

**CITY OF FLORENCE
MINUTES OF CITY COUNCIL
June 2, 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, June 2, 2009. 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 all six Councilmembers were present and a quorum was present with the following members of the City Council in attendance: Sam Pendleton, Jr., William D. Jordan, Hermon T. Graham, Barry Morris, James H. Barnhart and Andrew Betterton.

AGENDA

CITY OF FLORENCE, ALABAMA

CITY COUNCIL MEETING

June 2, 2009

5:00 P. M.

-
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:
 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 19, 2009.

Confirm payment of bills by the City Treasurer.

Resolution authorizing the City to enter into a Preliminary Engineering Agreement with the Alabama Department of Transportation, Project STMOA-CN09(), Project Reference No. 100053627, to resurface Hermitage Drive from Royal Avenue to SR-17 (Helton Drive), resurface North Pine Street from North Wood Avenue to Kenneth Court, and resurface South Pine Street from West Alabama Street to West Mobile Street, to be paid from Federal Funds limited to \$48,985.00 with any overruns to be paid by the City, sponsored by Bill Batson.

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- (d) Resolution authorizing the City to enter into a Construction Agreement with the Alabama Department, Project STMOA-CN09(), Project Reference No. 100053627, for a construction program to resurface Hermitage Drive from Royal Avenue to SR-17 (Helton Drive), resurface North Pine Street from North Wood Avenue to Kenneth Court, and resurface South Pine Street from West Alabama Street to West Mobile Street, to be paid from Federal Funds limited to \$568,705.20 with any overruns to be paid by the City, sponsored by Bill Batson.
- (e) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance authorizing the issuance of \$5,550,000.00 principal amount of General Obligation School Warrants, Series 2009-A, dated June 1, 2009, sponsored by Mayor Irons, James Barnhart, Dick Jordan, Bill Musgrove and Dan Barger.

Ordinance authorizing the issuance of \$11,235,000.00 principal amount of General Obligation Warrants, Series 2009-B, dated June 1, 2009, sponsored by Mayor Irons, James Barnhart, Dick Jordan, Bill Musgrove, and Dan Barger.

Ordinance to rezone property on County Road 47 adjoining Blackberry Trail Golf Course from R-1 (Single Family Residential) to R-2 (Single Family Residential District/Small lots) as requested by United Southern Corp., sponsored by Melissa Bailey.

Resolution allowing Legends Restaurant to construct an extended service area that includes a portion of the sidewalk area of the Mobile Plaza Right-of-Way, pursuant to Section I (B) of the City of Florence, Alabama Zoning Ordinance. Legends Restaurant will be required to remove the extended service area from the right-of-way if, in the future, the space is needed to accommodate pedestrian or vehicular traffic or is otherwise needed, sponsored by Gary Williamson.

13. General Business:

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

<u>Board</u>	<u>Member</u>
<u>Zoning</u>	<u>Appointed</u>
<u>Vacancy</u>	<u>Expire</u>

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

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

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

16. Motion to Adjourn.

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President Barnhart asked for a motion for approval of the agenda. Councilmember Betterton moved for approval of the agenda. Councilmember Graham 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 James H. Barnhart Andrew Betterton
Noes:	None

Message from the Mayor:

Mayor Irons made comments concerning our local economy. Mayor Irons stated that our sales tax revenue is down by 2 ½ percent. Mayor Irons also stated that the City is continuing to operate below budget.

Mayor Irons stated that plans for three new hotels are moving forward. Mayor Irons also stated that we have four new restaurants and a new Dollar General Store.

Mayor Irons made comments concerning the refinancing of bonds that is on tonight's agenda. Mayor Irons stated that the savings will be one million dollars over the life of the bonds.

Reports of Department Heads: None

Reports of Standing Committees: None

Public Hearings: None

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

John Crowder, 421 Nottingham Road, appeared and made comments in regards to the rezoning at County Road 47 adjoining Blackberry Trail Golf Course. Mr. Crowder stated that the types of soil located on the ten acres to be rezoned are not prone to flooding.

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Mark Beimer, P O Box T, appeared and made comments in favor of the rezoning at County Road 47. Mr. Beimer stated that this is the right development, in the right place, at the right time.

Randy Bruce, 110 Bramble Court, appeared and made comments in reference to the rezoning at County Road 47. Mr. Bruce asked the City Council to look at everything, then do what is right.

Debbie Jennings, appeared and made comments in opposition to the rezoning at County Road 47.

Judy Bullington, 105 James Court, appeared and made comments in opposition to the rezoning at County Road 47.

Kathy Pendergrass, 127 Blackberry Trail, appeared and made comments in opposition to the rezoning at County Road 47. Ms. Pendergrass asked what is the job description of a City Councilmember? Ms. Pendergrass stated that the City Council represents the whole City.

Hugh McHenry, 205 Julie Court, appeared and made comments in opposition to the rezoning. Mr. McHenry read a prepared statement. The statement follows, to wit:

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Dick Belue, President of Old Hickory Homeowner's Association, 102 Old Hickory Drive, appeared and made comments in opposition to the rezoning. Mr. Belue submitted to the City Council a second signed petition opposing the rezoning and a statement addressing nine points the City Council should consider before voting. Mr. Belue asked that the City Council consider who is in attendance that is in favor of the rezoning and who is in attendance that is opposed to the rezoning.

Jerry White, 102 Grace Drive, appeared and made comments in opposition to the rezoning. Mr. White stated that the article in today's edition of the TimesDaily was incorrect in reference to his statement concerning Councilmember Betterton. Mr. White stated that Mr. Sak can build homes in a R-1 zone and still make a profit.

James H. Wilson, 137 Old Hickory Drive, appeared and made comments in opposition to the rezoning. Mr. Wilson stated that the construction of 60 homes on ten acres will have a negative environmental impact. Mr. Wilson also stated that the rezoning will add 100 to 150 more vehicles which will greatly increase the traffic volume on County Road 47.

John Rusevylan, 186 Chaparral Drive, appeared and made comments in favor of the rezoning. Mr. Rusevylan stated that his real-estate firm, Weichert Realtors/Pro South, will oversee the development of the new homes and that he is also partners with Mr. Sak. Mr. Rusevylan noted that the current property tax being paid on this property is \$1,077.02. Mr. Rusevylan also noted that if 61 homes were built with an average cost of \$160,000.00 per home, the property tax would be about \$720.00 per home. Mr. Rusevylan noted that the property tax would increase to \$43,920.00 per year. Mr. Rusevylan also noted that with an average cost of \$160,000.00 per home, this project would generate almost ten million dollars of economic activity.

Charles Harlan, Berry Av, appeared and made comments in favor of the Legends Restaurant extension. Mr. Berry stated that Legends Restaurant is a very good neighbor. Mr. Berry also stated that Legends Restaurant is a no-smoking restaurant.

Mr. Berry made comments regarding City officials spending money. Mr. Berry stated that the City Council needs to get a grip on money being spent by public officials.

Mr. Berry made comments in opposition to the rezoning on County Road 47. Mr. Berry stated that small lots means people will live closer together which could provide a greater opportunity for violence.

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John Hamner, 117 James Court, appeared and made comments in opposition to the rezoning on County Road 47. Mr. Hamner stating that going from an R-1 zone to R-2 zone is not moving in the right direction.

Eugene Sak, 113 Karley Lane, appeared and made comments in support of the rezoning on County Road 47. Mr. Sak stated that he believed removing a trailer park would be welcomed by all neighbors and a defender of their values. Mr. Sak also stated that those opposed to this rezoning are really saying that new homes are not superior to commercial interest and that new homes of any type are not better than rental trailers. Mr. Sak stated that his plan offers the City and all its residents an opportunity to remove a perpetual, non-conforming, uncontrolled commercial use. Mr. Sak also stated that new homes, not rental trailers belong in this neighborhood.

Michael Leckenby, 4800 County Road 47, Lot # 4, appeared and made comments concerning the labor force that will be constructing the new homes.

Billy Ray Simpson, 1738 Ingleside Drive, appeared and made comments concerning the rezoning on County Road 47. Mr. Simpson stated that we should want to make progress. Mr. Simpson also stated that the developer has a good idea, but the citizens have a better idea.

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 May 19, 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
James H. Barnhart
Andrew Betterton

Noes: None

Regular Agenda:

City Clerk, Robert M. Leyde, presented an Ordinance authorizing the issuance of \$5,550,000.00 principal amount of General Obligation School Warrants, Series 2009-A, dated June 1, 2009, sponsored by Mayor Irons, James Barnhart, Dick Jordan, Bill Musgrove and Dan Barger.

Said ordinance follows, to wit:

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Councilmember Graham moved for immediate consideration of the foregoing resolution.

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

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

Noes: None

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

Discussion:

Councilmember Jordan noted that by refinancing the bonds the City will save \$500,000.00 and the School Board will save \$262,000.00

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 an Ordinance authorizing the issuance of \$11,235,000.00 principal amount of General Obligation Warrants, Series 2009-B, dated June 1, 2009, sponsored by Mayor Irons, James Barnhart, Dick Jordan, Bill Musgrove, and Dan Barger. Said ordinance follows, to wit:

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Councilmember Jordan 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 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

City Clerk, Robert M. Leyde, presented an Ordinance to rezone property on County Road 47 adjoining Blackberry Trail Golf Course from R-1 (Single Family Residential) to R-2 (Single Family Residential District/Small lots) as requested by United Southern Corp., sponsored by Melissa Bailey. Said ordinance follows, to wit:

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Councilmember Jordan 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 Betterton moved for adoption of the foregoing resolution.

Councilmember Jordan seconded the motion.

Discussion:

Councilmember Betterton read a prepared statement in support of the ordinance.

Councilmember Betterton's comments follows, to wit:

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Councilmember Jordan stated that he agrees with the recommendation of the Florence Planning Commission to move forward with the rezoning.

Councilmember Morris read a prepared statement in opposition to the ordinance. Councilmember Morris's statement follows, to wit:

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Councilmember Graham made comments in favor of the ordinance. Councilmember Graham stated that an R-2 zone is the best way to control the use of this property.

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

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

Noes: Sam
Pendleton, Jr.
Barry Morris

City Clerk, Robert M. Leyde, presented a Resolution allowing Legends Restaurant to construct an extended service area that includes a portion of the sidewalk area of the Mobile Plaza Right-of-Way, pursuant to Section I (B) of the City of Florence, Alabama Zoning Ordinance. Legends Restaurant will be required to remove the extended service area from the right-of-way if, in the future, the space is needed to accommodate pedestrian or vehicular traffic or is otherwise needed, sponsored by Gary Williamson. Said resolution follows, to wit:

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Councilmember Jordan 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 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

Board Openings:

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

Board

Member

ed Appoint
Expire

Zoning

Vacancy

President Barnhart noted that there is a current vacancy on the Board of Zoning Adjustment. President Barnhart asked if there is anyone interest in serving on this Board, please contact the Mayor's Office for an application.

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

Rogers Kimbrell, appeared and made comments in opposition to a feasibility study on roundabouts in the North Florence area.

Eugene Sak, 113 Karley Lane, appeared and made comments concerning the rezoning on County Road 47. Mr. Sak stated that we have no intention of developing an R-2 development without a PRD(Planned Residential Development).

John Crowder, 421 Nottingham Road, appeared and made comments regarding the new Delta flights from Muscle Shoals to Atlanta.

Billy Ray Simpson, 1738 Ingleside Drive, appeared and made general comments. Mr. Simpson stated that money is good, but it is better to have a friend. Mr. Simpson also stated that the rezoning that was approved tonight could have a snowball effect.

Council Reports and/or Comments:

Councilmember Morris stated that he was sad to hear about the sales tax revenues being down. Councilmember Morris also stated that he admires the work of Mayor Irons and the Department Heads for cutting expenses.

Councilmember Morris apologizes to the residents Old Hickory, Plantation Springs and Edgemont. Councilmember Morris stated that the next best thing to fighting and winning is fighting and losing.

Councilmember Betterton had no comments.

Councilmember Pendleton had no comments.

Councilmember Jordan had no comments.

Councilmember Graham thanked the public for its positive conduct at tonight's meeting.

President Barnhart thanked Councilmember Graham for a job well done at the last City Council meeting.

President Barnhart made comments concerning the rezoning on County Road 47. President Barnhart stated that he will always vote with the recommendation of the Florence Planning Commission and with the Councilperson of the district in question.

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Councilmember Jordan 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
James H Barnhart
Andrew Betterton

Noes: None

Councilmember Jordan presented the closing prayer.

There being no further business the meeting was adjourned.

ATTEST:

CITY CLERK