

MINUTES

Montevallo City Council Work Session October 8, 2018 5:30 p.m. at City Hall

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Matt Walker, Council Member Willie Goldsmith, and Council Member Tiffany Bunt were in attendance. Council Member Jason Peterson was absent.

Mayor Cost called the Work Session to order at 5:30 p.m.

Chief Littleton presented the Police Department report:

	January-18	February-18	March-18	April-18	May-18	June-18	July-18	August-18	September-18	October-18	November-18	December-18	Total
Total Reports	110	191	128	98	177	109	91	121	100				973
Criminal Cases	78	38	70	63	72	60	52	68	44				441
Non-Criminal	8	15	30	16	8	23	12	14	15				121
Traffic Citations	120	134	117	88	197	153	154	282	192				1435
DUI Arrests	3	3	3	5	6	1	2	4	2				29
Public intox Ar	2	2	7	3	1	6	11	6	9				67
Auto Arrests	24	0	18	2	1	1	0	20	0				74
Auto Arrests	12	12	9	11	4	3	4	8	4				87
Auto Arrests	3	1	7	1	1	2	1	13	10				51
Auto Arrests	4	3	48	53	37	38	27	60	44				377
Auto Arrests	1	2	1	0	0	0	0	0	0				4
Auto Arrests	4	0	2	2	4	3	3	1	2				21
Auto Arrests	0	0	0	0	0	0	0	0	0				0
Auto Arrests	0	0	0	0	0	0	0	0	0				0
Auto Arrests	5	3	0	3	2	2	4	7	6				31
Auto Arrests	15	13	11	11	15	10	10	11	11				107
Auto Arrests	0	2	2	2	2	2	1	1	1				21
Auto Arrests	2	2	2	2	2	2	2	2	2				21
Auto Arrests	0	0	0	0	0	0	0	0	0				0
Auto Arrests	18	18	25	18	21	21	15	22	22				174
Auto Arrests	0	0	0	0	0	0	0	0	0				0
Auto Arrests	14	18	10	8	5	4	7	8	13				93
Auto Arrests	0	0	0	0	0	0	0	0	0				0
Auto Arrests	1	1	2	0	1	3	2	1	3				13

Montevallo Police Department Staff

Mayor Walker
10:10 AM
10/4/2018



Montevallo Police Department Code Enforcement Activity Report

Date:
10/08/2018

Inspection Period
09/26/2018

Inspection Period
10/08/2018

Inoperable Vehicle Inspections:

Inspected:
1

Pending:
1

Closed:

Animal Complaint Inspections:

Inspected:

Pending:

Closed:

Abandoned Building Inspections:

Inspected:
7

Pending:
7

Closed:

Property Inspections:

Inspected:
10

Pending:
2

Closed:
8

Miscellaneous Complaints:

Inspected:
2

Pending:

Closed:
2

Inspected:


Total Inspections this Period:
20

Total Inspections Year to Date:
110



Montevallo Police Department Code Enforcement Activity Report

Inspections this Period:

98 Western Drive still overgrown and has 2 inoperable vehicles in the yard.

Inspections Pending Continued from Last Period:

5 unsafe Structures going back before the Abatement Board.

Cases Closed this Period:

- (1) Sign at Fresenius on Hwy 25 Has been relocated.
- (2) 310 Wilson Dr. (Yard Sale)
- (3) 78 Western Drive (mowed and cleaned up)
- (4) 271 Shoal Creek Circle (mowed and cleaned up)

Other Comments:

Miscellaneous Inspections:

- (1) Fresenius Sign
- (2) 310 Wilson Dr Yard Sale

The Chief then informed the Council that the new radio system requires an antenna in order to operate optimally. The Chief asked the Council to approve the purchase and installation of an antenna using funds from the Forfeiture Fund as follows:



Quote

Date: 10/05/18
Quote #: Control Station Antennas - 142

Quote Prepared By: Kyle Campbell
Office Phone: 205-591-880-4 Ext 142
Cell Phone:
Email Address: kyle@allcomm.com

To: Montevallo Police
Address: 545 Main St
City: Montevallo
State: AL
Zip: 35115
Attn: Chief Jeremy Littleton
Re: Additional Antenna work for APX Console Radios

Ln	Qty	Description	Price Each	Line Total
1	1	Wall Mount Brackets	\$ 23.04	\$ 23.04
2	1	Mast	\$ 15.63	\$ 15.63
3	1	746-869 MHz 3dB Base Station Omni Antenna	\$ 266.38	\$ 266.38
4	1	Antenna Mounting Bracket	\$ 26.51	\$ 26.51
5	85	LMR400 Coax	\$ 1.11	\$ 94.35
6	1	N-Male For LMR400	\$ 12.26	\$ 12.26
7	1	N Female For LMR400	\$ 11.36	\$ 11.36
8	1	Polyphaser	\$ 64.12	\$ 64.12
9	1	Wall Plate with Insert	\$ 10.67	\$ 10.67
10	1	N Male for LMR 195	\$ 7.08	\$ 7.08
11				
12	1	N Female Bulkhead for Wall Plate	\$ 12.07	\$ 12.07
13	1	N-Female to N-Male Right Angle Adapter	\$ 14.91	\$ 14.91
				Equipment Total \$ 558.38
				Installation \$ 1,300.00
				Fcc Licensing \$ -
				Freight \$ 115.00
				Total \$ 1,973.38

Scope of work:

Installation of antenna system using a wall mount bracket on the rear of the building for the APX4500 radio at Dispatch.

Thank You for Your Consideration!

Allcomm Wireless Inc Terms and Conditions dated 8/1/2011 are attached and integral to this quotation. Taxes, if applicable, are not included. If you are a new customer and are tax exempt, please notify us of your exempt status at the time of acceptance. All quotes are valid for 30 days. If you have a purchase order, please send along with the accepted quote.

I accept the above quotation & agree to be bound by the terms and conditions of Allcomm Wireless.

 Authorized Buyer Signature

 Date

Chief Bill Reid presented the Fire Department report. He said they have responded to 1128 calls so far this year. Last week, there was a fire on Commerce Street. The home was abandoned and was a total loss. There has been no determination as to the cause. No one was injured. The Chief then reminded everyone that the Fire Prevention Parade will be held this coming Saturday at 10:00 a.m.

Mayor Cost noted that Council Member Peterson was out of town on business and would not be back in time for the meeting.

Kirk Hamby reported that the Public Works Department was able to take advantage of the County's free dump day at the landfill. They took a loaded grapple truck and brush truck to the dump that morning. Mr. Hamby noted that there is an item on the agenda requesting authorization to solicit bids for a new grapple truck. He said the truck will be helpful with both current leaf & limb pick up, as well as for White Goods should the Council decide to start a new service.

Council Member Nix said he utilized the County's free dump day, as well, and that the people working the landfill were very courteous. He also reminded everyone that Critters by the Creek will be held at Orr Park, October 28th from 1:00 – 3:00 p.m.

Mr. Hamby noted there were several travel ball tournaments over the past few weekends. He also mentioned that some cement work is scheduled to be done at Stephens Park shortly.

Wade Rider presented the Golf Course report:

Montevallo Golf Club

2018 - 2019

October 8th City Council Report

<u>Rounds Played</u>	<u>MTD</u>	<u>AVG. DAILY RDS.</u>
September 2017	830	33.2
September 2018	782 ↓	34 ↑

There were 6 days in September 2018 with no rounds played vs. 5 days for September 2017

*Current monthly & YTD statistics account for days w/o rounds
due to closure for weather & maintenance.*

Upcoming Tournaments / Events

- University of Montevallo Olympics Day Tournament, October 12: Course closed to public for the day; 90 golfers expected in addition to 30-40 other alumni.
- Falcon Fest Tournament sponsored by UM SAC Committee; all proceeds donated to Neverthirst.
- Course personnel are planning a number of member events in an effort to keep the members engaged through the winter months and as a recruiting tool for new members. (Member-member, member-guest, Ladies Days, etc.)

General

- Course Reclamation plan continues with significant improvements to include greens, fairways and teeing areas. Winter overseeding will commence within the next two weeks to maintain healthy, lush greens during the cold-weather months. Golfers continue to compliment the progress.
- Planning for spring course work have been finalized to ensure proper preemergent / seeding processes and avoid past issues with subpar greens, tee boxes and fairways.
- Rounds per day continue to increase as golfers experience the course improvements. MGC staff has received many compliments on the progress.
- Winter course work will include refuse & tree/limb removal, course landscaping using available materials to minimize or eliminate costs and additional gravel on cart paths.

Lauren Bartell presented the Library report:

PARNELL MEMORIAL LIBRARY
MONTHLY REPORT
SEPTEMBER 2018

CIRCULATION: 1785 items charged

ELECTRONIC CIRCULATION: 1684 items charged

COMPUTER USE: 420 users

STORYTIME/3: 57

KIDS' MOVIES/4: 28

OTHER CHILDREN'S PROGRAMS/3:30

ADULT PROGRAMS/12: 291

DEPOSITS:

9/6/2018	\$85.35
9/12/2018	\$129.75
9/19/2018	\$142.02
9/19/2018	\$3000.00
9/24/2018	\$79.46
9/27/2018	\$120.44
	\$3557.02

Notes:

- Parnell was awarded 100% of the requested LSTA funds for FY 2019 (\$4,000).
- State Representatives Fridy and Weaver each secured community grants for the library for a total of \$2,000.
- Our ESOL class has 30 students enrolled for this term. Thank you Carmen Vaccarella for organizing such a great team of volunteer teachers.
- We are doing some library program revamping. If you know of any parents interested in being part of a parent interest group to drive this initiative, please send them my way.
- National Novel Writing Month will be coming up in November with our Kick Off Event on October 30th

Abigail Heuton updated the Council on the Montevallo Junior City Council. She said they receive a donation of a movie screen for their Movies in the Park event. She said their funds

will be used to purchase the projector. She said they will be volunteering at Critters by the Creek and the Mayor's Breakfast.

Council Member Bunt presented her report:

Oct.10

Regular registration cuts off for Montevallo Artwalk booths.

Oct. 11

UM Founders' Day 11 a.m.

MES McSpirit Night @ McDonalds from 5 - 8 p.m.

MHS Homecoming Pep Rally at 6 p.m.

UM Life Raft Debate at 7 p.m.

Oct. 12

MHS Homecoming 7 p.m.

Oct. 13

UM Centennial Celebration, College Night Revue

Oct. 18

MES Fall Festival 5:30 - 7:30 p.m.

Oct. 19

MES fifth grade Future Falcons to attend UM

Oct. 27

Montevallo Artwalk 1-6 p.m.

UM Ghost Walk 6-8 p.m.

Council Member Walker thanked everyone who helped put together this year's budget.

Mayor Cost noted that the Montevallo Main Street effort continues to be a success.

Steve Gilbert, Director of the Montevallo Chamber of Commerce, reminded everyone that our annual Trick-or-Treat on Main event will take place on Halloween from 3:30 - 5:00 p.m. He also mentioned that Daylight Donuts should be open in 60-90 days.

Courtney Bennet presented the holiday banner recommendations from the Main Street Design Committee:





Ms. Bennet said the custom designs were created by Pam Phagan and Jack Kish.

Council Member Nix thanked the Committee for bringing these designs back to the City Council for approval.

The City Clerk explained the request from the Council's approval to switch from Earthlink to ATT's 100 Meg Internet service. He said it will be 10 times Faster than what we currently have and will save us \$381.54 per month. It will also allow Court to remotely process inmates and save money there, too.

Chief Littleton agreed, noting he fully supports this change.

With regard to the recommendation from the Sustainability Committee to authorize Public Works to obtain bids for a new boom truck, Council Member Walker noted that this was actually discussed last year by the Council. Mr. Hamby needs to solicit bids for the new truck. Even if we do not start a White Goods service, having the second boom truck will improve our existing service. He said the White Goods proposal won't be considered until after the New Year. Until then, we will work to get the word out about the proposed service and solicit as much public input as possible - perhaps through the use of a survey.

The Mayor said the request for the new antenna will come under Other Business.

Chief Reid noted that they will not be added to the new radio system until the other fire departments come on line.

**Montevallo City Council Meeting
October 8, 2018
6:00 p.m. at City Hall**

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Matt Walker, Council Member Willie Goldsmith, and Council Member Tiffany Bunt were in attendance. Council Member Jason Peterson was absent.

Pledge of Allegiance

Meeting Call to Order

Mayor Cost called the regular meeting to order at 6:00 p.m.

Approval and/or corrections of the minutes – 9/24/18; 9/27/18 Budget Meeting

Council Member Goldsmith made a motion to approve the Minutes from the September 24, 2018 meeting as presented. Council Member Bunt seconded. Council Member Walker Abstained. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Council Member Nix made a motion to approve the Minutes from the September 27, 2018 special budget meeting as presented. Council Member Walker seconded. Council Member Bunt Abstained. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Recognitions / Awards

Mayor Cost said she will recognize of Leah Waites, National Merit Scholarship Finalist, at a later date.

Opportunities for citizens to speak to the Council

Thomas Lilly, Jr. said he was having trouble getting in contact with Michael Harman regarding an issue he is having with his water service. Mayor Cost informed Mr. Lilly that Council Member Nix and Walker both serve on the Water Board and that he can discuss his issue with them after the meeting.

Courtney Bennet reminded everyone about Main Street's next Friday Nights at the Cove event this week.

Committee Reports and Consideration of Bills:

Public Health & Safety (Police, Fire, Code Enforcement, Housing Abatement)– Discussed earlier.

Sustainability (Streets & Sanitation, Recycling, Arbor & Beautification, ValloCycle, Environmental Preservation Initiatives) – Discussed earlier.

Recreation, Preservation and Community Development (Parks & Recreation, Golf Course, Youth Athletics, Trails, Planning & Zoning, Annexations,) – Discussed earlier.

Education, Arts & Outreach (Schools, UM, Boys & Girls Club, Library, American Village, Sister City Commission, Artwalk) – Discussed earlier.

Finance, Economic Development & Tourism (Finance, MDCD, IDB, Chamber, Historical Commission, Main Street) – Discussed earlier.

Council Member Walker made a motion to approve payment of the bills as presented. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Consent Agenda: NONE

New Business:

Approval of Christmas Banner Designs as Recommended by the Main Street Design Committee - Council Member Nix made a motion to approve the banner designs. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Approval of Switching from Earthlink to ATT 100 Meg Internet (10X Faster)- \$1,080.75/M (\$381.54 Savings /M). This will also allow Court to remotely process inmates and save our PD the time and expense of transporting inmates to Court. – Council Member Bunt made a motion to approve the switch to ATT&T. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Recommendation from Sustainability Committee to authorize Public Works to Obtain Bids for a new Boom Truck - Council Member Goldsmith made a motion to approve the request for bids on a new boom truck. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Old Business:

White Goods – Proposed Ordinance

The following is the proposed ordinance. The Council is asking for public input on this proposed new service. No action will be taken until after the New Year:

Ordinance _____

AN ORDINANCE REPEALING AND REPLACING ORDINANCE 07Q (9.24.07) AUTHORIZING AND PROVIDING FOR SOLID WASTE COLLECTION IN THE CORPORATE LIMITS OF THE CITY OF MONTEVALLO, ALABAMA AND THEREBY AMENDING CHAPTER 18, SECTIONS 18-1 THROUGH 18-32 OF THE MONTEVALLO MUNICIPAL CODE

Whereas, the City has received frequent and ongoing complaints about *White Goods being left in front of residences; and*

Whereas, *White Goods are defined by the City's Municipal Code as refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances; and*

Whereas, it is currently the responsibility of the resident and/or property owner to properly discard of all *White Goods* and other items not scheduled for curbside pick-up by our sanitation services; and

Whereas, placing these items along the street creates an eyesore and adversely impacts the community as a whole; and

Whereas, from time to time, City sanitation crews have been forced to remove and properly discard these items; and

Whereas, removing these items creates an added cost and burden to the City; and

Whereas, removing *White Goods* is not currently a service the City is able to provide to all of its residents; and

Whereas, it is in the best interest of the public's health and welfare for this added service to be made available;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MONTEVALLO, ALABAMA THAT ORDINANCE 07Q (9.24.07) AUTHORIZING AND PROVIDING FOR SOLID WASTE COLLECTION IN THE CORPORATE LIMITS OF THE CITY OF MONTEVALLO, ALABAMA IS HEREBY REPEALED AND REPLACED WITH THE FOLLOWING:

I. PURPOSE OF THE SOLID WASTE ORDINANCE

The purpose of the Ordinance is to implement a regulatory scheme to protect the health, safety and welfare of citizens by, among other matters, collecting and disposing of garbage so as to minimize the occurrence of disease, remove potential sources of disease and to promote a clean and healthy community. Reference is made to Code of Alabama, 1975, Section 22-27-1 (Solid Wastes Disposal Act), and such act is hereby incorporated in its entirety as though more fully set out in this section. The authority granted to a municipality to implement such act is determined by Code of Alabama, 1975 Section 22-27-3. Assessments in the form of service charges are authorized by statute including Code of Alabama, 1975, Section 22-27-5, to cover the cost of providing garbage services, which shall be a charge against the real property and its owners.

II. DEFINITIONS

The following terms when used in this Ordinance shall have the meanings respectively ascribed to them, unless the context clearly indicates otherwise:

- A. **APPROVED CONTAINERS-** Roll-Out Carts as defined in Section II. (P), and Bags as defined in Section II. (B).
- B. **BAGS-** for the collection of Bulky Waste in plastic sacks designed to store and enclose Solid Waste with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag with contents shall not exceed forty (40) pounds.
- C. **BULKY WASTE-** Large items such as furniture, large auto parts, trees (in four (4) foot sections and being less than six (6) inches in diameter), branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods, which includes Yard Waste as defined herein.

- D. **CITY**- The City of Montevallo, Alabama.
- E. **CONSTRUCTION AND DEMOLITION WASTE**- Waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, rock, concrete, or other similar non-hazardous material.
- F. **CUSTOMERS**- Residential Units and Light Commercial Entities located within the City Limits.
- G. **GARBAGE**- Dead animals of less than ten (10) pounds in weight that have been slaughtered for human consumption; every accumulated waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not limited to, other food containers; and all putrescible or easily decomposable waste; animal or vegetable matter which is likely to attract flies or rodents, but excluding sewage and human waste.
- H. **HAZARDOUS WASTE**- Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the federal or state government to be hazardous, toxic, radioactive, volatile, corrosive, flammable explosive, biomedical, infectious and/or bio-hazardous as those terms are defined by or pursuant to Federal or State law or regulations.
- I. **INDUSTRIAL WASTE**- Solid Waste generated by industrial process and manufacturing.
- J. **LIGHT COMMERCIAL ENTITY**- A business entity within the City limits that generates a volume of Municipal Solid Waste that can be adequately accommodated by one or more Roll-Out Carts.
- K. **MEDICAL WASTE**- Any Solid Waste which is generated in diagnosis, treatment, or immunization, of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste or those substances excluded from the definition of Solid Waste.
- L. **MOBILE HOME PARK**- a parcel of land containing two or more mobile homes or trailers and operated as a single operation under the same ownership and management.
- M. **MUNICIPAL SOLID WASTE**- Solid Waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service. Municipal Solid Waste never includes Hazardous Waste, Special Waste, Medical Waste or Solid Waste from mining or agricultural operations.
- N. **REFUSE**- All nonputrescible waste.
- O. **RESIDENTIAL UNIT**- A residence, dwelling, home, cottage, apartment, trailer, mobile home, manufactured home, duplex, or any other structure inhabited by one or more persons within the City of Montevallo, occupied for at least a portion of the relevant month by a person or group of persons. Each unit of an apartment or condominium dwelling consisting of four (4) or less living units, whether of single or multi-level construction, shall be treated as a Residential Unit. A Residential Unit shall be deemed occupied when both water and power services are being supplied thereto. The fact that any Residential Unit is occupied shall be prima facie evidence that Solid Waste is being produced and accumulated upon the premises thereof.
- P. **ROLL OUT CART**- A receptacle approved and issued by the City or the City's designee or the City's Contractor and owner by the City or the City's designee or Contractor having the strength to store normal household solid waste.
- Q. **RUBBISH/TRASH**- All waste wood, wood products (but not yard waste), chips, shavings, sawdust, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes

and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, glass, and mineral or metallic substances.

- R. **SOLID WASTE-** All solid and semi-solid Garbage, Refuse, and Rubbish/Trash, but never (a) Hazardous Waste or Special Waste, (b) the other items excluded under the Exclusions paragraph of the Contract, (c) solid or dissolved materials in domestic sewage, (d) solid or dissolved materials in irrigation return flows, (e) industrial discharges which are a point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended (86 STAT.880), or (f) source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as amended (68 STAT.923).
- S. **SPECIAL WASTE-** Solid Waste that can require special handling and management, including whole tires, used motor oil, lead- acid batteries and Medical Wastes. Also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl (“PCB”) wastes; industrial process wastes; asbestos containing material; chemical containing equipment; demolition debris; incinerator ash; medical wastes; off-spec chemicals; sludges; spill-cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.
- T. **WHITE GOODS-** Refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances.
- U. **YARD WASTE-** Any and all vegetative matter resulting from private landscaping or regular yard maintenance. Yard Waste shall not include limbs which are greater than five (5) feet in length or four (4) inches in diameter. Yard Waste also shall not include debris from commercial/professional landscaping or excessive debris caused by storms or other inclement weather.

III. COLLECTION OF DISPOSAL SERVICE ESTABLISHED

There is hereby established in the City of Montevallo, here-in- after sometimes referred to as “City,” a garbage, trash, yard waste and rubbish collection, hauling and disposal service, to be provided by the City of Montevallo, or its designated agent, licensee, franchisee, employee or contractor. The collection, hauling and disposal of Rubbish, trash, and garbage shall be made not less frequently that once each week in residential areas. Yard Waste and White Goods shall be collected at a minimum of twice per month in residential areas, but not at any location in an amount exceeding two cubic yards per period of collection. All collection schedules are subject to change due to legal holidays or weather conditions, or circumstances deemed by the City or its designee to justify such change.

IV. MANDATORY PUBLIC PARTICIPATION

- a) A mandatory garbage collection, hauling and disposal service shall be conducted and performed within the City by an independent waste contractor (sometimes referred to in this chapter as the “contractor”) in accordance with the terms of the existing contract which the City has with an independent waste contractor and hereafter to be determined through bid process.
- b) Garbage collection service shall be provided to each residential unit, including: single-family dwelling units, each manufactured home units, each unit of a duplex, townhouse or other multifamily dwelling of the City, including apartment complexes of four (4) units or less.

- c) Garbage collection fees shall be set by City Council determined from time to time by adding a reasonable administrative cost to current contract price received with provisions for periodic rate adjustments during the life of the contract as negotiated between the City and the contractor, approved by the City Council, and reflected in the minutes of the City Council. Such garbage collection fees shall be collected on a monthly basis by the City.
- d) The owner of each single-family dwelling units, each manufactured home units, each unit of a duplex, townhouse or other multifamily dwelling of the City, including apartment complexes of four (4) units or less or other multifamily dwelling shall pay the required garbage collection fee unless the owner or occupant, as the case may be, qualifies for an exemption as provided for here-in or is otherwise exempt by state law. Every owner of a residential unit generating garbage shall participate in and subscribe to the City's system of services and shall comply with the requirements of this article whether or not they desire the services be rendered, except as provided here-in-below. The City hereby adopts the rules and regulations of the state department of public health regarding solid waste collection, transportation, storage, processing and disposal as may be amended from time to time and any local rules of the county health board that may be promulgated from time to time with regard to solid waste collection, transportation, storage, processing and disposal. The provisions of this article are mandatory and not voluntary.

V. EXEMPTIONS

- A. Pursuant to Code of Alabama, 1975, Section 22-27-3(a)(2), Any household whose sole source of income is Social Security Benefits shall be granted an exemption from the payment of any fees required under this article, provided the household seeking to claim the exemption shall present proof of income to the City Clerk no later than October 1 of each year. The exemption shall apply only so long as the household's sole source of income is social security and shall be requested each year in which the exemption is desired. Any person who knowingly provides false or misleading information in order to obtain an exemption shall be in violation of this Ordinance as provided for here-in. Those persons seeking such exemption under Code of Alabama, 1975, Section 22-27-3(a)(2) shall state in writing, under oath, that their sole source of income is derived from social security benefits and shall apply for such exemption at the office of the clerk on forms provided which set out the sworn information required by this section. Upon filing the form with the clerk, along with supporting documents, and approval as provided by State Law, such persons are exempted from paying any fees required under this chapter.
- B. An exemption will be provided for any business, church or other private institution providing for the disposal of their garbage in accordance with special permits granted by the state health department or by contracts with other garbage disposal companies. Copies of these permits and/or agreements must be filed annually during the month of September with the clerk. However, any business may voluntarily participate in the curbside garbage pick up so long as applicable fees are paid and all garbage generated by said business can be placed in one or more of the provided roll-out carts. Should any business use the services of a private garbage collection entity, said entity shall be licensed to do business in the City.
- C. Any apartment complex (consisting of more than five units) or Mobile Home Park shall be exempt from the payment of the garbage collection fees so long as the individual units or mobile homes do not have individual driveways which connect directly to a public road. Any apartment unit or mobile home whose individual driveway connects directly to a public road (that is the driveway is not accessed via a private road which services the entire Mobile Home Park or Apartment

Complex) shall be subject to the mandatory participation and the owner of the real property shall pay the garbage fees as set forth here-in.

- D. An exemption will be provided for any owner of a farm as defined by section 11-34 of the 1982 Code of Montevallo, or owner of five (5) acres or more of land zoned for agricultural use (AO) on his, her, own land providing for the disposal of their garbage in accordance with special permits granted by the state health department or by contracts with other garbage disposal companies. Copies of these permits and/or agreements must be filed annually during the month of September with the clerk. However, any business may voluntarily participate in the curbside garbage pick up so long as applicable fees are paid and all garbage generated by said business can be placed in one or more of the provided roll-out carts. Should any business use the services of a private garbage collection entity, said entity shall be licensed to do business in the City.

VI. PROVIDING CARTS: PLACEMENT FOR EMPTYING; REPAIR AND REPLACEMENT; BACK ENTRANCE PICK-UP

- A. The City, designee or its contractor, will provide each resident a roll-out cart for the purpose of storage of garbage. This is the only cart authorized for use; garbage will not be collected loose or in any non-City cart.
- B. The City, its designees, or its contractor will provide each business or commercial establishment desiring to use the City's curb-side garbage collection or refuse collection with a cart or carts for the purpose of collecting garbage.
- C. On scheduled garbage pick up days, the resident or business will be required to place the roll-out cart at the curbside (with-in three (3) feet of the right-of-way or at some other location as directed) no earlier than the evening prior to the collection day and remove the roll-out cart from the right-of-way not later than the evening of the collection day and place the cart in an area out of view of the traveled way, or to the side or rear of the residence.
- D. The resident or business will be responsible for cleaning of the roll-out cart.
- E. The City, or its designee, will be responsible for repair or replacement of roll-out carts damaged or stolen through no fault of the resident. Any resident who intentionally or negligently damages or loses a roll-out cart shall pay the cost of repair or replacement; said cost to be assessed to their next monthly bill..
- F. Upon satisfactory proof (which shall consist of a medical doctors sworn statement for each household member who is 18 years of age or over) of disability because of health, age, or other reasons of all persons 18 years of age or over residing in a Residential Unit, the City, its designee, or its contractor will collect garbage from roll-out carts placed near the back entrance of such residential unit. The City Clerk or other person(s) designated by the City Clerk shall provide such forms as are necessary for application for back door pick up of garbage. The City Clerk, or other person(s) designated by the City Clerk, shall review and grant such applications when in compliance with the provisions of the paragraph.
- G. No collection personnel shall enter houses or buildings.

VII. DISPOSAL OF RUBBISH/TRASH/YARD WASTE:

In residential areas:

- A. All Yard Waste shall be placed within three (3) feet of the edge of the public road or curb adjacent to the resident's property and will be picked up twice per month.

- B. Building debris, such as scrap lumber, plaster, roofing, concrete, brick bats and sanding dust, resulting from construction, repair, remodeling, removal or demolition of any building or appurtenance on private property; and dirt, stumps and tree trunks will not be removed by the City or its designee, but the owner shall cause such waste to be privately removed.
- C. The City shall not be responsible for the collecting and hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during or subsequent to construction of new buildings of whatever type prior to occupancy. Such material shall be removed by the owner of such property or the contractor responsible for the accumulation of the same.
- D. It shall be the responsibility of all fence companies, tree surgeons, pulpwood contractors, nurseries and landscape contractors or any individual or company doing work on private property to remove from premises all residue and rubbish resulting from such work.
- E. White Goods shall be picked up pursuant to the curb-side garbage collection program as follows:
 - a) Refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances and similar manmade items may be put out for pickup no sooner than one day before pickup is scheduled. This service is limited to residential only and not commercial rental cottages or apartments, unless they pay for city garbage service or arrange for pickup ahead of time with the city and pay a fee in an amount to be set by the city based on the amount to be picked up. Weight is limited to 300 pounds per item. The city hall (205-665-2555) must be notified before any unusual item not listed herein is put out for pickup. No items longer than 10 feet in length may be put out for pickup.
 - b) No commercially created trash or construction refuse, or homeowner-created construction refuse resulting from major lot cleaning, home construction, major renovation, repair or demolition will be picked up. Commercial haulers licensed by the city may be employed by the owner for this purpose. Trash or debris resulting from routine or minor homeowner maintenance and repairs, including minor lot clearing or yard maintenance will be removed.
 - c) An additional fee in an amount to be established by the city will be assessed to the property owner for the White Goods or Yard Waste in excess of ten cubic yards. However, arrangements for this special service must be made and paid for in advance.

VIII. COMMERCIAL GARBAGE COLLECTION:

The collection of commercial garbage and trash may be provided by the City or its contractor; or in the alternative, a commercial garbage contractor who is licensed by and has a current permit from the City to operate within the City, or by a governmental entity or authority approved by the City.

IX. UNAUTHORIZED REMOVAL OF GARBAGE CARTS:

It shall be unlawful for any person, other than the resident who maintains the roll-out cart, to remove any garbage, rubbish or other like material from any garbage can or other cart, within the City, after it has been placed therein except under the order of an officer, agent or employee of the public works department or by some other authorized person removing same for disposal.

X. DUMPING OTHER THAN CARTS:

No person shall place or cause to be placed upon the public street, sidewalks or alleys of the City any garbage, trash or refuse or other waste unless the same be placed in a Container or placed as provided herein.

XI. RATES AND CHARGES FOR COLLECTION SERVICES:

Beginning March 1, 2019 payments for services will be due on a monthly basis paid as follows:

- A. Twenty Five Dollars (\$25.00) per month for Residential unit; and the owner of each said apartment house or complex shall be liable for the garbage fee on each dwelling unit in such apartment complex, and the owner of each trailer park be responsible for the garbage fee on each mobile home or house trailer in said trailer park. Additional roll-out carts will be provided at a fee of twelve dollars (\$12.00) per month per additional cart.

XII. BILLING; COLLECTION AGENT:

- A. All bills for service shall be rendered monthly.
- B. Such payment shall be due by the first day of each month and such payment shall be delinquent after fifteen (15) days and a late fee of ten percent (10%) shall be assessed. After sixty (60) days from the due date service shall be suspended.

XIII. PENALTIES:

Any person, firm or corporation violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) and imprisoned for a period not to exceed thirty (30) days, or both; and such shall also be subject to the sanctions allowed by state law, including but not limited to civil suit for the collection of past due amounts.

This ordinance is hereby approved and adopted this the _____ day of _____, 2018, thereby amending Chapter 18, Sections 18-1 through 18-32 of the Montevallo Municipal Code.

Mayor Hollie C. Cost

ATTEST:

Herman F. Lehman III, City Clerk

Board Appointments: NONE

Other Business:

Antenna – Council Member Goldsmith made a motion to approve the purchase and installation of the new radio antenna from Allcomm for \$1,973.38 using Forfeiture Funds. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Citizen Participation:

Anita Frederick expressed her concern about a vicious dog on her street in Arden which has attacked three people. She said she is afraid to walk on her street and is threatened by that dog. The Mayor and Police Chief explained that the owner has been cited and is scheduled to appear in court. It will be up to the judge as far as what happens to the dog. They said we are required to follow the law and ensure everyone's due process.

Mr. Hamby said as doctor is required to notify the Health Department in the event of a dog attack.

Ms. Frederick's neighbor, Bob Readal, also spoke, noting he was attacked by the dog and went to the Emergency Room as a result. He said the hospital reported the dog attack to the County Health Department but he wasn't certain what happened beyond that.

Bobby Pierson asked where these attacks took place so he would know which street to avoid when he is out walking.

Ms. Frederick said she is grateful that the city has responded promptly to her complaints and has taken her concerns seriously.

A resident on Highland Street informed the Council that as sewer lid on her street is

broken and needs to be replaced. Mr. Hamby said he would take care of it.

Mr. Readal asked the Chief what he can do if the dog gets loose again. The Chief said he should call the Police Department.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Walker seconded. ALL AYES . . . MEETING ADJOURNED at 6:19 p.m.

Submitted by:

Herman Lehman
City Clerk