

**CITY OF LEEDS, ALABAMA
PUBLIC HEARING AND
REGULAR SCHEDULED COUNCIL MEETING
APRIL 04, 2016**

The Council of the City of Leeds, Alabama met for a Public Hearing and Regular Scheduled Council Meeting on Monday, April 04, 2016 at 6:00PM in the Leeds Civic Center Meeting Room, 1000 Park Drive, Leeds, Alabama 35094.

1. **CALL TO ORDER:** Mayor David Miller called the meeting to order at 6:20PM with Councilmembers Johnny Dutton, Eric Turner, Craig Wadsworth and Kenneth Washington present. Councilmember Devoris Roscha Ragland arrive at 6:12PM.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:** the invocation was given by Councilmember Johnny Dutton.

PUBLIC HEARING

ABC License Application At 7521 Parkway Drive, Leeds, Alabama

The Mayor asked for anyone in the public to speak concerning this matter. Angela Lewis, representative of The Wing Cafe, stated the business is trying to obtain the license for growth.

Mayor closed the public hearing at 6:11PM

REGULAR SCHEDULED COUNCIL MEETING

3. **REVIEW AND APPROVAL OF MINUTES:** March 21, 2016 Public Hearing and City Council Meeting were reviewed by the Council. Motion to approve minutes as presented by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed with all present voting yes.

4. **OLD BUSINESS:**

- a) **Resolution 2016-02-05 Consider The Revocation Of A Business License Pursuant To The City Code Of Ordinances.**

- Motion to approve Resolution 2016-02-05 by Councilmember Dutton with a second by Councilmember Turner. Discussion followed. Julie House, Realtor who sold the property twenty years ago, addressed the Council and asked why this matter has come up after 20 years of being in business. Mayor Miller stated that the business has changed its classification with the Secretary of State. Ms. House asked what would need to be changed to comply with the zoning ordinance. The Mayor stated a zoning variance would be needed to authorize such changes. Ms. House asked for information about the specific issues. The mayor stated there have been numerous complaints over the years. Specific complaints include trespass onto neighbor's property, complaints of physical harm to residents and loud noises coming from the property affecting the health safety and welfare of the neighborhood at large.

There were three other individuals at the podium at this point.

Building Inspector Brad Watson explained the change in the type of business model in 2009 was from a Group Care Home to a Boarding Home.

Councilmember Washington spoke to the matter of the City having issued a business license for the past 20 years. Washington also asked if the City has the right to go in and inspect homes. Inspector Watson responded to Councilmember Washington's question by stating that this facility is a business.

There was a fourth person at the podium at this point.

OLD BUSINESS (continued)

A speaker at the podium asked if the Inspections Department has signed off on this matter. Police Chief Jackson stated there have been 19 calls to the property since January 1, 2016. Mayor asks Chief Jackson if there have been any trespass complaints filed with the Police Department; Chief Jackson answered no.

Councilmember Ragland asked if the residents had a mental evaluation to determine if they can live on their own. A person from the podium stated that the residents have not had a mental evaluation, but that a physician has released the individuals to be in the community and it is the resident's right to be integrated into the community. There was discussion about the classification of the facility. A speaker at the podium stated that the residents are independent people. Mayor Miller asked if there is a legal distinction between "Boarding Home" and "Group Home".

Councilmember Washington asked if the facility owners knew they needed to go before the ZBA (Zoning Board of Adjustments) to seek a variance in 2009 when the business model was changed. Councilmember Washington asked again why the City has issued the business license for twenty plus years and now seeks to revoke the license. Mr. Watson stated that Councilmember Washington misinterpreted the business license with zoning issues. There was discussion between Councilmember Washington and Mr. Watson.

Magistrate Roberts addressed the issue by asking if the people there can care for themselves independently and asked specifically about supervision of Pamela Green with administration of her medication. Magistrate Roberts also asked about an elder abuse case last month. Someone at podium spoke indicating DHR (Department of Human Resources) placed Ms. Green in the facility but she is no longer at the facility. Roberts asked if the residents living at the facility are there by their own free will and do not require supervision. Someone answered yes. Roberts then answered that when the individual comes to court the court can respond accordingly.

Councilmember Dutton asked if there is someone there to supervise the residents at all times and the answer was that there is supervision during the day. Magistrate Roberts asked again if there was supervision and monitoring of medications. There was not a clear answer to this question. Roberts asked concerning supervision on the weekends; the response was there is supervision by a live-in caretaker.

Mayor Miller stated again the matter is a zoning issue if there is a boarding home in an R-3 zoning which requires a variance by the ZBA with Inspector Watson responding yes. Someone at the podium stated the facility has complied with the list of items supplied at the February 1, 2016 meeting and asked why is this matter being revisited. Mayor stated that issues have been resolved but the baseline matter is the zoning matter. Councilmember Washington asked that this go before the ZBA and the Council will wait for that Board's action before going forward.

On the call for the vote, Councilmembers Washington and Ragland voted yes with Councilmember Dutton and Mayor voting no; prior to final votes being made Councilmembers Tuner and Wadsworth declared themselves not prepared to vote.

There was discussion about changing the classification of the business activity to comply with the zoning.

A question was directed to Legal Council Barnett concerning grandfathered rights, to which Attorney Barnett responded negatively; also questioned as to a change in zoning, to which he answered yes with additional discussion and the issue of "grandfathered use". Attorney Barnett spoke to council and suggested council go into Executive Session due to imminent litigation regarding the matter based on the applicant's comments.

Motion to go into Executive Session by Councilmember Wadsworth with a second by Councilmember Dutton; by unanimous vote the motion passed to go into Executive Session. Council went into Executive Session at 7:09PM and reconvened at 7:41PM.

OLD BUSINESS (continued)

Mayor stated that on advice of the City's Legal Council that Councilmembers withdraw their votes and allow the application to go before ZBA. If the decision of the ZBA is not favorable, the applicant can appeal to Circuit Court. Mayor states that the Council does not have the right to grant a variance.

Councilmembers Dutton, Turner, Ragland withdrew their vote on Resolution 2016-02-05. Attorney Barnett advised Council to hold this matter until the ZBA has made a decision. Motion to hold this Resolution over until ZBA has made its decision by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed with all present voting yes.

Councilmember Washington commented that he is not speaking against Inspections Superintendent Watson for doing his job.

5. DEPARTMENT HEAD REPORTS:

- a) **Administration, Mayor Miller.** No Report.
- b) **Fire Department, Chief Parsons.** No Report.
- c) **Police Department, Chief Jackson.** No Report.
- d) **Library, Director 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.** No Report.

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.
- d) **Primary School Construction Review Committee, Mr. Ben Watson, P.E.** The construction is under a new schedule in which days were made up; the building appears to be on track for approvals prior to August 01. A meeting with the School and City Finance April 5, 2016 to prepare a status update. Watson seeks authorization of payment to GMC and Terracon, but the Contractor invoice needs to be overlooked. Motion to authorize payment to GMC and Terracon by Councilmember Wordsworth with a second by Councilmember Ragland; the motion passed with all present voting yes.

7. NEW BUSINESS:

- a) **Resolution 2016-04-01 Consider School Supplies Sales Tax Holiday.:** Motion to approve Resolution 2016-04-01 by Councilmember Washington with a second by Councilmember Turner; motion passed with all present voting yes.
- b) **Resolution 2016-04-02 Consider ABC License Approval at 7521 Parkway.** Watson states that this is an "on premises" application and the distance of 100 feet is not required. Motion to approve Resolution 2016-04-02 by Councilmember Turner with a second by Councilmember Ragland; the motion passed with all present voting yes.

c) **Resolution 2016-04-03 Consider Project Change Order.** Motion to approve Resolution 2016-04-03 by Councilmember Wadsworth with a second by Councilmember Dutton; motion passed with all present voting yes.

d) **Resolution 2016-04-04 Consider ALDOT Sidewalk Improvement Funding Agreement.** Motion to approve Resolution 2016-04-04 by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed with all present voting yes.

e) **Resolution 2016-04-05 Consider Traffic Study Agreement For SR 78 And Park Drive.** Motion to approve Resolution 2016-04-05 by Councilmember Washington with a second by Councilmember Wadsworth; motion passed with all present voting yes.

f) **Resolution 2016-04-06 Consider ALDOT Preliminary Engineering Agreement.** Engineer Keith Strickland of Goodwin Mills and Cawood addressed the Council concerning the agreement. Motion to approve Resolution 2016-04-06 by Councilmember Dutton with a second by Councilmember Washington; the motion passed with all present voting yes.

g) **Resolution 2016-04-07 Consider ALDOT Acquisition Agreement.** Motion to approve Resolution 2016-04-07 by Councilmember Washington with a second by Councilmember Turner; the motion passed with all present voting yes.

h) **Resolution 2016-04-08 Consider ALDOT Utility And Construction Agreement.** Motion to approve Resolution 2016-04-08 by Councilmember Washington with a second by Councilmember Turner; motion passed with all present voting yes.

i) **Resolution 2016-04-09 Consider Traffic Study Agreement For SR 119 And President Street.** Motion to approve Resolution 2016-04-09 by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed with all present voting yes.

j) **Clarification on Leeds City School Board Selection and Procedure Of An Appointed Member.** Mayor explained what this administration has been doing regarding board appointments. Councilmember Ragland distributed some information to the Council from the State Code. Mayor suggested that this information supplied by Councilmember Ragland be reviewed by the City's Attorney and report back to council of their findings. Councilmember Ragland stated that residents in her district deserve representation on the Board of Education.

k) **Resolution 2016-04-10 Approve Travel Request For City Magistrate.** Motion to add Resolution 2016-04-10 as item K by Councilmember Wadsworth with a second by Councilmember Ragland; the motion passed with all present voting yes.

Motion to approve Resolution 2016-04-10 by Councilmember Washington with second by Councilmember Turner; the motion passed with all present voting yes.

8. PUBLIC COMMENT:

Sheree England, Southern Trace Parkway, commented that the trash collection is horrible. Inspections Superintendent Watson stated that there are community cleanups in spot areas and requested that Ms. England leave her contact information and she will be added to the list.

Fannie Burt, Mt. Luther King Drive commented about trash sitting along the side of the road for long time.

Kathye Drake, 1008 Kings Forest Drive, expressed appreciation to Councilmembers Turner, Dutton and Wadsworth for the trash pickup day on Saturday. Ms. Drake suggested the City send a note of appreciation to the organizations that participated in the cleanup.

Unidentified person who lives across street from Leeds Elementary School asked if the area between the sidewalk and the street are to be mowed by the City. The mayor stated that the property owner is responsible for the maintenance of that area and added that there is an Attorney General Opinion on file concerning this question. Also, the question was asked about HWY 119 across from St. Theresa Church and the curve needs some form of a barrier when traffic jumps the curb.

Chris Townsend, Briarwood Lane asks if there is community support to work on trash pickup, Magistrate Roberts states that the community service individuals have been assigned but there has not been much participation from the individuals assigned.

Debra Brown, Alabama Avenue, asked about lights at the ball field at Moton park. Councilmember Washington responded that the current fixtures are obsolete and will have to be removed and suggested that City needs to seek a grant to pay for the new fixtures. Councilmember Washington will look into this matter.

Demetris Oden, questioned Agenda items "D" through "I" concerning the sidewalk on HWY 119. Mayor Miller explained that the sidewalk from the High School to Historical Park is being handled through the Saferoutes to School program. Ms. Oden also asked about the Traffic light at President Street and the ditch along President Street. Mayor Miller commented that among the projects approved tonight is the improvement of the HWY 78 and the Presidents Street intersection. Councilmember Washington commented that the City cannot interfere or do any type work on State Highways (ALDOT). Ms. Oden also asked that Henry Ellen Road needs to be inspected because of a pothole. Also, Ms. Oden asked about Item J on the agenda and when to expect the report back to council. Attorney Barnett indicated his goal to report back to council at the next meeting.

Veronica Curtis, 1451 Illinois Street commented on the speeding on Illinois Street and has called the Police about this matter. Chief Jackson asked if there was a time of the day when this is prevalent. Ms. Curtis indicated it is mostly in the evening and later afternoon. Ms. Curtis asked if some signage could be placed indicating children are in the area.

ADJOURNMENT: Motion to adjourn by Councilmember Turner. Council was adjourned at 8:39PM.


David Miller, Mayor

ATTEST:


Kevin Fouts, City Clerk