

MINUTES

Montevallo City Council Work Session

October 9, 2023

5:30 p.m. at City Hall

Present: Mayor Rusty Nix, Council Member David King, Council Member Lelia Mitchell, Council Member Kenneth Dukes, Council Member Sonya Swords, Council Member Martha Eisenberg. Quorum present.

Work Session called to order at 5:30 p.m. by Mayor Nix.

Mayor Nix called for Discussion of New Business Items on Agenda:

New Business:

- **Discussion** of Resolution 10092023-145 A Resolution accepting the bid of Southeastern Sealcoating Inc. in the amount of \$642,670.75 for the purpose of constructing Sidewalks along AL Hwy 25 in accordance with ALDOT Project TAPAA-TA21(924).
- **Discussion** of Resolution 10092023-146 - A Resolution to grant access to Right of Way (ROW) to Yellowhammer Networks, LLC for the purpose of constructing, maintaining and operating a fiber optic network to provide internet and related services over its network to residential and business subscribers within the City of Montevallo, Alabama. - George Henry from Yellowhammer presented information to City Council. Agreement for Right of Way (ROW) access for fiber network. See Appendix 1.

Mayor Nix called for Committee Reports:

Public Health & Safety: (Police, Fire, Code Enforcement, Housing Abatement and Planning & Zoning) Mayor Nix called on Council Member King for Public Health & Safety. Council Member King called on Lt. Harrelson for the Police Department report. Lt. Harrelson reported there were 79 total Cases in September and 819 Total Cases year to date. See Appendix 2.

Council Member King called on Chief Davis for the Fire and EMS Department Report. Chief Davis Reported a total of 138 Calls for September and 1,216 Total Calls year to date. Chief Davis reported there was a Burn Ban still in effect statewide. See Appendix 3.

Sustainability: (Streets & Sanitation, Recycling, Arbor & Beautification, ValloCycle, Environmental Preservation Initiatives, and Historical Commission) Mayor Nix called on Council Member Dukes for the Sustainability Report. Council Member Dukes called on Kirk Hamby, Head of Public Works. Kirk reported Public Works would be planting at the City Hall Annex building doing beautification work tomorrow. He reported Free Dump Day was well attended with five tons of garbage was taken to the Shelby County Landfill; Wadsworth Street parking is open and currently has 16 public parking spaces available; EV Charging Stations to be completed.

Recreation, Preservation and Community Development (Parks & Recreation, Youth Athletics, Trails, Annexations) Mayor Nix called on Council Member Eisenberg for the Recreation, Preservation and Community Development Reports. Council Member Eisenberg called on Shane Baugh, Head of Parks and Recreation. Shane reported he would be off this weekend for Youth Sports; Stephen's Park addition is almost complete; he advised the Opening Ceremony for Centennial Park in Stephen's Park would be held Wednesday, October 18th at 10 a.m.

Education, Arts & Outreach (Schools, Library, UM, Boys & Girls Club, American Village, Sister City Commission, Artwalk, IMPACT) Mayor Nix called on Council Member Mitchell for the Education, Arts and Outreach

Committee Reports. Council Member Mitchell advised Marissa Wilson, Director of the Parnell Memorial Library wasn't in attendance but submitted a written report that's in Council Packets for the library. See Appendix 4.

Council Member Mitchell called on Sarah Hogan, Program Director of Impact Montevallo. Sarah was unable to attend the meeting and no written report was submitted.

Montevallo Junior City Council (MJCC) had no report.

Finance, Economic Development & Tourism (Finance, MDCD, IDB, Chamber, Main Street) Mayor Nix called on Council Member Swords for the Finance, Economic Development & Tourism Reports. Council Member Swords called on Adele Nelson, Executive Director Montevallo Chamber of Commerce. Exit Heart & Realty Ribbon Cutting will be held on October 13 at 10 a.m.; Chamber will be participating in National Night Out, October 17; Chamber Luncheon will be October 18 and features See Appendix 5.

Council Member Swords reported Courtney Bennett, Montevallo Main Street was unable to attend the meeting and there is a written report submitted in Council packets.

Council Member Swords advised MDCD met today and reported the Mountain Bike Track will hold a grand opening on October 26 at 4:30 p.m.

Montevallo City Council Meeting

October 9, 2023

6:00 p.m. at City Hall

Present: Mayor Rusty Nix, Council Member David King, Council Member Lelia Mitchell, Council Member Kenneth Dukes, Council Member Sonya Swords, Council Member Martha Eisenberg. Quorum present.

Pledge of Allegiance

Council Meeting called to order at 6 p.m. by Mayor Rusty Nix.

Approval and or corrections of the Minutes 9.25.23 – Motion by Council Member Mitchell, seconded by Council Member Dukes, All Ayes, Motion passed.

Recognitions / Awards: Proclamation Celebrating 30 Years of Carvings by Tim Tingle in Orr Park. See Appendix 7.

Opportunities for Citizens to speak to the Council: C.P Pierson 1131 Oak St. Question about grants, was that the grants from the Feds. Yes.

Aiden Peach, lives in one of the dorm buildings at UM, spoke about UM students stop signs, people are not coming to complete stop. Question if LED's can be added to stop signs. Will check into the LED for stop signs.

Consent to Pay the Bills

Mayor Nix asked for a Motion to Pay the Bills. Council Member Dukes made a motion to pay the bills, seconded by Council Member Mitchell, All Ayes. Motion passed.

New Business:

- Resolution 10092023-145 A Resolution accepting the bid of Southeastern Sealcoating Inc. in the amount of \$642,670.75 for the purpose of constructing Sidewalks along AL Hwy 25 in accordance with ALDOT

Project TAPAA-TA21(924). Motion by Council Member Dukes, seconded by Council Member Eisenberg, All Ayes, Motion passed. See Appendix 8.

- Resolution 10092023-146 A Resolution to grant access to Right of Way to Yellowhammer Networks, LLC for the purpose of constructing, maintaining and operating a fiber optic network to provide internet and related services over its network to residential and business subscribers within the City of Montevallo, Alabama. First Reading, No Vote. Read by City Clerk Gilbert. See Appendix 9.

Old Business: None

Board Appointments: Glenn Stewart Montevallo Water and Sewer Board Term to expire 10.09.26 – Motion made by Council Member King, seconded by Council Member Swords, Ayes: 5, Nay: 1 Council Member Mitchell.

Other Business: None

Citizen Participation: None

There being no further business before the Council, **Mayor Nix called for a Motion to Adjourn.** Motion to adjourn made by Council Member Dukes, seconded by Council Member Eisenberg, All Ayes. Meeting Adjourned at 6:16 p.m.

Submitted by:

Steve Gilbert
City Clerk / Treasurer



Project Scope:

Yellowhammer networks is a digital infrastructure focused company based in Alabama. We build out, maintain and operate a fiber network within the western black belt region of Alabama within Selma, York, Demopolis, Greensboro, Centreville, Montevallo and points in between.

Since we are focused on the physical fiber infrastructure, Yellowhammer has partnered with an ISP to provide the end-user customer experience. Omnipoint was selected to be the ISP and will be the entity end user customers will be associated with when requesting services.

As the physical network is completed, phases will come online in an orderly fashion wherein Omnipoint, as the partner ISP, will seek, establish and service these customers. Behind the scenes, Yellowhammer will continue to own, operate and maintain the physical fiber infrastructure we built. We have obligations to various governmental entities that we do this in a timely manner, so we must hit certain construction timeline goals in the near term.

Yellowhammer's commitment to the local communities is unparalleled in this fiber network industry. We build to own, not scale to sell. In addition, we are committed to establishing various digital equity programs within the communities of our footprint so as to be a true partner in increasing quality of life, access to education and remote working. Although this is generally visible in community by our ISP partner, we want you to know we are fully committed in the background. We can all agree, fiber internet access provides a noticeable impact to individuals and communities who are currently either under-served or skipped altogether. It is simply not possible to contribute or participate in today's world without fiber internet connectivity.

APPENDIX 2

	January-23	February-23	March-23	April-23	May-23	June-23	July-23	August-23	September-23	October-23	November-23	December-23	Total
Total Reports	93	103	93	100	107	59	87	98	79				819
Criminal Cases	61	68	65	55	71	46	62	65	50				543
Non-Criminal	32	35	28	45	31	13	25	33	29				271
Traffic Accidents	12	18	12	15	15	10	8	13	15				118
Traffic Citations	116	100	88	86	135	48	114	98	83				868
DUI Arrests	8	11	3	7	7	5	11	4	4				60
Public Intox Arr	1	0	2	0	0	2	0	3	2				10
Alias Arrests	11	12	11	7	11	6	8	8	3				77
Juvenile Arrests	3	3	1	0	0	0	0	1	2				10
Misd Arrests	7	3	4	4	7	1	5	12	11				54
Felony Arrests	1	3	3	2	4	0	2	1	2				18
Total Arrest	31	32	26	20	29	14	31	29	24	0	0	0	236
Auto Thefts	0	0	0	0	0	1	0	0	1				2
Burglaries	0	0	2	3	1	1	0	0	4				11
Auto Recoveries	0	0	1	0	0	1	0	0	1				3
Auto Burglaries	2	0	0	1	1	1	1	0	2				8
Criminal Mischief	1	1	0	0	0	0	1	2	1				6
DV. Related	2	7	5	5	8	4	5	7	5				48
Assaults	1	1	2	2	5	1	2	0	2				16
Fraud/Forgery	3	2	2	1	3	0	0	1	1				13
Harass / Reck	6	4	4	4	5	1	0	4	8				36
Misc. Offenses	29	32	30	27	29	9	23	25	17				221
Robberies	2	0	0	0	0	0	0	0	0				2
Sex Crimes/Other	0	2	1	3	0	2	0	0	1				9
Thefts / Attempts	3	3	7	7	3	7	3	4	9				46
Suicide / Attempts	0	0	0	0	0	0	0	0	0				0
Deaths	2	0	1	2	0	0	1	1	2				9

2023 Montevallo Fire And Rescue Events by Type

Report Date: 10/1/2023

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total
ABDOMINAL PAIN/INJURY	4	5	6	3	5	5	4	3	1	36
ADMIN EVENT	0	0	0	0	0	0	0	0	1	1
ALARM	1	0	0	1	0	0	0	0	0	2
ADMIN EVENT FIRE SERVICE	0	0	0	0	0	0	0	0	0	0
CARBON MONOXIDE ALARM	0	0	2	0	4	0	5	2	7	20
COMMERCIAL FIRE ALARM	7	2	3	3	2	4	2	0	0	23
MEDICAL ALARM	3	6	1	4	3	7	6	1	3	34
RESIDENTIAL FIRE ALARM	1	0	1	1	1	0	1	2	1	8
ALLERGIC REACTIONS	5	4	12	5	5	2	5	6	0	44
ALTERED MENTAL STATUS	0	0	0	0	2	0	0	0	2	4
ANIMAL	0	2	1	2	4	1	1	2	2	15
ANIMAL BITE/ATTACK	1	1	0	3	2	1	1	2	2	13
ASSAULT	1	1	0	2	2	1	1	1	2	13
BACK PAIN/INJURY	5	3	1	2	2	3	3	1	2	22
BLEEDING	8	10	10	8	9	8	6	15	10	84
BREATHING PROBLEMS	0	0	0	0	1	0	0	1	0	2
BURN INJURIES	0	0	0	0	4	2	7	4	3	29
CARDIAC	2	1	2	4	4	0	0	0	0	11
CARDIAC ARREST - ADULT	0	0	0	1	0	0	0	0	0	1
CARDIAC ARREST - CHILD	1	0	0	0	0	0	0	0	0	1
CARDIAC ARREST - INFANT	8	9	6	12	12	7	7	10	11	82
CHEST PAIN	0	0	1	0	0	0	0	0	2	3
CHOKING	1	0	0	1	0	1	0	0	0	3
CHOKING - ADULT	1	0	0	0	0	1	0	0	0	3
CHOKING - INFANT	1	0	0	0	1	0	0	0	0	2
CHOKING CHILD	2	2	0	3	1	4	3	2	3	20
DIABETIC RELATED	0	1	0	0	0	0	0	0	1	2
DROWNING	2	1	1	0	3	2	3	0	0	18
DRUG OVERDOSE	6	3	7	2	6	7	8	7	5	51
EXTREMITY INJURIES	0	0	0	1	0	0	0	0	0	1
EYE INJURY	0	0	0	0	1	0	0	0	0	1
FALL	0	0	0	0	0	0	0	0	0	0
FALL FROM ROOF	3	7	6	4	2	7	3	10	4	46
FALL FROM STANDING POSITION	0	0	0	1	2	0	0	0	0	3
MULTI-STORY FALL	0	0	0	1	1	0	1	1	0	5
CHILD LOCKED IN CAR	0	1	0	0	1	2	1	1	0	8
FD ASSIST	0	3	0	0	1	2	1	1	0	8
LAW ENFORCEMENT	0	6	10	10	11	23	11	25	15	118
LIFTING ASSISTANCE	7	6	10	10	11	23	11	25	15	118
MUTUAL AID	1	0	1	4	0	1	1	3	0	11
OTHER AGENCY	0	1	1	1	0	0	0	0	0	3
PUBLIC	0	1	0	1	2	5	1	0	1	11
TREE DOWN	0	0	0	0	1	0	0	1	0	2
FIRE	2	0	0	2	0	2	0	1	0	7
APPLIANCE FIRE	0	1	2	1	2	1	0	1	1	9
BRUSH / WOODS FIRE	0	0	0	0	1	0	0	1	1	3
BURN COMPLAINT	0	0	0	0	1	0	0	1	1	3
COMMERCIAL STRUCTURE FIRE	0	2	0	2	0	1	0	2	3	10
DUMPSTER FIRE	1	0	0	0	0	1	0	0	0	2
ELECTRICAL FIRE	0	0	2	1	0	2	0	0	0	5
RESIDENTIAL STRUCTURE FIRE	0	2	1	1	2	0	1	2	1	10
TRANSFORMER / POLE FIRE	0	0	1	1	0	2	0	1	2	7
VEHICLE FIRE	1	1	2	1	0	0	0	1	0	6
GAS	0	0	0	0	0	0	0	1	0	1
GASOLINE / DIESEL SPILL	0	0	0	0	0	0	0	1	0	1
NATURAL / PROPANE GAS LEAK	1	0	0	1	0	0	0	1	0	3

PARNELL MEMORIAL LIBRARY

SEPTEMBER 2023

VISITS TO THE
BUILDING

2,710

CIRCULATION

5,804

CITIZEN SAVINGS

\$129,925.65

PHONE CALLS

81

WIFI &
COMPUTER
SESSIONS

5,385

DATABASE
SEARCHES

695

PROGRAM
PARTICIPATION

386

COMMUNITY
MEETINGS

16

PROGRAMS: 22

- 4 Mini Music
- 4 Storytime with Mr. Mac
- 3 Take Home Craft Kits
- 1 classic movie
- 4 Pokémon Club
- 1 Family Night event
- 2 Play doh and lego
- 3 Homeschool hubs

Chamber / City Council Report

10/09/2023

1) Taking Pre-Orders for **Montevallo Pecan Sale** / one pound bag of shelved halves \$13.00 each / deadline Oct. 16 with a pick-up date before Thanksgiving. Benefits the Montevallo Community Grant Fund

2) **EXIT HEART & HOME REALTY RIBBON CUTTING** on Friday October 13 at 10am / 440 Middle Street

3 Montevallo Chamber will be partnering with Parnell Library for the 4th **Annual Pumpkin Decorating Contest**. Pick up a pumpkin at the library starting Oct. 16. Thanks to Pierce Farms, Pic 'n Sav & Lucky's.

4) Montevallo Chamber will be at **National Night Out** on Tues Oct 17, 5:30-7:30pm, Pecan Grove @Orr Park with prizes, free popcorn and Barney Fife !

5) **Montevallo Chamber Luncheon** Wed Oct. 18th "UM Happenings" Guest Speaker :

Dr. Courtney Bentley, Provost and Vice President for Academic Affairs / Parnell Library with networking at 11:30am & lunch at noon \$15. ea. RSVP by Mon Oct. 16th to 205-665-1519 or montevallochamber@gmail.com Luncheon Catered by Southern Sweets / Luncheon Sponsor- University of Montevallo

6) Montevallo will be co-hosting- **Washington Update Luncheon**, Senator Katie Britt, Friday Oct. 20 11:45am - 1:15pm / Jeff St. Hoover / RSVP by Oct 17 / Please let Adele know if you plan to attend

7) **Montevallo "Hometown Halloween"** will be Tuesday October 31, 3:30-5pm, Downtown

8) **2023 Montevallo Christmas Parade** will be Thursday Nov 30, 6pm



Adele Nelson

Executive Director

Montevallo Chamber of Commerce

P.O. Box 270 Montevallo, AL 35115

205.665.1519 office

www.montevallocc.com

Report to City Council

October 6, 2023

Updates

- Please join us in welcoming The Jewelry Lady to 619 Main Street! Other businesses slated to open soon include Indigo Cafe and Bar and Soul Spot Soul Food. We hope to see you at Montevallo Chamber's ribbon cutting in celebration of EXIT Home & Heart Realty at 440 Middle Street at 10 AM this upcoming Friday.
- Congratulations to Montevallo's 2023 Shelby County Tourism and Recreation All-Star nominees honored at a luncheon last Thursday: Main Street Tavern, Slice Pizza, Orr Park, Tinglewood Festival, Montevallo Arts Collaborative, and American Village.
- Montevallo was one of the three Alabama communities selected as part of a new pilot program from Main Street America called "Equitable Entrepreneurial Ecosystems." A delegation attended a workshop on October 3 and will continue to participate in follow-up calls and an in-person visit from Main Street America. At the end of the program, we will receive a small grant from them that we can use to support entrepreneurs in the best way we see fit.
- CAWACO RC&D has awarded Main Street a \$5,000 reimbursement grant towards our 2024 CO.STARTERS program. On October 24, please make plans to join us at the Team Lehman office for a celebration in honor of our five fall 2023 CO.STARTERS graduates.

We invite you to join us at these upcoming special events:

- **Tuesday, October 17:** Join us in the Orr Park Pecan Grove (940 Island Street) from 5-8 PM for National Night Out! Enjoy free food, giveaways, community resources, music, and interactive fun! Presented by Impact Montevallo.
- **Wednesday, October 18:** Montevallo Chamber of Commerce hosts their monthly luncheon at Parnell Memorial Library. Networking begins at 11:30 AM and lunch (\$15) begins at noon. Dr. Courtney Bentley, Provost and Vice President for Academic Affairs, will give an update recently developments at the University of Montevallo. RSVP to montevallochamber@gmail.com or 205-665-1519 by October 16.
- **Thursday, October 19:** The Montevallo High School Homecoming Parade will line up at 5 PM, with the parade rolling at 6 PM. A community pep rally will follow at Theron Fisher Stadium.
- **Tuesday, October 24:**
 - Main Street will host a celebration in honor of our five CO.STARTERS graduates from 6-7 PM at Team Lehman (620 Valley Street)! We will also thank our 2023 sponsors during this time.
 - You are invited to participate in the 4th Annual Chief's Challenge at 5:30 pm at the Theron Fisher Stadium! This event is held annually during Red Ribbon Week to celebrate living a healthy drug-free lifestyle. The challenge includes teams of 8 competing against your local first responders with the Montevallo Police Department and Montevallo Fire & Rescue in meeting their physical standards. Presented by Impact Montevallo.
- **Saturday, October 28:** Montevallo Art Stalk will be held on Main Street from 11 AM - 5 PM! (Severe weather date is November 4.) Any questions can be addressed to Emily Gill, Artwalk Coordinator, at montevalloartwalk@gmail.com.

**Celebrating 30 Years of
Tingle Carvings
in Orr Park**

October 2023

By the Honorable Mayor Rusty Nix and Montevallo City Council

A PROCLAMATION

WHEREAS, Tim Tingle started carving storm damaged cedar trees in Orr Park after the Blizzard of 1993 aka Storm of the Century; and

WHEREAS, Tim Tingle would sneak into Orr Park due to not having permission and after the sixth carving got caught. Instead of arresting Tim, the City named the section of Orr Park along the Shoal Creek bank within the wooded area, Tinglewood; and

WHEREAS, After the Montevallo Bicentennial Birthday Bash in 2017, the Montevallo Arts Council started planning an all-woodworking event for Orr Park, that was when the concept and creation of Tinglewood Festival came about; and

WHEREAS, Tim Tingle, as to date, has created 59 inventive tree carvings, which range from a variety of faces to animals, mythical creatures, storybook characters and more within the Tinglewood Orr Park Trail. Make note that 53 carvings remain in the Park due to weather damage; and

WHEREAS, Tim Tingle, through his time and talent, has given Montevallo a priceless gift that is unmeasurable. No value can be placed on what one man has done that brings such delight to the community and brought folks from all over the world to Montevallo;

NOW, THEREFORE, to further awareness of Tim Tingle's contribution to Montevallo, I, Mayor Rusty Nix, do hereby proclaim, recognize, and celebrate 30 years of Tingle Carvings at Orr Park in our fair City.

IN WITNESS WHEREOF, I have hereunto set my hand and caused this seal to be affixed this 9th day of October 2023.

Rusty Nix, Mayor
City of Montevallo



**RESOLUTION NO. 10092023-145
RESOLUTION ACCEPTING THE BID OF SOUTHEASTERN SEALCOATING, INC.**

WHEREAS, the City of Montevallo entered into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation relating to a project for: Sidewalks along SR-25 from Day Dr. to Gardner St by adopting Resolution No. 122820-303 on December 28, 2020 and ;

WHEREAS, the City of Montevallo properly advertised via statewide Newspaper outlets, the City Hall Bulletin Board and City Web-site for sealed bids for TAPAA-TA21(924) and;

WHEREAS, the City of Montevallo received and opened in a public meeting on September 25, 2023 at 2:00 PM at City Hall all sealed bids received for TAPAA-TA21(924) and ;

WHEREAS, Garver USA, reviewed and tabulated all qualified sealed bids as Garver Project - 19T35820 on behalf of the City of Montevallo and ;

WHEREAS, after tabulation and review, Southeastern Sealcoating, Inc. entered the lowest responsible bid in the amount of \$642,670.75;

NOW THEREFORE BE IT RESOLVED by the Mayor and the Montevallo City Council, as follows:

1. That the Mayor is hereby authorized to execute an agreement with Southeastern Sealcoating, Inc. for the purpose of constructing sidewalks along AL SR 25 from Day Dr. to Gardner St under ALDOT Agreement Project No.TAPAA-TA21(924) and attached as Exhibit A.
2. That funding for Project TAPAA-TA21(924) be derived from and in accordance with the agreement between the Alabama Department of Transportation and the City of Montevallo executed on December 28, 2020.

ADOPTED this the 9th day of October, 2023.

APPROVED:

Rusty Nix, Mayor

ATTEST:

Steve Gilbert, City Clerk

CERTIFICATION

I, Steve Gilbert, City Clerk of the City of Montevallo, Alabama, hereby certify that the above to be a true and correct copy of a resolution adopted by the City Council of the City of Montevallo, Alabama at its regular meeting held on the 9th day of October, 2023, as same appears in the minutes of record of said meeting.

City Clerk

**RESOLUTION NO. 10092023-146****RESOLUTION TO GRANT ACCESS TO RIGHT OF WAY
TO YELLOWHAMMER NETWORKS, LLC**

WHEREAS, Yellowhammer will cover the costs associated with the construction and installation of the network, and provides that the City has no financial obligations to guarantee the debt of Yellowhammer in connection with the project;

WHEREAS, the City finds a public purpose through the provision of affordable fiber-based high speed internet within its corporate limits for its residents and businesses and desires to grant non-exclusive access to the rights-of-way owned and/or controlled by the City for the purpose of building fiber-based high speed internet access to the benefit of its residents and businesses.

BE IT RESOLVED by the Mayor and the Montevallo City Council, in regular meeting duly assembled, a quorum present, as follows:

1. **Access to Right of Way Granted.** There is hereby granted to Yellowhammer the non-exclusive and limited authority to construct, maintain, and operate a fiber-based communications system in, over, under, across, and through the public rights-of-way in the City and any future additions or annexations thereto, as provided in the [Right of Way Access Agreement / Master Development Agreement]¹ attached as Exhibit A.
2. **Term.** This right-of-way access is granted to Yellowhammer for an initial term of twenty (20) years and will automatically renew thereafter for succeeding terms of up to twenty (20) years each unless Yellowhammer or the City gives written notice to the other at least three hundred and sixty-five (365) days prior to the expiration of any term of its intention not to renew a term.
3. **Limitations of Right-of-Way Access.** Nothing in this Resolution shall be construed as granting to Yellowhammer an exclusive right-of-way access for the purpose set forth in this Resolution. Identical or similar right-of-way access may be granted by the City to more than one person or entity, within all or any portion of the City.
4. **Subject to exercise of the City's police power and prior lawful occupancy of the streets.** Yellowhammer shall, at all times during the life of the right-of-way access, be subject to the lawful exercise of the City's police power, and adhere to the City's laws, ordinances and such reasonable regulations as the City Council may subsequently promulgate thereunder. The City reserves the right to make reasonable rules, regulations and restrictions for the protection of persons using the streets, avenues, alleys and/or other public places in the City from injury. Any privileges prescribed by this Resolution shall be subordinate to any prior lawful occupancy of the City's rights-of-way.
5. **City-wide Access Conferred.** This Resolution grants access to the rights of way within the corporate limits of the City as may be amended from time to time, and the Mayor or his/her designee is authorized to execute

the [Right of Way Access Agreement / Master Development Agreement] with Yellowhammer, substantially in the form as attached in Exhibit A.

6. ***Severability.*** If any section, subsection, sentence, clause or phrase of this Resolution is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Resolution. The City hereby declares that it would have passed this Resolution, and each section, subsection, clauses and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional. Any provision found herein to be in direct contravention with state law or federal law either presently existing or enacted after the date of passage of this Resolution shall be superseded by such law and rendered unenforceable without effect to those provisions found herein that are no in contravention with state and/or federal law.

7. ***Effective Date/Publication and Costs Therefor.*** This Resolution will become effective upon publication. This Resolution shall be published by the City in accordance with the applicable provisions of Section 11-45-8 of the *Code of Alabama* (1975). All costs of publication shall be paid by Yellowhammer.

ADOPTED this the 9th day of October, 2023.

APPROVED:

Rusty Nix, Mayor

ATTEST:

Steve Gilbert, City Clerk

CERTIFICATION

I, Steve Gilbert, City Clerk of the City of Montevallo, Alabama, hereby certify that the above to be a true and correct copy of a resolution adopted by the City Council of the City of Montevallo, Alabama at its regular meeting held on the 9th day of October, 2023, as same appears in the minutes of record of said meeting.

City Clerk

Glenn Stewart

Born in Houma, La. In 1956

Moved to Montevallo in 1961

Attended K-12 in Montevallo

Attended U of M

Worked for State of Alabama at Fort Morgan

Worked for Seaman Timber

Worked for Laco Cabinets

Worked for Boatright Companies

Work for Stella-Jones

Worked with Dr. S.M. Mahan on several projects at Tannehill State Park and Brierfield State Park including supplying timbers, various wood products and advice.

Served as a member of the Montevallo Volunteer Fire Department for 23 years.

Member of Central 70 Masonic Lodge

Member of Wilton First Baptist Church