

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
May 19, 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, May 19, 2009. President Pro-Tem Graham 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 President Barnhart was absent and five 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, and Andrew Betterton.

**AMENDED AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**May 19, 2009**

**5:00 P. M.**

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1. Meeting called to order - President Pro-Tem Graham
  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:
    - (a) SW corner of Sky Park Road and Florence Boulevard to be rezoned from R-1 (Single Family Residential) to B-2 (General Business) as requested by Rick Lanning.
    - (b) County Road 47 adjoining Blackberry Trail Golf Course to be rezoned from R-1 (Single Family Residential) to R-2 (Single Family Residential District/Small lots) as requested by United Southern Corp.
  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.

Approval of minutes of the Regular Meeting held on May 5, 2009.

Confirm payment of bills by the City Treasurer.

Resolution authorizing the City to enter into an Agreement for Installation and/or Maintenance of Traffic Control Signals and/or Roadway Lighting with the Alabama Department of Transportation for various locations throughout the City, sponsored by Bill Batson.

Resolution authorizing the City to enter into a contract with Mark D. Smith, to collect bridge rating information, enter the information onto bridge data sheets and submit the completed data sheets to the Alabama Department of Transportation by December 31, 2009, in the amount of \$6,000.00, to be paid from Budgeted funds, sponsored by Bill Batson.

Resolution authorizing the City to enter into a contract with Keeton Electric Company, Inc., to provide labor, equipment, materials and incidentals necessary for the installation of a single 100 amp service and two shielded spotlights to illuminate the flagpole at the corner of North Wood Avenue and Norwood Avenue, in the amount of \$1,170.00, to be paid from Budgeted funds, sponsored by Paul Graham.

(a) Resolution authorizing the City to enter into a Service Agreement with Cintas Corporation, to provide fire retardant uniforms and laundry service for electrical workers, in the amount of \$21,221.20 per year for a three year period, to be paid from budgeted funds, sponsored by Richard Morrissey.

(b) Resolution authorizing the City to enter into a contract with Plant Power & Control Systems, LLC, to prepare a report along with associated recommendations and costs associated with a lightning issue at the Cypress Creek Wastewater Treatment Plant for the Florence Utilities Water/Wastewater Department, at a cost of \$3,475.00, to be paid from Budgeted funds, sponsored by Mike Doyle.

Resolution authorizing the City to enter into a contract with The Carpet Store, Inc., to provide labor, equipment, materials and incidentals necessary to replace flooring in designated areas of the City of Florence Utilities Gas Department, 650 Rickwood Road, in the amount of \$4,170.11, to be paid from Budgeted funds, sponsored by Mike Doyle.

Resolution authorizing the City to enter into an agreement with CGI Communications, Inc., to provide video production services for the City's website, at no cost to the City, sponsored by Steve Price.

Resolution authorizing the City to apply for a \$218,000.00 grant from FEMA to secure funds for the purchase of rescue equipment for the Fire Department, matching funds in the amount of \$21,800.00 to be paid from Budgeted funds, sponsored by Charles Cochran.

Resolution authorizing the City to approve the Schedule of Audit Fees for auditing services to be provided to the City by the Watkins Johnsey Professional Group, P.C., to be paid from Budgeted funds, sponsored by Mayor Irons and Dan Barger.

Resolution to appoint Keith Abernathy to the Board of Zoning Adjustments, sponsored by the City Council

Resolution to reappoint Foster F. Fountain III to the Board of Zoning Adjustments, sponsored by the City Council.

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

12. Regular Agenda:

(a) Ordinance to lease Suite 406 in the Florence-Lauderdale Government Building to the University of North Alabama for a term of one year commencing on April 1, 2009, in the amount of \$12,180.00, sponsored by Dan Barger.

Ordinance to rezone the SW corner of Sky Park Road and Florence Boulevard from R-1 (Single Family Residential) to B-2 (General Business), sponsored by Melissa Bailey.

13. General Business:

- (a) Resolution amending the General Fund Fiscal Year 2008 - 2009 Budget adopted on October 21, 2008, to provide an additional \$10,000.00 appropriation from the budgeted surplus to the Florence-Lauderdale Public Library, sponsored by Dan Barger.

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 Pro-Tem Graham noted that Consent Agenda Item 11 (g) contain an incorrect word. President Pro-Tem Graham stated that the word lighting should read lightning. There being no further changes, President Pro-Tem Graham asked for a motion for approval of the amended agenda. Councilmember Betterton moved for approval of the amended agenda. Councilmember Morris seconded the motion. There being no further discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Herman T. Graham  
William D. Jordan  
Barry Morris  
Andrew Betterton

Noes: None

**Message from the Mayor:** None

**Reports of Department Heads:** None

**Reports of Standing Committees:**

Councilmember Morris stated that the Building and Planning Committee met on May 18, 2009. Said report follows, to wit:

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**Public Hearings:**

President Pro-Tem Graham noted that this was the time and date, as advertised, for a public hearing regarding the proposed rezoning of the property located at the SW corner of Sky Park Road and Florence Boulevard to be rezoned from R-1 (Single Family Residential) to B-2 (General Business) as requested by Rick Lanning and the proposed rezoning of the property located at County Road 47 adjoining Blackberry Trail Golf Course to be rezoned from R-1 (Single Family Residential) to R-2 (Single Family Residential District/Small lots) as requested by United Southern Corp.

Melissa Bailey, Planning Director, made comments concerning the rezoning at Sky Park Road and Florence Blvd. Ms. Bailey noted that Mr. Lanning will be constructing a convenience store and restaurant combination. Ms. Bailey also noted that Mr. Lanning has been successful with this type of establishment in other areas.

Melissa Bailey, Planning Director, made comments concerning the rezoning at County Road 47 adjoining Blackberry Trail Golf Course. Ms. Bailey noted that there have been numerous questions concerning this rezoning. Ms. Bailey also noted that her office has prepared a list of the most frequently asked questions regarding this rezoning. Said report of questions and answers follows, to wit:

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President Pro-Tem Graham stated that it is now time to entertain comments from the public regarding the rezoning of the SW corner of Sky Park Road and Florence Boulevard to be rezoned from R-1 (Single Family Residential) to B-2 (General Business) as requested by Rick Lanning.. No one from the public appeared to speak on Item A.

President Pro-Tem Graham stated that it is now time to entertain comments from the public regarding the rezoning of property located at County Road 47 adjoining Blackberry Trail Golf Course to be rezoned from R-1 (Single Family Residential) to R-2 (Single Family Residential District/Small lots) as requested by United Southern Corp.

Dick Belue, President of Old Hickory Homeowner's Association, 102 Old Hickory Drive, appeared and made comments in opposition to the rezoning. Mr. Belue presented a petition to Councilmember Betterton stating that ninety-percent of the residents of Old Hickory Plantation do not approve of this rezoning. Mr. Belue stated that the major point of contention is the fact that there will be an R-2 zone in the middle of two (2) R-1 zones. Mr. Belue stated that in a R-2 zone 6 houses will be built per acre instead of 4.4 houses per acre in a R-1 zone Mr. Belue also stated that the increase in traffic will have a major impact on the sub-division. Mr. Belue noted that the streets in the new subdivision will be smaller in width than in Old Hickory. Mr. Belue also noted that there are a lot of unanswered questions.

Judy Bullington, 105 James Court, appeared and made comments in opposition to the rezoning. Ms. Bullington stated that the main objective is to stop the R-2 zone. Ms. Bullington stated that traffic is a current problem and with an increase in traffic it will be an even greater problem. Ms. Bullington also stated that it now takes fifteen minutes to get out onto County Road 47. Ms. Bullington noted that she had spoken to the engineer for the new development and was told that the road in the new development will be only 27' wide unlike the roads in Old Hickory which are 36' wide. Ms. Bullington also noted that there will be thirty-one houses on one side of the road and twenty-nine houses on the other side of the road.

Eugene Sak, representative of the developer, appeared and made comments in favor of the rezoning. Mr. Sak stated that the proposed development will be for a one or two car garage design and the driveways will be able to accommodate two additional vehicles. Mr. Sak also stated that the developer's goal is to remove the mobile home park which is a non-confirming R-3 zoning use to be replaced with single-family homes. Mr. Sak noted that R-2 zones are a compatible use neighboring R-1 zones.

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Jerry White, 102 Grace Drive, appeared and made comments in opposition to the rezoning. Mr. White stated that the residents of Old Hickory are not opposed to a 40 home development but stated that the residents are not in support of an R-2 zone which can consist of 60 homes.

Councilmember Jordan asked Ms. Melissa Bailey, Planning Director, questions concerning setbacks on the lots. After discussions among Councilmember Jordan, Ms. Bailey and Robert Muse, Assistant Planning Director, the Public Hearing was closed.

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

**Consent Agenda:**

President Pro-Tem Graham 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 May 5, 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 Morris seconded the motion. There being no discussion, a vote taken thereon resulted as follows:

Ayes: Sam Pendleton, Jr.  
Herman T. Graham  
William D. Jordan  
Barry Morris  
Andrew Betterton

Noes: None

**Regular Agenda:**

President Pro-Tem Graham, presented an Ordinance to lease Suite 406 in the Florence-Lauderdale Government Building to the University of North Alabama for a term of one year commencing on April 1, 2009, in the amount of \$12,180.00, sponsored by Dan Barger. Said ordinance follows, to wit:

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Councilmember Pendleton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

President Pro-Tem Graham, presented an Ordinance to rezone the SW corner of Sky Park Road and Florence Boulevard from R-1 (Single Family Residential) to B-2 (General Business), sponsored by Melissa Bailey. Said Ordinance follows, to wit:



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Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

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

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

Noes: None

Councilmember Morris moved for adoption of the foregoing ordinance. 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  
Andrew Betterton

Noes: None

President Pro-Tem Graham, presented a Resolution amending the General Fund Fiscal Year 2008 - 2009 Budget adopted on October 21, 2008, to provide an additional \$10,000.00 appropriation from the budgeted surplus to the Florence-Lauderdale Public Library, sponsored by Dan Barger. 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  
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  
Andrew Betterton

Noes: None

**Business from the Public (5-minute time limit):** None

**Council Reports and/or Comments:**

Councilmember Morris thanked all the citizens who attended the Public Hearing tonight.

Councilmember Morris stated that he would be investigating the issues concerning the rezoning.

Councilmember Betterton thanked Melissa Bailey, Planning Director and Robert Muse, Assistant Planning Director, for their input. Councilmember Betterton also thanked those in attendance. Councilmember Betterton stated that he is going to continue to look at this issue.

Councilmember Betterton thanked Mr. Carl Bailey, Chief Executive Officer for ECM Hospital, for his long service to our community. Councilmember Betterton noted that Mr. Bailey is retiring after many years of service.

Councilmember Betterton noted that he became a grandfather for the fifth time last night.

Councilmember Pendleton echoed Councilmember Betterton's comments concerning Mr. Carl Bailey. Councilmember Pendleton thanked Mr. Bailey for his relationship with West

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Councilmember Pendleton made comments concerning the rezoning of Hensley Properties. Councilmember Pendleton thanked Robert Muse, Assistant Planning Director, for his assistance in this matter.

Councilmember Jordan thanked Ms. Melissa Bailey and Robert Muse for their information at tonight's public hearing.

Councilmember Jordan thanked all the volunteers that helped with the Arts Alive Festival last weekend.

Councilmember Jordan reminded everyone that Downtown Florence Unlimited will meet tomorrow at the Florence/Lauderdale Public Library at 8:00 a.m. Councilmember Jordan noted that this will be a re-organizational meeting.

Councilmember Jordan made comments in support of the Shoals Crimestoppers Program.

President Pro-Tem Graham thanked everyone for their attendance. President Pro-Tem Graham also thanked Melissa Bailey, and Robert Muse, for their information regarding the public hearings.

Councilmember Morris made a motion to adjourn the meeting. Councilmember Betterton seconded the motion. A vote taken thereon resulted as follows:

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

Noes: None

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President Pro-Tem Graham presented the closing prayer.

There being no further business the meeting was adjourned.

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ATTEST:

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CITY CLERK