

**CITY OF LEEDS, ALABAMA
PUBLIC HEARING AND
REGULAR SCHEDULED COUNCIL MEETING
APRIL 01, 2013**

The City Council of the City of Leeds, Alabama met for a Public Hearing and a Regular Scheduled Council meeting on Monday, April 1, 2013 at 5:00 p.m. at the Leeds Civic Center Meeting Room, 1000 Park Drive, Leeds, Alabama 35094.

PUBLIC HEARING

- 1. CALL PUBLIC HEARING TO ORDER:** Mayor David Miller called the Public Hearing to order at 5:04PM with Councilmembers Washington, Turner, and Dutton present. Councilmembers Wadsworth and Ragland were absent.
- 2. INVOCATION AND PLEDGE OF ALLEGIANCE:** Mr. Dan Marbury gave the invocation.

PLANNED COMMUNITY DEVELOPMENT DISTRICT (PCD)

Eddie Cook, 1612 Greenbrier Drive, Leeds, member of the Planning and Zoning Commission spoke about the PCD that was printed in the *News Aegis* and would like to go on record to indicate the following: 1) his disappointment that open space has been decreased; 2) there is no mention of public facilities; 3) lack of specification that no buildings are to be built on slopes over 15%; 4) there is no mention of neighborhood parks; 5) there is no language addressing storm water runoff; 6) there is no assurance that post construction runoff would not exceed pre construction runoff. Mr. Cook stated that he would like to see included a provision for livable space in apartments at 1,000 square feet. He did commend the inclusion of the surety as per the City's Sub Division Regulations and stated that while everything can't be covered it is important to see the City is protected." Mr. Cook states that overall he thinks it is a good document and thinks the city is protected.

Joanne Boyd, 560 Forest Drive, Leeds, stated that her primary concern is the procedure of bringing before the Council a document that has not been reviewed and passed by the Planning and Zoning Commission, as required by the City of Leeds. Ms. Boyd referenced the departure from procedure from the City Code Book that states the PCD must be presented by the P&Z Commission and not by the developer before the Council's acceptance. Ms. Boyd named several provisions that were included in the PCD version from the Planning and Zoning Commission but are not included in this version of the PCD as published.

Susan Carswell, 2120 Montevallo Road, Leeds, distributed copies of the Zoning Regulations from the AL State Code, requiring the Council's duty to protect the citizens of Leeds; she also stated that it is the duty of the Planning and Zoning Board and the City Council to negotiate what is best for the citizens of Leeds. Ms. Carswell urged the Council to reconsider the version of the PCD as originally presented by the P&Z Board.

Tony Hughes, 7200 Mt. View Lane, Leeds, cautioned the Council to reconsider the amount of control that the City is giving up in the future in this document. While Mr. Neil, in his current position, is willing to work through issues which have arisen, Mr. Hughes commented that Mr. Neil might not be the person or company we will face in the future. Mr. Hughes commented that he would caution the Council not to move too fast but to carefully consider the objections raised in this Public Hearing.

James Saxon, 6600 Marie Circle, Leeds, stated that he was a past council member. Mr. Saxon stated that during his tenure there was considerable discussion with Mr. Neil from Daniels Corporation and US Steel and at that time, nothing was discussed about high

density housing in the proposed area for the PCD; he said the only thing mentioned was upper level residential construction.

Mr. Saxon spoke about a \$350,000 infrastructure cost imposed on the Leeds Water Works Board (LWWB) during the Bass Pro development that they had not expected and there is a question as to how that has been paid to date.

Mr. Saxon spoke about the impact that high density housing would create for LWWB and the Leeds School System. He also questioned the impact this PCD would have on the struggling downtown portion of Leeds.

Beth Stewart, Cahaba River Society, 2117 Second Avenue, Bham. Ms. Stewart distributed information to the Council that the Society would like to see reinstated in the PCD in order to protect the Cahaba River. Ms. Stewart indicated that the Society supports growth that is actually good for the Cahaba River as it helps protect the river. Ms. Stewart spoke about the size of the project and its location at the headwater portion of the river, which means it will affect everything downstream. The concern of the Society is mainly for the long term impact which will have greater potential for harming the river.

Ms. Stewart stated that the original version of the PCD from the Planning & Zoning Commission incorporated concerns the Society had with the PCD and those have been eliminated from the current version. Ms Stewart asked that the post construction standards for water runoff from the development be placed back into the PCD. Ms. Stewart asked that post construction hydrology standards be inserted into the PCD. Ms. Stewart spoke about the requirement to allow for open space, including protected forested areas to help protect the River. Ms. Stewart asked that the insertion of performance language to include the PCD to accommodate any changes from the City's ADEM Storm Water Management permit be included.

Ms. Stewart expressed the appreciation of the Society for the wonderful way the developer worked to protect the river during the Grand River project, chiefly because of the developer's commitment to the river.

Doug Neil, Daniels Corporation, 3317 Overlook Road, Birmingham, spoke about the goals of the development as to how it benefits the City and its goals and objectives. Mr. Neil explained that the proposal before the Council was not a definite plan, but a starting place for developing a plan. Mr. Neil explained for those in the audience the requirements for the application, as follows:

1. A vicinity map of appropriate scale, which shows the boundaries of the property in relation to the surrounding area.
2. A legal description of the total site subject to the proposed PCD zoning.
3. A PCD District map at an appropriate scale that shows the direction of north and the locations of the PCD land use districts.
4. An environmental features map that shows 100-year regulatory floodplains and floodways, streams and other bodies of water, other significant natural features and the topography of the property at a minimum of 10 foot intervals.
5. Planning objectives for the PCD outlining how the planned community development will accomplish objectives not otherwise attainable through the conventional zoning districts of the city.
6. A conceptual street and pedestrian circulation plan illustrating the locations of existing streets to remain and the general location of proposed collector and arterial streets.
7. Development objectives and strategies that include a conceptual open space plan for the PCD that creates an open space and pedestrian circulation network and provides a conceptual plan for the location of undisturbed and open space areas.
8. Environmental Objectives, Strategies, and Performance Standards for conservation, management, alteration, and treatment of:
 - a. USGS blue-line streams and associated riparian buffers.
 - b. Slopes, including slope stability.
 - c. Flood-prone areas.

- d. Storm water management and erosion control.
- e. Reforestation and conservation of existing forests and wooded areas.
- 9. Proposed protective and/or restrictive covenants, conditions, and charters, if any.
- 10. A statement and any plans regarding any proposed security points for the control of access from public streets.
- 11. The locations of existing and proposed utilities and any provisions or plans to provide adequate utilities to serve the development including water and sewer and others.
- 12. A traffic study that quantifies the impact of the PCD.
- 13. Specific Development Standards that detail the following: Lot Width, Floor Area, Buffers, Building Height, Landscaping, Accessory Uses and Structures, Building Setbacks, Signs, Vehicular Parking and Tree Canopy for attached and detached dwellings, multiple dwellings and commercial institutional and industrial buildings.
- 14. A quantitative description of the proposed PCD District in its entirety that summarizes the acreage for each type of land use, the maximum number of anticipated residential dwelling units by type of dwelling, and the location of all proposed public/community facilities and other lands dedicated for public purposes, in each of the individual PCD land use districts.
- 15. A conceptual development schedule in five year increments that projects the number of dwelling units to be constructed.

The Specific Development Standards shall reflect, to the greatest extent possible, the policies, regulations, and ordinances of the City while allowing the flexibility required to achieve the intent of the PCD.

Mr. Neil stated that the proposal includes a total of 25% of open space (10% undisturbed area and buffer and 15 % greenways and parks) which will give added flexibility to allow needs for the development of a sustainable project. Neil spoke about the opportunity to work with the city for the development of a quality project that all would like for time to come.

Mayor Miller commented that the proposal is a long way off from the concerns expressed by others in the meeting.

Joanne Boyd expressed her concern about how the information has been moved around in the document as opposed to the document originally presented in the PCD from the Planning and Zoning Commission. Ms. Boyd read from the notice printed from the City's website. In reference to the list read by Mr. Neil, Ms. Boyd declared that all these requirements have not been met.

Councilman Washington commented that the document is long and requires study to understand all that the document contains. Mr. Washington reminded those present that no matter what is presented, it must be run through the P&Z and the Council for approval.

Ms. Boyd suggested that the City should adopt a plan similar to the Hoover plan, as it has a proven history for success.

Mayor closed the public hearing at 5:52PM

REGULAR SCHEDULED COUNCIL MEETING

1. **CALL REGULAR SCHEDULED COUNCIL MEETING TO ORDER:** Mayor Miller called the meeting to order at 6:09PM with Councilmembers Washington, Turner, Dutton, Wadsworth and Ragland present.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:** Dr. Carl Marbury gave invocation.
3. **REVIEW AND APPROVE COUNCIL MEETING MINUTES:** Minutes of March 18, 2013 meeting. Motion to approve the minutes as presented by Councilmember

Turner with second by Councilmember Dutton. The motion carried with all present voting yes.

Councilmember Dutton moved to go into executive session with the City Attorney to discuss imminent litigation, seconded by Councilmember Washington, motion passed with all present voting yes. The City Attorney declared the intended discussion to be in compliance with the Alabama Open Meetings Act and could take approximately 30 minutes. Council departed chambers at 6:13PM.

The Council returned at 6:36PM.

4. OLD BUSINESS:

a) **Resolution 2013-03-09 Contracting of Court Probation Services.** Motion to table the Resolution by Councilmember Wadsworth with second by Councilmember Ragland. The motion passed with all present voting yes.

5. DEPARTMENT HEAD REPORTS:

a) **Administration, Mayor Miller:** Mayor commented about the progress on the new city hall site on First Avenue.

b) **Fire Department, Chief Pierce:** No Report.

c) **Police Department, Chief Jackson:** Chief Jackson announced that the department has purchased a speed trailer, which will be placed in various locations throughout the city.

d) **Library Director, Mondretta Williams:** No Report.

e) **Inspection Department, Superintendent Watson:** No Report.

f) **Parks and Recreation Department, Supervisor Keating:** No Report.

g) **Streets and Sanitation Department, Supervisor Keating:** No Report.

h) **Municipal Court, Magistrate Roberts:** Amnesty Court Date has been set for the week of May 6 through May 10, 2013.

6. COUNCIL COMMITTEE REPORTS:

a) **Finance Chairperson, Eric Turner:** No Report.

b) **Public Safety Committee, Devoris Roscha Ragland:** No Report.

c) **Parks & Recreation Committee, Craig Wadsworth:** No Report. The Mayor addressed the swimming pool situation and observed that cities the size of Leeds are looking at Splash Parks. He has recently met with the City's engineer and then toured the Splash park located in the City of Springville. Mayor spoke about his conversation with a Splash Park vendor he has met with and how it could work at the current city pool site in Leeds.

7. NEW BUSINESS:

a) **Mr. John Moore, Superintendent of City Of Leeds Schools** addressed the Council first by congratulating them on their election. Mr. Moore then distributed information to the Council and introduced the current school Board members: President Kathy Dutton, Vice President Chad Anderson, Scott Sisk, Greg Dawkins, and Tamara Graham.

Mr. Moore's address to the Council included comments and information about the business of the schools; information about certain councilmembers not allowed to vote; information from the School's attorney and the Ethics Commission. Mr. Moore

also listed the requirements for an individual to be considered for Board membership. In explaining Board membership, Mr. Moore explained terms of service and duties. Meeting dates for the Board of Education are scheduled for the second Tuesday of each month.

Superintendent Moore also addressed the school's budget; enrollment and the growth of 40% during the past 10 years. Mr. Moore spoke about the issue of the school system's building capacity and the problem of being over capacity at the Middle School and Elementary School, declaring the need for portable classrooms at the Elementary facility.

The Leeds School System has received a grant to purchase iPads and Mr. Moore predicts that within five years textbooks will become obsolete in grades 3 thru 12. There are plans to apply for a fitness grant. The schools have launched an app today for the City Schools which will provide information to the general public about the schools. Moore spoke about Public Education Building Authority Board (PEBA). The bond payment for the two newly constructed schools was made today, thus diminishing the capitalized fund amount. A State Department analysis has addressed the amount of local funds available per district, per student, and Leeds City Schools ranked 18th out of 132 in the State.

Moore presented the school calendar for next year and contact information of the School Board members to the Council. In conclusion, Moore congratulated the Board Members for the selfless service the board members dedicate to the Schools. Moore also suggested that the Council interview board member candidates before an appointment is made.

Mr. Moore opened the floor for questions. Mayor Miller asked if Mr. Moore would comment about the Pre-K option for the Schools. Superintendent Moore indicated that there will be a gradual shift in the State's public school systems to offer Pre-K enrollment.

Mr. Moore spoke about the need for another school as there is no more space and the need for the City's help to accomplish this need as well as completion of the high school facilities.

b) Resolution 2013-04-01 Regarding Sales Tax Holiday. Motion to approve by Councilmember Dutton with a second by Councilmember Wadsworth. The motion passed with all present voting yes.

c) Resolution 2013-04-02 Regarding A Tax Matter. Motion to approve by Councilmember Turner with a second by Councilmember Dutton. The motion passed with all present voting yes.

d) Resolution 2013-04-03 Regarding A Tax Matter. Motion to approve by Councilmember Washington with a second by Councilmember Wadsworth. The motion passed with all present voting yes.

e) Resolution 2013-04-04 Regarding A Tax Matter. Motion to approve by Councilmember Dutton with a second by Councilmember Ragland. The motion passed with all present voting yes.

f) Resolution 2013-04-06 Regarding Staying The City's Right To Certain Application Fees. Motion to approve by Councilmember Dutton with a second by Councilmember Ragland. The motion passed with all present voting yes.

g) Resolution 2013-04-07 Regarding First Annual Grand River May Festival. Motion to approve by Councilmember Washington with a second by Councilmember Wadsworth. Suggestion was offered by Councilmember Washington to have a person from the event speak. Ms. Lashunda Scales, representative of Scales PR Marketing Firm working to facilitate the Event, described the Festival. The motion passed with all present voting yes.

Councilmember Washington moved to amend the agenda to add Ordinance 2013-04-01 Amending the Zoning Ordinance to include the Planned Community Development District with a second by Councilmember Dutton. This motion was moot once the City attorney spoke that the amended agenda lists this item and that if this matter is to be taken up, the rules should be suspended to allow a vote on the matter and not to consider as a first reading. Councilmember Washington amended his motion request to suspend the rules in order to vote on this matter with a second by Councilmember Ragland. Councilmember Washington addressed the concerns people expressed at the public hearing and commented that mistakes will be made and can be addressed when discovered, but the city needs to move forward to do something to allow great things to happen for the city. Motion passed with all present voting yes.

h) Ordinance 2013-04-01 Regarding Planned Community Development (PCD) District. Motion to approve the Ordinance by Councilmember Wadsworth with a second by Councilmember Dutton. The motion passed with all present voting yes.

9. Public Comment:

David Hogan 1055 Brian Drive, reported attending a press conference at ALDOT concerning I-20 and the repaving project. Milepost 130 to 136 Eastbound traffic will be affected in a major way. Mr. Hogan thanked the School Superintendent, Mr. Moore, for attending the meeting tonight and informing the community about the city's schools.

ADJOURNMENT: Motion to adjourn at 7:28PM by Councilmember Dutton with a second from Councilmember Ragland.



David Miller, Mayor

ATTEST:



Kevin Fouts, Acting City Clerk



Leeds City Schools

Promoting Achievement Respect and Success

1404 Eighth Street/P.O. Box 1083 • Leeds, Alabama 35094

(205) 699-KIDS (5437) • Fax (205) 699-6629

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Presentation to the Leeds City Council April 1, 2013

I. The Board of Education

A. Who can serve on the Board of Education? Ala. §16-11-2

(b) The general administration and supervision of the public schools and educational interest of each city shall be vested in a city board of education, to be composed of five members who shall be residents of the city, and who shall not be members of the city council or commission.

(c) No person shall be eligible for election or appointment as a member of a city board of education unless he or she satisfies all of the following qualifications:

- (1) Is a person of good moral character.
- (2) Has obtained a high school diploma or its equivalent.
- (3) Is not employed by that city board of education.
- (4) Is not serving on the governing board of a private elementary or secondary educational institution.
- (5) Is not on the National Sex Offender Registry or the state sex offender registry.
- (6) Has not been convicted of a felony.

B. When are board members nominated by the council and what are their terms?

Ala. §16-11-3 Annually at the regular meetings of the city council in April the council or commission shall elect a member or members of the board of education to succeed those whose term or terms of office expire that year. Members of the city board of education shall

assume office at the next regular meeting of the city board of education in June following their appointment. The terms of office of members of the city board of education shall be five years, and the term of one member shall expire annually. A member shall serve on the board until his or her successor assumes office.

C. **Are any current council members forbidden from voting on Board of Education appointments due to conflicts?**

No. Please see the letter included from Donald Sweeney, Esq. which answers this question based on an opinion of the Alabama Ethics Commission.

D. **What do school board members do?**

- Ratify policy, pay, calendars
- Ratify personnel recommendations made by the Superintendent
- Ratify budgets
- Serve in a judicial role if tenured personnel are recommended for termination
- Evaluate the Superintendent
- Serve as a liaison between community and schools
- Complete 10 hours/year of professional development
- Promote the schools

E. **What do school board members NOT do?**

- Earn a supplement or stipend for serving
- Evaluate or supervise personnel
- Effect any action, other than those recommended by the Superintendent (except actions related to the Superintendent)
- Micromanage the district's affairs
- Act independently (only as a whole)

II. **The Budget** (see attached sheet for sources of revenue)

A. Budget for 2012-13 is **\$13,793,068**

B. Where do we spend the money?

- 58.6% Teacher salary/benefits (Avg. is \$48k costing \$65k total)
 - 15.8% Principals, clerical, instructional support, salary/benefits
 - 5.2% Transportation, child nutrition salary/benefits
 - 5.7% Central office staff, salary/benefits
 - 10.3% Maintenance, insurance, utilities
 - 3.8% Debt: Jefferson Co. Board, LMS ditch, LES completion
 - 1.0% Audits, incidentals
-

III. Employees (\$985,000/month in payroll for 177 employees)

Teachers: 108

Principals and Asst.: 7 Counselors & librarians: 6

Central office: 11 Bus drivers: 17

Child nutrition: 12 Other support: 16

IV. Historical enrollment (40% growth from 2003-04)

In October,

- 2003 1282
- 2004 1320
- 2005 1338
- 2006 1369
- 2007 1400
- 2008 1434
- 2009 1437 (new schools opened)
- 2010 1552
- 2011 1670
- 2012 1780

V. Building capacity and current enrollment

- LES 810 enrolled; capacity 775 (?)—we have 2 floating teachers
- LMS 525 enrolled; capacity 500; no available classrooms
- LHS 465 enrolled; capacity 600

There will be approximately 10 new teaching units added for 2013-14, and we will have 4-6 portable classrooms at LES

VI. Board meetings

Regular board meetings are generally held the second Tuesday of each month at 6:00pm at Leeds Middle School. Public comment is taken from 6:00 to 6:15pm.

ARC Grant: I-pads, Promethean boards (\$100,000)

Carol White fitness grant: applied \$400,000 renewable 2 times (\$1.2M potential)

LEEDS CITY SCHOOLS
FUND ALLOCATIONS 2013

DESCRIPTION	Allocations 2013	STATE FUNDS	LOCAL FUNDS	FEDERAL FUNDS
FOUNDATION PROGRAM - ETF	7,301,521	7,301,521		
CURRENT UNITS	101,369	101,369		
SCHOOL NURSE PROGRAM	106,617	106,617		
TECHNOLOGY COORDINATOR	26,813	26,813		
CAREER TECH O & M	11,171	11,171		
ALABAMA READING INITIATIVE	61,587	61,587		
HIGH HOPES (EXIT EXAM REMEDIATION)	10,040	10,040		
CHILDREN FIRST - ALABAMA TOBACCO	5,514	5,514		
ENGLISH AS A SECOND LANGUAGE (ESL)	8,257	8,257		
GIFTED EDUCATION	2,188	2,188		
TRANSPORTATION - OPERATIONS	517,792	517,792		
AT RISK	45,291	45,291		
PRESCHOOL	2,611	2,611		
OTHER STATE - NAT'L BOARD CERT.	45,000	45,000		
FOUNDATION PROGRAM - LOCAL	1,178,320		1,178,320	
DISTRICT SPECIAL AD VALOREM - 5.1 MILLS	713,000		713,000	
COUNTY REGULAR AD VALOREM - 8.2 MILLS	1,075,619		1,075,619	
ST. CLAIR COUNTY - 3.0 MILLS	125,000		125,000	
SHELBY COUNTY - 6.0 MILLS	8,700		8,700	
DISTRICT REGULAR AD VALOREM	623,000		623,000	
HELPING SCHOOLS - VEHICLE TAGS	500		500	
OTHER DISTRICT TAXES	500		500	
INTEREST INCOME	5,000		5,000	
PARI-MUTUAL BETTING	1,100		1,100	
TUITION FOR INDIVIDUALS	12,000		12,000	
MEDICAID REIMBURSEMENT	72,000		72,000	
EXTRACURRICULAR TRIP MILAGE CHARGES	18,000		18,000	
INDIRECT COST	132,800		132,800	
EXTRACURRICULAR BUS DRIVERS	20,000		20,000	
DAY CARE	60,000		60,000	
IDEA, PART B	378,289			378,289
IDEA, PART B - PRESCHOOL PROGRAM	2,623			2,623
VOCATIONAL & TECH. EDU.- Career Tech.	22,121			22,121
TITLE I - PART A	396,761			396,761
TITLE II, PART A - TCHR. & PRINC. TR.	84,104			84,104
TITLE III, Limited Eng. Proficiency	18,642			18,642
TRANSPORTATION - FLEET RENEWAL	89,370	89,370		
CAPITAL PURCHASES	272,777	272,777		
CAPITAL PURCHASES - LEVERAGED	97,739.30	97,739		
CAPITAL PURCHASES - LEVERAGED	16,094.96	16,095		
CAPITAL PURCHASES - LOCAL	123,237		123,237	
TOTAL REVENUE	13,793,068	8,721,752	4,168,776	902,540
PER-CENT OF TOTAL	100.00%	63.23%	30.22%	6.54%



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Board of Education Members' Information

Superintendent of Education

John J. Moore (since July 2009)
325 Castleman Lane
Leeds, AL 35094

H/C: 205-540-5026
W: 205-699-2671
jmoore@leedsk12.org

District 1 (ends May 2017)

Tamara Graham (since June 2012)
7700 Cahaba Ave.
Leeds, AL 35094

H: 205-586-2262
W: 937-528-2262
tgrah78@gmail.com

District 2 (ends May 2015)

Scott Sisk (since May 2010)
6806 Lanford Lane
Leeds, AL 35094

H/C: 205-453-5240
swsisko@hotmail.com

District 3 (ends May 2014)

Chad Anderson (since July 2010)
7015 Rowan Lane
Leeds, AL 35094

H: 205-699-3656
C: 205-369-1535
chad.anderson@sungard.com

District 4 (ends May 2013)

Greg Dawkins (since Sept 2001)
8376 Cahaba Crossing Circle
Leeds, AL 35094

H: 205-699-9607
C: 205-532-4842
gregory.dawkins@birminghamal.gov

District 5 (ends May 2016)

Kathy Dutton (since Dec 2008)
6444 Zeigler Rd.
Leeds, AL 35094

H: 205-699-6055
C: 205-337-5851
kathydutton@windstream.net

Leeds Jane Culbreth Library

YOUTH & STATISTICAL REPORT

Date	Program	Attendance February 2013
2/4/2013	Valley View*	85
2/5/2013	Tot Time	8
2/6/2013	Kiddie Kollege*	30
2/13/2013	Headstart* (Cancelled)	0
2/13/2013	LES*	100
2/19/2013	Tot Time	15
2/20/2013	Cahaba View*	30
2/27/2013	Cedar Grove*	71
2/27/2013	LES*	100

Other Checkout 22
 *Outreach 416

TOTAL 439

Computer Sign-in 683
FEBRUARY 2013 NUMBER RECORDED
STATISTICS

BOOKS DELIVERED TO LEEDS 1,011
 FROM OTHER LIBRARIES
 BOOKS DELIVERED TO OTHER 423
 LIBRARIES FROM LEEDS
 HOLDS FILLED 460
 ITEMS RESERVED 857
 BOOKS CIRCULATED * 2,095
 AUDIO CIRCULATED * 157
 DVD/VHS VIDEO CIRCULATED* 809
 TOTAL RENEWALS* 639

TOTAL *ITEMS INCLUDED 3700
CIRCULATION

MEETING ROOM USE # of Programs | Attendance 17 | 519

NEW MEMBERSHIPS	JEFFERSON COUNTY RESIDENT	OUT OF COUNTY RESIDENT
Adult	18	0 new; 4 renewals
Juvenile	2	NA



Restoring and protecting the Cahaba River watershed and its rich diversity of life

Cahaba
River
Society

RECOMMENDED OPEN SPACE CONSERVATION & STORMWATER PERFORMANCE STANDARDS 2013 LEEDS PCD ORDINANCE

Submitted by the Cahaba River Society
To the Leeds City Council
As a part of the public hearing record, April 1, 2013

The Cahaba River Society requests that the Leeds City Council insert within the version of the PCD Ordinance that you adopt the attached improved language concerning open space conservation and storm water design performance standards.

The following pages (Attachment A) are excerpts from the "Proposed Changes to February 14, 2013 Draft Recommended by Leeds Planning Commission." (Strike-outs indicate deletions, and red text indicates additions.)

The Society supports growth that also protects the Cahaba River. From our conversations with many of you, we know that those who want to see this project progress and meet the growth goals of Leeds also care about the long term health and protection of the Cahaba River.

Grand River will have the greatest potential impact on the River of any single development, because the project is so large, and because it is located towards the river's headwaters.

Impacts of this project will be felt downstream and will affect: the major drinking water source for one-fifth of the state's people; the Cahaba's globally-significant diversity of freshwater wildlife; and the recreation, tourism, and education value of the River that is so important to Leeds and all Cahaba communities.

Our recommendations in sum:

CRS' recommendations concerning stormwater performance standards and open space standards were included in PCD ordinance draft that was unanimously recommended by the Leeds Planning and Zoning Commission. However, these were deleted from the current version. We ask that the Council include this recommended language. First and most importantly, this includes:

~ **Post-construction storm water standards** that are essential to prevent Cahaba River degradation from new development, and that will meet upcoming federal and state requirements. Please also see Attachment B outlining the reasons for these performance standards and what they would accomplish.

The single most important standard that must be in the PCD and project plans is to ensure adequate stormwater management. We regret to say that, without the standard we recommend, the build-out of the Grand River project will, without a doubt, damage the river. This is not an opinion; this is based on current, sound watershed science and research into urban development impacts on water resources.

www.cahabariversociety.org

2717 7th Avenue South, Suite 205, Birmingham, Alabama 35233-3421 Tel 205-322-5326 Fax 205-324-8346

We are very disappointed that the long-term, post-construction stormwater standard that CRS recommended, and that the Planning Commission endorsed, has been deleted from the version of the PCD before the Council. We urge you to reinstate that standard.

Other important standards for the PCD that are necessary to protect the Cahaba River include:

~ **Definition and standards for open space and undisturbed open space.** CRS recommends that "undisturbed open space" be 15% of the project area, rather than 10%. We recommend that Open Spaces (which can be cleared and developed for certain uses) be a minimum of 10%, rather than 15%, so that the total open space remains at 25%.

Maintaining natural, undisturbed forest is very important to maintaining healthy water resources. The amount of undisturbed open space is already small compared to what typically remains in quality development of similar topography in the metro area. In a land area as large as this one, that has been in the same ownership for such a long time, 15% undisturbed open space is achievable.

We also recommend:

~ Ensuring that **changes to the Environmental Objectives, Strategies and Performance Standards adopted with a PCD zoning would be a "major change" requiring City review.**

This is not clear in the PCD draft before the Council. Would changes to the Environmental Objectives, Strategies and Performance Standards be considered a major change? Otherwise, a developer could revise stormwater and open space plans and standards without City or public review.

~ Clarifying **ability of the City to implement federal- and state-mandated permits and regulations** as required.

The current wording states only that changes mandated by federal or state law would apply to an approved PCD. The upcoming revisions to the City of Leeds' MS4 Stormwater Permit will be mandated by ADEM, EPA and the Clean Water Act, but will actually be applied to Leeds in the form of a state permit. Leeds will then be required to implement those new permit provisions by adopting local codes, which will need to apply to any project with an approved PCD. Please clarify that Leeds will have that authority, as required by your MS4 permit.

www.cahabariversociety.org

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ATTACHMENT A - CAHABA RIVER SOCIETY PUBLIC COMMENTS 4-1-13
RECOMMENDED REVISIONS TO LEEDS PCD ORDINANCE
(BASED ON Changes to 2-14-13 recommended version)

Section 19.00 Planned Community Development District (PCD)

19.03 Development Regulations.

- B. At least ~~ten (10)~~ **fifteen (15)** percent of the gross acreage of the PCD shall be left as undisturbed open space, preserved in its natural state except for clearing of diseased vegetation and invasive species, and the clearing of underbrush for the installation of walkways and trails. Neither existing water surface area nor streets shall be included in the undisturbed open space calculation.

An additional ~~fifteen (15)~~ **ten (10)** percent or more of the gross acreage of the PCD shall be devoted to developed open space

- ~~E. Low Impact Development/Green Infrastructure Stormwater management practices shall be considered, among other methods for stormwater management.~~

- D. Low Impact Development/Green Infrastructure stormwater management practices must be considered, among other methods for stormwater management, **and systems of structural and/or nonstructural best management practices should be designed to provide that post-development hydrology mimics the predevelopment hydrology of the site to the maximum extent practicable, for rainfall events up to and including the 95th percentile rainfall event.**

19.08 Amendments

- B. Major change. A "major change" in the approved Master Development Plan shall be defined as:

4. Any change to the Specific Development Standards **or the Environmental Objectives, Strategies and Performance Standards** of the approved PCD.

19.09 Zoning Amendments

No amendment or modification of this Zoning Ordinance or the city's Subdivision Regulations, other than mandated by federal or state law **or permit or by local regulations adopted to achieve the requirements of federal or state law or permit**, shall be effective as to any PCD approval issued prior to such amendment or modification, it being intended that the PCD shall continue to be developed in accordance with the zoning ordinance and subdivision regulations in effect at the time of such approval of the PCD, subject to the approved Master Development Plan or Specific Development Standards.

ATTACHMENT B - LEEDS PCD ORDINANCE

Recommended Post-Construction Storm Water Management Language from Cahaba River Society

Current draft as presented to City Council:

19.03 Development Regulations

E. Low Impact Development/Green Infrastructure Stormwater management practices shall be considered, among other methods for stormwater management.

Revised Recommended language:

Low Impact Development/Green Infrastructure stormwater management practices must be considered, and systems of structural and/or nonstructural BMP's should be designed to provide that post-development hydrology mimics the predevelopment hydrology of the site to the maximum extent practicable, for rainfall events up to and including the 95th percentile rainfall event.

Explanation:

This recommended language gives clarity to the ideas in the current draft language, which are good ideas but are vague.

The recommended language gives a clear performance standard, one that has been well-researched, is based on sound watershed science and practice and will be most effective at protecting water quality and downstream properties from flooding and erosion.

This performance standard has already been included in the adopted stormwater standards for federal facilities, and is similar to language ADEM has included in the final ALDOT MS4 storm water permit. The ALDOT permit is likely to be a model for other Phase I MS4 permits in the state, including Leeds' storm water permit.

"Hydrology" includes managing not only peak flow of runoff (rate), but also volume of runoff. This is essential to prevent erosion within downstream drainages and polluted runoff. EPA and ADEM have indicated during discussions of the ALDOT MS4 stormwater permit that post-construction storm water practices must control volume of runoff as well as rate. This is based on sound and accepted watershed science.

This language has a standard term with a known meaning: “to the maximum extent practicable.” That term is included as a basic performance requirement in all MS4 storm water permits, including Leeds’ permit. This term gives flexibility to use the best technology and design known, while also considering costs and other practical factors, such as site conditions, that affect feasibility.

Please note that this standard does not require exactly matching pre- and post-development hydrology, which at times can be infeasible.

Numerous studies and experience in our region have proven that using Low Impact Development and Green Infrastructure site design and stormwater practices, which are the best methods to meet this recommended performance standard, can save money over conventional stormwater infrastructure.

For instance, an American Society of Landscape Architects study of over 400 case studies throughout the US and Canada found that three-fourths of the LID/GI projects saved money or were cost neutral compared to conventional design. CRS can provide links to studies and many successful projects.

This recommended standard can be met using site design that:

- minimizes paving and other hard and compacted surfaces as much as possible; maintains or recreates green areas for rain absorption;
- captures and reuses rain;
- and uses smaller-scale storm water practices that infiltrate rain into the ground as close to where it falls as possible.

This is why these innovative stormwater practices typically save money on paving and stormwater infrastructure costs over conventional stormwater management, which relies on large facilities – pipes, ponds, and a great deal of concrete.

CHECKLIST OF WATER-SUSTAINING PRACTICES FOR COMMUNITY BUILDING

BENEFITS

- Potentially save money in construction
- Save money long-term on water, sewer, power bills
- Improve water quality & reduce flooding impacts within community & downstream
- Reduce erosion & property damage from stormwater runoff
- Increase water available in streams and groundwater during dry weather/drought for drinking water, recreation, fishing, waste assimilation and habitat for wildlife

PRACTICES FOR SITES & NEIGHBORHOODS

- Green Infrastructure / Environmental Site Design** – Retain or recreate natural waterways, wetlands, forests to absorb and manage rainwater. Multi-use for greenways, trails, parks, recreation. Increases property values, can reduce development costs.
 - **Fit project to the site topography** - Minimize grading and tree removal required outside of built/paved footprint. Can save money on grading.
 - **Minimize hard surface footprints** – Keep size of parking lots, streets, & other developed areas that shed rain to a minimum. Can save money on paving.
 - **Increase net density** – Promote multi-story buildings, compact lots (cluster development) with more open space/green infrastructure. Can save money on infrastructure costs (shorter distances to serve same development yield).
 - **Conserve or recreate waterway buffers** – forested setbacks filter runoff naturally, protect wildlife, stream ecology & habitats. Combine with improved stormwater practices to manage concentrated runoff from built areas.
 - Low Impact Development stormwater practices** – Treat rain as a resource instead of turning it into a problem. Use engineering and landscape practices to mimic the natural (pre-development) hydrology of the site to the extent practical, *for minimal change to the volume of runoff from the site as well as rate of runoff and pollutants*. Eliminate or minimize curb, gutter, underground piping. Infiltrate rain to groundwater, filter pollutants from rain runoff, and/or capture/reuse rain using practices such as:
 - Bioswales, rain gardens
 - Porous or permeable paving, woodland parking
 - Constructed wetlands
 - Bottomless culverts
 - Vegetated swales along streets and highways
 - Reuse rainwater** – Capture, store and reuse stormwater runoff for landscape irrigation. See also below: reuse of water produced from buildings.
 - Water-efficient landscaping** – use native, drought tolerant plants. Reduce turf and managed landscaped areas. Use drip irrigation systems, which can be fed by captured/stored stormwater. Install sensors on automatic watering systems that gauge soil moisture and anticipate rain to deliver watering at optimal times.
-

PRACTICES FOR RESIDENTIAL, COMMERCIAL, INDUSTRIAL, & INSTITUTIONAL BUILDINGS

- **Water-efficient fixtures & systems** - Reducing water use also reduces wastewater and energy use, potentially saving money on water, sewer and power bills.
 - Install / retrofit with EPA-designated "Water Sense" water efficient fixtures and appliances, which perform at higher levels than basic federal standards.
 - Convert to industrial production systems that require less water.
 - Fix leaks.
- **Efficient plumbing design to minimize water heating** – Maximizing efficiency to heat and use water reduces both water and power use and costs.
 - Design efficient room & appliance layout for shortest distances hot water must travel.
 - Install recirculating fixture to pump cold water back into water lines when drawing up hot water to faucet.
 - Consider tankless water heaters (more expensive initial investment, recouped by utility savings over time).
- **Water-efficient cooling systems** – retrofit or build new with technology that eliminates de-scaling chemicals and reduces or eliminates blowdown water, such as Bon Aqua system or reverse osmosis filtration. Reuse stormwater or HVAC condensate for cooling water.
- **Low Impact Development stormwater practices** – for buildings (also see concepts above under SITES).
 - **Downspout disconnect** – disconnect downspouts from paved areas and stormdrains, instead direct to bioswales, stormwater capture/reuse, etc.
 - **Minimal roof gutters** – sheet flow roof runoff to swales, bioswales
 - **Green roofs** – capture and absorb rainwater to reduce volume of runoff, also save energy and increase effective life of roof
- **Water reuse** – often saves money if used for functions that do not require drinkable quality water. May require more flexible building codes. Examples:
 - **Stormwater reuse** – Rain barrels and other storage to capture rain, store and reuse it for many functions – landscape irrigation, cooling systems, flushing toilets, industrial production, vehicle washing, landscape water features
 - **Graywater reuse** – reuse water from showers or laundry for flushing toilets, landscape irrigation
 - **Cooling system condensate or blowdown water reuse** – if alternate technology is in use that eliminates de-scaling chemicals, cooling system water can be reused for landscape irrigation, etc.
 - **Basement groundwater infiltration** – instead of pump and dump, reuse it.
 - **Treated wastewater reuse** – from small scale onsite systems - treat and infiltrate in constructed wetlands, reuse for landscape irrigation (natural fertilizer).



**INFORMATION RESOURCES ON THE WEB:
LOW IMPACT DEVELOPMENT,
GREEN INFRASTRUCTURE,
& COST SAVINGS
August 2012**

ECONOMIC VALUE OF LID & GREEN INFRASTRUCTURE

Reducing Stormwater Costs through Low Impact Development (LID) Strategies and Practices

December 2007

EPA 841-F-07-006

EPA LID case studies comparing LID with conventional stormwater infrastructure, proving that LID usually saves money.

<http://www.epa.gov/owow/nps/lid/costs07/documents/reducingstormwatercosts.pdf>

<http://www.epa.gov/owow/nps/lid/costs07/>

American Society of Landscape Architects Stormwater Case Studies
2011

<http://www.asla.org/ContentDetail.aspx?id=31301>

ASLA collected 479 case studies from 43 states, the District of Columbia, and Canada on projects that successfully and sustainably manage stormwater. These projects demonstrate to policymakers the value of promoting green infrastructure policies. Green infrastructure and low-impact development (LID) approaches, which are less costly than traditional grey infrastructure projects, can save communities millions of dollars each year and improve the quality of our nation's water supply. Each case study is summarized and cost factors are reported. Combined results found that green infrastructure practices **reduced costs in 44.1% of cases, did not influence costs in 31.4% of cases, and increased costs in 24.5% of cases.**

The Value of Green Infrastructure: A Guide to Recognizing its Economic, Environmental and Social Benefits

Center for Neighborhood Technology and American Rivers, Inc. 2010

<http://www.cnt.org/repository/gi-values-guide.pdf>

A cumulative assessment of the multiple benefits of LID and GI as a municipal or private investment. Since methods and tools for assessing benefits have been lacking, municipalities more easily can assess gray infrastructure cost-benefits and favor those solutions. This guide provides simplified ways to assess the full benefits of LID and GI to aid decision-makers in evaluating options for water management.

- more -

Integrating Valuation Methods to Recognize Green Infrastructure's Multiple Benefits

Center for Neighborhood Technology (lead author), 2010

<http://www.cnt.org/repository/CNT-LID-paper.pdf>

This research paper reviews current methods, tools and case studies of valuation of the economic and social benefits produced by green infrastructure practices, particularly in urban settings. It begins to define a framework for assessing the economic benefits of LID practices at the site and community scale.

National Green Values™ Calculator

Center for Neighborhood Technology

<http://greenvalues.cnt.org/national/calculator.php>

The National Green Values™ Calculator is a tool for quickly comparing the performance, costs, and benefits of Green Infrastructure, or Low Impact Development (LID), to conventional stormwater practices. The GVC is designed to take you step-by-step through a process of determining the average precipitation at your site, choosing a stormwater runoff volume reduction goal, defining the impervious areas of your site under a conventional development scheme, and then choosing from a range of Green Infrastructure Best Management Practices (BMPs) to find the combination that meets the necessary runoff volume reduction goal in a cost-effective way.

Economic, Water Quality, and Water Supply Benefits of Sustainable Real Estate Development in Middle Tennessee: Final Report for Morgan Park Place

J. Gowdy Consulting for Cumberland River Compact and World Wildlife Fund, 2007

The Cumberland River Compact and World Wildlife Fund commissioned a study of one of their "Building Outside the Box" demonstration sites, at the Morgan Park Place development in Nashville, Tennessee. This report demonstrates the economic and ecological benefits of sustainable real estate development in the middle Tennessee region, including low-impact features. A copy of the report can be obtained by reaching Gwen Griffith at the Cumberland River Compact (<http://cumberlandrivercompact.org/>).

***The Economics of Low-Impact Development:
A Literature Review***

ECONorthwest

November 2007

Download the report at:

http://www.econw.com/reports/ECONorthwest_Low-Impact-Development-Economics-Literature-Review.pdf

or www.econw.com provides a link directly to the report

Also see <http://www.econw.com/casestudies/casestudy?study=low-impact-development>

For links to other ECONorthwest publications on LID and green infrastructure practices

- more -

LID & WATER EFFICIENCY MODELS FOR AFFORDABLE HOUSING

Incremental Cost, Measurable Savings: Enterprise Green Communities Criteria

Enterprise Green Communities

2010 Report by Dana L. Bourland:

<http://www.practitionerresources.org/showdoc.html?id=67313&p=1>

2012 Update by Davis Langdon:

<http://www.enterprisecommunity.com/servlet/servlet.FileDownload?file=00P3000000DTX16EAH>

The original 2010 report evaluates 27 affordable housing developments in the United States that meet the Enterprise Green Communities Criteria and found that the estimated lifetime savings exceed the initial costs of incorporating the "green" criteria. As they say in the introduction, "with this study, we know that meeting the... criteria involves only a 2 percent investment in upfront development costs – while providing significant long-term operating cost savings and substantial health, economic, and environmental benefits." Though it doesn't specifically deal with low-impact stormwater practices, it does discuss savings from water efficiency measures, finding that "development projects that met or exceeded the water-efficiency criteria are achieving a \$935-per-unit lifetime savings over a 15-year period, almost three times the predicted savings." The 2012 update expands the analysis to 52 affordable housing developments.

5. Designed for Habitat: Collaborations with Habitat for Humanity

David Hinson and Justin Miller

This book, created in part by David Hinson, Head of Auburn University's School of Architecture, Planning, & Landscape Architecture, profiles thirteen projects where architects have collaborated with Habitat for Humanity across the nation to generate innovative approaches to affordable housing solutions.

Available from Amazon and other online booksellers.

LID & GREEN INFRASTRUCTURE ~ GENERAL

1. American Rivers, Inc.

Local Water Policy Innovation: A Road Map for Community Based Stormwater Solutions

A Joint Publication Of

American Rivers, Inc.

Midwest Environmental Advocates, Inc.

September 2008

<http://www.americanrivers.org/library/reports-publications/local-water-policy-innovation.html>

Putting Green to Work: Economic Recovery Investments for Clean and Reliable Water

American Rivers

<http://www.americanrivers.org/our-work/global-warming-and-rivers/infrastructure/funding-green-infrastructure.html>

www.americanrivers.org

2. Storm Water Manager's Resource Center

www.stormwatercenter.net

Maintained by the Center for Watershed Protection. Extensive reference library, sample ordinances, specs and performance data for innovative storm water BMP's and design, including techniques for volume reduction. Especially helpful to local government storm water staff and consultants.

3. U.S. EPA

Links to many U.S. EPA reports and presentations, LID & Green Infrastructure:

www.epa.gov/nps/lid

www.epa.gov/npdes/greeninfrastructure

Green Infrastructure Case Studies: Municipal Policies for Managing Stormwater with Green Infrastructure (EPA-841-F-10-004) - 09-08-2010

This report presents the common trends in how 12 local governments developed and implemented stormwater policies to support green infrastructure.

http://www.epa.gov/owow/NPS/lid/gi_case_studies_2010.pdf

Managing Wet Weather with Green Infrastructure

Municipal Handbook

Water Quality Scorecard

The Municipal Handbook is a series of documents to help local officials implement green infrastructure in their communities.

August 2009

EPA- 833-B-09-004

http://www.epa.gov/npdes/pubs/gi_municipal_scorecard.pdf

EPA's Water Quality Scorecard was developed to help local governments identify opportunities to remove barriers, and revise and create codes, ordinances and incentives for better water quality protection. It guides municipal staff through a review of relevant local codes and ordinances, across multiple municipal departments and at the three scales within the jurisdiction of a local government (municipality, neighborhood, and site), to ensure that these codes work together to protect water quality goals.

6. William F. Hunt, Ph.D., PE, NC State University

Dr. Hunt is knowledgeable about the effectiveness of post-construction storm water BMP's in the southeast. Various storm water and LID publications, research reports, and online courses and workshop information are at:

www.bae.ncsu.edu/people/faculty/hunt/

7. UACDC's Low Impact Development: A Design Manual for Urban Areas

The University of Arkansas Community Design Center

"The manual introduces general audiences to designing landscapes for urban storm water runoff -- a primary source of watershed pollution. The goal is to motivate awareness and implementation of LID in a wide cross-section of stakeholders, from property owners to municipal governments that regulate infrastructure development. The manual provides a holistic framework in which a novice homeowner and an experienced developer can each find an equally transformative role to enact." (Amazon.com)

Available from <http://uacdc.uark.edu/books.php> and Amazon.com.