

MINUTES

Montevallo City Council Work Session

June 8, 2020

5:30 p.m. at City Hall

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

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

Mayor Cost noted that in response to the ongoing COVID-19 Pandemic, the meeting was being broadcast on Facebook Live and that Council Member Goldsmith was participating via Zoom.

Mayor Cost called the work session to order at 5:30 p.m.

Fire Chief Brad Davis reported in May his department responded to 120 calls; 9 fire, 73 EMS, 2 gas leaks, 14 service calls, and 18 calls cancelled. So far in June, they've responded to 22 calls. They are fully staffed at the station. However, the Fire Inspector is not making rounds as of yet.

Police Chief Jeremy Littleton presented his report:



Montevallo Police Department City Council Report

Date:
06/08/2020

Patrol Report:

Total Calls:
555

Burglaries:
2

Zone Checks:
573

Total Cases:
99

Auto Burglaries:
0

School Patrols:
0

Traffic Accidents:
12

Domestics:
11

Traffic Stops:
388

Assaults:
3

Traffic Citations:
101

Fraud/Forgery:
0

Total Arrests:
39

Thefts/Attempts:
4

Investigations (New Cases):

Felony Cases Pending:

Misdemeanor Cases Pending:

Felony Warrants:

Felony Cases Closed:

Misdemeanor Cases Closed:

Misdemeanor Warrants:

School Resource Report:

Offense Reports:
NA

Traffic Accident Reports:
NA

Cases Pending:
NA

Incident Reports:
NA

Arrest Reports:
NA

Cases Closed:
NA

Additional Comments:

Montevallio Police Department Stats

	January-20	February-20	March-20	April-20	May-20	June-20	July-20	August-20	September-20	October-20	November-20	December-20	Total
Total Reports	98	75	76	63	99								411
Criminal Cases	40	22	22	30	44								158
Non-Criminal	11	15	18	6	15								65
Traffic Accidents	13	15	9	8	12								109
Traffic Citations	150	140	68	16	101								475
DUI Arrests	3	9	2	2	3								19
Public Intox Arr	0	1	1	2	2								6
Alias Arrests	13	3	8	1	5								29
Juvenile Arrests	2	0	0	0	0								2
Misc Arrests	3	7	5	0	12								27
Felony Arrests	1	0	1	5	8								15
Drug Related	5	2	2	7	9								25
Total Arrest	25	23	19	17	39								123
Auto Thefts	0	0	1	2	1								4
Burglaries	1	3	2	0	2								8
Auto Recoveries	0	0	1	1	0								2
Auto Burglaries	4	1	0	0	0								5
Criminal Mischief	4	2	4	5	0								15
DV. Related	2	7	9	12	11								41
Assaults	8	4	4	3	3								22
Fraud/Forgery	0	2	1	1	0								4
Harass / Reck	4	0	6	2	8								20
Misc. Offenses	25	10	18	7	1								51
Robberies	0	1	0	0	0								1
Thefts / Attempts	8	12	4	4	4								32
Suicide Attempts	0	0	0	1	0								1
Suicides	0	0	0	0	0								0
Deaths	0	0	0	0	1								1

Karen Käler
1:50 PM
6/5/2020

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Log

Report for Council 19 May to 8 June 2020

- ***New Cases Added:***
- Overgrown = 6
 1. 160 Hicks St - Letter sent
 2. 215 Hicks St - closed - grass cut
 3. 240 Melton St - Letter sent
 4. 265 Melton St - Letter sent
 5. 175 Gardner St - Letter sent
 6. 271 Shoal Creek Cir - Letter sent
 7. 1611 Ashville Rd - closed

- Trash & Debris = 1
 1. 245 Doster St

- ***Cases From Previous***
- Unsafe Structures = 2
 1. 271 Shoal Creek Cir - 2nd notice sent
 2. 4600 Highway 119 - Closed - all complete.

- Animal Complaints = 1
 1. 31 Davilla Dr - Cats - No trapping - Humane Society closed. Inactive

Monday - 8 June 2020 -pg of
Log
Report for Council 19 May to 8 June 2020

- *Total Cases = 10*
- *Total cases acted on = 9*
- *Total Closed = 3*
- *Inactive = 1*

The Chief also note his department assisted with the funeral of the fallen officer from Moody.

He then asked the Public Safety Committee to call a meeting to discuss a proposal to purchase some equipment which he said would be very helpful to his department.

Council Member Nix urged him to tell his officers to be safe . There are a lot of crazy things going on out there these days. He said he prays for the Chief and his officers every day.

Chief Littleton thanked him for his concerns.

Mayor Cost asked when the committee could meet. Council Members Peterson, Goldsmith and Nix suggested Thursday at 4:00.

The Mayor informed the Council about the citizen meeting at Scott Village. She thanked Veronica Peoples for organizing the event. At the meeting, citizens discussed the recent shooting in that neighborhood, as well as other concerns. She thanked everyone who participated for sharing their stories and concerns. She noted how timely this meeting was in light of the death of George Floyd in Minneapolis. She said everyone sat in small groups and exchanged their thoughts and concerns. She was grateful so many folks stepped up and took a leadership role in those discussions. We will have monthly meetings to follow-up on those early discussions and work toward common solutions.

Council Member Goldsmith thanked Mayor Cost for her efforts to make the discussions so fruitful.

Kirk Hamby, Director of Public Works, said they have been assisting Officer Wilder with his Code Enforcement duties while he is recuperating. He said we finally received some much-needed rain., With that, however, the grass continues to grow, and our crews remain busy. The Farmer's Market today was cancelled due to the weather. The market last week had a good turnout. Flag Day is Sunday. Our flags and veteran banners will stay up until after July 4th.

Mayor Cost thanked Mr. Hamby for stepping up and assisting with Code Enforcement.

Sustainability Coordinator Oliva Barone said we are just 25 lbs. short of our 500 lbs. goal for collecting recyclable plastic film. She said that equates to diverting 40,000 plastic bags from our landfill.

She reminded the Council she will be hosting an informational booth at the Farmer's Market each week. As such, she will be late to the Council Meeting.

Council Member Herbert said he is excited to see the bench made from the recycled plastic film.

Shane Baugh, Director of Parks & Recreation, said we should know shortly whether or not our Pee-Wee Football League will play this year. We are still trying to figure out how to meet all of the new COVID related regulations. He reminded everyone of the Big Race this Saturday at Shoal Creek Park sponsored by Camp Smile a Mile. We will need to add 50 parking spots at the park for additional parking. The event starts at 7:05 a.m. This event will give us increased exposure for our park. The County will change the electronic message board out there to identify the parking area for the event.

Council Member Nix said they are continuing their efforts to plan for the improvements at Dailey Park. We need to look at all aspects of the project to determine we meet our goal of meeting full ADA compliance.

Mr. Baugh said he has not heard anything new on that project lately due to the COVID-19 situation.

Council Member Nix noted that the MDCD mentioned during their meeting today that have funds set aside to assist with that project.

Dwight Dellinger reported on progress at the Golf Course. He said they had a week. 735 rounds were played in May. June started off well. They are seeing a lot of new players at the course. The COVID restrictions mean we're often short on cart availability. However, the players understand and have been very patient. Most carts go out 2-3 times each day. That is taking a toll on our batteries, but we're managing, nonetheless. He also informed the Council the new irrigation system pump is installed. They are currently working on top

dressing the greens. By and large, players are following the COVID guidelines well, only a few complaints.

Council Member Nix said he took some vendors out to play the course last week and everyone was very pleased with the way the course looks.

Council Member Nix said there will not be a Planning Commission meeting in June.

Council Member Bunt suggested everyone check out the new Montevallo Communities page on Facebook.

IMPACT Montevallo Coordinator, Sarah Hogan, said they started their scavenger hunt last week – Catch the Coach. The goal is to stress the important role coaches and other mentors can play in shaping the lives of our youth. They are also working on a survey which she encourages everyone to answer honestly. We want to use the results of the survey to develop a strategy that meets the real needs of our community. She said they are working on a number of events, as well.

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

For the month of May, the library checked out a total of 2,698 items. This is just a 30% decrease from our last pre-pandemic month, and considering we just opened for curbside on May 26, we're so happy to see that Montevallo has continued to use the library throughout this unusual time.

As of 5pm Friday, June 5, we have passed out a total of 355 face masks to our community. Our deepest thanks to everyone that has donated materials and masks to us for this project!

Last week, we had 75 participants in our virtual Summer Reading Program. This summer is off to a good start!

We're still working to increase our Census response rate – right now Montevallo is above 60%. Remember, the deadline to take the Census has been extended to Oct. 31. Take the Census today at 2020census.gov or call 844-330-2020.

Council Member Bunt thanked Ms. Kitchens and her staff for all their efforts, noting they are doing a wonderful job.

Mayor Cost thanked the Fire Department and their volunteers and sponsors for their efforts to provide food to families during these difficult economic times. Last week, they distributed 500 boxes of fresh fruit and vegetables, 300 gallons of milk and other essential foods. Their next distribution is set for June 18th. She thanked them again for this wonderful gift to our community.

Courtney Bennett, Director of Montevallo Main Street, reminded everyone to shop locally and support our small businesses. She thanked Trent Jones for helping us produce a Shop Montevallo Safely video. The goal is to encourage everyone to wear a mask and shop safely at our local stores. She noted, as well, we have 17 new veteran banners on order, and they should be up before the 4th. She said the organization's annual membership meeting is this week. They have 7 board positions opening up.

Montevallo City Council Meeting

June 8, 2020

6:00 p.m. at City Hall

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

Pledge of Allegiance

Mayor Cost opened the regular meeting at 6:00 p.m.

Approval and/or corrections of the minutes – 5/26/20

Council Member Nix made a motion to approve the Minutes as corrected Arthur Herbert seconded. ALL AYES . . . MOTION APPROVED.

Recognitions / Awards: NONE

Opportunities for citizens to speak to the Council:

Joyce Jones addressed the Council and announced her intention to run for Mayor in the upcoming municipal election.

Comments from Facebook –

Comments

dryer and got stuck in the wall, if who ever it was would have aimed a little higher the would have shot my niece.

56m Like Reply Message



Deanna M Price

Is it just starting or about to be over?

1h Like Reply Message 1



City of Montevallo

We are in the Work Session portion of the meeting. The City Council meeting will begin at 6:00 p.m. So, beginning.

1h Like Reply



Reply as City of Montevallo



Deanna M Price

Hi 1

1h Like Reply Message



Lance Byrd

1

1h Like Reply Message



Veronica Kapacino Smith Peoples

Hello 1

1h Like Reply Message 1



God Did It Ministries

Hello 1

1h Like Reply 1



Comment as City of Montevallo





Deanna M Price

Major cost? Please address this, something needs to be done, more patrols or something

53m Like Reply Message



Deanna M Price

My house got shot at about a week ago, the bullet went through my wall and through my dryer and got stuck in the wall, if who ever it was would have aimed a little higher the would have shot my niece.

56m Like Reply Message



Deanna M Price

Is it just starting or about to be over?

1h Like Reply Message 1



City of Montevallo

We are in the Work Session portion of the meeting. The City Council meeting will begin at **6:00** p.m. So, beginning.

1h Like Reply



Reply as City of Montevallo



Deanna M Price

Hi 1

1h Like Reply Message



Lance Byrd

1



Comment as City of Montevallo





Gregory L. Reece

Hooray for the library staff! I hope the garden storywalk can be installed soon.

48m Like Reply Message



Deanna M Price

What was the name of the fb page?

49m Like Reply Message



Deanna M Price

What's to be done about the violence happening around montevallo? This is is big issue and need to be addressed!

58m Like Reply Message



City of Montevallo

We are working to address this issue. We have had a community meeting earlier this month, and plan to have another one in a month's time, to address issues such as this. We urge you to get involved with these meetings and let your voice be heard.

53m Like Reply



Deanna M Price

Most definitely, I a lot of times am busy as you are and can't keep up with dates

52m Like Reply Message



Reply as City of Montevallo



Deanna M Price



Comment as City of Montevallo





Gregory L. Reece
Joyce Jones 2020! 👍 2

36m Like Reply Message



Melissa Harbison Stano
Yes Joyce Jones! I'm so proud of you and
send love to you 🥰🥰🥰

37m Like Reply Message 👍 1



City of Montevallo
If you have any comments / questions for
the council, please let us know now.

41m Like Reply



City of Montevallo
To stay up to date, follow **Montevallo Main
St.** on Facebook!

45m Like Reply



City of Montevallo
To stay up to date with library information,
follow Parnell Memorial Library!

47m Like Reply



City of Montevallo
Follow **Impact Montevallo** for more
information about the "Catch the Coach"
initiative.

48m Like Reply



Gregory L. Reece
Hooray for the library staff! I hope the



Comment as City of Montevallo





City of Montevallo

The City Council meeting ended at **6:41** p.m. No further comments will be accepted or entered into the minutes. Thank you for attending.

1m Like Reply



Stephen Parker

Props for supporting the EJI marker.

2m Like Reply Message 2



City of Montevallo

If you have any questions / comments for the council, drop them below now.

3m Like Reply



City of Montevallo

Public Comment is now closed for this portion of the meeting. There will be more time later.

35m Like Reply



MyShael Jones

Joyce Jones 2020!!

36m Like Reply Message



Brittney McCoy Fowler

Joyce Jones 2020!

36m Like Reply Message



Jamaica S. Dunigan

Yay Joyce!



Comment as City of Montevallo



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, IMPACT) – Discussed earlier.

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

Council Member Peterson said he attended the MDCD meeting that afternoon. They noted the new weather cam is operational. It is already being featured on the news, and will be available on their website soon.

They approved the low bidder on the Hwy 119/25 Crossing project. They have also identified funds to cover the match for a potential TAP grant to improve pedestrian safety along Hwy 25.

Mayor Cost stressed the significance of the proposed Hwy 25 project. The goal is to increase pedestrian safety from the new crosswalk at Lucky's at least down to a new crossing near the Pic & Save shopping center. Details of this proposal will be presented to the Council as soon as they are available.

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

Consent Agenda: NONE

New Business:

Shelby County Mayors United Proclamation –

Mayor Cost informed the Council that the Shelby County Mayor's Association recently approved a proclamation in support of the Black Lives Matter movement. She said our proposed proclamation mirrors what the Mayor's Association approved.



Proclamation

In Support of the Shelby County Mayors United Statement in Support of Peace and Reconciliation

Whereas, Shelby County Mayors strongly support Peace and Reconciliation within our respective communities and across the nation; and

Whereas, while we fully acknowledge we have differing political beliefs on some key topics, we are fully united in our shared commitments as described:

- Our shared commitment to racial equity.
- Our shared commitment to govern our communities fairly and without racial bias.
- Our shared commitment to ensure our police officers remain highly trained in the appropriate use of force.
- Our shared commitment to review and update our policies within the police department to ensure they are designed to maintain the safety of all.
- Our full commitment to support our law enforcement officers who are committed to keeping the peace, adhering to established policies and procedures, serving and protecting our communities.
- Our shared commitment to serve and protect our communities, especially those in our communities who have been generationally disenfranchised.
- Our shared commitment to support peaceful freedom of expression throughout our community.
- Our shared support for the safety of our police officers as well as our citizens.

- Our acknowledgement that while all lives do matter, the lives that feel threatened at this moment in our history are the Black Lives and that they certainly do matter to us.

NOW, THEREFORE, BE IT PROCLAIMED that the City of Montevallo, Alabama acknowledges that racism exists across our communities. However, we fully and emphatically denounce any and all forms of racism.

Furthermore, we invite our citizens to join us in all of these commitments. Reach out to your leaders, keep an open heart and an open, mind and become a part of bridging any divides within our communities.

Hollie C. Cost, Mayor

Date

Council Member Herbert said he is very proud to be part of a county that supports this. He thanked Mayor Cost for her efforts in that regard.

Council Members Bunt, Peterson and Nix agreed.

Council Member Peterson

- Approval of Dollar General Hwy 119 Land Disturbance Permit



2111 Parkway Office Circle
Suite 100
Birmingham, AL 35244
TEL 205.443.3080
FAX 205.313.6454
www.GarverUSA.com

March 12, 2020

Mr. Robert M. Broadway
Managing Member
Broadway Group
PO Box 18968
Huntsville, AL 35804

RE: Shelby County Case No. SP20-001
SR25 Dollar General Land Disturbance Permit Approval

Dear Mr. Broadway:


You are hereby notified your application for a City of Montevallo Land Disturbance Permit, dated March 20, 2020 has been approved. You have ninety (90) days from the date of Montevallo City Council concurrence to commence authorized work. Please accept this letter as your Notice to Proceed with permitted construction activities, pending Council approval.

You are responsible for compliance with the conditions of the permit, including implementation of erosion and sediment control Construction Best Management Practices per the approved site plans. Please note that a condition of your permit is the periodic inspection of on-site erosion and sediment control measures. It is requested that you or your designee notify this office a minimum of 48 hours prior to the initiation of clearing and grading operations.

Upon project completion and satisfactory inspection of site stabilization, you may request termination of permit coverage. The Land Disturbance Permit bond may be released via written request to the City after one (1) year of established site stabilization.

Please maintain a copy of the approved Land Disturbance Permit, along with the associated Alabama Department of Environmental Management (ADEM) General NPDES Permit and Construction Best Management Practices Plan on-site. If you have any questions regarding this permit, feel free to contact me JMBurgess@GarverUSA.com or by telephone at 205/443-3090.

Best Regards,
GARVER



Matthew Burgess, PE
Project Manager

CC: Herman Lehman - City of Montevallo
Kristine Goddard - Shelby County Department of Development Services
Sharman Brooks - Shelby County Department of Development Services
Alyssa Carter – Broadway Group



2111 Parkway Office Circle
Suite 100
Birmingham, AL 35244
TEL 205.443.3080
FAX 205.313.6454
www.GarverUSA.com

June 1, 2020

Mr. Robert M. Broadway
Managing Member
Broadway Group
PO Box 18968
Huntsville, AL 35804

RE: Shelby County Case No. SP19-008
SR119 Dollar General Land Disturbance Permit Approval

Dear Mr. Broadway:

You are hereby notified your application for a City of Montevallo Land Disturbance Permit, dated March 17, 2020 has been approved. You have ninety (90) days from the date of this letter to commence authorized work. Please accept this letter as your Notice to Proceed with permitted construction activities.

You are responsible for compliance with the conditions of the permit, including implementation of erosion and sediment control Construction Best Management Practices per the approved site plans. Please note that a condition of your permit is the periodic inspection of on-site erosion and sediment control measures. It is requested that you or your designee notify this office a minimum of 48 hours prior to the initiation of clearing and grading operations.

Upon project completion and satisfactory inspection of site stabilization, you may request termination of permit coverage. The Land Disturbance Permit bond may be released via written request to the City after one (1) year of established site stabilization.

Please maintain a copy of the approved Land Disturbance Permit, along with the associated Alabama Department of Environmental Management (ADEM) General NPDES Permit and Construction Best Management Practices Plan on-site. If you have any questions regarding this permit, feel free to contact me JMBurgess@GarverUSA.com or by telephone at 205/443-3090.

Best Regards,
GARVER


Matthew Burgess, PE
Project Manager

CC: Herman Lehman - City of Montevallo
Kristine Goddard - Shelby County Department of Development Services
Sharman Brooks - Shelby County Department of Development Services
Alyssa Carter - Broadway Group

LAND DISTURBANCE PERMIT APPLICATION

City of Montevallo / Shelby County Department of Development Services
205.665-2555 – Montevallo City Hall / 205.620.6650 – Shelby County Development Services

PROPERTY INFORMATION

PROJECT NAME: New commercial retail store Hwy 119 CASE NO. SP19-008
PARCEL I.D. 27-1-02-0-000-001.003 ZONING: B1-SD
TOWNSHIP 22 South RANGE 3 West SECTION 2 NO. ACRES 2.50
GENERAL LOCATION/ADDRESS: 350' south of intersection of Freedom Parkway and Hwy 119
APPLICATION DATE: 3/17/20 PRELIMINARY PLAT APPROVAL DATE: _____
SITE PLAN CERTIFICATION DATE: _____

Note: No request for a land disturbance permit shall be considered complete until this application form and three (3) copies of a detailed site plan containing all necessary information has been submitted to the Shelby County Department of Development Services. If you have questions call 620-6650 ext. 628.

CONTACT INFORMATION

Applicant Name: The Broadway Group, LLC Company: _____
Telephone: 256-533-7287 Cell: _____ Email: alyssa.carter@broadwaygroup.net
Address: PO Box 18968 Huntsville, AL 35804
Street City State Zip

Engineer/Surveyor Name: Joel Garrett Company: Broadway Management LLC
Telephone: 256-533-7287 Cell: _____ Email: joel.garrett@broadwaygroup.net
Address: PO Box 18968 Huntsville, AL 35804
Street City State Zip

Contractor Name: Broadway Construction Company LLC Company: _____
Telephone: 256-533-7287 Cell: _____ Email: alyssa.carter@broadwaygroup.net
Address: PO Box 18968 Huntsville, AL 35804
Street City State Zip

Subcontractor Name: _____ Company: _____
Telephone: _____ Cell: _____ Email: _____
Address: _____
Street City State Zip

Property Owner (if different from Applicant): Lovely Properties LLC Telephone: 256-533-7287
If applicant is not property owner a notarized authorization from the property owner must be attached. All communications will be directed to the applicant.

PROJECT DATA

Land Disturbance Activity? Yes, grading associated with construction.

Proposed Use of Property? New commercial retail store

Is the Subject Property located within a flood hazard area? NO If yes, total amount of site area within flood hazard area: _____

Total Permitted Site Area: 2.50 Proposed Start Date: July 1, 2020 Proposed Completion Date: January 1, 2021

Is the proposed development the subject of any request for subdivision, rezoning, conditional use, or other zoning action? Site Plan Approval

If yes, state relevant Case Nos. _____

Will the project use a borrow/fill site? No (circle one: Borrow Fill Both)

Is the borrow/fill site within the city limits of Montevallo? _____

If yes, site address and size (acres) of property: _____

ACKNOWLEDGEMENT

I, the undersigned Applicant, certify under penalty of law that this document and all attachments were prepared under my direction or supervision and that I have personally examined and am familiar with information therein. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty."

I, the undersigned Applicant, have reviewed a copy of the applicable land disturbance requirements as set forth in the Land Disturbance Ordinance of the City of Montevallo, Alabama. Please call (205) 620-6650 ext. 628 if any questions arise.

Signed [Signature] Date: 3/17/20
Please Print Name Robert M. Broadway

**STATE OF ALABAMA
SHELBY COUNTY**

I, Tara Mathias, as Notary Public in and for said County and State, do hereby certify that Robert M. Broadway whose name is signed to the foregoing certificate as applicant (and Lowland Properties LLC, whose name is signed to same as owner), all of whom are known to me, acknowledged before me, on this date; that after having been duly informed of the contents of said certificates, they executed same voluntarily as such individuals (or in any other capacities) with full authority thereof.

Given under my hand and seal this 17th day of March, 2020

[Signature]
Notary Public (seal)

My Commission Expires 07/02/2023



FEES: COM Application fee \$100 – Single-family residence; \$500 – Other Applications; \$250 – Re-application or Permit modification. Bond Amount \$1,000 per acre or fraction thereof – Clearing; \$3,000 per acre or fraction thereof – Clearing and Earthwork or Earthwork. ****NOTE:** The Bond amounts double for property within a flood hazard area.

All fees and bond amounts are due upon application.

OFFICE USE ONLY
Application Fee _____ Total Fees Paid _____ Receipt No. _____ Date _____
Bond Instrument Amount _____ Bond Instrument Type _____ Bond Instrument Expiration Date _____
Received By _____ Reviewed By _____ City Council Mtg. Date _____

Form COM-DS Land Disturbance 7/2010 (Form and fees may change without notice.)

APPROVED

[Signature]

Digitally Signed 08/01/2020

LANCE R. LEFLEUR
DIRECTOR



KAY IVEY
GOVERNOR

Alabama Department of Environmental Management
adem.alabama.gov
1400 Coliseum Blvd. 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271-7700 ■ FAX (334) 271-7950

December 20, 2019

ROBERT BROADWAY
MANAGING MEMBER
THE BROADWAY GROUP, LLC
P.O. BOX 18968
HUNTSVILLE AL 35804

RE: Montevallo (AL 119) New Retail Store
Shelby County (117)

Dear Mr. Broadway:

Based on your request, coverage under **General NPDES Permit Number ALR10BFRV** is granted. The effective date of coverage is December 20, 2019.

Coverage under this permit does not authorize the discharge of any pollutant or wastewater that is not specifically identified in the permit and by the Notice of Intent.

You are responsible for compliance with all provisions of the permit including, but not limited to, the performance of required inspections and/or monitoring, and the preparation and implementation of a Construction Best Management Practices Plan (CBMPP) required by the permit.

The Alabama Department of Environmental Management encourages you to exercise pollution prevention practices and alternatives at your facility. Pollution prevention will assist you in complying with permit requirements.

A copy of the General NPDES Permit under which coverage of your discharges has been granted is enclosed. If you have any questions concerning this permit, please contact Stephanie Fontaine by email at stephanie.fontaine@adem.alabama.gov or by phone at (334) 274-4249.

Sincerely,

Jeffery W. Kitchens, Chief
Water Division

JWK/sjf
Enclosure: Permit
File: NOI

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941-1603 (FAX)

Decatur Branch
2715 Sandlin Road, S.W.
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9359 (FAX)



Mobile Branch
2204 Perimeter Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479-2593 (FAX)

Mobile-Coastal
3664 Dauphin Street, Suite B
Mobile, AL 36608
(251) 304-1176
(251) 304-1189 (FAX)



NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT GENERAL PERMIT

DISCHARGE AUTHORIZED: DISCHARGES FROM CONSTRUCTION ACTIVITIES THAT RESULT IN A TOTAL LAND DISTURBANCE OF ONE ACRE OR GREATER AND SITES LESS THAN ONE ACRE BUT ARE PART OF A COMMON PLAN OF DEVELOPMENT OR SALE

AREA OF COVERAGE: THE STATE OF ALABAMA

PERMIT NUMBER: ALR10BFRV

RECEIVING WATERS: ALL WATERS OF THE STATE OF ALABAMA

In accordance with and subject to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §§1251-1378 (the "FWPCA"), the Alabama Water Pollution Control Act, as amended, Code of Alabama 1975, §§ 22-22-1 to 22-22-14 (the "AWPCA"), the Alabama Environmental Management Act, as amended, Code of Alabama 1975, §§22-22A-1 to 22-22A-15, and rules and regulations adopted thereunder, and subject further to the terms and conditions set forth in this permit, the Permittee is hereby authorized to discharge into the above-named receiving waters.

ISSUANCE DATE: March 29, 2016

EFFECTIVE DATE: April 1, 2016

EXPIRATION DATE: March 31, 2021

Glenda L. Dean

Alabama Department of Environmental Management

SUBDIVISION REGULATIONS
of
Montevallo, Alabama

AGREEMENT

THIS AGREEMENT entered into and between **The Broadway Group, LLC** hereinafter called the Property Owner, and the Montevallo City Council, hereinafter called the Council, acting by and through the Montevallo Planning Commission, hereinafter called the Planning Commission.

WITNESSETH

WHEREAS, the Property Owner has submitted to the Planning Commission a site plan of a proposed development to be known as **Dollar General Hwy 119** and the Planning Commission has decided in accordance with Appendix C Section 13 of its Subdivision Regulations that, conditioned upon the agreement and bond of the Property Owner hereinafter set out and provided for, the requirements set out in Appendix C Section 13 need not be met prior to approval of said final site plan.

NOW, THEREFORE, the Property Owner agrees with the Council as hereinafter set forth in paragraphs 1, 2, 3, and 4 hereof.

1. The Property Owner shall by **February 2021** construct and install in or with respect to said proposed subdivision all improvements and utilities as defined by maps and resolutions of the Planning Commission dated March 12, 2020.

2. In the event the Property Owner shall fail in whole or in part to complete within said time (or such additional time, if any, as may be granted) the construction and installation provided for by paragraph 1. above, the Council shall have the right at the cost and expense of the Property Owner to complete the same or cause the same to be completed, and the Property Owner hereby grants unto the Council all rights necessary or appropriate to enable the Council so to do.

3. In consideration of the premises and of the foregoing agreement of the Property Owner and of the furnishing of proper bond (the amount of which is to be determined by the City Engineer) to secure the faithful performance of such agreement and the actual construction and installation of the aforesaid improvements and utilities within the time specified, the Planning Commission agrees that it will not require installation or construction of the aforesaid improvements and utilities prior to approval of said plat, but that in lieu of the completion of such improvements and utilities prior to approval of said final plat it will accept the aforesaid agreement of the Property Owner and the aforesaid performance bond of the Property Owner and by its surety.

4. The consideration for this agreement by the Property Owner is to induce the Council to grant final approval of said subdivision or plat prior to the completion of the work above described. Said Property Owner further recognizes that said consideration is full, complete, and sufficient as stated and further said Property Owner recognizes the authority of said Council to enter into and execute this agreement and further recognize the authority of said Council to require the improvements and work as set out in said Agreement.

ENTERED into this 27th day of May 2020.

Attest:

Alyssa N. Coatta

Property Owner:

Robert M. Broadway
(Print and Sign Name)

Montevallo City Council
By Montevallo Planning Commission

By: _____
Montevallo City Clerk

<p>Please Print Contact Information: Responsible Party: PO Box 18908 HUNTSVILLE, AL. Address: 35804 ROBERT M. BROADWAY Phone: 256-533-7267</p>

PERFORMANCE BOND

Bond No. 3253224

KNOW ALL MEN BY THESE PRESENTS:

That The Broadway Group, LLC PO Box 18968 Huntsville, AL 35804 as Principal, hereinafter called Developer, and, The Cincinnati Insurance Company, a corporation duly organized under the laws of the State of Ohio as a Surety, hereinafter called Surety, are held firmly bound unto

The City of Montevallo, as Obligee, hereafter called City, in the amount of **Four Thousand Nine Hundred and Eighty Dollars, (\$ 4,980.00)**, for the payment whereof Developer and Surety bind themselves, their heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents.

WHEREAS, Developer has by written Development Agreement, entered into with City for agreement

Land Disturbance Permit in preparation and in accordance with the approved Case No. SP19-008, New Retail Store Hwy 119 in accordance with approved engineer's estimates, which Agreement is by reference made a part hereof, and is hereinafter referred to as the Agreement.

NOW, THEREFORE, THE CONDITION OF THIS OBLIGATION is such that, if Developer shall promptly and faithfully perform said Agreement, then this obligation shall be null and void; otherwise it shall remain in full force and effect.

The Surety hereby waives notice of any alteration or extension of time made by the City.

Whenever Developer shall be, and declared by City to be in default under the Agreement, the City having performed City's obligations thereunder, the Surety may promptly remedy the default, or shall promptly

- 1) Complete the Agreement in accordance with its terms and conditions, or
- 2) Obtain a bid or bids for completing the Agreement in accordance with its terms and conditions, and upon determination by Surety of the lowest responsible bidder, arrange for a contract between such Bidder and City, and make available as Work progresses (even though there should be a default or a succession of defaults under the contract or contracts of completion arranged under this paragraph) sufficient funds to pay the cost of completion less the balance of the contract price, but not exceeding, including other costs and damages for which the Surety may be liable hereunder, the amount set forth in the first paragraph hereof.

This bond is irrevocable for two (2) years from the date of issuance, however, it will be automatically renewed without amendment for successive periods of one (1) year each, unless at least ninety (90) days prior to the initial expiration date or any successive expiration date the issuing surety gives the City of Montevallo, Alabama notice by registered letter to the address above that the issuing surety elects not to have this bond renewed for such additional period.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the City named herein or the heirs, executors, administrators or successors of the City.

Signed and Sealed this 1st day of June, 2020

Alyna N. Carter
(Witness)

[Signature]
(Witness)

[Signature]
The Broadway Group, LLC (Principal) (Seal)

Robert M. Broadway Managing Member
(Title)

The Cincinnati Insurance Company
By [Signature]
John T. Folsen, Attorney-in-Fact

THE CINCINNATI INSURANCE COMPANY

Fairfield, Ohio

POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That THE CINCINNATI INSURANCE COMPANY, a corporation organized under the laws of the State of Ohio, and having its principal office in the City of Fairfield, Ohio, does hereby constitute and appoint

Mark P. Harbarger; David E. Harbarger; John T. Freisen and/or Virginia M. Crump

of Huntsville, Alabama its true and lawful Attorney(s)-in-Fact to sign, execute, seal and deliver on its behalf as Surety, and as its act and deed, any and all bonds, policies, undertakings, or other like instruments, as follows:

Any such obligations in the United States, up to Twenty Million and No/100 Dollars (\$20,000,000.00).

This appointment is made under and by authority of the following resolution passed by the Board of Directors of said Company at a meeting held in the principal office of the Company, a quorum being present and voting, on the 6th day of December, 1958, which resolution is still in effect:

"RESOLVED, that the President or any Vice President be hereby authorized, and empowered to appoint Attorneys-in-Fact of the Company to execute any and all bonds, policies, undertakings, or other like instruments on behalf of the Corporation, and may authorize any officer or any such Attorney-in-Fact to affix the corporate seal; and may with or without cause modify or revoke any such appointment or authority. Any such writings so executed by such Attorneys-in-Fact shall be binding upon the Company as if they had been duly executed and acknowledged by the regularly elected officers of the Company."

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following Resolution adopted by the Board of Directors of the Company at a meeting duly called and held on the 7th day of December, 1973.

"RESOLVED, that the signature of the President or a Vice President and the seal of the Company may be affixed by facsimile on any power of attorney granted, and the signature of the Secretary or Assistant Secretary and the seal of the Company may be affixed by facsimile to any certificate of any such power and any such power of certificate bearing such facsimile signature and seal shall be valid and binding on the Company. Any such power so executed and sealed and certified by certificate so executed and sealed shall, with respect to any bond or undertaking to which it is attached, continue to be valid and binding on the Company."

IN WITNESS WHEREOF, THE CINCINNATI INSURANCE COMPANY has caused these presents to be sealed with its corporate seal, duly attested by its Vice President this 10th day of October, 2008.



STATE OF OHIO) ss:
COUNTY OF BUTLER)

THE CINCINNATI INSURANCE COMPANY

Signature of Thomas H. Kelly, Vice President

On this 10th day of October, 2008, before me came the above-named Vice President of THE CINCINNATI INSURANCE COMPANY, to me personally known to be the officer described herein, and acknowledged that the seal affixed to the preceding instrument is the corporate seal of said Company and the corporate seal and the signature of the officer were duly affixed and subscribed to said instrument by the authority and direction of said corporation.



Signature of Mark J. Huller, Attorney at Law

MARK J. HULLER, Attorney at Law
NOTARY PUBLIC - STATE OF OHIO
My commission has no expiration date, Section 147.03 O.R.C.

I, the undersigned Secretary or Assistant Secretary of THE CINCINNATI INSURANCE COMPANY, hereby certify that the above is a true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in full force and effect.

GIVEN under my hand and seal of said Company at Fairfield, Ohio, this 15th day of June 2020



Signature of Gregory J. Schlemmer, Secretary

BN-1005 (10/08)

Council Member Peterson made a motion to accept the bond. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

- o Award of Low Bidder on Mahler House Restoration Project

Project: Mahler House Renovation Montevallo, Al		06/02/2020 2:00pm	
Bid Tabulation			
Item	Description	Jared Building Co.	David Acton Bldg
		Amount	Amount
1	General Conditions	\$10,000.00	\$10,000.00
2	Dumpster Fees & Waste Management Services	\$1,800.00	\$5,000.00
3	Demolition	\$10,000.00	\$22,000.00
4	Landscape Allowance	\$15,000.00	\$15,000.00
5	New Perimeter Foundations	\$30,000.00	\$40,000.00
6	Brick steps	\$9,300.00	\$3,000.00
7	Steel Railings	\$3,000.00	\$4,000.00
8	Rough Carpentry	\$30,000.00	\$51,500.00
9	Interior Millwork & Wood Trim	\$2,100.00	\$14,000.00
10	Exterior Wood Trim, Facia, and Fiber Cement work	\$6,000.00	\$15,000.00
11	Caulking & Sealants	\$2,000.00	\$3,000.00
12	Doors, Frames & Hardware	\$8,000.00	\$8,000.00
13	Glass & Glazing	\$2,000.00	\$5,000.00
14	Framing & Drywall	\$13,300.00	\$15,000.00
15	Roofing and underlayment	\$21,000.00	\$20,000.00
16	Wood Flooring reinstallation, refinishing	\$22,550.00	\$13,000.00
17	Hard Tile	\$5,350.00	\$12,000.00
18	Painting	\$46,000.00	\$25,000.00
19	Toilet Accessories & Partitions	\$2,000.00	\$3,000.00
20	Fire Extinguishers	\$450.00	\$500.00
21	Misc	\$5,000.00	\$9,000.00
22	HVAC	\$22,000.00	\$26,000.00
23	Plumbing	\$14,800.00	\$12,000.00
24	Electrical	\$3,000.00	\$14,000.00
	SUBTOTAL	\$284,650.00	\$345,000.00
	Permits	\$3,200.00	\$2,000.00
	Bid Bond	Cert. Check	\$13,000.00
	GC Fee	\$136,138.00	\$100,000.00
	Subtotal	\$423,988.00	\$460,000.00
	Contingency (10%)	\$42,398.80	\$46,000.00
	Total	\$466,386.80	\$506,000.00
	Alternate No.1 - ADD Sewer Line connection	\$7,500.00	\$11,000.00
	Alternate No.2 - DEDUCT new restroom and prep area work	-\$20,000.00	-\$43,000.00
	Unit Price No.1 - Lead-based paint abatement	\$20.00 / sf	\$3.00 / sf
	Unit Price No.2 - Lead-based paint encapsulation	\$3.00 / sf	\$1.00 / sf

Mayor Cost thanked Mr. Walker for his efforts on this project.

The City Clerk explained that, after paying for the engineers, architects, etc., we should have around \$250,000 left for this project. The contractor has been asked to revise the bid into phases. The first phase would include the foundation and other structural issues up to the \$250,000 we have on hand. We will try to get as much done as we can with that money, then determine how much additional money we need to finish it out.

Mr. Walker agreed.

Council Member Nix made a motion to accept Jarred Construction as the low bidder. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

Mr. Walker thanked the Council and said he is very excited about this project.

Approval of Low Bidder on Hwy 119 / Hwy 25 Crosswalk Project – Funding Paid by MDCD

STATE ROUTE 25 AND STATE ROUTE 119 INTERSECTION SIDEWALK ADDITION AND CROSSINGS PROJECT

BID TABULATION

May 26, 2020

2:00 p.m.

Bidder	Bid Bond	Acknowledged Addendums	Total Bid
CB&A Construction LLC	Yes	Yes	\$ 137,371.81
Southeastern Sealcoating Inc.	Yes	Yes	\$ 145,881.00
Triple J Construction LLC	Yes	Yes	\$ 188,045.00
Cornerstone Civil Construction LLC	Yes	Yes	\$ 198,468.14

I hereby certify that this is a true tabulation of bids received by the Montevallo Development Cooperative District (MDCD) on May 26, 2020 at 2:00 p.m. for the project as described above in the City of Montevallo, Alabama.



By: Fred M. Gauntt III, PE
 Manager of Facilities and General Services, Shelby County

As Council Member Peterson noted previously, the City Clerk explained that the MDCD is paying for this project and has approved the low bidder. As such, no action is necessary from the Council.

Mayor Cost said she is excited about this project and that it is much needed. This will be a signaled crosswalk.

Old Business

Ammersee Lakes Paving Request – Tom Bagley

The City Clerk noted as stated in the Council Packet that Tom Bagley has revised his request regarding help with the Ammersee Lakes paving. He is now asking for assistance

with the sealcoat for Phase 1, the oldest street and main drive into the subdivision. As you know, when the Heritage Trace developer went bankrupt, we had to pave a section of that development – costing us over \$90,000. Mr. Bagley is hoping to avoid bankruptcy and allow himself to pave Sections 2 and 3 as he gets funds from the sale of lots in Section 3, the third and final section in his development. We need to run this by Matthew and Kristine, but my recommendation would be to agree to pave the first sector. Keep in mind, this road is 20 years old. As you will recall, the homeowners along that road have complained about the condition of that road for years. Our paving the road is as much a benefit to them as it would be Mr. Bagley. Also remember, if we hadn't gone through the 2008 housing bust and this development had progressed on a "normal" timeframe, we would have accepted the road long ago, and we'd be repaving it around now anyway. This isn't a normal request, but those weren't normal times. As far as I know, Mr. Bagley is the only independent developer who survived those times. Heritage Trace, Colonial Oaks, Hampton Square and Cambridge Park all failed.

Mr. Bagley received a bid of \$72,573 for the paving of that section. I would think we could get a better price if we added it to the paving list this summer. As I recall, Trey's reluctance to pave the entire project centered around the deterioration of the base in Phase 2. I think Phase 1 just needs the sealcoat. Here again, we can get Trey and Matthew to confirm that. As far as paying for this goes, we have \$84,718 in our 4 Cent Gas Tax Fund. As you know, that fund is restricted and can only be used to pave or otherwise improve roads.

Mr. Bagley commented he received another bid recently which was actually a bit cheaper.

Council Member Nix asked Mr. Bagley how far along Phase 1 is in terms of build-out.

Mr. Bagley said 81 of the 82 lots in that sector have been built-out.

Council Member Nix said his concern would be the construction traffic related to the remaining sectors.

Mr. Bagley said he would be willing to get bond to cover any potential damage caused by that activity.

After some additional discussion, it was recommended that the Clerk contact the County and see if it is possible to add this to the summer paving list, and at what cost. No action was taken.

Mayor Cost informed the Council there is a group which wants to sponsor a peaceful march in Montevallo in to foster trust and unity in our community. Nothing has been officially requested of us yet or approved by the city at this point. The Mayor said no one has questioned the professionalism of our police department in any way. Chief Littleton and his

officers do a tremendous job, and take every effort to treat all of our residents with care and respect. With that understanding, the Mayor said she fully endorses this groups cause and their desire to hold a peaceful march in our city.

The Mayor also noted the tragic loss of Moody Police Sergeant Stan Williams who senselessly killed in the line of duty was laid to rest in Montevallo at the Alabama National Cemetery today. She said she hates this especially for his family. It is yet more proof we need to come together as a community and love one another.

The Mayor also pointed out that the EJI marker has been installed at the corner of Main and Shelby. We have held off on any ceremony related to the installation due to COVID. The marker describes a sad truth about what happened in our past. But it is also evidence that we are not the same today as we were back then. She expressed her sincere gratitude to the Council for their support regarding the installation of the marker. She also thanked the members of the Remembrance Coalition for their leadership on this effort.

Citizen Participation

No one in the audience participated.

FACEBOOK:

Stephen Parker congratulated the Council for supporting the EJI marker.

With no other business being before the Council, Council Member Nix made a motion to adjourn. Council Member Peterson seconded. ALL AYES . . . MEETING ADJOURNED at 6:42 p.m.

Submitted by:

Herman Lehman
City Clerk