



**CITY OF LEEDS, ALABAMA
PUBLIC HEARING AND
REGULAR SCHEDULED COUNCIL MEETING
APRIL 3, 2017**

The Council of the City of Leeds, Alabama met for a Public Hearing and Regular Scheduled Council Meeting on Monday, April 3, 2017 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 6:02PM with Councilmembers Ryan Bell, Johnny Dutton, Linda Miller, Eric Turner and Kenneth Washington present.

2. INVOCATION AND PLEDGE OF ALLEGIANCE: the invocation was given by Councilmember Eric Turner.

3. PUBLIC HEARING

a)The Rezoning Of Certain Property Or Parcel From A Residential 1 (R-1) Single Family District To Residential -2 (R-2) Single Family District. The Mayor introduced this item informing everyone present of a proposal from the developer modifying his original application. Mayor Miller introduced Mr. Lee Barnes who presented information to the audience from the letter submitted to the Council.

Stan Segrist, 7040 Briarwood Lane, would like to see the proposal submitted to the Council to provide a turn-lane for safety reasons. Mr. Segrist states the second exit onto HWY 119 would help relieve the increased traffic on Briarwood Lane.

Susan Carswell, 2120 Montevallo Road, expressed concerns not about R-2 but seeks the Council to enforce covenants for the proposed development for items such as the size of home, building materials, and landscaping. Carswell reported her conversation with ALDOT (Alabama Department of Transportation) and to date ALDOT has not reviewed such a proposal according to Mr. Charles Malone at ALDOT. Ms. Carswell reported learning of a study being conducted regarding the impact of storm water issues. Ms. Carswell suggested the Council make the approval contingent upon the developer obtaining the ALDOT permit to construct the exit. Representatives from ALDOT must review the proposal for constructing an additional entrance and determine the impact it would have on traffic on Hwy 119. Ms. Carswell reported concern about the clear coat at an additional entrance, because it would also affect the storm water runoff. The Mayor gave assurance that the request for the subdivision would not be approved unless there was another exit on to Hwy 119. Councilmember Turner asked Ms. Carswell if she was in favor of the zoning change if the contingent items listed are part of the agreement. She stated favoring the zoning change, but her concern about cutting the trees which would affect the storm water runoff.

Brad Pool, 7838 Laura Street. Pool asked if the lots were the same as ones backing up to Woodruff Farms.

Councilmember Washington states that he would like to know details of the proposal from the developer to the Council, in particular concerning the turn lane on HWY 119. Mr. Lee Barnes stated that the turn-lane/exit onto HWY 119 is contingent upon the approval of the zoning change to R-2. The current zoning is R-1.

Councilmember Dutton asked if the developer purchased the land with the knowledge that the zoning was R-1; Mr. Barnes stated most likely. Councilmember Dutton asked if zoning remains as R-1, then the developer does not have to construct the turn-lane. Mr. Barnes answered that is correct.

Mayor Miller addressed the meeting, reminding that in the City's Master Plan the area is designated for low-density housing, which is R-1 or R-2. The Mayor stated if the Council does not approve the zoning change from R-1 to R-2, the developer has the option to appeal to Circuit Court. Mr. Barnes stated that is not his plan.

Mr. Barnes stated the lots will sell for \$50,000 to \$55,000 and the need for a larger home is required to make the sale work. The developer has agreed that the exterior of the homes would either be Hardie Board or brick. Mr. Barnes recognized that pre-construction run-off and post-construction run-off must be the same.

Councilmember Washington stated this matter should have been resolved at the Planning & Zoning Board as there is not sufficient information supplied to Council at this time. Mr. Barnes indicated the Council should put stipulations with the proposed zoning change.

Ms. Bice, 7054 Briarwood Lane, expressed appreciation for all that is being done and thanked everyone for the time invested to resolve issues. Ms. Bice is aware of the heavy traffic on Briarwood Lane and stated that an additional 100 cars daily would not be a good thing for safety and the condition of Briarwood Lane. Ms. Bice suggested if the developer will install a secondary entrance/exit into the development, and she asked the Council to consider the rezoning compromise to allow the development to progress.

Eddie Cook, 1612 Greenbrier Drive, approved all that the Mayor said. Cook indicated that he worked with the City's Master Plan and was conscious of maintaining low density development in the Valley. Mr. Cook stated the concern of the connectivity of a substandard road which services four developments. Mr. Cook stated the compromise which allows a second exit/entrance into the developments is good. Cook strongly suggested the City consider the compromise as suggested by the developer. Cook would like the City to do something to control the speed issues on Greenbrier. Councilmember Turner asked Mr. Cook what changed Mr. Cook's mind to support the development. Mr. Cook stated he was second-guessing his vote on the Planning & Zoning meeting and had more time to comprehend the development.

Hayden Bell, 6474 Zeigler Road, stated his concerns about the rezoning and is a teacher at the Leeds Elementary School. Ms. Bell stated the schools need families that are vested in the community. Her opinion is that R-2 development homes are smaller and most likely will not appeal to established families.

Richard Patterson, 7012 Briarwood Lane, thanked the Council for serving and addressing issues like this. Mr. Patterson stated that Briarwood lane is a narrow road and added traffic will create a safety concern and urges Council to approve the compromise. Mr. Patterson stated his understanding that Jefferson County required developers further down Eastern Valley Road to install a turn lane.

Margaret Hughes, 1840 Montevallo Road, stated the land was sold as R-1. Ms. Hughes stated the compromise is sufficient but additional information is required to make sure there is not an additional impact of storm water runoff from the development and the second entrance/exit is part of the condition to allow the development to continue. Ms. Hughes stated that she wants what is best for Leeds.

Jennifer Dutton, 8105 Greenbrier, stated her agreement with prior comments and agrees with Councilmember Washington that additional information is required. Councilmember Turner then read aloud the letter submitted to Council by the developer. Ms. Dutton asks if the developer would run the numbers to attempt to construct the entrance/exit if the development were to remain R-1.

Susan Carswell stated her concerns about R-1 houses on R-2 lots and discussed the square footage of homes. Her preference is that Hardie Board sided homes or brick homes be written in the Ordinances as well as the stipulation of square footage of the homes.

Councilmember Washington asked Mr. Lee Barnes to determine if the developer has the design of the homes being constructed. Mr. Barnes stated that decision is made at the Planning and Zoning Board. Mr. Barnes stated that the plan is to build R-1 homes on R-2 zoned lots. The middle of the development will be R-1 lot size and the perimeter will affect approximately 8 lots. Councilmember Washington states that the Spring Valley subdivision was to have an entrance/exit onto HWY 119 and that was not completed. Mr. Barnes stated the mistake is that the stipulations were not built into the zoning R-5 approval of the subdivision. Mr. Barnes explained that the developer was allowed to

build the homes before the entrance/exit was constructed; this developer has committed not to build unless the turn lane is approved. Councilmember Washington wants to make sure the conditions discussed tonight are part of the agreement and the developer is not allowed to develop the property until the stipulations are met.

The Mayor reminded the meeting that the Ordinance cannot be voted on tonight, unless there is unanimous consent of the Council to consider the Ordinance. If not voted on tonight, it will be shown as the First Reading of the Ordinance.

Donnie Hughes, 1840 Montevallo Road, asked what is the minimum of houses and lots that could be built and not require a turn lane.

Mayor Miller stated that nothing will be built without a turn lane.

Mr. Hughes asked if the current construction entrance could be used, to which the Mayor replied that it could not, and that it was never an authorized entrance.

Joe White, 7129 Elliott Lane, spoke to the current construction entrance and the issues with it: a) it is in a flood plane and b) line of sight issues. White stated that at the time of Spring Valley construction, if the P&Z (Planning and Zoning) Board and Council had the same type of contingencies as suggested tonight, there would not be issues today.

Councilmember Turner states that he and Councilmember Dutton attended the Planning & Zoning meeting and heard people demand that the zoning remain R-1. Councilmember Turner stated that he sought feedback and received comments from the public regarding issues with the proposed compromise. Those comments were not a strong negative.

City Attorney Barnett commented on the difference between contingencies vs covenants. Barnett states the covenants are handled at the Planning & Zoning Board level and can be part of the subdivision approval.

The Mayor agreed that stipulations should be included in the covenants and stated that the City could obtain the covenants and present them at the next Council meeting so everyone can review.

Tommy Reaves, 1359 Montevallo Road, stated that he is excited to hear what is occurring in Leeds and stated that the little amount of property left in the city needs to be carefully considered to be developed to enhance the city. Reaves thinks the compromise as presented by Mr. Barnes for the developer is a decent compromise but urges consideration of Ms. Carswell's comments. Reaves stated his concerns with the storm water run-off.

Discussion of this item was closed at 7:06PM.

b) Resolution 2017-04-01 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1720 Morgan Street. Mayor asked if there was anyone present to speak for or against. Ms. Connie Foster stated that this is her mother's property. Superintendent Watson commented that the owner came by the Inspection Services office and was informed that Inspection Services are allowed entrance onto private property.

c) Resolution 2017-04-02 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1153 Beech Street. This issue has been resolved.

d) Resolution 2017-04-03 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8215 Farley Avenue. This issue has been resolved.

e) Resolution 2017-04-04 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8231 Farley Avenue. This issue has been resolved.

The Public Hearing was closed.

REGULAR SCHEDULED COUNCIL MEETING

4. REVIEW AND APPROVAL OF COUNCIL MINUTES: minutes from the March 20, 2017 Council Meeting were reviewed. Motion to approve as presented by Councilmember Turner with a second by Councilmember Bell; the motion passed unanimously.

Attorney Barnett requested Council convene into Executive Session. The reason is in regard to trade or commerce with purchase of real property. Mr. Barnett also stated that there is an outside chance that a decision could be made after the Executive Session.

5. REPORTS OF STANDING COMMITTEES OR SPECIAL BOARDS:

a) Finance Chairperson, Linda Miller. No Report.

b) Public Safety Committee, Kenneth Washington. Mr. Washington reported his meeting with the Police Department. He believes the community will be pleased with some recent changes in the Department, including naming of Acting Chief Reaves. After two more weeks of orientation, other changes can be made. Mr. Washington also spoke of a good meeting with the Fire Department.

c) Public Works and Parks & Recreation Committee, Ryan Bell. No Report.

6. REPORTS OF OFFICERS

a) Administration, Mayor Miller. The Mayor spoke of spending a lot of time at the baseball field and of the purchase of the sun shade being installed over the bleachers.

b) Fire Department, Chief Parsons. Mr. Parsons spoke of using the arson dog on sites in the cities of Lincoln and Moody. Use of the dog is getting good reviews because of correctly getting good "hits". The arson dog has been re-certified.

c) Police Department, Acting Chief Reaves. Mr. Reaves reported having a good meeting with Councilmember Washington and with the help of the Leeds Housing Authority the substation will be opened. Reaves states that there was an incident at Walmart this past week where the Department apprehended a person with felony warrants with the stolen vehicle he was driving.

d) Library, Director Carden. Melanie Carden reported a successful Story Time session this past Saturday. Ms. Carden reported financial donations for the Summer Reading Program along with other items. The library is offering free activities each day during Spring Break and no registration is required. These activities include: Gumdrop buildings/bridges; Coffee Filter Butterfly craft; Bubble Blower Painting activity; Double-Feature Movie: Despicable Me and Despicable Me 2; Fun Fitness Friday at the park across from the library; and Saturday Storytime (the new weekly program for children birth – age 5).

e) Municipal Court, Magistrate Roberts. No Report.

f) Inspection Department, Superintendent Watson. March permit report distributed at the meeting.

g) Parks and Recreation Department, Supervisor Jimmy Warren. Warren reported the staff is busy preparing for the spring growth.

h) Streets and Sanitation Department, Supervisor Warren. No Report.

7. OLD BUSINESS:

a) Resolution 2017-03-06 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8331 Dunnivant Road. Inspections Supervisor Watson reported this is a complaint from a prior meeting and the property remains out of compliance. Mr. Watson recommended the Council abate this Resolution. Motion to approve

Resolution 2017-03-06 by Councilmember Turner with a second by Councilmember Miller; the motion passed unanimously.

b) Resolution 2017-03-08 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 7310 Parkway Drive. Mr. Gene Martin, 6705 Rex Lake Circle, stated the personal loss of family since the last meeting. Martin indicated that he will do as the city is requesting but requests additional time. Mr. Martin requested an additional 30 days. Motion to extend 30 days by Councilmember Washington with a second by Councilmember Turner; the motion passed unanimously.

8. NEW BUSINESS:

a) Ordinance 2017-04-01 Consider The Rezoning Of Certain Property Or Parcel From A Residential – (R-1) Single Family District To Residential -2 (R-2) Single Family District. Mayor stated that there are other items to be considered with this Ordinance. The Mayor asked if there is unanimous consent.

Motion to table Ordinance 2017-04-01 to next meeting and consider this a First Reading by Councilmember Washington with a second by Councilmember Miller; the motion passed unanimously.

Mayor Miller thanked those present for the civil manner in which everyone conducted themselves tonight on this matter. The Mayor stated we all want what is best for the city and the Council heard everyone's comments.

b) Resolution 2017-04-01 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1720 Morgan Street. Motion to approve Resolution 2017-04-01 by Councilmember Washington with a second by Councilmember Miller; the motion passed unanimously.

c) Resolution 2017-04-02 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1153 Beech Street. Issue resolved .

d) Resolution 2017-04-03 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8215 Farley Avenue. Issue resolved.

e) Resolution 2017-04-04 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8231 Farley Avenue. Issue resolved.

f) Board Appointment: Mayor Miller announced consideration of Dr. Aaron T. Moyana to fill the position vacated by Ms. Graham on the Board of Education. The Mayor listed Dr. Moyana's experience, education and qualifications. Motion to nominate Dr. Aaron T Moyana to the City of Leeds Board of Education by Councilmember Dutton with a second by Councilmember Miller. Discussion from Councilmember Washington that Ms. Graham has served on the Board and has been a large part of the community. Upon vote, the motion passed with five (5) ayes.

Motion for the Council to convene into Executive Session by Councilmember Turner with a second by Councilmember Dutton; the motion passed unanimously. Attorney Barnett states the reason is with regard to trade or commerce with purchase of real property. Barnett also states that there is an outside chance that a decision could be made after the Executive Session. Council went into Executive Session at 7:30PM.

Council returned to meeting room at 8:11 PM.

g) Consider Amendment To Ordinance Number 2017-01-02 Refinancing Of City Debt.

Motion for unanimous consent to consider amendment to Ordinance 2017-01-02 by Councilmember turner with a second by Councilmember bell; motion passed unanimously.

Motion to change the name of Stifel to INTL FC Stone within Ordinance 2017-01-02 by Councilmember Miller with a second by Councilmember Bell; the motion passed unanimously.

h) Resolution 2017-04-05 Consider A Budget Amendment And Related Tax Refunds And Rebates. Motion to approve Resolution 2017-04-05 by Councilmember Bell with a second by Councilmember Miller; the motion passed unanimously.

9. **COUNCIL COMMENTS:** there were no comments from Council.

10. **PUBLIC PARTICIPATION:**

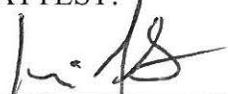
Connie Foster, 7538 Popular Avenue, addressed the Council for two reasons: a) stated she has been attending several past council meetings informing Council of drug dealing in her neighborhood and is seeking help to remove the problem; b) a house at 7530 Popular Avenue which was to have been demolished. Foster stated the house has been rewired and someone is now jacking up the house and somehow stealing power. The Mayor asked Watson if any action has been taken with the property; Mr. Watson answered notice has been posted at the property and the matter will come before Council in May. Watson stated if anyone is living in the property it is considered to be trespass. Mayor Miller asked Mr. Watson if there is a person in the structure would the person be arrested with Watson responding yes. The Mayor gave notice to Chief Reaves to monitor the situation.

ADJOURNMENT: Motion to adjourn by Councilmember Turner at 8:20PM.



David Miller, Mayor

ATTEST:



Kevin Fouts, City Clerk