



**CITY OF LEEDS, ALABAMA
PUBLIC HEARING AND
REGULAR SCHEDULED COUNCIL MEETING
DECEMBER 17, 2018**

The Council of the City of Leeds, Alabama met for a Public Hearing and Regular Scheduled Council Meeting on Monday, December 17, 2018 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 6:06PM.

Present: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

Also present were City Attorneys Johnny Brunson and Scott Barnett.

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

3. PUBLIC HEARING:

a) Development of Recreational Facilities at Memorial Park, Civic Center Park, and/or Moton Park. Land and water conservation requires a public hearing. Michael Hall stated that he supports help for Moton Park.

b) Consider Determination of Certain Conditions to be an Annoyance and Public Nuisance in Violation of Chapter 32 of the Code of Ordinances at:

i. 8621 Swafford Avenue: The Mayor asked if there was anyone present to speak for this property. There was no one present to speak, and the matter was referred to City Council.

ii. 8633 Swafford Avenue: The Mayor asked if there was anyone present to speak for this property. There was no one present to speak, and the matter was referred to City Council.

iii. 1628 Brasher Street: The Mayor asked if there was anyone present to speak for this property. There was no one present to speak, and the matter was referred to City Council.

c) Consider Appeal of Previous Denial of a Business License Application at 1081 Montevallo Road. Jim Hill, Attorney for the Jackson family, introduced himself as well as Mr. Jackson, (son of applicant Samuel Jackson Sr.) addressed the Council. Mr. Hill reported that Mr. Jackson (son) is a nurse and then presented some before and after pictures of the facility repair. The facility will be a boarding home for senior citizens, with a maximum of 12 people in residence. Fire and Rescue Chief Chuck Parsons commented that the Fire Department is waiting for the fire monitoring system report. Zoning Administrator Brad Watson stated that the current zoning is R-3, and a variance must be obtained. Mr. Watson also commented that the Approval was for Mr. Jackson, Sr., only. Mayor David Miller spoke to the fact that there were not just physical problems, but problems with the residents and their care. The Mayor pointed out that the applicant had previously made personal commitments to the Council during a public hearing promising to correct the operational problems and safety and health issues facing the community, but the applicant failed to deliver on his promise. The safety of the residents and the veracity of the applicant remained a problem. He discussed that neighbors complained about the residents of the facility loitering at odd hours in the neighborhood. The Mayor reiterated that this applicant was the same applicant who had applied in years past. Councilmember Johnny Dutton stated that the original plan of operation was different than the function at the

time of the closing, including lack of supervision of the residents resulting in numerous complaints to the City Police and Fire Departments. Councilmember Linda Miller observed that during her visit: 1) the residents were not in control of their medications, 2) food was not served at appropriate times, 3) there were only two bathrooms for 14 residents and they were filthy, and 4) there was not enough staff present. She also expressed that she feared that the same issues would continue. Mr. Jackson responded that the Health Department only requires one bathroom per 8 residents; his plan is to have three staff people on-site, and he will perform personal assessment of the employees. Councilmember Washington asked who is responsible for feeding and distributing medications and states there should be regular inspections. Mr. Watson commented that a special zoning exception was previously granted to Samuel Jackson, Sr., as the property owner/operator. The repair permits recently issued for the subject facility did not guarantee subsequent City Council approval for business operations. Mr. Dutton verified with Mr. Watson that zoning variance approval was necessary in order for such a business to operate in this neighborhood. Mr. Washington verified that Mr. Jackson Sr. needs to be the applicant to avoid the need for a new zoning variance. Attorney Barnett agreed. Mr. Washington also discussed the administration of medication in the facility, the prior video and the information previously presented to the Council which showed poor cleanliness of the facilities in the past and his questions about the safety of the residents due to the dangerous conditions of the facilities.

There were no additional comments from the public. The issue was referred to the Council for action.

The Public Hearing was closed at 6:53PM.

- 4. REVIEW AND APPROVAL OF COUNCIL MINUTES:** minutes from the December 3rd, 2018 meeting were reviewed. Motion to approve the minutes as presented by Councilmember Bell, with a second by Councilmember Turner; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

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 announced that there were over 70 floats in the Christmas Parade.
- b) Public Safety, Mr. Atkinson:** No Report.
- c) Fire Department, Chief Parsons:** Chief Parsons referenced the monthly report included in the Council packet. Chief Parsons also reported that Blount 911 has changed their numbering system to four-digits. To further obtain assistance, people can text 9-1-1, and someone will answer. The City's new fire truck, #2551, appeared in the Christmas Parade and will be ready for operation by the first of the new year. The Jefferson County Health Department is also issuing citations for open burning.
- d) Library, Director Carden:** The October and November reports are in the Council packet.
- f) Municipal Court, Magistrate Roberts:** Absent.

g) Planning and Zoning Administrator, Brad Watson: Mr. Watson announced a new sign ordinance to be considered at the January 10th Planning and Zoning meeting. Mr. Watson also commented that the City's payroll ending December 3rd included overtime by each department.

h) Parks and Recreation Department, Supervisor Warren: No Report.

i) Streets and Sanitation Department, Supervisor Warren. Mr. Warren reported the order of a new bulk truck to be received by July or August 2019.

7. **OLD BUSINESS:** There was no Old Business to be considered.

8. **NEW BUSINESS:**

a) Resolution 2018-12-07 Re-Submittal and Appeal of Previous Denial of a Business License Application at 1081 Montevallo Road:

Motion to Table by Councilmember Miller in order to see facility regulations and age of residents; there was no second. The motion to Table did not pass.

Motion to approve with facility regulations and proof of age of residents by Councilmember Washington. There was no second. The motion to approve did not pass.

Motion to approve the Resolution as stated by Councilmember Washington. There was no second. The motion did not pass.

Motion to deny appeal as stated in Resolution 2018-12-07 with the following stipulations A and B (see below) by Councilmember Turner with a second by Councilmember Dutton. Councilmember Turner added "I would just add to what the other councilor said. It's just very concerning with no disrespect to Mr. Jackson Sr that it's the same owner/operator now as it was in the condition that it got in. The condition was really terrible before and my concern is that it will return to that. Along with the fact that I know it might meet the laws but 2 restrooms for 12 people doesn't seem.... I don't know where these people are now, but I have a feeling they are somewhere better."

(A.) the request for business license for Brighter Days Boarding Home to operate a Boarding Home at 1081 Montevallo Road, Leeds, AL 35094 would cause a violation of applicable laws or ordinances and is therefore denied.; and

(B.) the denial of the request for a business license for Brighter Days Boarding Home to operate a Boarding Home at 1081 Montevallo Road, Leeds, AL 35094 would provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the city and is therefore denied.

The motion to deny passed with the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
David Miller, Mayor
Nay: Kenneth Washington

b) Resolution 2018-12-08 Consider Adoption and Ratification of Monthly City Payables/Expenditures. The Payables for November 2018 were reviewed by the Council. Payables will be approved monthly instead of annually. Motion to approve Resolution 2018-12-08 by Councilmember Miller with a second by Councilmember Bell; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

c) Resolution 2018-12-09 Consider Budget Amendment. Motion to approve Resolution 2018-12-09 by Councilmember Dutton with a second by Councilmember Bell; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

d) Resolution 2018-12-10 Consider Authorization and Approval of City Financial Policies. Motion to approve Resolution 2018-12-10 by Councilmember Dutton with a second by Councilmember Miller; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

e) Resolution 18-000279 Consider Determination of Certain Conditions to be an Annoyance and Public Nuisance in Violation of Chapter 32 of the Code of Ordinances at 8621 Swafford Avenue. Mr. Watson reported that the property is still in violation and recommended abatement. Motion to approve Resolution 18-000279 by Councilmember Turner with a second by Councilmember Miller; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

f) Resolution 18-000280 Consider Determination of Certain Conditions to be an Annoyance and Public Nuisance in Violation of Chapter 32 of the Code of Ordinances at 8633 Swafford Avenue. Mr. Watson reported that the property is still in violation and recommended abatement. Motion to approve Resolution 18-000280 by Councilmember Turner with a second by Councilmember Miller; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

g) Resolution 18-000281 Consider Determination of Certain Conditions to be an Annoyance and Public Nuisance in Violation of Chapter 32 of the Code of Ordinances at 1628 Brasher Street. Mr. Watson reported that the property is still in violation and recommended abatement. Motion to approve Resolution 18-000281 by Councilmember Turner with a second by Councilmember Miller; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

h) Resolution 2018-12-11 Consider Appointments to the Leeds Redevelopment Authority and Leeds Historic Preservation Commission. Motion to approve

Resolution 2018-12-11 by Councilmember Turner with a second by Councilmember Bell; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
David Miller, Mayor
Abstain: Kenneth Washington

i) Resolution 2018-12-12 Consider Re-Appointments to the Leeds Redevelopment Authority and Leeds Historic Preservation Commission.

Motion to approve Resolution 2018-12-12 by Councilmember Turner with a second by Councilmember Bell; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
David Miller, Mayor
Abstain: Kenneth Washington

j) Resolution 2018-12-13 Consider Authorizing the Submission of a Grant Application under the Assistance to Firefighters Grant. Mr. Watson

recommended that the Council Table the Resolution in order to give the grant-writer more time for completion. Motion to Table by Councilmember Washington with a second by Councilmember Bell; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

k) Ordinance 2018-12-02 Consider Flood Damage Prevention Ordinance.

Motion for Unanimous Consent to consider Ordinance 2018-12-02 by Councilmember Turner with a second by Councilmember Dutton. The motion passed with the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

Mr. Watson commented that this Ordinance reflects the State's model. The biggest change will be that no development will be permitted in the floodway. Motion to adopt Ordinance 2018-12-02 by Councilmember Turner with a second by Councilmember Dutton. The Ordinance was adopted by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner
Kenneth Washington
David Miller, Mayor

l) Resolution 2018-12-14 Consider Writing Off Certain Receivables Deemed to be Uncollectable. Motion to approve Resolution 2018-12-13 by Councilmember Miller with a second by Councilmember Dutton; the motion passed by the following vote:

Ayes: Ryan Bell
Johnny Dutton
Linda Miller
Eric Turner

Kenneth Washington
David Miller, Mayor

9. **COUNCIL COMMENTS:** None.

10. PUBLIC PARTICIPATION:

Jimmy Roy Johnson, 2357 Montevallo Road, requests that the Council approve the addition of a Friday senior citizen exercise class in a different location at the Civic Center.

Eddie Cook, 1612 Greenbrier Street, requested reimbursement for gas for his duties as Planning & Zoning Commission Chairman. Attorney Barnett stated that City Council approval would be necessary for payment of expenses.

ADJOURNMENT: the meeting was adjourned at 7:43PM.


David Miller, Mayor

ATTEST:


Toushi Arbitelle, City Clerk