

**CITY OF LEEDS, ALABAMA
REGULAR SCHEDULED COUNCIL MEETING
APRIL 18, 2016**

The Council of the City of Leeds, Alabama met for a Public Hearing and Regular Scheduled Council Meeting on Monday, April 18, 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 6:08PM with Councilmembers Johnny Dutton, Devoris Roscha Ragland, Eric Turner, Craig Wadsworth and Kenneth Washington present.
2. **INVOCATION AND PLEDGE OF ALLEGIANCE:** the invocation was given by Councilmember Eric Turner.
3. **REVIEW AND APPROVAL OF MEETING MINUTES:** April 04, 2016 Public Hearing and City Council Meeting minutes were reviewed. Motion to approve the minutes as presented by Councilmember Turner with a second by Councilmember Ragland. The motion passed unanimously.
4. **OLD BUSINESS:**
 - a) **Resolution 2016-02-06 Consider The Revocation Of A Business License Pursuant To The City Code Of Ordinances.** Attorney Brunson advised the Council on this matter. Mr. Brunson indicated that there has been discussion but not much has been accomplished on the items of concern and suggested the business seek resolution by going through the ZBA (Zoning Board of Adjustments). Inspections Supervisor Watson concurred with the City Attorney's advice to Council. Motion to approve Resolution 2016-02-06 by Councilmember Turner with a second by Councilmember Wadsworth. After brief discussion, the motion passed unanimously.
5. **DEPARTMENT HEAD REPORTS:**
 - a) **Administration, Mayor Miller.** Mayor reported his conversation with the Alabama Business Journal and urged Council to look for the upcoming article about things going on in Leeds Mayor Miller updated Council on the opening of the Drive In Theater next month. The Mayor stated the Job Fair to employ people for the Drive In was very successful last weekend. The operation will be able to handle over 1,100 cars. The Mosquito Spraying in the city was described as ineffective, but plans are to develop a program targeting the larvae. This item could be on the next meeting agenda.
 - b) **Fire Department, Chief Parsons.** Report Distributed. Chief Parsons informed Council of a joint venture of Leeds and Pell City on Drive Team training.
 - c) **Police Department, Chief Jackson.** Report included in Council packet.
 - d) **Library, Director Williams.** Ms. Williams announced the regular Tot Story Time on Tuesday, April 19th. Other announcements were: "Sewing with Liz" will be at the Library Annex Thursday, April 21st; the Spring Anti Litter Program is underway; and the Speak-Easy Art class will be Monday, April 25, at 6:30PM.
 - e) **Inspection Department, Superintendent Watson.** Mr. Watson reminded the Council that the Planning and Zoning Commission will be considering the Smart Code at its meeting tomorrow evening, Tuesday, April 19.
 - 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.** No Report.

7. NEW BUSINESS:

a) **Appointment of Ms. Kathy Dutton to City of Leeds Board of Education.**

Point of Order called by Councilmember Devoris Roscha Ragland. Ms. Ragland stated the current term has expired so it is not up for reappointment. Mayor Miller disagreed with Councilmember Ragland's call for a Point of Order and explained applications received for the opening. Councilmember Ragland urged her constituents to apply and suggested that all districts need to be represented. Ms. Ragland gave her opinion that reappointments are not to be considered according to Roberts Rules of Order.

Mayor David Miller asked Attorney Barnett if Council may act on Item A tonight. Attorney Barnett responded that he has researched questions as directed by the Council on two issues: 1) Question as to whether the City Council can appoint individuals to the BOE (Board of Education). 2) Question as to whether this issue of district representation is required. Mr. Barnett stated that the subject is not clearly mandated in the State Code. Councilmember Ragland reiterated her position about whether the representation on the Board is "fair". Attorney Barnett stated there is no violation in taking action on item "A" this evening. Councilmember Washington suggested advertising the position. Mayor Miller stated this was not considered an opening, but a reappointment. It was not advertised since at the time of reappointment, the position was not vacant. Mayor Miller asked for the will of the Council to take action on Item "A". Councilmember Turner stated that he has reviewed the two prior submitted applications and is prepared to take action this evening. Mayor stated the two prior appointments have been reappointed without solicitation of applications. Councilmember Washington asked about the past actions of the Council in making Board appointments and stated that he had always voted for the appointee and not considered the Districts. Mr. Washington also stated that at the onset of the establishment of the Board, he predicted there might be problems in the future because not all Districts were represented.

Mayor Miller indicated the strong sentiment of the Council to delay action on Item "a", advertise the vacancy, and allow anyone to apply.

Motion to table Item a and advertise the opening on the Board of Education by Councilmember Ragland with a second by Councilmember Washington. Mayor Miller acknowledged the issues that were raised and restated his position that he was not trying to force the appointment, and that it is his goal to have a transparent administration. The question was raised as to whether the open position was on the website and it was determined that it was not.

Discussion: Councilmember Washington voiced his concerns about changing the by-laws and how the appointments have been handled in the past, and Mr. John Moore, Superintendent of Leeds City Schools, offered his response.

Mr. Moore responded that on request, he reviewed policy concerning past appointments and offered clarification about district representation. It was brought to Mr. Moore's attention that if people were appointed by District and then moved out of their District, they would automatically forfeit their seat on the Board. Mr. Moore conferred with Attorney Scott Barnett concerning the School Board

Ordinance passed in 2001, which has not been amended to date. That ordinance did not specify that Board members would represent Districts. Mr. Moore revealed that in early years there were two board members that were in District Two and District Three did not have a representative and that is a pretty good indicator that Board members were not appointed by District. Mr. Moore stated that in his experience on the Board, concerns have never been considered by District. Superintendent Moore stated that Board members consider that they represent all the citizens of Leeds and reminded those present that the system is considered one of the "Up and Coming" systems in the State of Alabama.

Councilmember Washington raised further concerns about actions of the Board in adopting a policy change to address the representation issue and asked why that was done. The response was that the change came about because the need was brought to the attention of the Board.

Mayor Miller asked for the vote on the motion.

Attorney Brunson offered clarification about the Districts. Districts that exist are designated as Leeds City Council Districts and are not for any other purpose. A question about the Ordinance passed in 2011 was raised. It was stated that the 2011 Ordinance referred to having five members on the board who would serve staggered terms. It also said if elected or appointed board members moved out of the Leeds School district, they would be required to resign.

Attorney Brunson clarified that the district referenced is to a school district, not a council district. A person who is not a resident of Leeds is not allowed to represent the Leeds School system.

Councilmember Washington asked if the City formed another District, would there be an addition to the Board of Education. Councilmember Washington voiced his desire to put something in place that would guarantee full representation.

Mayor Miller restated the motion previously given: Motion to table Item a and advertise for two weeks the opening on the Board of Education The motion passed unanimously. The appointment to City of Leeds Board of Education will be considered again under Old Business at the next Council meeting.

b) Ordinance 2016-04-02 Requiring Members of the City Board of Education to be Residents of the District to Which They Are Appointed. Mayor Miller commented that there may be legal issues concerned with this Ordinance as stated. Attorney Barnett recommended suggesting requesting the Attorney General's opinion. The opinion would protect the City if certain events were to occur, given the history of the establishment of the School System and its Board.

Motion to seek the opinion of the Attorney General about this Ordinance by Councilmember Turner and a second by Councilmember Dutton.

Discussion: question by Councilmember Washington about why seek an AG (Attorney General) opinion about this Ordinance as council has passed many ordinances without seeking his opinion.

Mr. Barnett responded by saying he has concerns about the original intent in establishing the Board of Education; if the intent was originally to create the Board as representing a Council District in the city, then, as an attorney, that might change his mind on seeking an AG opinion. There have been many people from many different districts. Given that pattern, from a legal and historical aspect, his recommendation would be different. Mr. Barnett reiterated that Council has the right to seek that opinion. Councilmember Ragland stated her opinion that the original intent of the 2001 Ordinance did not matter, that this Ordinance would settle all the questions. Mr. Barnett objected that this Ordinance still did not have a definition of what was required concerning representation. Councilmember Ragland read the proposed Ordinance.

Attorney Barnett explained that a school district and a Council district are different. As legal counsel for the City, Mr. Brunson explained that he is not sure the Council has the authority to do what this Ordinance requires. Mr. Brunson states that the attorneys can draft the ordinance, but they can only move as still recommends seeking an Attorney General's opinion. Councilmember Ragland again read from the Ordinance.

The Mayor called for a vote on the motion to seek an opinion from the Attorney General. Councilmembers Washington and Ragland abstained and Councilmembers Turner, Dutton, Wadsworth and the Mayor voted yes; the motion passed.

Councilmember Ragland requested that the request for the Attorney General's opinion should include the following: information from conception of adoption of School board, past nom and appt and resignations, geographical boundaries, 2010 school by-laws referencing board members' terms.

Attorney Brunson advised Council to have Resolution 2016-04-14 added to agenda as item J. Motion for unanimous consent to add Resolution 2016-04-14 as Item j by Councilmember Washington and seconded by Councilmember Ragland. Motion passed unanimously.

Motion to include these items: information from conception of adoption of School board, past nom and appt and resignations, geographical boundaries, 2010 school by-laws referencing board members and their terms, plus language from the proposed Ordinance 2016-04-02 by Councilmember Washington with a second by Councilmember Ragland; the motion passed unanimously. A draft of the letter to the Attorney General will be circulated to Councilmembers.

c) Ordinance 2016-04-01 Consider City's General Police Powers For The Protection Of The Safe & Sanitary Drinking Water Supply Of The City.

Mayor Miller announced this as the Second Reading of the Ordinance. Attorney Barnett addressed this matter, saying that certain uses in the area are “grandfathered” clearly and this Ordinance does not affect the use of that property. Motion to adopt Ordinance 2016-04-01 which incorporates the grandfather clause by Councilmember Washington with a second by Councilmember Wadsworth; the motion passed unanimously.

d) Resolution 2016-04-11 Consider Participation In Main Street Alabama Program. Mayor Miller commented that the City is already practicing some of the items recommended in the Program. The Smart Program is included in the Main Street Alabama, and opens opportunities for additional grant applications. Motion to approve Resolution 2016-04-11 by Councilmember Wadsworth with a second by Councilmember Ragland; the motion passed unanimously.

e) Resolution 2016-04-12 Consider Service Agreement Providing Electronic Credit Card And Bill Payment Services To The City. Motion to approve Resolution 2016-04-12 by Councilmember Turner with a second by Councilmember Ragland; the motion passed unanimously.

f) Consider Primary School Contractor Payment Request. Motion to approve payment by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed unanimously.

g) Ashville Road. Councilmember Washington spoke to this matter. Mayor spoke of the upcoming budget amendment and directs the Clerk, Inspections Department and Streets Department to prepare recommendations and estimates for the next meeting and this item will be considered.

h) Moton Park. Councilmember Washington requested that the side arm mower be made operational. This equipment has been problematic and the Mayor asked the Street Department to investigate.

Motion for unanimous consent to add item “i” Resolution 2016-04-13 by Councilmember Washington with a second by Councilmember Wadsworth; motion to add Resolution 2016-04-13 passed unanimously.

i) **Resolution 2016-04-13 Regarding the Release of a Moratorium on Southern Trace.** The Resolution is requested comes to the Council by way of recommendation by P&Z (Planning and Zoning Board). City Inspector Watson reported his conversations with EPA (Environmental Protection Agency) and the Contractor; Mr. Watson recommends release of the moratorium. Attorney Brunson reported says that he has accompanied Mr. Watson and a representative from EPA to review the situation. Mr. Brunson explained that the side roads must be paved before other corrections can be made, but the City is not responsible for the roads. Mayor Miller directed the Inspection Department to enforce the strictest criteria regarding this development. Councilmember Washington has visited the site asked the Inspections Department to monitor the storm water pond, complaining of mud. Inspector Watson responded that both ADEM (Alabama Department of Environmental Management) and EPA are currently monitoring this structure and the City has no intent of assuming the responsibility of the structure. Nothing can happen unless EPA first removes their restriction. There was discussion about the developer going out of compliance and remedies the City could take to bring back into compliance. The Attorney offered reassurance that the EPA will continue to monitor compliance. Motion to approve Resolution 2016-04-13 by Councilmember Wadsworth with a second by Councilmember Ragland; the motion passed unanimously.

Mayor Miller responded to the question of mosquito control. The Mayor stated that adoption of a new program targeting mosquitoes will be on the agenda for the next meeting.

j) **Resolution 2016-04-14 Authorize seeking an Attorney General's Opinion on Board Appointments.**

Motion for unanimous consent to consider Resolution 2016-04-14 by Councilmember Turner and seconded by Councilmember Dutton; When this motion was put to a vote Councilmembers Washington and Ragland declined and Councilmembers Turner, Dutton and Wadsworth and mayor voting yes, the motion passed.

Motion to approve Resolution 2016-04-14 by Councilmember Turner with a second by Councilmember Wadsworth; the motion passed unanimously. Councilmember Ragland recommends that the Resolution include the following topics in the request: information from the conception of the adoption of the School Board, past nominations, past resignations, past appointments, former board members, any incidents or indications showing geographical boundaries pertaining to board member assignment, 2010 School by-laws referencing board member appointments. A copy of the request will be sent to Council and if the Board Of Education changes their policy, the new policy should be included also.

9. PUBLIC COMMENT:

Hobart Thomas, 8576 Dover Drive, described that what the council tried to do this evening was underhanded. Thomas referenced the BOE Policy. Thomas stated that the State Ethics Commission has been notified about how school board members are appointed. Thomas stated that he voted for Mayor Miller but followed with accusations about the Mayor.

Debra Brown, Alabama Avenue, asked about obtaining a City Audit and a School Board Audit. Mayor Miller directed the City Clerk to post the city audit on the City's website. Ms. Brown also asked about progress in seeking a grant for lighting at Moton park. Councilmember Washington stated that he has not met with the City's Grant Writer yet.

Jesse Turner, 1690 Montague Street, stated Lee Avenue concerns about muddiness on Lee Avenue and the need for a sidewalk. Mayor Miller stated that the City has a project through ALDOT (Alabama Department of Transportation) to install a sidewalk on Lee Street, as well as a street light. Councilmember Ragland asked Mr. Turner to get a number from the pole of the light that is not working. The Mayor described where the anticipated sidewalk project is slated to go.

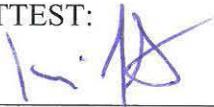
Reverend Earnest Mitchell, Leeds Civic Club, asked for paving on Henry Ellen Road and called attention to a sinkhole on the road. Councilmember Ragland stated this matter has been reported. Earnest stated the City should consider an elected school board for fair representation on the Board Of Education.

ADJOURNMENT: Motion to adjourn by Councilmember Turner. Meeting adjourned at 7:59PM.



David Miller, Mayor

ATTEST:



Kevin Fouts, City Clerk