



# CITY OF LEEDS, ALABAMA

## BOARD OF ZONING ADJUSTMENTS MINUTES

City Hall Annex - 1412 9th St., Leeds, AL 35094

May 24, 2022 @ 5:00 PM

### CALL TO ORDER:

Called to order at 5:00 PM

### ROLL CALL:

#### PRESENT

Board Member Mike McDevitt  
Board Member Brad Pool  
Board Member Andrea Howard  
Board Member Mark Musgrove  
Board Member Gerald Miller

#### ABSENT

Board Member Andy Watkins

### DETERMINATION OF QUORUM:

A quorum was present

### APPROVAL OF MINUTES FROM PREVIOUS MEETING(S):

1. Minutes - Feb 2022

Motion made by Board Member Howard to approve minutes as presented, Seconded by Board Member Miller.

Voting Yea: Board Member McDevitt, Board Member Pool, Board Member Howard, Board Member Musgrove, Board Member Miller

### OLD BUSINESS:

2. Executive Session

Motion made by Board Member Pool to conduct an executive session, Seconded by Board Member Howard.

Voting Yea: Board Member McDevitt, Board Member Pool, Board Member Howard, Board Member Musgrove, Board Member Miller

Attorney Barnett identified the intention behind the Executive Session was to discuss pending litigation.

Executive session began 5:10pm and Board returned at 5:21pm.

3. A22-000004 - A request by Shameka Carpenter, applicant, Samuel Howard Jackson, Jr., property owner, for a special exception to allow a daycare in the R-3, Multi-Family District, at 1081 Montevallo Rd, Leeds, AL 35094, TPID 2500201014021002, Jefferson County

Mike McDevitt: Uh, Now I Call case A22-00004 by Shameka Carpenter, applicant, Samuel Howard Jackson, Jr., property owner, for a special exception to allow a daycare in the R-3, Multi-Family District, at 1081 Montevallo Road and that is in Jefferson County. Is the applicant here.

Shameka Carpenter: Hi, that is me.

McDevitt: Can you give us your name and address please.

Carpenter: Are you wanting my home address or the...

McDevitt: Your home address.

Carpenter: Okay, I am Shameka Hunter Carpenter my address is 506 Forest way and that is in Leeds Alabama, 35094.

McDevitt: Thank you, Is there a question by the applicant.

Mark Musgrove: Ms. Carpenter

Carpenter: Yes

Musgrove: This, ah, this property has been made aware to us that it is in litigation with the City. Can you enlighten us on that at this time?

Carpenter: I will, I actually don't know anything about the litigation. Or what actually I just went to inquire about the property to see if I can rent the property and go along with what I'm trying to open up.

McDevitt: It is going to be a child daycare, right?

Carpenter: Yes, childcare center.

Musgrove: With the litigation ongoing on this property, I'm going to make a motion to deny the request.

Carpenter: Can I ask a question?

Musgrove: Not right now.

McDevitt: I've got a motion, and we need to hear that first. Um.

Julie R Miles: Can I speak?

McDevitt: Is there a second?

Gerald Miller: Second

McDevitt: I have a motion by Mr. Musgrove, it's seconded by Mr. Miller to deny this case based on the fact that there is pending litigation. Any further discussion?

McDevitt: All those in favor say aye...

Miles: I, I have a question...

McDevitt: Aye

Pool: Aye

Howard: Aye

Musgrove: Aye

Miller: Aye

Miles: Can I...

McDevitt: Opposed?...

Miles: ask a question...

McDevitt: It's Unanimous.

Miles: Why would it affect her leasing the property if you're in litigation.

McDevitt: I'm sorry, if you can hold on a second, please. Uh, so that has been denied.

Attorney Scott Barnett: Mr. Chairman, I can answer her question.

McDevitt: Yes, Please

Miles: You know....

Barnett: After the meeting if you like?...

Miles: we know because...

McDevitt: Yes, after the meeting...

Miles: we have been working...

Barnett: Yeah, yeah...

Miles: on it like months and nobody said anything about it to us.

McDevitt: Yeah, so if you don't mind you can get with our attorney after the...

Barnett: About 5 minutes after the meeting I'll, I don't mind at all talking to you about it.

Miles: Litigation shouldn't matter.

Carpenter: Sir, I have a question, and...

Miles: It's not to do with this business.

Barnett: Okay, I'll, I can talk to you afterwards no problem.

Miles: There is no,

Carpenter: So, we can't discuss it.

Miles: She needs to at least tell you what she has, can she do that?

Barnett: After the meeting, if, I have no...

Miles: I mean before the, I mean I know y'all denied it quickly because of the litigation

Barnett: Yeah, they've already, they've already decided, I don't want to hold their meeting up, there are other applicants asking this board, so I can talk to....

Miles: We are on this agenda twice and we need to be spoken for

Barnett: Afterwards I'll talk to you, otherwise, if that's not good enough, sorry, I'll be happy to talk to you afterwards.

Carpenter: How, how can ex..., how would that actually, I mean I don't know the firs...

Barnett: I will talk to you afterwards.

Miles: It's not about it, you can't I thought you tell her to come in, \*inaudible\* telling her to be this week with all her stuff, let her talk.

Barnett: You can talk to me afterwards, I'm not on this body, I'm just, I'm just their lawyer.

Carpenter: So, it just one person that says deny, and then everyone says okay and they, they didn't give me a chance to speak.

Miles: I don't think it's fair, do you think this is fair?

McDevitt: Well we can't, we, we have made a motion that's been approved by this board, it's, and it had to do with the fact that there's...

Carpenter: Thank you

McDevitt: Pending litigation...

Miles: So when, So when can she come back... so that becomes the question

McDevitt: So, you can get with staff about that, ah or

\*Inaudible, multiple people speaking\*

McDevitt: Thank you

Miles: I don't know why they didn't tell us that to begin with.

4. A22-000001 - A request by Steve Sarkady, Applicant, Jerry Limbaugh, Owner, for a special exception to allow a digital billboard at 1902 A.E. Moore Dr., Leeds, AL 35094, TPID 2602100002031001, St. Clair Co., Zoned I-1, Light Industrial

Steve Sarkady spoke about the case and his request.

Discussion about the timing of the changes on the alternating side of the sign, lumens and other sign characteristics.

Mr. Sarkady made a proffer to the City of Leeds for 1/2 slot on the sign, and to allow the City the opportunity to fill empty slots with additional announcements as availability allows.

Motion made by Board Member Howard to approve as presented with proffer from the applicant and that the applicant will maintain an active City of Leeds business license, Seconded by Board Member Pool.

Voting Yea: Board Member McDevitt, Board Member Pool, Board Member Howard, Board Member Musgrove, Board Member Miller

#### **OTHER BUSINESS:**

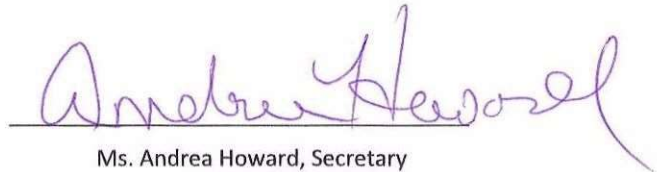
None.

#### **ADJOURNMENT:**

Adjourned 5:46 pm



Mr. Mike McDevitt, Chairman



Ms. Andrea Howard, Secretary