

## MINUTES

### **Montevallo City Council Work Session November 12, 2019 5:30 p.m. at City Hall**

(Rescheduled due to Veterans Day Holiday)

**Mayor Hollie Cost, Council Member Rusty Nix, Council Member Tiffany Bunt, Council Member Willie Goldsmith, Council Member Jason Peterson, and Council Member Arthur Herbert were in attendance.**

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

The Mayor noted the Council had questions they wanted to ask the auditors about the audit reports. Wayne Barber was in attendance and answered those questions. In response to a question from Council Member Nix, Mr. Barber explained the contents of the Management Letter:

**DeLOACH, BARBER & CASPERS, P.C.**

CERTIFIED PUBLIC ACCOUNTANTS

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August 9, 2019

Honorable Mayor Hollie C. Cost, Ph.D.  
Members of the City Council  
City of Montevallo, Alabama

Mayor and City Council:

In planning and performing our audit of the financial statements of the City of Montevallo, Alabama as of and for the year ended September 30, 2018, in accordance with auditing standards generally accepted in the United States of America, we considered the City of Montevallo, Alabama's internal control over financial reporting (internal control) as a basis for designing our auditing procedures for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we do not express an opinion on the effectiveness of the City's internal control.

Our consideration of internal control was for the limited purpose described in the preceding paragraph and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and, therefore, material weaknesses or significant deficiencies may exist that were not identified. However as noted in the attached memorandum, we identified certain deficiencies in internal control that we consider to be material weaknesses and other deficiencies that we consider to be significant deficiencies.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect and correct misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. See the attached memorandum for the deficiencies in internal control we consider to be material weaknesses.

A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance. See the attached memorandum for the items we considered to be significant deficiencies.

During our audit, we also became aware of deficiencies in internal control other than significant deficiencies or material weaknesses, and other matters that are opportunities for strengthening internal controls and operating efficiency. See the attached memorandum for the items we considered to be other matters.

We will review the status of these comments during our next audit engagement. We have already discussed many of these comments and suggestions with various governmental unit personnel, and we will be pleased to discuss them in further detail at your convenience, to perform any additional study of these matters, or to assist you in implementing the recommendations.

This communication is intended solely for the information and use by management, Mayor and Council of the City of Montevallo, Alabama, and others within the organization, and is not intended to be and should not be used by anyone other than these specified parties.

*DeLoach, Barber & Casper, P.C.*

**CITY OF MONTEVALLO, ALABAMA  
MEMORANDUM TO ACCOMPANY MANAGEMENT LETTER  
SEPTEMBER 30, 2018**

**MATERIAL WEAKNESSES:**

**I. Lack of Segregation of Duties (Repeat Finding)**

Management should review the design of its internal control in regards to financial controls to achieve a segregation of accounting duties where possible. At a minimum, part of this design the internal control should include a segregation of duties to ensure that the person collecting is not the same person maintaining the records related to the items collected.

We realize that because of limited resources and personnel, management may not be able to achieve a proper segregation of duties; however, our professional standards require that we bring this lack of segregation of duties to your attention in this report.

Lack of segregation of duties, should be eliminated if possible, however, because it could possibly result in the misstatement or misuse of City assets. A single person performing multiple stages of the accounting and operation procedures could lead to errors, misstatements, or potential fraud or abuse.

Some areas that we believe there is a lack of segregation of duties at the City, and that need to be reviewed are the following areas; controls over receipting related to sporting activities in the Park and Recreation department, controls over receipting in the Golf department, and controls related to receiving goods in all departments. This is not intended to be a list of all the areas where lack of segregation exists, however it is a listing of the areas we believe to be of higher risk.

**II. Material Audit Adjustments**

During the course of our audit, there were audit adjustments that were material in nature to the financial statements. Material adjustments related to correction of posting of revenues, posting of capital expenditures, posting or payroll related items, and correction of transfers and intercompany balances.

Material audit adjustments could be an indication of a weakness in the internal control and are opportunities to strengthen the City's account reconciliation process. We encourage management to review the provided journal entries and make necessary adjustments to internal control to ensure accurate financial reporting.

**CITY OF MONTEVALLO, ALABAMA  
MEMORANDUM TO ACCOMPANY MANAGEMENT LETTER  
SEPTEMBER 30, 2018**

**MATERIAL WEAKNESSES:**

III. Preparation of the Financial Statements

Management is responsible for the preparation and fair presentation of financial statements in accordance with generally accepted accounting principles (GAAP). Personnel are not currently in place whom are adequately trained to prepare the financial statements in conformity with GAAP. For the year ended September 30, 2018, the City, based on a cost versus benefit analysis, elected to have the external auditor prepare the financial statements.

We realize that management believes the cost of correcting the above significant deficiencies would exceed the benefits to be derived from doing so. Management does employ qualified staff to prepare monthly cash-basis financial statements for internal use, and also monitors revenues and expenses as compared to the budget. AU-C 265 indicates that a weakness in internal control is present when personnel are not available to apply GAAP in preparing the financial statements, and as such we are required to communicate this matter to management.

**SIGNIFICANT DEFICIENCIES & NONCOMPLIANCE:**

II. Review and Approval of Time Cards and Sheets (Repeat Finding)

During our testing we noted that not all time cards/sheets were being reviewed and approved by department heads, and in some cases time cards/sheets were submitted without any review other than the payroll clerk. This could result in unauthorized time being paid to an employee.

Since the time cards are the source document supporting the Company's labor expenses, we recommend that employees be required to sign the time card and submit them to their supervisor or manager for approval. Requiring signatures can help impress on employees the need for accuracy and honesty in filling out the time cards and that by signing it they are making a representation about those matters. Knowledge that the cards will be reviewed by the supervisor or manager will also encourage employees to fill out the cards accurately and honestly.

We recommend that time cards/sheets be submitted by all employees and that before submission to the payroll clerk they should be reviewed and approved by a manager, supervisor, or department head. In addition, if possible, the procedures should be established that allow for standardization of the payroll approval process throughout all departments.

**CITY OF MONTEVALLO, ALABAMA  
MEMORANDUM TO ACCOMPANY MANAGEMENT LETTER  
SEPTEMBER 30, 2018**

III. Processes and Controls Related to Park and Recreation Collections (Repeat Finding)

During our testing we noted that controls related to the Park and Recreation collection of monies related to sporting activities and other items needs to be reviewed to ensure proper segregation of duties and adequate reporting and monitoring. Upon discussion with management and review of reports and controls we noted that primarily one individual is responsible for collection of park activities and is also responsible for management of records related to those activities. In addition, we were unable to reconcile the reports related to sporting activities to the accounting records. This is primarily due to lack of sufficient reporting of detailed collections to the accounting department and no one performing a reconciliation of the sport activity reports to the accounting records.

We recommend that if possible, the person collecting the payments related to sports activities should not also be responsible for the record keeping related to the sports activities. In addition, detailed reports should be given to the accounting department breaking down and reconciling to the records management for those activities.

IV. Processes and Controls Related to Golf Department Collections (Repeat Finding)

During our testing we noted that controls related to the Golf Department collection of monies needs to be reviewed to ensure proper segregation of duties and adequate reporting and monitoring. We have noted continued decrease in collections at the Golf course and feel that additional procedures should be in place to ensure proper accounting and reconciliations are performed in regards to Golf revenues.

We recommend that if possible, the person collecting the payments related to Golf revenues should not also be responsible for the record keeping related to those activities. We recommend the City review the internal control processes over Golf revenues, such as initiation fees, green fees, cart rental, etc., to ensure proper reconciliation and recording.

We have included a recap of revenues for the Golf Department over the past ten years. Revenues have dropped significantly in the past ten years. Due to the lack of sufficient controls this could be an indication of possible fraud or neglect. We encourage management to consider additional monitoring and control processes in relation to collection of golf revenue.

V. Purchase Policy

During our testing we noted that the City purchase policy in regards to purchase orders and approval process were not always adhered too. We noted instances where required purchase orders were not in place or the purchase order was completed after the purchase. After discussion with the Assistant Clerk we became aware that she had not been provided a copy of the City's purchase policy and therefore was not knowledgeable about all the requirements. We provided to her a copy. We encourage the City to review applicable policies with all departments heads on a routine basis and provide training were necessary to ensure adequate controls and that City policies are followed.

CITY OF MONTEVALLO, ALABAMA  
MEMORANDUM TO ACCOMPANY MANAGEMENT LETTER  
SEPTEMBER 30, 2018

**OTHER ITEMS/RECOMMENDATIONS:**

VI. Recommendations to Strengthen Internal Control

During our testing we noted additional control procedures that we recommend that could help strengthen internal control:

- A. A sign should be posted visible to all customers notifying them to expect a receipt at all collection sites. If possible, we recommend that all collections be made at one central location, where the sign is posted to get a receipt, and where the receipt can be computer generated. This will eliminate the need for multiple payment locations, multiple receipt books, and reduce the risks associated with having multiple people collecting.
- B. Consider having the banks provide the backs of cancelled checks and deposits.
- C. Consider a monitor system for all collection point locations.
- D. We encourage all of our clients to review the backup procedures to ensure that proper backups are occurring. We also recommend that the backup procedures should include offsite storage and that testing of the backups should occur to ensure that the backups will work in the case of needed emergency restoration.
- E. We recommend to our governmental clients that as part of a sound internal control structure they should routinely perform their own risk assessments of internal controls and processes to determine the high risk areas for the entity. Once the high risk areas are determined management should review controls and processes over those areas.

We remind you that we were not engaged to perform an audit over internal controls and as such we have not done so. We consider internal controls and process in regards to our risk assessment to determine our audit procedures to be performed, however our audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. If you wish to have additional procedures performed in relation to internal control, we will gladly discuss this with you.

CITY OF MONTEVALLO, ALABAMA  
MEMORANDUM TO ACCOMPANY MANAGEMENT LETTER  
SEPTEMBER 30, 2018

**OTHER ITEMS/RECOMMENDATIONS (Continued):**

IV. Recommendations to Strengthen Internal Control (Continued)

- F. We recommend to all our governmental clients they should establish written internal controls, accounting procedures and fiscal policies. The policies and procedures should be routinely reviewed for needed changes and for continued compliance. These policies should be provided to proper personnel and they should be required to acknowledge receipt of such policies. At a minimum we recommend the City have the following written policies related to the accounting process if not already in place:
  - 1. Fiscal Management Policy (Controls, Processes and Authority) over Banking and Disbursement
  - 2. Credit Card Usage Policy
  - 3. Fixed Asset Policy
  - 4. Purchase Order Policy
  - 5. Employee Policy and Procedure Manual
  - 6. Hiring and Termination Policies
- G. We encourage all of our clients to perform an annual review of insurance coverage.
- H. We encourage all of our clients to consider adopting disaster recovery plans.

Mr. Barber explained that “lack of segregation” is a recurring weakness reported in each year’s Management Letter, and is something mentioned in the reports for all of his municipal clients because of their size. Only big cities can afford to staff to the level necessary to completely avoid this concern.

His mention of audit adjustments related to the fact that we switched to a new payroll company. Because of that switch, the auditors had to make a larger number than usual journal entries to correct the accounts. That issue has been fully addressed.

With regard to the “preparation of the financial statements,” here again, this is a weakness all cities Montevallo’s size have because they cannot afford to hire a staff of CPAs to prepare their financial documents. As such, his firm both prepares the reports and audits them. Again, this is common and is noted each year in their report.

Of lesser concern are the “significant deficiencies and non-compliance.” The timecard issue pertains to the fact that each department handled timecards a little different. The new electronic payroll system has addressed that issue.

As before, the letter also points out that the way both the Golf Course and Park & Rec collect revenue is always a concern. Collections at City Hall are done at one location and there are security measures, such as cameras. When we accept cash payments at the Golf Course or ballfields, there is always the possibility of theft, for example. As such, this concern has to be noted in the report, even though the departments have taken steps to minimize those concerns. For instance, the golf course added details to their sign-in sheet to provide another way to check to see if the cash receipts are correct.

Council Member Nix asked if the golf course balances their receipts each day. Mr. Barber said he thinks they do, if not, they certainly do it every week. The issue is the same person who collects the money is the one who closes out at the end of the day. Here again, a concern related to segregation of duties.

Mr. Barber presented the following report indicating the loss at Golf in recent years.

CITY OF MONTEVALLO - GOLF DEPARTMENT  
REVENUE RECAP - ANALYTICAL TESTING/COMPARISON  
SEPTEMBER 30, 2018

	GREENS	CART RENTAL	RANGE FEES/BALLS	DUES	CART HOUSING	PRO SHOP REVENUE	INITIATION	DONATIONS	U.M. Agreement	VENUING	TOTAL
ACCT NUMBER	4441.40008	4441.40000	4441.40014 4441.40013 & 4441.40014	4441.40005	4441.40001	4441.40015	4441.40004	4441.40010	4441.40007	4441.40016	
INCOME PER GL 9/30/18	34,210.50	82,335.00	13,937.84	13,378.75	1,899.24	5,793.67	0.00	0.00	57,500.00	5,793.67	209,055.00
INCOME PER GL 9/30/17	52,937.75	96,152.40	14,383.64	20,475.00	3,200.00	5,836.95	175.00	0.00	0.00	0.00	193,160.74
INCOME PER GL 9/30/16	58,353.50	113,426.50	16,623.11	18,352.00	2,530.00	5,890.38	250.00	0.00	25,000.00	0.00	240,425.49
INCOME PER GL 9/30/15	67,449.25	108,617.00	5,677.00	31,016.00	4,540.00	4,653.12	0.00	2,764.75	25,000.00	0.00	249,717.12
INCOME PER GL 9/30/14	82,198.00	112,353.25	6,789.25	29,592.00	5,097.50	0.00	1,150.00	3,826.00	25,000.00	0.00	265,986.00
INCOME PER GL 9/30/13	99,530.50	125,158.50	6,980.50	29,838.34	4,325.00	0.00	1,950.00	2,129.15	25,000.00	0.00	294,911.99
INCOME PER GL 9/30/12	111,270.83	137,835.30	6,814.50	26,464.32	4,400.00	0.00	2,800.00	0.00	25,000.00	0.00	314,584.95
INCOME PER GL 9/30/11	107,116.45	130,193.00	6,357.00	26,002.00	4,175.00	0.00	1,600.00	0.00	25,000.00	0.00	300,443.45
INCOME PER GL 9/30/10	92,773.75	117,863.00	5,460.42	28,937.00	4,275.00	0.00	2,200.00	0.00	25,000.00	0.00	276,509.17
INCOME PER GL 9/30/09	116,843.04	138,660.34	5,863.94	33,591.33	5,250.00	0.00	1,600.00	0.00	25,000.00	0.00	326,808.85
TOTALS - 10 YEARS	<u>822,683.67</u>	<u>1,162,594.29</u>	<u>88,867.20</u>	<u>257,646.74</u>	<u>39,691.74</u>	<u>22,174.12</u>	<u>11,725.00</u>	<u>8,719.90</u>	<u>257,500.00</u>	<u>5,793.67</u>	<u>2,671,602.56</u>
10 YEAR AVERAGE	82,268.36	116,259.43	8,886.72	25,764.67	3,969.17	2,217.41	1,172.50	871.99	25,750.00	579.37	267,160.26
DECREASE 2018 VS 2017	(18,727.25)	(13,817.40)	(445.80)	(7,096.25)	(1,300.76)	(43.28)	(175.00)				(41,605.74)
DECREASE 2018 VS 2014	(47,987.50)	(30,018.25)	7,168.59	(16,213.25)	(3,198.26)	5,793.67	(1,150.00)				(65,605.00)
DECREASE 2018 VS 2009	(82,632.54)	(56,325.34)	8,073.90	(20,212.58)	(3,350.76)	5,793.67	(1,600.00)				(150,253.65)

Mayor Cost noted this has been an area of concern for a long time and that we are working to address this issue.

Mr. Barber noted that the concern related to our Purchasing Policy arose because our new accounts payable clerk was not given a copy of the city's purchasing policy. That too has been corrected.

The other items in the letter are general comments which pertain to all of their clients – not just Montevallo. They are simply things to watch for. As Auditors, they come in for a few months out of the year. The goal is for management to be mindful and watch out for areas of potential concern throughout the year.

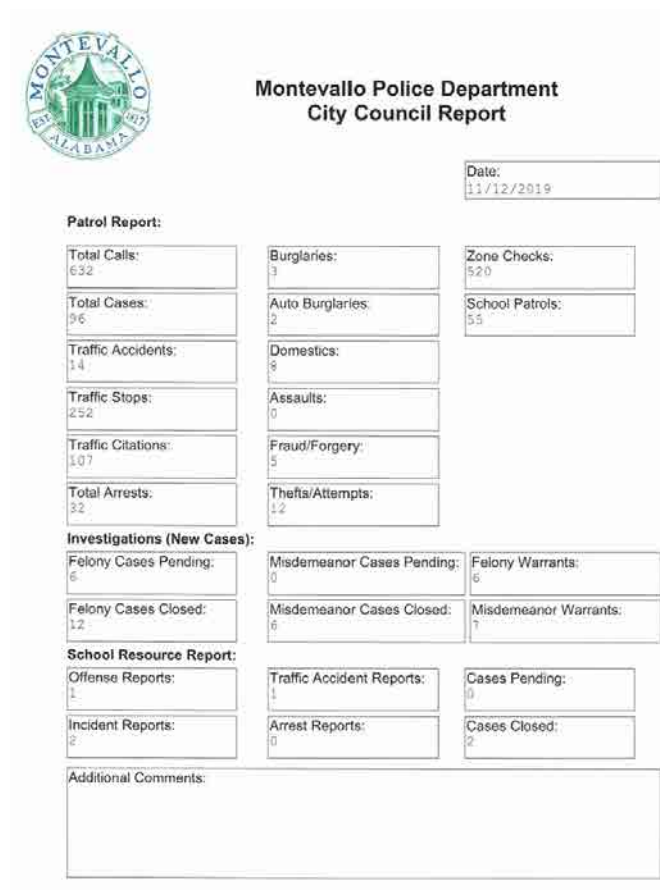
Mr. Barber also suggested that our policies be reviewed and updated as needed every three years or so.


Council Member Nix asked if we have policies in place, and if he could get copiers of them. Mr. Barber said we do, and that he was welcome to have copies.

Mayor Cost thanked Mr. Barber for answering the council's questions.

Fire Chief Brad Davis informed the Council they have responded to 36 calls so far this month – 23 of the EMS calls.

Chief Jeremy Littleton presented the Police Department Report:



 **Montevallo Police Department  
City Council Report**

Date: 11/12/2019

**Patrol Report:**

Total Calls: 632	Burglaries: 3	Zone Checks: 520
Total Cases: 96	Auto Burglaries: 2	School Patrols: 55
Traffic Accidents: 14	Domestics: 9	
Traffic Stops: 252	Assaults: 0	
Traffic Citations: 107	Fraud/Forgery: 5	
Total Arrests: 32	Theft/Attempts: 12	

**Investigations (New Cases):**

Felony Cases Pending: 6	Misdemeanor Cases Pending: 0	Felony Warrants: 6
Felony Cases Closed: 12	Misdemeanor Cases Closed: 6	Misdemeanor Warrants: 7

**School Resource Report:**

Offense Reports: 1	Traffic Accident Reports: 1	Cases Pending: 0
Incident Reports: 2	Arrest Reports: 0	Cases Closed: 2

Additional Comments:

Montevallio Police Department Stats

	January-19	February-19	March-19	April-19	May-19	June-19	July-19	August-19	September-19	October-19	November-19	December-19	Total
Total Reports	81	104	120	120	134	106	115	115	105	96			1096
Criminal Cases	3	27	17	30	55	50	42	33	15	30			302
Non-Criminal	3	5	7	5	0	3	4	4	8	8			47
Traffic Accidents	13	12	16	26	18	12	9	8	15	14			143
Traffic Citations	181	199	190	200	158	214	237	196	122	107			1804
DUI Arrests	7	4	3	6	7	8	8	3	2	4			52
Public Intox Arr	1	1	5	3	4	1	5	0	1	2			23
Alias Arrests	9	26	24	11	19	14	21	18	13	14			169
Juvenile Arrests	0	0	2	1	1	0	0	0	1	0			5
Misd Arrests	4	6	3	4	8	3	11	5	6	6			56
Felony Arrests	1	2	2	6	3	2	5	2	3	2			28
Drug Related	15	8	5	8	9	7	11	6	2	4			75
Total Arrest	35	47	42	39	49	34	61	34	28	32			401
Auto Theft	0	2	0	0	0	0	0	0	1	1			4
Burglaries	1	1	3	3	1	2	4	3	2	3			23
Auto Recoveries	0	0	0	0	0	0	0	0	0	0			0
Auto Burglaries	1	2	0	1	1	2	0	0	1	2			10
Criminal Mischief	0	4	4	0	2	4	4	3	1	1			23
DV Related	4	7	7	11	13	11	9	18	5	8			93
Assaults	2	5	1	5	2	3	1	2	7	4			32
Fraud/Forgery	0	2	2	0	4	2	5	3	2	5			25
Harass / Heck	2	2	7	11	11	4	5	3	2	1			48
Misc. Offenses	16	19	19	15	26	22	24	29	30	20			220
Robberies	0	0	0	0	0	0	2	0	0	0			2
Thefts / Attempts	11	1	9	9	4	6	9	9	5	12			75
Suicide Attempts	0	0	0	0	0	0	0	0	0	0			0
Suicides	0	0	0	0	0	0	0	0	0	0			0
Deaths	1	0	0	0	0	0	0	1	0	0			2

Karen Kiker  
2:02 PM  
11/6/2019

Council Member Herbert informed the Council the ValloCycle Witches Ride last month had to be canceled. He also mentioned the Mayor has hired the new sustainability coordinator. She is working remotely now, and will be here in the city the first of December.

The Sustainability Committee has recommended a sidewalk priority list as follows:

### City of Montevallo's Walkability Priorities

#### Large projects:

1. Highway 25 connectivity
2. Connectivity from Moody Street to Corvette Way on the South side of Overland Road and Nabors Street.
3. Connectivity from Bloch Street to Wadsworth Street on the North side of Main Street/Highway 119.
4. Connectivity from Fire Station Number 1 to Pineview Road on the East side of Main Street/Alabama Highway 119.
5. Connectivity from Valley Street to Middle Street on the West side of Shelby Street.
6. Connectivity from Shelby Street to Stephens Park on the West side of Middle Street/County Road 10.
7. Connectivity from Overland Road to Shoal Creek Park on the West side of Alabama Highway 119.
8. Connectivity from Shelby Street to Middle Street on Alabama Street.

#### Small projects:

1. Sidewalk access to the CVS parking lot from Main Street/Alabama Highway 119.
2. Sidewalk access to the Regions parking lot from Main Street/Alabama Highway 119.
3. Crosswalk on Nabors Street/Overland Road crossing Main Street/Alabama Highway 119.
4. Crosswalk on Island Street crossing Middle Street/Alabama Highway 155.
5. Connectivity from Oak Street to Valley Street on the West side of Wadsworth Street.
6. Connectivity from Main Street/Alabama Highway 119 to Island Street on the West side of Vine Street including a Crosswalk on Vine Street crossing Island Street.
7. Crosswalk on Oak Street crossing Shelby Street.
8. Crosswalk on Valley Street crossing Shelby Street.
9. Connectivity from Main Street/Alabama Highway 119 to United States Postal Service on Vine Street.

The Committee also discussed an anti-tethering ordinance which will be presented to the Council at an upcoming meeting.

Kirk Hamby, Director of Public Works, noted we have 60 veteran's banners, 48 personalized veteran's banners, and 40 flags up around town in honor of Veteran's Day. A lot of people have commented on how good they all look.



The Christmas decorations will go up December 2<sup>nd</sup> through the 5<sup>th</sup> in preparation for the Christmas Parade.

He said his crews are busy with leaf pick-up again. He also mentioned that we have been able to recycle a lot of pine straw from yards around town and reuse it in the planters along our streets. He let everyone know to call us if they have clean pine straw in their yards they would like us to collect.

Council Member Nix reported that basketball season is underway. He also presented the following report from Golf:

**Montevallo Golf Club  
Monthly Report – October 2019**

11/7/2019

To: Herman Lehman  
From: Dwight Dellinger

October,

The course had 778 rounds played in October compared to 815 last year. There were 5 days with no play. Total revenue was \$14,406.

There were 4 new memberships. Fifteen members have renewed there memberships so far.

Two tournaments, the West Blocton High School Cheerleaders with 17 players and the University of Montevallo Olympics Day with 76 players were held.

He pointed out there are two Planning Commission related items in the Public Hearing tonight.

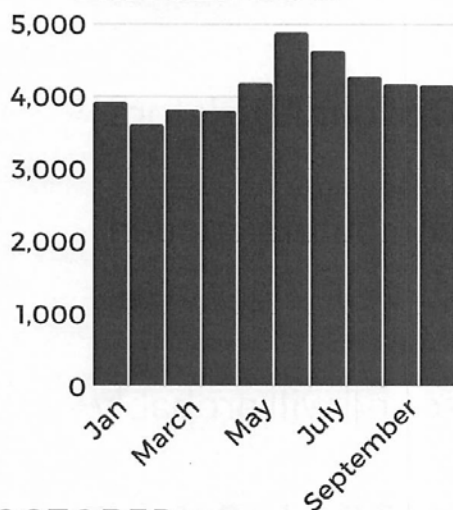
Council Member Nix also mentioned that we are working on plans to make improvements to Dailey Park. He said we have plans to add a restroom at the park, as well make the entire park ADA compliant. We are working to secure funding for those improvements.

Savannah Kitchens, Director of Parnell Memorial Library, presented the Library report:

# Parnell Memorial Library

OCTOBER 2019

## CIRCULATION



## OCTOBER 2019 DEPOSITS

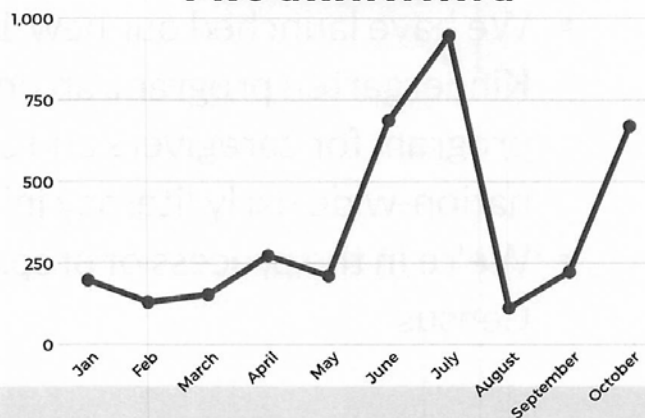
10/1/19 - \$156.80  
 10/8/19 - \$171.05  
 10/16/19 - \$5108.20  
 10/22/19 - \$224.59  
 10/30/19 - \$1682.79

**TOTAL: \$7,343.43**

## PROGRAMS: 23 TOTAL

- 5 storytimes with Mr. Mac
- 5 Family Playgroup meetings
- 1 family storytime
- 1 kids' movies
- 1 Magic Tree House Book Club
- 1 bilingual storytime
- 1 Playdoh Club
- 4 ESOL classes for adults
- 1 after school kids' craft
- 1 teen Halloween makeup program
- 1 Criminal Justice Reform Panel event
- 1 Fall Festival (over 200 attended)

## PROGRAMMING



**4,145**

Materials Circulated  
-0.5%

**669**

attended library programs

**329**

Computer Use  
-12%

## **Director's Notes**

### October 2019

- We received donations from 3 of our legislators for library programs
- We have purchased our new computers, funded by the federal LSTA grant, and are in the process of installing them
- Fall Festival had a big response and will probably be annual
- We have launched our new 1,000 Books Before Kindergarten program, an ongoing reading program for caregivers and children ages 0-5, a nation-wide early literacy initiative
- We're in the process of preparing for the 2020 Census

Council Member Bunt presented the following:

## EDUCATION

Montevallo Connection met on Nov. 6. Some information from that meeting:

- Montevallo Elementary students in grades 3, 4, and 5 would be attending a University of Montevallo basketball game on Wednesday, November 13 from 11 a.m. – 1 p.m.

## MHS

- MHS marching band continues to receive high ratings at band competitions this fall.
- December 12 at 6 p.m. is the Winter Band Concert.
- MHS currently has a food pantry for needy students and takes donations. They are also working on a clothing closet that will be available next semester to MHS students. Contact MHS for more info.
- Mrs. Panzica was named MHS Teacher of the Year.
- MHS is starting a Math Lab to offer support to students. This will be available to students between 9:30-10:05 (Flex Period). They are looking for any university student/professors to assist with instruction if possible.

## MMS

- MMS will have an Angel tree again this year for needy families at Christmas. Anyone that would like to “adopt” a family, please contact Mrs. McGrew
- MMS will also host a Treasure Shop for Angel Tree students to browse and select gifts for their parents. Anyone that can donate new or gently used items to this “store” should contact Suzy Colley (MMS librarian).

## MES

- Just celebrated the ribbon cutting of their new indoor sensory path and outdoor sensory “cove” for students.
- MES gives a big thank you to everyone that helped with the Fall Festival Fundraiser. Over \$4,000 was raised for MES classrooms.
- MES has purchased a book for Christmas for all of the MES students. The UM softball team is wrapping each book for the students.
- MES is asking for anyone that can read to their students on Fridays between 1:30-2:00 to contact Dr. Campbell (MES principal).

## ARTS

Montevallo Artwalk has been rescheduled to Nov. 23 from noon to 5 p.m.

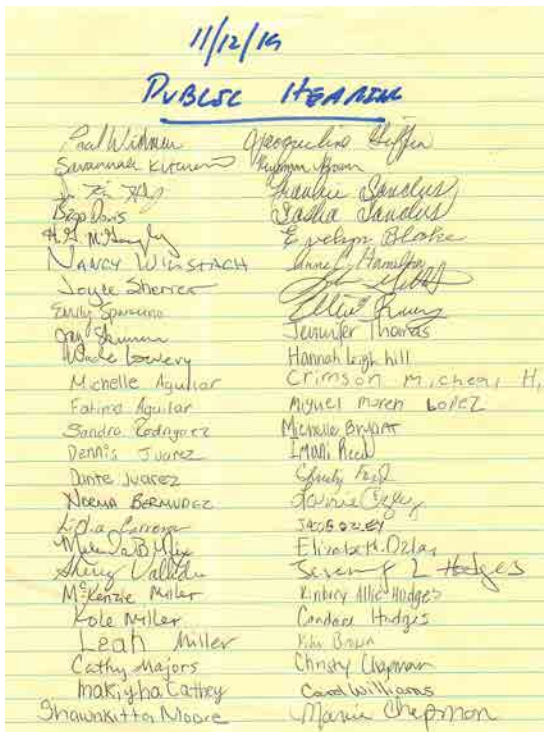
Mayor Cost noted she was pleased to be part of the delegation which recently went to Echizen Town, Japan to renew our Sister City Agreement for another 10 years. She said we will host a big celebration of our continued partnership, soon. She also reported that the MJCC is working on a variety of projects.

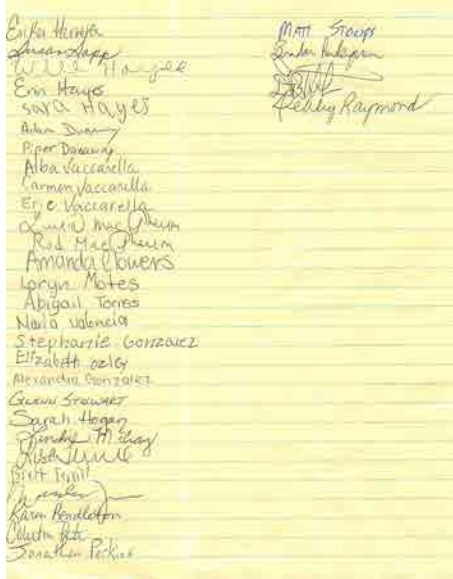
**Montevillo City Council Meeting  
November 12, 2019  
6:00 p.m. at City Hall**

**Mayor Hollie Cost, Council Member Rusty Nix, Council Member Tiffany Bunt, Council Member Willie Goldsmith, Council Member Jason Peterson, and Council Member Arthur Herbert were in attendance.**

**Pledge of Allegiance**

**Public Hearing:**





Mayor Cost called Public Hearing to order at 6:00 p.m.

Case No. SP19-002 Brown Efficiency Apartments - Request for site plan approval to develop a two-story, eight-unit apartment building at 4696 Highway 25:

Sharman Brooks with Shelby County Development Services presented the case report:

**REPORT TO THE CITY OF MONTEVALLO**

**PLANNING & ZONING BOARD**

**Department of Development Services**

**October 17, 2019**

**Case No. SP19-002 Brown Efficiency Apartments**

This is a request for site plan approval from Yoko Brown, property owner, to develop a two-story, eight-unit apartment building at 4696 Highway 25, Parcel Identification number 58-36-2-03-1-003-014.000. The subject property is zoned B-2, General Business.

**DISCUSSION**

**Site Description**

The subject property is located at 4696 Highway 25. The property is 0.66 acres large and a motel constructed in 1957 sits on the property. The motel is roughly 3,000 square feet large, one story tall and is currently vacant. The subject property is zoned B-2, General Business district along with many other properties that front on Highway 25. A small concrete driveway connects the hotels parking lot to a single-family home directly to the east. Directly across Highway 25 are the Skyview Apartments, zoned R-4, Multiple Family Dwelling district. Directly west and adjacent to the subject property is Mitchell's Barbershop, zoned B-2, General Business. To the south is the Southmont subdivision, zoned R-2, Single Family Dwelling District.

**Proposed Site Development**

The applicant proposes to construct a two story 8 unit apartment building in roughly the same footprint as the existing motel. The existing parking would be re-paved and expanded slightly to conform to the two parking spaces per dwelling unit required by the *Montevallo Zoning Ordinance* and one ADA compliant parking space. The existing privet and hardwoods surrounding the building are proposed to remain.

The proposed apartments are an allowable use in the B-2, General Business District. This is due to the cumulative nature of the zoning ordinance. All uses allowed in the B-1 District are allowed in the B-2 District:

**Section 16.02. Use Regulations.**

**A. Permitted uses.**

Within the B-2, General Business District, only the following uses and structures designed for such uses shall be permitted:

1. Any use permitted in the B-1, Local Business District, provided, however, that the limitations upon extent of service area shall not apply.

Additionally, any uses in the allowed in the B-1 district are also allowed in the O& I, Office and Institutional district. The O&I district, in turn, allows for uses permitted in the R-4 district, which includes multiple family dwellings.

The eight apartment units proposed on 0.66 acres equals roughly 12 units per acre or 3,614 square feet per family. The minimum allowable lot area per unit in the B-2, General Business district is 3,000 square feet.

The proposed development includes landscaping improvements around the perimeter of the building and parking as well as along the Highway 25 frontage. The dumpster location on the existing pavement adjacent to Highway 25 is proposed to have additional landscape screening in lieu of installing more impervious surfaces for a new dumpster pad. The existing driveway between the proposed development and the single-family home to the east will be closed.

**Summary**

The proposed redevelopment is in keeping with the intent of the B-2, General Business District.

*Approval* of the site plan should be subject to:

- The applicant submitting a final site plan for certification prior to the issuance of building permits.
- Compliance with the regulations, policies and guidelines of the City of Montevallo.



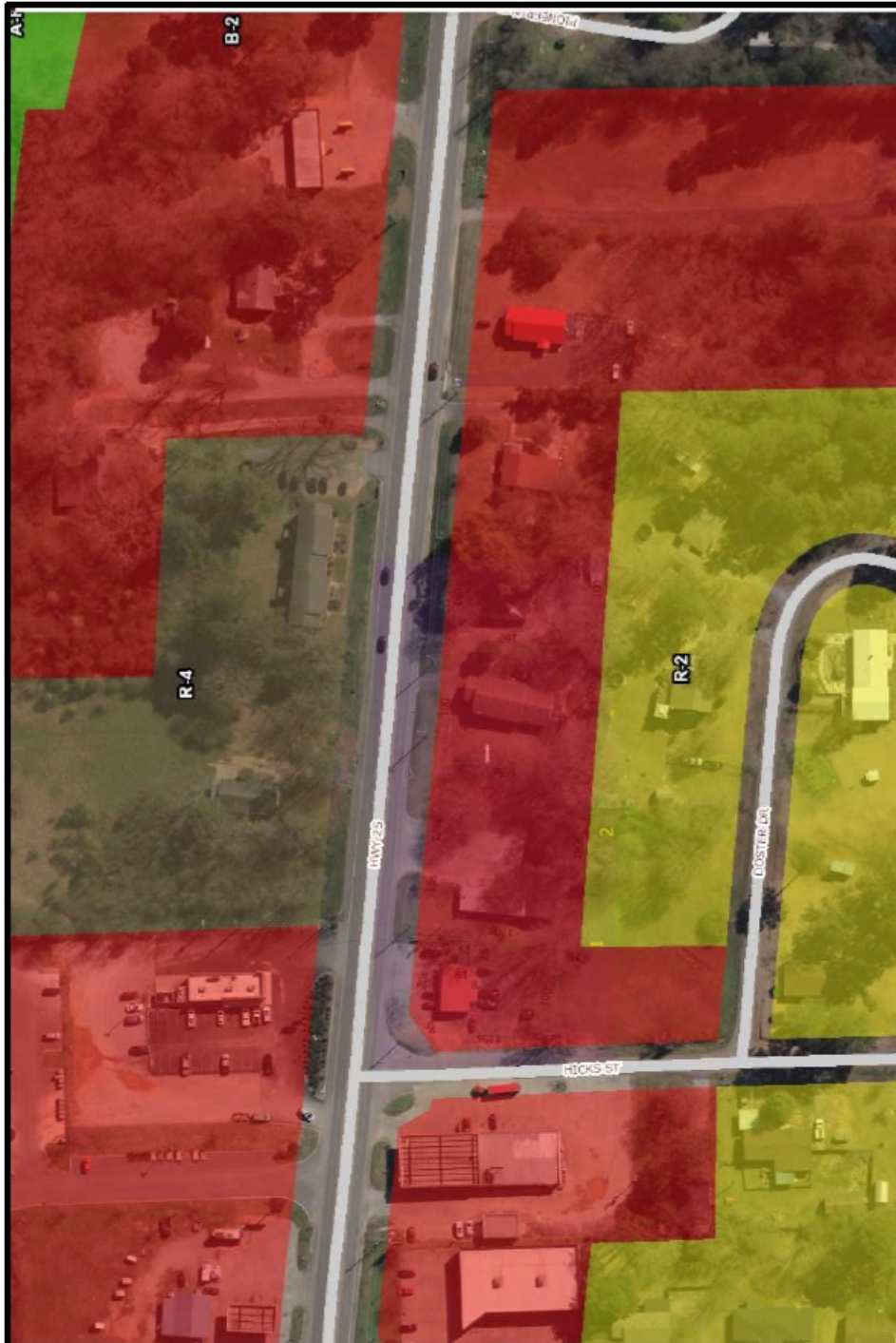
Aerial Overview



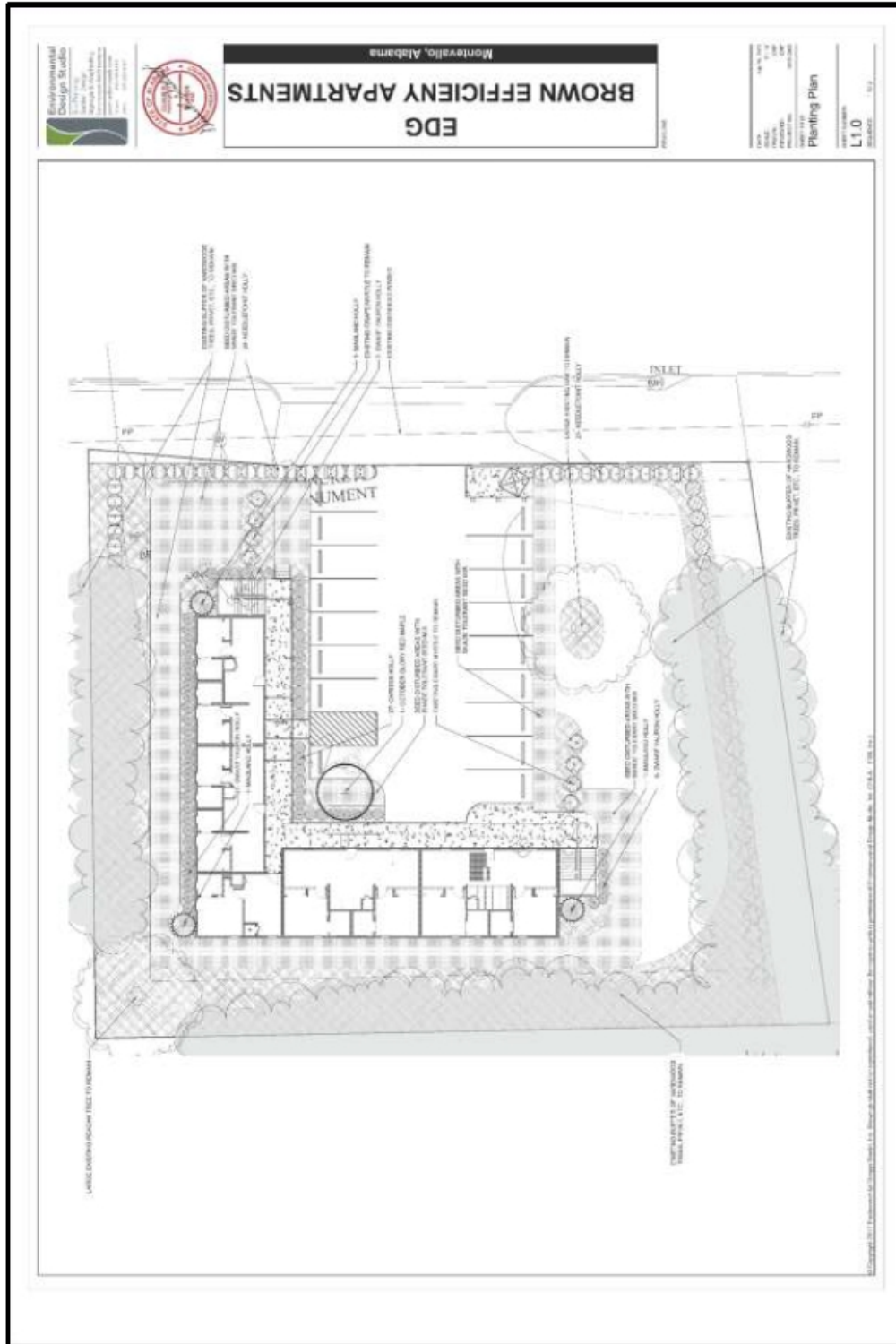
Aerial Overview

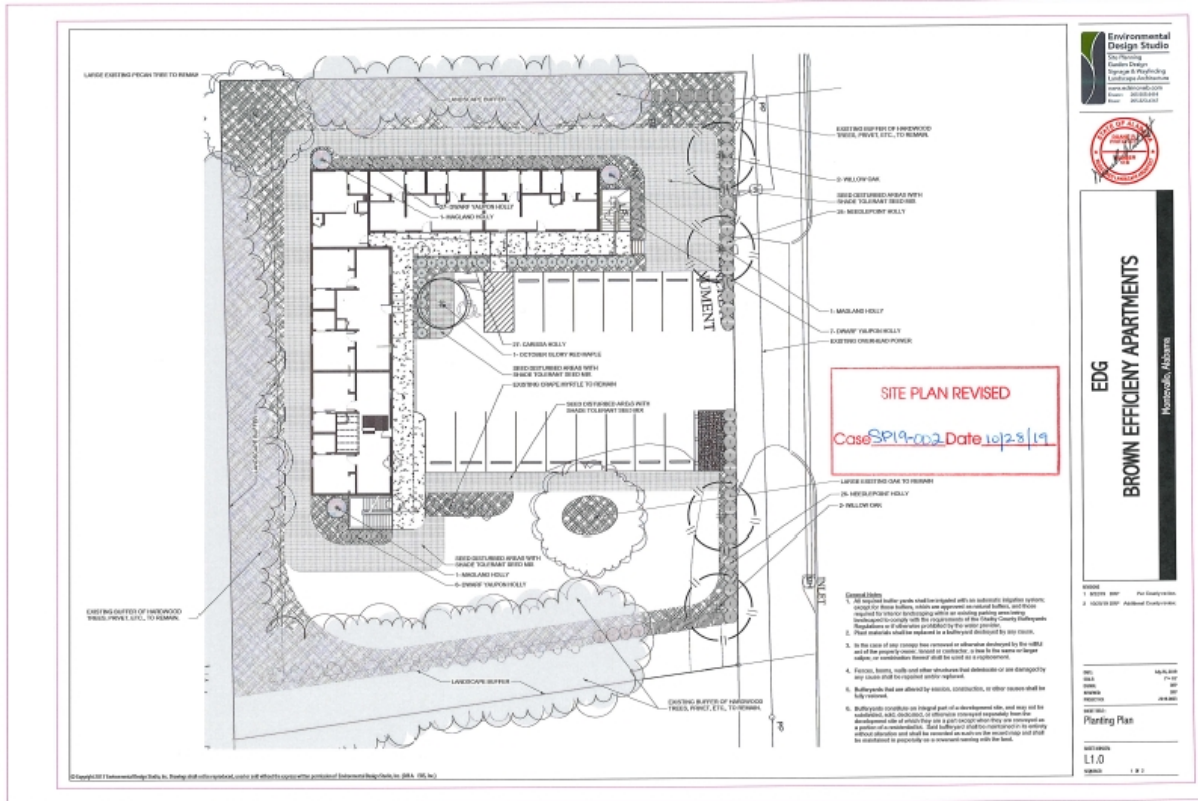


Zoning Overview



Proposed Development





Council Member Nix stated that this will be a great improvement to this site and a benefit for the entire neighborhood.

The Mayor invited public input.

Melinda Nix said she thought the Planning Commission recommended two handicapped parking spaces. Council Member Nix said that was discussed, but not part of their recommendation.

Rod MacPherson asked how many units could be built on this site? Ms. Brooks said she would make those calculations and let him know. She pointed out these 8 apartment units would replace the 9 previous motel units at the site which had been rented in recent years as apartments.

Ann Hamilton asked about the traffic and other studies on the Bluegrass property. Mayor Cost said that does not involve this property and would not be addressed until later.

Evelyn Blake asked if a study has been done to determine the need for more apartments on Montevallo.

Mayor Cost reminded everyone that is not at issue here. The property is properly zoned for this use. The use conforms to our Comp Plan. It is a permitted use.

Council Member Nix stressed this is why it is so important for everyone to participate in the ongoing Comp Plan update process. The new plan will be in place for the next 5 years or more, and will be the basis for any future changes we make to our zoning ordinance.

Kristine Goddard, also with Shelby County, said a total of 9.5 units could be constructed on this lot. The proposal is for just 8 units.

There being no further questions, Mayor Cost opened the hearing for Bluegrass.

Approval of Zoning Amendment - SD19-003 Bluegrass Apartments, Intersection of Overland & Shoshone:

Noting that there was a Public Hearing on this request at a previous meeting, Ms. Brooks refreshed everyone's memory on the following:

**REPORT TO THE CITY OF MONTEVALLO**

**CITY COUNCIL**

**Department of Development Services**

**November 12, 2019**

**Case No. SD19-003**

**Bluegrass Apartments**

**Special District Amendment**

This is a request from Paul Widman, on behalf of the property owner, Brenda Zigarelli, for the approval of an amendment to the special district to allow for a 46 unit multi-family development.

The subject property is located at the southwest corner of the intersection of Overland Road and Shoshone Drive and situated in Section 21, Township 22 South, Range 3 West; Parcel Identification; Parcel Identification 58-27-5-21-1-003-010.000.

**Property History**

The subject properties were formerly zoned D-2 Development District, Article VIII. Development Districts of the City of Montevallo Zoning Ordinance, May 10, 1999, as amended. The D-2 Development District limited the development of properties in said zoning district to a maximum density of five (5) units per acre. The interpretation of this limitation of density was determined by the Order of the Circuit Court of Shelby County, Alabama, on September 11, 2008, by Judge Hub Harrington (Civil Action No. CV 2007-986), and was affirmed by the Alabama Court of Civil Appeals (Case No. 2080470).

This SD, Special District designation shall be delineated on the Zoning Map as a part of the implementation of the Zoning Ordinance of the City of Montevallo – adopted February 14, 2012, effective June 1, 2012. Said SD, Special District shall not be subject to the time constraints required by §18.01.3 of the Zoning Ordinance of City of Montevallo.

Development of said properties shall require the approval of a Site Development Plan by the Planning Commission and the City Council of the City of Montevallo, pursuant to § 25.05.

In 2012, when the City of Montevallo adopted a new Zoning Ordinance and Zoning Map, creating the R-2 SD for the subject property the following uses were permitted- single family, duplex, town homes or apartments and set the maximum density at five units per acre. As a requirement of the Special District, a development plan must be submitted for Planning and Zoning Board recommendation and City Council approval to define and design the use of the property.

### **Traffic Impact Analysis**

The applicant has submitted a traffic impact analysis (TIA) for the proposed project. The TIA was performed by Sain Associates, a local engineering firm. Traffic data collection occurred on Thursday, October 10, 2019 from 7:00 a.m. – 9:00 a.m. and 4:00 p.m.-6:00 p.m. Based on their observations and analysis documented in the report, Sain Associates determined that the construction of the proposed apartment complex will have minimal impacts on the studied roadways and intersections. Furthermore, additional measures to mitigate the traffic impacts of the proposed development are not required.

The City Engineer has completed a review of the draft TIA for the proposed Bluegrass Apartments development and concurs with the presented findings.

### **Case Summary**

The proposed amendment to the Special District includes the construction of three new apartment buildings. The residential density provided in this amendment is below the maximum allowable density in the R-2 SD zoning district for the Overland Road properties. The proposed amendment also includes new construction of off-street parking and stormwater detention facilities as well as a number of landscaping treatments and the construction of a new sidewalk along Overland Road that have been preliminarily reviewed by the City Engineer. The proposed amendment meets the area, density, and dimensional requirements of the R-2 SD zoning district for Overland Road properties but exceeds the maximum number of units allowed per building. The City of Montevillo Planning and Zoning Board recommended approval of more than eight units per building as part of the special district request. Any approval of an increase in the maximum number of units per building is unique to this property and does not constitute a change in the zoning ordinance. Based on the proposed site design, including all required improvements, the site is maxed out at a net density of 4.9 dwelling units per acre. Any requested increase in density for the proposed development would require approval by the Montevillo Planning and Zoning Board as well as the Montevillo City Council.

Based on our professional opinion, the proposed project does not meet the threshold of 120 multi-family units for requiring additional professional studies.

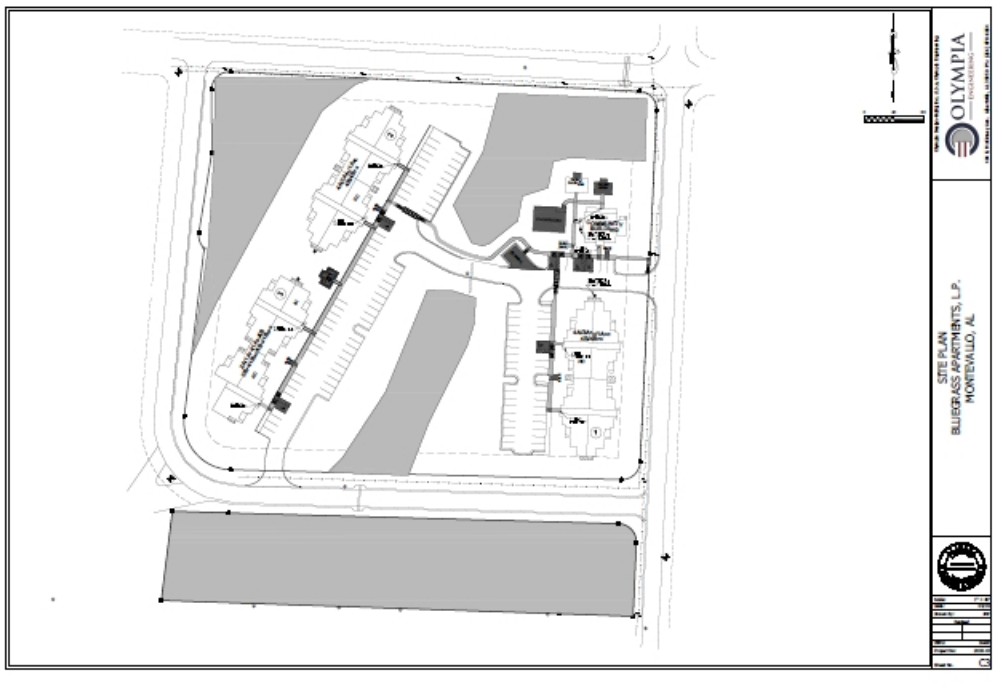
The following information should be submitted pursuant to amendment approval:

- Applicant submitting a fully engineered site plan that meets all requirements of the Zoning Ordinance of the City of Montevillo;
- Any amendments, additions, deletions, alterations or changes to the approved Special District plan shall require the review and approval of an amendment to the approved Special District plan by the City of Montevillo Planning & Zoning Commission.

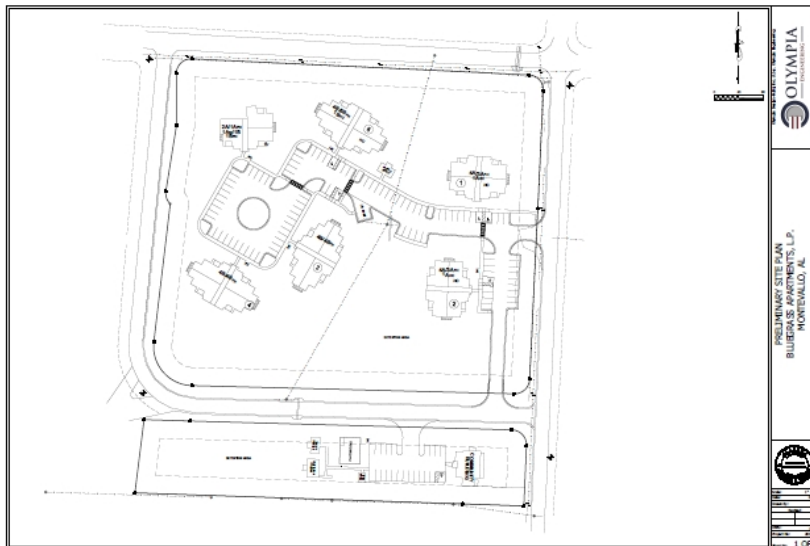
Ms. Brooks reminded everyone that the Planning Commission recommends approval, subject to a traffic study. The traffic study has been completed and reviewed by our City Engineer. It does not indicate any traffic related concerns regarding this development.



The developer, Paul Widman, addressed the Council. He noted that his strong preference is to develop the property as he proposed. As highlighted in grey in the following, this plan would allow them to save as many of the existing trees as possible and to maintain a buffer to the homes to the south of this site.



However, if this proposal is not approved, the site can be developed with 6 buildings and meet all of the existing zoning requirements without the need for an amendment. This would leave is with a site as pictured in the following:



Mr. Widman said this is not his preference. He doesn't want to have to clear-cut the whole property. He thinks the first plan would be much better for everyone and hoped the Council would approve it as requested.

Before opening the floor to public comment, Mayor Cost urged everyone to be respectful and set a good example for all the students in attendance that night. She reiterated the idea of the Special District is to allow creative solutions to developments such as this which would allow more units per building, as an example, in order to keep from having to build 6 buildings on the site. She then opened the floor.

Karen Pendleton addressed the Council. She pointed out that there are a lot of people in our community who live in poverty, including some who are homeless. She said having more affordable housing options in our community is important. Currently, we have no place for many of these people to live.

Mayor Cost agreed, noting that 22% of our population lives below the poverty line. Affordable housing is a critical need.

Sonja Swords said there are 225 income based rental units in our city. She suggested this would be better located along Hwy 119 or somewhere else.

Glenn Stewart said he lives on Pineview and already has a problem with tenants in the other apartment complexes taking shortcuts through his and his neighbors' yards. Things have been broken into and stolen. Traffic along Pineview is dangerous. He also mentioned he is concerned about what this development will do to housing values in the neighborhood.

Rod MacPherson asked if the Council received the two page letter he delivered that morning detailing the four inconsistencies with this request. His letter is as follows:

November 12, 2019

TO: Mayor Cost, City Council Members, and Mr. Lehman:

So glad the City Council voted at the October 14 City Council Meeting to re-schedule dealing with the request to approve the 46 unit multi-family development for the Bluegrass Apartments especially since there are a number of issues that need to be considered before voting on the Widman Proposal.

1. At the October 14 City Council Meeting, Mr. A Herbert mentioned need to speak about "property values"
  - a. Josh Cameron said there is "nothing in Special District Ordinance" about property values
  - b. At this point, Lusia MacPherson got up with a copy of the Special District Ordinance in hand to show Mr. Ownes, who wouldn't look at it; so she brought Article 18 to the Council members; and also gave a copy to Josh Cameron, pointing out 18.01.B.1.a. that did indeed show that there is a statement in Article 18 that says: *"the value and character of the property or properties adjacent to the property under consideration will not be adversely affected."*
2. The plan submitted by Paul Widman to amend the special district to allow a 46 unit apartment development has a number of procedural errors, some of which are cited below:

According to Article 18 SD. Special District of the Montevallo Zoning Ordinance, the Plan needs to be accompanied by "supporting evidence" to "meet the requirements set forth in this Article."

- Section 18.02 D, - The plan 'shall be accompanied by supporting evidence concerning the feasibility of the project and the effect of the proposed development on surrounding property"
- Section 18.02 D.2 - The plan shall be accompanied by supporting evidence that shall include "A drainage plan approved by the City Engineer"
- Section 18.02 D.4. - The plan shall be accompanied by supporting evidence that shall include "A professional report on the needs and extent of the market to be served and general economic justification"
- Section 18.02 D.5 - Supporting evidence shall include: "A professional traffic analysis that indicates the effects of the proposed development on the adjacent streets and roadways ...." not just an estimate based on a previous traffic study done in some other project (as stated in the proposal submitted).

The Widman Proposal and the Project Summary, which was submitted as justification for the proposed amendment, did not include the "evidence" required by the Zoning Ordinance. At the October 14, 2019 City Council Meeting, Mr. Owens, the City Attorney said, "The City Council is bound by what is in the Zoning Ordinance."

As you all know, at the October 14, 2019 City Council Meeting, various Montevallo citizens asked that a number of Impact studies be conducted before a vote on Case No. SD19-003 is taken - including:

- Economic Impact Study – with a focus on the impact on property values & the need to determine if Montevallo needs more apartments (*Article 18. Section 18.01.B.1.a; 18.02.D.*)
- Environmental Impact Study – to look at flooding, water flow issues, and wildlife habitats on the property (*Article 25. Section 25.05.J.2.a-h*)

- Historical Study – concerning possible historical & archeological artifacts since Civil War & Indian artifacts have been found in the surrounding area (*Article 25.Section 25.05.J.2.f*)
- Traffic Study – since an increase in the population will increase the traffic problems that already exist in the area (*Article 18.Section 18.02,D.5*)
  - The traffic study cited in the Proposal & Project Summary was said to be an “estimate based on the applicant’s previous traffic study on a project that contained 50 apartment units” – it wasn’t even done in Montevallo/ and we don’t know if it involved a college town.

The “evidence” required by the Zoning Ordinance and the results of Impact Studies need to be reviewed by the Planning & Zoning Commission before a recommendation is made to the City Council.

We trust that the City Council will address the requirements cited in the Zoning Ordinance and will consider the concerns of the citizens before voting on the Bluegrass Apartments Proposal.

Lusia & Rod MacPherson

Mayor Cost responded that our City Attorney is at the meeting and can answer any specific questions he may have.

Nancy Wilstach pointed out that she supports affordable housing. Her concern with the development is mainly about the drainage. If they cut the trees on the site, the drainage problems in the area are only going to get worse.

Susan Sapp said the traffic issues in her area are already bad. She also said there are a lot of people, she assumes from the existing apartments, who use the pathway and pedestrian bridge next to her home. She said the bridge and ditch have become a hangout.

Mayor Cost noted that, regardless of what is decided here, we are in the process of talking with a traffic engineer about ways to address the safety along Pineview, as well as proposing traffic calming solutions in other problem areas throughout the city.

Joyce Sheerer asked why, given the fact that so many people oppose this plan, is the Council not willing to stop it, or at least put it somewhere else. Traffic there is already awful. People don’t stop for stop signs.

Mayor Cost explained that the Council must follow our laws. The zoning regulation permits apartments at this site. Whether or not we personally think this is a good use for the site, we are bound by the law.

Bent Owens, our City Attorney, explained that the zoning regulation approved in 2012 allows apartments to be developed on this site. The Special District designation actually gives the Council the ability to shape what sort of development actually comes into the site. In this case, rather than 6 buildings with the permitted number of units per building, it gives them the flexibility to allow fewer buildings with more units per building in order to save more of the natural areas on the site. That is a benefit to the community. If the Council

denied this plan, the developer could go ahead and construct the 6 buildings as otherwise provided.

There being no further comments, Mayor Cost closed the Public Hearings at 6:39 p.m. and the Council took a 2 minute recess.

Mayor Cost reopened the meeting at 6:43 p.m.

### **Approval and/or corrections of the minutes -10/28/19**

Council Member Nix made a motion to approve the Minutes from October 28, 2019 as corrected. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

### **Recognitions / Awards:**

Mayor Cost and Dr. Campbell with MES presented special recognitions to member of the Lighthouse Club. Dr. Campbell pointed out that students are chosen by their teachers to be members of the club based on demonstrated leadership capabilities. The following students were recognized:

#### 2019-2020 Student Lighthouse Team

##### 3rd Grade

Georgia Delaney  
Sasha Sanders  
Lane Foster  
Carmen Williams  
Mackenzie Carter  
Stephanie Gonzalez  
Kole Miller  
Elizabeth Ozley  
Kamariyah Fuller  
Imani Reed  
Mariah Welcome

##### 4th Grade

Rose Delaney  
Nicole Almora Sosa  
Dennis Juarez  
Bryan Estrada  
Kenley Chapman  
Abigail Torres  
CoCo Williams  
Megan Bradley  
Makiyha Cathey  
De'Ziyour Bell  
Alba Vaccarella  
Miguel Morreno  
Alek Avalos

##### 5th Grade

Jackson Holsomback  
Kinbrey Hodges  
Shiko Thomas  
Makayla Bullard  
Naomi Ridriguez  
Will Hayes  
Piper Dunaway  
Kelim Huff  
Brailyn Mitchell-Sweat  
Ayden Velazquez  
Hannah Leigh Hill  
DeZariah White

##### Teachers:

Mrs. Motes  
Mrs. Clowers

Ms. Courtni Pete with the Junior League of Birmingham accepted the following proclamation from Mayor Cost and made a few comments:



# HUMAN TRAFFICKING AWARENESS MONTH PROCLAMATION

**January 2020**

**WHEREAS, human trafficking** is a very real problem facing the world today. Although it can take many forms, including debt bondage, forced marriage, slavery and commercial sexual exploitation, in every case it goes against the core principles of individual freedom and civil rights that our state and nation stand for. The City of Montevallo, Alabama is committed to ensuring that our community remains on the front lines in combating this deplorable crime, and

**WHEREAS,** due to its secretive and illegal nature, it is difficult to accurately quantify the extent of **human trafficking**. However, the U.S. Department of State estimates that anywhere from 600,000 to 800,000 people are trafficked across international borders each year. Most victims of **human trafficking** are women or children who have been marginalized and isolated from society. The difficulty in grasping the full scope of this problem can be further compounded because people often turn a blind eye to it, and

**WHEREAS,** the first step in eliminating **human trafficking** is to educate others. We must work to ensure that all our residents are aware of this problem and how to spot it. We must work together as a community so that human traffickers are punished and to protect and assist their victims. Through the vigilance and perseverance of our citizens, effective enforcement of justice will someday be a reality, and

**WHEREAS**, we ask all residents of this community to join us in raising the visibility of this crime whose victims are all too often invisible. Together, we can become more informed about this pressing issue and work to combat its injustices.

**NOW, THEREFORE, I, Hollie C. Cost**, Mayor of the City of Montevallo do hereby proclaim January 2020, as "**Human Trafficking Awareness Month**" in Montevallo, Alabama.

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**HOLLIE C. COST, MAYOR  
CITY OF MONTEVALLO, AL**

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**DATE**

**Citizen Participation:** NONE

**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) –

Debby Raymond informed the Council that business license renewals should be mailed before Thanksgiving.

Steve Gilbert, Director of the Montevallo Chamber of Commerce, reminded everyone the next Chamber luncheon will be Wednesday, November 20<sup>th</sup>. At that event, they will honor their volunteers. There will be a ribbon cutting at Montevallo Makers Thursday at 10 a.m.

Council Member Peterson noted the MDCD meeting will be Monday at Parnell Memorial Library at 1 p.m.

Council Member Herbert made a motion to approve payment of the bills. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

**Consent Agenda:** NONE

**New Business:**

Acceptance of \$125,000 per year for 5 years Drug Free Communities Support Grant and Designation of its Administrator –

Carol Williams informed the Council the grant we submitted for our Drug Free Communities program has been approved. We will receive \$125,000 per year for the next 5 years.

Mayor Cost pointed out that we had to include a program coordinator as part of the application. Sarah Hogan was identified in the grant as our youth coordinator. We received the grant largely based on the strength of her resume. We are asking the Council to formally accept the grant and identify Sarah Hogan as its coordinator under the terms and conditions detailed in the grant.

Ms. Hogan addressed the Council and said she is very excited about this new program and looks forward to being of service to our community.

Council Member Nix asked if this grant requires a match.

Ms. Williams noted the grant requires a 100% match. However, as detailed in the project budget, that match is made up mostly of volunteer hours and other in-kind matching costs. It will not require a cash match.

Council Member Nix said he agreed that Ms. Hogan is a great choice for the coordinator. However, he wondered if we needed to advertise the position as we would normally do.

Mayor Cost said this was a unique situation because we had to identify someone months ago when we submitted the grant who would be willing to serve in that capacity. Ms. Hogan agreed, and as mentioned before, it was the strength of her resume that helped us to secure this competitive grant.

Council Member Goldsmith made a motion to accept the grant. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.



Council Member Bunt made a motion to appoint Sarah Hogan as the program coordinator. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Verizon Phone Contract – State Bid List – The Council discussed this item and asked that it be delayed until a future meeting so that Council Member Peterson can ask questions regarding the proposed system.

Case No. SP19-002 Brown Efficiency Apartments - Request for site plan approval to develop a two-story, eight-unit apartment building at 4696 Highway 25 –

Council Member Herbert pointed out these proposed units would be replacing the existing, abandoned building.

Council Member Nix said he thinks this will address a serious blighting issue in that area. He then made a motion to approve the site plan. Council Member Goldsmith seconded. ALL AYES . . . MOTION APPROVED.

Approval of vehicle reimbursement of \$250 and a cell phone reimbursement of \$65 for Revenue Director –

The Council discussed these requests. Ms. Raymond pointed out that the reimbursement amount would actually be higher to reflect the \$2,000 increase in this year's budget.

The City Clerk said that would increase the vehicle allowance to \$416.77.

The Mayor suggested Ms. Raymond track her mileage for a short period of time to see if that amount is warranted. She said our ultimate plan is to have a city vehicle provided for her as soon as it is fully checked out.

After additional discussion, Council Member Bunt suggested she track her mileage for one week and then base a monthly estimate on that.

Council Member Nix made a motion to approve the \$65/month cell phone allowance. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

Approval for an ADA Self Evaluation & Transition Plan Update by Sain for \$18,100, requested to be paid by MDCD –

The City Clerk explained the requirement to have this completed this coming year. We have done a lot of things to lessen the cost, but we simply don't have the time or expertise to complete it on time. He recommended we use Sain as described.

Council Member Bunt made a motion approve the recommendation. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Approval of Contract Extension with Waste Pro - \$10.35/car/household –


The Council discussed the recommendation of the Sustainability Committee to extend the contract for three years. Council Member Herbert noted the rates are not going to get any cheaper. Council Member Bunt stressed we still have the option to get out of the contract if their service doesn't improve.

Council Member Goldsmith made a motion to approve the contract extension with Waste Pro for three years at \$10.35 per initial cart. Council Member Herbert seconded. ALL AYES. . . MOTION APPROVED.




**CONTRACT RENEWAL**

The contract between the City of Montevallo and Waste Pro of Alabama is hereby renewed effective October 1, 2019 for a three-year period expiring on September 30, 2022, as requested by Waste Pro of Alabama on November 4, 2019. The current rate of \$10.35 per customer remains unchanged for once per week MSW service. Recycling services are no longer provided. All other requirements of the contract remain unchanged and in full force.

  
\_\_\_\_\_

Hollie Cost, Mayor

  
\_\_\_\_\_

Date

  
\_\_\_\_\_

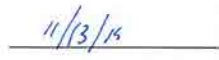
V Adams, Waste Pro of Alabama

  
\_\_\_\_\_

Date

  
\_\_\_\_\_

Herman Lehman, City Clerk

  
\_\_\_\_\_

Date

**Old Business:**

Acceptance of the 2018 Financial Audits –

Council Member Peterson made a motion to approve the audits. Council Member Bunt seconded. Mayor Cost, Council Member Bunt, Council Member Peterson, Council Member Herbert and Council Member Goldsmith voted AYE. Council Member Nix voted NAY. MOTION APPROVED.

Mayor Cost noted how far the city has come since she first joined the council. Back then, the city had not had an audit in many years. Mr. Barber and out city staff have made great strides since then and we are doing a great job now managing the city's finances.

Approval of Zoning Amendment - SD19-003 Bluegrass Apartments, Intersection of Overland & Shoshone –

Council Member Herbert said it is clearly better for the neighborhood to have this site developed with three buildings instead of six, which would require the entire lot to be developed.

Mr. Owens agreed, noting, as he said before, that the Special District gives the City Council the ability to shape the character of the development in order to make it better than it would be otherwise. If the Council fails to approve this request, the developer could move forward with building the six units without the need for special permission.

Council Member Herbert pointed out, as well, that the six units on that site would be far more detrimental to property values.

Ms. Brooks said the next phase would be the site plan approval phase where the technical aspects of the plan would be considered by both the Planning Commission and City Council.

Council Member Herbert asked if there is currently a way to require a historical study on the property.

Mayor Cost said there is not.

Council Member Nix pointed out we had one done on the Mahler property.

Mayor Cost said that was correct, but that was a requirement of our grant.

Council Member Peterson made a motion to approve the amendment to the Special District. Council Member Bunt seconded. Council Member Bunt said she appreciates the public concern regarding this project but that the three units as proposed will be much better than the six which could be built. She also noted the zoning from 2012 allowed for apartments on this site. Given that, this is our best option. There being no further discussion, Mayor Cost called for the vote. Mayor Cost, Council Member Bunt, Council

Member Peterson, Council Member Herbert and Council Member Goldsmith voted AYE. Council Member Nix voted NAY. MOTION APPROVED.

**ORDINANCE 11122019-300**

**AMENDMENT OF THE MONTEVALLO CODE – “APPENDIX F - OVERLAND ROAD PROPERTIES R-2 SD” OF THE ZONING ORDINANCE OF THE CITY OF MONTEVALLO**

**WHEREAS**, on February 14, 2012, the Montevallo City Council adopted the Zoning Regulations of the City of Montevallo; and,

**WHEREAS**, the Montevallo Planning Commission recommends that it is timely and appropriate to amend the Overland Road Properties Special District for the subject property located at the southwest intersection of Overland Road and Shoshone Drive and situated in Section 21, Township 22 South, Range 3 West; Parcel Identification 58-27-5-21-1-003-010.000 as detailed in “Appendix F” of the ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Montevallo City Council that “Appendix F” of the City of Montevallo Zoning Regulations be and the same hereby are amended to provide for the following:

- 1) Acceptance of the proposed amendment to the special district to allow for a 46 unit multi-family development as recommended by the Montevallo Planning Commission, subject to the acceptable results of a traffic study and an approved Site Plan.**

**ADOPTED AND APPROVED THIS THE 12<sup>th</sup> DAY OF NOVEMBER, 2019.**

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Hollie C. Cost, Mayor

ATTEST:

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Herman Lehman, City Clerk

**Board Appointments:**

Planning Commission –

Administrative Representative – Lisa Terrill (Appointed by Mayor) Mayor Cost informed the Council of her appointment to replace the City Clerk on the Planning Commission.

## Other Business:

### ESL Program UM Lease -



THIS AGREEMENT is entered into by and between the **University of Montevallo (Lessor)** and the **City of Montevallo (Lessee)**.

Whereas, Lessor desires to lease to Lessee Comer Hall 3<sup>rd</sup> floor and the Child Study Center for the selected time and days as referenced below. Now, therefore, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

1. **LEASE:** The leased premises shall be Comer Hall 3<sup>rd</sup> floor and the Child Study Center. Lessee hereby leases the leased premises from Lessor on the terms and conditions set forth herein. Lessee accepts the leased premises, "AS IS" except as indicated herein. Lessee will notify UM of any significant maintenance issues noted that need to be addressed for safe operation.
2. **TERM:** The term of this agreement shall be for the days of Thursday from 6:00 pm to 8:00 pm for the duration of the Fall 2019 and Spring 2020 Semester. The Lessee shall only use the spaces for the benefit and operation of the ESL Program by Leonor Vazquez. In the event of inclement weather, a rescheduled date must be mutually agreed upon. This agreement is to be reviewed at the completion of each semester to review status and condition of property used.
3. **RENT:** Waived.
4. **ASSUMPTION OF RISK AND LIABILITY:** Lessee agrees to provide each participant with notice that said participant, or the parent or legal guardian of said participant if under 19 years old, shall assume all risk associated with participation in the Lessee's event held at the University of Montevallo. Lessee further agrees to secure a signed waiver from each participant or the parent or legal guardian of said participant, agreeing to hold the University of Montevallo, its trustees, employees, agents, and assigns harmless from any and all claims, actions, judgments, and fees brought about or incurred in relation to participation in the activities related to this usage agreement. Such language can be incorporated in the Lessee waiver so long as the waiver contains the provisions set forth in this paragraph.
5. **INDEMNIFICATION:** Lessee will indemnify, defend, and hold harmless Lessor, its officers, employees, and trustees from and against any and all claims, suits, judgments, and damages arising out of acts or omissions in relation to participation in the activities related to this agreement. University of Montevallo (Lessor) is a state institution and cannot waive immunity conferred on it by Ala. Const. Art. I § 14.
6. **CONDITIONS OF PREMISES:** Lessee shall not alter the premises, fixtures or equipment. The Lessee shall leave the facilities in a clean, safe condition and remove all waste materials at the conclusion of each class session; additionally all surfaces of the Child Study Center should be sanitized at the conclusion of each class session. The Lessee agrees to reimburse

the Lessor any damage to materials and/or premises within the Child Study Center or Comer Hall 3<sup>rd</sup> floor classrooms up to 100% of original purchase price.

7. **RIGHT TO CANCEL:** Cancellation can be negotiated at mutual agreement. Lessor reserves the right to cancel at any time.
  
8. **INSURANCE:** For the term of this Agreement, the Lessee shall acquire and maintain in full force and affect the policy of professional liability insurance evidenced by a certificate of insurance. Said certificate shall require \$300,000 coverage per occurrence and aggregate. Said insurance coverage will not be altered or terminated unless University shall be given written notice of such alteration or termination delivered to University not less than thirty (30) days before the effective date of such alteration or termination. **Please send a copy of the additional insured certificate to businessaffairs@montevallo.edu**

University of Montevallo \_\_\_\_\_

\_\_\_\_\_  
Mary Ellen Heuton  
VP for Business Affairs

\_\_\_\_\_  
Date

Mayor Cost explained that the city’s ESL program which is currently housed at our library is so popular they need more space. UM has offered to let us use space free of charge. All they need from us is to sign this agreement and provide proof of insurance.

Council member Nix made a motion to authorize the Mayor to enter into this lease agreement, assuming there is no additional cost for the insurance. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

**Citizen Participation:**

Linda McCray noted she used to work for the State and that she had to keep a record of her mileage and was reimbursed so much per mile for the actual miles she drove on State business.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Peterson seconded. ALL AYES . . . MEETING ADJOURNED at 7:48 p.m.

Submitted by:

Herman Lehman  
City Clerk