



**CITY OF LEEDS, ALABAMA
PUBLIC HEARING AND
REGULAR SCHEDULED COUNCIL MEETING
DECEMBER 18, 2017**

The Council of the City of Leeds, Alabama met for a Public Hearing and Regular Scheduled Council Meeting on Monday, December 18, 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 6:07PM with Councilmembers Ryan Bell, Johnny Dutton, Linda Miller, Eric Turner and Kenneth Washington present.

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

3. PUBLIC HEARING:

a) Consider Determination Of Certain Conditions Of Subject Property Is Unsafe To The Extent That It Is A Public Nuisance 1081 Montevallo Road. The mayor asked if anyone was present to speak for or against this matter.

Attorney Otis Stewart, legal counsel for the property owners, introduced himself and Mr. Sam Jackson, Jr., new Chief Executive Officer of the property, Brighter Days, to the Council.

Mr. Jackson listed his experience in operation of a similar facility, described plans for the property to include: only older residents will be accepted, a back deck for residents who smoke, fire systems serviced, and tubs to be replaced by showers.

Councilmember Dutton asked if these changes have been carried out.

Mr. Jackson responded changes could not be performed without electric power, but that a contractor has been contacted.

Councilmember Dutton asked if anyone is in the building.

Mr. Jackson responded with a no. I have not began recruiting any new clients yet.

Mayor Miller asked for the recommendation of the Inspections Department.

Brad Watson, Superintendent of the Inspections Department, recommended to Table the issue until the renovation plans submitted to the ICC (International Code Council) are returned.

Attorney Johnny Brunson stated that if the matter is Tabled until that time, it will allow the owners to start over and it would be a new operation. **Will require a new license process**

Mayor Miller observed that the discussion is about the business, not the structure. A plan of action and an architectural review has been submitted. Mayor Miller asked if the Council needs to declare the property as a nuisance at this meeting.

Brad Watson responded that the Council can do that.

Attorney Brunson that the Council could wait to abate at a later date.

Mayor Miller refer to Council and find out what Council will decide.

Attorney Otis Stewart stated that it is Mr. Jackson's desire to make the repairs, pending review of the property. He asked if repairs should be delayed until documents are returned from ICC.

Mayor Miller stated that the Council can decide if the property is a public nuisance at this meeting, but might not take direct action until the ICC review comes back. The issue of liability was discussed.

Attorney Stewart asked if that meant finding the property uninhabitable.

Mayor Miller responded that would be the finding.

Attorney Brunson stated that the City makes this determination all the time in different cases, where the resulting action can be to allow the owner to do the work or the City depending on the circumstances. Proper action would be to address it with Council and a plan in place that is being reviewed for further action.

Mayor Miller stated that further action would be based on what is done by the owner.

Mr. Jackson asked if this is normal procedure to prevent the owner from performing work on the property.

Mayor Miller responded that is a separate issue.

Brad Watson commented work cannot be done until the City has a comprehensive plan from ICC or until the Unsafe Building declaration is removed.

Attorney Brunson asked if Judge Price from the City Court has addressed this issue.

Magistrate Laura Roberts stated that Judge Price intended to wait until after the Council meeting.

Attorney Brunson advised that if the plans are not approved by ICC, the minor items will not be of concern to the City.

Magistrate Roberts stated that the Unsafe Declaration is in effect; there is no verdict but the declaration still stands.

Councilmember Washington suggested that the Council should wait until the plans are reviewed.

Mayor Miller stated that the Council could hold abatement until the plans are reviewed.

b) Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8236 Thornton Avenue. The mayor asked if anyone was present to speak for or against this matter. The Inspections Department recommended abatement and the matter was deferred to Council.

c) Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1510 Cogbill Street. The Inspections Department declared the property in compliance and the item was withdrawn from the agenda.

d) Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8426 Lewis Avenue. The mayor asked if anyone was present to speak for or against this matter. The Inspections Department recommended abatement and the matter was deferred to Council.

e) Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8432 Lewis Avenue. The mayor asked if anyone was present to speak for or against this matter. The Inspections Department recommended abatement and the matter was deferred to Council.

The Public Hearing was closed at 6:26PM.

4. REVIEW AND APPROVAL OF COUNCIL MINUTES: minutes from the December 1, 2017 Special Called Council Meeting and the December 4, 2017 Public Hearing and Council Meeting were reviewed. Motion to approve both minutes by Councilmember Miller, with a second by Councilmember Bell; the motion passed with all voting yes.

5. REPORTS OF STANDING COMMITTEES OR SPECIAL BOARDS:

a) **Finance Chairperson, Linda Miller.** No Report.

b) Public Safety Committee, Kenneth Washington. No Report.

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

6. REPORTS OF OFFICERS:

a) Administration, Mayor Miller. The Mayor commented on the good participation in the City's Christmas Parade, even after it was rescheduled due to weather.

b) Fire Department, Chief Parsons. Report is included in Council's packet. Mr. Parsons reported the Explorer Group had the first float in the parade. January 3, 2018 is the date for the pre-construction meeting for the fire truck ordered from Dublin, Ohio.

c) Police Department, Acting Chief Reaves. Report is included in packet.

d) Library, Director Carden. Ms. Carden announced library closings during the holidays. This week there will be many activities for teens and children, however.

e) Municipal Court, Magistrate Roberts. No Report.

f) Inspection Department, Superintendent Watson. No Report

g) Parks and Recreation Department, Supervisor Warren. No Report.

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

7. OLD BUSINESS: There was no Old Business to come before the Council.

8. NEW BUSINESS:

a) Resolution 2017-12-11 Consider Whether Or Not A Certain Structure Is Unsafe To The Extent That It Is A Public Nuisance In Violation Of Chapter 10 Of The Code Of Ordinances In Relation To 1081 Montevallo Road. The Mayor restated the recommendation for the Council to determine as a nuisance, but delay action.

Attorney Stewart asked for assurance that the minutes would be available and that his comments would be part of the public record. Attorney Stewart was informed that the minutes would be available when reviewed and approved by the City Council. Attorney Stewart commented that he believes the owner's due process rights have been violated, and the actions have been arbitrary and capricious. He acknowledged that some improvements to the building needed to be done. He believes the Council doesn't need to take any action at this meeting since Mr. Jackson has submitted plans for repairs.

Councilmember Bell countered that the previous and present Council had allowed the chance for correction.

Attorney Stewart stated the owner was not told of any items which were wrong.

Mayor Miller stated that these same problems were brought before the Council earlier and referred to the list of items which needed to be corrected.

Attorney Stewart responded that those problems were fixed; the owner is not saying that repairs are not needed.

Councilmember Bell responded that the Council is giving the owner a delayed process.

Attorney Stewart stated that due to emergency surgery, he missed the earlier Council meeting, and that his client had appeared without representation.

Councilmember Bell asked if Attorney Stewart watched the video taken at the property.

Attorney Stewart responded that they are aware work needs to be done.

Mayor Miller asked if anyone had said they could not do any work.

Attorney Stewart stated that his client is going to do the right thing; the property does not look good.

Mayor Miller then stated that the City has told you what we plan to do. We are planning to abate without any action; this is not a trial.

Attorney Stewart stated that it is his job is to make certain of the procedure.

Councilmember Turner stated that this is not standing procedure. In declaring the property a nuisance, we are giving Mr. Jackson an opportunity to fix it based on plans submitted; and the Council can vote to delay action.

Attorney Brunson commented that once the plans are reviewed, the City will start the Inspection process again. From the Due Process Statement, we have confidently followed Code.

Mr. Jackson asked what makes the property a nuisance.

Councilmember Turner replied “everything”.

Councilmember Miller stated the property was so dirty, no one should have that.

Mayor Miller asked for a motion to determine the property a nuisance, but delay action.

Motion to determine the property a nuisance but that no action be taken until the plan review is in hand by Councilmember Miller, with a second by Councilmember Bell; the motion passed unanimously.

b) Resolution 2017-12-12 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8236 Thornton Avenue. The Inspections Department recommended abatement. Motion to approve Resolution 2017-12-12 by Councilmember Turner with a second by Councilmember Bell; the motion passed unanimously.

c) Resolution 2017-12-13 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 1510 Cogbill Street. The Inspections Department declared the property in Compliance and this Resolution was withdrawn.

d) Resolution 2017-12-14 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8426 Lewis Avenue. The Inspections Department recommended abatement. Motion to approve Resolution 2017-12-14 by Councilmember Miller with a second by Councilmember Dutton; the motion passed unanimously.

e) Resolution 2017-12-15 Consider Determination Of Certain Conditions To Be An Annoyance And Public Nuisance In violation Of Chapter 32 Of The Code Of Ordinances at 8432 Lewis Avenue. The Inspections Department recommended abatement. Motion to approve Resolution 2017-12-14 by Councilmember Turner with a second by Councilmember Bell; the motion passed unanimously.

f) Resolution 2017-12-16 Consider Budget Amendment and Transfer Regarding Storm Water Funds. Mr. Watson, Inspections Department, explained new legislation regarding Storm Water will cover the costs for community clean up, plus mailing for Spring and Summer. The funds can only be used for Storm Water and the fees are based on a percentage of what is collected. Motion to approve Resolution 2017-12-16 by Councilmember Dutton with a second by Councilmember Bell; the motion passed unanimously.

9. COUNCIL COMMENTS: There were no Council comments.

10. PUBLIC PARTICIPATION: There were no comments by the Public.

ADJOURNMENT: Motion to adjourn. The meeting was adjourned at 6:48PM.

David Miller, Mayor

ATTEST:

Danielle Filmore, Interim Acting City Clerk