

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
JULY 17, 2012**

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, July 17, 2012. President Barnhart called the meeting to order. Councilmember Pendleton 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.

**AMENDED AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**July 17, 2012**

**5:00 P.M.**

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1. Meeting called to order - President Barnhart
  2. Invocation - Councilmember Pendleton
  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:
    - (a) Ordinance to establish comprehensive Zoning Regulations for the City of Florence, and to provide for the administration, enforcement and amendment thereof, in accordance with the provisions of the Code of Alabama, 1975, Title 11, Chapter 52 (11-52-1 et seq.), and for the repeal of all Ordinances in conflict herewith.

10. Business from floor pertaining to items on the consent and regular agenda (5-minute time 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 July 3, 2012.
- (b) Confirm payment of bills by the City Treasurer.
- (c) Resolution authorizing the City to enter into a contract with Waste Connections, Inc., to provide labor, equipment, materials and incidentals necessary to provide two twenty yard roll-off containers and remove, haul and dispose of Municipal Wastewater Treatment Plant influent screens/skimmer/grit solids, in the amount of \$45.00 per ton, to be paid from Account #652.00 Maintenance-Production Expense, sponsored by Mike Doyle.

- (d) Resolution to approve the Schedule of Proposed Audit Fees for auditing services provided by The Watkins Johnsey Professional Group, P.C., sponsored by Mayor Irons and Dan Barger.
- (e) Resolution to approve the Proposal for Renewal of Excess Workers' Compensation coverage from Safety National Casualty Corporation, Option 1, sponsored by Dan Barger.
- (f) Resolution to approve the renewal of the Worker's Compensation and Loss Control Self-Insurance Service Agreement with The Frank Gates Service Company, Inc., for a monthly service fee of \$4,691.67, to be paid from budgeted funds in the City's Worker's Compensation Fund, sponsored by Dan Barger.
- (g) Resolution to approve the settlement of a lawsuit filed against the City by Patsy Payton for an amount not to exceed \$50,000.00, sponsored by Bill Musgrove.
- (h) Resolution authorizing the City to enter into an Agreement for Utility and Construction for Project No. STPOA8863(600) with ALDOT for the Hermitage Drive Bridge Replacement over L & N Railroad, to be paid with 80% Federal funds and 20% City funds (will be funded upon acceptance by State Contract, sponsored by Bill Batson.
- (i) Resolution authorizing the City to enter into a Reimbursable Agreement with ALDOT for the relocation of water utilities on U.S. Highway 43, sponsored by Mike Doyle.
- (j) Resolution authorizing the City to enter into an agreement with the State of Alabama and the Northwest Alabama Council of Local Governments to administer the "3-C" Transportation Planning Process for the Shoals urbanized area, to be paid from FHWA Planning funds and FTA Planning funds, sponsored by Melissa Bailey.
- (k) Resolution to reappoint Dick Smith to the Port Authority.
- (l) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to establish comprehensive Zoning Regulations for the City of Florence and to provide for the administration, enforcement and amendment thereof, in accordance with the provisions of the Code of Alabama, 1975, Title 11, Chapter 52 (11-52-1 et seq.), and for the repeal of all Ordinances in conflict herewith, sponsored by Melissa Bailey.
- (b) Resolution to vacate the following streets and alleyways: Orleans Boulevard lying north of the north right of way line of Peachtree Street and east of the centerline of Franklin Street extended; 12 foot east/west alley abutting the north line of lots 17, 18, and 19, block 63 of fourth addition to Weeden Heights; east/west alley lying within block "g" and block "h" of second addition to Weeden Heights; Woodward Street, lying between blocks "g" and "h" of second addition to Weeden Heights; Muscle Shoals Drive lying south of a line beginning at the northeast corner of lot 22, block "g" of second addition to Weeden Heights thence run southwestwardly to the south line of said second addition to Weeden Heights; and east/west alley lying south of lots 19, 20, 21 and 22, block "g" of second addition to Weeden Heights, sponsored by Bill Musgrove.

13. General Business:

- (a) Resolution to amend Solid Waste Fund Fiscal Year 2011- 2012 budget. To be amended as follows: Revenue decreasing from \$4,772,800 to \$4,489,055 (\$283,745) while expenses increase from \$4,710,165 to \$5,721,345 (\$727,435), resulting in a net operating deficit of \$948,545 for the fiscal year. Details provided in Exhibit A accompanying the resolution. Sponsored by Dan Barger. **(This item was removed)**

- (b) Resolution – Alcohol Beverage License Application for the operation of a Convenience Store with Off-Premises Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL’ STEVE’S #6, located at 3803 CHISHOLM ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (c) Resolution – Alcohol Beverage License Application for the operation of a Package Liquor Store with Off-Premises Liquor, Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL’ STEVE’S #7, located at 926 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (d) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by THE RESTAURANT PARTNERS GROUP, LLC, d/b/a YUMM SUSHI AND BEYOND, located at 117 N. COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde.
- (e) Resolution – Alcohol Beverage License Application for the operation of a Wholesale Wine Distributorship by GRASSROOTS WINE WHOLESALERS LLC, d/b/a GRASSROOTS WINE WHOLESALERS, located at 3413 5<sup>th</sup> AVENUE S., BIRMINGHAM, AL 35222, sponsored by Robert M. Leyde.
- (f) Board Openings within the next 90 days or less:

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Housing & Construction Appeals Board	1 - Vacancy		
Scope 310	Vacant		
Zoning Adjustments	1 - Vacancy (Supernumerary)		

- 14. Business from the public (5-minute time limit).
- 15. Council Members reports and/or comments (5-minute time limit).
  - Councilmember Graham
  - Councilmember Morris
  - Councilmember Betterton
  - Councilmember Pendleton
  - Councilmember Jordan
  - Councilmember Barnhart
- 16. Motion to Adjourn.

President Barnhart noted that Regular Agenda Item 13 (a) Resolution to the amend Solid Waste Fund Fiscal Year 2011- 2012 budget, was removed at the earlier work session.

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

There being no discussion, a vote taken thereon resulted as follows:

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

Noes: None

**Message from the Mayor:**

Mayor Irons' comments follow, to wit:

**Report of Department Heads:**

Vance Young, Utilities Controller, appeared and made comments regarding a scam involving President Obama and the payment of utility bills.

**Report of Standing Committee:** None

**Public Hearing:**

President Barnhart noted that this is the date and time advertised for a Public Hearing regarding an Ordinance to establish comprehensive Zoning Regulations for the City of Florence and for the repeal of all Ordinances in conflict herewith.

Melissa Bailey, Planning Director, appeared and stated the Planning Commission fully supports this ordinance. Ms. Bailey stated that numerous changes are proposed regarding specific land use. Ms. Bailey further stated that these changes are in agreement with our Master Plan.

Councilmember Graham stated that according to the proposed ordinance, any person seeking to rezone property must state specifically what is to be built on the property. Councilmember Jordan stated that according to the proposed ordinance, there is a time limit to begin construction or the development plan will become void.

Councilmember Pendleton made comments in support of Residential District Over-lays.

**There being no comments from the public, President Barnhart closed the Public Hearing**

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

Mr. Billy Ray Simpson, 322 West Alabama Street, appeared and made comments in favor of Consent Agenda Item 11 (h) Resolution authorizing the City to enter into an Agreement for Utility and Construction for Project No. STPOA8863(600) with ALDOT for the Hermitage Drive Bridge Replacement over L & N Railroad, to be paid with 80% Federal funds and 20% City funds. Mr. Simpson stated that this resolution will make a lot of residents happy.

Mr. John Hargett, North Wood Avenue, appeared and made comments regarding Regular Agenda Item 12 (a) An Ordinance to establish comprehensive Zoning Regulations for the City of Florence and to provide for the administration, enforcement and amendment thereof, in accordance with the provisions of the Code of Alabama, 1975, Title 11, Chapter 52 (11-52-1 et seq.), and for the repeal of all Ordinances in conflict herewith. Mr. Hargett stated that when the Planning Commission and the City Council have full authority over zoning regulations then the citizens really have no recourse.

**Consent Agenda:**

President Barnhart asked for a motion for approval of the Consent Agenda items.

Councilmember Betterton moved for approval of the ordinances and resolutions as follow, to-wit:

Councilmember Graham seconded the motion. There being no discussion, 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

City Clerk, Robert M. Leyde, presented an Ordinance to establish comprehensive Zoning Regulations for the City of Florence and to provide for the administration, enforcement and amendment thereof, in accordance with the provisions of the Code of Alabama, 1975, Title 11, Chapter 52 (11-52-1 et seq.), and for the repeal of all Ordinances in conflict herewith, sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

**Discussion:**

Councilmember Pendleton made comments in opposition to the proposed ordinance. Councilmember Pendleton stated that he is not in favor of homeowner's associations.

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

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

Noes: Sam Pendleton, Jr.

William Musgrove, City Attorney, noted on the copies of agendas that were given to the Council, a part 1 was listed on the above ordinance. Mr. Musgrove stated that there is no part 1 or part 2 of this ordinance and that it was a typographical error.

City Clerk, Robert M. Leyde, presented a Resolution to vacate the following streets and alleyways: Orleans Boulevard lying north of the north right of way line of Peachtree Street and east of the centerline of Franklin Street extended; 12 foot east/west alley abutting the north line of lots 17, 18, and 19, block 63 of fourth addition to Weeden Heights; east/west alley lying within block "g" and block "h" of second addition to Weeden Heights; Woodward Street, lying between blocks "g" and "h" of second addition to Weeden Heights; Muscle Shoals Drive lying south of a line beginning at the northeast corner of lot 22, block "g" of second addition to Weeden Heights thence run southwestwardly to the south line of said second addition to Weeden Heights; and east/west alley lying south of lots 19, 20, 21 and 22, block "g" of second addition to Weeden Heights, sponsored by Bill Musgrove. 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.  
William D. Jordan  
Hermon T. Graham  
Barry Morris  
James H. Barnhart  
Andrew Betterton

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Convenience Store with Off-Premises Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL' STEVE'S #6, located at 3803 CHISHOLM ROAD, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

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

Noes: None

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

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

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

Noes: None

City Clerk, Robert M. Leyde, presented a Resolution – Alcohol Beverage License Application for the operation of a Package Liquor Store with Off-Premises Liquor, Beer & Wine by STEVEN DANIEL MODAS, JR., d/b/a LIL' STEVE'S #7, located at 926 FLORENCE BLVD., FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

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

Councilmember Morris 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.  
William D. Jordan  
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 Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by THE RESTAURANT PARTNERS GROUP, LLC, d/b/a YUMM SUSHI AND BEYOND, located at 117 N. COURT STREET, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Morris moved for immediate consideration of the foregoing resolution.

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 H. Barnhart  
Andrew Betterton

Noes: None

Councilmember Jordan 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.  
William D. Jordan  
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 Wholesale Wine Distributorship by GRASSROOTS WINE WHOLESALERS LLC, d/b/a GRASSROOTS WINE WHOLESALERS, located at 3413 5<sup>th</sup> AVENUE S., BIRMINGHAM, AL 35222, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

**Board Openings:**

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

<u>Board</u>	<u>Member</u>	<u>Appointed</u>	<u>Expire</u>
Housing & Construction Appeals Board	1 - Vacancy		
Scope 310	Vacant		
Zoning Adjustments	1 - Vacancy (Supernumerary)		

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

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the legalization of marijuana. Mr. Simpson stated that law enforcement agencies are recognizing the need for more treatment centers for those addicted to drugs and alcohol.

**Council Reports and/or Comments:**

Councilmember Graham recognized the Boy Scouts that were in attendance. Councilmember Graham reminded everyone of the District 3 Community meeting on July 26<sup>th</sup> at the Broadway Recreation Center. Councilmember Graham noted that Mr. Russell Pigg from ECM Hospital will be in attendance to answer questions regarding the new hospital site near Brandon School. Councilmember Graham also reminded everyone that the W. C. Handy Festival begins on Friday, July 20<sup>th</sup>.

Councilmember Morris stated that he echoes Mayor Irons' comments regarding the good work by Mike Doyle, Gas and Water Manager, and the employees of the Water Department.

Councilmember Betterton congratulated the Scouts in attendance tonight. Councilmember Betterton also thanked CASA and the Florence Police Department's School Resource Officers.

Councilmember Pendleton stated that he did not qualify to run for District 1 City Councilmember. Councilmember Pendleton further stated that he has served for 20 years on the City Council and has not missed a single, scheduled meeting during that time.

Councilmember Pendleton made comments regarding the Florence Police Department. Councilmember Pendleton stated that he had rather have police officers and not need them rather than need them and not have them.

Councilmember Jordan thanked the Scouts in attendance. Councilmember Jordan also thanked the Planning Department for their work on the zoning regulation ordinance.

Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK