

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
November 17, 2009**

The regular meeting of the City Council of the City of Florence, Alabama, was held in the City Hall Auditorium in Florence at 5:00 p.m., on Tuesday, November 17, 2009. President Barnhart called the meeting to order. Councilmember Graham gave the invocation and led in the Pledge of Allegiance. Robert M. Leyde, City Clerk, performed the roll call and noted that five Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., Barry Morris, James H. Barnhart, Andrew Betterton and Hermon T. Graham. William D. Jordan was absent.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

November 17, 2009

5:00 P. M.

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1. Meeting called to order - President Barnhart
 2. Invocation - Councilmember Graham
 3. Pledge of Allegiance
 4. Roll Call - President Barnhart
 5. Approval of Agenda
 6. Message from Mayor
 7. Reports of Department Heads
 8. Reports of Standing Committees
 9. Public Hearings:
 10. Business from floor pertaining to items on the consent and regular agenda (5-minute limit).
 11. Consent Agenda:

All matters listed within the Consent Agenda have been distributed to each member of the Florence City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussion. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request. Please call 760-6400 for questions on Consent Agenda items prior to the Council meeting.

- (a) Approval of minutes of the Regular Meeting held on November 3, 2009.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with McDaniel Window and Door Company, Inc., to provide labor, equipment, materials and incidentals necessary to replace the exterior door with a handicapped threshold next to the City Auditorium, in the amount of \$2,911.00, to be paid from budgeted funds, sponsored by Mike Doyle.
- (d) Resolution authorizing a Settlement Agreement and Release among Carol S. Lyles, Blaine Edwards, Burt Reiff, Lynne Reiff, CKR Enterprises IX, LLC, Courtyard Apartments, LTD, C. K. Irby Construction Company and the City of Florence, sponsored by Bill Musgrove.
- (e) Resolution to reappoint Bill Burke to the Parks and Recreation Board, sponsored by the City Council.

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

12. Regular Agenda:

- (a) Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00, to be paid from the Solid Waste Fund reserves, sponsored by Mayor Irons and David Koonce.
- (b) Resolution to approve changes to employee healthcare benefits, Major Medical individual deductible will increase from \$300 to \$500, and the maximum deductible per family will change from the current requirement of three deductibles per family, \$900 to \$1500 aggregate maximum family

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Grocery Store with Off-Premises Beer & Wine by CROCODILE ED’S, LLC, d/b/a CROCODILE ED’S FISH MARKET, located at 395 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (b) Board Openings within the next 90 days or less:

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

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

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

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

16. Motion to Adjourn.

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Councilmember Morris made a motion to remove Item 12 (a) Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00, to be paid from the Solid Waste Fund reserves, sponsored by Mayor Irons and David Koonce from tonight's agenda.

President Barnhart asked for a motion to remove agenda Item 12 (a) from tonight's agenda.

Councilmember Morris moved for the removal of Item 12 (a). There being no second, the motion dies.

President Barnhart asked for a motion for approval of the agenda. . Councilmember Graham moved for approval of the agenda. Councilmember Betterton seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes:	Sam Pendleton, Jr. Herman T. Graham James H. Barnhart Andrew Betterton
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Noes:	Barry Morris
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Message from the Mayor:

Mayor Irons presented a Proclamation designating the week of November 16th through November 20th as International Education Week. This Proclamation was received by Ms. Alison Stanfield of the Florence/Lauderdale Tourism Office.

Mayor Irons made comments regarding Regular Agenda Item 12 (a) Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00, to be paid from the Solid Waste Fund reserves. Mayor Irons' comments follows, to wit:

Reports of Department Heads:

David Koonce, Manager of Solid waste, Street & Recycle Department, made comments regarding the leaf collection by the Street Department.

David Koonce, Manager of Solid waste, Street & Recycle Department, made comments regarding Agenda Item 12 (a) Mayor Irons made comments regarding Regular Agenda Item 12 (a) Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00, to be paid from the Solid Waste Fund reserves. Mr. Koonce's comments follows, to wit:

Florence Police Chief Rick Singleton issued the oath of office to two new police officers, Bradley Landers and Michael South.

Reports of Standing Committees: None

Public Hearings: None

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

The following is a summary list of statements and questions raised by those in attendance at tonight's meeting who are opposed to the City purchasing the Florence Golf and Country Club property:

1. What are the other options or alternatives to buying this property to be used as a landfill?
2. This land is too valuable to destroy, to turn into a landfill.
3. City Officials are grossly exaggerating the costs of sending our waste to a regional landfill.
4. We should be expanding and further developing the West Side.
5. We should consider aesthetics - our current landfill was once a beautiful valley; Now it is a mountain of garbage.
6. What are the City's plans if this property is not permitted?
7. The City should take its time and answer the citizen's questions and concerns.
8. The City is not being a good steward of the taxpayers' money, nor is it being a good caretaker of our environment.

Mr. David Cope, 1750 Eunice Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (a) Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00.

Ms. Hester Cope, 1750 Eunice Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Ms. Elaine Poorman, 3395 County Road 16, (Mudd Road), appeared and made comments in opposition to Regular Agenda Item 12 (a).

Roger Tanner, 118 Creekside Drive, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Byron Bower, Jr, Hickory Hills Road, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Josh Johnston 139, North Leland Drive, appeared and made comments in opposition to Regular Agenda Item 12 (a).

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Rich H., Cypress Bend Place, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Frank Cooper, appeared and made comments in opposition to Regular Agenda Item 12 (a).

John Crowder, 421 Nottingham Road, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Jean Gay Mussleman, 141 Wildwood Trail, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Elizabeth Messer, 121 Wildwood Trail, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Charles Rose, Shoals Environmental Alliance, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Tonya Holley, Cypress Bend Place, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Keith Hyde, appeared and made comments in opposition to Regular Agenda Item 12 (a). Nancy Muse, Shoals Environmental Alliance, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Scott Ruffrage, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Jan Curtis, Cambridge Court, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Ricky Curtis, Cambridge Court, appeared and made comments in opposition to Regular Agenda Item 12 (a).

David Messer, 121 Wildwood Trail, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Charles Curtis, Cambridge Court, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Brandy Donaldson, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Karen Lowery, 119 Creekside Drive, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Billy Ray Simpson, Ingleside Avenue, appeared and made comments in support of Regular Agenda Item 12 (a).

Charles Harlan, Berry Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Donnie Pounders, 213 Creekside Drive, appeared and made comments in opposition to Regular Agenda Item 12 (a).

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Miles Colcock, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Kelly McCord, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Greg McCanless, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Bob Butler, Wildwood Trail, appeared and made comments in opposition to Regular Agenda Item 12 (a).

Consent Agenda:

President Barnhart asked for a motion for approval of the Consent Agenda items. Councilmember Betterton moved for approval of (a) Approval of minutes of the Regular Meeting on November 3, 2009 and (b) Confirmation of payment of bills by the City Treasurer; and The ordinances and resolutions as follow, to-wit:

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

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

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented a Resolution to approve the Real Estate Sales Agreement between the City of Florence and FGCC Holdings, LLC for the purchase of the property commonly known as the Florence Golf and Country Club for the amount of \$2,030,400.00, to be paid from the Solid Waste Fund reserves, sponsored by Mayor Irons and David Koonce. Said Resolution follows, to wit:

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Councilmember Pendleton 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
Barry Morris
James H Barnhart
Andrew Betterton

Noes: None

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

Discussion:

Councilmember Morris abstained himself from voting due to his father-in-law being a current member of the Florence Golf & Country Club

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

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
James H. Barnhart
Andrew Betterton

Noes: None

Abstain: Barry Morris

City Clerk, Robert M. Leyde, presented a Resolution to approve changes to employee healthcare benefits, Major Medical individual deductible will increase from \$300 to \$500, and the maximum deductible per family will change from the current requirement of three deductibles per family, \$900 to \$1500 aggregate maximum family. Said Resolution follows, to wit:

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Councilmember Betterton moved for immediate consideration of the foregoing resolution.

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

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
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 further discussion, a vote taken on the motion resulted as follows:

Ayes: Sam Pendleton, Jr.
Hermon T. Graham
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 Grocery Store with Off-Premises Beer & Wine by CROCODILE ED'S, LLC, d/b/a CROCODILE ED'S FISH MARKET, located at 395 COX CREEK PARKWAY, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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

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

Noes: None

Councilmember Betterton 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
Barry Morris
James H. Barnhart
Andrew Betterton

Noes: None

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Board Openings:

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Agri-Business	Terry Tipper	07/06/06	11/15/09
Animal Control	Roy Kelsey	02/18/97	12/04/09
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Tree Commission	Lavetta Adams	01/02/07	11/03/09
	Nancy Muse	05/01/07	11/03/09
	Kevin Jangaad	09/16/09	11/03/09

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

David Cope, 1750 Eunice Avenue, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Josh Johnston, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Charles Rose, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

John Crowder, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Miles Colcock, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Scott Roffridge, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

John Hargett, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Jan Curtis, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Ricky Curtis, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Charles Harlan, Berry Avenue, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Billy Ray Simpson, Ingleside Avenue, appeared and made general comments.

Donnie Pounders, appeared and made comments in opposition to the approval of Regular Agenda Item 12 (a).

Council Reports and/or Comments:

Councilmember Betterton thanked David and Hester Cope for their help. Councilmember Betterton also thanked Nancy Muse for her discussion regarding recycling. Councilmember Betterton stated that there is still a lot of work to do regarding the decision to expand the landfill.

Councilmember Pendleton thanked everyone who attended tonight's meeting. Councilmember Pendleton stated that constitutionally everyone has the right to address their government and present their grievances, but you may not always get the answer you want. Councilmember Pendleton also stated that he must look out not just for the twenty nine that spoke tonight but for all the citizens of

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Florence. Councilmember Pendleton stated that there has not been any back room deals regarding the purchase of the Florence Golf & Country Club property.

Councilmember Graham stated that he voted in favor of the purchase of the Florence Golf & Country Club property for all the citizens of Florence. Councilmember Graham stated that Mayor Irons is a very honorable man.

Councilmember Morris stated this Council and Mayor Irons are honorable men. Councilmember Morris also stated that this Council should have taken more time to answer questions regarding the purchase of the Country Club.

President Barnhart stated he resented that people stepped on Mayor Irons' toes tonight and that Mayor Irons is an honorable man who works very hard for the citizens of Florence. President Barnhart also stated that these Councilmembers are honorable men and they do not deserved to be called stupid. President Barnhart thanked Councilmember Morris for abstaining from voting on the Country Club property and also for notifying Mayor Irons several months ago that the Florence Golf & County Club property would be for sale.

City Clerk Robert Leyde presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK