

**CITY OF LEEDS, ALABAMA  
PUBLIC HEARING AND CALLED COUNCIL MEETING  
SEPTEMBER 23, 2013**

The City Council of the City of Leeds, Alabama met for a Public Hearing and a Called Council Meeting on Monday, September 23, 2013 at 5:00 p.m. at the Leeds Civic Center Meeting Room, 1000 Park Drive, Leeds, Alabama 35094.

- 1. CALL TO ORDER:** The Mayor called the Public Hearing to order at 5:11 PM with Councilmembers Kenneth Washington, Johnny Dutton, Eric Turner, and Craig Wadsworth present. Councilmember Devoris Roscha Ragland arrived at 5:49PM.
- 2. INVOCATION AND PLEDGE:** The Invocation was given by Councilmember Eric Turner.

**PUBLIC HEARING**

**a) Proposed Annexation of Certain Property**

**Jamie Cowlden, 610 Preserve Parkway, Hoover AL 35226.** Mr. Cowlden thanked the Council for the opportunity to speak. Cowlden spoke about the history of the proposed annexation and other projects US Steel has conducted in the area.

**Doug Neil, Daniel Corporation,** thanked the Council for allowing him to speak. Neil described the project as a high quality destination stop and residential location. Mr. Neil pointed to the high quality of other developments in the Birmingham metro area and Daniel Corporation's goal to work with the City of Leeds to enhance commercial development and quality of life. He expressed their intention to work with the various City boards and other organizations such as the Cahaba River Society to formulate the documents to this point with the City.

**Tyler Whitson, Barber Museum.** Mr. Whitson commented that Barber Museum supports a growing and prosperous position for Leeds which is the direction Leeds is going. Whitson spoke of the Daniel Corporation's ability to build quality developments and of the investment the Barber Company has in the Museum and Race Track. However, the company is concerned about residential development in close proximity to the race track and of the current measures taken to help limit racetrack noise. Whitson spoke of the ability of the racetrack to be rented 250 days per year, which includes Sundays. Whitson seeks protection from the City in the form of a "right to operate" to prevent future measures to close the track.

**Mayor David Miller** stated that the Track came first in the view of the Council.

**Mayor Miller** deferred discussion about the Planned Community Development to the next segment of the Public Hearing.

**Mayor Miller** closed the Annexation Petition Public Hearing at 5:24PM.

**PUBLIC HEARING**

**b) Proposed Planned Community Development (PCD)**

**Superintendent of Inspections, Brad Watson** voiced concern about the requirement in the PCD requiring that the Architectural Review Committee (ARC) to sign off on the Certificate of Occupancy before the City issues a Certificate of Occupancy and requested that this clause be stricken from the document.

**Doug Neil, Daniels Corporation,** spoke about this as a process of controls to maintain the quality and integrity of the development.

**Watson** spoke of his concern 10 years from now when Daniel Corporation would not be the contact but the contact would be the transitioned ARC committee.

**City Attorney Scott Barnett** responded that the City's Inspector is bound by rules of State Law and now would also be bound by the ARC rules. Mr. Barnett concurred with Mr. Watson and recommended to the Council that the Inspector not be bound by the ARC.

**Alton Parker, Attorney for Daniels Corporation**, stated that the Inspector would not be bound by the private entity but would be bound by the City's Ordinance. Mr. Parker stated that this matter is key to maintaining the quality of the development.

**Mayor David Miller** stated that this seems to be a small matter which needs to be resolved by the Council.

**Councilmember Kenneth Washington** spoke to Watson asking if this matter would not be left to the Home Owners Association. Watson indicated that the City is typically not involved with this matter when issuing a Certificate of Occupancy. Watson reaffirmed his concern goes to 10 years in the future when Daniel is not the controlling influence of the ARC.

**Councilmember Dutton** asked if the two matters could be worked out concurrently as one is related to quality of construction and the other deals with appearance. Councilmember Dutton stated that this is something that needs to be worked out together.

**A Daniel Corp representative** commented that this is not an issue because this very language is in the Ross Bridge Development (now on their 1,200<sup>th</sup> unit being constructed) and the provision is key for the ARC to maintain its standards.

**Mr. Watson** asked if the School Site was subject to the ARC. After discussion, it was concluded that the building was subject to the ARC.

**Beth Stewart of the Cahaba River Society**, distributed a letter to council and spoke from it. Ms. Stewart stated that the development, when fully built, would have the most affect on the river in its history. Stewart commented that the Developer had been cooperative with keeping the protection of the river in the design of the development. Ms. Stewart said that the proposal has come along way toward meeting the protections of the river and the Cahaba River Society is in general support of the project. The Society particularly supports the development's clustering design of construction. Stewart reminded the Public of the severe river bank erosion from developments in Clay due to the increased flow of storm water all the way down through the river system, creating a severe problem for the viability of the ecosystem of the river. Stewart spoke of trying to encourage a "low impact" development approach such as the Grand River Phase II with talks continuing. Ms. Stewart spoke of several Birmingham area commercial projects that are incorporating "Low Impact" construction methods. Stewart spoke of the City's need to comply with ADEM MS4 storm water permit which will address the issues that are discussed in the document tonight. Ms. Stewart stated that the current PCD is written to allow such issues to be addressed. However, Stewart requested that the City consider adding the language recommended by Cahaba River Society (*that Leeds include a flexible and specific post-construction stormwater performance standard*). Stewart also voiced concerns about the "Maximum Dwelling Units" and the achievability of the the PCD's environmental conservation goals. Ms. Stewart thanked the project team for listening and communicating with the CRS and incorporating some of the concerns into the document. She spoke of the flexibility the Developer has provided with the development and CRS. Ms. Stewart spoke of the Leeds Waste Water's facility's ability to accommodate the increased load on the facility with the development.

**Leslie Lackey, 1145 Rex Lake Road**, stated that she is on record as opposed to this development. Her concerns include the noise from the Race Track as it was this past weekend, concern about the increased growth and the city's ability to provide public safety, and concern that bringing more attention to the area will increase criminal activities. Ms. Lackey requests that the property not be annexed into the City for the project but be moved to the 4,000 acres north of the interstate. Ms. Lackey questioned why this area is chosen, when the location is close to the race track and its noise issue. Ms. Lackey also commented that the neighborhood was not brought into this matter until just recently. Inspector Watson responded that Ms. Lackey was sent two notices: one for

the Planning & Zoning Meeting and one for the Called Council Meeting. Ms. Lackey commented that she would like to have her calls returned.

**Mayor Miller** asked if anyone else wanting to speak to this matter. The Mayor recognized the Planning and Zoning Commission Chairman, Eddie Cook, present and thanked him for all the work that has been done on this project.

**Julian Lackey, 1145 Rex Lake Road**, spoke to the possibility of relocating the School further down Rex Lake Road as it is in close proximity to his property. The Mayor responded that the proposed school site is the best location in the sub division. Mr. Watson produced a map which showed the 20 acre school site and the proposed location of the School within the site. Mayor Miller stated that the site was selected based on the engineer's evaluation of the property and best location with the topography of the site. Lackey also spoke to the Mayor about the failure to return his telephone calls.

**Susan Carswell, 2120 Montevallo Road**, commented on selecting the best location for the school. Ms. Carswell questioned the location of the school in such close proximity to the race track when there is a 5,000 acre tract that is available north of the interstate as well as 17 acres next to the High School. Secondly, she observed that all the preliminary plans show that the proposed homes will be around 1,000 sq ft (which would generate about \$900 annually per home) which is not enough to support the services that will be demanded. Carswell spoke of her concern about the viable future of the city if there are too many smaller homes flooding the market.

**Leslie Lackey** asked why the Council is not answering questions being presented. Lackey asked if there has been any research as to who would purchase a home next to a race track. Inspector Watson responded that he has received three calls from individuals seeking contact information to build.

**Mayor Miller** closed the public hearing about the Proposed Planned Community Development at 6:23PM.

#### CALLED COUNCIL MEETING

1. **CALL COUNCIL MEETING TO ORDER:** the Mayor called to order at 6:24PM.

2. **NEW BUSINESS:**

**a) Ordinance 2013-09-01 Regarding Annexation of Certain Property Into The Corporate Boundaries of the City of Leeds.** City Attorney Johnny Brunson advised a motion that Council move to suspend the rules.

Motion to suspend the rules by Councilmember Johnny Dutton, with a second by Councilmember Eric Turner; the motion passed with all present voting yes.

Motion to approve Ordinance 2013-09-01 was offered by Councilmember Washington with a second by Councilmember Wadsworth; the motion passed unanimously.

**b) Ordinance 2013-09-02 Regarding Zoning Certain Property As a Planned Community Development.**

Motion to suspend the rules by Councilmember Washington with a second by Councilmember Turner; the motion passed with a unanimous vote yes.

Motion to approve Ordinance 2013-09-02 by Councilmember Turner, with a second by Councilmember Washington; the motion passed with all present voting yes.

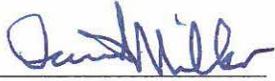
**COUNCIL COMMENTS:** Mayor Miller discussed the forward movement of the ATRIP.

**3. PUBLIC COMMENTS:**

**Ms. Leslie Lackey** commented that the actions of this meeting would be this Council's legacy.

**Jason King, 8156 Lawley Avenue**, spoke to the Council about his move to Leeds and the help he received from City Clerk Kevin Fouts. Mr. King inquired about ownership of the ditch behind his house and stated that a dead tree located on city property fell on the power supply at his house.

**ADJOURNMENT:** Councilmember Washington moved to adjourn, seconded by Councilmember Wadsworth. The Called Council Meeting was adjourned at 7:25PM.



David Miller, Mayor

ATTEST:



Kevin Fouts, City Clerk