

17-12338

**IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

LINDA STOUT et al.,

Appellants/Cross-Appellees,

v.

JEFFERSON COUNTY BOARD OF EDUCATION et al.,

Appellees/Cross-Appellant.

**On Appeal from the United States District Court for the Northern
District of Alabama**

**Principal and Response Brief of Cross-Appellant Gardendale City
Board of Education**

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Gardendale certifies under Eleventh Circuit Rule 26.1-3(b) that no publicly traded company or corporation has an interest in the outcome of this case or appeal.

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Statement Regarding Oral Argument

The Gardendale City Board of Education requests oral argument under Rule 34 and Eleventh Circuit Rule 34-3(b)(2)-(3) because there are issues here that have never been authoritatively determined and because argument, in an appeal with multiple constitutional issues and an extensive record, will aid the Court's decisional process.

If the Court grants argument, Gardendale respectfully requests that the Court set the case for the earliest possible docket, to ensure resolution of this appeal in time for the approaching 2018-2019 school year.

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Statement of Jurisdiction

The district court had subject-matter jurisdiction over this case under 28 U.S.C. § 1343(a) and 42 U.S.C. § 1983 for alleged violations of the Fourteenth Amendment by Jefferson County.

This Court has jurisdiction over Gardendale's cross-appeal from both orders granting in part and denying in part its motion to operate a school system because the lower court's orders constitute an injunction against Gardendale, which is immediately reviewable under 28 U.S.C. § 1292(a)(1). This has been recognized in desegregation cases. *See, e.g., Manning v. Sch. Bd. of Hillsborough County*, 244 F.3d 927, 940 n.23 (11th Cir. 2001).¹

Plaintiffs filed a Rule 59 motion on May 1, seven days after the court's injunction order was entered on April 24. Doc. 1150. That motion was denied on May 9, and Plaintiffs appealed on May 22. Doc. 1158. Gardendale filed its cross-appeal of both orders the next day. Doc. 1164.

Plaintiffs appealed only the April 24 order, ~~see~~ Doc. 1160, and did not appeal the May 9 order denying their Rule 59 motion. Therefore, this Court lacks jurisdiction over any request by Plaintiffs for review of the May 9 order. *See Osterneck v. E.T. Barwick Indus.*, 825 F.2d 1521, 1528-29 (11th Cir. 1987); *Pitney Bowes, Inc. v. Mestre*, 701 F.2d 1365, 1374-75 (11th Cir. 1983); Fed. R. App. P. 3(c)(1)(B).

¹ Gardendale incorporates here its response to the jurisdictional question issued by the Clerk.

Statement of the Issues

1. A school board does not violate the Fourteenth Amendment unless it takes official action—beyond mere words—that injures the rights of a student. The district court held Gardendale liable for a constitutional violation based on statements made by private parties on a public Facebook page that the Board never controlled. Was that error?
2. The power to enjoin a new school district's separation from a system still involved in a desegregation case depends on either a constitutional violation by the new system or potential injury to the existing district's dismantling of its former racially dual school system. Jefferson County was held by this Court to have fully dismantled its dual system 41 years ago. Was it error for the lower court to partially enjoin Gardendale's formation?
3. Even if the district court still had the power to enjoin a separation, exercise of that power is proper only if there would be substantial adverse impact on desegregation. It was undisputed at trial that Gardendale's separation would affect the racial balance of the County system's student population by less than 2%. Was it error for the court to view that as a substantial adverse impact?
4. A district court's remedial authority must be tailored to fit the constitutional harm at stake, and here the transfer of the four schools in Gardendale would have no racially disproportionate or discriminatory effect. Yet the district court refused to let Gardendale operate the high

school unless it pays the County system millions of dollars for it or builds another one. Did that exceed the court's authority?

5. Even if separation would cause some small impact on the County, a remedy must be tailored to fit that impact. Wholly enjoining Gardendale's operation violates that requirement. Was the court correct in refusing to grant Plaintiffs the full injunction they sought?

Statement of the Case

This case is about the efforts of a city to improve public education by creating a municipal school system that would operate separately from a county system still subject to a decades-old desegregation decree, and whether a federal court should frustrate those efforts when they are not motivated by racial animus and will not hinder the county's desegregation.

1. Course of Proceedings Below

In December 2015 the Gardendale City Board of Education ("Gardendale" or "the Board") moved for leave to operate a separate municipal school system in Jefferson County, Alabama. Doc. 1040. Informal discovery had already occurred, but after the motion was filed more discovery ensued, briefs were submitted, and a five-day bench trial was held in December 2016 on Gardendale's motion. Doc. 1141 at 134-37.

The lower court issued a 190-page Memorandum Opinion and Order (hereinafter "the Opinion") on April 24, 2017 and modified that Opinion in a 49-page Supplemental Memorandum Opinion of May 9, 2017 (hereinafter

“Supplemental Opinion”). Doc. 1141; Doc. 1152. Among many other things, the Opinion denied Gardendale’s motion in part and enjoined Gardendale from operating the middle school and high school within its city limits. Doc. 1141 at 185-90. Plaintiffs appealed because the court allowed the new system to operate two elementary schools, and Gardendale cross-appealed both opinions. Plaintiffs appealed only the April 24 Opinion—they did not appeal the Supplemental Opinion. Doc. 1158, 1160.

2. Statement of the Facts

A. The desegregation history of Jefferson County

In 1965 Linda Stout sued the Jefferson County school board under 42 U.S.C. § 1983 for racially segregating the school system. Doc. 2. The County’s dual school system was held to have violated the Fourteenth Amendment, prompting an injunction. Doc. 1118 at 2. The injunction directed the County to admit students “on a racially non-discriminatory basis.” Doc. 1141 at 9.

While various orders were then litigated and appealed through 1970, the cities of Vestavia Hills, Pleasant Grove, Homewood, and Midfield withdrew from the County system and formed their own school systems. Doc. 1118 at 3; Doc. 1141 at 18-22. Three of those four cities were allowed by the district court to separate from the County. Doc. 1141 at 20-21.²

² Pleasant Grove ultimately was not due to its refusal to comply with court orders. Doc. 1118 at 4. Plaintiffs misstate the reason Pleasant Grove was not allowed to operate; it was because the town defied court orders, not because its separation would impede the

After further appeals, the district court entered a comprehensive desegregation decree in September 1971. Doc. 1118 at 4; Doc. 1141 at 28. The 1971 Order—still operative today—established student-attendance zones, set ratios for student attendance, and contemplated the separation of future municipal systems. Doc. 226. One of the attendance zones the 1971 Order set was the Gardendale zone, which required middle-school and high-school students from the non-contiguous community of North Smithfield (a mostly black neighborhood) to attend schools in Gardendale. Doc. 1141 at 29, 76. There has been no material change to the Gardendale zone since 1971. Doc. 1118 at 4. About 200 North Smithfield students currently attend Gardendale schools. Doc. 1141 at 76 n.31.

Five years after the 1971 Order there came a watershed moment in the County’s desegregation efforts: the district court—and this Court—held that the County system had made “great progress” and had, despite the presence of two all-black schools, “effectively dismantled” the “former dual school system” and substituted “a unitary system.” *Stout v. Jefferson County Bd. of Educ.*, 537 F.2d 800, 802 (5th Cir. 1976). As this Court put it, the County system was “effectively desegregated and is unitary” so that in Jefferson County “the uprooting of which the Court spoke has been done and a unitary system is operating.” *Id.* at 802-03 (citing *United States v. Scotland Neck City Bd. of Educ.*, 407 U.S. 484 (1972)).

County’s desegregation. Appellants’ Brief at 34-35, 43; *Stout v. Jefferson County Bd. of Educ.*, 466 F.2d 1213, 1214-15 (5th Cir. 1972).

In later decades, the cities of Hoover, Trussville, and Leeds also left the County school system and formed their own—and they did so by the agreement of the parties and with the approval of the district court. Doc. 1118 at 5; Doc. 1141 at 46, 65-67. The Leeds and Trussville separations (in 2003 and 2005, respectively) caused a 3% increase in the County’s black student population because of the number of white students in the separating systems. Doc. 1141 at 66-67. The court allowed Trussville to separate despite having only 8.4% black enrollment, far less than the County system’s 25.8% at the time. Doc. 1131-6 at 32.

As of September 2016, the Jefferson County system is nearly evenly balanced with a student population of 36,024 that is 48.8% black and 41.7% white. Doc. 1106-1. In addition to the progress this Court lauded back in 1976, the lower court here praised the County for further strides and good faith in a host of areas. Doc. 1152 at 21-23. In fact the district court noted that the County may be partially released from judicial oversight in the near future. *Id.* at 11.

The four schools in Gardendale (Gardendale High, Bragg Middle, Gardendale Elementary, and Snow Rogers Elementary) served 3,110 students as of 2015-16, 25% of whom were black and 71% white. Doc. 1118 at 5. The district court found that three of these four schools “are reasonably desegregated,” even counting only the students who live in Gardendale. Doc. 1141 at 75, 160.

B. Gardendale's efforts to form a new system

In 2012 certain individuals, including David Salters and Tim Bagwell (Gardendale residents) and Chris Lucas (a non-resident at the time), began campaigning to raise property taxes and have the city form its own school system, hoping to increase local control over education, improve test scores, and decrease the overall size of the system their children attended. ~~See~~ Doc. 1141 at 77; Doc. 1131-41 at 14-15, 20-23; Doc. 1131-44 at 9-13; Doc. 1131-38 at 17-19; Doc. 1155 at 173-77. One of these early campaigners testified that in his mind the North Smithfield community was a “traditional part” of the feeder areas into Gardendale schools. Doc. 1131-44 at 11. The district court acknowledged this intended inclusion of North Smithfield. Doc. 1141 at 81 n.37.

As part of these efforts Tim Bagwell created a Facebook page in 2012 called “Gardendale City Schools.” Doc. 1131-44 at 9; Doc. 1092-20 at 4.³ The page was not created or controlled by the Gardendale Board of Education; in fact the Board did not exist until April 2014. ~~See~~ Doc. 1092-20 at 4; Doc. 1141 at 97; Exhibit A. Bagwell and Salters were administrators of the Facebook page, and its membership was not limited to Gardendale residents. Doc. 1131-44 at 14-15; Doc. 1092-20 at 7. Lucas, who later served on the Gardendale Board, was also an administrator. Doc. 1131-38 at 18; Doc. 1092-20 at 9. The page was public and anyone could access and

³ For the Court’s convenience, attached to this Brief are both an unredacted copy of relevant Facebook posts and a chart of those posts that repeats their text in more legible font. ~~See~~ Exhibits A and B. Citations to those exhibits are clickable links.

read its contents. Doc. 1141 at 80. Although reliable evidence is apparently not in the record, hearsay indicated that by October 2012 the page had 760 members. *Id.* at 81. All manner of comments appeared on the page, some recounting the benefits of a new system (more funding, test scores, municipal growth, etc.) and some naysaying the whole affair. ~~See~~ *Id.* at 81-84; Doc. 1092-20 at 11-32; Ex. A; Ex. B.

There is no evidence in the trial record that the Gardendale Board controlled the page at the time (the Board did not exist until 2014), or that any sitting Board member contributed a post cited by the district court.

These same gentlemen, along with Chris Segroves (who later became a Board member), formed a nonprofit group called FOCUS Gardendale in 2013. Doc. 1092-8 at 51; Doc. 1131-41 at 14; Doc. 1141 at 86-87.⁴ FOCUS existed to raise funds and lobby for higher property taxes to support a new school system, and it solicited residents to vote in favor of such a tax by circulating flyers, among other efforts. Doc. 1131-41 at 15.

One flyer included a photo of a young schoolgirl next to two lists of communities in Jefferson County:

[see next page]

⁴ FOCUS stood for Future of Our Community Utilizing Schools. Doc. 1141 at 86.



Doc. 1141-1 at 60. The first listed towns are those that did not form their own school system; three of those towns were majority white as of the 2010 census (Adamsville, Hueytown, and Pleasant Grove). Doc. 1141 at 94 n.43.⁵ The others are majority black. *Id.* The four towns in the second list, which did form municipal school systems, are majority white. *Id.* at 95 n.44.

No evidence was admitted at trial showing that the flyer’s authors were aware of the racial demographics of these cities or that they intended a racist message. And there was no evidence at trial that the flyer was sent to North Smithfield residents (who could not vote on the tax) or otherwise directed to them.

The pro-formation efforts succeeded. In 2013 Gardendale leadership and residents voted to raise an additional 10 mills of ad valorem tax. Doc.

⁵ The Opinion also includes the racial breakdown of certain schools in these communities, some of which are majority white and some majority black. *Id.*

1141 at 94, 96. The Gardendale City Council then formed the Gardendale Board in 2014 and appointed its first members in April. *Id.* at 97. By state law only Gardendale residents can serve on the Board. *Id.* at 98.

The trial court heard from two Board members (one of whom is an educator) at trial and from a third by deposition. *Id.* at 98, 100. All of them testified to their desire to form a new school system to improve the quality of education offered to students,⁶ to decrease the size of the system while increasing its accountability to parents, and to foster more growth in the community. Doc. 1131-35 at 19-21; Doc. 1155 at 94, 172-77, 201-08.

Pursuing these goals, Gardendale began trying to negotiate a separation agreement with the County, the Plaintiffs, and the DOJ, like other municipal separations that had peaceably been accomplished. Doc. 1155 at 110; 1156 at 171-72, 202. But the other parties refused to negotiate and provided no feedback to Gardendale's proposed terms of separation. *Id.*

C. The separation's potential impact on the County

Given that refusal, Gardendale intervened in this still-pending desegregation case and litigation ensued. In December 2015 Gardendale submitted to the district court its proposal for separation, seeking the court's approval of the plan and again expressing a desire to reach consensus with the other parties. Doc. 1040; Doc. 1040-1. Under the plan, the attendance zone of the new system would include Gardendale residents

⁶ For example, the average ACT score of Gardendale High School students was 19. Doc. 1155 at 176.

and the (mostly black) students from North Smithfield/Greenleaf Heights “forever,” so long as the County paid the ad valorem school taxes collected from that community to Gardendale (as done with other separating districts). Doc. 1040-1 at 4; Doc. 1156 at 174-75, 185 (testimony of Gardendale superintendent). Gardendale’s superintendent and a Board member both testified that non-resident students would be treated equally with resident students. Doc. 1141 at 120 n.70.

The plan also provided a 13-year transition period for roughly 800 non-resident students who currently attend Gardendale schools so that they could stay in those schools until graduating, to ensure continuity and minimize the need to reassign students. Doc. 1040-1 at 4-5; Doc. 1129-7 at 1. And there was another feature meant to reduce the impact of change: Gardendale would have an interdistrict-transfer policy to allow nonresident students to keep attending Gardendale schools, especially the career-tech or vocational center at Gardendale High School. Doc. 1040-1 at 7-8; Doc. 1156 at 192-93; Doc. 1141 at 127.

There is no evidence in the trial record nor a finding by the lower court that any provision of the plan was intended to discriminate against any student on the basis of race.

There was, however, abundant evidence of the impact Gardendale’s separation would have on the County system—and it was undisputed that the effect on the County’s racial demographics would be minor. Both sides’ experts agreed that the separation proposed, which included North

Smithfield students, would increase the County's black student percentage (due to the loss of white students) from 47.2% to 48.7%. Doc. 1126 at 61, 91-92; Doc. 1156 at 124-25; Doc. 1157 at 64.⁷

In fact, one of the DOJ experts said it this way:

[I]f you look at the total percentages of racial composition of schools, it doesn't really move the needle much. There's not a whole lot of change in the overall percentage of black and white in the schools. Doc. 1157 at 64.

Dr. Yun, another Government expert, applying his "dissimilarity index," opined that Gardendale's departure would mean a total change of one point to the index, which he characterized as "a relatively small change." Doc. 1126 at 177.

The upshot was this: under the plan Gardendale proposed, the County's black student percentage would change by only 1.5%.

What is more, expert testimony at trial suggested that the current racial "imbalances" in some of the County's schools were caused not by de jure segregation from four decades ago but instead by neighborhood demographics and housing patterns changing over time. See Doc. 1126 at 174-75; Doc. 1157 at 92.

⁷ If North Smithfield students stay in the County system (contrary to Gardendale's plan), the County's black student percentage increases by 1.8%, from 47.2% to 49%. Doc. 1156 at 124-25.

D. The lower court's rationale and conclusions

The district court issued two opinions comprising 239 pages. Doc. 1141; Doc. 1152. The court held that Gardendale had violated the Equal Protection Clause because “words and actions associated with” the separation effort “sent a message of inferiority to black public school students, particularly those in North Smithfield and Center Point.” Doc. 1152 at 2, 15.⁸ The court reasoned that Gardendale should have affirmatively denounced these messages and is liable for failing to do so. *Id.*; Doc. 1141 at 175-80.

The court also found that race was “a motivating factor” in the decision to seek approval to separate. Doc. 1141 at 138. That finding was premised on the same words and actions as above, on the Board’s silence as to these prior statements made by private individuals on Facebook, and on the Board’s not having formally resolved to adopt the plan it filed with the court. *Id.* at 138-51.

The court then concluded that the separation would impede the County’s desegregation efforts. *Id.* at 138, 162; Doc. 1152 at 23-24. The court’s rationale was that some County students would be reassigned to schools less “diverse” than Gardendale’s schools and that preventing this was a proper goal of desegregation law. Doc. 1152 at 23.

⁸ This conclusion does not appear in the Opinion, but the Supplemental Opinion says it does, so Gardendale treats the Supplemental Opinion as modifying the Opinion by adding this conclusion.

And the court held that it would be unfair to allow Gardendale to operate the high school without paying the County an unspecified but multi-million-dollar price for it. Doc. 1141 at 171-73, 186. The court found that allowing the high school to leave the County system would deprive it of a school attractive to a diverse body of students. *Id.* at 167-69, 190.

With these decisions made, the court denied Gardendale's motion in part, restraining it from operating the high school or middle school but allowing it to assume operation of the two elementary schools for three years. *Id.* at 185-88. After three years the court would consider a new motion for leave to operate all four schools, though only if Gardendale either built its own high school or made "an appropriate payment" to the County system for Gardendale High School. *Id.* The court rejected the 13-year transition period and the proposed inclusion of North Smithfield students. *Id.*

Finally, the court ordered the Gardendale City Council—a non-party—to appoint a black person to the Board within 60 days. *Id.* at 188. The court offered no rationale for this mandate.

These remedies were stayed pending appeal. Doc. 1174.

3. Statement of the Standards of Review

This Court reviews *denovo* the lower court's interpretation and application of the law. *Hdton v. City of Thomasville Sch. Dist.*, 425 F.3d 1325, 1336 (11th Cir. 2005).

The Court reviews findings of fact for clear error under Fed. R. Civ. P. 52(a). *Manning v. Sch. Bd. of Hillsborough County*, 244 F.3d 927, 940 (11th Cir. 2001). A finding is clearly erroneous when, though there is evidence to support it, this Court, on the entire evidence, “is left with the definite and firm conviction that a mistake has been committed.” *Anderson v. Bessemer City*, 470 U.S. 564, 573 (1985) (quoting *United States v. U.S. Gypsum Co.*, 333 U.S. 364 (1948)). When a district court applies an incorrect legal standard that “taints” or “infects” its fact findings, they lose the insulation of Rule 52(a). *Manning* at 940-41.

The district court’s evidentiary rulings are reviewed for abuse of discretion. *United States v. McGarity*, 669 F.3d 1218, 1232 (11th Cir. 2012) (citation omitted). An abuse of discretion occurs when the lower court’s decision rests upon “a clearly erroneous finding of fact, an errant conclusion of law, or an improper application of law to fact.” *United States v. Gamory*, 635 F.3d 480, 492 (11th Cir. 2011) (citations omitted).

Summary of the Argument

There are only two possible grounds on which a district court may stop a city from creating a school system separate from a county system still under a desegregation decree. First, a new system may be enjoined if it has independently violated the constitutional rights of students. Second, absent a violation a new school district—under specific circumstances—may be enjoined if its departure would impede the dismantling of the parent

district's racially dual system. The lower court partially enjoined Gardendale from operating because it found both bases were present.

In fact neither was. The court erred in holding that Gardendale violated the Fourteenth Amendment because a school board cannot be liable for the statements of third parties on a public Facebook page over which it had no control. That holding was also error because the putative constitutional right the court thought violated by the statements of others does not exist: there is and never has been a Fourteenth Amendment right to be shielded from offensive messages.

The factual finding underlying this legal conclusion—that Gardendale's separation efforts were motivated by race—was clear error because it was based on unauthenticated evidence of these same actions and statements by persons over whom Gardendale had no authority. They were instead the statements of private persons, none of whom were on the Gardendale Board and who collectively comprised a small fraction of the city's population. The court also erred by reading racism into comments expressing opinions about the socioeconomic and political potential of a smaller, more local school system.

Since there was no constitutional violation, the district court lacked the power to stop Gardendale from enjoying its state-law right to form a new school system because its parent district, the Jefferson County system, was held by this Court to have fully dismantled its former racially dual system 41 years ago. The lower court believed that governing caselaw

allowed it to enjoin a new system's formation for as long as a desegregation case may last, but the Supreme Court granted that power only to ensure the successful dismantling of a dual system. That dismantling was accomplished here decades ago.

Yet even if such a power did still lie in the district court, it was improperly utilized because Gardendale's departure would have little impact on the County's desegregation. Under Gardendale's proposal, the County's black student population would rise by only 1.5%—a smaller impact than any case in which a new district was enjoined. And although some students would have to change schools after the separation, roughly 85% of those students would be white, and the reassigned black students would bear no greater burden than their peers.

Further, the district court's imposing a multi-million-dollar price tag on the transfer of Gardendale High School was an abuse of discretion because there was no evidence that transfer of the high school would have any racially disproportionate impact on the County. In other words the effects of the new system operating the high school without paying a substantial fee for it would not fall unequally on black students. For that reason, imposing a price on the high school was not a remedy tailored to any desegregation issue and so exceeded the court's authority.

Finally, Plaintiffs' arguments fail even if the finding of adverse impact on the County were correct, because enjoining the new system would not be a remedy tailored to the minimal effects separation would have.

Argument

No State shall . . . deny to any person within its jurisdiction the equal protection of the laws. U.S. CONST. amend. XIV, § 1.

1. Gardendale did not violate the Fourteenth Amendment and was not motivated by racial animus.

A. Gardendale cannot be liable for a constitutional violation absent a finding of state action and disparate treatment.

An equal-protection claim requires proof that a plaintiff was treated less favorably than similarly situated persons outside his protected class, and that the state itself intentionally discriminated against him. *See Sweet v. Sec'y of Dep't of Corr.*, 467 F.3d 1311, 1318-19 (11th Cir. 2006); *Watson v. Louis*, 560 F. App'x 911, 913 (11th Cir. 2014) (unpublished opinion). The lower court's judgment was error because neither element exists here.

First, without state action there can be no liability under the Fourteenth Amendment. "Racial discrimination, though invidious in all contexts, violates the Constitution only when it may be attributed to state action." *Edmondson v. Leesville Concrete Co.*, 500 U.S. 614, 619 (1991) (citing *Moose Lodge v. Irvis*, 407 U.S. 163 (1972)). The Equal Protection guarantee applies "only to action by the government," a fundamental limitation that "avoids imposing on the State, its agencies or officials, responsibility for conduct for which they cannot fairly be blamed." *Id.*; *see also* *Lugar v. Edmondson Oil Co.*, 457 U.S. 922, 936-37 (1982); *Washington v. Davis*, 426 U.S. 229, 239 (1976). "A major consequence" of this doctrine is "to require

courts to respect the limits of their own power as directed against state governments.” *Lugar* at 936-37.

Because a violation can arise only from conduct by the government itself, the state-action rule does not allow for normal vicarious liability. *Yates v. Cobb County Sch. Dist.*, 2017 U.S. App. LEXIS 7919, *13 (11th Cir. May 4, 2017) (citing *Monell v. Dep’t of Soc. Servs.*, 436 U.S. 658 (1978)). School boards may be liable in a § 1983 case “only where a policy or custom of the municipal entity is the moving force behind the constitutional deprivation.” *Id.* A school board cannot be liable simply because of the actions of an employee; there is no such thing as ~~respondent~~ superior liability in this kind of case. *Id.*

The lower court erred by ignoring these fundamental limits on the reach of the Equal Protection Clause. The court held that the Gardendale Board had violated the Constitution, but the court premised that holding on the acts of private citizens and wrongly attributed them to Gardendale. The court’s rationale was that “the Gardendale district” had abridged the rights of black students because “words and actions ~~associated~~ with Gardendale’s separation effort sent a message of inferiority” to them. Doc. 1152 at 15 (emphasis added). The “words and deeds” that the court thought “associated with” the Gardendale Board were (1) comments on a public Facebook page by private individuals and (2) the FOCUS Gardendale flyer with the schoolgirl and the list of cities. Doc. 1141 at 175-77.

Social-media comments and a political flyer do not satisfy the state-action rule—especially when they were not the work of the Gardendale Board. The Facebook page was never controlled by the Board, and none of the comments the court cited as showing racism were posted by a sitting member of the Board. Likewise the FOCUS flyer was not created, promulgated, or ratified by the Gardendale Board or any sitting member thereof. The statements and conduct of those the court called “organizers” reflected the thoughts and wishes of private citizens unsupported by state power. For their conduct Gardendale cannot be liable.

The lower court also premised the violation on the Board’s not “disavow[ing]” the Facebook comments, but mere silence meets neither the state-action element nor the disparate-treatment element of an equal-protection claim. Doc. 1141 at 138-51, 175-80. As to the latter, the Board’s behavior toward North Smithfield students in this respect was the same as toward any others. By not attacking prior statements on Facebook that referred to North Smithfield or Center Point students, the Board was treating those students no differently than other similarly situated students. The Board did not officially respond to Facebook comments about any student, so in this respect the Board’s reserve treated every race equally.

As to the state-action element, the Board’s silence was not state action because there was no duty on the Board to speak. A governmental entity’s “acquiescence” in another’s acts is “insufficient to create government action” in a § 1983 case. *Smith v. N. La. Med. Review Ass’n*, 735

F.2d 168, 173 (5th Cir. 1984) (citing multiple cases); ~~Band~~ v. City Stores Co., 675 F.2d 731, 732 (5th Cir. 1982) (noting that a state’s “mere acquiescence does not convert private action into state action”) (quoting ~~Flagg Bros., Inc. v. Brooks~~, 436 U.S. 149 (1978)). The Board owed no one a constitutional duty to affirmatively seek out and decry comments made on the Internet before the Board ever existed. The lower court said the Board’s “silence is deafening” but was silent itself as to why the Board was obligated to disavow private citizens’ free speech. Doc. 1141 at 177. Even if the Board had known of the comments, the Fourteenth Amendment did not demand that it denounce them.

Any other outcome would eviscerate the state-action rule. It would be strange jurisprudence indeed to hold that a school board is not liable for acts or statements made by private parties but is liable for failing to ~~read~~ to private speech. ~~See Band~~ at 732 (reasoning that finding state action due to a state’s “inaction” would “utterly emasculate” the divide between private and state conduct). The vicarious-liability rule reinforces this point: if liability for affirmative conduct by the Board’s own employees is not allowed under ~~Monell~~ and ~~Yates~~, the Board can hardly be liable for not disagreeing with comments made by ordinary citizens on a public website.

Beyond these insurmountable legal flaws, the court’s holding defies simple logic. Gardendale never wielded the power of the state over a single student’s education. Gardendale has never yet educated a single student or operated a school or otherwise had the authority to affect anybody’s right to

equal access to schools. It is therefore logically impossible for Gardendale to have violated a student's right to nondiscriminatory education.

Gardendale did nothing more than intervene in an aged desegregation lawsuit and seek the court's permission to separate. It cannot be the case that in the very act of seeking approval, the Board violated the Constitution. Without that approval the Board was powerless to affect any student's rights, so for this additional reason, the court's holding was a mistake.

B. The putative right the district court held was abridged does not exist.

There is no Equal Protection right to be shielded from offensive messages. "A constitutional violation does not occur every time someone feels that they have been wronged or treated unfairly. There is no constitutional right to be free from emotional distress." *Shinn v. College Station Indep. Sch. Dist.*, 96 F.3d 783, 786 (5th Cir. 1996); cf. *Martin v. LaBelle*, 7 F. App'x 492, 495 (6th Cir. 2001) (holding that actions causing discomfort or upset feelings do not furnish a § 1983 claim).

This limitation applies specifically to racially charged speech. Use of a "racial epithet" without other conduct depriving a victim of rights "does not amount to an equal protection violation." *Williams v. Bramer*, 180 F.3d 699, 706 (5th Cir. 1999). Where the conduct at issue "consists solely of speech, there is no equal protection violation." *Id.* The Fifth Circuit held likewise in a school context, refusing to hold a school official liable for using "racial epithets" or for "unwillingness to respond to complaints of racial

mistreatment” without actual harassing conduct in which school officials “participated.” *Priester v. Lowndes County*, 354 F.3d 414, 423-24 (5th Cir. 2004).

This Court agrees that “offensive or derogatory statements, even if racially tinged or racially motivated, do not violate equal protection guarantees” unless they become pervasive harassment or are accompanied by other conduct. *Watson v. Louis*, 560 F. App’x 911, 913 (11th Cir. 2014) (unpublished opinion) (citing cases from the Fifth, Seventh, and Eighth Circuits); *Brimsv. Barlow*, 441 F. App’x 674, 678 (11th Cir. 2011) (unpublished opinion) (“isolated use” of a racial epithet “does not rise to the level of a constitutional violation” without more) (citing cases).

The lower court reasoned that black students’ rights were violated because a “message of inferiority” was supposedly conveyed to them—but there is no constitutional right so delicate that it can be breached by an offensive message. Words alone, even if spoken by the Board, do not violate the Constitution. The district judge thought *Brown v. Board of Education* stands for the rule that comments which make black (or other) students feel inferior violate the Equal Protection Clause. Doc. 1141 at 3, 8, 180. That is not so. *Brown* held that the legal separation of students by race violated the Equal Protection Clause; its dicta about the emotional impact of that injury did not create a new right to be kept safe from affront. *See Brown v. Bd. of*

Educ., 347 U.S. 483, 493-95 (1954).⁹ There is no such right. So even if some statement fairly attributable to Gardendale had caused feelings of inferiority in students, no right was violated. The Constitution is not a therapeutic document.

C. The factual finding of racial motivation was clear error.

- (i) Assuming the evidence relied on by the district court was admissible, it was not enough to find the Board was motivated by race.

A close corollary to the state-action argument is that it is fundamentally unfair to blame Gardendale for someone else's supposed racism. A finding of discriminatory intent requires some official action by the party so charged. See, e.g., *Village of Arlington Heights v. Metro. Housing Dev. Corp.*, 429 U.S. 252, 264-66 (1977) (speaking of "official action" that must be used to prove discriminatory intent); *United States v. Tex. Educ. Agency*, 600 F.2d 518, 528 (5th Cir. 1979) (concerning proof of intent by reference to the acts of officials). As this Court has stated, for a plaintiff to prove present intent to discriminate, the burden rests on him to show that "the District acted" with discriminatory purpose. *Hilton v. City of Thomasville Sch. Dist.*, 425 F.3d 1325, 1349 (11th Cir. 2005) (emphasis added). A plaintiff must show that the "decisionmaker" selected a course of action "at least in part because of, not merely in spite of, its adverse effects." *Id.* (internal punctuation omitted) (citation omitted).

⁹ And at any rate, the "feeling of inferiority" *Brown* referred to arose from the separation of the races by force of law, not comments made by private citizens. See *id.* at 494.

None of this was proven at trial. Although the court said it “reasonably inferred” that the “small group” of people who posted on Facebook “were not alone,” Doc. 1152 at 42, the court offered no reason for inferring racist motives in the hearts of the Gardendale Board members, other than the lack of a denunciation of the prior statements of others. The court identified no policy or measure adopted by the Board as being animated by racism, nor any statement made by the Board as betraying secret bigotry. Instead the court relied on the same evidence cited above, i.e. the Facebook posts—some of which were made by non-residents—and the FOCUS flyer, to find that a “desire to control the racial demographics” of the new system “motivated the grassroots effort to separate.” Doc. 1141 at 138-39.

Even if that were true—and as shown below it is false—it is not important. What motivated the grassroots organizers does not bespeak the motivations of the Gardendale Board or the city as a whole in seeking to separate. The lower court identified no legal basis on which to impute to Gardendale the conduct of private persons from before there was a Board.¹⁰ This Court can reverse a factual finding if it is “clearly erroneous, is based on clearly erroneous subsidiary findings of fact, or is based on an erroneous

¹⁰ The court itself noted this problem by admitting that not every citizen favoring a new system was animated by racism. Doc. 1141 at 139 n.79. Yet the court never explained why the actions of some besmirch the motives of all. Dr. Hogue, now the Board president, swore to his desire to see every child succeed and enjoy equal treatment. Doc. 1155 at 168.

view of the law.” *Hilton* at 1350 (citations omitted). The lower court’s finding was based on the erroneous view that the law permits a court to hold a school board accountable for Facebook comments and political efforts to which it is a stranger, simply because it did not react to them. The Board had no control over the conduct the court found objectionable, so the Board cannot be blamed for it.

Another reason the court’s finding was clear error is that the comments were not racist. Because the evidence was nearly all documentary and thus involved no credibility determination at trial, the lower court had no better grasp of the comments’ meaning than what can be divined from the written page. Many of the Facebook comments express desires to improve test scores, shrink class sizes, and reduce the number of students whose parents do not pay Gardendale property taxes. Doc. 1092-20; Exhibit A. In fact the lower court acknowledged that such non-racial considerations animated many comments. Doc. 1141 at 141 & n.80. And other comments flatly denied any racist motive. Doc. 1092-20 at 21, 29 (Tim Bagwell post); Exhibit A at 29; Exhibit B at 7. Robust as the conversations were, these comments did not express racism and did not license the district court to infer it.

The FOCUS flyer was not a racist message either. It unfavorably compared five cities without their own school system, three of which are majority white, to cities that had their own system. Doc. 1141 at 94 n.43. It was clear error for the court to infer racist animus from that document

because none is apparent on its face. The flyer does not slight any city because it is majority black. The district court simply consulted a census for the cities listed and inferred a racial message. *Id.* at 177. But there was no proof that the flyer's authors intended any such thing. The court's inference lacked a foundation in competent evidence, and the court never explained why statistics in a census allowed it to infer racial intent in the hearts of the flyer's authors. *Id.*

Yet even so, supposing every comment on the Facebook page had revealed bigotry, and had the FOCUS flyer been blatantly racist, this would still not be enough to blame Gardendale itself. If, contrary to the evidence, all 760 members of the Facebook page lived in Gardendale and were all racists, they would represent only 5% of Gardendale's population. Doc. 1141 at 74, 81. It was error to find that any racial motives by so few applied to the actions of the community at large or the Board in particular. ~~See~~ *Id.* at 139 n.79, 141 n.80. And it was likewise error to make this finding despite the actual plan that Gardendale submitted to the court, a plan that specifically ~~included~~ a mostly black community outside the city limits.

Finally, the lower court's decision cannot rest on what the court blames the Gardendale Board for directly, namely its not having passed a formal resolution to educate North Smithfield students forever, something the court characterized as lack of "meaningful, binding commitment" to those students. Doc. 1141 at 149-51. There are several reasons this was clear error. First, the plan Gardendale actually submitted for approval ~~does~~

include North Smithfield, without a time limit, so long as tax dollars follow those students—which is exactly what the lower court ordered in 1971 and has been the case all along. If the court adopts that plan, its order will become just as binding on Gardendale as any resolution passed at a Board meeting (in fact more so). The Board’s superintendent confirmed this as Gardendale’s intent under oath at trial, as did a Gardendale Board member. Doc. 1156 at 174-75, 185; Doc. 1155 at 111-12. The question arises: how much more binding can such commitment by Gardendale be? If this finding is upheld, it will stand, apparently, as the first time any court has forbade the formation of a new school system that would ~~retain~~ its non-resident black students, merely because the school board had not passed a formal resolution adopting the plan it had submitted for court approval.

What is more, in not passing a formal resolution regarding North Smithfield, the Board treated those students no differently than any other students who would attend Gardendale schools. The Board chose to submit a plan for court approval before formally adopting it, out of deference to the court’s authority. In so doing it treated all students alike, so it cannot be rightly found to have acted with discriminatory intent.

In sum, the underlying findings of fact the lower court relied on for its detection of racist motives are clear errors because they are contrary to the evidence in the record and are based on an incorrect view of the law. Gardendale urges this Court to reverse them.

(ii) Much of the evidence the court relied on was inadmissible

If the Court is persuaded that the record does not support the racial-motivation finding, it may pass over the evidentiary errors. But if doubt is entertained on that point, an additional ground for reversing the finding is that the court abused its discretion in admitting the Facebook statements since they were largely not authenticated and were irrelevant.

Gardendale objected to the Facebook exhibit on relevance, authentication, and hearsay grounds.¹¹ Doc. 1155 at 195-97. The evidence was not authenticated because, as to most of them, Plaintiffs never made a showing under Rule 901 that the dozens or hundreds of Facebook posts Plaintiffs offered had in fact been made by the persons whose names appeared with each post—that a post under the name of Misti Boackle, for example (which the district court quoted), was written by that person. Doc. 1092-20 at 18; Doc. 1141 at 82. Gardendale concedes that posts by Chris Lucas, a Board member who testified at trial, were properly authenticated. Doc. 1155 at 193-94. But the remaining posts that the court relied on throughout the Opinion appear to have been made by persons who did not testify at trial and as to whom Plaintiffs did not offer admissible foundational evidence.

Not requiring that showing was error. Multiple circuit courts have required that Rule 901 be satisfied before easily manipulated Internet or

¹¹ The court acknowledged the evidence was problematic but expressly relied on it. Doc. 1141 at 83 n.38.

social-media evidence is admitted. “The relevance of . . . Facebook records hinges on the fact of authorship,” as one court put it, and satisfying the authentication rule means more than simply showing that a printed exhibit was in fact downloaded from the Facebook page that appears on it (which is not contested here). ~~See~~ *United States v. Browne*, 834 F.3d 403, 409-10 (3d Cir. 2016) (citing cases). Authentication also requires that evidence be introduced sufficient to support a finding that the putative Facebook authors in fact were the real ones. ~~See~~ *United States v. Vayner*, 769 F.3d 125, 131 (2d Cir. 2014) (holding the court had erred in admitting an unauthenticated web page).

This error was highly prejudicial because the lower court relied on and quoted extensively from various Facebook posts without evidence to show that those posts were written by Gardendale residents—and some of them indicate they were not. ~~See~~ Doc. 1092-20 at 16; Ex. A at 16 (posts by Kelli Wyatt and Amy Sokira indicating they live outside the city). Gardendale has thus been found racist on the strength of Internet posts without a proper showing that they were written by real people who lived there.

And lack of authentication was not the only flaw. The lower court also abused its discretion in admitting, over a timely objection, evidence that had no probative value or relevance to the issue of Gardendale’s intent. ~~See~~ Fed. R. Evid. 401, 403; Doc. 1155 at 195-97.

The court disagreed and quoted these posts several times in the Opinion:¹²

- A post by Tim Bagwell (never a Board member) listed a separation benefit as “better control over the geographic composition of the student body.” Doc. 1141 at 81, 139, 140, 143; Doc. 1092-20 at 16; Doc. 1131-44 at 6.
- A post by Misti Boackle (never a Board member) referred to “OUR schools” and complained that kids were bussed there from Center Point. Doc. 1141 at 82, 147, 175; Doc. 1092-20 at 18.
- A post by David Salters (never a Board member) noted that buses brought Center Point students to Gardendale schools and “there’s your redistribution of wealth.” Doc. 1141 at 82; Doc. 1092-20 at 20.
- The court quoted at length another post by Tim Bagwell where he referred to the decision to include North Smithfield as a “technical, tactical decision,” but qualified this as a “supposition” on his part. Doc. 1141 at 130, 149, 176; Doc. 1132-2 at 8.

The lower court relied on these posts for its finding that “messages of inferiority and exclusion” were conveyed to North Smithfield and Center Point children. Doc. 1141 at 175-77. In the court’s view, these comments “communicate[d] to black middle and high school students from North Smithfield the clear message that Gardendale has required them to be part of the city’s school system only to serve the city’s purposes.” *Id.* at 176.

¹² All of these are in Exhibits A and B hereto.

Admitting these posts (and the FOCUS flyer) was abuse of discretion because of the irrelevance they all have in common: they have nothing to do with the Gardendale Board. None of them were written by a sitting Board member, none of them were promulgated by a Board member, and none of them were ratified by the Board. There was no evidence that the Board ever had control of any kind over these messages. Statements made by someone else “have little relevance” to a claim against the Board, as “any evidence procured off the Internet is adequate for almost nothing.” See *United States v. Jackson*, 208 F.3d 633, 637 (7th Cir. 2000) (citations omitted); *Oliver v. Funai Corp.*, 2015 U.S. Dist. LEXIS 169998, *11-12 (D.N.J. Dec. 21, 2015) (refusing to impute knowledge to defendants based on anonymous Internet complaints on third-party websites).

To survive even deferential review, the district court’s finding of racial motivation by the Board should be based on admissible evidence sufficient to bear the weight of so controversial and inflammatory an inference as racism. Instead the court found the Board was racist due to the statements of others elsewhere.

That was error, clearly made.

2. **Absent a constitutional violation, the lower court lacked authority to enjoin Gardendale.**
 - A. The power to enjoin a separated district is limited to two situations: constitutional violation and impeding the dismantling of a dual system.

Without an independent constitutional violation, the power of a district court to restrain a new school district from operating arises from the specific factual context of the Supreme Court's first decision on splinter districts in desegregation cases, *Wright v. Council of City of Emporia*, 407 U.S. 451 (1972). Faithful reading of the *Wright* line of splinter-district cases reveals that the injunction power exists only where a separation would impede the dismantling of a dual school system. And that process was completed here 41 years ago.

In *Wright* the City of Emporia lay within a county system under a pending desegregation order. *Id.* at 453-54. Two weeks after the district court entered a new decree to increase integration, the city started working to form a separate school system. *Id.* at 456. If allowed, the city would have operated from day one on a unitary basis, but after its departure the county system would have gone from a 66% black student body to 72% black, while the new city system would have been 48% white/52% black. *Id.* at 464. Both schools in the new system were formerly all white and were superior facilities while the schools in the remaining county system were formerly all black. *Id.* at 465. And remarkably, the city officials ~~conceded~~ that the separation effort came “in reaction to” the court order that would have forced integration. *Id.*

In a 5-4 vote with a powerful dissent, the Supreme Court held the new district properly enjoined from operating—and it stressed the particular factual circumstances that gave rise to so extraordinary an

exercise of federal judicial power. As the Court put it, “only when it became clear . . . that segregation in the county system was finally to be abolished, did Emporia attempt to take its children out of the county system.” *Id.* at 459. Thus, “[u]nder these circumstances, the power of the District Court to enjoin Emporia’s withdrawal from that system need not rest upon an independent constitutional violation.” *Id.* (emphasis added). This “essentially factual determination” rested on the totality of the circumstances there, ~~see~~ *id.* at 470, and the Court repeatedly delineated the bounds of its holding, stating five times that its decision applied when a new district’s formation would “impede the process of dismantling a dual system.” *Id.* at 460, 462, 466, 470.

That key phrase—the dismantling or disestablishing of a dual system—was not accidental. In the companion case of *United States v. Scotland Neck City Board of Education*, the Court used the phrase three more times to describe its holdings in both cases. 407 U.S. 484, 489-90 (1972). “If” the proposal would “impede the dismantling of a dual system” then it may be enjoined. *Id.* at 489. In *Scotland Neck*, too, the separation proposal came only a few months after a new integration plan was submitted. *Id.* at 486-87. The Court held that the plan, which would have taken formerly all-white schools out of the county and meant that instead of a 78% black student body the county would have an 89% black student body, would impede “the disestablishment of the dual school system.” *Id.* at 489-90.

These cases, taken together, mean that the power to enjoin the formation of a new school district arises solely from the danger that formation would pose to a current system's ability to dismantle its de jure dual system and create a unitary one.¹³

B. The County's former dual system was completely dismantled by 1976.

There is no such danger here. The dismantling of Jefferson County's former dual school system is an accomplished fact and has been for 41 years. In an earlier appeal, this Court held (and said four times) that Jefferson County's "former dual school system has been effectively dismantled and a unitary system substituted here." *Stout v. Jefferson County Bd. of Educ.*, 537 F.2d 800, 802, 803 (5th Cir. 1976). Despite two remaining all-black schools, this Court decided, agreeing with the district court, that "in Jefferson County the uprooting of which the Court spoke has been done and a unitary system is operating." *Id.* at 802 (referring to *Scottland Neck*, 407 U.S. at 491). Nor was this dicta as Plaintiffs claimed below, since the Court called this "our guiding light," that the County system "has been effectively desegregated and is unitary." *Id.* at 803; *see also Stout v. Jefferson County Bd. of Educ.*, 845 F.2d 1559, 1561 n.4 (11th Cir. 1988) (confirming this holding).¹⁴

¹³ This Court uses the same phrase. *See Fort Bend Indep. Sch. Dist. v. City of Stafford*, 594 F.2d 73, 74 (5th Cir. 1979) (referring to barring a new system "which will impede the dismantling of a segregated system"); *Ross v. Houston Indep. Sch. Dist.*, 583 F.2d 712, 714 (5th Cir. 1978) (referring to not impeding "the dismantling of the dual school system").

¹⁴ Of course the Court did not use the word "unitary" in the modern sense of a vestiges case like the Supreme Court's more recent jurisprudence. *See, e.g., Bd. of Educ. v. Dowell*, 498 U.S. 237, 245-46 (1991).

It is therefore the law of this case that the County's former dual system is effectively dismantled—in the sense that *Wright* and *Scotland Neck* intended. If there were any doubt of this Court's holding fitting into the analytical category established in those cases, it is laid to rest by the Court's specific reference to *Scotland Neck*. The “uprooting” and “dismantling” of the former dual system is a legal certainty in Jefferson County.

C. Because the County's dual system has been dismantled and the facts here are so different, the *Wright* line of cases does not apply.

Unlike in *Wright* and *Scotland Neck*, Gardendale has not attempted to separate from a parent district still in the throes of disestablishing its former dual system. This is incontrovertible. As opposed to the facts in those cases (and other cases Plaintiffs relied on like *Ross v. Houston Indep. Sch. Dist.*, 559 F.2d 937 (5th Cir. 1977) and 583 F.2d 712 (5th Cir. 1978)), the County system here has been judicially declared dismantled. There is no more dual system; it's been gone for four decades. That was not true in the splinter-district cases like *Wright* and *Ross*. And that is why the incredible power *Wright* vested in district courts—the power to deny existence to a state entity—cannot be wielded here. The district court misread *Wright* as affording it the authority to enjoin new districts throughout the entire life of a desegregation case, even one as old as this one, so long as any vestige of segregation remains. Doc. 1141 at 33-37. That is not what *Wright* or *Scotland Neck* held. There is no such authority once a school system has outgrown the embryonic stages of desegregation.

Another reason *Wright* does not apply is that the concerns animating that decision are not present. Gardendale's effort to separate did not come on the heels of an order that would have finally integrated the County's schools like in *Wright*.¹⁵ Gardendale schools have been subject to the 1971 Order since . . . well, 1971. It is not possible that the Board's motion to separate, 44 years after that Order, came in response to it. Thus the "message" that Emporia's separation would have conveyed to black students left behind, 407 U.S. at 466, has no analogue here. Gardendale didn't try to leave the County to avoid forced integration—and crucially, the black students *Wright* spoke of were those ~~excluded~~ from the new district. ~~See~~ *id.* Gardendale's plan included North Smithfield, a distinction the lower court failed to appreciate.

A proper understanding of *Wright* and its descendants does not mean courts lose the ability to supervise a new system that leaves one still under a desegregation order. Indeed, this Court has recognized that in allowing separations, district judges may require separating systems to "accept a proper role" in the county's ongoing desegregation. *Stout v. Jefferson County Bd. of Educ.*, 466 F.2d 1213, 1214 (5th Cir. 1972). A new district must assist in its parent district's desegregation, and the lower court acknowledged this in anticipating an order that would have governed Gardendale's participation in the County's efforts. Doc. 1141 at 185. It is

¹⁵ And *Ross*, 559 F.2d at 939 (noting the proposed new district came "soon after" a new desegregation plan).

only the momentous power of denying a school board the right to operate that expires when a parent district successfully dismantles its dual system.

This reading of *Wright* is reinforced by the imperatives of federalism and local control. Enjoining a validly created state agency from operating imposes the supreme burden on our system of shared sovereignty.¹⁶

According to one Justice, desegregation decrees have “trampled upon principles of federalism and the separation of powers” when they should have been temporary, and such “extravagant uses of judicial power” are at odds with the history “of the equity power and the Framers’ design.”

Missouri v. Jenkins, 515 U.S. 70, 114, 125-26 (1995) (Thomas, J., concurring). And a circumscribed timeframe for issuing injunctions against new districts better respects the Supreme Court’s recent emphasis on “local autonomy of school districts” as a “vital national tradition” that must be restored at the earliest practicable date. *Id.* at 99; *Freeman v. Pitts*, 503 U.S. 467, 490 (1992).¹⁷ The Court has warned that judicial supervision of a once-segregated district should “not extend beyond the time required to remedy” past discrimination. *Bd. of Educ. v. Dowell*, 498 U.S. 237, 248 (1991). Still less should the authority to deny existence to a new, never-segregated district extend beyond the strictest necessity of its use.

¹⁶ The dissent in *Wright* agreed. 407 U.S. at 478.

¹⁷ See also 1 William J. Rich, *Modern Constitutional Law* § 12:9 (3d ed. Westlaw 2015) (noting that with *Bd. of Educ. v. Dowell*, 498 U.S. 237 (1991), the Court began to “push[] lower courts to end their oversight of local school boards”).

The district court read *Wright* to allow injunctions against new districts for as long as a desegregation case endures (five decades and counting here). The court erred. That interpretation of the splinter-district caselaw is not supported by *Wright* itself, is contrary to the warnings of more recent cases on the need to end federal supervision, and is undercut by the lower court's own recognition that this case is nearing its conclusion. Doc. 1152 at 11-12, 23. This Court should reverse the lower court's ultra vires actions as the wrongful exercise of a power that has long since expired.

3. Assuming the *Wright* line of cases still applies, separation would have little impact on the County's desegregation.

If the splinter-district cases are nevertheless applied, the injunction was still error because the evidence at trial established that Gardendale's separation would have little effect on the County's desegregation. The test is whether separation would have "a substantial adverse effect on desegregation of the county school district." *Lee v. Macon County Bd. of Educ.*, 448 F.2d 746, 752 (5th Cir. 1971). The test is not whether a separation would have any impact.

A. The court found that Gardendale's formation would have only two relevant impacts on the County system, and neither justified the injunction.

It must be emphasized that despite language in its original 190-page Opinion, the district court clarified in its Supplemental Opinion that it had found only "two ways" in which Gardendale's plan "would harm Jefferson

County's desegregation efforts." Doc. 1152 at 23. And it must be emphasized that even as to those two impacts, the district court believed the appellate courts "would find that the age of this case diminishes the likelihood that Gardendale's separation would impede the county's effort" to desegregate. *Id.* at 38 (emphasis added). The lower court was right: Freeman warned 25 years ago that with the passage of time, "it becomes less likely that a current racial imbalance in a school district is a vestige of the prior de jure system." 503 U.S. at 496.

The first of the two adverse impacts the court found was that students displaced by Gardendale's plan would be assigned (by the County) to schools "with student populations that are much less racially diverse" than their current schools. Doc. 1152 at 23. This was an erroneous basis on which to enjoin Gardendale's separation because there is no constitutional right to attend a school that is more "diverse" than another. It is not a constitutional harm to move from one school open to all races to another school open to all races but which has a less evenly mixed population. The Supreme Court and this Court have stated time and again that racial balance is not the goal of desegregation and is not a basis for the exercise of judicial power:

- "The aim of the Fourteenth Amendment . . . is not to achieve racial integration in public schools." *Calhoun v. Cook*, 522 F.2d 717, 719 (5th Cir. 1975).

- “[R]acial balance is not required in remedying a dual system.” *Wright*, 407 U.S. at 465.
- The idea of a “constitutional right” to a “particular degree of racial balancing or mixing” has been “expressly disapproved.” *Pasadena City Bd. of Educ. v. Spangler*, 427 U.S. 424, 434 (1976) (citing *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1 (1971)).
- “Even in the context of mandatory desegregation, we have stressed that racial proportionality is not required.” *Parents Involved in Community Sch. v. Seattle Sch. Dist.*, 551 U.S. 701, 732 (2007) (plurality opinion) (citation omitted).

These authorities suffice to show that a movement of students from one integrated school to another integrated but less “diverse” school is not a constitutionally cognizable burden. Racial balancing is not authorized by the Fourteenth Amendment, so the transfer of students to schools with less evenly balanced populations cannot be regarded as an adverse impact on the County’s progress.¹⁸

¹⁸ The Equal Protection right is “equal racial access to schools,” not “access to racially equal schools.” See *Freeman v. Pitts*, 503 U.S. 467, 503 (1992) (Scalia, J., concurring). There is a rich history of scholarly criticism of such broad readings of the Fourteenth Amendment. See, e.g., David J. Armor, *Forced Justice: School Desegregation and the Law* 17-19 (1995); Raoul Berger, *Federalism: The Founders’ Design* 158-63 (1987); Raoul Berger, *Government by Judiciary: The Transformation of the Fourteenth Amendment* 132-54, 198-200 (2d ed. 1997); George W. Carey, *In Defense of the Constitution* 184-86 (Rev. ed. 1995); Lino A. Graglia, *Disaster by Decree: The Supreme Court’s Decisions on Race and the Schools* 14-17, 21 (1976); Raoul Berger, *The Fourteenth Amendment: Facts vs. Generalities*, 32 Ark. L. Rev. 280, 287-89 (1978-79); Alexander M. Bickel, *The Original Understanding and the Segregation Decision*, 69 Harv. L. Rev. 1, 58 (1955); Charles Fairman, *Does the Fourteenth Amendment Incorporate the Bill of Rights: The Original Understanding*, 2 Stan. L. Rev. 5, 132, 139 (1949).

Another fundamental reason the displacement of students would not adversely impact the County is that the reassignment of students would not be racially significant—that is, the court never found that the burden, if any, caused by the reassignment would fall more heavily on black students than white students. Doc. 1141 at 167-69. For example, 256 students at Bragg Middle School in Gardendale would be reassigned to other schools by the County. *Id.* at 168. 40 of those, or 15.6%, are black, and Gardendale offered evidence of where the County might send them. *Id.* at 167-68. The two scenarios Gardendale offered involved schools less evenly balanced than Bragg Middle. *Id.* Likewise there would be 366 non-resident high-school students reassigned to other schools less balanced; 56 of those 366 students, or 15.3%, are black. *Id.* at 168-69.

The court’s statement that the “burden of separation falls most heavily on the black students” was clear error because there was no evidence of it. The court did not find—nor was any evidence offered—that the burden of separation was racially disproportionate quantitatively or qualitatively. Far more white students than black ones would be reassigned, so in raw numbers the burden is not unfairly placed on a minority. Nor did the court find that the quality of the burden was harder upon black students than otherwise: why is it more of a “burden” for a black child to attend a less balanced school than for a white child? The court gave no answer. Reassigned students would either go to a school where their race was in the majority or where they would swell the ranks of their racial minority—and

there was no evidence that black children are less able than their white peers to withstand the transition. *Id.* at 168.

Consequently, even assuming transfer to a less “diverse” school is a legally recognized burden, the undisputed evidence was that the burden did not fall on any minority more heavily than on white students. The impact of the separation on reassigned students would have, in the end, no racial significance.

The second impact the court noted—the transfer of Gardendale High School to the new system as required by state law—is addressed *infra* in Section 4.

B. Looking more broadly at the evidence, Gardendale’s departure would have little effect on the County.

Going beyond the two impacts the court found, Gardendale’s formation would have minimal effect on the County’s racial numbers. The lower court agreed that allowing Gardendale’s separation would cause the County’s black student population to rise only 1.5%—and even if North Smithfield students aren’t included despite Gardendale’s plan, the number rises by only 1.8%. Doc. 1141 at 165. Even adverse experts agreed the overall demographic shift from Gardendale’s departure “is actually quite small.” Doc. 1126 at 122.

This is a far cry from the shifts that courts once found large enough (with other factors) to deny formation to a new district. *See, e.g., Wright*, 407 U.S. at 464 (a 6% increase in black students); *Scotland Neck*, 407 U.S. at

489-90 (an 11% increase); *Lee v. Chambers County Bd. of Educ.*, 849 F. Supp. 1474, 1485 (M.D. Ala. 1994) (a 20% increase); *cf. United States v. Texas*, 158 F.3d 299, 311-12 (5th Cir. 1998) (allowing an altered district boundary despite a 2.7% increase).

Putting this 1.5% increase in context further undercuts its significance: the lower court admitted that the County is nearing unitary status and even stated that it is “unlikely” that this Court would find Gardendale’s separation impedes the County’s progress. Doc. 1152 at 11, 23, 38. Jefferson County is in a different position than the defendants still taking apart dual systems twenty, thirty, or forty years ago. With the County so close and the impact so small, the numbers do not justify the lower court’s ruling.

In this connection, the court’s speculation as to the potential annexation of Mount Olive (a mostly white area) to Gardendale was improper. For one thing, the court itself recognized that annexation was “unlikely” at this time. Doc. 1141 at 165; Doc. 1155 at 31. For another, it is unfair to hold the Gardendale Board responsible for demographic changes due to someone else’s possible actions when the court did not find those actions would be prompted by the separation (unlike potential white flight in *Wright*, 407 U.S. at 464). “External factors” beyond the Board’s control “should not be part of the remedial calculus” in a desegregation case. *See Manning v. Sch. Bd. of Hillsborough County*, 244 F.3d 927, 933 n.8 (11th Cir. 2001).

In all, to whatever extent there may be racially significant effects from Gardendale's separation, they are lesser in degree and quality than in any splinter-district appellate decision Gardendale has located. If the minimal impacts of formation in this case are enough to trigger the "substantial adverse effects" test this Court articulated, no new district could ever form. That is not the law, and it should not be the result here.

4. The court exceeded its remedial authority in imposing a price on the transfer of Gardendale High School.

A. The remedy was not tailored to any impact on the County's desegregation efforts.

It is well settled that the discretion of a district court in a desegregation case has limits, including the rule that "the nature of the violation determines the scope of the remedy." *Swann v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 1, 16 (1971); *Freeman v. Pitts*, 503 U.S. 467, 489 (1992). A remedy is justifiable, *Freeman* explained, "only insofar as it advances the ultimate objective of alleviating the initial constitutional violation." *Freeman* at 489. Courts must "tailor" the scope of the remedy to "fit the nature and extent" of the violation. *Dayton Bd. of Educ. v. Brinkman*, 433 U.S. 406, 420 (1977) (citations omitted). The court's ordering Gardendale to pay "tens of millions of dollars" for the high school, Doc. 1152 at 13, fails this test for two reasons: transfer of the high school would not have a desegregation-specific impact on the County system, and lesser remedies would have sufficed.

The rule of fitness means that a remedy imposed on a separating district must be tailored to the impact the separation would have on the parent district's ability to desegregate. But as explained above in Section 3, there would be no racially discriminatory—or even disparate—impact arising from the high school's transfer to Gardendale: of the 366 non-resident students who would be reassigned, only 15.3% are black. Doc. 1141 at 168-69. No greater burden would be borne by black high-school students assigned to other schools than by white high-school students, far more of whom would be displaced than black students. *Id.* As a Government expert testified, the impact of separation on high-school students “actually affects both black and white students and proportionately affects white students more” on access to new facilities. Doc. 1126 at 154.

This point bears greater emphasis: the court's failure here was in not finding a link between the high school's transfer to Gardendale and any racially significant impact on the County's desegregation efforts. Yes, a small fraction¹⁹ of County students would be reassigned to other high schools—but not in a racially disproportionate way, and not in a way that imposes more on black students than others. Gardendale's demographer had to guess which high schools the County might assign those students to, and the court rejected both scenarios because black students would go

¹⁹ About 366 students out of a post-separation County enrollment of around 33,829 students. Doc. 1141 at 169; Doc. 1129-7 at 1; Doc. 1131-6 at 34.

either to a school where they are in the majority or to a school where they would add to the numbers of black students in the minority. *Id.*

This is too much. It places Gardendale between Scylla and Charybdis. The law does not require every school or any school to achieve a specific racial balance. Maximal racial integration may be a laudable ideal, but as shown above, courts cannot wield remedial power to pursue “diversity.” *See* Doc. 1141 at 70, 112 n.62, 167 n.88, 168-69, 190. Every school in Jefferson County is desegregated: they are open to all students no matter their color. One race or another may be in the minority at a school to which students would be reassigned, but it is wrong to characterize this as a burden. Lack of racial balance is not a constitutional harm.²⁰

What is more, a less expensive remedy would have better fit the shape of the court’s worries about the high school. The court recognized that Alabama law allows Gardendale to separate without paying a fee to the County, Doc. 1152 at 12, yet with the stroke of a pen, the lower court imposed on the citizens of Gardendale a multi-million-dollar roadblock to doing what state law permitted, without considering whether less onerous solutions were at hand. If the court thought that reassigning black students would upset the County’s progress, it could have approved the interdistrict desegregation-transfer policy, which would allow transfers between the County and Gardendale, that Gardendale has drafted. Doc. 1141 at 127,

²⁰ And even if it were, it is unreasonable to characterize the burden as existing both when black students are in the majority and when they are not, as the district court did here. Doc. 1141 at 167-69.

185; Doc. 1152 at 13. Such majority-to-minority transfers have been approved in this circuit for the last 40 years, even if conditioned on available space. *Singleton v. Jackson Mun. Separate Sch. Dist.*, 419 F.2d 1211, 1218-19 (5th Cir. 1969), *rev'd on other grounds* sub nom. *Carter v. W. Feliciana Parish Sch. Bd.*, 396 U.S. 290 (1970).

If the court was concerned about the continued availability to County students of the career-tech program at the high school (which would affect about 175 non-resident students), it likewise could have ordered Gardendale to keep that program open to County students without preference for Gardendale residents—a minor change to Gardendale’s own proposal to allow County students to stay in the program. Doc. 1040-1 at 7; Doc. 1141 at 171 & n.89; Doc. 1157 at 151; Doc. 1155 at 164-65. The County’s own superintendent testified that an arrangement like this is possible, and it has been done with other systems. Doc. 1155 at 165; Doc. 1157 at 218-19.

Such remedies would have allayed the desegregation-specific concerns the court expressed without imposing on Gardendale a tremendous price tag that apparently has no basis in splinter-district caselaw. The court called the high school a “desegregatory tool” of the County and deplored its “loss” to the County, but this was a straw man. *Id.* This Court has already ordained that new districts “accept a proper role” in the ongoing desegregation of their parent systems, *Stout*, 466 F.2d at 1214, and here the high school would continue to do just that. The high school and its special programs would remain open to County students to avoid

any substantial adverse impact on the County's progress. Gardendale's operation of the high school would thus not remove it as a "tool" from the County's desegregatory arsenal, and it was an abuse of discretion to impose on Gardendale what amounted to a Hobson's choice between paying millions of dollars for it or spending millions to build another one.

B. Equity does not justify the remedy either.

The court also supported its charging a fee for the high school by invoking equity, Doc. 1141 at 190, but the court never explained why transferring the school to Gardendale without a price tag was unfair, and never explained where it derived its standard for what is equitable. The County school board did not pay for Gardendale High School; why should the Gardendale Board have to pay for it? The County board built the school using money the County commission gave it.²¹ Doc. 1141 at 69; Doc. 1157 at 204. The County board did not borrow money to build it and owes nothing on it now. *Id.* So there is nothing inequitable about transferring the school to the Gardendale Board per Alabama law, without a fee. (And for that matter, a fee has not historically been required in separations of other districts. ~~See~~ Docs. 1001-9 at 5-7; 1001-11 at 2-4).

The court was also incorrect in finding that the cost of \$55 million to "replace" the high school, Doc. 1141 at 72, 171-72, was a factor weighing against separation because there is no evidence that the County will have to

²¹ The high school was one of a number of new facilities the County board built at the same time using that gift. Doc. 1141 at 170.

replace that facility. Gardendale would be educating former County high-school students from within and without city limits, so the County will not have to build a school for those students. The only evidence the court cited was the County superintendent's testimony, Doc. 1157 at 137-38 (corrected transcript of Doc. 1127), but he could not and did not establish that a full-scale "replacement" facility would be necessary despite the County's having fewer students. Instead he based his \$55 million estimate on his lay opinion of what the 1971 Order requires, *id.* at 137, but the court never agreed that the Order mandated a replacement school, and at any rate the superintendent has revealed that he labored under the mistake of equating the County's desegregation obligations with racial balancing. Doc. 1092-1 at 12. In sum, the lower court's implicitly finding that separation will cost the County \$55 million to replace a facility it will not be forced to replace was clear error because that finding rested on nothing but a lay witness's opinion about the law—one this brief demonstrates is wrong.

And the court's remedy suffers from a more fundamental flaw: equitable power in desegregation cases depends on the need to remedy a constitutional violation. *Freeman* at 489. Without danger of an impediment to desegregation, imposing a fee for the high school was tantamount to rewriting state law to accord with the court's view of fairness. Whether to force a new system to pay the old system for buildings was a policy question for the state legislature, and the district court recognized that state law does not require such a payment. Doc. 1152 at 12. It is not within the

competence of a federal court to second-guess that policy—not without proof that the high school’s operation by Gardendale would damage the County’s ability to desegregate.

There was no such proof. The high school’s transfer would have no racially discriminatory or disproportionate impact on the County system. That is why the court should have left the financial value of the school to the state board of education’s process for handling separations, as it did with other financial issues. ~~See~~ Doc. 1141 at 3; Doc. 1157 at 183-84, 210; *Spallone v. United States*, 493 U.S. 265, 276 (1990) (noting that in devising a remedy courts “must take into account the interests of state and local authorities in managing their own affairs”).

These limits on courts’ remedial power in desegregation cases guard against abuse of judicial authority under the guise of constitutional interpretation. “At some point, we must recognize . . . that all problems do not require a remedy of constitutional proportions.” *Missouri v. Jenkins*, 515 U.S. 70, 138 (1995) (Thomas, J., concurring). As the Court warned long ago, “[w]ith the wisdom of the policy adopted . . . the courts are both incompetent and unauthorized to deal.” *Nebbia v. New York*, 291 U.S. 502, 537 (1934). This is true for state law as well: “We are not invested with the jurisdiction to pass upon the expediency, wisdom or justice of the laws of the States,” and even when “interpreting the Constitution,” courts must “take care that we do not import . . . our own personal views of what would be wise, just and fitting . . . and confound them with constitutional

limitations.” *Twining v. New Jersey*, 211 U.S. 78, 106-07 (1908) (overruled on other grounds by *Malloy v. Hogan*, 378 U.S. 1 (1964)).

Transferring the high school as state law provided may have offended the district court’s sense of fairness, but equity alone did not empower the court to exact a price where the law charges none.

5. Even if the lower court’s factual findings were correct, it would have been error to deny Gardendale’s motion in full.

The factual and legal predicates for the result Plaintiffs urge are missing here. As shown above, there was no constitutional violation, the racial-motivation finding was clear error, and the law does not allow injunctions against a new school system when the County’s former dual system has been fully dismantled for 41 years.

Yet supposing that the factual premise of adverse impact on the County’s desegregation were correct, Plaintiffs’ arguments still fail because they ignore the rule of fitness explained above. The power of district courts to “restructure the operation of local and state governmental entities is not plenary,” and once there is a constitutional harm, a court “is required to tailor the scope of the remedy to fit the nature and extent of the constitutional violation.” *Dayton Bd. of Educ. v. Brinkman*, 433 U.S. 406, 420 (1977) (citations and punctuation omitted). Where the harm is supposedly an impairment of the County’s desegregation, a remedy must be closely fitted to the extent of that harm.

Since the impact of Gardendale’s departure would be concededly minimal—the Government’s expert said it “doesn’t really move the needle much”—exercising the most extreme remedy available by denying a school board the right to function would have been an abuse of discretion. Doc. 1157 at 64. Plaintiffs do not attempt to explain why this harshest of remedies is automatically the district court’s only option in light of the minor statistical differences that Gardendale’s operation would prompt in the County’s racial numbers. There are lesser remedies available to the court, as outlined above in Section 4, remedies such as interdistrict transfers, which would address the few impacts the court found likely without denying outright the racially neutral operation of a new school system. As this Court noted, the “proper role” of a splinter district is “not an all-or-nothing matter.” *United States v. Hinds County Sch. Bd.*, 560 F.2d 1188, 1192 n.7 (5th Cir. 1977). Plaintiffs say the courts must swat at every fly with a hammer. The law demands a more nuanced approach.

Desegregation precedent did not freeze in place with *Wright*, *Stout*, or other decades-old cases, and the facts assuredly haven’t either. “[H]istory did not end in 1965.” *Shelby County v. Holder*, 133 S. Ct. 2612, 2628 (2013). Indeed it did not: the County’s dual system was fully dismantled by 1976. *Stout*, 537 F.2d at 802-03. The factual context of Gardendale’s formation is far removed from that era. 40 years and more lie between, yet Plaintiffs fail to account for the difference. The injunction they seek as to Gardendale’s formation is no longer allowed by the law, is not justified by the facts, and is

not compatible with the Supreme Court's admonitions to return control of schools to local officials "at the earliest practicable date." See *Freeman v. Pitts*, 503 U.S. 467, 489-90 (1992); *Bd. of Educ. v. Dowell*, 498 U.S. 237, 247-48 (1991). As this Court promised in 1972, splinter districts "are not forever vassals of the county board." *Stout*, 466 F.2d at 1215.

Conclusion

Gardendale seeks to create a smaller, local school system to provide better schools for children of all races. Gardendale believes the lower court erred by obstructing that effort. The speech of private individuals protected by the First Amendment cannot create liability for a school board under the Fourteenth. The legal basis for exercise of the injunctive power against new systems is decades gone in Jefferson County, and the operation of a nondiscriminatory municipal school system cannot be conditioned on a multi-million-dollar price tag in the name of pursuing greater diversity.

Gardendale asks this Court to reverse the partial injunction of the new system, and specifically asks that the Court reverse the judgment of a constitutional violation, the findings of racial motivation and adverse impact on the County, and the imposition of a fee for the high school. Gardendale asks the Court to then remand the case with instructions to grant Gardendale's motion to separate in full.

Respectfully submitted,

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Certificate of Compliance

This brief complies with the word limit of Fed. R. App. P. 28.1(e)(2)(B)(i), excluding the parts of the brief exempted by Fed. R. App. P. 32(f) and 11th Cir. R. 32-4, because this brief contains 13,542 words.

This brief complies with the typeface and style requirements of Fed. R. App. P. 32(a)(5)-(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word 2010 in 14-point Equity font. The main text is double spaced using twice the required point size (28 points).

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Dated: August 11, 2017

Certificate of Service

I certify that on the 11th day of August, 2017, I electronically filed this document via the CM/ECF System, which constitutes service on the following counsel of record:

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s/ Aaron G. McLeod
Of counsel

GZJ KDKV!C!

Public Group: Gardendale City Schools

[GCS000000156 Metadata](#)

Item ID: GCS000000156 / Preview [Case: 17-12338](#) [Date Filed: 08/11/2017](#) [Page: 72 of 126](#)



Tim Bagwell → [Gardendale City Schools](#)

Tim Bagwell created the group Gardendale City Schools.

9/12/2012 2:53 AM UTC

2 tags: Tim Bagwell, Gardendale City Schools

3 likes: Larry Florence, Chris Lucas, David Salters

0 comments.

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**Tim Bagwell** → [Gardendale City Schools](#)

Tim Bagwell made David Salters an admin of the group Gardendale City Schools.

4/23/2013 4:04 AM UTC

3 tags: Tim Bagwell, David Salters, Gardendale City Schools

0 likes

0 comments.

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fb_item_type	wallitem



Tim Bagwell → [Gardendale City Schools](#)

Tim Bagwell made Chris Lucas an admin of the group Gardendale City Schools.

9/12/2012 9:59 PM UTC

3 tags: Tim Bagwell, Chris Lucas, Gardendale City Schools

0 likes

0 comments.

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Renee Warren → Gardendale City Schools

Will the feasibility study cover the Federal desegregation laws that affects kids in north Gardendale and in the North Smithfield community in Birmingham... Wouldn't you be forced to still comply? I can promise I am not paying extra property tax to fund a school my children are not allowed to attend... Jerry Warren

10/2/2012 5:03 PM UTC

2 likes: Hugh Penton and 1 other people like this.

49 comments.



David Salters Jerry, the study will be as comprehensive as they come. It will address every federal and state education law. But in short, city school district boundries are determined by the municipal boundries. Therefore, North Gardendale would certainly be included in the new district.

10/2/2012 7:08 PM UTC



Chris Lucas Jerry - I think you may be asking two separate questions?

1) Will kids in North Gardendale (who may currently be zoned for county schools in Morris) be zoned for a city school system? Yes. All kids within the municipal boundaries of Gardendale would go to schools within the new system.

2) Would Gardendale be required to bring in minorities from outside of the municipal boundaries to achieve some sort of quota? No. The school system is for residents of Gardendale (whatever those boundaries end up being and whatever that racial make-up is). The idea is that it might include an expansion to include an annexation of certain parts of Mount Olive.

10/2/2012 10:53 PM UTC



Sharon Craiger Where would this put Mt. Olive kids. My youngest is a student of Bragg and wants to continue with GHS.

10/2/2012 11:35 PM UTC



Sharon Craiger As a GHS graduate I want this for Gardendale. I also want this for Mt. Olive.

10/2/2012 11:37 PM UTC



Chris Lucas Sharon - Part of the plan could include an annexation of Mount Olive.

10/2/2012 11:49 PM UTC



Dennis L. Gamble Mt olive would expect a fire and police station along with parks and fields the quality of Gardendales.

10/3/2012 12:13 AM UTC



Dennis L. Gamble Certain parts of Mt Olive?

10/3/2012 12:39 AM UTC



Renee Warren Chris, I know you're a lawyer but my review of Stout v Jefferson County School Board, particularly as it relates to point # 2 could be in question... Whenever the Federal government is involved you never know what they will mandate...

10/3/2012 1:17 AM UTC



Chris Lucas Jerry (maybe Renee) - I'll be the first to say that I do not practice in this area and am not an expert. I do not think it will be an issue though. We'll have to see. The feasibility study will address some questions, but the feasibility study isn't performed by an attorney. At some point, a competent (experienced in this area) attorney will need to be involved, especially in areas such as the drafting of a separation agreement.

10/3/2012 1:22 AM UTC



Renee Warren I tried to find the 1999 study on the internet, does anyone that is part of this group have access to it? Jerry

10/3/2012 1:41 AM UTC



David Salters Dennis, when are we having lunch?

10/3/2012 2:14 AM UTC



Dennis L. Gamble WhenStan buys.

10/3/2012 2:18 AM UTC



David Salters Stan Hogeland? Are you listening? Take Dennis and I to lunch ASAP

10/3/2012 2:20 AM UTC



Stan Hogeland Let me know when y'all can make it happen. I'm open Thursday or Friday. Dennis L. Gamble and David Salters

10/3/2012 2:31 AM UTC



Dennis L. Gamble When do you get paid?

10/3/2012 3:16 AM UTC



Amy Gibbs Sokira What does it mean when you say "parts" of Mt. Olive? What parts?

10/3/2012 3:22 PM UTC



Chris Lucas Amy - We'd have to figure that out. Honestly, I'm not sure.

10/3/2012 4:36 PM UTC



Jeremy Whitworth An do the individuals in mt. Olive have a say so whether they are annexed into the gardendale city limits! Is it a vote or hearing or what's the process of getting annexed! Jus curious!

10/3/2012 6:45 PM UTC



Chris Lucas Jeremy - The most common means of annexation is by a petition of contiguous properties. In other words, if I sit on the line, and you are right behind me - both of us ask the City to be annexed and if they accept, we're in.

10/3/2012 6:59 PM UTC



Tim Bagwell Jerry: Yes, the prospect of a municipal school system involves individuals not just in Gardendale but in unincorporated sections as well. This is a process with many steps, and looking more than a few steps ahead can get you chasing your tail. Step One is the feasibility study and after we get the study results, we'll have a better idea of just what next steps are, and what kind of decisions folks will have to make.

If you want to know my personal opinion, I want to see all or as much of the normal footprint of the Gardendale High School zone as absolutely possible included. The questions that the city will probably be asking the consultant to address will involve not only the current city limits but presumably other possibilities in terms of geographic footprint.

The reason there is talk of annexation is because state law recognizes just two kinds of public school districts: county and municipal. And in most cases, to attend the municipal system you need to live within the municipality. There are some exceptions, from modest tuition to agreements between districts, etc., but they tend to uncertain or difficult to assess at this point of the process.

So if you live outside of the city limits and IF this study comes back indicating that feasibility is good, and you think that the benefits outweigh the costs, you may well need at some point to go out and talk to your neighbors and let them know your point of view.

10/3/2012 7:30 PM UTC



Renee Warren I am going to ask again... I would hope those that have put so much effort into this, would have the 1999 feasibility study and be willing to share it with the people of this page. I would also like to know what factors in the study have improved over the past 13 years that now makes this seem to make sense. Thanks, Jerry Warren

10/4/2012 12:30 AM UTC



Tim Bagwell I didn't see you ask it the first time, Jerry, but there's a fair amount of posting going on and I'm not on here all the time. I recall that time period and the study process, and

I've heard people refer to some conclusions that were advanced. Even among folks who refer to that report, I haven't seen that someone has a copy of whatever report that resulted. If they have it, I'll be happy to scan it. Someone referred me to Danny Nix, but they are dealing with serious health issues in the family right now and I'm not going to bother them about this. There may be something in city council meeting minutes about it.

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The type of study they performed was very likely well done and to the standard of that time period, but was not the same sort of study that was commissioned by the city council a couple of nights ago, and it was, after all, thirteen years ago. What has changed? Population, assessed tax value, city finances, school facilities, specifics of income streams and expenses... A lot of things...

10/4/2012 12:52 AM UTC

Renee Warren Wow... I am not trying to be negative... I think that a school system is the right thing to do.... But your telling me that a group went to the city council and asked for a \$50,000 feasibility study without reviewing the previous study that was done. Plus, if you haven't seen the study as you say in your post, how do know it was not the "same sort of study that was commissioned by the city council a couple nights ago"... You say alot of things have changed, you're right the economy right now compared to 10 to 15 years ago is in the dumps... One thing that is the same is that we still have one primary tax base, WalMart, and we still don't have a property tax... Jerry Warren

10/4/2012 1:09 AM UTC

Dennis L. Gamble Did the city pay for the 99 study? No

10/4/2012 1:23 AM UTC

Tim Bagwell Jerry, to answer your question: I'm aware of the way the last study was done, I know who the people were who did it (they were local government, community and business leaders who did a fine job given the level of study and reporting they felt was necessary at the time). I'm also aware of the way these things are done now: there is an example already posted here. The two are fundamentally different, and that's not intended to be a negative towards any previous studies or the very fine people who assisted with them. The Gardendale City Council already voted on the new study already, so I'm not sure I understand what is relevant about the question now. I'm certain that the city council members (all but one voted for it and the other abstained) would be happy to let you know how they evaluated the need for the study now.

10/4/2012 1:29 AM UTC

Dennis L. Gamble I would like the city to pay for a study on the positives of the northern belt line. We need to know how it will help Gardendale.

10/4/2012 1:30 AM UTC

Renee Warren 50,000. Is nothing to you right? Why didn't a true "grass roots" effort to raise this money themselves?

10/4/2012 1:34 AM UTC

David Salters Jerry, I understand your concern, however; the previous study is now over 13 years old. These studies are designed to show a current snapshot of the financial status of a municipality as it relates to funding a school system. To your point, it may be wise to compare the data from the two studies, however; it is imperative that we get the current data. Additionally, this study will be conducted by a non-biased, third party who is neither for nor against the proposed city school system. And as Tim said, over the past 13 years much has changed in education, the make up Gardendale's population and in Jefferson County. I applaud the city council and the mayor for investing in current, accurate data on which this very important decision will be based.

10/4/2012 1:36 AM UTC

Tim Bagwell I look at the issue as exploring a better education to our children being well worth \$50,000.

10/4/2012 1:37 AM UTC

Dennis L. Gamble It is easier to spend yours.

10/4/2012 1:40 AM UTC

Dennis L. Gamble They were politically motivated by pressure. They did not come up with this on their own.

10/4/2012 1:44 AM UTC

Tim Bagwell This is plowed ground, and even though it gives me something to do besides watch the debate while Obama is talking, it is not an issue that is going anywhere: the council already voted on this. If you have a beef with the city council, take it up with them. Folks petitioning their own government for action is a pretty American thing.

The study that the city council will obtain will be systematic, exhaustive, statistically based, and from a third-party and acknowledged expert in the field.

10/4/2012 1:50 AM UTC

Dennis L. Gamble It will not be any different from Alabasters except for the numbers and the up to \$50,000 to a consultant that probably duplicates this study many times a year for a tidy profit.

10/4/2012 2:01 AM UTC

David Salters Did any of you protest the \$30,000+ study that was recently approved for our Parks Department? I'm all for the Parks Dept study, but it's puzzling that anyone would single out the education study to protest. I can't think of anything more critical than our children's education.

10/4/2012 2:04 AM UTC

Dennis L. Gamble Right, three consultants will have three conclusions and all the \$50,000 if they can. Be smart pick a consultant that will give the answers you need.

10/4/2012 2:07 AM UTC

Tim Bagwell I hope and trust that the city is not going to hire a consultant who will arrive at a pre-determined or stipulated result, Dennis. This decision, yes or no, is simply too critical to base it upon skewed data. This can be a first step or last step, depending on the results of that study, and I'm equally prepared for either.

10/4/2012 2:32 AM UTC

Renee Warren I guess some posts have been deleted... but there was a post asking how I know Dennis? I have never met him that I know of... I personally have lived in Gardendale for over 20 years... I have been in banking for over 22 years... So I guess, when I see the current economic environment much worse than 10 years ago... And a tax base built on one store, WalMart.(For which we have an insurance policy in case they ever leave), and a city that on every occasion has turned down a property tax... I guess I just hope that the study will still be valid when in 3-5 years from now, when we HOPE that some of these additional stores come in to increase our tax base... Tim, again I state that I am for Gardendale having it's own school system. I guess I just question right after the election is done that this is brought up, and 50,000 is spent... You're right I have a beef with the council... by the way, does anybody know what the city education committee does? Was this presented to them first?

10/4/2012 2:52 AM UTC

Tim Bagwell Jerry, you and I both want what is best in this matter, and that is what is sound and supportable that results in the best outcome for the city and the students. I deleted a couple of posts trending towards getting chippy, at least one of which was mine, and softened some language in others I made. If I am going to encourage keeping things from getting testy, I have to check twice before I hit post like anybody else.

The city has never voted on a property tax that was to fund a school system that I am aware of. The last tax voted down was directed more towards fire department kind of stuff, if memory serves. The city has never had some of the benefits and facilities that would accrue with a city school system when previous discussion has taken place, either.

You likely already know this, but most school systems have a sales tax component to their funding, but primary funding in a sound school system should be based on property taxes because of their stability and predictability.

I don't know the process by which this was addressed by the city council. I just started a Facebook page on this and am disposed to favor the disposal assuming that the numbers work and can be as inclusive of the existing district footprint as possible. There are quite a few hurdles and if it takes the kind of heavy-duty study that costs the citizens what I acknowledge is no minor amount to give us the kind of concrete data that we can base a game-changing upon, I'm OK with it.

10/4/2012 3:05 AM UTC

Renee Warren The reason I bring these things up is I guess I am trying to let you know the comments I hear when these things are brought up... Let's take the Fire Department Property Tax vote. Remember we were threatened by the city administration at the time, that if the property tax vote didn't pass the fire station would not be built, we would still have a volunteer department, and that our insurance rates would go sky high... Fact is as we found out, that even though the vote failed, we still got the fire department, we still got professional firefighters, and our insurance rates stabilized. There is a great faction of people that rightly or wrongly don't trust the city. We must rebuild that trust for a property tax to be passed and show that the city is moving in the right direction...

10/4/2012 3:15 AM UTC

Renee Warren Honestly, the fire department issue is my biggest concern for the city at this moment. The city needs two new fire stations. If we don't get those soon, our ISO ratings are going to go 2 points higher. Paying a 5 mill property tax potentially could be less than the insurance increase based on the value of your home. My personal opinion is that the city within the next two years will be forced to implement a 5 mill property tax(the city can do this without a vote of the citizens) to fund new fire stations and personnel...

10/4/2012 3:31 AM UTC

David Salters Jerry, keep in mind that this initiative is lead by citizens, not the city. The mayor and council, as they should, simply responded to the citizens. I hope that your distrust of the city will not interfere with your assessment of the education issue. I wouldn't dare tell you how to feel about the city, but I will ask you to separate those feelings from your thoughts on the school system. I can tell that you have a great passion for our community, and I share your concerns about the fire station. I hope that individuals like us can harness our energy

and work together for the betterment of our fine city. I look forward to our continued discussions and I'm glad that you're chiming in.

10/4/2012 3:43 AM UTC

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Dennis L. Gamble Can we agree Mitt won?

10/4/2012 3:45 AM UTC



David Salters The mayor and council will select the consultant.

10/4/2012 3:49 AM UTC



Renee Warren David I trust the city, I voted for Othell and am pleased with all those elected thus far. Again I am telling you things I hear... Personally, I think the city should implement a 5 mill tax now...and eventually a referendum for an additional 5 mill when the timing and the feasibility plan says its appropriate for the school system. So I am willing to pay approx \$2000 more per year in a property tax to fund these things when the economy has stabilized... And yes I am a conservative republican that believes in raising taxes when the purpose and timing is right...

10/4/2012 4:06 AM UTC



Tim Bagwell Yes, Dennis, no question in my mind that Mitt won. The president has never really been tested. He has been covered for by a compliant left-leaning press as their pet candidate, he has never done well with on-the-fly speeches and it isn't as though he can run on his record. Had the media done its job the first time around, perhaps we would have a president who is capable of at least standing up and presenting an articulate argument for or against an issue.

10/4/2012 4:28 AM UTC



David Salters Jerry, you mean \$200, right? Because that's more in line with what I'm thinking.

10/5/2012 1:28 PM UTC



Jason Murrell I have seen a lot of post talking about the fire department, and I would like to say thanks for the support, it means a lot to me and the others, thank you. I feel like everyone knows that we need extra money to support the school, fire department, police department, and park and rec. So if everyone wants to see a school system and the extras lets pay for it. Lets look at the facts I support and am glad to live in a city where there are men and women who stand up and put the effort in to make Gardendale better. We need to find out what it's going to take to support all 4 departments, we can say that the school system will cost a least 20 million by looking at Trussville budget, so what will it take to support all groups 30, 40 million, and are we going to prepare for a increase in cost over 10 years, until our tax base increases. The businesses will come because there is to much to offer and the belt line should be in progress by that time(maybe). So why do a study, when we know what we want, so lets help make it happen. Lets use that money for something else and just say we are going to have a school system and all the extra and start putting things in motion to establish a tax base and annex Mt Olive. This is where the right plan is made and put together by the effort of men and women standing up for a purpose, and all ideas my and may not be agreeable but we are adults seeking a better Gardendale.

10/5/2012 2:10 PM UTC



Renee Warren Yea David too many zeroes. Yall may want to delete that post as too not confuse people

10/5/2012 2:36 PM UTC



Chris Lucas Jason - You are correct in that everything needs to be considered, including fire coverage. Keep in mind, the feasibility for the school system will not only cover the feasibility of creating a city school system (e.g., how to finance it, how to structure it, etc.), but it will also serve as an implementation plan should the citizens desire to do it. Also keep in mind that Trussville built a new school, so it's not completely an apples to apples comparison. In the end, every municipality is unique and the costs vary widely. Bottom line, we need to proceed through this thoroughly and with perfection. Hey, I'm with you though, let's make this happen!

10/5/2012 2:40 PM UTC

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Tim Bagwell -- Gardendale City Schools
There are a number of people who are discussing the possibility of forming a Gardendale school system. There are a benefits to such a proposal, such as true local control over our schools and the accompanying prospect for higher academic achievement and greater flexibility, better control over the geographic composition of the student body, protection against the actions of other jurisdictions that might not be in our best interests, the real prospect of higher property values over the longer term, a brand spanking new high school which would become ours should we form the school system, etc. A consultant to Alexander in their efforts along these same lines indicated that with our population base, it is certainly feasible. There are likely some challenges and pitfalls as well and they would need to be studied and addressed. For example, we probably need Mt. Olive to come along, and that would involve annexation (and as a proud Mt. Olive native, this takes some thinking through). If we drop a good number of students in a move, that would have ramifications on the education money we get and that could affect teachers.


So there are pros and cons. I've formed a discussion group (Gardendale City Schools) and there may be others floating around as well. I've hardly ground zero on this issue, others have been working on this, and most of us are aware that this has been considered before. Now may be the time, or maybe after everybody else it around it won't be. At any rate, I think it is something that a lot of folks I have spoken with seem to be eager to explore, and getting people talking about it and thinking about it is the first step in deciding if the prospect is right for this community.

9/12/2012 3:03 PM UTC



29 likes: Rhonda Horton, Alyson Alexandru Bates, Kelli Hendrix Burdette, Kelli Nelson, Kay Taylor, Stacy Alexandru Stephens, Jennifer Brinsford Lindholm, Shea Miller, Leann Williamson Walker, Dene Tidmore, Kenya Lavender Marshall, Sharon Ryder, Tim Agard Fowler, Jeff Harding, Misty Traffica, Kelli Kirk Harper, Rachelle Bennett Ruess, Dene Hill, Kristy Spann, Kelli N Shannon Wyatt, Chris Lucas, Adam Borland, David Sallers, Tina Scarce Florence, Tammy Montgomery Foshee, Tina Hole Bruce, Mist Sanderson Beardsle, Noel Nichols and 1 other people like this.

196 comments.




Shane Peacock Where does the funding come from? Gardendale will not support an increased property tax - so I am told. Gotta pay the bills and maintain the property if you take it over.

Have a Blessed Day!

Shane Peacock, CIC
Peacock Insurance
"Hope for your future..." Jr. 29:11
524 Decatur Highway
Suite 110
Gardendale, AL 35071
205-631-1987 fax
www.peacockins.com<http://www.peacockins.com>

9/12/2012 3:11 PM UTC



Tim Bagwell The money that the county gets for education per student, we would get instead, so I am told. As far as property taxes, I personally would support a another couple of hundred dollars per year (i.e. my mortgage payment going up fifteen or twenty bucks a month) in terms of property tax if I knew it was going to my local school, but not everybody feels the same way. I can say this without any equivocation: the municipalities that have the best schools pay for them. That doesn't mean we have to have Mt. Brook or Vestavia level property taxes.

9/12/2012 3:15 PM UTC



Noel Nichols I believe this is an endeavor that needs to be actively pursued. It is very unlikely that my children will benefit from it, but it would be a positive investment into our community and future generations of Gardendale students.

9/12/2012 3:15 PM UTC




Chris Lucas Tim is correct, it has to be funded. However, with what we would get from the county and state, an additional property tax could be minimal. The city can implement a 5 mil tax fairly easy, which may get the job done. As for timing, it could easily be pulled off to start with the 2014 school year. This is truly the next step for our community.

9/12/2012 3:23 PM UTC



Shane Peacock I would support the property tax to get the local school system. Just wondering what we would be up against and if this is a reality in the near future

9/12/2012 3:28 PM UTC



Larry Florence I believe the time is right for discussion. It is time for our generation to have something positive for our children for a change. Although it has not resistance in the past, I believe we have a solid group of individuals that could explain it to Joe Public and possibly see it come to fruition this time. I'm in!

9/12/2012 3:51 PM UTC



Kelli N Shannon Wyatt I live in Mt. Olive and would 100% support the whole idea! The dynamics of our city is changing. To ensure we are not left behind like other cities have been, we may not have the support of people who may be planning on moving out of Gardendale area! I think this is why it is a "now is this time" idea!

9/12/2012 5:37 PM UTC



David Sallers Shane, it is a myth that G.Dale wouldn't support funding a school system. I hope you're doing well!

9/12/2012 5:58 PM UTC



Noel Nichols Just the suggestion of a new tax will bring an immediate and very vocal opposition. There needs to be an initial gauge of support among the citizens and city officials.

9/12/2012 6:08 PM UTC




Mist Sanderson Beardsle The time is right and this needs to happen. Our schools are bursting at the seams with students from other communities that is causing extreme over crowding in our classrooms. This is all due to the "No child left behind act" and schools from other surrounding cities not meeting AYP. At Gardendale Elementary we have approximately 879 students this year, in our kindergarten classes alone some classrooms have 27 students in them. Can you imagine 27 5-year olds in one class. This means for extreme over crowded classrooms and drastically limits how our teachers can effectively teach with this many students in one class. I would support a modest property tax myself as I believe it will greatly benefit our community to move forward with this plan and will allow our schools to have smaller classrooms again. I'm in as well!

9/12/2012 6:11 PM UTC



David Sallers Statements like I personally support a city school system, but the people of Gardendale will never approve it, do more harm than good. If you truly support this movement, then support it 100% and don't feed any possible misperceptions that there is opposition to a school system. This opens to many citizens who not only support a city school system, but also understand just how vital it is to our city's future. And after all this noise this comes with, I can't blame to find any of those skeptical citizens who oppose funding of a school system. I see that if you support this movement, please refrain from making assumptions that your fellow citizens are unwilling to invest in our community. Keep in mind that the last tax that was deflated was not earmarked for education; it was to fund our fire department. People aren't giving our citizens enough credit. I happen to believe that the majority of our citizens are eager to invest in our children and our community.

9/12/2012 6:50 PM UTC



Noel Nichols I hope your right, David.

9/12/2012 7:05 PM UTC




Amy Gibbs Sokira I would be in support of this. I am a Mt. Olive gal and don't really want to be annexed into goale. But under the right circumstances would be open to some changes.

9/12/2012 7:34 PM UTC



Chris Lucas Amy - part of the plan to make it work would include Mt. Olive. I think it would be well worth it for the sake of education and our community.

9/12/2012 7:45 PM UTC



Jennifer Moore I agree with Amy. I'm all for it but do not care to reside in Gardendale city limits. Is there a precedence where a school became a part of a city system without being annexed? My kids are middle school so it really doesn't effect me but I shouldn't assume we would be "grandfathered in".

9/12/2012 7:49 PM UTC




Blakely Barnes Segroves Chris and I support this for sure. I think the majority of our "peers" would support a property tax for education. I think the biggest problem right now would be getting the older population of goale to vote for a property tax increase. That is where us who have older parents/family members who have lived in Gardendale for years and still do come in to play! They want the best education for their grandchildren! We are "all in". Sorry David, I couldn't resist!

9/12/2012 7:49 PM UTC




David Sallers Buddy, because this is so important, you can consider me All In as well.

9/12/2012 7:50 PM UTC




Amy Gibbs Sokira I know that in Culman you can pay a fee every year to go to the city school. I would be for that in a second.

9/12/2012 7:52 PM UTC



David Sallers Jennifer, Mt. Olive will one day be in Gardendale city limits. As matter of fact, all of Jefferson County will one day be in the city limits of some municipality. So why not go ahead and support the move now since it will help with the schools?

9/12/2012 7:55 PM UTC



Tim Bagwell Jennifer, if the system is to include Mt. Olive Elementary, it would need to be in Gardendale city limits before we formed our own system, or we would have to buy that school from the county. It is thirty plus years old, but that would still be an expensive purchase.

9/12/2012 8:04 PM UTC



Kelli N Shannon Wyatt Jennifer, it might not affect you but could benefit your future grandchildren or other family members! I feel the same as you and Amy but would be very willing to be annexed to the city school!

9/12/2012 8:06 PM UTC




Jennifer Moore I'm not completely opposed but would definitely want to do some research. I lived in Clay when they tried to form a school system and it failed. But Clay does not have much of a retail tax base. I feel we would be of greater advantage if we went this route. Kelli, it's crazy that your house was not Gardendale yet they bus kids in from all over. I do wonder what other kinds of can of worms it would open. I feel confident they could all be addressed but it would be nice to see a checklist of sorts.

9/12/2012 9:25 PM UTC



Rebecca Manasco The time is now folad!

9/12/2012 10:48 PM UTC



Dee Loring LeCroy We need to do this and quickly!!!

9/12/2012 11:03 PM UTC



Tammy Montgomery Foshee I agree the time is now and my family are all in!!

9/12/2012 11:03 PM UTC




Chris Lucas There will be hurdles, and there are details that will be worked out. Questions will be answered. We all may have to make some sort of slight sacrifices. However, this is the future of our community. If you like the idea, let's get behind it!!!

9/12/2012 11:19 PM UTC



Amy Gibbs Sokira What happens to teachers and retirement from the county? Do we skirt over and hire all new ones? Just wondering. This whole subject has been on my mind all day.

9/12/2012 11:25 PM UTC




Chris Lucas Teachers are better off in the end because they're working for a better school system! The retirement is State anyway and would remain intact.

9/12/2012 11:42 PM UTC




Amy Gibbs Sokira Can we do away with tenure?

9/12/2012 11:46 PM UTC




David Sallers Amy, when Gardendale secedes from Jefferson County, state law says that the buildings, equipment (including buses) and the teachers come with us. Tenure is not affected.

9/12/2012 11:47 PM UTC




David Sallers Eventually, the Gardendale School Superintendent and the principals will make hiring decisions.

9/12/2012 11:48 PM UTC



Jennifer Moore Oh I want to clarify, I am for a city school system. It seems like there are demographic requirements that must be met under state and federal law. I couldn't readily find that information. Tusculville seemed to make these change fairly easily but has had multiple administration problems since. Finding a strong leader will be a struggle.

9/12/2012 11:50 PM UTC



Dee Loring LeCroy Jennifer maybe not door just need to be opened and we all need to pray about this.

9/12/2012 12:02 AM UTC

















































Chris Lucas Jennifer, finding a good superintendent may actually be one of the easiest pieces to the puzzle. Tusculville has gotten bad press for one bad hire. Nevertheless, that makes it all the more important!

9/12/2012 12:05 AM UTC



Larry Florence Given that is factual and consistent. After proper research, I would suggest a fact sheet to list the pros, cons and hurdles that will be faced. Bottom line is that if we organize, we can all sing from the same sheet of music.

9/12/2012 12:05 AM UTC

-  9/13/2012 12:37 AM UTC
-  Larry Florence Sorry, 1st 1/2 of post was deleted. I stated that our message needs to be factual and consistent as the word spreads. We need to put the facts out before people make up their mind from misinformation.
- 9/13/2012 12:24 AM UTC
-  David Salters For those wanting facts, there's an easy solution. I would start every school year with a study to conduct a survey and determine what we need to answer all of your questions and I would answer every question we would've never dreamed of. The good news is that the template is already there. Callahan, Trussville, and many, many other communities realized that a city school system was desperately needed, and the study gave them a non-biased, third-party recommendation based on facts and facts alone.
- 9/13/2012 12:27 AM UTC
-  Jennifer Moore But should annexation take place prior to this? Would the county stop it if they knew that was the motive behind it? Is the city of Gardendale prepared to do so? I feel these questions should be answered first.
- 9/13/2012 12:34 AM UTC
-  Keith Nesmith I've wanted this for a long time. Besides this ground swell and getting the community behind it who leads and initiates this endeavor? Is it lead by the mayor? City council?
- 9/13/2012 12:44 AM UTC
-  David Salters Jennifer, annexation would be required before separation from JeffCoEd. If annexation occurs after, we would have to pay JeffCoEd for ML Olive Elementary.
- 9/13/2012 12:45 AM UTC
-  David Salters Keith, Mayor and City Council will lead the effort and eventually appoint a 5 member school board with two-year staggered terms.
- 9/13/2012 12:47 AM UTC
-  David Salters Keith, you need to talk to everyone you know who cares about Gardendale and it's future. You will lead, I will lead, we all will have to lead. If you look at communities who've invested in the education of their children and invested into their community, you'll see that there's a stark contrast to those cities who did nothing and refused to invest. Nobody likes taxes, but as you well know, you can't get something for nothing. With I-22 near completion and the Northern Beltline coming in a few years, Gardendale will be in a major hotspot for economic and residential growth. Will we have a plan and make Gardendale great? Or will we let it go the way of the communities who did nothing? It's up to us. We have to let our city leaders know that we're passionate about our community.
- 9/13/2012 12:59 AM UTC
-  Jennifer Moore Do we know if the mayor and city council are behind this or are at least willing to listen?
- 9/13/2012 1:06 AM UTC
-  David Salters I can assure you that they're willing to listen. It will help if they know that the community is behind them.
- 9/13/2012 1:08 AM UTC
-  Elizabeth Z Wilson How far north would this extend? Correct me if I am wrong but I think residents in North Gardendale have to send their kids to Snow Rogers.(?) What happens with that school situation? My son isn't school age yet, but I am definitely interested in him having the best education possible. I am very concerned about the overcrowding that already exists at the elementary school, but I'm still staying in my home smack dab in the middle of Gardendale because I'm not sure I want my son to go anywhere else.
- 9/13/2012 1:12 AM UTC
-  David Salters Elizabeth, Snow Rogers would be part of the new Gardendale school system. When a new system is formed, it will include all students within the city limits. It would ideally be GHS, Bragg, GES, MOE and SRE.
- 9/13/2012 1:15 AM UTC
-  Elizabeth Z Wilson OK. Just checking. Hoped so... just in case I ever move.
- 9/13/2012 1:26 AM UTC
-  Jennifer Moore Just let me know where to show up :)
- 9/13/2012 1:35 AM UTC
-  Adam Berendt I have always heard that if you leave the county system you have to pay for the school that they built etc and your share of what they have paid over the years. Would there be some big one time fees the city would have to pay to get out of the county system?
- 9/13/2012 2:06 AM UTC
-  David Salters Adam, Alabama state law says that if a municipality has at least 5,000 residents it receives free title to the school and its assets.
- 9/13/2012 2:08 AM UTC
-  Adam Berendt Good then we should do it. I don't think mt olive will want to be annexed though.
- 9/13/2012 2:10 AM UTC
-  Tim Bagwell Feel free, folks, to invite interested parties to this group or if there is another larger one already in existence let me know and we will just merge. Nobody can make a new post in this group, too.
- 9/13/2012 2:14 AM UTC
-  Kristy Spann I would definitely support it!
- 9/13/2012 2:26 AM UTC
-  Larry Florence One hurdle to consider for the Mount Olive folks would be fire dues. When leaving a fire district, you are required to pay seven years of fire dues. For some this may be a financial burden. Some may be forced to decide that would otherwise want it. Whoever takes the message to the public will need a way to help others focus on the long term benefits and not the money required up front.
- 9/13/2012 2:36 AM UTC
-  Tim Bagwell When moving a property out of one fire district into another, you mean? What do those run a year, do you know, Larry?
- 9/13/2012 2:50 AM UTC
-  Kristy Spann Larry, how much money r we talking about? The 7 yrs of fire dues...just curious bc I live in mt olive.
- 9/13/2012 3:00 AM UTC
-  David Salters No one will have to pay 7 years of fire dues. If there was an annexation, that would be worked out.
- 9/13/2012 3:02 AM UTC
-  Jennifer Moore Could MOFD not become a part of Gardendale? Clay kept Center Point and there were no fire dues issues.
- 9/13/2012 3:02 AM UTC
-  Larry Florence I'm not sure how much since they are taken out with property tax now. When leaving a fire district and in our case, moving to a municipality, the state has built in a way to keep the districts afloat by requiring the 7 year back payment. As you would imagine, it would be devastating to the small fire departments who's only revenue is based on how many rooftops are in their district.
- 9/13/2012 3:07 AM UTC
-  David Salters Larry, If ML Olive is annexed into Gardendale, the fire department would go with it. It wouldn't need the dues, it would be funded by Gardendale's operating budget.
- 9/13/2012 3:09 AM UTC
-  David Salters It is possible that the dues that are currently built into your property taxes would simply go into Gardendale's budget, earmarked for fire dues. You would see no change on your end.
- 9/13/2012 3:10 AM UTC
-  Jennifer Moore On a lighter note, does anyone else have that Whitney Houston song stuck in their head?
- 9/13/2012 3:13 AM UTC
-  Larry Florence It would be a stretch to say every home would go. Fire protection would be required for those who chose to stay. A solution would be that they pay dues to Gardendale for fire protection if all involved parties agree. We provide fire protection in Hoover for a few homes that are in the county. It's a very complex situation but can be resolved if it is handled tactfully.
- 9/13/2012 3:15 AM UTC
-  Tim Bagwell The fire district lines would not necessarily coincide with any new municipal limits. It might indeed take some fiddling to address. The largely volunteer nature of ML Olive might cause some grumbling in some quarters, though.
- 9/13/2012 3:19 AM UTC
-  Holly Eskew Fryar I don't mean to be a negative-nelly but I'm perfectly happy with ML Olive staying exactly that...ML Olive. I think you will have a really big problem getting many who live here on board with being annexed into Gdale....just saying.
- 9/13/2012 3:32 AM UTC
-  Dennis L. Gamble We love mt olive, no politicians and the police are laid off.
- 9/13/2012 3:48 AM UTC
-  Holly Eskew Fryar YES, NO politicians! The county sheriffs can be found at the ML Olive BP or on Kitley Loop and sometimes on Shady Grove Rd.
- 9/13/2012 3:54 AM UTC
-  Rashida Barnett Reese I strongly support moving towards Gardendale City Schools. As I resident of ML Olive, I would support the annex and make the necessary investment with a tax increase. After all this is the future of our children.
- 9/13/2012 4:01 AM UTC
-  Dennis L. Gamble You have gardendale residents that are teachers. Be ready to deal with their jobs.
- 9/13/2012 4:07 AM UTC
-  Dennis L. Gamble Sounds like you want to exclude certain people and have control of something you have no experience at.
- 9/13/2012 4:09 AM UTC
-  Rashida Barnett Reese We have to be forward thinking for our communities! I think looking ahead we will all feel that this is the best thing for our community and our children. If the time is now, let's move forward. Quinton and Rashida Reese
- 9/13/2012 4:12 AM UTC
-  Dennis L. Gamble A local school board would be run by power hungry parents and the school officials would have little power. Go for it.
- 9/13/2012 4:16 AM UTC
-  Jennifer Moore Exclude people that do not live in the area, yes. Why is a child can live less than 10 minutes from Gardendale schools but yet be forced to go to another school 20 minutes away but then they will bus children in and allow those who fail under NCLB to go? I agree about being very particular through the process, but your tone is rather condescending. Is it safe to say you no longer have children in school?
- 9/13/2012 4:22 AM UTC
-  Holly Eskew Fryar Jennifer, I can't say that I can get on board with this either. I simply do not see the benefit. Dennis is right about power hungry parents. All you have to do is go to the ballpark and get a clear picture of that.
- 9/13/2012 4:24 AM UTC
-  Dennis L. Gamble We had forward thinkers out here years ago. They found it wouldn't work.
- 9/13/2012 4:24 AM UTC
-  Dennis L. Gamble Gardendale has had several powerful forward thinkers that have held high positions in government and business in the now so far away past. They couldn't see it.
- 9/13/2012 4:28 AM UTC
-  Jennifer Moore Well there has not been anyone here say they wanted that roll. I haven't heard a name thrown out there at all. I still have 6 years to deal with the system and I've already been dealing with them for 14. The county is a mess. The ballpark is not a fair claim because they are not voted on by the community, does the superintendent get elected or appointed. It is volunteers stepping into roles at the ballpark. The only way to change that is to go up there and do it yourself. I'm not fond of Gardendale politicians but apparently they like them. I'm not sold on annexation. I would completely welcome an unbiased 3rd party study. What would that hurt?
- 9/13/2012 4:31 AM UTC
-  Holly Eskew Fryar I am all ears on a 3rd party study. I would like to see some real information. However, I can say that property taxes are going to be a real hurdle. And no ballpark people are volunteers but they are the same pool of people would be voted upon or appointed.
- 9/13/2012 4:34 AM UTC
-  Jennifer Moore Good grief up too late. Pardon the grammatical errors.
- 9/13/2012 4:34 AM UTC
-  Jennifer Moore Holly, could it not be our step before presidency?
- 9/13/2012 4:35 AM UTC

Holly Eskew Fryar I'm right there with you but if I'm in charge you know it would be MY way or no way. Just saying. I'm in if you are.
9/13/2012 4:37 AM UTC

Jennifer Moore I want to know each and every step of the process and what are the costs and the pressure are there? I make a mistake. The biggest one is born if you miss this point. Don't want to be and I'm not. Not even a stepping off. Does it sound good at the moment? Yes, Cade? Is he domestic? Yes. Do I want to be in charge? I want. Why? Because I want to be in charge.
9/13/2012 4:43 AM UTC

Holly Eskew Fryar And this is why we are friends!! :)
9/13/2012 4:44 AM UTC

Dennis L. Gamble I would start by asking the last two mayors what problems they ran into. Forward BOS thinkers have visited this idea before.
9/13/2012 4:49 AM UTC

Holly Eskew Fryar Maybe Kerry should be added to this group. Get his input.
9/13/2012 4:55 AM UTC

Tim Bagwell Fine, Dennis, we'll mark you down as a no vote. I'm not planning on running or combining any school system, since there are qualified individuals for that sort of thing. It may well be that the folks in Mt. Olive that want to remain undergirded outnumber those who don't. Any study done will certainly consider the feasibility based on existing city limits at the time of the study, and we will have to calculate the results on that basis. I most certainly want to know the implications for our teachers and will form my personal opinion with that very strongly in mind. I am quite certain that I will not be alone in that regard. The goal, at least to me, is to provide our excellent teachers and administrators with more opportunity, more flexibility and an even more supportive and local board. If this thing looks like it is going to gut us of our fine teachers, not a word that would be taken into account by everybody here.

It does sound as though you have your mind made up already, and I respect that you have that right. This is not the 1980s, and the variables that drove the conclusions from the last study may have changed, hence new discussion and possibly a third party analysis. I want to see more information on the issue before I make up my mind even if you already made up yours. I will also add that broad generalizations about the motivation of others isn't going to win you any arguments, with all due respect. I'm all for including anyone who wishes to participate, and I am also in favor exploring this possibility as are quite a few others.

Holly, the **Conners** are members of this group already. I'd be happy to hear what they think. I'd like to hear from some teachers. I'm for a discussion about this.
9/13/2012 5:07 AM UTC

Jennifer Moore The 1980s was 30+ years ago. It will be quite sad if Gardendale has not progressed since that time. Mr. Gamble, with all due respect, your type of attitude is what keeps Gardendale held back. It sounds to me as you should do some CURRENT research to present as an opposition and not go with the grumpy old man "that's how it has always been" stances.
9/13/2012 11:52 AM UTC

Histi Sanderson Boockale I can say with a shadow of a doubt that if the citizens of Gardendale and Mt. Olive care enough about our great communities that forming our own school system is something that has to be done to preserve our communities due to the current state. Jefferson County schools are in and the changing dynamics. We can't afford not to do this if we want to save our community and it be a place where our children want to stay in and raise their children. I was born and raised here as well as my Daddy! I'd love nothing more than to see my children want to stay here and raise their families here.
9/13/2012 12:01 PM UTC

Dennis L. Gamble The key word seems to be control. You really want to exclude people from New Castle, 100 miles, Fayetteville and Gadsden. You only want people "just like us". Forward Thinkers would figure out how to include the poor and disenfranchised and not worry about them bring you down to their standards but bringing them up to yours. The whole motive seems to be selfish. How many of the now 500 in this group are currently doing anything positive for the current school system, the students or teachers?
9/13/2012 12:30 PM UTC

Elizabeth Z Wilson Would annexation of Mt Olive mean that all of the businesses located in Mt. Olive would see a big increase in taxes?
9/13/2012 12:40 PM UTC

Dennis L. Gamble Tax then for what?
9/13/2012 12:49 PM UTC

Elizabeth Z Wilson I don't know, that's why I'm asking, do businesses in Gardendale limits have to pay operating taxes or pay property taxes? The sales tax in Gardendale is 10% so would that not be passed on to Mt Olive businesses and their customers if Mt Olive were annexed?
9/13/2012 12:59 PM UTC

Jennifer Moore Speak for yourself Mr. Gamble. You do not know me or my personal point of view. Again, get some CURRENT and CONCRETE information and I will listen. You keep spouting off at the mouth and are frankly making yourself look ignorant.
9/13/2012 1:07 PM UTC

Amy Gibbs Sokira Yes taxes would go up in Mt. Olive. I am all for Gardendale getting city schools but I would love to have a third party look at options on Mt. Olive staying Mt. Olive. Also Tim you stated earlier that WE would have to purchase MOE who is WE? City of Gile or the new school system. Just curious.
9/13/2012 1:19 PM UTC

Dennis L. Gamble Since Gardendale has no property tax taking on Mt Olive would be a burden. My business and the other fan would have to raise the sales tax to 10% which would add very little to Gardendale. The streets and parks of Mt Olive would then be maintained by Gardendale at a big expense. Forward Thinkers enlighten me.
9/13/2012 1:32 PM UTC

Jennifer Moore I'm not trying to enlighten anyone. I want information both for and against. I sure as hell don't want anyone speaking for me, especially someone that knows nothing about me.
9/13/2012 1:35 PM UTC

Histi Sanderson Boockale Dennis I'm trying to wrap my brain around your words and I just can't understand your thought process! This is about our community and keeping the quality of education for our kids in tact! We are seeing terrible overcrowded classrooms in our schools due to the poor management of our government in the education system! I have been a PTA board member at Gardendale Elementary for 9 years and the changes that have occurred in these nine years as far as the quality of education our kids are getting is going down hill and it's all due to the poor decisions made within our government about our education system and the overcrowding in our schools it has caused! Dennis did you know we are sending school buses to Center point and busing kids to OUR schools in Gardendale, as well as from Smithville! This is all due to the "no child left behind" act that a school doesn't make AYP they can go to another school within their county system. I can see had good intentions but has really created a mess for the schools. Smithville kids have been bused here for years due to the disorganization from decades ago and that should have already changed because we have a very diverse population now in our area. We are busing at the same and can't continue on this path! Would YOU want to teach a class of 27 five years olds, or 20 5th graders! That's the class sizes we currently have at Gardendale Elementary School, 679 students and growing. Our elementary school has no more room to put another trailer. How can the teacher effectively teach that many children in one class and they get a good quality education! People are already talking about leaving our community to seek out a school system with smaller classrooms! I don't want to see the place I was born and raised turn into a place people flee from because the quality of education has gone down hill! Do some research here Dennis and you'll really be shocked at what you learn. It's not about leaving anyone out here, it's about preserving our communities and schools for future generations!
9/13/2012 1:41 PM UTC

Holly Eskew Fryar Histi, I think what Dennis saying is that there is a bigger picture to examine. Doing this is has far more consequences for the community than just the possibility of a better school. Detailed studies must be conducted. If this not properly approached it would bankrupt Gile and the community you love so much would be in an even bigger mess.
9/13/2012 1:52 PM UTC

Tim Bagwell Any, what I was saying that any school that is not inside of the city limits at the time a new system is formed would have to be purchased by the new system if at a later time the school wanted to be part of the municipality/annexed system.
9/13/2012 2:18 PM UTC

Dennis L. Gamble I would like CONCRETE examples of what is wrong with the current schools. Tennant, New Castle and Fullondale kids were bused to Gardendale when I went there. Changing government may be easier than running a school system. I see only mad parents wanting a way to fire teachers and hire coaches of their liking. Visit foreign countries and you will run back to Jefferson County schools. Gardendale seems well preserved for the future and light years ahead of its past.
9/13/2012 2:19 PM UTC

Dennis L. Gamble Property tax would have to be levied on Mt Olive residents to make it work and I don't think they want Gardendale people deciding that. Just like the say in some big churches, this might not be the place for you.
9/13/2012 2:21 PM UTC

Larry Florence Dennis, I hate to see this conversation getting testy. I think all points should be considered but I have friends on both sides and I don't think we should let our passion for our community and school system derail the fact that we all want something better. Yes my household stays involved with the current system. My wife has a masters degree in education and she is involved in the PTA at Mt Olive and Dragg. We believe in a strong presence of parents to support our current teachers and students regardless of a county or city system. I don't think anyone should attack you or anyone else due to your opinion. But, as a parent with 2 kids in the current system, I hope you understand the frustration with the County and all of its issues.
9/13/2012 2:22 PM UTC

Dennis L. Gamble Larry, I understand, it goes all the way to Washington. God help us.
9/13/2012 2:27 PM UTC

Dennis L. Gamble put a smiley face after my about statement.
9/13/2012 2:28 PM UTC

Jennifer Moore Mr. Gamble, is there anything wrong with gathering information and getting a consensus of the entire community? From what I can tell, that is all anyone here wants to do. It will cost you nothing at this time and you are welcome to do any current and relevant research you like. I've lived beyond the borders of Gardendale and ended up coming back home. I would like my children, future grandchildren, and heck even the neighbor's kid to have the best possible education. If after all is said and done it is with JeCade, so be it. If not, then we know what we've got to do.
9/13/2012 2:36 PM UTC

David Salters Mr. Gamble, would you be kind enough to share with us your vision for the community? Is it education, economic development, city services, what? Or are you of the mindset that all is well and that if I went back and take no action, that things will magically correct themselves? Thank you in advance for your response.
9/13/2012 2:47 PM UTC

Histi Sanderson Boockale I don't mean to attack anyone but I believe this is a possibility for us if done the right way with the research and the right people heading it up. I don't believe anyone has the intent here of "telling teachers to hire coaches". I simply stated the facts of what I have learned and see currently going on in our schools because I have been and continue to be very involved. I have first hand knowledge and experience of how the Jefferson County School Board has almost put the hands of our awesome PTA at Gile Elementary as far as how we fund raise and the amount of financial help we will be able to continue to give due to the rules and regulations they've placed on us even making it hard for us to help! Again more poor decisions when government gets involved! Our PTA has in past years been able to raise around \$60,000 for our school which has given us tremendous opportunities we couldn't have afforded with out it. It's not an easy route to take I know and yes in the United States we have a much better school system than in foreign countries but who's to say you can't strive to be better and continue to make improvements for the greater good of our community. If your discontent and fine with you situation that's great but I was taught by my parents to always strive to be your best and fight to make things better when you can.
9/13/2012 2:59 PM UTC

Dennis L. Gamble Mr Salters, I make an economic contribution to Gardendale years ago that is still producing tax money. Rent One was my idea and along with my partner and the current owners it has produced thousands of dollars to the city. What was yours?
9/13/2012 3:08 PM UTC

Histi Sanderson Boockale I too have lived outside of Gardendale and moved back in 2003 so my kids could go to a good public school system. Since that time Dennis I can honestly say that all the changes that have and continue to occur within our school system have done nothing but deteriorate our schools and it's getting worse. Don't mean to sound so gloom and doom but it's just the cold hard facts and I know of plenty of people who agree with me even some teachers. One specific fact of our current situation is that at Gardendale Elementary our kids haven't been on a field trip in 3 years, they don't even go to Children's Theater anymore. It's a sad situation and our kids have missed out on so much. My wise old grandmother use to say "things don't always stay the same", true statement but I say you have to also fight to make good changes and we must fight to keep our communities strong and from falling like so many have.
9/13/2012 3:10 PM UTC

Histi Sanderson Boockale I too have lived outside of Gardendale and moved back in 2003 so my kids could go to a good public school system. Since that time Dennis I can honestly say that all the changes that have and continue to occur within our school system have done nothing but deteriorate our schools and it's getting worse. Don't mean to sound so gloom and doom but it's just the cold hard facts and I know of plenty of people who agree with me even some teachers. One specific fact of our current situation is that at Gardendale Elementary our kids haven't been on a field trip in 3 years, they don't even go to Children's Theater anymore. It's a sad situation and our kids have missed out on so much. My wise old grandmother use to say "things don't always stay the same", true statement but I say you have to also fight to make good changes and we must fight to keep our communities strong and from falling like so many have.
9/13/2012 3:10 PM UTC

Histi Sanderson Boockale I too have lived outside of Gardendale and moved back in 2003 so my kids could go to a good public school system. Since that time Dennis I can honestly say that all the changes that have and continue to occur within our school system have done nothing but deteriorate our schools and it's getting worse. Don't mean to sound so gloom and doom but it's just the cold hard facts and I know of plenty of people who agree with me even some teachers. One specific fact of our current situation is that at Gardendale Elementary our kids haven't been on a field trip in 3 years, they don't even go to Children's Theater anymore. It's a sad situation and our kids have missed out on so much. My wise old grandmother use to say "things don't always stay the same", true statement but I say you have to also fight to make good changes and we must fight to keep our communities strong and from falling like so many have.
9/13/2012 3:11 PM UTC

Dennis L. Gamble I guess I am getting old, I had a children store and a service business located in Gardendale too. The reason we are in Mt Olive is that I asked Gardendale about a light industrial park for such businesses and they were not interested so here I am. Hey, maybe you guys can make it happen. The best experience you can get is by. Then you can answer those questions to your children when you are an ignorant grumpy person.
9/13/2012 3:17 PM UTC

David Salters Mr. Gamble, Thank you for your response. I must have worded my question poorly. I was asking what your vision is for the future. I'd like to hear it.
9/13/2012 3:17 PM UTC

Tim Bagwell I think Larry makes a point. The issue is one which naturally provokes passion. The responsibility to maintain a civil discussion rests with each of us.
9/13/2012 3:18 PM UTC

Dennis L. Gamble I have no vision for Gardendale, that is left to the elected leaders. My visions are for my family and business that I am responsible for.
9/13/2012 3:19 PM UTC

Dennis L. Gamble I voted for people I trust to be the visionaries.
9/13/2012 3:22 PM UTC

 Histi Sanderson Board

Dennis L. Gamble I w

 Jennifer Moore 50 likes

 **Stacy Denham** The...

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David Sallers Sharon,

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 Director, Sanderson Board

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 Beth Rogers 1 for one

9/12/2012 4:59 PM UTC

9/19/2012 3:06 PM UTC

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9/13/2012 6:11 PM UTC

9/13/2012 6:13 PM UTC

9/13/2012 6:35 PM UTC

9/13/2012 8:54 PM UTC

We can break down you

for what it is, but it's real

Nobody said the past con

9/13/2012 8:55 PM UTC



Dennis L. Gamble Correct, I have no vision, I leave it to those elected to lead the city in wise decisions and visions. Everyone has thoughts and wishes but the leadership has to take charge. Fringe movements waste time, money and resources. Nothing has changed in Gardendale since the last study conducted by wise people I trust. Well, maybe it has, less taxes collected and lower property values. Let me know when the city gets on board.

9/16/2012 9:41 PM UTC

Case: 17-12338 Date Filed: 08/11/2017 Page: 89 of 126



Tim Bagwell Stay tuned, Dennis.

9/16/2012 9:46 PM UTC



David Salters Yes, our property values have decreased. And they will continue to decrease without a city school system (that is a statistical certainty). Imagine what will happen to our property values when parents of school-age children have had enough and leave the city? Just look to Center Point for the answer to that question. The people in Center Point, Roebuck, and Huffman also refused to take action. You see how that worked out for them.

9/16/2012 9:56 PM UTC



Dennis L. Gamble So the true reason was as I stated before, make Gardendale so expensive only rich white folks can afford to live here.

9/16/2012 10:09 PM UTC



David Uptain I have no clue how little ole me got brought into such an educated discussion! Y'all smart people figure this out. As long as this doesn't effect the price of Michelob Ultra at the Icehouse and y'all refer to me as the "Grand Wizard" of beer drinking, I'm in!!!

9/16/2012 10:16 PM UTC



David Salters Dennis, your ability to make wild assumptions is quite entertaining. If you are inferring there is a racial motive, you're not listening. I don't care who lives here as long as they contribute, that includes me and you. You're likely not aware that non-resident students are increasing at a alarming rate in our schools. Those students do not contribute financially. They consume the resources of our schools, our teachers and our resident students, then go home. I welcome those students, but they'll need to move to Gardendale or pay a transfer fee. Make sense?

9/16/2012 10:21 PM UTC



Dennis L. Gamble Sure, as long as you are satisfied the rest can suffer financially and you don't care. They can just go find them another school.

9/16/2012 10:32 PM UTC



David Salters So, to be clear Mr. Gamble, you are happy with the way things are?

9/16/2012 10:35 PM UTC



Michael Moon @ David

I'm NOT giving up on Gardendale. I am actually probably one of the most progressive thinking people you would ever want to meet. What I am saying is that Gardendale missed a HUGE opportunity with the development that has taken place in Fultondale. When I lived on Cluster Springs Road I had a vision for wanting to get developers to develop the West side of I-65 from Fieldstown Road to Walkers Chapel Road. Of course I didn't have Facebook back then, but the few people I spoke to didn't want to have that much traffic in their neighborhood. Let me be clear, I am not a developer nor do I have the contacts it was just an idea that I tossed around. Regrettably, I wished I had ran with it.

All I'm saying is that the opportunity for those sales tax dollars are gone. Will their be more growth in the future? Absolutely. But it will take time for the population base to grow enough to support that growth before any developers will invest the money.

Make no mistake, I am for growth, but (if my memory serves correctly) when Ruby Tuesday's had to put a sign out front that they were applying for a liquor license then I knew we were moving forward at a snails pace and it was going to be a very slow progression.

Again, when they announced they were going to build the apartments off of Fieldstown Road, the folks on Cluster Springs wanted my support to try and stop it. My response was simple. It is not my land. The owner can build what ever they want.

I know live off of Phillips. Just recently, they built a new Dollar General on Fieldstown and Phillips. The developer tried to zone the adjacent lot commercial so that the store and parking lot would be bigger and safer. There was such a public outrage that the city would not zone it. Again, my attitude was it is not my land, the owner can build what they want. I actually spoke in favor of zoning it commercial so that it would be safer ingress and egress, unlike it is now. My wife and I were the only two at the meeting in favor of zoning it commercial. But it is done and in the history books. Then there was an effort to close the East side of Phillips Drive just because a Dollar General was being built, even though it could have been built on more land and faced Fieldstown. I opposed closing Phillips.

Hopefully with the new City Center it will attract some businesses other than fast food or a bank. Mayor Phillips wants Gardendale to succeed as do I and anyone else who lives here. And God Bless him for trying, but he has a uphill climb. It will happen, it will take time. But if success is going to come then one has to be willing to live next to something that they may not like. I respectfully ask that you not try and pretend to know me without talking to me. PM me and I will be happy to give you my number and we can discuss it. I'll buy the coffee at WH. Or better yet a cold one at Ruby Tuesday's.

Now, back on subject. A friend of mine and I were discussing this yesterday and he had a great idea. Why not form a North Jefferson School District. From Fultondale to Comer to Warmer. That would encompass a lot more people and a lot more tax dollars for funding. Just a thought from a friend and I thought it was a good one. But I am all for doing a feasibility study.

9/16/2012 10:57 PM UTC



Dennis L. Gamble I say form the City of North Jefferson covering the same area.

9/16/2012 11:08 PM UTC



David Salters @Michael, PM coming your way. It would be my pleasure.

9/16/2012 11:26 PM UTC



Jennifer Moore I still don't understand how anyone can have an opinion for or against without having all of the relevant factual information. I want to know why it would be good, why it would be bad, how will it affect me, how will it not affect me, who will it hurt, who will it help? You can't please all of the people all of the time. But the key to ignorance is not even bothering to find out.

9/17/2012 12:07 AM UTC



Holly Eskew Fryar I have not seen one productive thing here. This comment string can go until infinity but posting feasibility studies from other municipalities and arguing about the overcrowding of classrooms is no substitution for collecting facts specific to Gardendale. I can go up to the school and count kids myself but that does not provide a proper picture of the pros and cons to what is being discussed. A feasibility study specific to Gardendale HAS to be done. Tim Bagwell do you know if the city has hired or plans to hire a 3rd party company to do a study?

9/17/2012 1:47 AM UTC



Tim Bagwell Still developing, Holly.

9/17/2012 2:12 AM UTC

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Likes	<p>29 likes: Rhonda Horton, Allyson Abernathy Estes, Kelli Hendrix Burdette, Keeli Nelson, Kay Taylor, Stacy Abernathy Stephens, Jennifer Breeland Lindholm, Shea Miller, Leann Williamson Walker, Dana Tidmore, Kenya Lavender Marshall, Sharon Ryder, Terri Argent Fowler, Jeff Harding, Misty Traffica, Kelli Kirk Harper, Rashida Barnett Reese, Dana Hill, Kristy Spann, Kelli N Shannon Wyatt, Chris Lucas, Adam Berendt, David Salters, Tina Sciara Florence, Tammy Montgomery Foshee, Tina Hale Bruce, Misti Sanderson Boackle, Noel Nichols and 1 other people like this.</p>
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subject	Case: 17-12338 Date Filed: 08/11/2017 Page: 92 of 126
Recipient Names	
Recipient IDs	
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David Salters → Gardendale City Schools

Here's al.com's report from last night's council meeting. http://blog.al.com/spotnews/2013/07/10-mill_property_tax_proposed.html?utm_source=twitterfeed&utm_medium=twitter



10-mill property tax proposed for possible Gardendale School System

[blog.al.com](#)

Councilman Blake Guinn - "We'll do everything we can to make it happen but ultimately it will be up to the people to fund it."

7/2/2013 11:19 PM UTC

23 likes: Jimmy Bo Caradine, Sharon Wilson, Jessica Lynn Ingle, Kristie Cupps, Leanne Hughes Carter, Rian Whalen, Jan Friday Howell, Elizabeth Z Wilson, Linda Fox Kent, Joanna Currington, Sandi Kennamer Henley, Krista Rucker Carroll, Phuong Lam, Lanna Lenoir Hickman, Tara Schillaci Salters, Tim Bagwell, Kim Brewis-Wilson, Kris Marshall, Blakely Barnes Segroves, Blake Guinn, Tamara Jenkins Quick, Lauren Russell Townes and 1 other people like this.

16 comments.



Laura Slovensky Hollis If you do not want to annex Mt. Olive that's fine. But if you do not include our school this will have such a negative impact on our whole community! Our property values will drop and our kids will suffer! Plus Gardendale is worried about providing services to our community but will continue to appreciate Mt Olive residents who work, play and shop in Gardendale!

7/3/2013 2:26 AM UTC



Benny McDonald How can Gardendale include your school without annexing it? Mt. Olive people are not willing to pay what it costs to effectively run a system that works, that's apparent. They have said every nasty thing they could think of about our city, yet some want the benefits a would-be system would provide. Services for free? I think not. Let them keep their rural ways. The children will be educated as such.

7/3/2013 6:52 AM UTC



Laura Slovensky Hollis Rural ways sir? Everyone in mt olive does not ride four wheelers. I would be happy to be annexed into Gardendale in order to be included in the new school system. However Gardendale is saying our taxes would not be worth providing service to our community. So I do not see anyone moving the sheriff substation, so let u go to school without annex and if we have to pay an annual due so be it.

7/3/2013 11:59 AM UTC



Dusty Leslie Giles Wow how rude of Benny.... Laura you are correct, I live in a neighborhood that looks just like my Grandmothers on North Rd and nobody drives 4 wheelers.... My daughters teenage friends who live in Gardendale come out to the dump area to ride their 4 wheelers and pick up trucks with their parents... so I guess Gardendale people are just as "Rural" as we are. I do not understand the hostility at all! Gardendale and Mt. Olive is literally the same community with a freeway separating it... in some areas because the Gardendale line comes all the way to Shady Grove Rd. now and also Gardendale has taken every opportunity as new construction and subdivision that go up to annex little portions of Mt. Olive. Your right we pay all of our sales taxes mainly in Gardendale.... so if we are so unwanted maybe all of Mt. Olive should start shopping in Fultondale at Winn Dixie and Target and eat at the restaurants and fast food they have there and let Fultondale reap the benefit of this "rural community". People this is how petty this issue is becoming and its so sad!

7/3/2013 1:45 PM UTC



David Wolford Benny...Services for free? We already pay a 10 mil property tax...Don't Judge all of Mt.Olive by a vocal few. Just as I won't Judge Gardendale by your comments.

7/3/2013 1:47 PM UTC



Benny McDonald At 10 mills I'll vote no. It will take more. And not to mention the way Alabama as a state funds its schools is a disgrace. We still have that problem-the regressive tax structure that is stifling education everywhere in Alabama. When you register a kid in high school, there will be the same "Donations" "Fees", etc. Bet on that. It's an attempt to make up for what the state and county isn't giving to the education system. It's a far larger problem than a yes or no vote on a school system.

7/14/2013 2:47 AM UTC



David Salters Benny, What makes you think it will take more than ten mills? Have you reviewed the feasibility study or independent study conducted by Carr, Riggs, & Ingram?

7/14/2013 2:50 AM UTC



Benny McDonald Establishing and starting a system...not a big problem. I'm talking long-term funding. But hey, If at 10 mills the "fees and donations" go by the wayside and the schools are fully funded, and I emphasize fully, you may have me sold. I'd consider voting yes.

7/14/2013 3:13 AM UTC



David Salters I would guess that supplemental funding (fees and donations) will always be around. Most school systems create a foundation which acts as a fund-raising arm for the system. Even Vestavia and Mt. Brook do supplemental fund-raising. If anyone promises you that we will never see supplemental fund-raising, they're likely uninformed. Nevertheless, our ten mill local property tax will get us where we need to be.

7/14/2013 3:19 AM UTC



Benny McDonald I hope that's the case, David. Thank you for the feedback.

7/14/2013 7:41 AM UTC



April Beep What about the kids that come from Brookville those coming from Brookside and Republic? Keep in mind when that interstate hits how it will build up. Understand Mt. Olive is a great community etc but what not the other smaller communities that have been zoned for Gardendale since the 60s.... I see its a great opportunity but I feel it's robbing other kids a great education. Also in light over Hoovers announcement not to run the buses does that show light on this situation... It's Hoover! If they are struggling etc how can we expect Gardendale won't have that same thing happen in the future?

7/19/2013 6:25 AM UTC



David Salters Hoover covers a massive land base, much larger than does Gardendale. Hoover stretches from Bessemer to Calera, and it has many jagged boundaries with which to contend. This creates an enormous financial cost to operate their school buses. Hoover also has a very low participation rate on its bus routes. Because of the large geographical area and lots of near-empty buses, Hoover's per-child cost for bussing is astronomical. It makes very good sense that they reallocate the bussing dollars back into the academic curriculum. Bussing only affects a small percentage of Hoover's students. Academics affect 100% of the students. Furthermore, this case is a great example of a school board having the ability to make the best decision for its community. As it stands, Gardendale has no authority nor ability to make decisions about its educational system. Feel free to ask our principals their thoughts about current bussing into and out of Gardendale schools. Ask our principals about double bus routes (where our students have to wait at school until an available bus travels to Center Point, drops off those kids, then returns to Gardendale and picks up another load of kids).

7/19/2013 2:59 PM UTC



April Beep No reason to give me a lecture about bus etc I just asked... I went to GHS and did my time. All I see right now is excuses to rob kids out of a good school that is amazing at education. We should have a solution so the kids that have been going to Gardendale that are zoned for it and not their because of a failed school should still be able to attend in my concern. I do not want my child forced to go to Minor anyone else in the same situation would feel the same.

7/19/2013 4:42 PM UTC



Elizabeth Z Wilson "Hoover is not happening" anymore. There are places in Hoover where I'd really rather not shop unless it's my only option. Why would Tony Petelos leave Hoover to go to work for Jefferson County? The county is in horrible shape. But apparently he thought it was better than staying in Hoover. I thought his decision to leave Hoover was odd especially if it was supposed to be so wonderful. I wouldn't compare Gardendale to Hoover. And with any change there are going to be growing pains. Nobody said this would be easy. If it were easy, everybody would be doing it. There will always be a price to pay. Many Gardendale residents have come together to say that they are willing to pay that price for our children and their education. If I've learned anything in life, "You get what you pay for." That's why people pay higher prices for name brand items versus off brands. It's about QUALITY. There is also the issue of what price are you willing to pay in order to grow... either personally (individuals) or corporately (as a city). If I want to grow personally in my own career it may require more education... which will require that I pay the price... for books, fees, college tuition, time away from family. If the cost to me is too high then I can choose not to grow or move forward. Residents of Gardendale are coming together to say, "we will pay the price, even if it hurts" because there are much larger issues at stake... namely our children.

7/19/2013 7:44 PM UTC



Elizabeth Z Wilson Oh! And while I'm at it, let's not forget the families who have chosen to home school their children even though they live in Jefferson County and have access to excellent schools. They pay taxes in the county for educational services they will never use, but they do so because they are so much more concerned about their children's education that they have chosen to take on the task of education on their own shoulders and wallets. I have many friends who home school and deeply appreciate what they are willing to do for their children. I'm honestly not sure I could do it myself. It is a daunting task. Like I said earlier... it's all about what price you are willing to pay for your children to have the education you desire for them.

7/19/2013 8:13 PM UTC



Benny McDonald David registered our son today for his senior year at GHS. \$800 plus to enroll him. This should not happen at a properly funded system. It's like a pseudo tuition system in a public school.

7/30/2013 4:47 AM UTC

Case: 17-12338 Date Filed: 08/11/2017 Page: 94 of 126

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Link2	
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Picture Url 2	Case: 17-12338 Date Filed: 08/11/2017 Page: 96 of 126
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David Salters → Gardendale City Schools

Supt. Stephen Nowlin: No help for Fultondale High in near term
njeffersonnews.com

In his first few weeks as the superintendent of the Jefferson County Schools, Dr. Stephen Nowlin has discovered what many in the system have known fo

5/10/2013 2:27 PM UTC

9 likes: MikeandKristie Coffey, Melinda A Woods, Ashleigh Garvich, Allison Christina Horton, Heather Richardson, Robbie Phillips, Jenny Freihage, Misti Sanderson Boackle and 1 other people like this.

14 comments.

**Misti Sanderson Boackle** Thanks for posting David.

5/10/2013 2:48 PM UTC

**Amee Brown Donald** Why is it fair that those kids are allowed to bus over here because their schools are too small and overcrowd ours?

5/10/2013 4:08 PM UTC

**Ronnie Guin** Interesting at how full the schools are. This might end back up to the county moving some students and schools?? Future county decisions on the horizon??

5/10/2013 4:08 PM UTC

**Tim Bagwell** I and others have edited this thread.

With regard to nobody in particular, unless you have specific factual information about racial motivation on the part of someone else here, think twice before you hit the post button when it comes to racism. Blanket allegations of that sort will be deemed a personal attack and deleted. I'm not saying every question about race is invalid, I am saying that simply making a charge that racism is the reason for something just because you think it might be is going to be a problem. That kind of thing only serves to poison the discussion. Basically, the level of discourse we seek to have here is that we would expect in a face-to-face conversation with our neighbor. If it can't be said in that manner, then I am sure there are other groups on Facebook that cater to a lesser level of discussion.

This is not about race, it is about doing the best we can for our community and all members thereof, regardless of their skin color.

5/10/2013 9:22 PM UTC



Jenny Freihage What I take from this article is that there is a shortage of space in Jefferson county, limited funding for correction if this shortage, and if we do not have our own school system we will have little, if no local influence on how this issue is addressed. If I remember correctly, fultondale did not want to be split up last time this came up. They wanted to stay where they are. I cannot blame them. that is what community is all about. Fultondale is at the mercy of a large system with little say so on the matter just as Gardendale is part of that same system. So why not have local control if we are able to support our own system in Gardendale? I am ready to hear the facts next Tuesday to see how we can get do this.

5/10/2013 9:39 PM UTC

**Doug Roberts** Amee, please don't make it sound like that.

5/10/2013 9:48 PM UTC



Amee Brown Donald Doug-her argument initially, was that it wasn't fair that the 1/3 of our students who are not Gardendale residents deserve a place to go because their schools are too small. I simply asked what was fair about overcrowding our schools. It's creating the same problem they, according to that comment, are trying to escape. That is all.

5/10/2013 9:52 PM UTC



Jessica Lynn Ingle I wish we could go ahead & get our own school system before summer because I really do not want to send my child to minor for summer school. She will have to drive herself to both sessions & I do not understand why our students cannot go to the schools over hear. Sorry for the rant, just frustrated.

5/10/2013 10:35 PM UTC



Melinda A Woods Jennifer not over night & number one will be the money. The city can vote yes, but the money will be the Big thing like any change to any city. Alabaster voted yes for this a couple years ago & still has the issue of money to make it happen. So it will take majority voting yes & any other cities wanting to join the adventure. But all I ask you guys to do is research everything you are told, because the good & bad needs to be saw by all before this will work & then NO excuse that all facts weren't shown from day one. We all need to learn never just take anyone's word or report, most people have a computer & use it to check other cities that has this, it's all public records. Just don't want anyone to make a mistake just because that person says its true, government is government at any level. Please understand I'm not saying anyone is hiding anything but the way people see things or read things aren't the same & no one agrees 100 percent of the time, just check all facts given to insure something wasn't over looked.

Thank you for letting me speak openly.

5/11/2013 12:09 AM UTC



Misti Sanderson Boackle Melinda not you or I are experts or authorities on this subject so anything you say is strictly guessing and speculation so I suggest we all wait to get the facts from the experts.

5/11/2013 12:42 AM UTC



Melinda A Woods Knew you had to make a comment Misti & maybe your facts will be corrected. Never claimed to be & I'm very sure your not a expert or know what you reading. Your issue is with me & has NO business being aired here. Once again your trying to push my buttons & bring others into the issue you have with me.

5/11/2013 1:08 AM UTC



Misti Sanderson Boackle No just saying let experts give the facts! I have no issue with you. I just simply think there should be no speculation and guessing.

5/11/2013 1:17 AM UTC



MikeandKristie Coffey More reason to break away and stand on our own. For every failing school within the county the children have to be placed in another Jefferson Cty school . Poor leadership produces bad choices = bad consequences

Mike

5/11/2013 3:26 AM UTC

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Tim Bagwell → Gardendale City Schools

Those of you that attended the meeting, what did you think? I thought that David and Chris did a very thorough job, and I was also very pleased to see the level of discourse remain high.

4/23/2013 2:42 AM UTC

14 likes: Melinda A Woods, Carrie Malone Moore, Sharon Ryder, Amee Brown Donald, Cathy Tuggle Maple, Cheryl Best Reed, Tamara Jenkins Quick, Robbie Phillips, Richard Stephens, Jenny Duncan Franks, Jenny Freihage, Becky Freeman Ryder and 2 other people like this.

277 comments.



LeAnna Brown Any big announcements?

4/23/2013 2:43 AM UTC



Susan E Payne Gardendale does not need to annex Mt. Olive.

4/23/2013 2:46 AM UTC



Jason RM Tim, I missed tonight but will be at the next one. Can't wait!

4/23/2013 2:49 AM UTC



Susan E Payne I suppose my ignorance does not allow me to understand the anger in this situation.

4/23/2013 2:52 AM UTC



Robbie Phillips I moved to Mt Olive so my kids could go to Gardendale. That's the way it has been for a while. If I wanted the to go to Jordan I would move to Kimberly. I think Jordan is a good school but I would not want that commute.

4/23/2013 2:55 AM UTC



Robbie Phillips I think it has been a good move to bring this up now instead of when the feasibility study comes out. It allows the community to get organized and educated on what is to come. I would like to see the school system happen without losing all of the freedoms we have in Mount Olive. Hopefully there is a happy medium without the future of the community suffering.

4/23/2013 3:21 AM UTC



Tracy Orr Calvert @Victor, would you like to live in Center Point or Adamsville? Wake up, it's closer than you may think. I encourage you to ride around those areas, maybe even Pinson or Huffman and think about how quickly an area's demographics change. This is about a community wanting to progress, not regress. Reality.

4/23/2013 3:37 AM UTC



Tim Bagwell It's not going to work that way Mr. Smith. There are a number of issues in terms of federal oversight that still apply to Alabama, as well as simple economics, that will effectively limit transfers. There are two types of public school systems in Alabama: county and municipal. There is no in-between, unfortunately.

I'm sorry you have such antipathy towards Gardendale. I grew up in Mt. Olive myself. I understand many of the valid concerns that were courteously raised at the meeting tonight by Mt. Olive folks. If I still lived in Mt. Olive, I'd be concerned about the same thing. I think many of those concerns have some middle ground where reasonable accommodation is possible. There will also be some issues where folks will have to decide if their objections outweigh the positives, and act accordingly.

But let me make this much clear: sending your kids to Jordan, fine school that it is, will eventually have an effect. It is a long drive to that school, it isn't a short drive to Corner, for that matter. That has an effect on property values, I should know. If Gardendale does this on their own, and in my opinion they have the political will to do so, and the effect is positive for the school system (and only one school system in the state has pulled away in the past several years and not experienced overall improved academic achievement), the eventual effect will be lower property values in Mt. Olive.

4/23/2013 3:39 AM UTC



Tamara Jenkins Quick Tim, I thought the meeting went very well. But the group needs to stay focused on the mission for a Gardendale school system. The people of Mt Olive need to make their decisions and let them be known to their state legislators and/or the Gardendale City Council. I do not think the group needs to be bogged down with zoning issues or property/personal rights.

4/23/2013 3:40 AM UTC



Tim Bagwell No real big announcements, LeAnna. The feeling seems to be that there will be a positive recommendation on the basis of the present city limits alone, much less Mt. Olive. That leads me to think that at the least this will go to a vote in terms of a ten-mil property tax if it is needed. That would translate to about twelve bucks a months on a \$165-\$170K house.

Tamara, good to see you there. There will basically be two separate organizations, one made up of Gardendale folks, the other made up of Mt. Olive folks. They each have their own jobs to do if they want this to happen.

4/23/2013 3:44 AM UTC



Victor Smith Tracy Orr Calvert No I dont want to live there, It is a crap hole, htat is why I live in MOUNT OLIVE, I do not want to live in Gardendale either.

4/23/2013 3:52 AM UTC



Victor Smith Let me be clear, I do not care if Gardendale forms its own sytem, I do not want to be forced into it. I bought my house so my kids would go to Jordan and I went to Brag and Gardendale.

4/23/2013 3:56 AM UTC



Tracy Orr Calvert @Victor, one other thing to consider - based on the facts provided at tonight's meeting there are approx 900 students who currently attend a school in the "gdale area" but do not live in the city of Gardendale; if the city forms its own school system it will no longer be subject to Jefferson County's redistribution of students who are zoned for failing schools BUT Jefco will still be obligated to bus those 900 kids to another Jefco school that is not failing - I think that's definitely something that could have an impact on your family and

4/23/2013 3:59 AM UTC



Cheryl Best Reed oh, ok!

4/23/2013 4:06 AM UTC



Cathie Whitlock Morris I think there needs to be some "grandfathered in clauses" for those who have kids who go to MJ and are happy there..... Or maybe the first fire district annex in to Gdale and the other MO fire district down towards Sardis zone towards Bryan , NJ, and MJ.

4/23/2013 4:07 AM UTC



Victor Smith Why force people to be a part of a town when they clearly bought a house not in a town. If you want to live in Gardendale then buy a house there.

4/23/2013 4:09 AM UTC



Tim Bagwell In terms of a time frame: some folks would like to see this implemented for the 2014-2015 school year, but 2015-2016 may be as or more realistic. As I understand it, once a new school system breaks away, those currently attending the school who are not going to be in the new school district can stay up to three years. That means an eighth grader and quite possibly a seventh grader would essentially not be affected by a school change in any case, if my math is right.

4/23/2013 4:12 AM UTC



Alicia Echeverry I am curious as to how this will effect North Jefferson and Mortimer Jordan high school. I went through the Mt. Olive and Gardendale school systems - so I have nothing but respect for both. Yet, I chose to live in Morris so that my children would start Kindergarten with their classmates and end High school with those same classmates - and for the great school system. Gardendale has so many feeder schools, and that was unappealing to me. I feel that if Mt. Olive doesn't annex, that will put an added burden on my school system. We have a small teacher to student ratio, I would hate to upset that balance. Thoughts?

4/23/2013 4:14 AM UTC



Cathie Whitlock Morris According to tonight's meeting teachers would be protected under the state tenure law.


4/23/2013 4:18 AM UTC




Tim Bagwell That's a pretty valid thought, Ms. Echeverry. That's basically one of the same reasons a good many of the folks in Mt. Olive who have kids in the Gardendale feeder system have their antennae up about this. I've always viewed Mt. Olive and Gardendale as part of the same community, and a school is a pretty important part of a community.

4/23/2013 4:18 AM UTC


-  **Cathie Whitlock Morris** We send less than 10 fifth graders to N Jefferson.
4/23/2013 4:18 AM UTC
-  **Victor Smith** If they stay Cathie, has anyone asked any teacher if they would?
4/23/2013 4:19 AM UTC
-  **Cathy Tuggle Maple** We are trying to do this so we can take better care of our TEACHERS and our kids.
4/23/2013 4:19 AM UTC
-  **Tim Bagwell** That's just plain incorrect, Mr. Smith. The teachers do not lose tenure as a result of this. No staff has to change. And I have in fact asked quite a few teachers their opinions about this, and their responses were wither positive or qualified support in almost every case.
4/23/2013 4:20 AM UTC
-  **Cathie Whitlock Morris** MOE teachers love MOE :) if they are given security I doubt any would leave MOE. Most of the teachers live in the MO/ Gdale area.
4/23/2013 4:23 AM UTC
-  **Cathy Tuggle Maple** MOE teachers and staff are surrounded by parents who support them. Often parents have to fight the "system" just to get the basics.
4/23/2013 4:25 AM UTC
-  **Renee Kiley Conner McPherson** I think you will lose tenure. If you chose to move to Gardendale School System that is a choice. Jefferson County has to place you somewhere if you chose to stay with them. So your tenure will start all over.
4/23/2013 4:26 AM UTC
-  **Tim Bagwell** No, tenure will not start all over. It is a state thing, not a county thing.
4/23/2013 4:27 AM UTC
-  **Jason RM** And the crowd goes wild!!!!!!!!!!!!!!!!!!!!!!
4/23/2013 4:29 AM UTC
-  **Cathy Tuggle Maple** Out of continued support and respect of our teachers, no list should be given. I am personally respecting each of them by not inviting them to join these groups or conversations until they do so by their choice. As Cathie Whitlock Morris said, many of our teachers are our neighbors and have their own children in the Mount Olive, Bragg and Gardendale schools. We care enough about them as individuals to protect their job security with Jefferson County or Gardendale City.
4/23/2013 4:32 AM UTC
-  **Cathie Whitlock Morris** @ Renee ... I have counted 21 of our faculty/staff that live in the N Jefferson area...what's your count?
4/23/2013 4:33 AM UTC
-  **Renee Kiley Conner McPherson** I am not sure the total number but it is a huge percentage. David said something to me after the meeting that led us to conclude that we indeed would lose tenure and start over. Our years teaching would still count for retirement but tenure changes when you change systems.
4/23/2013 4:38 AM UTC
-  **Victor Smith** Why can you not answer my question?
4/23/2013 4:41 AM UTC
-  **David Uptain** Victor, I agree with you on not wanting to be a part of Gdale. However demanding for a list of teachers names that may or may not be willing to come forward in support of annex is asinine.
4/23/2013 4:45 AM UTC
-  **Cathy Tuggle Maple** You should recognize the names of the teachers responding and willing to publicly participate in this discussion. Go grab a year book.
4/23/2013 4:48 AM UTC
-  **Tim Bagwell** Victor is no longer part of this discussion. This is not about tolerating disagreement. I tolerate disagreement all the time. This is about conducting ourselves like adults.
4/23/2013 4:48 AM UTC
-  **Cathy Tuggle Maple** Let's keep it productive.
4/23/2013 4:48 AM UTC
-  **David Uptain** And he said they were private conversations. Hence the reason their names will not be listed on a public social media network
4/23/2013 4:48 AM UTC
-  **Tamara Jenkins Quick** Mr. Smith, no one on this forum can 'take' anything from you. I would ask that you let your legislators know your feelings.
4/23/2013 4:48 AM UTC
-  **David Uptain** Yeah, Tamara that always works....
4/23/2013 4:49 AM UTC
-  **Cathy Tuggle Maple** The Mt. Olive Community meeting will be held in a cow pasture around a fire pit with a 10 gun salute.
4/23/2013 4:50 AM UTC
-  **Cathy Tuggle Maple** and I say that proudly, 'cause I'm helping set the date, time and place, lol
4/23/2013 4:50 AM UTC
-  **David Uptain** So we are meeting at Ragsdale's house?
4/23/2013 4:50 AM UTC
-  **Cathie Whitlock Morris** This teacher has a class to teach tomorrow ... I'm out... Good night everyone :)
4/23/2013 4:51 AM UTC
-  **Sandy Cupps-Bittle** What about the kids who need special needs.
4/23/2013 4:53 AM UTC
-  **Cathy Tuggle Maple** Sandy Bittle you mentioned that a while back and I am involved in this to make sure the special needs kids are not overlooked. One thing is for sure, it can't get worse than it is now with Jefferson County.
4/23/2013 4:55 AM UTC
-  **Cathy Tuggle Maple** For the supervisor of special ed to tell me that the only way my daughter could get what she needed was for us to pay more property taxes.....I asked her if she wanted to compare tax statements.
4/23/2013 4:56 AM UTC
-  **David Uptain** I can honestly say that I move to Mt Olive from Gardendale to be in the county. I have lived in this area all of my life and attended all 3 schools in Gardendale. If my house is annexed into Gardendale, I will move.
4/23/2013 4:57 AM UTC
-  **Tamara Jenkins Quick** David, not saying it will work, but no one on this forum has any vote. I just think the conversation should be productive, that was the intent of the forum. The place to discuss his issues are with a Mt Olive forum and his legislators. For the record, I also agree that MO residents should do all they can to keep the zoning, property and other rights they have now. But, if there was an annex, that would be subject to zoning and other laws, and the City Council. Again, no one in the group that spoke tonight or with this forum have that authority.
4/23/2013 4:59 AM UTC

 **David Uptain** I know I've been a part of this group and read comments a while back, but for some reason (work, raising kids) can't remember what was the benefit of this school system vs a new one was. How it benefits me or my children.

4/23/2013 4:59 AM UTC

 **David Uptain** Someone tell me what is wrong with the way it is right now.


4/23/2013 5:01 AM UTC

 **Sandy Cupps-Bittle** I feel we get a lot of help at Bragg but if Gardendale forms their on school system it will not be that way. I work and I cannot send my child to Jordan or Corner that is too far. I don't think yall are very understanding when it comes to our children. It seems you are only thinking about the Gardendale kids.


4/23/2013 5:02 AM UTC

 **Cathy Tuggle Maple** Sandy Bittle SPECIAL ED will improve under a municipal school system.


4/23/2013 5:03 AM UTC

 **David Uptain** And if someone else mentions property values, I'm gonna come unglued and roll your yard

4/23/2013 5:04 AM UTC

 **Sandy Cupps-Bittle** I wish Mt. Olive had their own high school. My daughter will be in the 9th grade starting this fall. I would love to have a high school in Mt. Olive.

4/23/2013 5:04 AM UTC

 **Tim Bagwell** Hey David, there are some benefits for people who do not even have kids in the schools. The truth is, for many of us, this effort will not have much impact on our own kids one way or the other, since the length of time it will take to spin this thing up will exceed the amount of time they will be in school.


There is a direct correlation between property values and the quality of local schools, as you obviously have already heard. But there is also a correlation between the level and quality of the retail sector (the variety and types of retailers) as well as median income. It is about more than property values. I noted in an earlier post that only one system in the past several years that has broken away has not shown improvement in academic achievement. That was Leeds because they were a net taker in terms of property taxes and they did not chose to make up the difference. We are a net giver, to the tune of about twelve percent more than we get back, if I recall correctly.

What I am specifically NOT saying is that I am angry with JEFFCOED. They do the best they can. This is not about being critical of JEFFCOED, and it surely is not about being critical about our teachers.


Jefferson County has to address the needs county-wide. We have Coach Mann on the board, and I like him a whole lot, but he's our only guy on a board that covers the whole county. I'd hope that he would be on whatever board is formed should this thing go through. But a county-wide system is not, by its nature, as flexible or directly responsive to community values as a local school board. They have to take into account all of the schools and all of the interests involved therein, and there lies one opportunity for improvement right there. A local system would be concerned only with what is best for the local system.

David, I'd love for you to come to one of the meetings. I cannot tell you that every concern you have will be addressed to your satisfaction, but I think in any case, the information you can gather will help you.

4/23/2013 5:12 AM UTC


 **David Uptain** Tim, please post your address so I can schedule your yard rolling

4/23/2013 5:15 AM UTC

 **Tim Bagwell** You know, Sandy, the old community center that the county tore down was once Mt. Olive Jr. High. When they decided to demolish it rather than rehab it, there wasn't a lot of discussion and consultation as I recall. They just decided and did it, essentially. That old building was historic and beloved: it was built by the Works Progress Administration as part of the New Deal. Countless Mt. Olive kids, including myself, grew up shooting hoops in that old gym, going to Boy Scout meetings in the old classrooms, playing ball on the old field. When the county closed down most of the landfills in the county and decided to expand Mt. Olive, they didn't give Mt. Olive much more than lip service.


This was not mentioned at the meeting tonight, but Mt. Olive is, at present, split by two different legislative districts. This waters down the influence Mt. Olive voters, and by extension, others in this area, because even if the area votes as a block, it has less impact on any one office. When redistricting is done, do you think they can justify cutting through city limits? What if we had the kind of political clout that we deserve and rather than getting whatever the county decides to give us, we had the ability to maybe tell them a little bit more and ask a little bit less? At the very least, it is an example of some of the drawbacks of not having more local control over a local institution.

4/23/2013 5:23 AM UTC

 **David Uptain** I have now read your post three times. I am a simple man with simple values. I grew up in Gardendale, on Pinehurst drive. I watched this town go from a quiet peaceful town to what it is today. We had Jacks and Captain Ds only back then. (That I can remember). I personally don't like the growth that I've seen in the last 30+ years. Remember when Center Point/Roebuck was the booming place in the 80's? Look at it now.


Tim, I don't know you. I don't know where you grew up or what type of life you have lived. All I see in the comments above are about money, money and money. I see nothing that benefits Mt Olive as a quiet peaceful place to live. Nor do I see a benefit for me, my children or grandchildren. Money I can do without. My little 1/5 of an acre in the county is priceless to me

4/23/2013 5:23 AM UTC

 **Tim Bagwell** Sorry David, what I'm trying to get at is really quality of life. If standing still were a guarantee that things would remain the same, I'd say let's leave it like it is. I don't believe that is an option: in a changing world, there really is only moving forward or moving backward. Since school quality affects the community as a whole, I don't equate trying to make it better than it is as only being about money.

I live next door to where you grew up, and I knew Marty in school, and I was in Rotary with your dad.


4/23/2013 5:28 AM UTC

 **David Uptain** My feelings go with the old saying "If it ain't broke, don't fix it"

I see nothing wrong with the way things are (in Mt Olive) the way they are now. Could things be better? Sure. Everything in this world could use improvement. Is annexing Mt Olive into Gardendale an improvement? No

Is Gardendale having its own school system an improvement? THAT is a question that can be answered by doing so. But I wouldn't risk it on a "maybe"


4/23/2013 5:29 AM UTC

 **Cathy Tuggle Maple** And I'll put a trailer park on my 6 acres in Mt. Olive when my property values and the schools go to crap.....David Uptain ITS BROKE.


4/23/2013 5:30 AM UTC

 **David Uptain** How is it Broke Cathy?
Oh and save me a spot in that trailer park


4/23/2013 5:31 AM UTC

 **David Uptain** And I know where you live! Yard rolling scheduled


4/23/2013 5:32 AM UTC

 **Cathy Tuggle Maple** Have you seen a school supply list lately? We'll have to run a credit check and get a deposit on your trailer lot. And I have barking dogs, lol.

4/23/2013 5:33 AM UTC

 **David Uptain** Mt Olive was not part of Gdale when you moved here. You bought your house knowing your property value was going to crap? Your point is invalid

4/23/2013 5:34 AM UTC


 **Tim Bagwell** Well David, if we can't do better than a maybe, I'm not for doing it either.

If you have a chance and you know some folks who work in some of the local schools, particularly Bragg and the high school, talk to them confidentially about how they feel about things right now. We aren't on fire right now, granted, but things may not be as well as you think.

















I respect your opinion. I hope and trust that you will still learn what the report says when it comes out.

And if you are going to roll the yard, I'd appreciate some good quality stuff, at least a top name two ply. That single ply stuff is practically impossible to get out of the trees.


4/23/2013 5:34 AM UTC


 **Cathy Tuggle Maple** I have lived in Mt. Olive for 18 years.


4/23/2013 5:34 AM UTC

-  **David Uptain** You won't have those barking dogs anymore if you live in the city limits
4/23/2013 5:35 AM UTC
-  **David Uptain** Cathy, then the declining value of your property over the last 16 years must have hit you something awful. I'll give you \$100 an acre. And since I'm feeling generous, I'll let the dogs stay.
4/23/2013 5:38 AM UTC
-  **Cathy Tuggle Maple** I undersold the last house. Paid too much for this one and the taxes we pay on the 6 acres aren't worth what they assess it for so we are contesting it. Gotta go see what my dogs are barking at...nite.
4/23/2013 5:40 AM UTC
-  **David Uptain** Please let me know when there are more meetings. I really would like to attend. Not just to listen, but to speak my mind. Please bring cash. I accept tips
4/23/2013 5:41 AM UTC
-  **David Uptain** Cathy, with that track record, why are you not an elected official???
-  **David Uptain** Cathy, with that track record, why are you not an elected official???
-  **Cathy Tuggle Maple** No more room in my closet for more skeletons.
4/23/2013 5:46 AM UTC
-  **Tim Bagwell** Let me say this about property values (my apologies, David): what I am talking about is relative more than absolute. By that I mean, as an old Mt. Olive boy, I admit that I smiled a bit in the late 1980s and early 1990s when land values equalized between Mt. Olive and Gardendale. I remember some of those old resentments. What I am talking about is if Gardendale does this and the ensuing system follows the trend of improvement, the combination of what might seem to some to be an excessive commute time and a nearby school system which has become distinctive in the marketplace could kick things right back.
4/23/2013 5:51 AM UTC
-  **David Uptain** Yep money, money and money.....
And you need to quit using them fancy words
4/23/2013 5:54 AM UTC
-  **Cathy Tuggle Maple** I came home and shared my meeting notes with my husband and he said it's just about weighing the pros and cons and that is what we will all have to do.
4/23/2013 5:54 AM UTC
-  **Tim Bagwell** Supercalifragilisticexpialidocious.
4/23/2013 5:57 AM UTC
-  **Cathy Tuggle Maple** This page needs a midnight cut off.
4/23/2013 5:59 AM UTC
-  **Tim Bagwell** It's midnight in Denver. Good enough for me. Night.
4/23/2013 6:02 AM UTC
-  **David Uptain** If I were concerned about my property value or better yet resale value, I would have bought the house I looked at in Ross Bridge. I instead chose to live in Mt Olive and not care about whether my house would increase in value at a faster rate. Why? Because I like the fact that my ankle biting dogs can terrorize the kids walking down the street. I like that I or my kids can ride a dirt bike/ATV down the road without hassle. I like that I can shoot my bow off my back porch without the cops being called. I like that I can walk 100 yards from my house and squirrel hunt without being arrested for discharging a firearm in the city limits. I like when I talk to the county police, they treat me with respect and talk to me like an adult. These things I did not have the liberty to do in Gardendale.
Again, if you take these rights away from me by annexation, I sir/madam will sell/foreclose on this overpriced house that is loosing value as we speak because Gardendale needs more retail stores
4/23/2013 6:08 AM UTC
-  **Tim Bagwell** That's fine for you David. And I share some of your opinions. But it isn't about retail stores and just money. And even if it were, that would only mean that it isn't an issue that concerns you but which would not necessarily invalidate either as legitimate goals. A better education for the young people in a community is always a worthy goal in and of itself. Nothing else has to happen and if that isn't the first goal of this process, then this process should not succeed. I don't know quite how to explain to you how better schools and higher-achieving students make for a better overall community, since it seems obvious enough. Middle-of-the-pack is not good enough. I'd like my kids and those in my community to have the opportunities that come along with the best schools we can reasonably provide to them.
4/23/2013 6:25 AM UTC
-  **David Uptain** I agree, better schools with higher achieving students make a better community.
Just please explain how you can guarantee this will happen by Gardendale having its own school system and annexing Mt Olive.
And when you explain this, leave out property value, more retail stores, and growth.
4/23/2013 6:32 AM UTC
-  **Tim Bagwell** I cannot guarantee anything any more than you can. I can only say again that the odds heavily favor higher achieving schools should we taken them municipal. The best performing public schools in this state are almost exclusively municipal systems. There are exceptions, but you don't have to look any farther than the Birmingham area to see the same trend. The only new system in recent memory to not improve academically was Leeds, and that is because they neglected to properly fund their system.
- From NeighborhoodScout.Com:
- Top Ten Best School Systems in AL
Name
1 Mountain Brook
2 Vestavia Hills
3 Madison
4 Homewood
5 Trussville
6 Hoover
7 Harvest
8 Indian Springs Village
9 Auburn
10 Chelsea
- Gardendale does not have to annex Mt. Olive. The study will likely lay out a scenario where the city, because of a low debt load, is more than capable of doing this on its own. A lot of folks in Mt. Olive very likely enjoy some of the same pursuits you do. The question they will have to ask themselves will be: do they enjoy them more than they desire a better education for their children? And that is assuming that there cannot be some accommodation of the concerns Mt. Olive residents expressed at the meeting this evening.
4/23/2013 6:41 AM UTC
-  **David Uptain** 9 out of 10 of those cities listed above, I would not live in. The 10th.....I've never heard of.

I'm sorry Tim, your point is invalid.


I would like to make this alternate suggestion to those that feel Gardendale/Mt Olive would benefit by modeling themselves after any of the 10 cities above. Move.....
4/23/2013 6:56 AM UTC
-  **Tim Bagwell** Oh, my point is quite valid, regardless of whether or not you are willing to acknowledge it.

We are not modelling ourselves on any of those cities and I never said we were. They were an example of how municipal systems predominate lists of the most highly regarded schools in the state, nothing more, nothing less.
4/23/2013 7:05 AM UTC
-  **David Uptain** Tim, I'm sorry, but now I feel like you are flip flopping. Using them for an example then saying "we are not modeling any of those cities" is like showing me the gourmet dessert list then bringing me a snickers.
4/23/2013 7:11 AM UTC


 **Tim Bagwell** I suspect you are being disingenuous. You asked me to illustrate how the goals you agreed were good for the community (better education) without mentioning property values, retail, etc. This is of course a farcical limiting condition since many people indeed factor in such things as income levels, retail, proximity to employment, etc., as part of quality of life assessments. But I did just that by pointing out that moving to the municipal model has historically resulted in improved schools. To illustrate my point, I provided objective third-party data. You responded with your subjective take on the data, which was of course correct. I wish I could call it a win/lose even a stalemate I find.

Regardless, I won't waste any more of my time trying to convince you of something against your will.

4/23/2013 7:25 AM UTC

 **David Uptain** Thank you Tim. I wanted you to make this point for me. It will not be possible to make this school system possible without more retail stores to attract more people in this city. Thus increasing the revenue of the city to fund such a system. My point all along has been that in the last 30/40 years that I actually have lived in this area, I have watch the sleepy little town of Gardendale grow. I've watched Trussville, Hoover, and Vestavia grow as well. I personally do not want to see this city turn into the latter three. Obviously not everyone will see this my way. I am just speaking my opinion, so that others can see both sides. I personally will not sit quietly so that you or whoever wishes to annex my home into a city that I moved out of purposefully.

4/23/2013 8:00 AM UTC

 **Tim Bagwell** Thanks for offering your opinion. So you think that improving our schools will really turn us into Hoover?


Change is happening all the time around us. We can try to shape it or we can let it shape us. We don't have to be Hoover or Trussville or whatever traffic nightmare boogeyman you care to dream up. But if you think that sitting around doing nothing is going to keep the good old Mt. Olive and Gardendale the same forever, you may instead wake up one day to find that Mayberry has morphed into Huffman.

Again, Mt. Olive will likely not be necessary to make this work, but surely you recognize that there are people in Mt. Olive that are interested in the prospect and/or who are willing to look at it with an open mind at least until the feasibility study is released. And the order of the things you fear will happen is just a bit mixed up.


4/23/2013 8:48 AM UTC

 **David Uptain** Did my last comment get deleted or maybe I forgot to hit "post" before I took a nap? I had asked if it is possible to make donations to the current Gardendale schools?? And that money stay with THAT particular school?


4/23/2013 12:49 PM UTC

 **David Uptain** Allyson, you being someone I trust, look up to and highly value your input.....what are your thoughts on all of this?


4/23/2013 12:52 PM UTC

 **Candace Vaughn** I live in Mount Olive and would not mind one bit paying for taxes to support the school system instead of saying move to gardendale why don't you move out of Mount Olive? Easy fix.. If you don't annex in mount olive where do you think your kids would go to school?


4/23/2013 1:01 PM UTC

 **David Uptain** I agree with you Candace. I don't mind paying to support our schools. I just don't want to be annexed into Gardendale. And if we are annexed.....I WILL move. My kids go to Gardendale NOW. I simply don't see a need to change the way it is currently


4/23/2013 1:09 PM UTC

 **David Uptain** I've already moved out of Gardendale to be in Mt Olive.

4/23/2013 1:10 PM UTC

 **David Uptain** And you already do pay taxes to support our schools Candace. This is about you paying more tax. I read in another thread that only \$.88 of every dollar we pay for our schools currently goes to Gardendale. Will we continue to pay that tax in addition to tax to support a Gardendale school system?

4/23/2013 1:16 PM UTC

 **Candace Vaughn** I just know where gardendale is heading if this doesn't happen and that's what scares me the zoning for gardendale is already so crazy and this would just make it simple. I grew up in north gardendale and was zoned for Jordan??? But being a mother to two very small babies I would rather not have to move to homewood for my babies to get a good education bc I went to gardendale and it was a j


4/23/2013 1:17 PM UTC

 **Candace Vaughn** Joke*


4/23/2013 1:17 PM UTC

 **Candace Vaughn** But I can see everyone's option it's just hard for me to understand why this would not be welcomed when it would be so good for our children


4/23/2013 1:18 PM UTC

 **David Uptain** Are Gardendale students not currently getting a quality education?


4/23/2013 1:19 PM UTC

 **Tim Bagwell** Hi Candace. Gardendale is probably going to try to make a go of this. State law provides for two types of school districts: county and municipal. There are no provisions for something in-between. If Gardendale does this, areas outside of the city limits will send their kids to another school. In this case, we are probably talking about Jordan or Corner.


4/23/2013 1:19 PM UTC

 **Chris Segroves** And perhaps Minor too, correct?

4/23/2013 1:21 PM UTC

 **Tim Bagwell** Possibly, Chris. I'm not sure what all the county will do in the event that Gardendale breaks away.


4/23/2013 1:23 PM UTC

 **Chris Segroves** Back to the OP, thanks to David and Chris for their efforts in leading the discussion last night. I thought it was a good meeting - informative - and a good way to jump start the initiative and bring about awareness. Thanks to you too, Tim for your helpful insights.


4/23/2013 1:24 PM UTC

 **David Uptain** If Gardendale forms its own school system, what does this mean for residents that will have to pay higher taxes? What amount of tax will be paid per household?


4/23/2013 1:29 PM UTC

 **David Uptain** I only see sunshine being blown up my skirt here. It takes people like me to point out that sometimes it's not all butterflies and rainbows.

4/23/2013 1:30 PM UTC


 **Candace Vaughn** And No David I don't think it is a quality education I only went to Wallace but my husband went to Birmingham Southern and felt like he was way under prepared and that is with him be in the national honors society and taking every advanced class they had to offer at Gradendale , we graduated in 2005, also I have a brother who is a senior and one who is a freshman not to mention my cousins who are in 11th and 8th grade and hearing them talk about how easy it is. My best friend is also a teacher at the elementary school and to hear her teacher to student ratio is ridiculous!!!

4/23/2013 1:31 PM UTC


 **David Uptain** Candace, and how would this change if Gardendale had there own system? What would be done to stop the teacher/student ratio? How does this make our students better prepared for college?

Is it a under funded issue?

4/23/2013 1:35 PM UTC

 **Candace Vaughn** She has 25 students in her class and I think at the beginning of the year it was 27!!

4/23/2013 1:35 PM UTC

 **Tim Bagwell** David, the \$0.88 thing was a figure that was discussed at the meeting. The context was that residents in our area are in effect subsidizing other schools. For every dollar we are paying in property taxes intended for education right now, the estimate was that we are probably getting back around \$0.88 for our local schools. The feasibility study may indicate that Gardendale could enact a ten mil property tax to provide a per student funding level between Trussville and Vestavia, if I recall. Currently, Gardendale pays no city property

tax. Mt. Olive pays a ten mil tax currently for the fire district. The thinking is that Mt. Olive, should they be a part of this, would not see a change in their property taxes. I think the best course for folks is to wait and see what the study says. Dr. Ira Harvey is the preeminent authority in this kind of thing and he is not a "yes man."

Candace, at this point the time frame and transition issue will mean that just how I will want and likely the 5-6th grade will be able to stay in Morris.

4/23/2013 1:36 PM UTC

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David Uptain As I remember, that's about how many students I had in my classes while attending the elementary 30+ years ago.

4/23/2013 1:37 PM UTC



Candace Vaughn We would be able to pay for more teachers and not be limited by the county! And we would be able to go above and beyond the curriculum we would be able to pay the teachers more and get better qualified teachers and even retired professors who want to teach. We wouldn't be limited to what the curriculum the county goes by.

4/23/2013 1:38 PM UTC



David Uptain Again, I ask, can the Gardendale schools as they stand not accept donations?

4/23/2013 1:39 PM UTC



Tim Bagwell You asked how much a ten mil property tax would cost Gardendale residents. On a \$165K house, something close to the median, around \$12 more per month.

4/23/2013 1:40 PM UTC



Candace Vaughn How old are your kids David?

4/23/2013 1:42 PM UTC



David Uptain They age of my children are irrelevant. Since this effects all children.

4/23/2013 1:44 PM UTC



Sharon Ryder As life long residents both Larry and I attended Gardendale as well as both our children and now our 3 grandchildren are there. No the quality of education is nowhere near what it should and could be. I work on the other side of town and when I compare what my coworkers children are being offered in school as opposed to Gardendale, my heart sinks. All you have to do is look at the numbers to see the difference a municipal school system can make. Our children are worth a small property tax to better their future. It's time for Gardendale to move forward. Thank you to those of you taking on this challenge. You have my full support.

4/23/2013 1:44 PM UTC



Allyson Abernathy Estes Oh my goodness, David. I appreciate you asking my opinion, but considering the fact that my students are coming in within a few minutes, there's no time for me to fully explain myself.

However, given the information that I've read and heard, I would absolutely support Gardendale having control of its own school system. I completely and fully agree that it's the best thing to do for the city and ESPECIALLY for the kids. There are too many kids attending the schools that are not even from Gardendale, and yet the city is getting nothing financially from the towns they come from. Here in Maine, that would NEVER happen! I happen to teach in a school that does not have a high school, so the kiddos in my town get school choice. However, the town I teach in pays their tuition, so the serving schools get financial compensation for it. It's my understanding that the kids attending Gardendale can do so without their "home" city paying for the service. Crud...gotta go...my kiddos are coming in.

4/23/2013 1:45 PM UTC



David Uptain I'm not a big fan of taxes. I feel I pay enough already. The government has a strange way of mishandling my money. I would rather write a check annually directly to the school than have it forced unwillingly from me.

4/23/2013 1:45 PM UTC



Candace Vaughn That's what I didn't know if this would even concern them I wasn't trying to be rude I was just curious if they were in school still

4/23/2013 1:45 PM UTC



David Uptain I didn't take it as rude at all! I was just trying to make the point that even if I had no children, it still effects me. But yes my children are effected.

4/23/2013 1:49 PM UTC



Sharon Ryder David, Gardendale's curriculum is set by the county school system. They don't have any choice but to go strictly by that. Donations can go for supplies only.

4/23/2013 1:52 PM UTC



Cathy Tuggle Maple Mt. Olive residents would not have an increase in taxes.

4/23/2013 1:52 PM UTC



Candace Vaughn Then I don't understand why u are arguing it?? It would be better for their education I can see how people wouldn't want to pay if they didnt have kids or grand babies but do u not think your children would receive a better education?

4/23/2013 1:53 PM UTC



David Uptain Tim, I didn't mean to be abrupt. And if Candace took it that way, I apologize. And I'm not trying to win tickets at Chucky Cheese for a toy. I'm merely pointing out the down side. And I apologize to you if I come across as the front side of a rear walking horse. I have a neck for speaking my mind, sometimes with no filter.

However, you seem to be aggravated at those who don't see it your way

4/23/2013 1:54 PM UTC



Tim Bagwell No, but Candace is a dear friend of mine, as is her entire family. I've deleted my post, as you indicate you that was not your intent. About the only thing that is going to really provoke me to doing anything other than arguing is if anybody starts down the childish path of Victor last night.

4/23/2013 1:55 PM UTC



David Uptain Thank you Sharon for answering my question

4/23/2013 1:57 PM UTC



David Uptain Thank you Allyson!!! Chime back in when school is out please or call me. You know that you are my hero!!

4/23/2013 1:59 PM UTC



Candace Vaughn Haha thanks Tim! I wasn't taking offense to anything I was just trying to see the down side apart from it costing more

4/23/2013 2:01 PM UTC



David Uptain No sleep makes you grumpy Tim. I'm this way all of the time

4/23/2013 2:01 PM UTC



Tim Bagwell I'm not a lot different. And I'm pretty protective of Candace.

4/23/2013 2:03 PM UTC



David Uptain FYI.....you need to add Victor Smith back. He amuses me.

4/23/2013 2:04 PM UTC



David Uptain If the residents of Gardendale want their own School system, so be it. I just don't want Mt Olive annexed into Gardendale. If I want my children to attend the New Gardendale Schools, I am willing to pay tuition if that is an option on the table. Or I also have no problem with Corner or Jordan. If annexed I will probably move to Morris/Kimberly anyway

4/23/2013 2:09 PM UTC




David Uptain Doss Ferry needs a Jed Clampett wanna be, like me.

4/23/2013 2:10 PM UTC




Tim Bagwell David, the tuition thing was brought up at some point in the past, but I do not recall how it was answered or under what authority.

4/23/2013 2:12 PM UTC


 **Amy White Patillo** The David, Tim interactions are keeping me in stitches.. Tim Bagwell, hate I missed the meeting. I have a Gardendale address, but am zoned for Mt Olive.. If Gardendale does this and mt olive does not, where does my 2nd grader go? If mt olive does annex, where does my 2nd grader go? We do love MOE..

4/23/2013 2:16 PM UTC

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 **David Uptain** Tim, please stop deleting comments that are not your own, unless they have fowl language. I feel that everyone has the right to go back and read. That makes this group thread a joke if all points made are not available.


4/23/2013 2:19 PM UTC

 **Jenny Duncan Franks** Amy White Patillo Your second grader would either go to Bryan or Corner schools, Jeff co would decide that. If we annex, Mount Olive would stay as a school and be apart of the Gardendale School System. Now, that is my understanding from the meeting last night!


4/23/2013 2:19 PM UTC

 **David Uptain** So if we don't annex into Gardendale Mt Olive Elem closes???? I don't think so....


4/23/2013 2:21 PM UTC

 **Beth Rogers** I hate I could not attend last night. Really wanted to be there. Are there minutes or notes?


4/23/2013 2:21 PM UTC

 **Tim Bagwell** I deleted some Victor stuff last night, the only posts in this thread I've deleted. I think there was one in there I cut out that messes up reading the thread a bit, for which I apologize, but I don't think it is possible to get it back. The gist of that post can be inferred from my followup.


4/23/2013 2:22 PM UTC

 **Jenny Duncan Franks** If we don't annex. Your Child would stay at MOE until they finish there, then they would go to North Jefferson or Corner, that is everybody that wanted to Annex doesn't rent a house in Gdale just to get their kids in the school system and Mount Olive folds. Just sayin, I've heard that float around as well.

4/23/2013 2:23 PM UTC

 **Jenny Duncan Franks** Meant to say....that is if everybody that wanted to annex


4/23/2013 2:24 PM UTC

 **Amy White Patillo** But Jenny Duncan Franks, I have a Gardendale address. So, wouldn't she go to Gardendale if Gardendale annexed? And if my olive annexed, she would stay at Mt Olive?


4/23/2013 2:26 PM UTC

 **Jenny Duncan Franks** Amy White Patillo Yes, Amy, because you have a Gardendale address she would stay in the Gardendale school system, you are right!


4/23/2013 2:27 PM UTC

 **Jenny Duncan Franks** Amy White Patillo IF Mount Olive annexed, she would continue to stay at Mount Olive Elementary :-)


4/23/2013 2:28 PM UTC

 **Jenny Duncan Franks** There was some talk about grandfathering certain situations in that are already in place. I am certain this was one of them.

4/23/2013 2:29 PM UTC

 **David Uptain** Tim, maybe my FB is messed up. I see Victor Smith's comment from 10:25pm last night, then it jumps to Jenny Duncan Franks's comment 10 min ago.


4/23/2013 2:32 PM UTC

 **Tim Bagwell** Beth, I didn't see anyone taking minutes. The gist of it is that the feasibility study by Dr. Harvey is going to be presented soon. The feeling at this point is that the school system is going to be considered feasible for Gardendale with or without Mt. Olive. The speculation is that a ten mil property tax may be recommended for Gardendale (which currently has no city property tax). Anything over a five mil will require a public vote. There is a somewhat separate issue with regard to Mt. Olive. The school zone for a municipal system is essentially the city limits, so there is some discussion about about annexation. The path that many have viewed as the "cleanest" or perhaps "more direct" is more accurate, would involved a legislative act to annex the entire Mt. Olive fire district. In that scenario, Mt. Olive annexation proponents and opponents would basically have to have their voices heard to their local legislators. There were concerns about zoning, hunting and similar issues from Mt. Olive folks that valued their independence and flexibility, there was discussion about possible middle ground on some of those issues.


4/23/2013 2:35 PM UTC

 **Amy White Patillo** Mine is doing that too David..


4/23/2013 2:36 PM UTC

 **Beth Rogers** Okay question. What about people who live in The Cottages. They have a Mt. Olive Zip Code but are zoned for Gardendale. Would they then be considered Mt. Olive Residents?

4/23/2013 2:37 PM UTC

 **Tim Bagwell** David, my iPad app was doing that earlier, probably a result of the number of posts in this thread. I didn't delete everything Victor posted, I stopped mid-way and decided to leave them up so long as they weren't veering into the unacceptable. I probably got one or two that I should have left up.


4/23/2013 2:38 PM UTC

 **David Uptain** And I've heard the next meeting is mid May. I will be in Utah that week. Coincidence.....

4/23/2013 2:38 PM UTC

 **Tim Bagwell** Cottages at Fieldstown. My records indicate they are in Gardendale, even though they have a MO address. Same to be said for Lexington Park.

4/23/2013 2:39 PM UTC

 **David Uptain** I just wanted to make sure that my Hershey chocolate induced arguments till 3am are still available for viewing pleasure

4/23/2013 2:39 PM UTC

 **Beth Rogers** Okay. While you are checking, check my address. I have a Gardendale Address so I should be fine but want to make sure. Beasley Road, Gardendale 35071


4/23/2013 2:41 PM UTC

 **Tim Bagwell** Gardendale, Beth.


4/23/2013 2:42 PM UTC

 **Beth Rogers** Thank you!


4/23/2013 2:42 PM UTC

 **Tim Bagwell** May 14th to be exact, and that's going to be the big one that the city produces. Last night was just a couple of citizens. May 14th is the official report from the consultant.

4/23/2013 2:43 PM UTC

 **Tim Bagwell** Gotta get to work. Have a great day, party people.


4/23/2013 2:47 PM UTC

 **David Uptain** Tim, can this be funded without the tax money from Mt Olive residents and business? I'm sure you've answered that already, but I missed it


4/23/2013 2:47 PM UTC

 **Tamara Jenkins Quick** David, the thoughts is, MO residence already pay 10mil tax for fire dues. So, if the G'dale proposed a 10 mil tax to pay for schools, you guys are already paying it. Someone correct me if I'm wrong, but that was the general thought from the meeting.

4/23/2013 3:03 PM UTC

 **David Uptain** I understand that Tamara, but can Gardendale do it without the money from Mt Olive residents?

4/23/2013 3:09 PM UTC

 **Chris Segroves** The answer to David's question is, yes, it can be funded without Mt. Olive. That was well noted in the meeting last night.


-  **David Uptain** Wasn't at the meeting.
4/23/2013 3:10 PM UTC
-  **Tim Bagwell** That is what the feasibility study will address, David. The scuttlebutt seems to be a "yes" to your question, but we will not know for sure until May 14, or what, if any, additional property taxes would be recommended from Gardendale residents. There was discussion about Mt. Olive already having a ten mil tax for their fire district. Tony Cousins indicated that he figured that the tax would be difficult to pry away at this time from paying the debt for the recent purchase of about \$800K of equipment, but the working assumption has always been that there would not necessarily have to be any new taxes for Mt. Olive. Gardendale would assume the debt of the fire district. Convincing Mt. Olive folks is challenging enough without having to also convince them to increase taxes.
4/23/2013 3:13 PM UTC
-  **Tamara Jenkins Quick** Yes, we can have our own schools system and support it with just Gdale city residents and tax base. Then, Mount Olive residents would feed to the other schools. But the consensus is, with or without MO this can be done.
4/23/2013 3:13 PM UTC
-  **David Uptain** Then I'm all in, if Mt Olive is excluded!!
4/23/2013 3:15 PM UTC
-  **Tamara Jenkins Quick** David, I really think it would be good for the Mt Olive residents to have a meeting. There are a lot of pros and cons. Trust me, there are times I'm annoyed with the city, so I see that. The upside --- if it happens, you can run for city councilman and I'll help you campaign :)
4/23/2013 3:18 PM UTC
-  **David Uptain** I'm also curious. How would an annexation effect Mt Olive small business owners? Dennis L. Gamble
4/23/2013 3:20 PM UTC
-  **David Uptain** Tamara, I like the way you think! Just think a little bigger
4/23/2013 3:20 PM UTC
-  **David Uptain** Dennis L. Gamble
4/23/2013 3:21 PM UTC
-  **Amy Gibbs Sokira** Just curious... has anyone thought about a North Jefferson school system that would include Fultondale, Brookside, Mt. Olive all the way to Warrior? If our objective is the best for children and not just property values. All of these communities are our close neighbors and affect our town and city so why not look into this? I have a hard time being objective on this issue. I am a Mt. Olive Gal thru and thru. I of course want what is best for my son. But not so sure I am willing to let my beloved Mt. Olive go int the history books.
4/23/2013 4:57 PM UTC
-  **David Salters** David U: to confirm, Mt. Olive is absolutely not required for the new system.
4/23/2013 4:57 PM UTC
-  **David Salters** David U: however, most do not want to disrupt the current feeder system from MOE to G'Dale.
4/23/2013 5:00 PM UTC
-  **David Salters** Annexation creates a defined school district boundary. No annexation will leave lots of guesswork for MO and leaves MO exposed to decisions being made by people far removed from our community (Dept of Justice, Jeff Co, State of Ala, etc).
4/23/2013 5:05 PM UTC
-  **Tim Bagwell** Amy, unless there is a new city formed from the areas of which you speak, no. State law only has two districts: county and municipal. I wish that were not the case, but it is. As far as Mt. Olive going into the history books, you know my background. I've given that a lot of thought and it is one of the reasons that I, as a Gardendale resident, want so strongly for Mt. Olive folks to speak up and get involved and be a part of this. I've spoken to the folks driving this and I think there is no doubt that this will be going to a vote of Gardendale citizens for a small property tax. The leadership in Gardendale displayed that they were serious about this early on, and that pretty much is what got my attention. So, I think there is a significant possibility that Gardendale will move on this. What that means is that, in my mind, there is a decision that is going to have to be made, priorities weighed, etc., with Mt. Olive folks. The last thing I want to see happen is for the community to be essentially fractured, but it is getting to the point where it is get on the train or not. Some people are going to be angry either way.
- I don't think that Mt. Olive has to go away. I don't think that the basic character of the area will suddenly just disappear. Mt. Olive is her people, and unless they pick up en mass and move off as a few here have said they would do, I don't see that going away. I think that some accommodations are reasonable to expect with respect to concerns expressed by Mt. Olive folks.
4/23/2013 5:16 PM UTC
-  **David Salters** Gardendale is moving forward, and based on resident feedback and the highly favorable results of the study, FOCUS Gardendale predicts the new system will be in place by 2015 at the latest. MO will not impede the process.
4/23/2013 6:26 PM UTC
-  **Candace Vaughn** Change is coming no matter what happens with mount olive due to 459 cutting right through it
4/23/2013 6:33 PM UTC
-  **Robbie Phillips** yep in about 2030
4/23/2013 7:09 PM UTC
-  **Candace Vaughn** Exactly which would put my kids in Jr high and high school age
4/23/2013 7:15 PM UTC
-  **Amy Gibbs Sokira** Let me just say.... all these post with CHANGE is coming weather we like it or not sounds intimidating and condescending. Not a good way to win us over. The last campaign with "CHANGE" as a its logo has not done so well for me and mine. js
4/23/2013 7:22 PM UTC
-  **David Uptain** I'm curious to see the findings of this report. I really don't think Gardendale, without the income of Mt Olive, will be able to afford this
4/23/2013 7:30 PM UTC
-  **Candace Vaughn** I wasn't trying to offend anyone or intimidate I was just giving my opinion of a young mom who's kids this would effect from early on that's all :)
4/23/2013 7:32 PM UTC
-  **Melinda A Woods** Think how they plan to pay for this is a increase in taxes, they stop taking the extra tax money & it makes since now why they did that. But what I have saw this was brought up in 2007 & it was knocked down by part of increase in taxes. So all the ducks better be in a role & prove that the same study in 2007 is different & I'm sure it's not. We all pay more taxes now, with no increase in income, so study better show it can work or lets move on to making Gardendale & MO the best place to live in Alabama. But it needs to be up to the people that live in Gardendale & MO, this is our cities & if you work or own a business in these cities fine. Always thought people that owned a business & lived in the same area really cares about there city. So talking to them could add some great inputs into making all this work for everyone. Just a thought
4/23/2013 8:36 PM UTC
-  **David Uptain** I'm also curious. Where does Misti Sanderson Boackle stand on this issue?
4/23/2013 8:46 PM UTC
-  **Carol Womble Donaldson** I have a question. I am a substitute teacher at Mount Olive Elementary, and only Mount Olive because I am the primary care giver for my children and I have to be home when they are home because my husband works. How would this affect me as a substitute? Would I have to reapply to Gardendale City for a substitute license? I already had to pay one for Jefferson County. I am not the only one who substitutes all or mainly all for Mount Olive Elementary.
4/23/2013 8:58 PM UTC
-  **David Salters** Amy Gibbs Sokira Do you live in MO or G'Dale?
4/23/2013 9:01 PM UTC
-  **Robbie Phillips** David Salters email me the form letter spellmyre


 4/23/2013 9:05 PM UTC


 **Robbie Phillips** spellmyre@charter.net
4/23/2013 9:05 PM UTC


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 **Amy Gibbs Sokira** I live in MO
4/23/2013 9:15 PM UTC

 **David Salters** Amy Gibbs Sokira Thank you for your feedback. One thing that FOCUS Gardendale is pleased with is that the study will show that M.O. is not a must-have in this equation. What I mean is that FOCUS Gardendale in no way wants it to appear that it wants to push M.O. into this. Gardendale stands to move forward with or without M.O. This gives M.O. the opportunity to voice its own opinions. Having said that, I would respectfully ask that you not imply that anyone's message is condescending or intimidating. In fact, it's quite the opposite. The only pressure M.O. could possibly feel is from its own citizens who would want to ensure their children qualify to attend the new school district. If you have more specific questions, I would be happy to discuss further...that's why we're here.
4/23/2013 9:46 PM UTC


 **Misti Sanderson Boackle** David Uptain you want my opinion here it goes! I believe this is the best thing for both communities. There are so many aspects of this that will be beneficial to both communities. I truly do not believe that anyone from Gardendale is trying to intimidate or talk down to Mt.Olive residents in a conceding tone. I was born and raised in Gardendale and have family in Mt. Olive. I love Mt Olive and have nothing but respect for it and it's citizens. I know that change is not always wanted or desired. I have never been one to like change myself. However I do believe this is positive change that benefits everyone from both communities. Change will come eventually even if Mt Olive doesn't come into Gardendale. Birmingham will be knocking at your door one day and you may not have a choice then. With corridor X coming through Mt Olive, they will sure be looking to pull Mt olive in! Just something for you to think about.
4/23/2013 10:21 PM UTC


 **David Uptain** Misti, didn't I see you on Fox News when there was a proposition on combining Fultondale and Gardendale schools?
4/23/2013 10:24 PM UTC

 **Melinda A Woods** I'm getting lost here, is this a go no matter what?
4/23/2013 11:02 PM UTC


 **David Salters** Melinda A Woods The sequence of events is in motion. There are steps to be completed. I would make it a point to attend the May 14th meeting hosted by the city.
4/23/2013 11:10 PM UTC


 **Dennis L. Gamble** I am glad, to see, both sides showing concern for this area. In the end the majority of the people will decide. That's the way it works in the USA. Present your best case and then vote.
4/23/2013 11:12 PM UTC

 **David Salters** Dennis L. Gamble I've been wondering where you've been. Glad to see you back on the forum.
4/23/2013 11:16 PM UTC


 **Melinda A Woods** So am I Dennis L. Gamble your input as a business owner & living in MO matters. Now to hear from other business owners that also live in Gardendale.
4/23/2013 11:21 PM UTC

 **David Uptain** But we as Mt Olive residents don't get to vote on annexation.
4/23/2013 11:22 PM UTC


 **Melinda A Woods** Will do that David Salters or nothing else see what others say. But either way it doesn't effect us unless our taxes go up. Just want what is Best for Gardendale & MO whatever that may be. Will always support what is Best for all & will not expect anything different.
4/23/2013 11:26 PM UTC


 **Melinda A Woods** Why not David Uptain all have to agree are none of this will work.
4/23/2013 11:27 PM UTC


 **David Salters** Thank you Melinda A Woods. It is my opinion that everyone has our community's best interest at heart (just different ways of expressing it). I'm very happy to see all of the responses; this lets our fellow citizens and our elected officials see how much we care about our kids and our community.
4/23/2013 11:31 PM UTC


 **Dennis L. Gamble** Businesses do not pay taxes, they collect them.
4/23/2013 11:31 PM UTC


 **Melinda A Woods** Don't have kids but it still matters, in less than 6 years we will be retiring & so I want the next home owner to know the city was in agreement. Plus that tax increase is & will be worth it all the around.
4/23/2013 11:37 PM UTC


 **Ronnie Guin** I agree, Chris and David were very professional and handle themselves very well. You have two leaders there.
4/24/2013 1:44 AM UTC


 **David Salters** Mr. Ronnie Guin, thank you sir for your kind words. Thanks also for your candiness last night and your advice. I'm very happy to have you as a neighbor in the Mt. Olive/Gardendale community.
4/24/2013 1:56 AM UTC


 **Misti Sanderson Boackle** Correct me if I'm wrong but Dennis L. Gamble don't you live in Gardendale? I know your business is in Mt Olive but why is your opinion against the annex?
4/24/2013 2:09 AM UTC


 **Donna Dye** I do not live in Gardendale or Mount Olive but I have a son at GHS and a son at Bragg. I live in Brookside and attended both schools as well. All of this info is new to me. Obviously as a concerned parent, like everyone else, I must plan for my children as well. I noticed that no one has addressed Jennifer Thompson's earlier posts. Also, the comment was made that there are many students who attend the Gardendale schools that do not live in Gardendale therefore do not support financially! Really? I may live in Brookside (nice quiet neighborhood although receives bad publicity) but spend my money in Gardendale and fully support the schools!
4/24/2013 2:17 AM UTC

 **Sandy Cupps-Bittle** They are having another meeting I believe on May 14th please go and voice your opinion. I think I may go to it.
4/24/2013 2:22 AM UTC

 **Dennis L. Gamble** I live in Gdale and have another home in mt olive and my business. I have 5 kids and me that finished Gardendale and see no problem with everything as it is. More taxes are more chances for people to misuse money. The taxes I pay now are mostly wasted, why pay more? A city school system is the opportunity for those leading the charge to have it their way and forget yours. I see it as people wanting power to push their kids through the system in a self serving way by firing teachers, running off coaches, setting schedules, appointing board members, making ball teams and cheerleader, all for their satisfaction. Notice they say "our plan", with no consideration for your plan. They requested and got \$40,000 from the city to do a school study, I request \$40,000 to study a service road for Gardendale. Will I get it, no. It already smells of politics.
4/24/2013 2:24 AM UTC


 **Staci Simon Glover** These people cannot even get Publix to Gardendale what makes us think that a school system could work efficiently? Funny they want Mt Olive students but not Brookside students (apparently). What's up with that? From a Gardendale alumn and Brookside native.
4/24/2013 2:29 AM UTC

 **Carol Womble Donaldson** If Gardendale does get the new school system, and they appoint a school board before Mount Olive is annexed, who is going to speak for the Mount Olive community on the school board if we do get annexed?
4/24/2013 2:30 AM UTC

 **Sandy Cupps-Bittle** Dennis you made a great comment but I went to Gardendale also and it has not changed teachers coaches favorites are always been the ones to get picked and the other who to cheer or play sports are left out. I love Gardendale but if your child is not in the click they are looked down on. That is just the way Gardendale is. Where is the passion from the students and parents, teachers etc.
4/24/2013 2:31 AM UTC

-  **Dennis L. Gamble** Welcome to the real world. It works the same in schools, churches and jobs.
4/24/2013 2:33 AM UTC
-  **Misti Sanderson Boackle** I respectfully disagree Dennis. You're reaching too hard to find as many negatives and falsities as possible to scare people. None of the people involved are out to hurt anyone or run people over! It's just the opposite. This is to benefit both communities!
4/24/2013 2:41 AM UTC
-  **Tracy Orr Calvert** One realization I've had - many people that are from Gardendale tend to believe (at least on this public forum) that everything is "okay"; people who have moved to Gardendale/Mt. Olive area from other places (Minor, Pinson, Center Point, Huffman, Hueytown, Fultondale) have an appreciation for the quickness of a declining community and tend to have a broader perspective regarding the changes that are forthcoming. Without a strong city school system to retain citizens, I believe, this area will decline rapidly. I've lived through it. Don't beat me up, just my opinion.
4/24/2013 2:44 AM UTC
-  **Cathy Tuggle Maple** I've lived through it too. It was heart crushing and I will not allow my children to experience the same situation.
4/24/2013 2:48 AM UTC
-  **Shena Bigham Moon** Mr. Gamble, You now have my vote for Mayor of Mt Olive!
4/24/2013 2:51 AM UTC
-  **Misti Sanderson Boackle** Well said Tracy, I agree with what you said but the people on here that think it's okay, as you said are Mt Olive residents, with the exception of Dennis Gamble, although he does have a business in MO. Not all MO residents are against it so don't misunderstand me. I'm a Gdale resident myself and I do agree 100% with what you said. Our schools are declining. I've been on the PTA board at GES now for 10 years. Also was a substitute teacher. I have seen first hand the changes and decline taking place and if we don't move now to save our schools and communities, we will regret it. Gardendale can have a strong school system and I believe in our city leaders and trust them. I was born and raised in Gardendale along with my father and I don't want to see Gardendale or Mt. Olive end up a shadow of what it use to be. Things don't always stay the same but you don't have to sit idly by and watch the world as it passes you and leaves you behind.
4/24/2013 3:10 AM UTC
-  **Sandy Cupps-Bittle** I am happy Gardendale is trying to get their own school system but it is really going to hurt the kids who live outside of Gardendale.
4/24/2013 3:18 AM UTC
-  **Cathy Tuggle Maple** Jennifer Thompson, I told a Brookside resident today that y'all need to form your own forum of concerned citizens to find out how this affects you. How you feel about it and what can be done about it.
4/24/2013 3:45 AM UTC
-  **David Uptain** Because Gardendale doesn't need your money to make this happen
4/24/2013 4:26 AM UTC
-  **David Salters** Jennifer, Mt. Olive Elementary is not currently in Gardendale city limits. For it to be part of the system, it needs to be annexed BEFORE Gardendale makes it motion to separate from JeffCoEd. That's the center of the M.O. chatter. Again, Gardendale does not require M.O., however; since all MOE kids feed into Bragg and GHS, it makes sense to keep that system in place.
4/24/2013 4:30 AM UTC
-  **David Uptain** It's all politics Jennifer.
4/24/2013 4:31 AM UTC
-  **David Salters** You can request a transfer once the new system is created. But that decision will be up to the new Gardendale City Board of Education.
4/24/2013 4:35 AM UTC
-  **Cathy Tuggle Maple** Jennifer Thompson perhaps you should create a forum to gage the interest of residents in your community to see if they would be interested in being annexed.
4/24/2013 4:35 AM UTC
-  **David Salters** I could be wrong, but I believe Brookside is already an incorporated town, therefore not eligible for annexation.
4/24/2013 4:39 AM UTC
-  **David Uptain** He children are already in the current Gardendale school zone.
4/24/2013 4:39 AM UTC
-  **David Uptain** She is asking questions to the people that are leading this "Alice In Wonder Land Dream"
4/24/2013 4:39 AM UTC
-  **David Salters** Mr Uptain, we have gone to great time and expense to gather factual data and are careful to avoid myths and assumptions. I would appreciate it if you would extend the same courtesy when posting on this group page.
4/24/2013 4:43 AM UTC
-  **David Salters** Jennifer, I'm not sure. We're probably not far enough along to answer that question with complete certainty just yet. Stay tuned for more and I encourage you to attend the city meeting on May 14th.
4/24/2013 4:46 AM UTC
-  **David Salters** I understand. Everyone who supports this is afraid for their kids...that's why we're doing this. Ever considered moving into Gardendale?
4/24/2013 4:52 AM UTC
-  **David Uptain** David, I am only basing my assumptions off of posts already made by the administrators of this page and private conversations
4/24/2013 4:52 AM UTC
-  **David Uptain** If this were solely to improve a failing educational system for our kids, I might be more cordial. However there is more to it than is being expressed openly in this open forum.
4/24/2013 4:57 AM UTC
-  **Misti Sanderson Boackle** David Uptain stop stirring the pot here! Wait for all the facts and then make your decision.
4/24/2013 5:01 AM UTC
-  **David Salters** I see. I'll reiterate my comments and remind you that this is a citizen-led movement. The opposite of politics as you described it. And regarding your Alice in Wonderland Dream comment; the only dreaming going on is by those who think our school system will magically correct itself. I can assure you I have better things to do than to spend countless hours in meetings, spending my personal money campaigning for this new system and exposing myself to comments from the public. But I do it because I care about my kids and our community. But it is an undeniable fact that these school systems don't fix themselves, and if I can help find a better way, I'll do that. I hope you can appreciate my efforts and my point of view just as I respect yours.
4/24/2013 5:03 AM UTC
-  **Misti Sanderson Boackle** David to answer your question earlier yes I did oppose the merger of FDale and Gdale schools a few years ago. That was however a different situation. Mt Olive kids already go to Gardendale Middle school and High school. Therefore you're not adding additional students to our school. If you brought fultondale in it would be expanding the student body which is what I was against.
4/24/2013 5:07 AM UTC
-  **Misti Sanderson Boackle** David I sit on my tail, no need to chase it!
4/24/2013 5:17 AM UTC
-  **Misti Sanderson Boackle** I'll grant you that right David but you'll still lose!
4/24/2013 5:28 AM UTC
-  **Donna Dudchok Rizzo** In all that I have read, I've not seen any mention of the students who feed Bragg and eventually GHS from Brookville Elementary in Graysville. Our kids, like those from Mt. Olive and Snow Rogers are split after fifth grade. The vast majority of the the fifth graders leave BES and go to Bragg. They live in Brookside.

4/24/2013 11:25 AM UTC

 **Alicia Echeverry** FYI, parents of Mt. Olive and Brookville students... If Mt. Olive does not annex, and if Gardendale does succeed in becoming a city school system, you still have rights. The Board of Education will (try to) negotiate with Gardendale to allow students that have already left their system to continue in that system, even if they are not a Gardendale resident. When Trussville became a city system, the board successfully negotiated for outside residents to continue in their system. Just to let you know, Gardendale can't just tell you "no". Contact the board, they will direct you where you need to ask questions.

4/24/2013 3:10 PM UTC



Carol Womble Donaldson Would the same be true if a student in MOE wants to go to Jordan or Corner. I know some parents that would have that question.

4/24/2013 3:13 PM UTC



Carol Womble Donaldson That is if MOE annexes into Gardendale.

4/24/2013 3:13 PM UTC



Alicia Echeverry Not sure, but I would assume you would have to go to Gardendale, or ask for a transfer to another school

4/24/2013 3:15 PM UTC



Carol Womble Donaldson thanks!

4/24/2013 3:16 PM UTC



Staci Simon Glover David Salters Per your question to Jennifer Thompson do you think that people can just up and move to Gardendale? Or that they would want to?

4/24/2013 5:16 PM UTC



David Salters Staci, it was a simple question. I did not advise her nor did I make any assumptions about her desire or ability to move to Gardendale.

4/24/2013 5:19 PM UTC



Jason Kim Shirley Sounds to me like Brookville kids aren't good enough for good ole Gardendale. I have a child in Gardendale high and one in Brookville. My neighbors all have small children that this is going to effect greatly. We moved to Brookside because it was zoned for Gardendale. We conduct all of our business in Gardendale.. I tell you this, and it might not mean that much to anyone, but, if Gardendale turns their back on my family, my family will turn its back on Gardendale. And let's not forget that our taxes were also used to build that new high school. So please put yourselves in Brookside's shoes... My child will not attend Rottenfield or minor.. We are all good people and do not deserve to be excluded from this!! Just sayin

5/13/2013 3:07 AM UTC



Cathy Tuggle Maple To the Brookville families: I do not see any of this as an intentional plot to keep your kids out of the equation. What I also do not see, or have not seen is an organized effort among Brookville families to represent your own interests either for or against any of this. No one is going to do it for you and no one else can do it better than you can....be the voice for Brookville. FOCUS was initiated by parents who live in Gardendale and parents who live in Mount Olive. Even if Gardendale does not "need" Mt. Olive to make this happen, there appears to be enough support in Mt. Olive in favor of it within the existing school zone boundaries. Gardendale has to decide to financially support it's own school system. Mt. Olive has to decide if being a part of that school system is worth any lifestyle changes that may come with annexation. Brookville should organize, get a consensus of what it's families want and pull your own chair up to this table. I mean all of this from a sincere, concerned heart. I've said this to friends who live in Brookville when they ask me "What about us?" I hate to see your questions go unanswered and justified frustrations posted. If there is not a "What About Brookville?" page yet, then there should be and it should be created by someone who lives there and cares the most about the kids in your community.

5/13/2013 10:02 PM UTC



Misti Sanderson Boackle Well said Cathy Tuggle Maple. This effort to form our own school system has never been about leaving anyone out, only to better our children's educational opportunities.

5/13/2013 10:14 PM UTC



Cathy Tuggle Maple And no one party will have the best interests of every individual community in mind.

5/13/2013 10:15 PM UTC



Freda Rietta Hamer I agree with every single word that Dennis wrote !

5/13/2013 11:29 PM UTC



Jason Kim Shirley Why can't Brookville parents express their concerns on this page. I mean the same people are reading it. Everyone involved here knows that Brookville has always "in the words of a Gardendale resident who is a member of this page" bussed in kids to gaddendale. Could it be that no one is talking about Brookville is because a lot of these families are struggling financially. After all one of the things that does change is that Gardendale will be able to pick and choose who will be able to attend their school. You see, the ones wanting to change who attends holds the majority of the responsibility to do the right thing. And as far as getting involved, I believe that's what I'm doing. We shouldn't have to have a "what about Brookville" page. Gardendale should just do the right thing.. Shouldn't need a page to tell them that.

5/14/2013 2:27 AM UTC



Cathy Tuggle Maple I respect your position and your right to voice your frustration anywhere, however, many of the questions about Brookville go unanswered because of the reasons I've mentioned, or they were asked and answered weeks ago. The page would not be to tell Gardendale to do the right thing. It would be to have an organized effort for the future of Brookville kids within these changes if they happen. If Gardendale forms their own system and has a strict no transfer policy like Mountain Brook, that does not even allow teacher's kids (which is likely, to avoid claims of discrimination due to many factors) then where does that leave our kids outside the Gardendale City limits? Mount Olive has the option of annexation. Brookville should research all of it's options and pursue what it wants. Hoping Gardendale does the "right thing" is not a plan for any of us.

5/14/2013 2:35 AM UTC



Sandy Cupps-Bittle If Mount Olive does not annex into Gardendale our children may be zoned anywhere. I am hoping since Jordan will be at Gardendale High this August and by the time Gardendale gets there on school system she will be grandfathered into Gardendale.

5/14/2013 2:43 AM UTC



Jason Kim Shirley Yeah, because I don't believe people don't know how to do the right thing anymore. Don't get me wrong, I have a plan. If this happens my son will attend Sumiton Christian. However, I believe that this is all political, and I believe that no matter what Brookville parents do Gardendale is just gonna do what they want to do.

5/14/2013 2:47 AM UTC



Cathy Tuggle Maple You are exactly right Jason Kim Shirley and those of us who can consider homeschooling and private Christian schools options in all of this are blessed.

5/14/2013 2:50 AM UTC



Sandra Woods Let me say as a mother of 3 Brookville students one of whom will attend Bragg next year if/when this happens I will not allow my children to attend Minor I know that no matter what the parents of the Brookville kids do it will never matter I will go to any means to make sure my kids at least stand a chance and I know they never will by attending Minor

5/14/2013 3:06 AM UTC



Jason Kim Shirley I just don't want to see anyone get messed on here.. I do plan to attend the meeting tomorrow. I hope to bring some of my neighbors with me.. Please put yourself in our shoes. I just heard about all of this about a week and a half ago. And I don't blame Gardendale for wanting to get away from the county school system because Jefferson county is a joke.. I just don't want to see the kids around my community suffer if they have to attend a failing school.

5/14/2013 3:11 AM UTC



Jason Kim Shirley Well said Sandra!!

5/14/2013 3:12 AM UTC



Jason Kim Shirley Sandra, do you plan to attend the meeting?

5/14/2013 3:13 AM UTC



Cathy Tuggle Maple <https://www.facebook.com/photo.php?fbid=10201132363650203&set=o.243652449108693&type=1&theater>

5/14/2013 3:16 AM UTC



Sandra Woods I'm going to try between ball a sick husband and 2 wild boys I never know what direction my day will go lol

5/14/2013 3:43 AM UTC

Field Name	Value
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Resource	
Description	Case: 17-12338 Date Filed: 08/11/2017 Page: 112 of 126
Properties	
Caption	
Name	
iconurl	
Message	Those of you that attended the meeting, what did you think? I thought that David and Chris did a very thorough job, and I was also very pleased to see the level of discourse remain high.
Picture Alt Text 3	
Picture Alt Text 2	
Picture Alt Text	
Link3	
Link2	
Link	
Picture Url 3	
Picture Url 2	
Picture Url	
Comments Number	277
Application	
ToID	342526272506938
To	Gardendale City Schools
Likes	14 likes: Melinda A Woods, Carrie Malone Moore, Sharon Ryder, Amee Brown Donald, Cathy Tuggle Maple, Cheryl Best Reed, Tamara Jenkins Quick, Robbie Phillips, Richard Stephens, Jenny Duncan Franks, Jenny Freihage, Becky Freeman Ryder and 2 other people like this.
UpdatedTime	5/13/2013 11:43:11 PM
CreatedTime	4/22/2013 10:42:39 PM
UserName	Tim Bagwell
Scan Target Id	2895658545
Account Id	100008163378822ZPublicInformation
UserID	1187233317962735
UIImage	https://scontent.xx.fbcdn.net/hprofile-xtp1/v/t1.0-1/p50x50/12009711_1111781372174597_8339937489843653778_n.jpg?oh=ff5810fc78188f0e90c5dcd4a5389bb5&oe=57698392
PostLink	https://www.facebook.com/342526272506938/posts/442412245851673
PostID	342526272506938_442412245851673
AlbumID	
subject	
Recipient Names	
Recipient IDs	
thread_id	
ParentURI	
Type	message
fb_item_type	wallitem

EXHIBIT B

FACEBOOK POST	CITE	
	Redacted	Unredacted
Tim Bagwell; 9/12/12; 2:58 a.m. This group was formed to discuss and explore the possibilities of the city of Gardendale creating their own school system.	1132-2 at 188	*not included in 1092-20
Tim Bagwell; 9/12/12; 2:53 a.m. Tim Bagwell created the group Gardendale City Schools.	1132-2 at 189	1092-20 at 4
Tim Bagwell; 9/11/12; 10:53 p.m. Tim Bagwell created the group Gardendale City Schools.	1132-3 at 314	1092-20 at 5
Tim Bagwell; 4/23/13; 4:04 a.m. Tim Bagwell made David Salters an administrator of the group Gardendale City Schools.	1132-2 at 142	1092-20 at 7
Tim Bagwell; 9/12/12; 9:59 p.m. Tim Bagwell made Chris Lucas an administrator of the group Gardendale City Schools.	1132-2 at 180	1092-20 at 9
Tim Bagwell; 9/12/12; 3:03 p.m. There are a number of people who are discussing the possibility of forming a Gardendale school system. There are a [sic] benefits to such a proposal, such as true local control over our schools and the accompanying prospect for higher academic achievement and greater flexibility, better control over the geographic composition of the student body, protection against the actions of other jurisdictions that might not be in our best interests, the real prospect of higher property values over the longer term, a brand spanking new high school which would become ours	1132-2 at 181	1092-20 at 16

should we form the school system, etc.		
<p>David Salters; 9/15/12; 7:12 p.m.</p> <ol style="list-style-type: none"> 1. Our classrooms are underfunded. I have to pay hundreds of dollars per year in supplies that aren't paid for by the county. Our teachers must pay much more than that out of their own pocket. 2. Without funded classrooms, we cannot attract the best teachers. 3. Our test scores are far too low and it hurts our students' chances to advance in their academic future. 4. We are using buses to transport non-residents into our schools (without additional funding) from as far away as Center Point (there's your redistribution of wealth). 5. We cannot attract new residents because our schools are rated too low. 6. Our children haven't been on field trip in years because JeffCoEd is struggling 7. A look around at our community sporting events, or churches are great snapshots of our community. A look into our schools, and you'll see something totally different. 	1132-2 at 185	1092-20 at 20
<p>David Salters; 9/16/12; 10:21 p.m.</p> <p>Dennis, your ability to make wild assumptions is quite entertaining. If you are inferring there is a racial motive, you're not listening. I don't care who lives here as long as they contribute, that includes me and you. You're likely not aware that non-resident students are increasing at an</p>	1132-2 at 186	1092-20 at 21

<p>alarming rate in our schools. Those students do not contribute financially. They consume the resources of our schools, our teachers and our resident students, then go home. I welcome these students, but they'll need to move to Gardendale or pay a transfer fee. Make sense?</p>		
<p>Misti Sanderson Boackle; 9/12/12; 6:11 p.m. The time is right and this needs to happen. Our schools are busting at the seams with students from other communities that is causing extreme overcrowding in our classrooms. This is all due to the "No child left behind act" and schools from other surrounding cities not meeting AYP. At Gardendale Elementary we have approximately 879 students this year, in our kindergarten classes alone some classrooms have 27 students in them. Can you imagine 275 year olds in one class. This makes for extreme overcrowded classrooms and drastically limits how our teachers can effectively teach with this many students in one class. I would support a modest property tax myself as I believe it will greatly benefit our community to move forward with this plan and will allow our schools to have smaller classrooms again. I'm in as well!</p>	1132-2 at 181	1092-20 at 16

<p>Jennifer Moore; 9/12/12; 9:25 a.m. I'm not completely opposed but would definitely want to do some research. I lived in Clay when they tried to form a school system and that failed. But Clay does not have much of a retail tax base. I feel we would be of greater advantage if we went this route, Kelli, it's crazy that your house was not Gardendale yet they bus kids in from all other. I do wonder what other kinds of can of worms it would open. I feel confident they could all be addressed but it would be nice to see a checklist of sorts.</p>	1132-2 at 181	1092-20 at 16
<p>Misti Sanderson Boeckle; 9/13/12; 1:41 p.m. Dennis I'm trying to wrap my brain around your words and I just can't understand your thought process! This is about our community and keeping the quality of education for our kids in tact! We are seeing terrible overcrowded classrooms in our schools due to the poor management of our government in the education system! I have been a PTA board member at Gardendale Elementary for 9 years and the changes that have occurred in those nine years as far as the quality of education our kids are getting is going downhill and it's all due to the poor decisions made within our government about our education system and the overcrowding in our schools it has caused! Dennis did you know we are sending school buses to</p>	1132-2 at 183	1092-20 at 18

<p>Center point and bussing kids to OUR schools in Gardendale, as well as from Smithville! This is all due to the “No child left behind act” that if a school doesn’t make AYP they can go to another school within their county system. This law had good intentions but has really created a mess for the schools. Smithville kids have been bused here for years due to the desegregation from decades ago and that should have already been changed because we have a very diverse population now in our area. We are busting at the seams and can’t continue on this path! Would YOU want to teach a class of 27 five year olds, or 28 5th graders! That’s the class sizes we currently have at Gardendale Elementary School, 879 students and growing. Our elementary school has no more room to put another trailer. How can the teacher effectively teach that many children in one class and they get a good quality education! People are already talking about leaving our community to seek out a school system with smaller classrooms! I don’t want to see the place I was born and raised in turn into a place people flee from because the quality of education has gone downhill! So some research here Dennis and you’ll really be shocked at what you learn. It’s not about leaving anyone out here, it’s about preserving our communities and schools for future generations!</p>		
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<p>Tim Bagwell; 10/4/12; 3:15 a.m. Jerry, you and I both want what is best in this matter, and that is what is sound and supportable that results in the best outcome for the city and the students. I deleted a couple of posts trending towards getting chippy, at least one of which was mine, and softened some language in others I made. If I am going to encourage keeping things from getting testy, I have to check twice before I hit post like anybody else.</p> <p>The city has never voted on a property tax that was to fund a school system that I am aware of. The last tax voted down was directed more towards fire department kind of stuff, if memory serves. The city has never had some benefits and facilities that would accrue with a city school system when previous discussion has taken place, either.</p> <p>You likely already know this, but most school systems have a sales tax component to their funding, but primary funding in a sound school system should be based on your property taxes because of their stability and predictability.</p> <p>I don't know the process by which this was addressed by the city council. I just started a Facebook page on this and am disposed to favor the disposal assuming that the</p>	1132-2 at 166	1092-20 at 12
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<p>numbers work and can be as inclusive of the existing district footprint as possible. There are quite a few hurdles and if it takes the kind of heavy-duty study that costs the citizens what I acknowledge is no minor amount to give us the kind of concrete data that we can base a game-changing upon, I'm OK with it.</p>		
<p>Tim Bagwell; 5/10/13; 9:22 p.m. With regard to nobody in particular, unless you have specific factual information about racial motivation on the part of someone else here, think twice before you hit the post button when it comes to racism. Blanket allegations of that sort will be deemed a personal attack and deleted. I'm not saying every question about race is invalid. I am saying that simply making a charge that racism is the reason for something just because you think it might be is going to be a problem. That kind of thing only serves to poison the discussion. Basically, the level of discourse we seek to have here is that we would expect in a face-to-face conversation with our neighbor. If it can't be said in that manner, then I am sure there are other groups on Facebook that cater to a lesser level of discussion.</p> <p>This is not about race, it is about doing the best we can for our community and all members thereof, regardless of their skin color.</p>	1132-2 at 124	1092-20 at 29

Chris Lucas; 9/12/12; 7:45 p.m. Amy – part of the plan to make it work would include Mt. Olive. I think it would be worth it for the sake of education and our community.	1132-2 at 181	1092-20 at 16
David Salters; 9/12/12; 7:55 p.m. Jennifer, Mt. Olive will one day be in Gardendale city limits. As a matter of fact, all of Jefferson County will one day be in the city limits of some municipality. So why not go ahead and support the move now since it will help with the schools?	1132-2 at 181	1092-20 at 16
Staci Simon Glover ; 10/2/12; 4:50 a.m. As a Brookside native, Gardendale High graduate, and Gardendale resident whose child attends Snow Rogers, I would hope that Brookside children would not be cut out of this equation.	1032-2 at 179	*not included in 1092-20
Tim Bagwell; 10/3/12; 3:51 a.m. Staci, the Brookside part of the area is something which has weighed heavily on my mind and I've been looking into it. In general, though municipal schools are usually restricted to residents of the municipality, there may be some exceptions. There are also instances of agreements between systems in some cases because of geography/proximity. There are a couple of other deals I'm curious to learn more about when it comes to out-of-jurisdiction cases. It's certainly a question that I'm interested in myself. Perhaps it is an	1032-2 at 179	*not included in 1092-20

issue that the study can address.		
Tim Bagwell; 11/2/12; 12:30 a.m. Mayor Phillips has begun the process of retaining Dr. Ira Harvey, one of the most respected experts in the area of school system feasibility. He will give us the impartial, detailed, expert, in-depth study and analysis that is crucial to the decisions to come. I thank Mayor Phillips as well as the city council once again.	1132-2 at 160	*not included in 1092-20
Chris Lucas; 10/2/12; 10:53 p.m. Jerry – I think you may be asking two separate questions? 1) Will kids in North Gardendale (who may currently be zoned for county schools in Morris) be zoned for a city school system? Yes. All kids within the municipal boundaries of Gardendale would go to schools within the new system. 2) Would Gardendale be required to bring in minorities from outside of the municipal boundaries to achieve some sort of quota? No. The school system is for residents of Gardendale (whatever those boundaries end up being and whatever that racial make-up is). The idea is that it might include an expansion to include an annexation of certain parts of Mount Olive.	1132-2 at 167	1092-20 at 11
Chris Lucas; 10/3/12; 1:22 a.m. Jerry (maybe Renee) – I'll be the first to say that I do not practice in this area and am not an expert. I do not think it will be an issue though. We'll have to see. The feasibility study will	1132-2 at 167	1092-20 at 11

address some questions, but the feasibility study isn't performed by an attorney. At some point, a competent (experienced in this area) attorney will need to be involved, especially in areas such as the drafting of a separation agreement		
Chris Lucas; 4/19/13; 1:34 a.m. A new citizens group is being formed that will be called FOCUS Gardendale: Future of Our Community Utilizing Schools. The first meeting of this group will be held at Gardendale Civic Center this coming Monday night at 6:30 to discuss the proposed school system. The official feasibility study will be released soon. In advance of the revealing of the study, we want to get together as many people as possible from BOTH Gardendale and Mt. Olive to begin creating awareness, and to understand questions that may arise. If you, or your friends are unsure where you stand, this meeting will give you the information you need. Please make plans to attend – this is a once in a lifetime opportunity for our community that will be impactful for generations to come.	1132-2 at 158	*not included in 1092-20
David Salters; 4/23/13; 5:05 p.m. Annexation creates a defined school district boundary. No annexation will leave lots of guesswork for MO and leaves NO exposed to decisions being made by people far removed from our community (Dept of Justice, Jeff Co, State of Ala, etc.)	1132-2 at 150	1092-20 at 39

<p>Tracy Orr Calvert; 4/23/13; 3:37 a.m.</p> <p>@Victor, would you like to live in Center Point or Adamsville? Wake up, it's closer than you may think. I encourage you to ride around those areas, maybe even Pinson or Huffman and think about how quickly an area's demographics change. This is about a community wanting to progress, not regress. Reality.</p>	1132-2 at 143	1092-20 at 32
<p>Chris Lucas; 5/5/13; 3:32 p.m.</p> <p>Fellow Mt. Olive Residents,</p> <p>If you were at the meeting last night, you may have noticed little mention of Mt. Olive. The purpose of last night's meeting was to discuss the financial feasibility of the new school system – not annexation. The financial feasibility is NOT impacted either way by Mt.Olive. This is an incredible, once in a lifetime opportunity for the City of Gardendale as the detailed analysis came back as HIGHLY FEASIBLE. I fully expect Gardendale to move forward. If Mt. Olive gets to be a part of this, it will have to be led by the citizens. So, you need to let Mayor Phillips know that you want to be included, and you need to let Senator Beason know you want to be included.</p>	1132-2 at 119	*not included in 1092-20
<p>Tim Bagwell; 12/16/15; 2:34 a.m.</p> <p>That's fine, I am not disagreeing with you regarding diversity in the city or the children within it. But because of</p>	1132-2 at 8	*not included in 1092-20

the desegregation order, the courts have broad oversight within the county. When I said this is about a balance not just within the city limits but within the school, I meant the question of balance extends beyond the city limits, it extends county school system-wide. It effects our ability to get the approval that we will require in order to move forward. See Jon's response below regarding previous separations and similar actions.

As far as I can tell, Gardendale is already more diverse than several other county schools. I am not saying viewing the separation through the lens of a particular diversity goal imposed from without necessarily is or is not a legitimate or fair point for a litigant or regulator to make, or if I even agree that the county and its residents should still be answering to Washington and federal judges on this issue forty years down the line. I am simply saying that it is a reality that the GBOE has to deal with. I can assure you that they didn't just decide to gift a perpetual attendant zone to an area that they are not getting the extra 20-mil on because of a whim. This has the hallmarks of a specific, technical, tactical decision aimed at addressing a recognized road block to breaking away. Again, this is supposition on my part, and I wouldn't know what quarter drove

<p>this decision if I am actually on target.</p> <p>I don't have to be happy with every move that is made, and they haven't called me up and asked for my approval. The board and their legal counsel are diligently pursuing breaking away from the county system. As for me, so long as I am confident that they are doing their best and are not defeating the underlying purpose of forming a new system, I am going to have to extend them a little bit of latitude.</p>		
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