

Regular Meeting of the Town of Highland Lake, Alabama

The Highland Lake Town Council held its regular meeting on Tuesday, January 8, 2019 at the Anchor. Mayor Vice called the meeting to order at 7:00 p.m. Tim Moore gave the invocation. The Mayor led the pledge of allegiance.

ROLL CALL:

Present: Mayor Connie Vice
Council members Chase Moore, Donna Hanby, Sid Nelson, Ramzi Malek
Absent: Council member Denise Adams

Town Attorney Alex Smith was also in attendance.

December 4, 2018 Work Session Minutes – Hanby made a motion to approve the minutes, as read by the Town Clerk. Malek seconded. Roll call. All voted yes. Motion carried.

December 4, 2018 Regular Meeting Minutes – Hanby made a motion to approve the minutes, as read by the Town Clerk. Moore seconded. Roll call. All voted yes. Motion carried.

December 11, 2018 Special Meeting Minutes – Hanby made a motion to approve the minutes, as written. Moore seconded. Roll call. All voted yes. Motion carried.

Financial Report – Council member Donna Hanby gave the monthly financial report. Nelson made a motion to approve, as presented. Malek seconded. Roll call. All voted yes. Motion carried. Council member Hanby stated a CD is maturing in February and she will check and move if a better rate is found.

STANDING COMMITTEE REPORTS

Roads – Chairman Moore reported Lakeshore Loop is holding up well after all the recent rains. Also, an estimate is being obtained for cutting/removing dead trees/limbs in the right of ways on all town roads. Moore will also discuss this project with Town employee Dale Holloway (Grounds).

Dredging – Chairman Malek reported Curt Atkinson with C & C Contracting has agreed to work on Sand Creek and Brasher Creek areas when the lake is lowered next.

Lake – Chairman Nelson reported the expenditure for bait fish and timeframe will be provided next month for a decision to be made. Also, he and Joe Hayden will check behind the dam where the water has changed directions to determine options for addressing. The possibility of a flood control gate has been suggested to offset the lake level for when there are heavy rains. Lake Committee will meet Tuesday, January 15.

Ordinances – Chairman Hanby reported the committee will meet soon. An issue of abandoned vehicles/trailers has been raised. The town has an existing ordinance that may address this issue.

OFFICER REPORT

Mayor Vice reported for the month of December at Highland Lake:

Regular Meeting of the Town of Highland Lake, Alabama

18 dispatches from Highland Lake Police Department (6 were traffic stops)
6 dispatches from Sherriff department to Highland Lake
One arrest by Chief Kon

Expenditures: Coil pack failed on the Ford Police vehicle. Total repairs were under \$200.00.

Winter Conference February 18-21, 2019 in Montgomery: Nelson made a motion for Chief Kon to attend the winter conference February 18 through February 21. Moore seconded. Roll call. All voted yes. Motion carried.

Training – Training on the range over the next couple of months for tactical firearms training (pending cooperation of weather).

COMMUNICATIONS

None

UNFINISHED BUSINESS

Date to lower lake next – Moore made a motion to lower the lake the weekend after Labor Day, 2019 to address Brasher Creek and address a long term solution for Sand Creek. Hanby seconded. Roll call. All voted yes. Motion carried.

LESO (Law Enforcement Support Office) - The Mayor provided a recap of Highland Lake Police Department 2018 LESO Activity and stated she wanted her read statement on record (statement attached).

LESO participation in 2019 – Discussion took place regarding benefits of the LESO program and training for Officer Buchanan. Moore made a motion for the town to continue participation in LESO in 2019. Hanby seconded. Roll call. Nelson, Malek, Moore and Hanby voted yes. Vice abstained. Motion carried.

NEW BUSINESS

Introduce Ordinance HL-19-01 – Flood Damage Prevention (replaces HL-17-02) – the updated Flood Insurance Rate Maps will be effective March 21, 2019. FEMA asked municipalities to update their ordinance to match the state model. The main change for Highland Lake is the change from Zone A to Zone AE. Zone AE is the flood insurance rate zone that corresponds to the 1% annual chance floodplains. Base flood elevation will be 903.80 when the new maps take effect in March.

Mike Hellums – repair seawall due to heavy rain - tear out existing seawall due to damage from heavy rains. Floating pier and steps will remain – Hanby made a motion to approve plans. Moore seconded. Roll call. All voted yes. Motion carried.

Connie Vice – repair boardwalk due to heavy rains – several poles have floated up - Hanby made a motion to approve plans. Nelson seconded. Roll call. Moore, Hanby, Nelson and Malek voted yes. Vice abstained. Motion carried.

Police Take home car policy – proposed changes – Proposed updates to the policy are changing “Mayor” to “Town Council” in four locations of the document. Town Attorney Alex Smith expressed concern about paragraph E under “Assignment of Vehicles”, which requires police officers to get permission of the

Regular Meeting of the Town of Highland Lake, Alabama

council for use of their vehicle outside of our police jurisdiction. This is problematic in that the council only meets once a month. In his opinion, the Mayor should remain the contact person in paragraph E. A police officer's operation of a town vehicle outside of the town's police jurisdiction, without town authority, may result in the officer losing the immunities that a police officer otherwise has when he is acting in the line and scope of his employment. It was agreed that Section II-E (Assignment of Vehicles) be changed to "Mayor, if Mayor unavailable, Mayor Pro Tem". Another change identified was in Section III-C to remove "or". Hanby made a motion to approve the proposed changes to the Police Take Home Car Policy. Moore seconded. Roll call. All voted yes.

Gail Bailey – Police Department – Gail Bailey made statements in support of the police department and Chief Kon. Mrs. Bailey stated Chief Kon has an excellent record with protecting the town the past eight years. Mrs. Bailey urged the Mayor and Council to resolve issues so this town can benefit from the police department we once enjoyed. Mrs. Bailey also stated the Council needs to hear Chief Kon's side of the story.

Carl Randall – Status of ordinance on cars and trailers being parked on the right of way - to be addressed by Ordinance Committee.

Sharon Duke – Reading an open letter from the residents of our community in regards to the police department - Sharon Duke read a letter from concerned citizens regarding the ongoing conflict between the Mayor and Chief of Police. The citizens are requesting a public meeting to address the personnel issue to better understand the issues and to hear both sides of the story. Citizens need a resolution to this issue immediately (letter attached).

James Bryson – Reading of letter re: Chief of Police, Scott Kon. The town clerk read the letter.

Wayne Bailey – Privileges of living on the lake - Wayne Bailey made a statement and questioned why the privilege of an open forum for residents to speak at the end of the regular council meeting has been taken away.

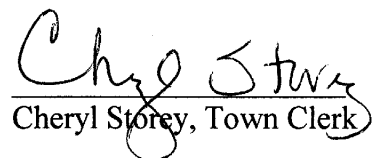
Moore made a motion to suspend the rules to amend the agenda to address returning the take home car to Chief Kon. Hanby seconded. Roll call. All voted yes. Motion carried.

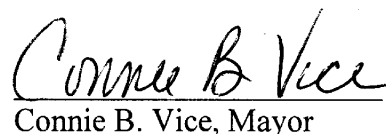
Moore made a motion to return the take home car police vehicle to Chief Kon. Hanby seconded. Roll call. Nelson, Malek, Moore and Hanby voted yes. Vice voted no. Motion carried.

Mayor Vice closed the meeting stating she had learned Officer Buck Buchanan publically called for a boycott of one of our Councilmember's business. The Mayor stated she considers this conduct unbecoming of a Highland Lake Police Department officer.

Nelson made a motion to adjourn. Hanby seconded. All said I. Meeting adjourned at 8:30 pm.

Respectfully submitted:


Cheryl Storey, Town Clerk


Connie B. Vice, Mayor

Tuesday, January 8, 2019

LESO/1033 – Law Enforcement Support Office

DLA – Defense Logistics Agency / Department of Defense

ADECA – Alabama Department of Economic & Community Affairs (appointed ADECA 2014)

LESO is a program to distribute surplus / used Defense Department equipment to Law Enforcement Agencies. Law Enforcement Agencies submit an application, pay an annual fee and attend a training class to participate. Participating LEAs submit requisitions through an on-line database of available inventory. Available inventory is broad and consists of general items (office equipment, non-weapon etc....) as well as weapons, weapon accessories, robots, armored vehicles etc... All acquired items are to be housed on LEA / Town property. There are program guidelines on how to acquire, manage and transfer/surplus equipment based on classification. As an example, Class D equipment, i.e. EOD Robots, Holographic Sights are not "owned" by LEA and require explicit approval by governing body (Mayor/Council) prior to requisition. Conversely, items such as our existing V hull boat are Class A and after 12 months can be declared surplus with LESO/ADEC approval.

Recap of Highland Lake PD 2018 LESO Activity:

- Officer Scott Kon submitted an application dated 1/23/2018 and attended class on 1/24/2018
- February through June of 2018 Officer Kon made several requisitions of both Class A and Class D
- No pre-notification or request for approval was made to the Mayor and/or Council
- 2018 equipment:
 - White Impala (A)
 - 4 - Holographic Sights (D)
 - 3 - Commercial Tire Spikes (A)
 - 2 - Rib craft boats (A)
 - 6 - generators (A)
 - 2 - EOD Robots (D)

During preparation for July Council meeting I discovered the application submitted by officer Kon misrepresented the HLPD. Officer Kon falsified the application by stating HLPD had 4 officers. From LESO Training "Allocation Limits – generally stated, the LESO program typically allocates items requested by LEAs on a per officer basis"

A corrected application and letter of explanation was submitted and our application was rejected at the federal level (7/31/2018).

It was also discovered a former councilman paid \$2K for the shipping of the rib craft boats. This was not reported to Mayor or Council. The 6 generators were picked up using a former councilman's truck and trailer and delivered to the councilman's place of business.

While working to resolve open LESO issues it was also discovered HLPD LESO equipment was incorrectly assigned to non HLPD individuals. This was reported to LESO and a compliance review was scheduled. Officer Kon was given a 24 hour notice of upcoming Compliance Review instead of the customary 30 minute notice. During the 24 hour period, officer Kon had all improperly assigned equipment returned to Town property. The assignment violation as well as out of date/missing records was discussed during the Compliance Review. LESO was informed of my desire to return the generators and impala during the review (9/18). Officer Kon took no action to transfer the equipment after numerous reminders / inquiries until November.

ADECA/LESO has notified me we can participate (10/31) but no requisitions submitted by officer Kon will be accepted due to the 2018 issues.

Our Municipal Auditor cited us for a deficiency regarding the former councilman paying for shipping boats and delivery / storage of generators on non-Town property. We would have also been cited for Fraud if not for the intervention of our Municipal Attorney and Mayor to convince our Auditor corrective action was taken as soon as discovered. I, as Mayor, also attended LESO training on 11/7/2018 as recommended by our Auditor. (NO-NO in training; 1)do not use LESO to supplement your budget, 2)no stock piling or accumulation based on speculative use)

It is my recommendation we transfer all remaining 2018 acquired equipment back to LESO inventory due to the false information used to obtain.

Residents of The Town of Highland Lake
Highland Lake, AI 35121

Council Members of The Town of Highland Lake
612 Lake Shore Drive
Highland Lake AI, 35121

December 15, 2018

Dear Council Members,

We are writing to you today as concerned citizens regarding the ongoing conflict between the Mayor, Connie Vice and Chief of Police Scott Kon. We the Citizens feel that a resolution needs to take place between the Mayor and Police Chief.

The current situation seems to have spiraled out of control, with rumor upon rumor and innuendos, which could have been quashed early on if only there had been a higher degree of transparency. The lack of transparency has continued to add fuel to the fire.

We understand and appreciate the work it takes to properly govern our community. However, in taking on the position of Councilmen and Mayor, comes the responsibility to answer to the community for the actions you take.

We ask for complete transparency regarding the actions that the Mayor has taken against the Chief of Police.

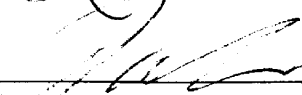

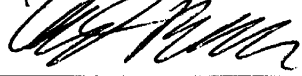
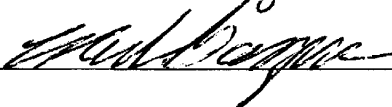
We the residents of Highland Lake do not understand why the disciplinary actions taken by the Mayor as to the Chief of Police are being kept in secret by the Mayor and Council. We the residents do not understand why the Chief is not allowed to speak to the Council regarding the situation. It is disappointing that the Mayor and Council attempted to convene an executive session regarding this situation but with the stipulation that the Chief of Police would not be allowed to attend or speak. Scott Kon has severed this community for over 10 years without any issues, so it is even more important to address this for the residents.

These types of actions send the perception that there is a hidden agenda or something for the Mayor or Council to hide. It breeds suspicion as to whether the disciplinary actions are in fact legitimate, or retaliatory.

We the citizens ask for a public meeting to address the personnel issue at hand with the Chief of Police. We the people need to understand and hear both sides of the story. We would like to understand the expectations that have been set forth by the Mayor and how the Chief of Police has failed to comply with the requests. Only transparency and truth will shine the light on the current issues

and put an end to the turmoil. Again, we the citizens need a resolution to this issue immediately, so our community name is not embarrassed and subjected to suspicion of corruption and ethical issues by the actions that have recently taken place. We are placing our trust in the Mayor and Council to address the above issues satisfactorily.

Sincerely, the undersigned residents of Highland Lake.

Printed Name	Signature	Date
Sharon Duke	Sharon Duke	12/14/18
Jeremy Duke		12/16/18
Rebecca Moore	Rebecca Moore	12/18/18
Cindy Campbell	Cindy Campbell	12/20/18
Barry Campbell	Barry Campbell	12/20/18
Chris Cornelius	Chris Cornelius	12-24-18
Chloe Cornelius	Chloe Cornelius	12-24-18
Rhonda Roberson		12-26-18
Clint Roberson		12/26/18
Betty Putman	Betty Putman	12/26/18
Darryl Putman	Darryl Putman	12/26/18
Terrie Gargus	Terrie Gargus	12-30-18
Mark Gargus		12-30-18

Printed Name	Signature	Date
Sarah Blakely	Sarah Blakely	1-2-18
Leah Blakely	Leah Blakely	1-2-18
Dana Nash	Dana Nash	1-2-19
Brittney Ingram	Brittney Ingram	1-6-19
Heathie Robinson	Heathie Robinson	1.6.19
Andy Payne	GRADVC Payne	1-7-19
CAROLYN VEST	Carolyn A Vest	1-7-19
Wm Marlin Vest	Wm Marlin Vest	1-9-19
Tammy Moore	Tammy Moore	1-9-19
Jennifer Payne	Jennifer Payne	1-9-19
Casey Payne	Casey Payne	1-9-19
Kali Payne	Kali Payne	1-9-19