

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
APRIL 19, 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, April 19, 2011. President Barnhart called the meeting to order. Councilmember Betterton gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that six Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Hermon T. Graham, Barry Morris, James Barnhart and Andrew Betterton.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

April 19, 2011

5:00 P.M.

-
1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Betterton
 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 April 5, 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 demolish all structures, level to surface and dispose fully of all debris from 15 addresses in the total contract amount of \$46,500.00 and in accordance with the terms and conditions of Invitation-To-Bid No. CD-243, to be paid by Community Development Funds, sponsored by Melissa Bailey. **(This item was moved to Regular Agenda Item 12 (h))**
- (d) Resolution authorizing the City to enter into a contract with Chris Burns, to conduct a youth golf clinic at Blackberry Trail Golf Course, 80% of the fees collected will be paid to contractor and the City shall retain the remaining 20%, sponsored by Todd Nix.

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- (e) Resolution authorizing the City to enter into a contract with King and Associates General Contractors, Inc., to provide labor, equipment, materials and incidentals necessary to install drywall and drop ceiling in an area of the main warehouse for the City of Florence Utilities Electricity Department, in the amount of \$7,150.00, to be paid from budgeted funds, sponsored by Richard Morrissey.
- (f) Resolution authorizing the City to approve a Satisfaction of Mortgage from the City to Patricia Faye Curtis, sponsored by Melissa Bailey.
- (g) Resolution authorizing the City to approve a Satisfaction of Mortgage from the City to Mary Ann Herston, sponsored by Melissa Bailey.
- (h) Resolution to appoint Lindsey Mussleman Davis to the Civil Service Board, sponsored by the City Council.
- (i) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to lease Suite 500 in the Florence-Lauderdale Government Building to Temberly Sledge, sponsored by Dan Barger.
- (b) Ordinance amending Sections 27-211 through 27-226 and Sections 27-246 through 27-254 of the Code of Florence, Alabama, to adjust water and sewer rates, sponsored by Mike Doyle.
- (c) Resolution to adopt new fee schedules for pool rentals at the Royal Avenue Recreation Center, sponsored by Tina Kitchens.
- (d) Resolution to vacate the following street: All that portion of Cherry Street lying and being between the southwardly rights-of-way line of College Street and the northeastwardly rights-of-way line of Dr. Hicks Boulevard and abutting original lot 164, according to the map survey of the City of Florence, Alabama, made by the Cypress Land Company, sponsored by Richard Morrissey.
- (e) Resolution authorizing vacation of certain streets and alleys in Pinehurst Addition Subdivision, sponsored by William Musgrove.
- (f) Resolution authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of the former Florence Golf and Country Club property for further review by the council, sponsored by Dick Jordan, Hermon Graham, James Barnhart and Andy Betterton.
- (g) Resolution to appropriated \$140,000.00 from the City of Florence Liability Insurance Fund to satisfy the Judgement entered in Baugus, et AL. V City of Florence, AL, sponsored by Bill Musgrove **(This item was added to the agenda)**
- (h) Resolution authorizing the City to enter into a contract with Ronnie Gist, DBA Gist Excavating, to provide labor, equipment, materials and incidentals necessary to demolish all structures, level to surface and dispose fully of all debris from 15 addresses in the total contract amount of \$46,500.00 and in accordance with the terms and conditions of Invitation-To-Bid No. CD-243, to be paid by Community Development Funds, sponsored by Melissa Bailey. **(This item was moved from Consent Agenda Item 11 ©.**

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of an Automobile Self-Service Station & Convenience Foods with Off-Premises Beer and Wine by VEERA INC., d/b/a QUICK CORNER FOOD MART, located at 4203 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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(b) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by ROBERT G. PIPER, d/b/a BARGE INN, located at 1050 CLAYBORN LILES DRIVE, FLORENCE, AL 35630, sponsored by Robert M. Leyde.

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11
Zoning Board	Morris Cracraft	08/20/02	05/17/11
	Tony Latham	06/30/03	05/17/11
	Michael O'Steen	07/16/02	05/17/11

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

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

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

16. Motion to Adjourn.

President Barnhart noted that Regular Agenda Item 12 (g) Resolution to appropriate \$140,000.00 from the City of Florence Liability Insurance Fund to satisfy the Judgement entered in Baugus, et AL. V City of Florence, Al, sponsored by Bill Musgrove was added to the agenda and Consent Agenda Item 11(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 demolish all structures, level to surface and dispose fully of all debris from 15 addresses in the total contract amount of \$46,500.00 and in accordance with the terms and conditions of Invitation-To-Bid No. CD-243, to be paid by Community Development Funds, sponsored by Melissa Bailey was moved to Regular Agenda Item 12 (h).

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There being no other 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 made comments regarding Regular Agenda Item 12 (c) Ordinance amending Sections 27-211 through 27-226 and Sections 27-246 through 27-254 of the Code of Florence, Alabama, to adjust water and sewer rates, sponsored by Mike Doyle. Councilmember Pendleton asked if the increase will be 9% for water and 9% for sewage or is the increase for water only.

Mike Doyle, Manager of Gas & Water Department, noted that it is a combined increase for water and sewage. Mr. Doyle stated that water revenue is used to fund waste water treatments.

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 Barnhart
Andrew Betterton

Noes: None

Message from the Mayor:

Mayor Irons presented a Proclamation designating Monday, April 25, 2011 as "Red Hat Day," recognizing the 13th anniversary of the Red Hat Society. This was received by Teresa (Queen Mother).

Mayor Irons also presented a Proclamation designating the week of April 24, 2011, as "Shoals Scholar Dollars Week." This was received by Mr. Harold Lewis on behalf of the Rotary Club. Mayor Irons made comments regarding the "Shoals Scholar for Dollar" program. Mayor Irons noted that this program is a great opportunity for the students in the City of Florence. Mayor Irons stated that on Wednesday, April 27th, when you dine at Rosie's Cantina and present a flyer to your waiter regarding the program, Rosie's will donate 20% of your bill to the program. Mayor

Irons stated that the flyers will be circulating next week and will be available at the hostess deck at Rosie's Cantina. Mayor Irons encouraged everyone to come out to Rosie's and support the program.

Reports of Department Heads: None

Reports of Standing Committees: None

Public Hearing: None

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

Mr. John Hargett, 1406 North Wood Avenue, appeared and made comments in support of Regular Agenda Item 12 (f) Resolution authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of the former Florence Golf and Country Club property for further review by the council, sponsored by Dick Jordan, Hermon Graham, James Barnhart and Andy Betterton. Mr. Hargett stated that it is a very good idea to sell the property and encouraged City officials to get the best price possible.

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on April 5, 2011 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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Councilmember Jordan seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

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

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance to lease Suite 500 in the Florence-Lauderdale Government Building to Temberly Sledge, sponsored by Dan Barger. Said Ordinance follows, to wit:

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented an Ordinance amending Sections 27-211 through 27-226 and Sections 27-246 through 27-254 of the Code of Florence, Alabama, to adjust water and sewer rates, sponsored by Mike Doyle. Said Ordinance follows, to wit:

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Councilmember Morris moved for immediate consideration of the foregoing ordinance.

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

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

Noes: Sam Pendleton, Jr.

(This ordinance did not receive a unanimous vote for immediate consideration)

City Clerk, Robert M. Leyde, presented a Resolution to adopt new fee schedules for pool rentals at the Royal Avenue Recreation Center, sponsored by Tina Kitchens. Said Resolution follows, to wit:

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution to vacate the following street: All that portion of Cherry Street lying and being between the southwardly rights-of-way line of College Street and the northeastwardly rights-of-way line of Dr. Hicks Boulevard and abutting original lot 164, according to the map survey of the City of Florence, Alabama, made by the Cypress Land Company, sponsored by Richard Morrissey. Said Resolution follows, to wit:

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

Discussion:

Councilmember Pendleton praised Richard Morrissey, Electricity Department Manager, for looking for available property adjoining or near existing City facilities.

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 vacation of certain streets and alleys in Pinehurst Addition Subdivision, sponsored by William Musgrove. Said Resolution follows, to wit:

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution authorizing the Mayor and the necessary City employees to negotiate a contract for the sale of a portion of the former Florence Golf and Country Club property for further review by the council, sponsored by Hermon Graham, James Barnhart and Andy Betterton. Said Resolution follows, to wit:

This Resolution did not receive immediate consideration at the March 1, 2011, City Council meeting, therefore a motion for a vote is all that is required.

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

Discussion:

Councilmember Pendleton made comments in opposition to the proposed resolution. Councilmember Pendleton stated that if property becomes available near or adjoining City property then we should take possession of it if possible. Councilmember Pendleton commended the former Florence Golf & Country Club for allowing the City to use the adjoining property for a landfill.

Councilmember Jordan stated that his name was removed from being a sponsor and that he would abstain from voting on this resolution, but he supports selling the portion to the University of North Alabama. Councilmember Jordan stated that he also supports selling the entire 150 acres and is not in favor of expanding the current landfill.

Councilmember Graham made comments in favor of the proposed resolution. Councilmember Graham stated that he is not aware of any other offers to purchase this property. Councilmember Graham also stated that there have not been any "sweetheart deals" regarding this property. Councilmember Graham stated that Councilmember Pendleton spoke to a member of the University of North Alabama trustee and stated that he fully supported selling the property to the university.

Councilmember Betterton made comments in favor of the proposed resolution. Councilmember Betterton stated that he would be delighted to see UNA expand and use this property.

President Barnhart made comments in favor of the proposed resolution. President Barnhart stated that when the property became available it was the intention of this City Council to have an option for expansion of the landfill. President Barnhart also stated that this has nothing to do with the University of North Alabama being a good neighbor or not.

Councilmember Pendleton stated that he did not stand before the Board of Trustees at the University of North Alabama and discuss this property. Councilmember Pendleton stated that Mayor Irons has not presented us a land use plan for this property. Councilmember Pendleton also stated that last year in a meeting with Mayor Irons, he told the Mayor that he knew that sweetheart

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deals were going on. Councilmember Pendleton stated that he met with Dr. Cale regarding a new science building for the university and that is the only time that he has met with him.

Councilmember Pendleton also stated that Mayor Irons can meet with whomever he wants to.

Councilmember Pendleton stated that he told Mayor Irons to walk away from this deal with UNA.

Councilmember Pendleton questioned how UNA would know to offer 1.2 million dollars.

Councilmember Betterton stated that without question he has no knowledge of a “sweetheart deal” with the University of North Alabama. Councilmember Betterton stated that Mayor Irons has been very transparent and forthcoming with all information regarding this matter.

Councilmember Pendleton made comments regarding the University of North Alabama. Councilmember Pendleton stated that someone had to give the University of North Alabama the price of 1.2 million dollars and the appraisal came in at 1.3 million dollars. Councilmember Pendleton stated that UNA cannot afford to pay this amount.

Councilmember Pendleton made comments regarding the former Florence Golf & Country Club property. Councilmember Pendleton stated that the City needs to keep this property and transfer the Street Department to the Country Club. Councilmember Pendleton also stated that we need to protect Cypress Creek with a buffer of 150 feet. Councilmember Pendleton also noted that the map attached to this resolution is wrong. Councilmember Pendleton stated that we need to stop burying garbage and go to a transfer station. Councilmember Pendleton also stated that it is inevitable that garbage rates will increase.

Councilmember Pendleton made comments regarding UNA. Councilmember Pendleton stated that UNA students leave trash and beer bottles in the neighborhood of West Florence. Councilmember Pendleton also stated that he receives calls in the middle of the night from District 1 residents with complaints of loud music and disturbances.

Councilmember Jordan stated that he is opposed to the expansion of the landfill but believes that UNA will protect Cypress Creek if they purchase the property. Councilmember Jordan stated that he would like to see UNA obtain the entire 154 acres, but this portion is a start.

Councilmember Morris made comments regarding the positive impact that UNA has on our community. Councilmember Morris stated that he was a professor of Economics for 35 years at the university. Councilmember Morris also stated that the university offers numerous cultural and artistic events. Councilmember Morris stated that the many service organizations that are serviced by the staff and students are tremendous. Councilmember Morris stated that students volunteer their time and talents to our community and that UNA is a good neighbor. Councilmember Morris

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encouraged Councilmember Pendleton to contact him with complaints and he will make sure that they are addressed.

Councilmember Betterton stated that he totally agreed with Councilmember Morris' statements.

President Barnhart again reminded the City Council that this resolution does not say anything about selling the property to UNA. President Barnhart stated that this is to move forward to sell the property and to leave UNA out of this decision.

Councilmember Pendleton stated that UNA is landlocked by choice. Councilmember Pendleton stated that UNA could have purchased the property directly from the Country Club. Councilmember Pendleton stated that he disagrees with Mayor Irons when he said that the entire Council knew that UNA had an interest in purchasing the property from the City. Councilmember Pendleton stated that he did not know that UNA was interested in the purchase. Councilmember Pendleton also stated that he has never talked to Mayor Irons regarding the sale. Councilmember Pendleton stated that he disagrees with Mayor Irons' statement that UNA would be a good neighbor to West Florence if they purchased the Country Club. Councilmember Pendleton stated that it was a disrespect to District 1. Councilmember Pendleton also stated that UNA is not respectful to the citizens of West Florence. Councilmember Pendleton stated that he goes over all details with Mr. Robert Hughes. Councilmember Pendleton stated that he values Mr. Bill Batson's, former Mayor of Florence and Mr. Norman Ross' opinions. Councilmember Pendleton submitted a copy of a Timesdaily Newspaper article, dated February 25. Article follows, to wit:

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Councilmember Jordan stated that UNA has a great economical impact on the City of Florence. Councilmember Jordan also stated that through this administration that UNA has begun to be a better neighbor. Councilmember Jordan stated that with the new land use plan, the City was able to show boundaries and to keep UNA from encroaching into the historical districts and nearby neighborhoods. Councilmember Jordan stated that by purchasing this property, UNA can move dorms and classrooms thus freeing up parking around the university.

Councilmember Pendleton stated that West Florence has a different set of problems now with UNA. Councilmember Pendleton made comments regarding Mayor Irons' statement on September 21st regarding moving the Street and Sanitation Department offices or any other City offices will be unwise. Councilmember Pendleton stated that this says that UNA is the only one that is good enough to move to the country club. Councilmember Pendleton stated that Mayor Irons manages more than 900 people and none of them are good enough to move to the country club. Councilmember Pendleton stated that this Council represents all the citizens of Florence and must make a decision regarding the disposal of waste. Councilmember Pendleton stated that he does not advocate selling any of the former country club property. Councilmember Pendleton stated that no one on this Council knows or has seen any paper work showing the boundary lines of this property. Councilmember Pendleton commended Councilmember Morris and Councilmember Jordan for seeking an Attorney General's opinion regarding voting on this issue. Councilmember Pendleton stated that his recommendation is to combine the Street and Sanitation Department offices and move them to the country club, protect Cypress Creek and go to a transfer station for our garbage.

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

Ayes: Hermon T. Graham
James H. Barnhart
Andrew Betterton

Noes: Sam Pendleton, Jr.

Abstain: William D. Jordan
Barry Morris

City Clerk, Robert M. Leyde, presented a Resolution to appropriate \$140,000.00 from the City of Florence Liability Insurance Fund to satisfy the Judgement entered in Baugus, ET Al. V. City of Florence, sponsored by Bill Musgrove. Said Resolution follows, to wit:

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Councilmember Morris moved for immediate consideration of the foregoing resolution.

Councilmember Graham 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 Betterton seconded the motion.

Discussion:

Councilmember Pendleton made comments regarding the proposed resolution.

Councilmember Pendleton stated that this amount of money will not undo all the damage that has been done. Councilmember Pendleton thanked the attorneys and Judge Self that were involved in this case.

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 Ronnie Gist, DBA Gist Excavating, to provide labor, equipment, materials and incidentals necessary to demolish all structures, level to surface and dispose fully of all debris from 15 addresses in the total contract amount of \$46,500.00 and in accordance with the terms and conditions of Invitation-To-Bid No. CD-243, to be paid by Community Development Funds, sponsored by Melissa Bailey. Said Resolution follows, to wit:

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

Discussion:

Councilmember Pendleton noted that nine of these properties are located in the West Florence area. Councilmember Pendleton thanked Melissa Bailey, Planning Director, and her staff for establishing a relationship with the citizens of West Florence.

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 and Wine by VEERA INC., d/b/a QUICK CORNER FOOD MART, located at 4203 HUNTSVILLE ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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

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

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
William D. Jordan
Barry Morris
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 ROBERT G. PIPER, d/b/a BARGE INN, located at 1050 CLAYBORN LILES 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 Morris 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 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

Board Openings:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Beautification Board	3 - Vacancies		
Riverbend Center for Mental Health	Richard H. Davy	05/15/07	04/01/11
Zoning Board	Morris Cracraft Tony Latham Michael O'Steen	08/20/02 06/30/03 07/16/02	05/17/11 05/17/11 05/17/11

President Barnhart noted that Mr. Richard Davy will be confirmed for reappointment to Riverbend Center for Mental Health at the next City Council meeting.

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

Mr. Billy Ray Simpson, 1738 Ingleside Avenue, appeared and made general comments in support of legalizing marijuana. Mr. Simpson stated that we should stop the war on drugs and legalize marijuana. Mr. Simpson also stated that marijuana is not an addictive drug.

Council Reports and/or Comments:

Councilmember Graham congratulated the Red Hat Society for thirteen years of organization. Councilmember Graham commended the Florence Parks & Recreation Department and Florence High School for their work on the baseball tournament that was held last weekend at the Sports Complex.

Councilmember Graham reminded everyone of the District 3 Community Meeting that will be held on April 28th at the Broadway Recreation Center at 6:00 p.m.

Councilmember Morris made comments in support of the Shoals Scholar Dollars program. Councilmember Morris encouraged everyone to support this program.

Councilmember Betterton also made comments in support of the Shoals Scholar Dollars program and commended Mr. Harold Lewis and the Rotary Club. Councilmember Betterton stated that education is very important to our community.

Councilmember Betterton stated that he is working to coordinate a District 6 Community meeting. Councilmember Betterton noted that growth is continuing in the City of Florence.

Councilmember Pendleton thanked Mr. Harold Lewis and Mr. Grady Liles. Councilmember Pendleton noted that he is very cautious of whom he meets with. Councilmember Pendleton also expressed his disappointment with Mayor Irons for not having a program and for not recommending that the Street and Sanitation Department be moved to the country club property. Councilmember Pendleton submitted reports which follow, to wit:

**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.

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TIMESDAILY.COM

Families must get city permission for access to cemetery

By Robert Palmer
Staff Writer

Published: Monday, April 11, 2011 at 3:30 a.m.

On an overgrown ridge above Cypress Creek is one of Lauderdale County's oldest cemeteries, with burials that predate the Civil War.

Variously known as Cypress Cotton Mill Cemetery and Martin Factory Cemetery, the burial ground is now surrounded by property owned by the city of Florence. The cemetery is near the center of the former Florence Golf and Country Club, which the city bought in November 2009 for just more than \$2 million.

The city is entertaining an offer from the University of North Alabama to purchase a portion of the property, including land containing the cemetery, for \$1.2 million.

Alabama law does not allow cemeteries to be disturbed or sold without first going through a variety of court proceedings. State law also requires land owners to provide access to cemeteries by those with relatives buried in them.



Matt McKean/TimesDaily

David Koonce and Florence spokesman Phil Stevenson look at old grave stones hidden in the brush at the large cemetery behind the swimming pool area of the old Florence Golf and Country Club. The club is now owned by the city. Burials in the cemetery date back to the middle of the 19th century.

The cemetery is not a city property, so city employees don't contribute directly to its upkeep.

"Last year, a group of people cleaned the cemetery," said David Koonce, whose duties as Public Works director include overseeing the city cemetery. "We had them pile up the debris and we hauled it away for them."

Describing the old cemetery as snaky is apt. During a walk-through of the property last week, Koonce bent down near a rotting fallen tree and picked up a 5-foot long rat snake by its tail. Ticks are so thick that a liberal coating of insect repellent on the clothing is recommended.

City spokesman Phil Stevenson said a similar historic cemetery is on Blackberry Trail Golf Course. It is cared for by private residents, though the city occasionally assists with tree removal.

"When city property contains a cemetery, we don't own the cemetery," Stevenson said.

But because the Martin Factory Cemetery is within the 154-acre country club, it is not accessible to the public without first contacting city officials. Stevenson said the gate at the entrance of the former country club is kept locked.

Exactly when the Martin Factory Cemetery was established is not clear. The oldest burial date on a tombstone is 1859, and the most recent burial was in 1994.

The cemetery was surveyed in 1993 by Orlan Irons and the late William McDonald, who was an avid historical and genealogical researcher and Florence city historian. They noted several dozen grave markers, and estimated there were as many as 100 unmarked graves in the cemetery. A walk through the brushy property reveals dozens of depressions in the ground that indicate burial sites.

There are veterans of the Civil War, World War I and World War II buried there, McDonald said. He also said a woman related to the area's earliest pioneers is buried there.

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The cemetery takes its names from cotton and grist mills that once operated along Cypress Creek. The first mill was purchased by James Martin sometime in the 1830s, and the operations were expanded through the years. The mills were burned by Union cavalry in 1863, and rebuilt after the Civil War.

A biographical sketch of Martin, provided by Lee Freeman at the Florence-Lauderdale Public Library, includes comments attributed to Martin about the mill village.

Martin said the 800 mill employees "have virtually added to the wealth of the country. ... This enables them to live a much more comfortable life, and by constant employment, enables them to make much more useful and better citizens. ... We have a day school, a Sunday school well attended, and a church for their benefit, and in this way hope to benefit them, while we benefit ourselves."

The cemetery has been added to the Alabama Cemetery Preservation Alliance's website by Billy Joe Sledge, and listed as in need of adoption.

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TIMESDAILY.COM

Mayor: No plan for land

*By Robert Palmer,
Staff Writer*

Published: Thursday, February 25, 2010 at 3:30 a.m.

What are the city's plans for the 158-acre former golf and country club it just purchased for \$2 million? According to Mayor Bobby Irons, there are no plans - at this time.

One reason the City Council voted to buy the property was to consider using 22.5 acres for a sanitary landfill. The former Florence Golf and Country Club borders the city's landfill, which has about seven years of life remaining. Irons said he wanted the property as a contingency in case other options for disposing of the city's household garbage prove not to be feasible or too costly.

"We have time," Irons said Wednesday morning. "We are not going to rush into a permit for a new landfill until that is the only option. We have three to four years to make a final decision."

Irons and the City Council have come under heavy criticism from a citizens' group that opposes expanding the landfill. They contend the property is not suitable for a landfill, and that the existing landfill is leaking into nearby Cypress Creek.

Florence formally took possession of the country club Friday after paying just more than \$2 million. The council voted Nov. 17 to buy the property with virtually no prior public discussion. Irons said that was because the property had just gone on the market and at least one other prospective buyer was negotiating for the land.

"If we had not acted, we would never have had another opportunity to buy it," the mayor said. "It's an option if everything else fails."

David Koonce, director of streets and sanitation, said one of the options being considered is building a transfer station and sending household garbage to a certified regional landfill outside the area.

"We see this as a likely option," he said.

Irons said whatever the city chooses to do, it must be cost effective. He is concerned that regional landfills, which are owned by corporations, could become cost prohibitive in the future if one or two companies monopolize the business.

The first step toward containing the waste stream will be a renewed effort to boost curbside recycling. Koonce said one option being considered is providing 65-gallon rolling carts in which recyclable materials may be placed. The carts would be picked up like regular garbage cans, he said. But the carts cost \$45, which presents a cost factor not yet resolved.

Irons said plans are being developed to encourage more home recycling. Presently about 35 percent of city households participate in curbside recycling. Irons said he wants to double that percentage, which would reduce the amount of garbage going into the landfill, thus extending its life.

Answering some of the criticism he and the council have faced over the purchase of the country club and the possible expansion of the landfill, Irons said he and the council are listening to what people say at public meetings and are taking notes.

"A new landfill is one of many options. We are looking at all the options, and we want whatever we do to be cost feasible," he said. "We are trying to do what is best for the community."

Irons said he is just as concerned about potential contaminants going into Cypress Creek as anyone, but he must rely on regulations stipulated for landfill operation by the Alabama Department of Environmental Management. "We don't want to contaminate the creek," he said.

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City spokesman Phil Stevenson said the landfill is in compliance with state regulations, and that it was built to Environmental Protection Agency standards.

"If a problem is proved to exist, it will be fixed," he said.

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City of Florence, Al
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Councilmember Pendleton recognized Shoals Christian School students for winning the North Alabama Regional Science Fair. Councilmember Pendleton stated that Christian Schools do not complain about paying taxes.

Councilmember Jordan also thanked Mr. Harold Lewis, Rotary Club and Mr. Grady Liles for his work with the Sportsman Club and the National Championship game. Councilmember Jordan also noted that Ms. Lindsay Mussleman Davis was appointed tonight to the Civil Service Board.

Councilmember Jordan stated that the City Council had a healthy discussion regarding the former Florence Golf & Country Club property. Councilmember Jordan also made comments regarding the fishing tournaments.

President Barnhart thanked Mr. Harold Lewis for another great program.

There being no more comments, Councilmember Pendleton made a motion to adjourn the meeting.

Councilmember Betterton seconded the motion.

A vote taken thereon resulted as follows:

Ayes:	Sam Pendleton, Jr. William D. Jordan Hermon T. Graham Barry Morris James Barnhart Andrew Betterton
Noes:	None

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Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK

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