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 18, 2011. 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 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 18, 2011
5:00 P.M.

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: 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 January 4, 2011.
   (b) Confirm payment of bills by the City Treasurer.
   (c) Resolution authorizing the City to enter into a contract with Ronnie Gist, DBA Gist Excavating, to provide labor, equipment, materials and incidentals necessary to soften the 1 to 1 slopes to a 3 to 1 ratio around designated areas at the softball and baseball fields at the Sports Complex, in the amount of $29,000.00, to be paid from budgeted funds, sponsored by Todd Nix.
(d) Resolution appropriating $5,000.00 to the University of North Alabama to support the Front Porch Storytelling Festival, with $2,500.00 to be paid from the Mayor’s Special Projects Fund and $2,500.00 to be paid from the City Council’s Special Projects Fund, sponsored by Mayor Irons and the City Council.

(e) Resolution to appoint Calvin Durham to the Civil Service Board.

(f) Resolution to reappoint Donna Thompson to the Florence Historical Board.

(g) Resolution to appoint Judith T. Jackson to the Florence Historical Board.

(h) Resolution to appoint Dr. Joseph W. Flippen to the Florence Historical Board.

(i) Resolution to appoint William M. Coussons to the Health Care Authority of Lauderdale County and the City of Florence Board of Directors.

(j) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

(a) Resolution to approve the placement of the Singing River Statue at the site of the old armory in Florence, subject to final approval by the City Engineer, sponsored by James Barnhart and Andy Betterton.

(b) Resolution authorizing the City to enter into a contract with CJF Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary to for the Mahogany Street storm sewer improvements, in the amount of $74,138.00, to be paid from budgeted funds, sponsored by Melissa Bailey and Bill Batson. (This item was added to the agenda)

13. General Business:

(a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by CARLOS A. SANCHEZ, d/b/a FIESTA MEXICANA #9, located at 1503 N. WOOD AVE., FLORENCE, AL 35630, sponsored by Robert M. Leyde.

(b) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by SRI SAI LLC., d/b/a HI-TECH EXPRESS #3, located at 1451 HELTON DRIVE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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

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

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

16. Motion to Adjourn.
Prior to the approval of the agenda, President Barnhart noted that the City Council had decided at its earlier work session to add Regular Agenda Item 12 (b) Resolution authorizing the City to enter into a contract with CJF Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary to for the Mahogany Street storm sewer improvements, in the amount of $74,138.00, to be paid from budgeted funds, sponsored by Melissa Bailey and Bill Batson.

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

Discussion:

Councilmember Pendleton stated that when the City Council adopts the agenda it also adopts the rules of procedures which states that a City Councilmember could speak only once. Councilmember Pendleton also stated that he is not violating the rules by requesting to speak more than once. Councilmember Pendleton stated that he is using the minutes in an appropriate way to keep District 1 informed.

There being no further 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: No

Reports of Department Heads:

Melissa Bailey, Planning Director/Community Development, announced that there will be public information sessions regarding projects that are funded by the Community Development Block Grant on January 27th. Ms Bailey noted that District 1 public session will be held at the W. C. Handy Recreation Center from 10:00a.m. until 11:00 a.m. and the District 3 public session will be held at the Broadway Recreation Center at 6:00p.m.
Reports of Standing Committees:

Councilmember Betterton gave a report on the Parks & Recreation Committee meeting held on January 7, 2011. Councilmember Betterton's report follow, to wit:

PLEASE SEE EXHIBIT “A”
President Barnhart gave a report on the recent Public Works Committee meeting. President Barnhart's report follows, to wit:

PLEASE SEE EXHIBIT “A”
Councilmember Jordan, Chairperson of the Finance Committee, gave a report on a recent Finance Committee meeting that was held on Thursday, January 13, in the City Auditorium. Councilmember Jordan noted that in attendance were Councilmember Pendleton, Councilmember Morris, Councilmember Betterton, Dan Barger, Chief Accountant/Treasurer, Mr. Johnny Dill of Joe Jolly & Company and himself.

Councilmember Jordan stated that a number of capital projects were discussed including the Indian Mound Museum, numerous drainage projects, Senior Center, West Florence Development, archives building and the completion of River Heritage. Councilmember Jordan noted that the estimated total cost of these projects are $13,700,000.00. Councilmember Jordan stated that the committee ask Mr. Dill to meet with Dan Barger to come up with recommendations on ways to fund these projects. Councilmember Jordan noted that Councilmember Pendleton suggested that the City Council meet and discuss those recommendations.

Councilmember Jordan stated that the committee asked that Mr. Dill and Dan Barger meet and develop guidelines for spending funds from the one cent sales tax fund and to also develop a debt management policy for the City. Councilmember Jordan also stated that the committee asked Dan Barger to come up with ways to report to the City Council the financial status of the City.

Councilmember Jordan stated that Dr. Bronner is coming to Florence in March and that he will try to set up a meeting with him and the City Council to discuss Veterans Park.

Discussion:

Councilmember Pendleton stated that Veterans Park is no longer under the direction of the City of Florence except for routine maintenance. Councilmember Pendleton noted that we are under a contract with RSA and the Public Park Authority that has a relationship with other local Mayors for an attraction to be built using the two-percent gasoline tax. Councilmember Pendleton also noted that the gasoline tax was approved by both Colbert and Lauderdale Counties for the completion of RSA projects. Councilmember Pendleton stated that we need to get all parties together and to discuss the plans for the park.

Councilmember Jordan noted that Ms. Debbie Wilson, Florence/Lauderdale Tourism, sent information regarding a water theme park that might be suitable for Veterans Park.

Public Hearings: None

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

Consent Agenda:

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

Regular Agenda: 

City Clerk, Robert M. Leyde, presented a Resolution to approve the placement of the Singing River Statue at the site of the old armory in Florence, subject to final approval by the City Engineer, sponsored by James Barnhart and Andy Betterton. Said Resolution follows, to wit:
Minutes of City Council
January 18, 2011

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

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

Noes: None

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

Discussion:

Councilmember Betterton stated that he is very impressed with this project and he fully supports it.

Councilmember Pendleton stated that he feels that there needs to be a statute in the City of Florence that represents all the musical talent.

Councilmember Morris stated that Mr. Bill Matthews and Mr. David Anderson met with many different civic groups regarding the statue and that it seems to be very well received.

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 CJF Construction Company, Inc., to provide labor, equipment, materials and incidentals necessary to for the Mahogany Street storm sewer improvements, in the amount of $74,138.00, to be paid from budgeted funds, sponsored by Melissa Bailey and Bill Batson. (This item was added to the agenda) Said Resolution follows, to wit:
Councilmember Graham 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 Jordan moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Morris asked that Melissa Bailey, Planning Director/Community Development, come forward to give more information regarding the proposed resolution since it was added to the agenda during today’s work session.

Melissa Bailey, Planning Director/Community Development, stated that in recent months the City has had a surplus of Community Development Block Grant funds and it needs to be spent by March 1, 2011. Ms. Bailey also stated that all the money for this project is 100 percent federally funded.

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 – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by CARLOS A. SANCHEZ, d/b/a FIESTA MEXICANA #9, located at 1503 N. WOOD AVE., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:
Councilmember Graham 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 Jordan moved for adoption of the foregoing resolution. Councilmember Betterton seconded the motion.

Discussion:

Councilmember Graham stated that when an application for alcohol comes before the City Council, the applicant has been approved by the Florence Police and Fire Departments.

Councilmember Pendleton stated that the City of Florence has had a good track record in dealing with alcohol sales.

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 – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer & Wine by SRI SAI LLC., d/b/a HI-TECH EXPRESS #3, located at 1451 HELTON DRIVE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

Said Resolution follows, to wit:
Councilmember Pendleton moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

Councilmember Pendleton moved for adoption of the foregoing resolution. Councilmember Graham 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

Board Openings:

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

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding “Heater Hucksters”. Mr. Crowder stated that they advertise to consumers in newspapers and on the internet by promising to heat your home and it will lower your utility bill. Mr. Crowder also stated that a simple electric heater will perform the same.

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made comments regarding alcohol sales and prescription drugs. Mr. Simpson stated that since we condone the sale of alcohol
maybe we need re-think the legalization of marijuana. Mr. Simpson also stated that a lot of mentally ill people are given so many drugs that they are like zombies.

**Council Reports and/or Comments:**

Councilmember Jordan congratulated Auburn University on their National Championship win. Councilmember Jordan thanked Councilmember Morris for his work with the City Board appointments.

Councilmember Jordan made comments regarding Capital Projects. Councilmember Jordan stated that in next month’s edition of Architectural Digest is an advertisement for Regions Bank listing the Rosenbaum home, which was a Capital Project several years ago, as one of ten amazing homes you can visit. Councilmember Jordan stated that this proves that Capital Projects do work.

Councilmember Jordan announced that there will be a public meeting on January 20th at 10:00 a.m. to view presentations regarding a transfer station. Councilmember Jordan stated that representatives from Waste Management will attend the meeting.

Councilmember Graham thanked those in attendance and those watching by television. Councilmember Graham reminded everyone of the District 3 Community meeting on Thursday, January 27th at 6:00 p.m. at the Broadway Recreation Center.

Councilmember Graham offered his condolences to the family in the death of Sheffield City Councilmember Ronnie McCleary. Councilmember Graham stated that he will truly be missed.

Councilmember Morris made comments regarding board appointments. Councilmember Morris stated that he would like for the current board appointment list be placed on the City's website.

Councilmember Betterton stated that he, along with some members of the Florence Police Department, plans to attend a meeting in Birmingham on Thursday, January 27th, regarding the use of “photo enforcement” which is the traffic light cameras.

Councilmember Betterton made comments regarding the “Excellence in Education” program. Councilmember Betterton stated that this is an opportunity to donate money to our local school systems.

Councilmember Betterton thanked City employees for their hard work during this week’s bad weather.
Councilmember Pendleton read excerpts from Mayor Irons' comments from City Council meeting of September 21, 2010. Councilmember Pendleton read from an article regarding the appraisal of the former Florence Golf & Country Club property. Councilmember Pendleton stated that if the City sells 60 acres to the University of North Alabama, the City will not have an access road to the adjoining City property. Councilmember Pendleton submitted these copies and copies of newspaper articles regarding the former Florence Golf & Country Club property to Robert Leyde, City Clerk to be placed in the official minutes. Said copies follow, to wit:

PLEASE SEE EXHIBIT “A”
Councilmember Pendleton asked if you would care more about a building than you would the Street & Sanitation Department.

Councilmember Pendleton also made comments regarding the University of North Alabama. Councilmember Pendleton stated that according to Congressman Ronnie Flippo if the University of North Alabama purchases the former Country Club that the maintenance bill alone will bankrupt the University.

Councilmember Pendleton made comments regarding the current landfill. Councilmember Pendleton stated that we need to stop burying garbage. Councilmember Pendleton stated that even if the City closes the current landfill, it will still need to be monitored. Councilmember Pendleton stated that the City Council needs to schedule weekly work sessions to discuss issues and make recommendations.

Councilmember Pendleton stated that the University of North Alabama has an educational president. Councilmember Pendleton also stated that Dr. Cale is being mis-used by the Board of Trustees.

President Barnhart said hello to a dear friend, Kirk.

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

There being no further business the meeting was adjourned.

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ATTEST:

_______________________________________
CITY CLERK
Florence Park & Recreation Committee  
Meeting - Monday, 1/7/11  1:00PM  

Mayor's Conference Room  

Committee attending: Andy Betterton, James Barnhart, Hermon Graham  

Others attending: Bobby Irons, Barry Morris, Todd Nix, Randy Burns, Billy Musgrove, Bob Leyde & Robert Palmer (Times Daily reporter)  

The following items were discussed:  

1. After a discussion regarding a request to allow the sale of beer & wine at the Florence-Lauderdale Coliseum for special large events, the committee unanimously approved a recommendation that the full Council discuss this issue at its next Work Session on Tuesday, 1/18/11. Mr. Leyde & Mr. Musgrove have researched the requirements & will be prepared to address the Council. This decision will also require the approval of the Lauderdale Commission.  

2. In other business, the committee continued its discussion of how to best move forward with upgrades to Veterans Park. A recommendation was approved to bring the issue to the Council & ask Mayor Irons to discuss the issue with the Public Park Authority.
Mr. Anderson and Mr. Matthews of the Tennessee Valley Art Association were with us to discuss the Singing River Sculptures project. A project that would place an 18 foot high sculpture in each of the four cities as well as a grouping of one to eight sculptures located on a site overlooking the Singing River itself.

The city of Florence will not be obligated for any cash outlay, only in-kind for services such as site work and maintenance. The aluminum will be provided at no cost by Wise Alloys.

The Public Works Committee believes this is an excellent way to promote our musical heritage and will propose a resolution supporting this project.
Land sale deserves debate

Published: Friday, September 24, 2010 at 3:30 a.m.

The city of Florence will likely sell 60.5 acres of the former Florence Golf and Country Club to the University of North Alabama.

Everyone in the room knew what Florence City Council President James Barnhart was talking about when he responded to sharp criticism from Councilman Sam Pendleton during a meeting Tuesday.

“Mr. Pendleton, while I may not lead this council to your satisfaction, I lead it to satisfy the people of Florence,” Barnhart said. “I don’t want it to be like another city in our area.”

That other city, of course, is the town of Cherokee, where the mayor and council have been involved in a nasty and very public fight with each other.

We don’t want strife to paralyze and embarrass city government in Florence. At the same time, it would be good to see more of the city’s business debated in an open format.

Most of Tuesday night’s meeting focused on whether the council should grant Pendleton more than five minutes to address the proposed sale of city property. Mayor Bobby Irons has been negotiating behind the scenes to sell a portion of the former Florence Golf and Country Club to the University of North Alabama, a move that would require City Council approval.

In November, the city paid $2.03 million for the 154-acre property with the stated purpose of using a portion of it to expand the adjacent landfill. UNA’s board of trustees voted Sept. 10 to pay $1.2
million for 60.5 acres of the property, including the clubhouse facilities.

Pendleton accused Irons of cutting a "sweetheart deal" with UNA against the best interests of the city. Irons told Pendleton it's a sweet deal for both the city and UNA.

We believe Irons is correct. A sale to UNA appears to be a great use for the land, and the council should proceed with the sale. University officials say they can transfer some programs and offices to the property, and free up much-needed space on the main campus.

Time will tell whether the city will recoup its full investment, but the proposed sale is a start.

While we support the sale of the land to UNA, and oppose Pendleton's effort to expand the landfill, we also endorse the councilman's request to speak freely for more than five minutes at a council meeting.

Typical council meetings involve voting, with little public discussion or debate about the issues, followed by monologues delivered by councilmen at the end of the gathering.

The mayor removed much of the land-sale discussion from public view by privately polling council members to gauge their support for negotiating a sale to UNA. At the least, that circumvents the spirit of Alabama's open meetings law.

We understand Barnhart's fear of Florence becoming another Cherokee. But he and the mayor should embrace the idea of debating city issues in the light of day.
Officials: Fund covers landfill closure cost

By Robert Palmer
Staff Writer

The city's landfill closure cost is estimated at almost $2.27 million, and the account designated to cover closure should now be fully funded, city officials said.

City treasurer/chief accountant Dan Barger, in a letter to the Alabama Department of Environmental Management, said the fund as of Sept. 30, 2010, stood at nearly $1.9 million.

He also said $70,061 would be added to the account to bring it up to full funding.

The funding information is part of an annual report landfill operators must file with ADEM.

Should the city choose to close the landfill, it would be required to cover the site with 18 inches of soil, monitor groundwater, maintain storm water and erosion control, install a gas venting system, conduct regular maintenance and inspections, and maintain a remediation fund of $250,000.

"Each year, the owners of landfills must review their financial assurance documents, and send us documentation that they have done that," ADEM spokesman Scott Hughes said.

"With a city, we allow them to use the credit of the city and the financial stability of the city to meet that requirement."

The City Council has been debating what to do with the landfill, which has an estimated six years of life remaining. Some members want to expand the landfill onto the old Florence Golf and Country Club, which the city purchased in November 2009. Others say the city should get out of the landfill business and hire a contractor to haul household garbage to a regional landfill.

Robert Palmer can be reached at 256-740-5720 or robert.palmer@TimesDaily.com.
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.
Appraisal tops UNA offer

By Robert Palmer,
Staff Writer

Published: Friday, January 14, 2011 at 3:30 a.m.

City officials have finally received an independent appraisal for the proposed sale of part of the old Florence Golf and Country Club to the University of North Alabama, and the value is higher than the amount offered by the university.

Tim Davis’ appraisal of the 60.5 acres, including the clubhouse and entrance road, is $1,394,000, which is almost $200,000 more than the university’s offer of $1.2 million. The offer was made last fall.

The Florence City Council voted in November 2009 to buy the financially troubled 154-acre country club, which is adjacent to the city’s sanitary landfill, for just more than $2 million. One possible use for the property could be expanding the landfill, which has met not only public opposition, but opposition from some council members.

“We should offer the property for $1.394 million, and we should negotiate with the university for the entire property,” Councilman Dick Jordan said Thursday. “If the city is not going to expand the landfill, I don’t see any reason for keeping the property. We would have to maintain it, which would cost the city money.”

Jordan is adamantly opposed to expanding the landfill, and wants the city to close it and contract to have household garbage trucked to a regional landfill.

The country club includes access to Cypress Creek and a golf course. The landfill also borders the creek, and members of a grass roots
environmental group contend pollutants are leaking from the landfill into nearby creeks and springs.

"By selling all the property, it accomplishes several things," Jordan said. "It gets the city out of the landfill business and protects the creeks and surrounding neighborhoods. That makes the property more valuable and conducive to use by the university."

UNA is essentially landlocked in downtown Florence. Its enrollment has been increasing in the past five years, and housing and academic space issues are coming to the fore.

The City Council has the final say when public property is sold. It is not bound to accept the independent property appraisal.

Councilman Sam Pendleton has been critical of the proposed sale, singling out Mayor Bobby Irons for not representing the city’s best interests when dealing with the university.

Pendleton advocates moving the city Street Department to the clubhouse from its present location on Railroad Avenue in east Florence, where an entertainment district is proposed.

"Moving the Street Department to the country club would open space for public parking in the entertainment district," he said. "Parking will be an issue there."

He also said the city must have adequate access to the landfill for both monitoring and possible construction of a transfer station if the landfill is closed.

"We will still need an inert landfill," he said. "If (the country club) property is given to UNA, the only other way into the landfill is from Wildwood Road, and it cannot sustain that kind of traffic with 18-wheelers."

It’s likely the council will discuss the appraisal at its Jan. 18 work session, though a vote on whether to sell the land is not likely for several weeks.
Councilman Hermon Graham said the council must first discuss the matter, but he favors selling the property to the university.

Councilman Barry Morris said he is still studying the appraisal, and wants to see the details worked out by Irons and the university.

"We need some significant discussion about it," Morris said. "It's obvious we are not going to turn over property without access to the property we still retain."

Robert Palmer can be reached at 256-740-5720 or robert.palmer@TimesDaily.com.
Pendleton says he’s lost faith in mayor

By Robert Palmer,
Staff Writer

Published: Wednesday, January 5, 2011 at 3:30 a.m.

Florence Councilman Sam Pendleton continued his criticism of Mayor Bobby Irons during Tuesday’s City Council meeting, saying he has lost faith in the mayor’s leadership.

Pendleton has been highly critical of the proposed sale of a portion of the former Florence Golf and Country Club to the University of North Alabama. The city bought the country club more than a year ago, and Pendleton contends Irons engaged in secret negotiations with the university, which Irons denies.

At almost every turn in the course of the two-hour meeting, Pendleton pointed out reasons for his loss of trust in the mayor.

Pendleton said he went to the mayor’s office July 27 and told Irons he was “messing up” by conducting secret negotiations with the university. He said Irons denied talking privately with university officials.

“I told him, ‘you will attack me,’ ” over the matter, Pendleton said, then referred to a September council meeting in which Irons responded at length to the councilman’s criticisms.

“He has forsaken his flock for UNA,” Pendleton said.
The university has offered to buy 60 acres of the property, including the clubhouse, for $1.2 million. The council is awaiting an independent property appraisal before discussing the matter.

Pendleton cited news articles dating to the 1970s to bolster his contention that the university has been a “bad neighbor” to the predominantly black west Florence area. The land-locked university abuts west Florence and has considered moving into portions of the low-income neighborhood, possibly using the power of eminent domain.

Council meetings have become looser in structure since Pendleton and the mayor have arrived at cross purposes. Pendleton has used obscure rules of order to make lengthy statements that he said show a pattern of questionable activity and poor leadership by the mayor. He also has inserted a variety of information in the meeting minutes that he said can be used as evidence should a lawsuit be filed against the city by residents opposed to the sale of property or to a possible expansion of the sanitary landfill, which is immediately south of the country club property.

Council President James Barnhart has become exasperated with the procedural tactics, and Tuesday, suggested someone else might serve as president. He also advised city clerk Robert Leyde to leave his stop watch at home and ignore the five-minute rule on how long council members and the public may speak.

Florence resident Rogers Kimbrell has spoken at the past two meetings, criticizing Pendleton for being “negative.” He said Pendleton “talks in circles” and that in the past few months, “you have not been a good ambassador for Florence.”

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Country club appraisal not completed after two months

By Robert Palmer
Staff Writer

Published: Thursday, December 9, 2010 at 3:30 a.m.

It has been two months since Florence City Council members signed a contract for an appraisal of property at the former Florence Golf and Country Club. As of Wednesday morning, they still have not received it.

Florence purchased the old country club property about 13 months ago and has been working toward selling a portion of the land to the University of North Alabama. The transaction, however, cannot move forward until an appraisal is completed.

Mayor Bobby Irons and representatives from the University of North Alabama negotiated the sale of 60.5 acres, which includes the clubhouse. When Irons presented the proposed sale to the council, an appraisal was ordered per council bylaws.

The university has offered to pay $1.2 million for the land, which is more than a mile west of campus.

Specific plans for the property have not been outlined.

The problem with getting an accurate appraisal, according to Tim Davis, who was hired to perform the work, is that there aren’t many properties to compare to the former country club.
“Country clubs that are no longer in use are difficult to appraise because we don’t have an abundance of abandoned country clubs for sale,” he said.

Davis said he is using former parks and similar properties that have been sold in the region to help formulate a market value for the country club.

The City Council voted in November 2009 to buy the financially troubled golf and country club for just more than $2 million. The 154-acre site is immediately north of the city’s sanitary landfill on Alabama 20.

The council’s bylaws require that any public property declared surplus, and valued at more than $25,000, must have an independent appraisal before it can be sold. The council is not obligated, however, to abide by the appraisal.

Irons said the delay probably won’t affect the proposed sale, but he’s ready to move on with the matter.

“I wish (Davis) would go ahead and finish it up so we can make a decision,” the mayor said. Davis said the work is almost complete.

“I can’t say exactly when it will be done, but it will be soon,” he said.

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City property sale requires appraisal

By Robert Palmer, Staff Writer

Published: Friday, October 1, 2010 at 3:30 a.m.

The proposed sale of former country club land now owned by the city to the University of North Alabama will undergo an appraisal after all.

The university has offered to buy 60.5 acres of the former Florence Golf and Country Club for $1.2 million. The 154-acre country club adjacent to the city’s sanitary landfill was purchased by the city in November for $2.03 million with an eye toward expanding the landfill.

UNA’s plans for the property, which includes the club house, are centered on student housing, intramural sports and academics.

The university’s offer is based on Lauderdale County Revenue Commission tax assessments of the property, Mayor Bobby Irons said. He has recently said an independent appraisal of the land would not be sought.

That changed Thursday.

City attorney Billy Musgrove pointed out to the mayor and City Council members via e-mail that a resolution adopted more than three years ago requires an independent appraisal be performed before any city-owned property valued at $25,000 or more is sold. The resolution was adopted by the City Council on Feb. 6, 2007.
“Billy brought this to my attention recently,” Irons said Thursday. He said the resolution was adopted because of concerns that the city might not be getting fair market value for land under consideration for sale at that time.

Irons said a resolution will be included on the Oct. 5 City Council meeting agenda to require an appraisal of the property.

Councilman Dick Jordan, chairman of the council’s Finance Committee, said an independent appraisal will be good for the city as well as for the university.

“It’s good to have an appraisal. It will give us a benchmark,” Jordan said. “It’s just good business. It gives protection for both UNA and the city.”

Both Irons and Jordan said the council is not obligated to adjust the sale price based on the findings of the appraisal.

“We need to work closely with UNA,” Jordan said. “This property is a good fit for them.”

The possibility of expanding the landfill has not been popular with residents who live near the existing dump. They say the smell during warm weather is extremely unpleasant and that large numbers of vultures flock to the site.

The Shoals Environmental Alliance also is opposed to the expansion. They contend the existing landfill already is creating problems because of its proximity to Cypress Creek and the limestone karst soil that could allow leachate to enter ground water.

The city is conducting tests at the landfill at the behest of the Alabama Department of Environmental management to learn more about ground water flow.

Steve Pierce, president of the UNA board of trustees, stopped short of saying the board does not want the landfill expanded, but he made it clear earlier that buffers between the country club property and the landfill will be an issue.
City closes on club property

Fund used for purchase mandates use for sanitation operations only

By Robert Palmer,
Staff Writer

Published: Tuesday, February 23, 2010 at 3:30 a.m.

It's official.

The city of Florence now owns the former Florence Golf and Country Club, a portion of which could be used as a sanitary landfill.

City spokesman Phil Stevenson said city officials and representatives of Florence Golf and Country Club Holding Co. closed on the $2.023 million purchase Friday afternoon.

The country club, the second oldest in Alabama, went on the market in late 2009 at an asking price of $2.4 million. The City Council, in a quick move, voted to buy the property in November for $2 million with virtually no discussion. The country club abuts the city's sanitary landfill, which has about seven years of life remaining in it.

When city officials said the country club could be used as a dump, nearby residents organized themselves and became highly visible - and vocal - in their opposition. Residents contend the existing landfill is devaluing their properties because of the smell and noise, and that leachate is polluting Cypress Creek, which borders both properties. They have attended City Council meetings, saying opening another landfill in the same location doesn't make sense, and that the city should get out of the landfill business.
The country club was purchased with money from the Street and Sanitation Department's Enterprise Fund, Stevenson said, which restricts the use of the property to sanitation operations only.

He said using the land for any other purpose would require the purchase price be reimbursed to the fund.

The total amount of the check written by the city to the holding company was $2,023,000. Stevenson said the $23,000 represented prorated taxes.

Outside a possible addition to the sanitary landfill, officials have not discussed other uses for the former country club. Mayor Bobby Irons said earlier this month he has received calls from public and private entities about the property, but nothing has been discussed.

That the property is tied to sanitation operations won't pose a problem for other uses, City Councilman Dick Jordan said.

"If we don't use the property for sanitation-only purposes, we will have a reasonable amount of time to reimburse the fund," he said.

The city has financed other major projects, including construction of the Florence-Lauderdale Public Library and the sportsplex, by borrowing from other funds and later reimbursing the money, Jordan said.

The landfill and country club are in Jordan's district.

He introduced a resolution at last week's council meeting asking the mayor to set up a public meeting with the company that performed the environmental survey, which found the country club land suitable for a landfill. Opponents of the landfill called into question the findings in LAI Engineering's report. The resolution failed on a 3-3 vote of the council.

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State of capital projects fund should be known soon

By Robert Palmer
Staff Writer

Published: Tuesday, January 18, 2011 at 3:30 a.m.

The Florence City Council should know in a few weeks the state of the capital projects fund and how much can be borrowed from the bond market if it chooses to fund a list of high-dollar projects.

The council’s Finance Committee met Friday with its new financial adviser, Johnny Dill, of Joe Jolly and Co., and with city treasurer/chief accountant Dan Barger. The committee instructed Barger to provide Dill with any information he requests.

The committee, which includes Councilmen Barry Morris and Sam Pendleton, also instructed Barger to begin providing all council members with monthly financial statements. Councilman Andy Betterton also attended the meeting.

“We’re giving (Dill) figures so he can look at what’s coming in and what’s going out,” said Councilman Dick Jordan, chairman of the committee. “Then he can give us some ideas about how we can finance projects.”

Among the proposed projects on the council’s capital budget list are major drainage corrections, establishing a city archive, building a new Indian mound museum and revitalizing west Florence’s infrastructure.

Jordan also said the committee will recommend to the full council a resolution be adopted that more clearly defines how money from the
capital projects fund can be spent. Barger said some of the money had been used for equipment purchases, which Jordan found surprising.

The capital fund was established in 1995 with the adoption of a 1-cent sales tax earmarked for major projects, and to be controlled exclusively by the City Council. The tax generates about $7 million annually, and about a third of that amount is given to the Board of Education for capital projects.

Among the projects completed in the past were Deibert Park, Florence Harbor and the Florence-Lauderdale Public Library.

The council has not had a capital projects priority list for several years. The projects on the current list of proposals are estimated to cost $13.7 million.

Dill told the committee it’s important to maintain a balance between cash spending and debt.

For example, he said Huntsville has a 10-year capital projects list and borrows an average of $50 million every three years on the bond market. He said the city’s tax collections allow Huntsville to maintain a relatively constant debt level while accomplishing major projects.

"It is a moderate amount of debt," he said.

Dill will study Florence’s debt structure and revenue flow, and present recommendations for how to best handle both in the short and the long terms.

"We need scenarios on what we can and can’t do," Jordan said.

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College maintenance lists deferred

By Michelle Rupe Eubanks
Staff Writer

Published: Monday, September 20, 2010 at 3:30 a.m.

Deferred maintenance is a problem at most colleges and universities across the country, and the University of North Alabama is no exception.

The university has a long list of maintenance and repair projects that must be addressed.

At the quarterly board meeting earlier this month, trustee Ronnie Flippo said he's concerned UNA is in danger of being unable to work its way through the list of maintenance issues that, for lack of money, have been left undone.

"The facilities fee we charge students was designed, I believe, to get things like this done and to help us work our way through a long list of projects," he said. "The reality is that we seem to be getting further behind."

In 2005, the board passed a $9-per-credit-hour facilities fee for students to address issues such as larger renovation, remodeling or basic maintenance projects that had not been completed. This summer, the trustees upped the fee to $10 per credit hour so that annually UNA collects an average of $1.3 million from students.

Also at the board meeting, trustees approved borrowing $114,000 from the facilities fees that will be collected in the 2011-12 year, something Flippo said was akin to mortgaging the university's future.
UNA has maintained a list of deferred maintenance projects for the past four years that would cost about $16 million to complete. Gradually, that list has been cleared of some of the more critical issues while others have been added, according to Michael Gautney, director of facilities administration and planning.

The facilities fee money during the past three years has become an integral part of a major push to narrow the list of deferred maintenance projects, he said.

“The main thing to keep in mind is to have a plan, and that you come up with a means to accomplish that plan,” Gautney said. “The key to that is funding.”

When a building is constructed, it doesn't immediately go on the list for deferred maintenance needs, he said. What it means is that the university identifies the things that will need to be replaced within a certain amount of time.

“For instance, you have shingles on a roof you know will last 18 to 20 years,” Gautney said.

“That roof is not deferred maintenance until the 21st year. It's just like at a home. Do you replace your roof because it's 20 years old or because it develops a leak?”

In the past 36 months, UNA has spent $5.5 million on projects at Keller and Willingham halls as well as in changing out the chillers at Bibb Graves, LaFayette and Stevens halls and the Floyd Science Building. Much of that total was matched dollar for dollar by federal grant money as part of the Green Campus Initiative.

Those projects left a deficit in facility fee funding for repairs to Wesleyan Annex. The Wesleyan project is what university officials say requires them to borrow 20 percent of the project's overall cost, which is around $564,000, from next year's fees.

Steve Smith, vice president for business and financial affairs, said UNA has done a good job of using the federal money it has received.
“When we are able to match it dollar for dollar, it’s not something you want to turn away,” he said.

Without the benefit of the facilities fee, Smith said these projects would not have been accomplished without borrowing money.

“We have had to prioritize the list, but it’s amazing to see what collecting these dollars has been able to do,” he said. “When we’ve brought it all together, it’s really helped keep the school in good condition.”

New construction projects, including a science and technology building, will most likely lengthen the deferred maintenance list in the future. But Gautney said some colleges and universities nationwide are adding the needed money in to their new construction projects to handle any maintenance needs.

“It may cost $50 million to build a facility, and they’ll put an additional $20 million that will go to the life cycle costs of repairing or even replacing the building,” he said.

Although UNA has established no funds of this nature for its new projects, Gautney said it would be something to consider.

“It is a long-term investment that has to be thought out thoroughly,” he said.

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