

**CITY OF FLORENCE  
MINUTES OF CITY COUNCIL  
JUNE 5, 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, June 5, 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.

**AGENDA**

**CITY OF FLORENCE, ALABAMA**

**CITY COUNCIL MEETING**

**June 5, 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:
  - Rezoning of property located at 615 Thompson Street from R-3 (Multi-Family Residential District) to B-2 ( General Business District) as requested by Gregg Pounders
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 May 15, 2012.
  - (b) Confirm payment of bills by the City Treasurer.
  - (c) Resolution authorizing the City to enter into a contract with Felicia Plunket, to conduct youth and adult art classes at Parks and Recreation facilities, Contractor to be paid 80% of the fees collected, sponsored by Todd Nix.
  - (d) Resolution authorizing the City to enter into a Static Display Program 2012 Loan Agreement, SDA0413, with the National Museum of the United States Air Force for the loan of an F-4D Phantom long range supersonic jet fighter-bomber (s/n 66-7514) for display at the Veteran's Memorial at Veterans Park, sponsored by Mayor Irons, Dan Barger, Todd Nix.

- (e) Resolution authorizing the City to approve a Merchant Services Account Application and Fee Schedule with BBVA Compass Bank to establish an account for receiving and processing credit card payments for City sponsored athletic program registrations, sponsored by Dan Barger.
- (f) Resolution authorizing the City to approve a Subordination Agreement with First Franklin Financial Corporation relative to Marilyn E. McClure, sponsored by Melissa Bailey.
- (g) Resolution authorizing the City to enter into a Deferred Payment Emergency Repair Loan through the Community Development Rehabilitation Program, in the amount of \$9,420.48, for property located at 116 North Nance Street, sponsored by Melissa Bailey.
- (h) Resolution to advance and reimburse Travel Expenses to City employees, sponsored by Mayor Irons.

12. Regular Agenda:

- (a) Ordinance to rezone property located at 615 Thompson Street from R-3 (Multi-Family Residential District) to B-2 ( General Business District) sponsored by Melissa Bailey.
- (b) Ordinance to approve a Local Government Guarantee providing financial assurance for the costs of closure, post-closure, and corrective action associated with the City of Florence Municipal Solid Waste Landfill as required by ADEM, sponsored by David Koonce, Dan Barger.
- (c) Resolution authorizing the City to participate in the Annual Sales Tax Holiday for Severe Weather Preparedness Items, commencing at 12:01 a.m. on the first Friday in July, 2012, and the Friday of the last full weekend of February in subsequent years, and ending at twelve midnight the following Sunday, sponsored by Bob Leyde.
- (d) Resolution to vacate a 12-foot alley lying East of Franklin Street, sponsored by Bill Musgrove.

13. General Business:

- (a) Resolution – Alcohol Beverage License Application for the operation of a Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by THE SWEET MAGNOLIA CAFÉ, LOCATED AT 1154 NORTH WOOD AVENUE, 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> |
|--------------------------------------|-----------------------------|------------------|---------------|
| Hospital Board                       | Vacant                      |                  |               |
| Housing & Construction Appeals Board | 3 - Vacancies               |                  |               |
| Port Authority                       | Dick Smith                  | 01/20/09         | 7/21/12       |
| 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 Betterton  
Councilmember Pendleton  
Councilmember Jordan  
Councilmember Graham  
Councilmember Morris  
Councilmember Barnhart

16. Motion to Adjourn.

President Barnhart noted that William Musgrove III, City Attorney, is absent from tonight's meeting due to his mother being extremely ill. President Barnhart asked that we keep Ms. Musgrove in our prayers.

President Barnhart asked for a motion for approval of the agenda. Councilmember Graham moved for approval of the agenda. Councilmember Pendleton 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: No

**Message from the Mayor:**

Mayor Irons' comments follow, to wit:

**Report of Department Heads:** None

**Report of Standing Committee:** None

**Public Hearing:**

President Barnhart noted that this is the date and time advertised for a Public Hearing regarding the rezoning of property located 615 Thompson Street from R-3 (Multi-Family Residential District) to B-2 (General Business District).

Melissa Bailey, Planning Director, appeared and stated that the Florence Planning Commission voted unanimously to rezone this property and the adjoining property is B-2. Ms. Bailey further explained that a gymnastic school is relocating to this building.

Councilmember Pendleton commended Mr. Gregg Ponders for his efforts regarding commercial developments in Florence. Councilmember Pendleton stated that we need to support our local developers.

**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. John Hargett, North Wood Avenue, appeared and made comments in opposition to Regular Agenda Item 12 (c) Resolution authorizing the City to participate in the Annual Sales Tax Holiday for Severe Weather Preparedness Items, commencing at 12:01 a.m. on the first Friday in July, 2012, and the Friday of the last full weekend of February in subsequent years, and ending at twelve midnight the following Sunday, sponsored by Bob Leyde. Mr. Hargett stated that this will involve very little money and that someone will need to determine what are severe weather preparedness items. Mr. Hargett stated that he recommends that the City Council vote against this resolution. Mr. Hargett further stated that this resolution is much to do about nothing.

**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 rezone property located at 615 Thompson Street from R-3 (Multi-Family Residential District) to B-2 ( General Business District) sponsored by Melissa Bailey. Said Ordinance follows, to wit:

Councilmember Betterton moved for immediate consideration of the foregoing ordinance.

Councilmember Graham 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 ordinance. 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 an Ordinance to approve a Local Government Guarantee providing financial assurance for the costs of closure, post-closure, and corrective action associated with the City of Florence Municipal Solid Waste Landfill as required by ADEM, sponsored by David Koonce, Dan Barger. Said Ordinance follows, to wit:

Councilmember Morris moved for immediate consideration of the foregoing ordinance.

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

**Discussion:**

Councilmember Graham made comments in opposition of the proposed ordinance. Councilmember Graham noted that he did not vote in favor of closing the landfill. Councilmember Graham stated that he could not support the proposed ordinance due to a rate increase that will come in the near future.

Councilmember Pendleton made comments in favor of the proposed ordinance. Councilmember Pendleton stated that this is to assure ADEM that the City will continue to support the closure of the landfill financially.

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

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

Noes: Hermon T. Graham

City Clerk, Robert M. Leyde, presented a Resolution authorizing the City to participate in the Annual Sales Tax Holiday for Severe Weather Preparedness Items, commencing at 12:01 a.m. on the first Friday in July, 2012, and the Friday of the last full weekend of February in subsequent years, and ending at twelve midnight the following Sunday, sponsored by Bob Leyde. Said Resolution follows, to wit:

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

**Discussion:**

Councilmember Pendleton made comments in favor of the proposed resolution. Councilmember Pendleton stated that merchants will have a list of items that will be tax free during this period.

Councilmember Morris stated that this will prompt citizens to buy certain items that they would not normally purchase. Councilmember Morris further stated that this event would encourage people to become prepared. Councilmember Morris stated that this event could be positive, instead of negative.

President Barnhart made comments in opposition to the proposed resolution. President Barnhart stated that the government has turned a deaf ear to those who propose to eliminate sales tax on groceries and yet we reward those who purchase batteries. President Barnhart stated that he is against this tax-free holiday.

Councilmember Pendleton stated that government does some things well and that private enterprises are not building roads and bridges. Councilmember Pendleton further stated that we need some form of government.

President Barnhart stated that removing sales tax from food should be a priority.

Councilmember Graham made comments in favor of the proposed resolution. Councilmember Graham noted that we provide a tax-free holiday for back to school items and that this proposed resolution could help someone who has lost their home due to severe weather.

Councilmember Pendleton stated that he does not view everything from the government as bad.



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

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

Noes: James H. Barnhart

City Clerk, Robert M. Leyde, presented a Resolution to vacate a 12-foot alley lying East of Franklin Street, sponsored by Bill Musgrove. Said Resolution follows, to wit:

Councilmember Jordan moved for immediate consideration of the foregoing resolution.

Councilmember Graham 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 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 Full-Menu Restaurant with On-Premises Liquor, Beer & Wine by THE SWEET MAGNOLIA CAFÉ, LOCATED AT 1154 NORTH WOOD AVENUE, FLORENCE, AL 35630, sponsored by Robert M. Leyde. Said Resolution follows, to wit:

Councilmember Morris 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.

**Discussion:**

Councilmember Pendleton noted that this business is located at the Seven Points intersections in North Florence. Councilmember Pendleton stated that this restaurant is a beautiful outdoor establishment.

There being no further 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

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

| <u>Board</u>                         | <u>Member</u>               | <u>Appointed</u> | <u>Expire</u> |
|--------------------------------------|-----------------------------|------------------|---------------|
| Hospital Board                       | Vacant                      |                  |               |
| Housing & Construction Appeals Board | 3 - Vacancies               |                  |               |
| Port Authority                       | Dick Smith                  | 01/20/09         | 7/21/12       |
| Scope 310                            | Vacant                      |                  |               |
| Zoning Adjustments                   | 1 - Vacancy (Supernumerary) |                  |               |

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

Mr. John Crowder, 421 Nottingham Road, appeared and made comments regarding the Times Daily Newspaper articles about the impact of Robert Trent Jones and RSA in the Shoals area. Mr. Crowder stated that this project has produced major economic benefit for the Shoals. Mr. Crowder further stated that the opposition to the project originally was due to several hundred acres of TVA property that RSA wanted for golf courses.

Mr. Billy Ray Simpson, 755 West Alabama Street, appeared and made comments regarding the "War on Drugs." Mr. Simpson stated that too much money is made under the table due to the sale of marijuana. Mr. Simpson further stated that we should provide health and treatment services to those addicted to drugs.

Mr. Coy Bramlett, 105 Kensington Drive, made comments regarding the proposed Wal-Mart to be built in North Florence. Mr. Bramlett stated that he respects the democratic process and now we must work within the system. Mr. Bramlett further stated that no grave sites have been found near the Wal-Mart's property line. Mr. Bramlett stated that ALDOT and the Historical Commission along with ADEM will have to give final approval for the proposed Wal-Mart site. Mr. Bramlett further stated that he understands that this was a difficult decision and now we must move forward and work together. Mr. Bramlett stated that he appreciates the Mayor and City Council for their work.

Mr. Billy Joe Sledge, 3150 Roberson Road, Apt # 509, made comments regarding other cemeteries that are located in Florence.

**Council Reports and/or Comments:**

Councilmember Betterton congratulated Billy Reid on his success and the Walk of Honor Inductees. Councilmember Betterton stated that he is delighted with the progress of the downtown area. Councilmember Betterton thanked Sandra Morgan and Martha Murphy with Mayor Irons' Office for

their hard work in the Walk of Honor.

Councilmember Pendleton thanked Mr. Bramlett for his comments. Councilmember Pendleton responded to Mr. Crowder's comments regarding RSA. Councilmember Pendleton stated that the point of the article in the TimesDaily regarding RSA was to report on the economic impact. Councilmember Pendleton further stated that he did not read the article in the TimesDaily Newspaper in a historical way.

Councilmember Jordan also congratulated Billy Reid on his success and the Walk of Honor Inductees.

Councilmember Graham thanked everyone for their attendance. Councilmember Graham congratulated the recent Walk of Honor Inductees.

Councilmember Graham congratulated Mars Hill Bible School and Shoals Christian School for winning the State Baseball Championships in their divisions.

Councilmember Graham noted that Ms. Patricia Cassimus Pace, wife of Ron Pace, passed away Sunday after a long battle with cancer.

Councilmember Morris welcomed Keith Abernathy as a new member of the Florence Planning Commission. Councilmember Morris thanked Mr. Coy Bramlett for his efforts.

President Barnhart had no comments.

Councilmember Morris made a motion to adjourn.

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