

Councilmember Jordan 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 James H. Barnhart Andrew Betterton
Noes:	None

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution for Approval of minutes of the Regular Meeting held on December 21, 2010. **(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
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 regarding public records request forms that he had turned into the City Clerk's Office and also comments made by Mayor Irons concerning the University of North Alabama.

Councilmember Pendleton made comments regarding the minutes from 35 years ago that showed that the University of North Alabama was not a good neighbor. Councilmember Pendleton stated that Dr. Guillott wrote a letter to the City Commissioners in 1975 requesting the City to acquire the land in West Florence and donate it to the University. Councilmember Pendleton also stated that Mayor Batson wrote a letter to the University stating that first the citizens would have to approve the purchase of the land. Councilmember Pendleton stated that the citizens of West Florence relinquished the property that is now known as University Row. Councilmember Pendleton stated that the citizens of West Florence cooperated with the University. Councilmember Pendleton stated that this has been an on going problem with the University. Councilmember Pendleton stated that Mayor Batson asked the citizens of West Florence to compromise in 1975. Councilmember Pendleton also stated that the University of North Alabama needs to concentrate on being a University and not acquiring more land. Councilmember Pendleton submitted 5 newspaper articles from 1975 to be placed in the minutes. Articles follow, to wit:

Please see Exhibit "A"

City of Florence, AL
Minutes of City Council
January 4, 2011

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
James H. Barnhart
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 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
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton stated that he would like to see a Treasurer's report to know the balances in each account. Councilmember Pendleton stated that he would like for Vance Young, Utilities Controller and Dan Barger, Chief Accountant/Treasurer, to read the invoices that are to be paid at each City Council meeting. Councilmember Pendleton stated that pending a financial report, Councilmember Pendleton stated that he might redraw his request for the invoices to be read at each City Council meeting.

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
James H. Barnhart

Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to enter into a contract with B & A Contractors, Inc., for the design/build of a new skate bowl at Cox Creek Park, in the amount of \$81,634.25, to be paid from budgeted funds, sponsored by Todd Nix. **(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 Jordan 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 moved for adoption of the foregoing resolution. Councilmember Jordan seconded the motion.

Discussion:

Councilmember Pendleton made comments in favor of the Resolution. Councilmember Pendleton stated that skateboarding goes in cycles and participation will increase. Councilmember Pendleton noted that the drainage is an issue and that the additional \$3,000.00 is needed for those corrections.

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
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the

City of Florence, AL
Minutes of City Council
January 4, 2011

City to enter into a contract with Tennessee Valley Tree Service, Inc., to provide labor, equipment, materials and incidentals necessary to remove approximately 23 trees, clear brush and grind stumps along West Mobile and Perry Streets, in the amount of \$23,475.00, to be paid from budgeted funds, sponsored by Sam Pendleton. **(THIS ITEM WAS MOVED FROM CONSENT AGENDA ITEM 11 (d)** 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
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton made comments in favor of the Resolution. Councilmember Pendleton stated that this is an ongoing project that former Mayor Frost began. Councilmember Pendleton also made comments regarding the West Florence Plan. Councilmember Pendleton noted that this plan won a State award. Councilmember Pendleton also made comments regarding the opening of West College Street.

President Barnhart stated that the West Florence project was the number one priority submitted by the Finance Committee. President Barnhart stated that it should be the City Council's number one project.

Councilmember Pendleton stated that he expects support from the City Council regarding these projects.

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
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Ordinance to rezone 8.50 acres located on Gresham Road 350 feet more or less west of the intersection of Seville Street, and part of Pinehurst Addition to Muscle Shoals from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential), sponsored by Melissa Bailey. **(THIS ITEM WAS ADDED TO THE REGULAR AGENDA)**

Councilmember Jordan moved for immediate consideration of the foregoing ordinance. Councilmember Betterton 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 moved for adoption of the foregoing ordinance. 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
James H. Barnhart
Andrew Betterton

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to appoint Heath Trousdale as the City Prosecutor of the City of Florence, AL for a term of two (2) years beginning on January 17, 2011 and ending on January 16, 2013, sponsored by Councilmember Pendleton, Councilmember Jordan, Councilmember Morris and Councilmember Betterton. **(THIS ITEM WAS ADDED TO THE REGULAR AGENDA)** Said Resolution follows, to wit:

Councilmember Morris moved for immediate consideration of the foregoing resolution. Councilmember Pendleton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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

Discussion:

Councilmember Pendleton made comments regarding the parking conditions at Municipal Court on South Seminary Street. Councilmember Pendleton stated that the City needs to look into purchasing property to expand the parking lot.

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

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

Noes: Hermon T. Graham

City of Florence, AL
Minutes of City Council
January 4, 2011

City Clerk, Robert M. Leyde, presented a Resolution to revise the 1995 One Cent Sales Tax Capital Fund, Fiscal Year 2010-2011 to appropriate \$78,000.00 from the unreserved fund balance for the purpose of building a skate-bowl at the City's skate park, sponsored by Dan Barger. 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
James H. Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Pendleton made comments in favor of the Resolution. Councilmember Pendleton stated that Dan Barger, Chief Accountant/Treasurer, is asking for additional money due to project costs being higher than what was originally budgeted.

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

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

Noes: None

Board Openings:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	Vacancy		
	Vacancy		
Civil Service Board	Vacancy		
Historical Board	Julia Dowd	02/01/06	12/17/10
	Donna Thompson	02/21/06	12/17/10
	Kaye Hillis	03/02/99	12/17/10

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

Mr. Rogers Kimbrell, 307 Davis Avenue, appeared and made comments directed at Councilmember Pendleton. Mr. Kimbrell stated that Councilmember Pendleton has been talking in circles. Mr. Kimbrell stated that Councilmember Pendleton's comments at times are for West Florence and then against West Florence. Mr. Kimbrell stated that if the citizens of West Florence are not happy then maybe they need to elect a different City Councilperson.

Mr. Kimbrell also made comments in favor of City employees. Mr. Kimbrell stated that the employees deserved a 3 percent raise. Mr. Kimbrell stated that he hopes Councilmember Pendleton will take his constructive criticism.

Mr. Bill Smoak, 2424 Roberts Lane, appeared and made comments regarding the purchase of the former Florence Country Club property. Mr. Smoak stated that the vote to purchase the property which was held in November should have been postponed until the next City Council meeting due to Councilmember Jordan being unable to attend.

Mr. Smoak made comments regarding finances at the University of North Alabama. Mr. Smoak stated that according to an article in the TimesDaily, University of North Alabama President Cale stated that there is no funding in place to purchase the former Florence Country Club purchase due to budget cuts from proration. Mr. Smoak stated that no part of the property should be sold until there is a decision regarding the expansion of the landfill or the decision to go to a region landfill. Mr. Smoak also stated that if the City should go to a regional landfill, then the University of North Alabama should purchase the entire golf course property. Mr. Smoak also stated that calculating the costs of a regional landfill should be the first priority.

Council Reports and/or Comments:

Councilmember Pendleton made comments regarding Mayor Irons and the landfill. Councilmember Pendleton stated that during a meeting with Mayor Irons on Tuesday, July 27th, he told the Mayor that he knew that he was secretly meeting with the University of North Alabama. Councilmember Pendleton also stated that he lost faith in Mayor Irons when he stated that it was unwise to put any City department in the former Florence Golf & Country Club building. Councilmember Pendleton stated that Mayor Irons cares more for the University of North Alabama than he does his own employees. Councilmember Pendleton stated that Mayor Irons needs to be replaced.

Councilmember Jordan responded to Mr. Bill Smoak's comments regarding his absence from the City Council meeting during the vote to purchase the former Florence Golf & Country Club property. Councilmember Jordan stated that he was in favor of the City buying the property due to the proximity to West Florence and the University of North Alabama.

Councilmember Jordan also stated that he is opposed to expanding the current landfill and feels that the City needs to get out of the landfill business.

Councilmember Jordan stated that he has asked Dan Barger, Chief Accountant/Treasurer, to supply him with figures defining the operating cost of our current landfill. Councilmember Jordan also stated that he has been in contact with representatives of Waste Management to give him the pros and cons of a regional landfill and a transfer station.

Councilmember Graham made comments regarding the City's landfill. Councilmember Graham stated that he is not in favor of going to a transfer station. Councilmember Graham stated that garbage rates will increase. Councilmember Graham also stated that if ADEM ever condemns our landfill then we will have to go to a transfer station.

Councilmember Graham thanked everyone who was in attendance tonight, commended the City employees who received awards tonight and also recognized Paul Graham, Urban Forester/Horticulturist, who recently underwent surgery for a brain tumor. Councilmember Graham reminded everyone of the next District 3 Community meeting to be held on Thursday, January 27, 2011 at the Broadway Recreation Center.

Councilmember Morris made comments regarding the landfill. Councilmember Morris stated that the Council does not know the cost of running a landfill nor the cost of operating a transfer station. Councilmember Morris stated that as we gather the data, then we can make a decision.

Councilmember Morris also made comments regarding agenda items that appear on the City's website.

Councilmember Betterton stated that he respects each person on this City Council. Councilmember Betterton also stated that he has found the City Departments very cooperative when he has sought information.

Councilmember Betterton stated that he is not going to make negative comments about the University of North Alabama and he has no reason to believe that they are wanting a sweetheart deal. Councilmember Betterton made comments regarding Veterans Park. Councilmember Betterton stated that we need to look for ways to work with Dr. Bronner and the Public Park Authority.

President Barnhart stated that he does not agree with Councilmember Pendleton's statements tonight. President Barnhart stated that he believes that "Vote 'em All Out' will come back around.

Councilmember Jordan stated that he is opposed to expanding the landfill and supports a transfer station. Councilmember Jordan also stated that we need to gather the costs of an expansion and also of operating a transfer

station.

Councilmember Pendleton thanked Councilmember Jordan for speaking again. Councilmember Pendleton stated that the rules say that we can speak again once everyone else on the Council has spoken.

Councilmember Pendleton made comments regarding the tests that were performed at the landfill. Councilmember Pendleton stated that the landfill structure is not okay.

Councilmember Pendleton made comments regarding the University of North Alabama. Councilmember Pendleton stated that in the end the deal will hurt the University.

President Barnhart stated that City Clerk, Robert Leyde, needs to leave the stop watch in his office and let everyone speak for as long as they want.

Councilmember Pendleton stated that positive thinking without a plan or action is dead. Councilmember Pendleton also stated that there is a lot of experience on this City Council.

Councilmember Betterton made a motion to adjourn the meeting. President Barnhart 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 presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

City of Florence, AL
Minutes of City Council
January 4, 2011

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Minutes of City Council
January 4, 2011

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Minutes of City Council
January 4, 2011



NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Please direct reply to

TRI-COUNTY BRANCH NAACP

P. O. Box 202

Florence, Alabama 36630

Sunday 2/12/75

Better Housing Merits Priority for CD Funds

Within the next few weeks, the City Commissions of Florence, Sheffield and Tuscumbia will decide how to spend an aggregate of \$9.3 million in Community Development Program funds.

The money is being sought by the cities under a \$2.4 billion block grant program administered by the U.S. Department of Housing & Urban Development (HUD). The program replaces seven categorical grant programs formerly administered by HUD.

Under the new program, Florence would get \$5.3 million over the next six years beginning with the current fiscal period. Sheffield would get \$1.9 million and Tuscumbia would receive \$2.1 million, over a five-year period in both cases.

With these amounts at stake, it is quite understandable that there are seemingly as many suggestions for their use as there are dollars available.

Perhaps the most controversial suggestion has been the desire of the Florence Housing Authority to use \$2.7 million of that city's allotment for a limited access "Inner Loop" parkway which would encircle central Florence.

Proponents claim the parkway would stimulate commercial development in the area while eradicating substandard housing. Opponents claim it is unnecessary and would do little of direct benefit for those whom Community Development funds are primarily intended to benefit.

Less controversial and with considerable support are service programs, such as day care centers for the children of working parents, or for recreational facilities.

We see some problems with all of these.

The parkway would be of direct benefit to no more than 30 Florence families, who would be relocated to better housing after their homes were removed for the highway right-of-way, with expenditure of more than half the city's Community Development funds.

The service programs are laudable, but there is no assurance that these could be continued after the six-year period.

Recreational facilities are advisable to the greatest extent possible, but it should be borne in mind that these often are only a small and temporary palliative for a miserable home environment.

The problem, then, is one of priorities, and we believe the first priority is well set out in the first two objectives stated by HUD in the guidelines it laid down in the Federal Register two months ago:

The elimination of slums and blight and the prevention of blighting influences and the deterioration of property and neighborhood and community facilities of importance to the welfare of the community, principally persons of low and moderate income . . . elimination of conditions which are detrimental to health, safety and public welfare through code enforcement, demolition, interim rehabilitation assistance and related activities.

In a brief phrase, better housing.

The need for better housing and the subsequent upgrading of blighted residential areas is abundantly clear. Officials estimate the three cities have a total of 1,600 dwelling units substantially below building code requirements.

These dwellings, in many cases, are along the more than 30 miles of unpaved streets in the three cities. Many lack sewer facilities.

That converts to upwards of 8,000 human beings living in barely habitable housing set in blighted areas.

What can be done with such conditions is exemplified by the code enforcement program started in Florence seven years ago. Hundreds of homes were made habitable by grants or low interest loans for a wide variety of improvements to them. The neighborhoods themselves were bettered by the installation of paved streets, curbing and gutters and sewage lines.

We suggest that first priority be given this type of approach. For if the family is the foundation of the community, the home is the foundation of the family.

But whatever priorities are established in each of the three cities, it is important that the ultimate decision have a strong community consensus behind it. The alternative is the risk of having the funds go elsewhere.

EDITORIALS



Florence Times + Tri-Cities Daily

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

Please direct reply to:

TRI COUNTY BRANCH NAACP

P. O. Box 263

Florence, Alabama 35630

EDITORIAL COMMENT

UNA Property Move Commendable

The spirit of cooperation revealed by the University of North Alabama with the expressed wishes of members of the West Florence residential community is to be commended.

UNA has been exploring expansion possibilities. And one area which had been considered was West Florence.

But the residents in that section, with funds impending to rehabilitate homes and streets and other projects, informed the city commission they didn't want to move.

UNA President Robert Guillot responded that it was not the intention of the university to condemn anyone's home or business on the West Side.

"To clear the air in the matter and to give the city and the residents of the West Side an opportunity to move forward with the Community Development Program, the University of North Alabama will continue to serve the needs of its students on its present campus," Guillot wrote the commission.

UNA now has a study of its future land needs being made through the Muscle Shoals Council of Local Governments.

And now the West Side is apparently no longer included in them.

The general West Side area is a priority in the Community Development plans and the university official recognizes that.

There will be UNA expansion, Dr. Guillot declares, but "we won't go in the west direction."

It is good to find that, in this day of "eminent domain," that solutions to property problems can be reached.

FRIDAY AFTERNOON, APRIL 11, 1975

WEDNESDAY AFTERNOON, APRIL 9, 1975

NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE

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Dr. Guillot Rules Out Expansion of UNA in West Florence

By GIL ARNOLD
Times-Daily Writer

University of North Alabama President Dr. Robert M. Guillot today ruled out any future expansion of the UNA campus into West Florence.

The West Side was previously considered for UNA expansion but due to protests the university will look elsewhere, Guillot said.

"The university will continue to serve the needs of its students on its present campus," Guillot said in a letter to Mayor William E. Batson.

"When this becomes impossible, we shall look elsewhere, not to the West Side," the letter said.

The letter is in response to a protest before the City Commission last week by about 100 residents of a West Side area previously mentioned by Guillot as potential expansion sites.

Guillot had asked the City Commission to spend no federal Community Development funds in the area within West Florence being considered for UNA expansion.

Last Tuesday, a group led by the local National Association for the Advancement of Colored People protested, saying the residents did not want to leave their homes and wanted the city to help

upgrade the area through Community Development.

Today Guillot said the university "will go north, south or east. We will not go to the west."

However, he said "We will not allow this to stifle UNA's growth.

"We're going to keep moving forward," he said.

The university now has a study of future land needs underway through the Muscle Shoals Council of Local Governments.

The UNA Land Utilization and Thoroughfare Plan will determine the future needs of the University for the next decade.

The study, which is expected to contain recommendations concerning land needs and acquisition, should be completed and presented to the Board of Trustees by June 30.

However, Guillot said today the university has already begun purchasing lots in the campus area for expansion.

In his letter to the mayor, Guillot said "We did not intend to condemn anyone's home or business on the West Side and did not state that.

"To clear the air in this matter and to give the city and the residents of the West Side an opportunity to move forward with the Community

Development Program, the University will continue to serve the needs of its students on its present campus."

The general West Florence area is a priority in Community Development plans by the city for rehabilitation of homes, street repairs and improvements, and other projects.

The commission had asked that the university discuss its West Side expansion plans with residents of any affected area before the city leaves any area out of the West Florence Community Development program.



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FLORENCE TIMES-TRI-CITIES DAILY—Florence, Sheffield, Tuscumbia, Muscle Shoals

About 100 Florence Residents Protest UNA Expansion Plans

Wed. April 2, 1975

About 100 persons who claimed residency in the West Side area of Florence where the University of North Alabama wants to expand protested the proposed move to the Florence City Commission Tuesday night.

In the overfilled auditorium, the group's spokesman said "We oppose the University of North Alabama expansion in the area described by Dr. Guillot" in a letter to Mayor William E. Batson.

The University had asked that the city spend no Community Development funds in an area being considered for UNA expansion.

The Commission Tuesday read a letter to UNA from Mayor Batson

in which he asked that the University work with residents of the area and present a joint recommendation before the area is left out of Community Development and used for UNA expansion.

The spokesman for the West Side group, Sam Pendleton, representing the Tri-County NAACP, said many of those who would be affected by the expansion have already been moved out by Florence Housing Authority's projects.

"It's time for these people to stop running and be allowed to enjoy their homes," he said.

The Commission said although the University has the power of eminent domain and can condemn private properties for its use, the Commission will not go along with the move unless the residents approve.

UNA President Robert M. Guillot wrote Mayor Batson Feb. 27 and requested that the city spend no Community Development funds in the area being considered for UNA expansion, which he described as within the area from Stewart Avenue west on Campbell to Westmoreland to Larimore Circle, north to Waterloo Road to the Mitchell-Hollingsworth property and east to Stewart and the UNA campus.

Guillot said "We are going to move as quickly as possible to acquire this land" and asked that no CD funds be spent to improve streets or homes in the area.

However, the area described by Guillot is within a large census tract known as the West Side which the Commission has designated as a priority area for Community Development.

Should the city spend federal funds in that area, it could cause legal problems for UNA should the University attempt condemnation.

Mayor Batson read his March 31 letter to Guillot to the protesters, in which he stated the Commission first wanted to see the completed UNA Land Use Plan, and asked that Guillot seek the approval of the residents before condemning properties.

"UNA and the residents of the area should work together on the Land Use Plan," the letter says, and "We will not consider removing the area from the West Side (Community Development) area until the joint recommendations have been received and studied."

Batson said the letter, in effect, gave the residents some "veto power" over Guillot's request that the area be left out of Community Development.

"We're going to take into consideration your thoughts and desires because that's your neighborhood," said Commissioner Oscar Peden.

He added that UNA has the right of condemnation and although the Commission could not prevent condemnation, "Before UNA does anything that involves an area under Community Development the University will have to talk to the residents."

At the request of the group, mostly black, Mayor Batson said he would send Guillot another letter explaining the opposition.



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Guillot Asks 1/15/75 Florence to Buy Land for UNA

University of North Alabama President Robert M. Guillot today proposed that Florence use some of its \$5.3 million Community Development funds to purchase and clear property west of UNA for university expansion.

Dr. Guillot, in a letter received by the City Commission today, says "The University must have some help from local effort."

The letter says UNA is using its 82 acres of property "above its maximum potential for a university" and needs additional property "to grow and/or to furnish the services which the residents of this area should have from the University."

Dr. Guillot said today the main point of his proposal is a request that the city not use the Westside area for new housing, but instead clear the land of the dilapidated homes and make the property available to UNA as a donation or reasonable sale.

"The University is blocked off on the North, South and East," Guillot said. "If this University is to remain a viable part of Florence and continue to grow, we're going to have to go West."

He said at this point UNA has no detailed plans for use of the land if it should be made available.

Guillot goes on to say UNA has used all its capital improvement funds to purchase the bare essentials of additional land and construction.

The City Commission heard a proposal concerning the same area from the Tri-County NAACP (National Association for the Advancement of Colored People) in its Community Development hearing Thursday.

Although the NAACP suggested

that some of the funds be used for UNA expansion, the organization called for the rehabilitation of West Florence neighborhoods which are blighted by substandard housing.

However, Guillot proposes in his letter that "Housing west of the UNA campus should not be rehabilitated so as to cut the University off from future expansion."

He suggested the best use of Community Development funds would be in "acquiring substandard housing and land west of the present UNA campus, clearing the land, relocating the people who own homes there, put in necessary utilities and turn the rehabilitated land over to the University for expansion."

The Community Development Act calls for using the funds to benefit low and moderate income families, and Guillot states that "The economic impact of this University on this area is great, and, in addition, this University has a great indirect impact on the upgrading of socially and economically deprived people."

He notes that UNA has 432 employees, 116 of whom are in nonskilled positions, that UNA is expanding its Continuing Education Program at low or no cost, that UNA trains students not only in order to upgrade their positions in society "but to assist others who are socially or economically deprived."

Guillot asks "Will the University be in Florence and survive for another century or will it be stymied and programs developed at other locations because the University cannot expand its facilities and compete in the higher education market?"

**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 "win-win" 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.