

**MINUTES**

**Montevallo City Council Work Session**

**April 23, 2018**

**5:30 p.m. at City Hall**

**Mayor Hollie Cost, Council Member Rusty Nix, Council Member Willie Goldsmith, Council Member Tiffany Bunt, and Council Member Matt Walker were in attendance.**

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

Fire Chief Bill Reid informed the Council that things were progressing as usual. Their apparatus operator training class began that night for their volunteers.

Council Member Nix asked about the status of their construction project. The Chief said they have expended all of their funds. They haven't completed the second bunk room and shower, or the kitchen. Those are their priorities at this point. However, the new turn-out gear washer and dryer have been installed and are working well.

Police Chief Jeremy Littleton presented his report:



**Montevallo Police Department  
Code Enforcement Activity Report**

Date: 04/23/2018	Inspection Period 03/26/2018	Inspection Period 04/23/2018
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**Inoperable Vehicle Inspections:**

Inspected: 3	Pending: 4	Closed: 2
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**Animal Complaint Inspections:**

Inspected: 2	Pending: 0	Closed: 2
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**Abandoned Building Inspections:**

Inspected: 0	Pending: 22	Closed: 0
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**Property Inspections:**

Inspected: 0	Pending: 5	Closed: 0
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**Miscellaneous Complaints:**

Inspected: 2	Pending: 1	Closed: 1
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Inspected: 7	Total Inspections this Period: 7	Total Inspections Year to Date: 27
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## Montevallo Police Department Code Enforcement Activity Report

### Inspections this Period:

Complaint on Meadow Green about trash, grass, and dogs barking in a yard.

Complaint from business owner about other business using parking lot and multiple cars for sale.

Stray dog on Hwy 219

Animal Complaint on Posawi Cir.

Abandoned broke down vehicle in the entrance to Hidden Forest.

### Inspections Pending Continued from Last Period:

Trash at home on Hwy 216. Spoke with owner and he is actively cleaning the area. Follow up for compliance.

Two homes in Aldrich with debris in yard. Second letter received by resident. One home has appeared to clean but stopped. Following up with homeowner about issues.

Vehicles in Aldrich yards not running.

Commerce Street Grass.

Trash on vacant lot next to Fire Station 2. Some has been removed and other has been piled towards the back of the property. Council gave 90 days to remove all trash. (June 25)

Trash Cans Left on Roadway on Highland Street. Contacting Rental companies in city for assistance if properties are rentals.

### Cases Closed this Period:

Business owner moved vehicles from parking lot. Following up with cars for sale to be moved.

Stray dog on Hwy 219. Patrol had owner put away.

Animal Complaint on Posawi Cir. Patrol spoke to resident about neighbors dogs in her yard.

Abandoned broke down vehicle in the entrance to Hidden Forest. Towed due to blocking the roadway.

### Other Comments:

Abatement Board Meeting set for April 30, 2018 in the Council Chambers.

City is actively auctioning the abandoned camper. Bids will be opened May 3, 2018.

As summer activities commence, Patrol is dealing with the parking lot behind McDonalds. Cars are being blocked in due to no markings of parking areas and drive areas.

Montevallo Police Department Stats

	January-18	February-18	March-18	April-18	May-18	June-18	July-18	August-18	September-18	October-18	November-18	December-18	Total
Total Reports	110	101	128	63									402
Criminal Cases	78	36	70	45									229
Non-Criminal	8	15	30	10									49
Traffic Accidents	14	11	15	11									39
Traffic Citations	120	134	117	58									429
DUI Arrests	3	3	3	3									12
Public Intox Arr	2	2	2	2									8
Alias Arrests	24	16	18	5									63
Juvenile Arrests	1	0	1	0									2
Misd Arrests	12	12	9	8									41
Felony Arrests	3	1	7	1									12
Drug Related	4	3	9	3									19
Total Arrest	50	37	49	22									158
Auto Thefts	1	2	0	0									3
Burglaries	4	0	2	2									8
Auto Recoveries	0	0	0	0									0
Auto Burglaries	1	2	1	0									4
Criminal Mischief	5	3	0	2									10
DV. Related	15	13	11	7									46
Assaults	0	2	1	0									3
Fraud/Forgery	9	2	2	1									14
Harass / Reck	5	9	6	0									19
Misc. Offenses	18	18	25	17									78
Robberies	0	0	2	0									2
Thefts / Attempts	14	16	10	6									46
Suicide Attempts	1	0	1	0									2
Suicides	0	0	0	0									0
Deaths	1	1	2	0									4

Karen Kiker  
3:59 PM  
4/21/2018

The chief also noted there was an accident this afternoon involving a school bus. Fortunately, it was minor and there were no injuries.

Council Member Peterson informed the council that the Abatement Board will meet next Monday at 5:30 p.m.

Herschel Hale, Chairman of the Arbor & Beautification Board, informed the council they presented the annual Beautification Awards to six winners this year and that their signs are up in their yards. He also mentioned that he talked to the Park Board and that they are looking at the trees in the park to determine which ones are dead and need to be taken down.

Kirk Hamby, Director of Public Works, said that he has additional pricing on storage container units. An 8'X20' unit is \$2,495 delivered. An 8'X24' unit is \$2,995. These would come from Atlanta and a large part of the cost is delivery.

Mayor Cost said that is a lot cheaper than purchasing a storage building. She said we could put them at the Recycling Center. She asked to look at the budget and get with Ms. Phagan to see exactly what we need.

Mr. Hamby said he checked on the requested sign at Industrial Park Drive. He said ALDOT will not approve a caution light at that location. However, he is investigating the possibility of a solar powered, flashing caution sign like the one on Middle Street.

He also noted that the sidewalk quotes are in and we should be on schedule as long as we get everything in place before the paving starts in July.

Mayor Cost noted that because of the cost savings, as requested by the council, we were able to add additional streets to the paving list, including Arden and Calmont Woods, as well as a section of Oak Street. We should be able to get this all done with \$621,049 from MDCD and the \$50,000 the council approved from our gas tax fund. The project total, including the sidewalk work, is \$651,204.

Mr. Hamby discussed the parking situation on North Boundary Street between Main Street and Oak Street. He said in peak times, people are now parking on both side of the street, which makes it difficult to drive down the road. He suggested we install "no parking" signs on at least one side of that road.

Council Member Nix noted that originally it was determined there would be no parking permitted on either side of that street. At the time, however, the council agreed we didn't want the cubs painted yellow. He aid we could install signs to see how they look.

Council Member Bunt and Walker questioned whether parking should be permitted on either side of that road. Council Member Peterson said he thought it should definitely be limited to only one side.

The Fire Chief said their rescue vehicles can make it through the street if parking is allowed on just one side.

Council Member Nix asked about the "no left turn" sign on Bloch Street next to Dr. Anderson's. Mr. Hamby said it was removed during construction and still needs to be replaced.

Shane Baugh, Director of Parks & Recreation, said we had a great day for Art Fest. Everything looks good again after the flood damage was repaired. He said our youth sports program should wrap up in around two weeks. All our teams are doing well. We are still seeing a lot of activity in the parks and around town on Saturdays.

In response to a question from Council Member Nix, Mr. Baugh explained that the recent flood at Orr Park washed away 45 of the 100 fence posts they installed the week before. In addition, we lost a lot of the top soil we had replaced along the creek bank. We also lost one of the large trees in the park and our bridge was damaged by the flood, as well.

Council Member Nix presented the Golf Report:



# Montevallo Golf Club

## 2018

### APRIL 23<sup>rd</sup> City Council Report

<u>Rounds Played</u>	<u>ROUNDS</u>	<u>AVG. DAILY RDS</u>
April 1 - 22, 2017	653 (19 days, incl. 39 tourn. rds.)	34.36 (32.3 w/o tournament rds.)
April 1 - 22, 2018	612 ↓ (17 days, <i>no tournament rds.</i> )	36.0 ↑

**May:** Six (6) tournaments are currently scheduled, including the Chamber of Commerce and Montevallo Police Explorers tournaments.

**September:** One (1) Sept. tournament scheduled since last council meeting.

**August:** One (1) Aug. tournament scheduled since last council meeting.

#### **General**

- MGC has signed two (2) new members since April 2018.
- Approximately 350 - 400 sq. ft. of paving using ***Stabilizer Solutions*** product will be installed as a no-cost demonstration for consideration for future city improvement projects (walking/nature trails, sports venues, cart paths, decorative useable/durable multi-use surfaces, etc.) The installation of the “mock” will be located in the access driveway at the course pro shop on a date to be determined by ***Stabilizer Solutions*** representative, Public Works personnel and Herman Lehman. The project will be documented and a brief presentation displaying the results will be provided to the Mayor, City Council members and public at a future council meeting.
- Play continues to increase as course improvements become known, with golfers from as far away as Nashville making regular visits to the course. According to club professionals and course managers at similarly priced courses in Bibb, Jefferson and Shelby counties, Montevallo’s course conditions (especially greens) are much better than other venues. Efforts to improve those conditions continues.

Council Member Nix noted that the Golf Course was also damaged during the recent floods. We lost the main bridge on the backside of the course and it needs to be replaced.

Council Member Bunt noted that Art Fest went really well again this year. She said the Arts Council was grateful, as always, for the city’s help in making the event a huge success. She also reported that over 2,500 people attended the festival this year.

Council Member Bunt also updated everyone on the upcoming end of the school year. May 3<sup>rd</sup> is awards day at MHS. May 5<sup>th</sup> is UM graduation, and May 21<sup>st</sup> is the MHS graduation. She also noted that the Boys & Girls Club held their open house recently and that it was a very nice event.

Lauren Bartell, Library Director, reported that the Summer Reading Program is about to begin. She said this will be a very busy summer at the library. She also mentioned that the book sale didn't go as well as she hoped and they still have a lot of old books they need to get rid of in order to free up space.

Abigail Heuton, MJCC Mayor, reported that the MJCC participated in the Warrior Challenge at UM and volunteered at Art Fest. While there, they were able to raise around \$300 in donations for their projects.

Council Member Walker informed the Council that the Finance Committee meeting will be cancelled. He said we are working on a meeting with UM to discuss some issues and we may need to meet after that.

Debby Raymond informed the Council that our auditors are back at City Hall working on our annual audit.

Council Member Walker also reminded everyone about the Chambers upcoming Golf Tournament and other events.

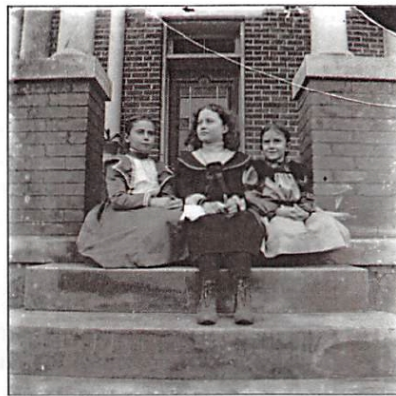
Mayor Cost invited everyone to attend the Strategic Planning meeting tomorrow night at Parnell. She said this is our opportunity lay out our vision for what we want to accomplish as a community over the next decade or more.

Janice Seaman, Chairperson of the Montevallo Historical Preservation Commission, updated the Council on upcoming events and noted the Commission's concerns over reports that UM may be considering demolishing two historic homes the university owns in order to make way for additional parking. She presented the following to the Council:





## Witness to History The Saylor House



The black and white photos you see on these pages were made from glass negatives from the early years of the college at Montevallo when this historic house was a student boarding house and residence for the E.S. Lyman family.

This unassuming two story, Federal Style white columned brick building with stacked porticoes, tucked behind Napier Hall on North Boundary Street is easy for passers-by to take for granted. But it's importance to local history is long and impressive.

Erected by local citizens in 1858 on a lot carved out of the Edmund King estate, the structure is one of three antebellum buildings on the University of Montevallo campus (the others are King House and Reynolds Hall).

It served initially as part of the Montevallo Male & Female Institute, established in February of that same year by the Cumberland Presbyterian church. The young men were schooled here while the young women studied in the building now known as Reynolds Hall.

The school closed during the Civil War, and it is believed that Union troops used the house for living quarters or kitchen facilities during their occupation of the town.

When the Alabama Girls Industrial School (AGIS) was established at Montevallo, in 1896, the house was brought back into the service of education with Home

Economics classes meeting in what had also become a boarding house for students as well as the residence of the family of Judge E.S. Lyman, a founder of the school.

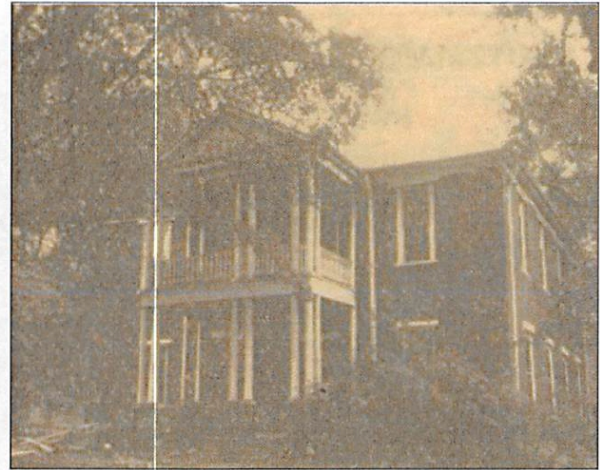
Over time, the house became known as Lyman Hall and the family continued to live there until the 1940's. Alabama College purchased Lyman Hall in 1952 for use as faculty housing.

The next year, after completing a major renovation and construction of faculty apartments in the building, the college honored a much loved and recently deceased faculty member, Edythe Saylor, by naming the house for her. Since then, the structure has been known as "Saylor House".

UM faculty members, such as Betty Louise Lumby, Joseph DiOrio, and iconic Montevallo High School teacher, Miss Susie DeMent, were long-time residents of Saylor House apartments in the 1950's, 1960's, and 1970's.

Today, the future of Saylor House is unknown, but the significant part it played in the historical development and growth of Montevallo cannot be denied.





## Lyman House Purchased by Alabama College

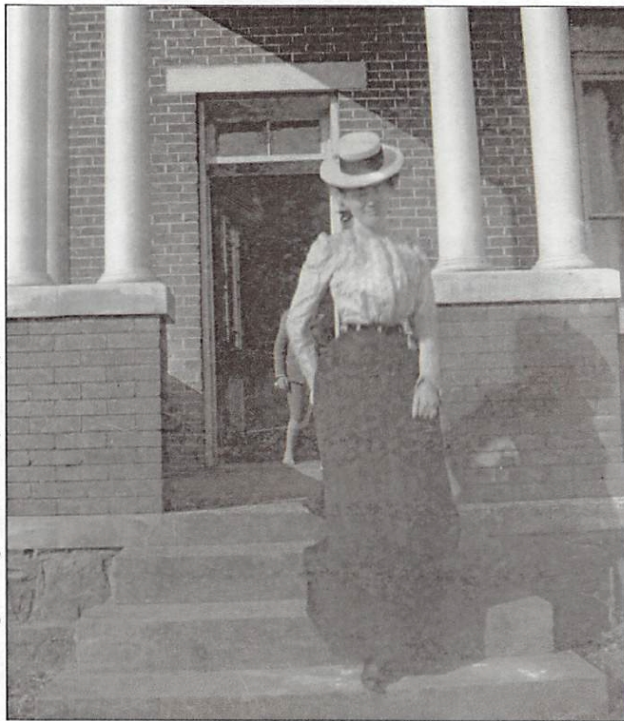
Alabama College now owns the old Lyman house. Located across the street from the campus, the two-story, columned brick house has been un-inhabited for several years. There are now four small newly-furnished apartments on the top floor. Plans have not been completed as to what will be done on the first floor.

Suggestions have been made to make a nursery school on the first floor of the house. The school has been granted \$15,000 for a nursery school, and plans for the downstairs of the Lyman House are contingent on what is done about providing a better nursery school.

The four apartments upstairs are made up of a large living-bed-room combination, and a small kitchen and bath. Blond modernistic furniture blends in nicely with pastel walls. Kitchens are fully equipped with stove, sink, refrigerator and plenty of cupboard space.

The upstairs hall will be furnished with a bright red sectional sofa with corner tables in blond.

Reprinted from the Alabama College student newspaper, *The Alabamian*, September 26, 1952.



Photos from glass negatives courtesy of Marty Evorse

**Sources:**

Montevallo, The First Hundred Years, Eloise Meroney; *Alabama College, 1896 - 1969*, Lucille Griffith; *Years Rich and Fruitful, University of Montevallo, 1896 - 1996*, Mary Frances Tipton; *Bulletin of the Alabama Girls Industrial School*, January 1908, a short history of Montevallo by E. S. Lyman.

Edythe Saylor was an Associate Professor of Physical Education at Alabama College from 1928 until 1951. Following her untimely death in 1951, several scholarships in her name were established for Alabama College students.





## MONTEVALLO HIGH

# 'She loved those Bulldogs'

## Teacher, sports supporter 'Miss Susie' DeMent dead at 96

Solomon Crenshaw Jr.  
screnshawjr@al.com

Larry Haynes remembers that his first year to teach at Montevallo High School was the 50th year that Susie DeMent was at the school.

"I have never seen anybody like her," said Haynes, now principal of Oak Mountain Middle School. "She was my mentor."

Haynes is among hundreds of people whose lives were positively affected by the woman affectionately known as "Miss Susie," whose typing classes set students on their way to success and whose support of Bulldog athletics earned her a spot in the Alabama High School Sports Hall of Fame.

DeMent died Wednesday at her home in Montevallo. She was 96.

"Momma always said that they put Miss Susie out there and built the school around her," Angie Bunn Frederick wrote on a Facebook page dedicated to the retired teacher. "How funny but yet so true. She truly was the heart of MHS and a Bulldog all the way."

Frederick and her mother, Linda Freeman, were former students of DeMent.

"She covers quite a span of generations," said Tena Niven, who coaches volleyball and girls basketball at the school.

Haynes said in 50 years of teaching, DeMent never



Miss Susie DeMent at her desk on July 13, 1978. (File)

had to send a student to the office to be disciplined. That, he said, was a statement of the respect she had earned.

"She could get their attention just as well as Nick Saban could today," he said.

Part of Haynes' job when he began at Montevallo was to sponsor the bi-weekly school newspaper, *Spotlight*. DeMent had been the technical adviser to the newspaper since 1946.

For years, the paper was done on a mimeograph machine, and DeMent typed all the stories that appeared onto a stencil and hand drew headlines.

DeMent retired in 1987 because state law mandated it at age 70. But she didn't stop, and accepted a part-time salary to continue doing all that

she had done at the school in an unofficial capacity.

While she was no longer the business teacher, she continued to sponsor all the activities that she had, including all of the Award Days at the school.

"She would do all the certificates, arrange all the plaques (and) wrote out everything verbatim for the presentation," Haynes said. "It was that organized."

DeMent's tireless dedication to and support of the Bulldogs athletic program was so great that she was inducted to the Alabama High School Sports Hall of Fame in 1997. She was the first non-coaching female to merit that honor.

"In the earlier years, she made these huge banana puddings, and she invited

football players, cheerleaders, everybody over to her house after games," Haynes said. "Or she'd have something at the school just for them to celebrate that spirit that she had."

For generations, she was statistician for basketball, kept the scorebook for baseball and maintained records for football. State Sen. Roger Smitherman remembers DeMent always being at the basketball games in his playing days.

"She was there, at the scorers table," he said. "If she could walk, she was there."

Smitherman said he knew of DeMent's family before he knew her. He said her family sold land to his father.

"Back in the day, you didn't have a lot of people selling black folks property, good property," the senator said. "She didn't make a distinction between students. To her, a student was just a student. It didn't matter about the color of their skin. She was a person I think the Lord sent to bridge the gap as we moved into integration."

Nancy Wilstach, then a student at the University of Montevallo, would cover Montevallo football games for *The Birmingham News*.

"Miss Susie was always at all of them, and she was always in the press box," the now retired reporter said. "Sometimes, I couldn't see who made a tackle, and if I didn't know, I would ask Miss Susie because she knew."

"She bled orange and blue," Wilstach said. "She loved those Bulldogs."

DeMent received Shelby County's first Teacher of the Year award in 1984. The Montevallo High School gymnasium was named after her in 1978 and rededicated a few years ago.

The Alabama Scholastic Press Association named its Advisor of the Year award in her honor. She also received the "Gold Key Award" from the Columbia Scholastic Press Association at Columbia University in 1999 for her contributions to the student press.

The video from her reception speech garnered a standing ovation. She was also featured in a story by *USA Today*.

Bobby Pierson, who formerly was the longtime basketball coach, recounted the sentiment that a letter from anywhere in the world addressed "Miss Susie, Montevallo, Alabama," would reach her.

"Everyone here in this small town loved Miss DeMent," he said.

*Visitation will be 5-9 p.m. today in the Susie DeMent Gymnasium at Montevallo High. Funeral will be noon Saturday in the gymnasium with burial at Montevallo Cemetery. In lieu of flowers, the family requests donations be made to the Montevallo High Athletic Department.*

Ms. Seaman asked the Council to talk to Dr. Stewart at UM and ask him not to tear down these historic treasures.

Mayor Cost then reviewed the remainder of the items which will be discussed in the regular meeting that even, including the NDO, the Greens request, and SPIRE. She noted that we also need to ask the SPIRE rep about the vent on Main Street which they had agreed to relocate. With regard to Active Air, Mr. Hamby said he did not have an update. He said they are working on obtaining additional quotes, or perhaps looking at servicing the units every six months.

Council Member Nix asked about the status of the Downtown Streetscape Project. Mayor Cost said the project is nearly completed, with only a few items remaining to be done, such as removing some old power poles.

**Montevallo City Council Meeting  
April 23, 2018  
6:00 p.m. at City Hall**

**Mayor Hollie Cost, Council Member Rusty Nix, Council Member Willie Goldsmith, Council Member Bunt and Council Member Matt Walker were in attendance.**

**Pledge of Allegiance**

**Meeting Call to Order** - Mayor Cost called the regular meeting to order at 6:00 p.m.

Mayor Cost reiterated that there is an important Strategic Planning meeting scheduled for Tuesday night at Parnell from 6-7 PM. She encouraged everyone to attend.

**Approval and/or corrections of the minutes - 04/9/2018** - Council Member Nix made a motion to approve the Minutes from April 9, 2018. Council Member Goldsmith seconded. ALL AYES . . . MOTION APPROVED.

**Recognitions / Awards: NONE**

**Opportunities for citizens to speak to the Council:**

Mayor Cost said she understood that a lot of the people in attendance that evening were there to express their opinions on the proposed Non-discrimination Ordinance (NDO) which was entered into the record at the last meeting and would be voted on tonight. She reminded everyone that this process began nearly two years ago when members of the Montevallo Acceptance Project (MAP) brought their version of the NDO to the Council and asked them to approve it. Rather than simply voting on the ordinance as originally presented, the City Council worked diligently over the ensuing two year period to come up with something which, as best it could, took into consideration the concerns of everyone in our city. In order to prepare for our discussions, we started with a Naming & Framing session which included representatives from both sides of the issue. Based on their efforts, we took the issue before well over 200 people who deliberated and gave us all kinds of suggestions as to how we could improve the proposed ordinance. The feedback we received was used by our Council Committee, and ultimately the Council as a whole, to

revise the proposed ordinance and make it reflect the needs of our community as best it could. These changes are reflected in the version of the NDO being considered tonight.

The Mayor said she hoped everyone wishing to comment on the proposed NDO, even if they disagree with it, would remain respectful in their comments. She said we have many more issues in our community which unite us than we do which divide us.

Buddy Freeman, a member of MAP, addressed the Council, thanking them for the hard work, study and planning that has gone into this issue. He said they first brought the request for an NDO to the Council on May 1, 2016 . He said passing the NDO will proclaim to the world that Montevallo is a safe and inviting community. He said this was important – especially for our LGBTQ youth, who, statistics show, are especially vulnerable. As such, he urged the Council to approve the NDO.

Olivia Gilbert, a young resident of Montevallo, echoed Mr. Freeman’s comments, stressing how important this action would be to our youth as follows:

I am an 8th grader at Montevallo Middle School. I come here tonight to share why this ordinance is important for the youth of this community.

When given a chance to make things right, when given a chance to improve our community, when given a chance to change the way a child feels about their identity in a positive way, I feel it is crucial to take that chance.

The people in this room have raised me. You have danced with me at Eclipse, you have eaten with me at Zapopan and the Tavern, you have watched me march at football games, you have allowed me to take care of your pets, and you have watched me grow. While raising me, you’ve also been raising all of my peers, my friends.

I have always felt safe in this community, but I watch my peers, my friends, struggle with coming out because they feel they are not in a safe environment to do so - afraid to come out to their parents, their teachers, and maybe even you.

This ordinance does more than it says. It gives my peers, my friends, a sense of safety and confidence that their identity will not change their rights as members of this community.



You have raised me, but you have also raised my peers, my friends. So, take this chance, and show the children you have raised and will continue to raise that this community is a safe place for everyone, not just for those of a certain color, gender, or identity.

I come here tonight to share why this ordinance is important for the youth of this community. I am an 8th grader at Montevallo Middle School. I live at 1 Brookewood Drive, and my name is Olivia Gilbert.

Scott Fowler, a local pastor, expressed his opposition to the NDO. He said he this will discriminate against business owners who hold certain religious beliefs and could jeopardize their business. He also said he thought some of the language in the proposed ordinance was contradictory and biased against a person's religious freedom. However, he commended the Mayor and Council for their efforts in holding the public forums and other opportunities to discuss this issue. He said he thought the process has provided a great opportunity to foster unity and peace in our community and said he thought this ordinance was unnecessary. In addition, he noted that the Supreme Court is expected to rule soon on a similar issue and that we may find that the NDO is unconstitutional. Therefore, he urged the Council to vote NO!

Wallace Harrison said that if he wanted to become transgender, he would use the NDO as an excuse to sue a local business and use the money from that suit to pay for his operation. He said he is a Christian and hates to see what our town is turning into.

Donovan Cleckly, a UM student, argued that religion is often used a justification to stifle change or hinder social reform. He said our current laws simply do not protect the rights over everyone – including our LGBTQ community – and that needs to change.

Greg Reece also expressed his support for the NDO. He said that democracy begins at home – in our community. He applauded the Mayor and Council for their efforts in facilitating this conversation. However, he said now is the time to do what's right for our town – our democracy!

David Haws also expressed his support for the NDO as detailed in his statement:

April 23, 2018

David Haws  
1008 Pilgrim Lane  
Montevallo, AL 35115

Hi. My name is David Haws. I am a Montevallo resident. I live on Pilgrim Lane. Thank you for letting me speak, and thank you for your serious and thoughtful consideration of the NDO that is on tonight's agenda.

I'm a member of the Montevallo Acceptance Project, but I am speaking tonight as a proud PARENT and as an ally of the LGBTQ+ community. Almost five years ago, my son, not even twelve years old at the time, turned to me as his school bus pulled up near our house one morning and said: "Dad, I'm pretty sure I'm gay." And I managed to say something like, "OK. Well, we can talk more when you get home. Have a great day!" And then he got on the bus and went to school, and I walked back to my house, terrified.

I wasn't terrified of the fact that my son was gay—that was probably less of a surprise to ME than it was to him—but I was terrified (and that's really the only way to describe the feeling) about how others would treat him. Having been an ally since my grad school days in the 1980's and 90's, I was very much aware of the scary statistics: much higher rates of depression and suicide, almost guaranteed bullying and discrimination, very few legal rights, rejection from entire families, increased sense of isolation and lower self esteem. And though I knew all of that, and was as ready as any parent could be to help my son negotiate it, what I absolutely was NOT prepared for was the emotion of it all.

There is a HUGE difference between having a gay child in theory and having one in real life, and what I have since heard over and over again from families is that once a child comes out to the family, the family itself essentially goes in to a very scary closet. Which friends do we tell? Will our doctors, counselors, teachers be supportive? Will my child be treated differently or ostracized? Will I have to leave my church? And every family has to negotiate these questions in its own way, but the sad fact is that every family DOES have to deal with them.

When I was first reaching out for support, sometimes desperately, I would hear often: "At least you live in Montevallo." And that is true. But like the difference between having a theoretical gay son and a real one, I know in my gut that there is a very real difference between "ASSUMING" that a place is supportive and knowing for sure. There is real power in explicit statements of acceptance.

One of the earliest memories I have during this time was while I was waiting to speak to the minister of a few of my son's friends, before my son had come out to anyone but us. While I was waiting outside the minister's office, I noticed a little "Safe Zone" sign on his door. I had heard of these stickers, which indicated a safe space for the LGBTQ+ community, but I don't remember ever having noticed one. The stickers had mostly been invisible to me. But when I saw THAT sticker on THAT minister's door, I had to fight back tears. I needed a moment to collect myself before I could enter the office.

That gesture, a little sign, meant the world to me, and most people who entered that office would not even notice it, because they didn't NEED it right then.

For me, the NDO is a lot like that Safe Zone sticker. It will be an EXPLICIT statement that in Montevallo, ALL are welcome. I recognize that there are people in this room who are opposed to the ordinance, but I also know that there are LGBTQ+ folks in this room, some open and some hidden, for whom this ordinance will mean the world. I ask you to vote yes, to tell those who need to hear it that Montevallo sees you, that we acknowledge you, and that we have your back.

Don Hughes, a former city manager, county manager, councilmember and resident since 1964, said he has never seen our city as divided as it is now. He said he was living here during a time when there was real discrimination. However, no matter what laws we pass, there is no law that can make people associate with those they don't want to. He said our people are now divided and he thinks this problem was created by the University. He said that if this passes, we may have a new law, but we won't be able to force association.

Dan Thompson stressed that those who oppose the ordinance are not necessarily bigots. He said he has sincere love and concern for those who identify themselves as being members of the LGBTQ community. However, he said that members of that community, particularly transgender individuals, are struggling with mental issues and need our help. Therefore, if we really are about helping people, we need to do what is right for them, which is not approving an NDO.

George Henry addressed the Council to express his opposition to the proposed NDO. He pointed out that First Amendment of the US Constitution expresses that "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof . . ." Plus, local governments in our state cannot pass laws such as the one being considered tonight because they do not have that authority under state law. He urged the Council to oppose the NDO because we need to follow state and federal law.

Deloris Adkins asked everyone to realize that 50% of us have dealt with some sort of discrimination in our lives. We had to pass laws to non-discrimination laws to get people to change and start doing the right thing. It is important that we stand behind those who are still denied their rights and let them know we have their backs.

Bobby Pierson said he doesn't think many people understand everything about the NDO. He pointed out that at one time, as a black man, he could not eat at our local restaurants. He said it is important that we treat everyone the same and the NDO does that. He asked everyone to think: If this law passes, who will it really hurt?

Jessica Henry said she owns a photography business. She said she loves everyone – even gays. However, she is opposed to the NDO. She said the ordinance could put her out of business because she holds religious convictions. She asked the Council to vote NO.



Bill Evans also expressed his opposition to the NDO noting that he allows churches and others to rent his property for wedding and such. He said he fears he will be sued if he upholds his religious beliefs, as well. He said the NDO has badly divided our community. He also pointed out that his council person, Ms. Bunt, had said at a previous meeting that she talked to many people in her district, as well as businesses around town and that the majority were opposed to this ordinance, like he is.

Hunter Hall said he appreciates the job the Mayor and Council do. He asked how many of them work for UM. (The answer was four.) He also asked if UM will receive any money from the city if this ordinance passes. (The answer was NO!) He then asked if there have been any reported cases of discrimination in Montevallo. (The mayor noted there could not be because the LGBTQ community is not currently protected under the law. That is precisely why MAP brought the proposed NDO to the Council in the first place.) Mr. Hall said he was opposed to the NDO.

Linda Thompson said she has been a business owner in Montevallo for 25 years and owns apartments on Overland Rd and downtown. She said in her experience she is not aware of any instances of housing discrimination in our city. She said the NDO supports ideas which are destructive to our children and urged the Council to vote NO!

Samantha Webb said she is not sure what facts people use to determine who has or hasn't been discriminated against. However, as an example, she said that her husband is blind and he needs and benefits for services provided to him because of the American Disabilities Act. The NDO represents that same sort of thing. She asked the Council to support it.

Michael Anderson addressed the council and expressed his opposition to the NDO. He said our city is at a crossroads – we are either going to divide our city and figure out ways to work together. He said he would like to see us continue the dialogue, despite our differences. If the Council approves this ordinance, people will move out of our city. It will not help Montevallo.

Amanda Fox said she has lived her whole life in Shelby County – 13 years in Montevallo. She pointed out there was a time not so long ago when all women and black people did not have the same rights as white men. She said she looks at the NDO as our next step toward ensuring equality for all. She also said she too is a Christian and the NDO does not conflict with her religious beliefs in any way.

Council Member Nix stepped away from the panel to address the Mayor and Council as an ordinary citizen. He said he read all of the emails he received regarding this issue but said he hasn't had an opportunity to personally respond to all of them. He said that since MAP brought this proposed ordinance to the Council two years ago, he has checked with our police department, the sheriff's office, our housing authority and other and has been told consistently that there are no issues of discrimination reported in Montevallo. Furthermore, he expressed his concern that any action on the part of the Council which is not supported by state or federal law could result in a lawsuit which the city cannot afford the cost to defend. In many ways, he said he felt the consideration of this ordinance has hurt our city. However, whatever the decision tonight, he said the healing will need to begin and we must continue to work together to keep Montevallo moving forward.

Frank Barrentas said he has felt nothing but love and acceptance in Montevallo. He said he does not support the NDO because he feels we all already have protections under the Hate Crimes Act, Title 7 and other things. He said that if we do this, we need to include a section of penalties for making false claims. All in all, he said he did not feel the city had the authority to pass such an ordinance and that he was opposed to it.

Ashley Barrentas also expressed her opposition to the NDO. She said she was particularly concerned with its impact on religious groups, (The Mayor pointed out they are exempt under the proposed ordinance.) She then asked about a hypothetical situation to see if it would constitute discrimination under the NDO. (The mayor said that determination would ultimately be up to the municipal judge.)

Bruce McClanahan reminded the Council there is a universal law which states: An entity which ceases to change is dead!

### **Committee Reports and Consideration of Bills:**

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

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

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

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

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

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

**Consent Agenda:** NONE

**New Business:** NONE

### **Old Business:**

Non-discrimination Ordinance –

Mayor Cost reminded everyone once again that the First Reading of the proposed NDO took place at the last council meeting on April 9, 2018. She then asked if there was any discussion on the part of the council. Council Member Nix asked where the funds will come from to pay the legal fees necessary to defend our city if this law approved and subsequently challenged. The Mayor said it would come from our Legal Service line-item.

Council Member Bunt read the following statement:

I have heard from a lot of people throughout this process on both sides.

While I realize that this decision affects everyone in the City, I feel that I should focus on District #3 since that is the area that elected me to represent them. And I strongly believe as an elected official I am to represent constituents. When I listed the people from District #3 who contacted me about this ordinance, I found that 2/3 of them were in favor of it. So, I am voting accordingly.

Also, there is one statement that has really stuck with me from the forums:

“What we’re talking about today (sharing the basic rights that most of us take for granted) that’s not what religious persecution looks like; that’s what religious freedom looks like. The cost of religious freedom is tolerance. In the public sphere, anyway. What you do in the privacy of your church, your home, your denomination, that’s between you & God. The First Amendment means that no one is going to...

- force you to accept gay couples
- force your preachers to perform same-sex marriages
- force you to change the language of your discipline or by-laws.

Religious freedom protects you and your church from governmental interference, but it does not give you the right to discriminate against others in the public sphere. If it does, it has made a choice that your religious rights are more important than their civil rights - and that very choice would be a violation of the religious liberty that my Baptist forebears fought so hard to protect.” -Rev. Daniel Stallings

Council Member Peterson noted he also made a tally of the input he received on this issue. He noted that of all the email, phone calls and other communications he had, 67% of the people who contacted him were in favor of the ordinance.

Council Member Bunt also noted that the Montevallo Junior City Council took a poll of their members and that 9 were in favor of the NDO and only 2 were opposed.

Council Member Nix noted those were children being polled. His concern is for all 6,000 + residents in our city.

Mayor Cost noted that the opinions of our youth are very important. Among other things, they are the ones who will be leading our city one day.

Council Member Bunt also made a point to stress that none of her opinions in this matter were influenced in any way by the fact that she is employed by the University.

Mayor Cost once again expressed her gratitude to everyone for how respectfully they delivered their comments this evening.

Council Member Nix stressed, yet again, that after tonight everyone has to come back together.



Council Member Walker said he agrees – all of us need to come together. This process has gone on for two years. We have all taken this issue and everyone’s concerns extremely seriously. He admitted he had concerns with the NDO at first, which is why he asked questions and sought to make changes to the language of the ordinance to make it the best it could be.

Council Member Peterson made a motion to adopt the Non-Discrimination Ordinance – An ordinance amending Chapter 16 of the Montevallo Municipal Code. Council Member Walker seconded. Mayor Cost, Council Member Bunt, Council Member Peterson and Council Member Matt Walker voted AYE. Council Member Nix, Council Member Goldsmith voted NAY. . . . MOTION APPROVED.

COUNCIL MEMBER PETERSON

INTRODUCED THE FOLLOWING ORDINANCE

COUNCIL MEMBER WALKER

SECONDED THE ORDINANCE

### **Ordinance 04232018-300**

#### **NON-DISCRIMINATION ORDINANCE – AN ORDINANCE AMENDING CHAPTER 16 OF THE MONTEVALLO MUNICIPAL CODE**

**Whereas**, the City of Montevallo desires to affirm the dignity and worth of each citizen of this city regardless of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status;

**Now, therefore, be it hereby ordained by the City of Montevallo, Alabama that Chapter 16 of the City of Montevallo Municipal Code be amended to include the following:**

#### **Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS**

#### **Article IV. - NON DISCRIMINATION ORDINANCE**

#### **Division 1 – Unlawful discrimination**

#### **Sec. 16-70. - Purpose.**

By enacting this division, it is the purpose and intent of the City Council of Montevallo, Alabama, within constitutional limits, to protect the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status, and to promote the public health and welfare of all persons who live and work in the City of Montevallo.

#### **Sec. 16-71. - Definitions.**

For the purposes of this division, the following terms shall have the following meanings:

**Age.** An individual's status as having obtained forty or more years of age.

**Discriminate, Discrimination, or Discriminatory.** Any act, policy or practice that, regardless of intent, having the effect of subjecting any person to differential treatment as a result of that person's race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

**Race:** Race discrimination involves treating someone unfavorably because he or she is of a certain race or because of personal characteristics associated with race (such as hair texture, skin color, certain facial features, etc.)

**Color:** Color discrimination involves treating someone unfavorably because of skin color complexion.

**National origin:** An individual's characteristics related to his or her place of birth, the individual's ancestor's place of birth, language, culture, accent, ethnicity, or appearance of ethnicity.

**Sex:** The status and characteristics of being male or female. This shall be interpreted to include pregnancy, childbirth, and related medical conditions.

**Disability:** A physical or mental impairment that substantially limits one or more major life activities.

**Familial status:** The condition of one or more minors residing with their parent or parents or the minor's legal guardian.

**Employee:** Any individual employed by or seeking employment from an employer, excluding any individual employed by his or her parents, spouse, or child.

**Employer:** A person who employs one or more employees in the City of Montevallo or any agent of such person, other than as excepted under Sections 16-73 and 16-82 of this ordinance. Employer shall include the City of Montevallo and any city contractor.

**Marital Status:** An individual's past, current, or prospective status as single, married, divorced, or widowed.

**Sexual Orientation:** Including, but not limited to, homosexuality, heterosexuality, or bisexuality.

**Gender Identity:** The spectrum of gender-related identity, expression, appearance or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

**Place of Public Resort, Accommodation, Assemblage, or Amusement:** Any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any of the following:

- a. Any lodging establishment which contains not more than three rooms for rent and which is actually occupied by the proprietor of such establishment as a primary residence.
- b. Any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

**Religion:** All aspects of religious belief, observance, and practice.

**Veteran Status:** An individual's status as one who served in the active United States Army, Air Force, Navy, Marines or Coast Guard, and who was discharged or released under conditions other than dishonorable.

### **Sec. 16-72. - Civil Rights Declared.**

Within constitutional and statutory limits, the right of an otherwise qualified person to be free from discrimination because of that person's race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is recognized as and declared to be a civil right, the deprivation of which is declared to be a violation of this division subject to penalty as provided in Sec. 16-75. This right shall include, but not be limited to, all of the following:

1. The right to obtain and hold employment and the benefits associated therewith without discrimination.
2. The right to the full, reasonable enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement without discrimination.
3. The right to engage in property transactions, including obtaining housing for rental or sale and credit therefore, without discrimination.
4. The right to obtain an education free from discrimination in a safe and supportive learning environment.
5. The right to exercise any right granted under this division without suffering coercion or retaliation.

### **Sec. 16-73. - Exceptions.**

Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec. 16-72 of this division:

1. A religious corporation, association, or society that employs an individual of a particular religion to perform work connected with the performance of religious activities or any operation or other activity undertaken by the religious corporation, association, or society.
2. An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system which is not a pretext to evade the purposes of this ordinance.
3. County, State or Federal governmental employers, contractors or sub-contractors who observe the conditions of their own non-discrimination policies.
4. An employer or owner/operator of a place of public resort, accommodation, assemblage, or amusement who makes a good faith effort to make reasonable accommodations and is able to demonstrate that additional accommodations would impose an undue hardship on the employer or owner/operator. In determining whether an accommodation would impose an undue hardship, the factors considered may include, but are not limited to:
  - a. The frequency with which members of the public will be served by the accommodation.

b. The size of the employer or place of public resort with respect to physical size, annual gross revenues, and the number of employees.

c. The extent to which persons with disabilities will be further served by the accommodation.

d. The type of operation.

e. The nature and amount of both direct and indirect costs of making the accommodation and the reasonableness for that location to finance the accommodation.

f. The extent to which any persons may be adversely affected by the accommodation.

5. An individual or family who employs a person or persons in their private residence. This includes, but is not limited to: in-home child care (nannies and babysitters), individuals hired for household work, and individuals hired for home repair and maintenance.

### **Sec. 16-74. - Complaints.**

1. A person must file a complaint under this division within 180 days following the occurrence of the alleged unlawful discriminatory action.

2. The City Clerk's office is the official depository for all bona fide complaints for alleged violations under this division.

3. Within 30 days of receiving a complaint, the City Clerk's office shall review the allegation with the alleging party.

4. A complainant that continues to allege a violation of this division shall be referred to the Municipal Court for adjudication of the complaint and imposition of a penalty as provided in Sec. 16-75 of this division.

### **Sec. 16-75 - Penalty for violation.**

A violation of this division may be punished by a fine of not more than one hundred dollars (\$100.00) at the discretion of the municipal court. Each day that any violation continues shall constitute a separate offense.

## **Division 2 - Municipal contracts**

### **Sec. 16-81. - Nondiscrimination provisions to be included in municipal contracts.**

Except as expressly excluded under Sec. 16-73, the city and all city departments and agencies shall include in every municipal contract hereafter entered into the following provisions:

"During the performance of this contract the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status. Such action shall include but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

(2) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further municipal contracts.

Sec. 16-82. – Exceptions.

1. This division shall not apply to contracts between the city and units of government, including but not limited to federal government, state government, county government, municipal government, public school systems, and public institutions of higher education.

2. The city council may waive or suspend the application of the provisions of this division in cases where the size or nature of the purchase, contract, job or services or other special circumstances make compliance therewith impracticable or unnecessary.

#### **Division 4 – Severability**

If any provision of this ordinance or its application to any particular person or circumstance is held invalid, that provision or its application is severable and does not affect the validity of other provisions or applications of this ordinance.

**Adopted and approved this 23<sup>rd</sup> day of April, 2018.**

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**Hollie C. Cost, Mayor**

**ATTEST:**

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**Herman Lehman, City Clerk & Treasurer**

Greens Improvements at Golf Course using remaining Mahler Funds (\$32,610.01) Sur-line Turf low bid – NO ACTION

SPIRE / ALAGASCO (update) – NO ACTION

Active Air HVAC Service Contract – City Hall & Library – NO ACTION



**Board Appointments:** NONE

**Other Business:**

Paving - As discussed during the Work Session, Mayor Cost noted that we have the ability to add Calmont Woods and the street in Arden to the paving list, as well as complete two sidewalk projects, per the recommendation of Shelby County. \$621,049 will come from MDCD and the remaining \$30,000 +/- from the city's gas tax fund.

Council Member Nix made a motion to approve the paving in Arden as described. Council Member Bunt seconded. Mayor Cost and Council Member Walker ABSTAINED. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Council Member Peterson made a motion to approve the paving in Calmont Woods as described. Council Member Nix seconded. Member Bunt ABSTAINED. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Council Member Bunt made a motion to approve the sidewalk projects as described. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Mr. Hamby said it should take about three weeks to get the sidewalk project started.

**Citizen Participation:**

Elaine Stephens thanked the Mayor and Council for their debate and deliberation over the NDO. She said she realizes their job is very hard. She thanked them all for their efforts and support. She said she believes this will help those young people in our community who are afraid to be themselves. She said she hopes there is never a complaint registered because of this ordinance. However, she said it is important that the people of our community know we will all be there to support them if there is. Now is the time to let the healing begin.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Walker seconded. ALL AYES . . . MEETING ADJOURNED at 7:19 p.m.

Submitted by:

Herman Lehman  
City Clerk