

**MINUTES**

**Montevallo City Council Work Session**

**August 13, 2018**

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

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

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

Chief Jeremy Littleton presented the Police Department report:



**Montevallo Police Department  
Code Enforcement Activity Report**

Date: 08/13/2018	Inspection Period 07/23/2018	Inspection Period 08/13/2018
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**Inoperable Vehicle Inspections:**

Inspected:	Pending:	Closed:
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**Animal Complaint Inspections:**

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

Inspected: 6	Pending: 6	Closed: Further action 21 & 22 September 2018
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**Property Inspections:**

Inspected: 11	Pending: 1	Closed: 10
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**Miscellaneous Complaints:**

Inspected: 1	Pending:	Closed: 1
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Inspected: 18	Total Inspections this Period: 18	Total Inspections Year to Date: 30
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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	96	117	109	91						752
Criminal Cases	78	36	70	63	72	60	52						431
Non-Criminal	8	15	39	16	9	29	7						49
Traffic Accidents	14	11	15	20	18	15	12						39
Traffic Citations	120	134	117	66	197	153	154						961
DUI Arrests	3	3	3	5	6	1	2						23
Public Intox Arr	2	2	2	3	1	6	1						17
Alias Arrests	24	16	18	7	15	16	10						106
Juvenile Arrests	1	0	1	2	1	1	0						6
Misd Arrests	12	12	9	11	4	3	4						55
Felony Arrests	3	1	7	1	1	2	1						16
Drug Related	4	3	9	4	7	9	9						45
Total Arrest	50	37	49	33	37	38	27						271
Auto Thefts	1	2	0	1	0	0	0						4
Burglaries	4	0	2	2	4	3	3						18
Auto Recoveries	0	0	0	0	0	0	0						0
Auto Burglaries	1	2	1	0	0	0	0						4
Criminal Mischief	5	3	0	3	2	2	4						19
DV. Related	15	13	11	11	15	10	10						85
Assaults	0	2	1	0	2	2	1						9
Fraud/Forgery	9	2	2	1	4	1	0						19
Harass / Reck	5	9	5	0	7	5	6						37
Misc. Offenses	18	18	25	18	16	21	21						137
Robberies	0	0	2	0	0	0	0						2
Thefts / Attempts	14	16	10	6	5	4	7						62
Suicide Attempts	1	0	1	0	0	0	0						2
Suicides	0	0	0	0	0	0	0						0
Deaths	1	1	2	0	1	3	2						10

Karen Kiker  
4:48 PM  
8/5/2018

Mayor Cost commended the Chief and his officers for their work related to several difficult issues of late – a fatal traffic accident and drug bust.

Council Member Nix asked the Chief to check to see if oncoming traffic is required to stop when the new transit bus makes stops.

Chief Bill Reid informed the Council they have responded to 812 calls so far this year. They just completed Block 2 of their training and Block 3 will start in September. They should be finished by Thanksgiving. He also noted that they will soon be interviewing replacements for our Fire Inspector position.

Council Member Goldsmith asked if they have used their new turn-out gear washer & dryer. The Chief said they have and that they work great.

Kirk Hamby, Director of Public Works, informed the Council that Phase II of the paving project is complete. Phase II of the sidewalk project will begin in September. He also mentioned that he will be requesting a new mower, which is in the budget, at the next meeting.

Shane Baugh, Director of Parks & Recreation, informed the Council that the Stephens Park restroom improvements are underway. He said he is going to make them as nice as he can, and should remain within budget. Football starts Saturday. The team has moved up to a higher division this year and will be playing much larger schools, which will increase attendance at our games and traffic in our city.

In response to a question from Council Member Nix, Mr. Baugh reported that Stephens Park should reopen around the 25<sup>th</sup> of this month.

Council Member Nix noted that the restrooms at Stephens Park have always been a problem. Mr. Baugh said that was correct, and they have been repaired repeatedly over the years. Hopefully, these improvements will be a permanent fix to the problems.

Wade Rider, Golf Course Manager, presented the following report:

1. Rounds are increasing as players realize the course has reopened. Reception to the greens work has been outstanding and grounds keeping crew is working hard to improve other areas.
2. Tournaments scheduled 8/25, 9/8 and 10/20.
3. Greenskeeper Doug Spreher attended a Turf Management seminar in Auburn on 8/2 and extended an invitation to David Han, Extension Specialist & Associate Professor Crop, Soil and Environmental Sciences, Auburn University to visit MGC in an advisory capacity. Dr. Han is an expert in the areas of turfgrass management: lawn care, sports field construction and maintenance, golf course construction and management and sod production.

Dr. Han has notified Doug that he and four students will be visiting the course on Tuesday, August 14 and will inspect the greens and turf while offering recommendations for improvements. Dr. Han's expertise is being provided at no cost to MGC or the city.

Abigail Heuton, the MJCC Mayor, said the MJCC held their retreat and voted on new officers. They helped pass out flyers for the new bus route and are working on plans for other activities.

The Library Director, Lauren Bartell, presented the Library report:

CIRCULATION: 2888 items charged  
(Decreased by 17.5%)

ELECTRONIC CIRCULATION: 1927 items charged

COMPUTER USE: 481 users  
(Decreased by 9.3%)

STORYTIME/3: 72  
(Decreased by 22%)

MOVIES/4: 150  
(Increased by 50%)

OTHER CHILDREN'S PROGRAMS/6:190

ADULT PROGRAMS/4: 80

DEPOSITS:

7/2/2018	\$137.75
7/9/2018	\$163.89
7/16/2018	\$134.80
7/20/2018	\$1293.35
7/23/2018	\$137.40
7/27/2018	\$108.69
7/31/2018	\$18.20
	<hr/>
	\$1994.08

Notes:

- Summer Reading is complete. We hosted 34 programs over six weeks with 928 attendees, plus the Foundation did two weeks of Children's Theater Workshop with 30+ kids and two nights of performances. 120+ children registered for the reading challenge, and three teens participated in our inaugural teen reading challenge. Big thanks to the AMAZING staff and everyone who volunteered or donated to pull off summer reading!
- The library was awarded an LSTA grant for early literacy books. We asked for \$4000 in funds and have yet to hear the exact amount we have been awarded.

- We are continuing a successful relationship with the Chilton Shelby Mental Health Mitchell Center providing a weekly movie day for adults with special needs every Thursday at 10:30 AM. This event is also open to the general public if you know of someone looking for a friendly and understanding outing for a special needs adult.

Council Member Bunt presented the following:

#### Arts & Education

- Junior City Council
- Library
- Montevallo Arts Council
  - Tinglewood - looking for volunteers
- Montevallo Artwalk
  - Taking applications for artists. Event scheduled Oct. 27.
- Schools
  - All started back last week
  - UM Move-In Day, Aug. 17
  - UM classes start Aug. 20
  - UM Back to School Bash, Aug. 20 - local businesses can have a spot by calling 665-6565
  - MMS Open House on Monday, Aug. 20 at 5:30 p.m.
  - MHS Open House on Tuesday, Aug. 21 at 6 p.m.
- Kettering
  - A couple of forums have been held and we will be conducting a few more over the next couple of months.

Mayor Cost informed the Council that Shelby County Women United (SCWU), of which Montevallo is a big part, is working to develop a 2Gen Hub to help break the generational cycle of poverty by focusing on providing a range of services to single women with children. This effort is supported through a grant from the Women's Fund of Greater Birmingham. It is intended to serve families throughout Shelby County, focusing on Montevallo and Vincent. We held our partner meeting this morning with service providers from throughout the county. We are still in the training and planning phase now. The project itself begins after the first of the year.

Council Member Walker noted that the Finance Committee met on August 3<sup>rd</sup> and that there are several recommendations from the committee on the Agenda tonight.

Revenue Officer Debby Raymond noted that the new business license ordinance is on the Agenda tonight. Council Member Walker pointed out this will be our “first reading” of the ordinance.

Janice Seaman, Chair of the Montevallo Historical Commission, noted that there are a couple items on the Agenda tonight which involve the Commission.

Courtney Bennett, Montevallo Main Street Director, reminded the Council that there will be an event at Owl’s Cove on Saturday, August 18<sup>th</sup> from 2-6 PM. She said ValloCycle is planning a bike ride at 10 AM that day. She also noted that the next Friday Nights at the Cove event is set for August 24<sup>th</sup> from 7-9 PM at Owl’s Cove.

Council Member Walker reminded everyone that the Chamber luncheon is Wednesday at 11:30 AM and that the city will receive a Bicentennial flag from the State Commission during the meeting.

The Mayor then reviewed the remaining Agenda items with the Council. She noted that, based on the results of a Grievance Hearing held on July 25<sup>th</sup>, the Montevallo Personnel Board unanimously recommends the City Council support the Mayor’s actions regarding restructuring at City Hall.

She also mentioned that the garden club is submitting a CAWACO grant for the Montevallo Welcome Garden Beautification & Educational Project at the welcome sign garden on Hwy 25.

*In process: rough! Needing City input*

#### **CAWACO GRANT PROPOSAL**

**Applying entity: City of Montevallo**

**Tax ID: 63-6001321**

**Legislative district: 6**

**Secondary contact: Herman Lehman, City Clerk & Treasurer**

**Grant Type:** General Funding (Challenge)

**Project Title:** Montevallo Welcome Garden Beautification & Educational Project

#### **Project Summary:**

We seek \$5000 to develop the recreational and educational potential of the Montevallo Welcome Garden. Phase I of this project was completed March 2018 with the installation of some 150 native trees, shrubs, and perennials along with a pea gravel walkway extending to the front and rear of the brick Welcome sign on Highway 25 just east of the intersection with Middle St. (See Appendix 1 and 2.)

Phase II, for which we seek funding, will make the benefits of the garden more widely available to members of the local community. To encourage members of the local community and passers-through to visit and enjoy the garden as a recreational space we intend to install two benches, one stationary and one swinging, along with a matching litter receptacle. To enhance its educational value we seek funding as well for plant identification markers and interpretive signage.

**Project Objectives:** The overarching objective is to enhance the recreational and educational benefits of the existing “all-native” Welcome Garden and in this way improve the quality of life for the local community as well as passers-through. The recently installed trees, shrubs, and perennials already bring a splash of beauty to a well-trafficked commercial area that has no other public green spaces. In spring and fall the floral and foliage display will be spectacular; in summer a succession of flowers will attract a host of pollinators. The Welcome Garden, designed to provide 12-month interest, truly provides a fitting welcome to the city. Once plant identification markers are in place, it will serve as an educational resource for landscapers and gardeners who want to incorporate native plants in their yards and gardens and a learning space for school children and young people. Hopefully, it will inspire other towns to consider natives for their public plantings.

**How many will benefit?** Montevallo has a population of over 6,000 (according to the 2010 census). In addition to these direct beneficiaries of the Welcome Garden, its location on the busy Highway 25 will impact many passers-by. Potentially, the beneficiaries are numberless.

**Why important?** The enhanced Welcome Garden will provide a much-needed recreational green space in a commercial part of town, will demonstrate by example the beauty and usefulness of native plants, and will heighten awareness and appreciation of the diversity of bird, bee, butterfly, and other insect life in central Alabama.

**Additional Partners** By Memorandum of Agreement with the City of Montevallo dated 6-18-2018, the City and Garden Club divide maintenance responsibilities, with the Garden Club charged with developing the Welcome Garden’s educational mission (see MOA in Appendix). With regard to Phase II of the Beautification & Educational Project, grant money will be used to fund materials (benches, receptacle, markers, and signage). The City has agreed to install the benches, including laying down concrete for securing benches. Plant identification markers and interpretive signage will be designed by and installed by the Garden Club. Native plant specialist and landscape designer Sue Webb will provide expertise for a nominal honorarium. Additional support will be supplied by citizen volunteers.

**Budget** [Victor Stanley and/or GameTime; Lark Label]

**Details** These items were selected for their proven durability and because they match benches and receptacles installed on Main Street and the Promenade and in other Montevallo green spaces, the downtown pocket parks and the Parnell Library grounds in particular. They are used on the University of Montevallo campus as well. The effect is to tie the Welcome Garden to other City spaces and to create a pleasing unifying effect. Lark Label, the company selected for the markers and signage, is a leader in the field of botanical identification. They were used by the Parnell Library Foundation in their 2013 grounds improvement project.

## **Supporting documentation**

1. Map of garden in context
2. Original design (by Paul Franklin, native plant consultant)
3. Memorandum of Agreement
4. Letter of support from Mayor
5. Pictures?

Council Member Nix noted there is no match required for this grant.

The Mayor noted that the Finance Committee has recommended the purchase of 4 sets of 4 Row 15' Low Rise Bleachers for Orr Park Ballfields totaling \$5,546.21 using unallocated funds from the Regions Capital Reserve.

Similarly, there is a recommendation from the Finance Committee to purchase 15 new body cameras for the Police Department totaling \$11,469.95 using funds from the Forfeiture Fund. The Mayor noted that Montevallo's Police Officers have used body cameras long before they became widely accepted. Council Member Walker stressed that the Committee felt that this was an important investment in order to ensure the safety and security of our officers.

There is also a recommendation from the Finance Committee to purchase and outfit a new police car off the State Bid List at a cost not to exceed \$31,000 using \$11,000 in insurance reimbursement funds and up to \$20,000 of unallocated funds from the Regions Capital Reserve. Council Member Walker noted that, unfortunately, accidents do happen, and this request is to replace a vehicle involved in an accident.

Request from Montevallo Main Street Design Committee to install US Flags at 4 intersections along Main Street.



Council Member Nix said he thought the plan looks good.

Council Member Walker suggested we make certain the placement will meet with the recommended guidelines for displaying the US Flag.

Mayor Cost noted that this proposal came from a sub-committee of the Main Street Design Committee and that they considered several alternatives and decided this would be the best.

Request from Montevallo Main Street Design Committee to transfer remaining \$6,500 in the Main Street decoration budget in the Regions Reserve to Main Street in order to purchase new banners.



Medium Size Banners		Size 24" wide x 48" long		Arranged by Installation Date	
	Quantity	Design Name	Condition	Placement	Date up -----Date down
1.	22	Welcome To Montevallo Tim Tingle Banner	Used but Good	alternate every other w/ #2 on the Promenade & Middle	Mid May -----End of Sept.
2.	27	Montevallo Buy Fresh and Local Farmer's Market	Good	alternate every other w/#1 on the Promenade & Middle	Mid May -----End of August
3.	28	American Flag Banner	Excellent	Promenade	1 <sup>st</sup> of Nov. -----End of Nov.
4.	28	Merry Christmas Banner	Excellent	Promenade	1 <sup>st</sup> of Dec. ----- End of Dec.
5.	20	Welcome to Montevallo Solid orange background w/ White bulldog head... did not find Large size	Excellent	7 Middle School (Selma Rd) 8 Elementary School (Island St.)	Mid Aug. -----school year Mid Aug. -----school year
6.	20	Art Walk Banners (two people walking)	Excellent	Promenade	1 <sup>st</sup> of Oct. -----End of Oct.
7.	12	NEW 5 Part Main St. Design	New	Middle St.	1 <sup>st</sup> of Sept. ____ End of Dec. (\$67 x 12 = \$804)

Note: We talked about ordering 24 of the new 24"x48" banners of the new Main St. Design, but currently only need them for Middle St. If we decided to order enough for Middle St. and the Promenade, we would need to order a total of 12 + 28 = 40. 40 x \$67 = \$2680.00

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Smaller size	Size 24" wide x 36" long		For New Main Street Light poles	
1.	65 (60 in use)	5 part series, History, Art, (New as of 1/18)	Main St.	All of 2018 ( only banner available for these poles brkts.

Education, Nature and Montevallo

Ms. Bennett informed the Council that this list includes the banners already owned by the City.

Council Member Walker asked why Main Street had not already purchased the additional banners as previously approved and budgeted.

Ms. Bennett explained that the Design Committee is still working to develop a series of unique banners. They wanted to avoid using stock banners as much as possible. She noted that this request would preserve the funding for those banners. She noted the Council will still be the ones to approve the actual designs before the purchases will be made.

**Montevallo City Council Meeting  
August 13, 2018  
6:00 p.m. at City Hall**

**Mayor Hollie Cost, Council Member Rusty Nix, Council Member Willie Goldsmith, Council Member Tiffany Bunt Council and 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.

**Approval and/or corrections of the minutes** - 7/23/18 and 7/30/18 Special Meeting

Council Member Nix made a motion to approve the Minutes from July 23, 2018 as corrected. Council Member Walker seconded. Council Member Peterson ABSTAINED. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Council Member Walker made a motion to approve the Minutes from July 30, 2018 as corrected. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

**Recognitions / Awards:** NONE

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

Melinda Nix asked if the Welcome Garden Design had been approved by the Council, noting her concerns with the gravel pathway may encourage people to try and walk across the dangerous bridge.

Mayor Cost noted the design had been approved by the Council and that the project was funded largely through city funds. She agreed with Ms. Nix that the new improvements should include features which would make it less likely for people to walk out onto the bridge.

Ms. Nix also asked about the Agenda item regarding a tree planting plan.

The Mayor noted that the Council has asked the Arbor Board to provide them with a plan to replant trees which are lost, not just in the parks but along our streets. This is a reminder that we need that plan, along with a budget, as we prepare our city's budget for next year.

Donald Hartman, a resident of Hidden Forest, expressed his concern over the new section of the subdivision which is being opened up. He said there is one way in and out of the subdivision, and that without a construction entrance the streets will get ruined. He also complained about the safety issues on the streets, including people riding ATVs through the neighborhood. He said he tried to call Shelby County Development Services regarding the construction plans, but they never returned his call.

Don Hughes asked the Council to give serious consideration to increasing the amount of financial support the city provides our schools. He said when he worked for the city, they provided each of the schools with \$20,000 a year.

He also noted that he attended the recent Personnel Board meeting and that they were told the Minutes from that meeting would be made available at City Hall. He explained to the City Clerk that his position is only safe for a two week stretch and that the City Council can replace him at any time.

Mayor Cost assured Mr. Hughes that neither the City Clerk, nor the Police Chief, both of whom are appointed officials of the City, has anything to worry about.

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

**Consent Agenda:** NONE

### **New Business:**

Based on the results of a Grievance Hearing held on July 25<sup>th</sup>, the Montevallo Personnel Board unanimously recommends the City Council support the Mayor's actions regarding restructuring at City Hall -

*July 25, 2018*

*The Personnel Board of the City of Montevallo voted to uphold Mayor Cost's decision to reorganize the City Hall Employees organizational chart.*

*While we understand, Mrs. Raymond's concerns, the Mayor has the right to make this decision under state law. We feel comfortable and recommend that the City Clerk, Mayor, and Mrs. Raymond can work to make this transition occur smoothly. As a board, we agree with the Mayor that no demotion or change in status occurred.*

*Respectfully submitted,*

*Bill Glosson*

*Bill Lee*

*Bart Ferguson*

Council Member Walker expressed his concerns regarding the Mayor's reorganization at City Hall.

Mayor Cost explained that her decision to restructure things at City Hall was not related to the Grievance filed by Ms. Raymond. It was done to improve the way things work at City Hall and to relieve Ms. Raymond of some of the responsibilities that have weighed her down – which was our plan all along with creating another position at City Hall. There was no demotion, no loss of pay. Also, based on the results of the hearing, she decided that, even though it would require more of her time, it probably did make more sense having the Revenue Officer report directly to the Mayor – so I have already informed Ms. Raymond of that change to the Organizational Chart. Again, the reorganization was done before the Grievance was submitted.

Council Member Nix suggested it may have been better to do the restructuring at the time we hired the new personnel. Otherwise, he said it could appear that the reorganization was being done in response to the incident which took place, even though it did not affect the money Ms. Raymond was making. He noted that at his place of employment, when someone is reassigned and has duties and responsibilities taken away, it is usually due to a demotion.

The Mayor noted that Debby was overworked and specifically asked for help in the form of a new assistant. The plan all along was to move the bulk of these responsibilities and duties away from Debby to that assistant and others in order to allow her to concentrate on her job as Revenue Officer. It was not a demotion.

Council Member Walker asked if Ms. Raymond is doing the job that the Council appointed her to do in 2016.

The Mayor said that is exactly the job she is doing.

Council Member Peterson argued that by definition it is the Mayor's responsibility to administer City Hall as she feels is appropriate. The City Council has no authority to tell the Mayor how she should run City Hall. We may not approve of everything she does, but we can't do anything about that.

Council Member Walker asked if the Council had a policy regarding the management of the people they appoint to various positions. He said he realized that the Council cannot micro-manage things at City Hall, but there may be other things that can be done under the code.

Council Member Bunt said her main concern is any possible legal ramifications which could arise from this situation.

Ms. Raymond spoke and expressed her position on the issue. She noted that the incident between her and a subordinate was not a "disagreement." She said the employee had disregarded city policy. She pointed out that the Minutes from the meeting noted the Mayor said there was no finding of fault. Even so, she said she feels like she was demoted because the Mayor changed who she reported to and took away many of her duties and responsibilities.

Ms. Raymond also questioned how the Council could make an informed decision on this issue if they didn't attend the Hearing and didn't have the Minutes from that hearing to review ahead of time.

Mayor Cost said she made a decision regarding the organizational structures and assignment of duties at City Hall which she felt was in the best interest of the City. She said that is her responsibility as Mayor and that she must have that authority in order to do her job. Otherwise, there is no point in having a Mayor. She also pointed out that, based on the feedback she received from the Personnel Board meeting, she agrees that an appointed official, like Ms. Raymond, should report directly to the Mayor. As such, she has already informed Ms. Raymond that she will continue to report directly to the Mayor.

In response to concerns expressed by Council Member Bunt, Mayor Cost stressed that we can't worry about lawsuits every time we make a decision. We have to do what we feel is in the best interest of the City. This issue was examined by the Personnel Board and they voted unanimously to uphold my decision.

The City Clerk reminded the Council that once the grievance was filed, the City took all the appropriate steps in accordance with our policies and procedures as detailed in our Employee Handbook. The Personnel Board heard the issue, made its recommendation to the Council – which was to uphold the decision of the Mayor – and now the Council is tasked with acting on the matter. The Council can approve the recommendation of the Personnel Board or not. However, under our policies, if the Council fails to act at its “next regularly scheduled meeting,” which is this meeting, then the action of the Personnel Board stands.

Mayor Cost then called for a vote.

Council Member Bunt made a motion to accept the recommendation of the Personnel Board to uphold the decision of the Mayor. No one seconded the motion. The MOTION DIED for a lack of a second. No further action was taken. (As a result, the decision of the Personnel Board is final, and the decision of the Mayor is upheld.)

Montevallo Welcome Garden Beautification & Educational Project – Council Member Bunt expressed her concern about the garden path. She suggested the design be improved to add a barrier to discourage people from walking to and from the bridge. Perhaps a circular path within the garden – no a direct route from the parking lot to the street.

Mr. Hamby said the path is there to help people enjoy the plants. He suggested they could add a bench at the end of the path to discourage people from walking out to the street.

Council Member Nix noted that this is a grant request and that there is no match requirement from the city.

Council Member Bunt made a motion to approve the Welcome Garden Project and grant request. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Council Member Walker made a motion to approve all three of the following recommendations from the Finance Committee. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

- 1) Recommendation from Finance Committee to purchase 4 sets of 4 Row 15’ Low Rise Bleachers for Orr Park Ballfields totaling \$5,546.21 using unallocated funds from the Regions Capital Reserve
- 2) Recommendation from Finance Committee to purchase 15 new body cameras for the Police Department totaling \$11,469.95 using funds from the Forfeiture Fund

- 3) Recommendation from Finance Committee to purchase and outfit a new police car off the State Bid List at a cost not to exceed \$31,000 using \$11,000 in insurance reimbursement funds and up to \$20,000 of unallocated funds from the Regions Capital Reserve

Request from Montevallo Main Street Design Committee to install US Flags at 4 intersections along Main Street –

Council Member Walker expressed his concerns with the proposed design.

Council Member Nix asked if ALDOT would allow us to do this. The City Clerk said he did not know.

Council Member Walker said he would rather see flags on individual buildings.

Mayor Cost said those sorts of alternatives were discussed by the committee. The Mayor asked if the Council wanted to work with the flag committee to consider other design possibilities.

Council Member Walker said he would serve on that committee.

Council Member Nix said he likes the design as proposed and made a motion to approve the placement of US Flags on Main Street as recommended by the Design Committee. Council Member Peterson seconded. Council Members Nix, Peterson, and Bunt, along with Mayor Cost, voted AYE. Council Members Walker and Goldsmith NAY. . . . MOTION APPROVED.

Request from Montevallo Main Street Design Committee to transfer remaining \$6,500 in the Main Street decoration budget in the Regions Reserve to Main Street in order to purchase new banners – Council Member Bunt made a motion to approve the request, noting that the final design of the banners will require subsequent Council approval. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Food Truck Ordinance (Enter into Minutes as the First Reading)

Ordinance No. \_\_\_\_\_

City of Montevallo “Food Trucks Ordinance”

Mobile Food Vendors.

### Section 1. Definitions

Definition: Mobile food unit- a self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the city.

Mobile Food Unit Park- more than one mobile food unit (a.k.a. food truck park) located on a site larger than ¼ acre.

## Section 2. Guidelines

1. Mobile food vendors (a mobile food dispensing vehicle that sells prepared food products) and mobile units that sell agricultural produce may be permitted, subject to the approval of a mobile food vendor permit by the city clerk and the presentation of written permission from the property owner on whose property the mobile food vendor is to be located. All mobile food vending businesses shall be subject to the following criteria:
  - a. A mobile food vending business shall be treated and permitted as a Peddler Local and subject to the regulations thereof.
  - b. All mobile food units shall be self-contained.
  - c. All required Alabama Department of Public Health permits must be obtained and copies provided.
  - d. No mobile food vendor shall be allowed to operate in excess of three consecutive days in any one location, unless they have the Mayor or City Clerk's written approval to operate at one location for an extended period of time related to a special event lasting more than three days. During days of non-operation, the mobile food vendor and all associated vehicles, etc. must be removed from the premises.
  - e. Only one mobile food unit shall be permitted on a site smaller than ¼ acre. A maximum of five mobile food units shall be permitted on a site larger than ¼ acre but smaller than a ½ acre, unless approved otherwise in writing by the Mayor for a special event, community event or festival.
  - f. Mobile food vendors shall only be located and operated in areas or districts zoned non-residential unless they are temporarily operated for specific events held at an institution (i.e church, school, etc.) that is located on a parcel zoned for residential.
  - g. No more than one mobile food vendor shall operate on the same site per day unless they have the Mayor's written approval related to a special event.
  - h. Signage will be limited to signage located on the mobile food unit. No portable signage is allowed.
  - i. Property owners renting space to one or more mobile food units (constituting a "mobile food unit park" – a.k.a. "food truck park") shall be considered lessors and shall be required to pay the same annual business license rate per rental space as required of other landlords.
2. A minimum of four parking spaces per site shall be required for the use of the mobile vendor patrons. Mobile food vendors may not occupy parking spaces required to fulfill the minimum requirements of the principal use, unless they have written approval of the Mayor or City Clerk.
3. No mobile vendor shall operate in the following areas:
  - a. Within ten feet from the right-of-way of any public street or roadway.
  - b. Within a required landscape buffer or improvement setback.
  - c. Within ten feet of any street intersection or cross walk.
  - d. Within ten feet of any driveway or other curb cut access, loading zone or bus stop.
  - e. In any area within 15 feet of a building entrance.
  - f. On the median strip of a divided roadway.
  - g. In front of display windows of a fixed location business.
  - h. Within ten feet of a fire hydrant or fire escape.
  - i. Within ten feet of any parking space or access ramp designated for persons with disabilities.

4. No vending cart or stand, or any other item related to the operation of a mobile vendor use, shall be located on any city sidewalk or other public way during non-vending hours. Nor shall any vehicle be parked, stored or left overnight on any city sidewalk or other public way.
5. Vendors shall keep the sidewalks, roadways and other spaces adjacent to their vending sites or locations clean and free of paper, peelings, and refuse of any kind generated from their business. All trash or debris accumulating within 25 feet of any vending stand shall be collected by the vendor and deposited in a trash container provided by the vendor. The trash container shall be emptied regularly and marked as being for litter.
6. Mobile vendors may not do any of the following:
  - a. Obstruct pedestrian or motor vehicle traffic flow.
  - b. Obstruct traffic signals or regulatory signs.
  - c. Obstruct adequate access to emergency and sanitation vehicles.
  - d. Interfere with access to abutting properties.
  - e. Sound any device that produces a loud noise or operate any loudspeaker, public address system, radio, sound amplifier, or similar device to attract public attention.

### **Section 3. Penalties**

Any person violating any provision of this article may be issued a citation by the Montevallo Police Department or at the request of the Revenue Officer or his/her designee be issued a summons and shall be required to appear in the Montevallo Municipal Court. Upon conviction, any person shall be subject to any fines and other applicable court costs which may be assessed by the Montevallo Municipal Court.

### **Section 4. Exceptions**

The Mayor or City Clerk may provide written approval, related to a special event, of the following exceptions: duration, location and hours of operation. Special events include Annual festivals such as the ArtWalk, Arts Fest, and other communitywide functions.

### **Section 5. Severability**

If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect

notwithstanding such holding.

### **Section 6. Effective Date**

This Ordinance Number \_\_\_\_\_ shall become effective October 1, 2018 following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Hollie C. Cost, Mayor

ATTEST:

\_\_\_\_\_  
Herman Lehman, City Clerk

**Business License Ordinance (Enter into Minutes as the First Reading)**

ORDINANCE NUMBER \_\_\_\_\_

COUNCIL MEMBER XXX

INTRODUCED THE FOLLOWING ORDINANCE

COUNCIL MEMBER XXX

SECONDED THE ORDINANCE

**An Ordinance Amending the Montevallo Code of Ordinances,  
Chapter 8 – Sections 8-1 through 8-26 and Ordinances 07S, 091409-305, 09082014-305, 09222014-303,  
and 11052014-300**

**Whereas**, the State of Alabama did enact the Municipal Business License Reform Act of 2006 (Act No. 2006-586).

**Be it Ordained by** the City Council of the City of Montevallo all ordinances or parts of ordinances in conflict or inconsistent with this ordinance, and all amendments thereto, are hereby repealed to the extent necessary to give this ordinance full force and effect.

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF MONTEVALLO, ALABAMA, AS FOLLOWS:**

**Section 1 – Levy of License Tax**

Pursuant to the *Code of Alabama* and in accordance with the *Municipal Business License Reform Act of 2006* (Act No. 2006-586), the following is hereby declared to be and is adopted as the business license code and schedule of licenses for the City of Montevallo for the year beginning January 1, 2019, and for each subsequent year thereafter. There is hereby levied and assessed a business license fee for the privilege of doing any kind of business, trade, profession or other activity in the municipality, by whatever name called.

**Section 2 - Definitions.**

Unless the context clearly requires otherwise, the following terms shall have the following meaning as set forth below:

**BUSINESS.** Any commercial or industrial activity or any Montevallo, trade, profession, occupation, or livelihood, including the lease or rental of residential or nonresidential real estate, whether or not carried on for gain or profit, and whether or not engaged in as a principal or as an independent contractor, which is engaged in, or caused to be engaged in, within a municipality.

**BUSINESS LICENSE.** An annual license issued by the municipality for the privilege of doing any kind of business, trade, profession, or any other activity in the municipality, by whatever name called, which document is required to be conspicuously posted or displayed except to the extent the taxpayer's business license tax or other financial information is listed thereon.

BUSINESS LICENSE REMITTANCE FORM. Any business license return, renewal reminder notice, or other writing on which the taxpayer calculates the business license tax liability for all or part of the license year and remits the amount so calculated with the form.

CITY. The City of Montevallo, Alabama

DEPARTMENT or DEPARTMENT OF REVENUE. The Alabama Department of Revenue, as created under Section 40-2-1 et seq.

DESIGNEE. An agent or employee of the municipality authorized to administer or collect, or both the municipality's business license taxes, which may include another taxing jurisdiction, the Department of Revenue, or a "private auditing or collecting firm" as defined in Section 40-2A-3 of the *Code of Alabama*.

GROSS RECEIPTS. The measure of any and all receipts of a business from whatever source derived, to the maximum extent permitted by applicable laws and constitutional provisions, to be used in calculating the amount due for a business license. Provided, however, that:

(a) Gross receipts shall not include any of the following taxes collected by the business on behalf of any taxing jurisdiction or the federal government: All taxes which are imposed on the ultimate consumer, collected by the taxpayer and remitted by or on behalf of the taxpayer to the taxing authority, whether state, local or federal, including utility gross receipts levied pursuant to Article 3, Chapter 21, Title 40; license taxes levied pursuant to Article 2, Chapter 21, Title 40; or reimbursements to professional employer organizations of federal, state or local payroll taxes or unemployment insurance contributions; but no other deductions or exclusions from gross receipts shall be allowed except as provided in this article.

(b) A different basis for calculating the business license may be used by the municipality with respect to certain categories of taxpayers as prescribed in Section 11-51-90B.

(c) For a utility or other entity described in Section 11-51-129, gross receipts shall be limited to the gross receipts derived from the retail furnishing of utility services within the municipality during the preceding year that are taxed under Article 3 of Chapter 21 of Title 40, except that nothing herein shall affect any existing contract or agreement between a municipality and a utility or other entity. The gross receipts

derived from the furnishing of utility services shall not be subject to further business license taxation by the municipality.

(d) Gross receipts shall not include dividends or other distributions received by a corporation, or proceeds from borrowing, the sale of a capital asset, and the repayment of the principal portion of a loan, the issuance of stock or other equity investments, or capital contributions, or the undistributed earnings of subsidiary entities.

HOME OCCUPATION. A business conducted entirely within the business owner's home and approved for operation by the city planning department.

LICENSE FORM. Any business license application form, renewal reminder notice, business license remittance form, or business license return by whatever name called.

LICENSE OFFICER or MUNICIPAL LICENSE OFFICER. The municipal employee charged by the municipality with the primary responsibility of administering the municipality's business license tax ordinance and related matters thereto.

LICENSE YEAR. The calendar year.

MUNICIPALITY. For purposes of this ordinance, the terms "City" and "Municipality" shall be synonymous. The term shall also include the city's police jurisdiction, where the business license tax is levied in the police jurisdiction.

PERSON. Any individual, association, estate, trust, partnership, limited liability company, corporation, or other entity of any kind, except for any nonprofit corporation, including those formed under the laws of Alabama which is operated to enable municipalities that become members of such nonprofit corporation to finance or refinance capital projects and related undertakings, on a cooperative basis, and whose board of directors or other governing body consists primarily of elected officials of the municipality.

TAXING JURISDICTION. The City of Montevallo, Alabama or the Department of Revenue acting as agent on behalf of the City or such other designee appointed by the City pursuant to Section 11-51-180 et seq., or other applicable law as the context requires.

TAXPAYER. Any person subject to or liable under this chapter for any business license tax; any person required to file a return with respect to, or pay or remit the business license tax levied under this chapter or to report any information or value to the taxing jurisdiction; or any person required to obtain, or who holds any interest in, any business license issued by the taxing jurisdiction; or any person that may be affected by any act or refusal to act by the taxing jurisdiction under this chapter, or to keep any required by this chapter.

TRANSIENT DEALER. All persons, agents and solicitors, who have no fixed place of business within the City of Montevallo or who have a fixed place of business in the City of Montevallo for less than ninety days and who engage or conduct within the corporate limits of the City either in one locality or in traveling from place to place, a temporary or transient business of selling or soliciting orders for the sale of goods, wares or merchandise with the intention of continuing in said business in said City for a period of not more than thirty (30) days, and have written permission from the owner of real property or the owner's authorized agent to rent, lease, use or occupy, either in whole or in part, for the purpose of carrying on such business use, any room, building, area within any municipal building or other public or privately-owned building, any lot or parcel of land, any motor vehicle including trucks and semi-trailers for the exhibition and sale of such goods, wares and merchandise other than the sale of unprocessed agricultural produce grown by the seller. Agents are required to notify the police department of the area, date, and times of activities. Activities shall be conducted from dawn to dusk only. Conduct of business is subject to zoning regulations. Exempt from this ordinance are bona fide and commonly recognized charitable or religious organizations, shopping mall associations or corporations, located within the City of Montevallo and City approved functions. Applicant must have a valid State of Alabama license with tax identification number.

U.S.C. The applicable title and section of the United States Code, as amended from time to time.

OTHER TERMS. Other capitalized or specialized terms used in this ordinance, and not defined above, shall have the same meanings ascribed to them in Sections 40-2A-3 and 11-51-90 et.seq. of the *Code of Alabama*, unless the context therein otherwise specifies.

**Section 3 - License term; minimums.**

The license term and the minimum amount for a business license are as follows:

(i) *Full Year*. Every person who commences business before the first day of July shall be subject to and shall pay the annual license for such business in full.

(ii) *Half Year*. Every person who commences business on or after July 1st, shall be subject to and shall pay one-half (1/2) the annual license for such business for that calendar year.

(iii) *Annual Renewal*. Except as provided in subsections (i) or (ii), the business license shall be renewed annually on or before the 15th day of February each year.

(iv) If the due date for payment of any business license falls on a weekend or a holiday recognized by the municipality from time to time, the due date shall automatically be extended until the next business day.

(v) Insurance company annual license renewals shall be renewed in accordance with Section 11-51-122 of the *Code of Alabama* which states that each year, each insurance company shall furnish the municipality a statement in writing duly certified showing the full and true amount of gross premiums received during the preceding year and shall accompany such statement with the amount of license tax due according to the licensing schedule. Failure to furnish such statement or to pay such sum shall subject the company and its agents to those penalties as prescribed for doing business without a license as provided for in the municipal code.

(vi) On or before December 31 of each year, a renewal reminder shall be mailed to each licensee that purchased a business license during the current year. Said renewal notice shall be mailed via regular U.S. mail to the licensee's last known address of record with the municipality. Licensees are required to furnish the municipality any address changes for their business prior to December 1st in order for them to receive their notice.

(vii) Business license **renewal payments received by the municipality shall be applied to the current renewal only when any and other debts the licensee owes to the municipality are first paid in full**. No business license shall be issued if the current renewal payment does not meet said prior obligations and the current renewal. Failure to pay such sums shall subject the licensee and its agents to those penalties as prescribed for doing business without a license provided for in the municipal code.

#### **Section 4 - License shall be location specific.**

(a) For each place at which any business is carried on, a separate license shall be paid, and any person desiring to engage in any business for which a license is required shall designate the place at which business is carried on, and the license to be issued shall designate such place, and such license shall authorize the carrying on of such business only at the place designated.

(b) Every person dealing in two or more of the articles, or engaging in two or more of the businesses, vocations, occupations or professions scheduled herein, shall take out and pay for a license for each line of business.

(c) A taxpayer subject to the license authorized by this ordinance that is engaged in business in other municipalities may account for its gross receipts so that the part of its gross receipts attributable to its branch offices will not be subject to the business license imposed by this ordinance. To establish a bona fide branch office, the taxpayer must demonstrate proof of all following criteria:

(i) The taxpayer must demonstrate the continuing existence of an actual facility located outside the police jurisdiction in which its principal business office is located, such as a retail store, outlet, business office, showroom, or warehouse, to which employees and/or independent contractors are assigned or located during regular normal working hours.

(ii) The taxpayer must maintain books and records, which reasonably indicate a segregation or allocation of the taxpayer's gross receipts to the particular facility or facilities.

(iii) The taxpayer must provide proof that separate telephone listings, signs, and other indications of its separate activity are in existence.

(iv) Billing and/or collection activities relating to the business conducted at the branch office or offices are performed by an employee or other representative, of the taxpayer who has such responsibility for the branch office.

(v) All business claimed by a branch office or offices must be conducted by and through said office or offices.

(vi) The taxpayer must supply proof that all applicable business licenses with respect to the branch office or offices have been issued.

(d) Nothing herein shall be construed as exempting businesses from payment of a license on the basis of a lack of physical location.

#### **Section 5 - Restriction on transfer of license.**

No license shall be transferred except with the consent of the council or other governing body of the municipality or the director of finance or other chief revenue officer or his or her designee, and no license shall be transferred to reflect a physical change of address of the taxpayer within the municipality more than once during a license year and never from one taxpayer to another. Provided

that a mere change in the name or ownership of a taxpayer that is a corporation, partnership, limited liability company or other form of legal entity now or hereafter recognized by the laws of the State of Alabama shall not constitute a transfer for purposes of this chapter, unless:

(1) The change requires the taxpayer to obtain a new federal employer identification number or Department of Revenue taxpayer identification number

or;

(2) In the discretion of the municipality, the subject license is one for the sale of alcoholic beverages. Nothing in this section shall prohibit a municipality from requiring a new business license application and approval for an alcoholic beverage license.

**Section 6 - Unlawful to do business without a license.**

It shall be unlawful for any person, taxpayer, or agent of a person or taxpayer to engage in businesses or vocations in the municipality for which a license is required without first having procured a license. A violation of this division of the ordinance passed hereunder fixing a license shall be punishable by a fine not to exceed the sum of five hundred (\$500) for each offense, and if a willful violation, by imprisonment, not to exceed six months, or both, at the discretion of the court trying the same. Each day shall constitute a separate offense.

**Section 7 - License must be posted.**

Every license shall be posted in a conspicuous place, where said business, trade or occupation is carried on, and the holder of the license shall immediately show same to the designee of the municipality upon being requested so to do.

**Section 8 - Duty to file report.**

(a) It shall be the duty of every person subject to such license tax to render to the municipality on such forms as may be required, a sworn statement showing the total business done, amount of sales, gross receipts and gross sales, stock, value of furniture and other equipment, capital invested, number of helpers or employees, amount of space occupied, or other factor described in the schedule, one or several, as the case may require, for the ascertainment of the classification of such person for license taxation purposes and the correct amount of license tax to which he is subject.

(b) If the municipality determines that the amount of business license tax reported on or remitted with any business license remittance form is incorrect, if no business license remittance form is filed within

the time prescribed, or if the information provided on the form is insufficient to allow the taxing jurisdiction to determine the proper amount of business license tax due, the municipality shall calculate the correct amount of the tax based on the most accurate and complete information reasonably obtainable and enter a preliminary assessment for the correct amount of business license tax, including any applicable penalties.

(c) The municipality shall promptly mail a copy of any preliminary assessment to the taxpayer's last known address by either first class U.S mail or certified U.S mail with return receipt requested, or, in the sole discretion of the municipality, deliver the preliminary assessment to the taxpayer by personal delivery.

(d) If the amount of business license tax remitted by the taxpayer is undisputed by the municipality, or if the taxpayer consents to the amount of any deficiency or preliminary assessment in writing, the municipality shall enter a final assessment for the amount of the tax due, plus any applicable penalty.

(e) (1) If a taxpayer disagrees with a preliminary assessment as entered by the taxing jurisdiction, the taxpayer shall file a petition for review with the municipal license officer within 30 days from the date of entry of the preliminary assessment setting out the specific objections to the preliminary assessment. If a petition for review is timely filed, the license officer of the municipality shall schedule a conference with the taxpayer for the purpose of allowing the taxpayer or its representatives and the representatives of the municipality to present their respective positions, discuss any omissions or errors, and to attempt to agree upon any changes or modifications to the assessment. The license officer shall issue findings of fact and law within 60 days following the conference, which shall promptly upon issuance be mailed or delivered to the taxpayer, consistent with the procedures set forth in subsection (d) above.

(2) If the taxpayer disagrees with the license officer's findings of fact and law, the taxpayer may appeal to the municipal governing body, by filing a notice of appeal with the municipal clerk within 30 days after the findings have been issued. The appeal shall be in writing and shall set forth in reasonable detail the grounds on which the taxpayer disagrees with the license officer's findings of fact and law.

(3) If a petition for review: (a.) is not timely filed, or (b.) is timely filed, and upon further review the license officer, or the administrative hearings officer or governing body of the municipality, as the case may be, determines that the preliminary assessment is due to be upheld in whole or in part, the taxing jurisdiction shall make the assessment final in the amount of business license tax due as computed by the taxing jurisdiction, with applicable penalty.

(4) A copy of the final assessment shall promptly be mailed to the taxpayer's last known address (i) by either first class U.S. mail or certified U.S. mail with return receipt requested in the case of assessments

of business license tax of five hundred dollars (\$500.00) or less, or (ii) by certified U.S. mail with return receipt requested in the case of assessments of business license tax of more than five hundred (\$500.00). In either case, at the option of the taxing jurisdiction a copy of the final assessment may be delivered to the taxpayer by personal delivery.

(5) A taxpayer may appeal from any final assessment entered hereunder by the taxing jurisdiction by filing a notice of appeal, within 30 days from the date of entry of the final assessment, with the license officer, who shall promptly forward a copy of the notice of appeal and related documents to the administrative hearing officer appointed by the taxing jurisdiction to hear appeals of final assessments of the municipality's sales, use, rental, and lodging taxes, as applicable, and business license taxes. The administrative hearing officer shall function in a manner similar to the Administrative Law Judge of the Department of Revenue and must be impartial and reasonably knowledgeable of the business license laws and the taxing jurisdiction's business license code or ordinances. The administrative hearing officer may be an employee of the taxing jurisdiction or otherwise, but in no event shall he or she charge or otherwise be compensated for his or her services in whole or in part based on the portion or amount of the final assessment that he or she determines should be upheld, or any similar contingency. No filing fee or supersedeas bond shall be required by the taxing jurisdiction for such appeals.

In lieu of the appeal under subdivision to the administrative hearing officer, and at the option of the taxpayer, the taxpayer may appeal from any final assessment hereunder to the circuit court of the county having jurisdiction over the municipality which issued or on whose behalf the final assessment was issued, by filing a notice of appeal within 30 days from the date of entry of the final assessment with both the municipal clerk of the municipality and the clerk of the circuit court. If the appeal is to the circuit court, and if the taxpayer is the appealing party, the taxpayer shall also, within the 30-day period allowed for appeal, either (a) pay the business license tax and any penalty shown as due on the final assessment, or (b) file a supersedeas bond with the clerk of the court in double the amount of the business license tax and any penalty shown as due on the final assessment, or in such amount as may be required by Section 40-2A-7, as amended from time to time. The supersedeas bond shall be executed by a surety company licensed and authorized to do business in Alabama and shall be conditioned to pay the final assessment and any court costs relating to the appeal. If the taxpayer is the appealing party and is able to show to the satisfaction of the clerk of the court that he or she has a net worth, on the basis of fair market value, of twenty thousand dollars (\$20,000) or less, including his or her homestead, and that the final assessment is equal to or less than the taxpayer's net worth, the taxpayer may file and prosecute the appeal without either paying the final assessment in full or posting a supersedeas bond. A taxpayer may appeal a final assessment to the circuit court, as provided herein, even though the taxpayer has paid the amount shown as due on the assessment prior to filing the appeal.

(6) The filing of the notice of appeal with both the municipal clerk of the municipality and the clerk of the circuit court in which the appeal is filed, as well as the payment of the final assessment in full or the filing of a supersedeas bond when required above, are jurisdictional. If such prerequisites are not satisfied within the time provided for appeal, the appeal shall be dismissed for lack of jurisdiction. On appeal to the circuit court, the final assessment shall be prima facie correct, and the burden of proof shall be on the taxpayer to prove the assessment is incorrect.

(7) If a final assessment is reduced on appeal, any overpayment shall promptly be refunded to the taxpayer by the taxing jurisdiction to the extent allowed by Section 11-51-192.

(8) As provided by 11-51-191, no court shall have the power to enjoin the collection of any business license tax due on an assessment so appealed or to suspend the payment thereof.

(f) Either the taxpayer or the taxing jurisdiction may appeal to the circuit court from a final order issued by the administrative hearing officer by filing a notice of appeal with the administrative hearing officer and with the circuit court of the county having jurisdiction over the municipality which issued, or on whose behalf the final assessment was issued, within 30 days from the date of entry of the final order. The procedures, presumptions, and related matters and rules shall conform in all material respects to those applicable to appeals from final orders of the Department of Revenue's Administrative Law Division under Section 40-2A-9.

#### **Section 9 - Duty to permit inspection and produce records.**

Upon demand by the designee of the municipality, it shall be the duty of all licensees to:

(a) Permit the designee of the municipality to enter the business and to inspect all portions of his place or places of business for the purposes of enabling said municipal designee to gain such information as may be necessary or convenient for determining the proper license classification, and determining the correct amount of license tax;

(b) To furnish information during reasonable business hours, at the licensee's place of

business, in the municipality or the police jurisdiction, all books of account, invoices, papers, reports and memoranda containing entries showing amount of purchases, sales receipts, inventory and other information from which the correct license tax classification of such person may be ascertained and the correct amount of license tax to which he is subject may be determined, including exhibition of bank deposit books, bank statements, copies of sales tax returns to the State of Alabama, copies of Alabama income tax returns and federal income tax returns.

#### **Section 10 - Unlawful to obstruct.**

It shall be unlawful for any person, or for any agent, servant or employee of such person, to fail or refuse to perform any duty imposed by this ordinance; nor shall any person, agent, servant or employee of such person obstruct or interfere with the designee of the municipality in carrying out the purposes of this ordinance.

**Section 11 - Privacy.**

(a) It shall be unlawful for any person connected with the administration of this ordinance to divulge any information obtained by him/her in the course of inspection and examination of the books, papers, reports and memoranda of the taxpayer made pursuant to the provisions of this ordinance, except to the mayor, city clerk, the municipal attorney or others authorized by law to receive such information described herein.

(b) It shall be unlawful for any person to print, publish, or divulge, without the written permission or approval of the taxpayer, the license form of any taxpayer or any part of the license form, or any information secured in arriving at the amount of tax or value reported, for any purpose other than the proper administration of any matter administered by the taxing jurisdiction, or upon order of any court, or as otherwise allowed in this ordinance.

(c) Nothing herein shall prohibit the disclosure of the fact that a taxpayer has or has not purchased a business license. Statistical information pertaining to taxes may be disclosed to the municipal council upon their written request through the Mayor's office. It shall be unlawful for any person to violate the provisions of this section.

**Section 12 - Failure to file assessment.**

(a) In any case where a person subject to paying a license tax as provided herein fails to do so, the municipal designee shall be authorized to assess and determine the amount of license taxes due using the best information available either by return filed or by other means.

(b) The taxpayer shall be notified by registered or certified mail, or by personal service, of the amount of any such assessment, and of his right to appeal not less than twenty (20) days from the date of notice and to show cause why such assessment shall not be made final.

(c) If no appeal is made on or before the date fixed in such notice, or if such appeal is not sufficient in the judgment of the municipality, such assessment shall be made final in the amount originally fixed, or in such other amount as is determined by the municipality to be correct. If upon such hearing the municipal designee finds a different amount due than that originally assessed, he/she shall make the assessment final in the correct amount, and in all cases shall notify the taxpayer of the assessment as finally fixed.

(d) A notice by the United States mail, addressed to the taxpayer's last known place of business, shall be sufficient. Any assessment made by the designee of the municipality shall be prima facie correct upon any appeal.

### **Section 13 - Lien for non-payment of license tax.**

On all property, both real and personal, used in the business, the municipality shall have a lien for such license, which lien shall attach as of the date when the license is due, as allowed by *Code of Alabama*, Section 11-51-44 (1975).

### **Section 14 - Criminal penalties.**

Any person found guilty of violating any of the provisions of this ordinance shall be fined in an amount not less than fifty dollars (\$50.00) and not more than five hundred dollars (\$500.00), and may also be sentenced to imprisonment for a period not exceeding six (6) months, in the discretion of the court trying the case, and violations on separate days shall each constitute a separate offense.

### **Section 15 - Civil penalties.**

In addition to the remedies provided by *Code of Alabama*, Section 11-51-150 (1975) et seq., the continued or recurrent performance of any act or acts within the corporate limits or within its police jurisdiction for which a license may be revoked or suspended under this ordinance is hereby declared to be detrimental to the health, safety, comfort and convenience of the public and is a nuisance. The municipality, as an additional or alternative remedy, may institute injunctive proceedings in a court of competent jurisdiction to abate the same.

### **Section 16 - Penalties**

(a) All licenses not paid within forty-five (45) days from the date they fall due shall be increased by fifteen (15) percent for the first forty-five (45) days they shall be delinquent, or fraction thereof, and shall be measured by an additional fifteen (15) percent for a delinquency of seventy-five (75) or more days, but this provision shall not be deemed to authorize the delay of forty-five(45) days in the payment of the license due, which may be enforced at once

(b) In the case of persons who began business on or after the first day of the calendar year, the license

for such “new business” shall be increased by fifteen (15) percent for the first fifteen (15) days they shall be delinquent, and shall be measured by an additional fifteen (15) percent for a delinquency of forty-five (45) days or more.

**Section 17 - Prosecutions unaffected.**

The adoption of this ordinance shall not in any manner affect any prosecution of any act illegally done contrary to the provisions of any ordinance now or heretofore in existence, and every such prosecution, whether begun before or after the enactment of this article shall be governed by the law under which the offense was committed; nor shall a prosecution, or the right to prosecute, for the recovery of any penalty or the enforcement of any forfeiture be in any manner affected by the adoption of this ordinance; nor shall any civil action or cause of action existing prior to or at the time of the adoption of this ordinance be affected in any manner by its adoption.

**Section 18 - Procedure for denial of new applications.**

(a) The City shall have the authority to investigate all applications and may refer any application to the municipal governing body for a determination of whether such license should or should not be issued.

(b) If the municipal governing body denies the issuance of any license referred to it, the municipal clerk shall promptly notify the applicant of the municipal governing body’s decision.

(c) If said applicant desires to appear before the municipal governing body to show cause why said license should be issued, he shall file a written notice with the municipal clerk, said notice to be filed within two (2) weeks from the date of mailing by the municipal clerk of the notice of the denial of such license by the municipal governing body.

(d) Upon receipt of said notice the municipal clerk shall promptly schedule a hearing, to be held within fifteen (15) days from the date of receipt of such notice, before the municipal governing body and shall give the notice of the date, time and place of said hearing to the applicant.

(e) The applicant shall be given the opportunity to appear personally, or through his counsel, or both, and the municipal governing body shall proceed to hear any evidence which may be presented both for and against the issuance of said license.

(f) If the municipal governing body determines from the evidence presented that in order to either provide for the safety, preserve the health, promote the prosperity, or improve the morals, order, comfort and convenience of the inhabitants of the municipality said license should not be granted, it shall enter an order to that effect; otherwise, said license shall be ordered issued upon payment of any required license fees.

### **Section 19 - Procedure for revocation or suspension of license.**

(a) Any lawful license issued to any person to conduct any business shall be subject to revocation by the municipal governing body for the violation by the licensee, his agent, servant, or employee of any provision of this ordinance or of any ordinance of the municipality, or any statute of the State of Alabama relating to the business for which such license is issued; and shall also be subject to revocation by the municipal governing body if the licensee, his agent, servant, or employee under color of such license violates or aids or abets in violating or knowingly permits or suffers to be violated any penal ordinance of the municipality or any criminal law of the State of Alabama; and shall also be subject to revocation by the municipal governing body if, in connection with the issuance or renewal of any license, the licensee or his agent filed or caused to be filed any application, affidavit, statement, certificate, book, or any other data containing any false, deceptive or other misleading information or omission of material fact.

(b) The conditions hereinabove set forth as grounds for the revocation of a license shall also constitute grounds for refusing to renew a license.

(c) The municipal governing body shall set a time for hearing on the matter of revoking or refusing to renew a license; and a notice of such hearing shall be given to the licensee, or the applicant for renewal, as the case may be, at least ten (10) days before the day set for said hearing. At the hearing the municipal governing body shall hear all evidence offered by any party and all evidence that may be presented bearing upon the question of revocation or the refusal of renewal, as the case may be.

### **Section 20 - Refunds on Overpayments**

(a) Any taxpayer may file a petition for refund with the municipality for any overpayment of business license tax erroneously paid to the municipality. If a final assessment for the tax has been entered by the municipality, a petition for refund of all or a portion of the tax may be filed only if the final assessment has been paid in full prior to or simultaneously with the filing of the petition for refund.

(b) A petition for refund shall be filed with the municipality within two years from the date of payment of the business license tax, which is the subject of the petition.

(c) The municipality shall either grant or deny a petition for refund within six months from the date the petition is filed, unless the period is extended by written agreement of the taxpayer and the municipality. The taxpayer shall be notified of the municipality's decision concerning the petition for refund by first class U.S. mail or by certified U.S. mail, return receipt requested, sent to the taxpayer's last known address. If the municipality fails to grant a full refund within the time provided herein, the refund petition shall be deemed to be denied.

(d) If the petition is granted or the municipality or a court otherwise determines that a refund is due, the overpayment shall be promptly refunded to the taxpayer by the municipality. If the municipality determines that a refund is due, the amount of overpayment due thereon may first be credited by the municipality against any outstanding tax liabilities due and owing by the taxpayer to the municipality, and the balance of any overpayment shall be promptly refunded to the taxpayer. If any refund or part thereof is credited to any other tax by the municipality, the taxpayer shall be provided with a written detailed statement showing the amount of overpayment, the amount credited for payment to other taxes, and the resulting amount of the refund.

(e) A taxpayer may appeal from the denial in whole or in part of a petition for refund by filing a notice of appeal with the clerk of the circuit court of the county in which the municipality denying the petition for refund is located. Said notice of appeal must be filed within two years from the date the petition was denied. The circuit court shall hear the appeal according to its own rules and procedures and shall determine the correct amount of refund due, if any. If an appeal is not filed with the appropriate circuit court within two years of the date the petition was denied, then the appeal shall be dismissed for lack of jurisdiction.

## **Section 21 – Classifications**

**That the portion of the Business License Ordinance, Section 22, License Codes & Fees, be amended and replaced with the following:**

**SECTION 22. License Codes & Fees**

**Alphabetical Listing**

Schedule Code	Description	Amount / Schedule
541211	Accountant / CPA	\$200
541211.01	Accounting, bookkeeping, tax preparation	\$150
624120	Adult Day Care (Services for the Elderly and Persons with Disabilities)	\$175
541810	Advertising Agencies	\$150
541870	Advertising for distributing hand bills	\$50
541860	Advertising for soliciting other commercial ads (Direct Mail Advertising)	\$75
511120	Advertising soliciting ads in telephone directories and periodicals	\$150
312122	Alcohol - Beer Off Premises Only	\$75 In addition to all other taxes whether Federal, State or Local
312121	Alcohol - Beer On Premises Only	\$75 In addition to all other taxes whether Federal, State or Local
312132	Alcohol - Beer Wholesale Distributor	\$275 In addition to all other taxes whether Federal, State or Local
312132.02	Alcohol - Beer & Wine Wholesale Distributor	\$375 In addition to all other taxes

		whether Federal, State or Local
312141	Alcohol - Liquor On or Off Premises	\$150 + 5% of purchases Payment for this tax is to be made by the 20 <sup>th</sup> of the month following the month the purchases were made, and must be accompanied by a sworn statement specifying the amount purchased
312131	Alcohol - Wine Off Premises Only	\$75 In addition to all other taxes whether Federal, State or Local
312131	Alcohol - Wine On Premises Only	\$75 In addition to all other taxes whether Federal, State or Local
312132.01	Alcohol - Wine Wholesale Distributor	\$275 In addition to all other taxes whether Federal, State or Local
722410	Alcohol - Bars, Lounge, Nightclubs, Pubs (primarily engaged in preparing and serving alcoholic beverages, may provide limited food services)	\$300.00 In addition to all other taxes whether Federal, State or Local
445310	Alcohol - Package Stores Beer, Wine, and Liquor Stores (only)	\$600 License from Alabama ABC Board Required
812910	Animal Grooming (boarding, grooming, sitting, and training)	\$100
541310	Architect (Architectural Services)	\$200
541320	Architectural Landscape Services	\$200 State Registration Required
541110	Attorney	\$200

453998	Auction Houses – General merchandise, Ordinary Merchandise, Livestock	\$175
811121	Automotive Body and Paint	\$150
441110	Automotive Dealers New	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
441120	Automotive Dealers Used	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
811122	Automotive Glass Replacement Shops (replacing, repairing and/or tinting)	\$150
441310	Automotive Parts and Accessories Stores	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
522111	Bank Branch Or ATM – Not Main Office Of Bank	<p>\$10</p> <p>State Regulated per 11-51-130 of</p>

		the Code of Alabama
522101	Bank Main Office – Not Branch Location or ATM	\$125 State Regulated per 11-51-130 of the Code of Alabama
523110	Banking - Investment and Securities Dealing	\$150
522292	Banking - Mortgage/Loan Companies Real Estate Credit (home equity lending, mortgage companies or banking	\$150
522121	Banking - S&L Branch Or ATM – Not Main Office Of S&L	\$10 State Regulated per 11-51-131 of the Code of Alabama
522120	Banking - Savings & Loans – Not Branch Location Or ATM	\$125 State Regulated per 11-51-131 of the Code of Alabama
812111	Barber Shop	\$100 for one operator or chair plus \$50 for each additional operator or chair
812112	Beauty Salon	\$100 for one operator or chair plus \$50 for each additional operator or chair
713990	Billiard or Pool Tables	\$500 for first table plus \$250 for each additional table.
812990	Bondsmen	\$150 Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+)
451211	Book Stores	

		fee with a maximum of \$5000.00.
312112	Bottlers	Schedule "B" Yearly Gross receipts up to \$60,000.00 equals (=) \$200.00 license fee. Yearly Gross receipts over \$60,000.00 equals = total gross receipts minus (-) \$60,000.00 multiplied by (x) .00075 plus (+) \$200.00 (flat fee) equals (=) license fee with a maximum of \$5000.00.
713950	Bowling Centers	\$100 for each lane
444110	Building Material (home centers, building materials, home improvement)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
487110	Buses (tours, scenic and sightseeing, trolleys, horse-drawn carriage rides)	\$150
515210	Cable TV: (a) For companies non-franchised by the City.	5% of gross operating revenue or maximum allowed by State
515210.01	Cable TV: (b) For franchised companies.	5% of gross operating revenue or maximum allowed by State
811192	Car Washes / Detail (Coin Operated or Physical) (automotive detail shops, mobile car and truck washes, car washes)	\$150
722320	Caterers (prepare food at off-premise site and transport meals and snacks to events)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over

		\$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
624410	Child Day Care Services / Nurseries	\$175 License required by Alabama Department of Human Resources
454310	Coal and Wood Dealers (firewood, bottled gas, fuel and heating oil)	\$50
561440	Collection Service – Collection Agency, Debt Collector (account or delinquent account collections, tax collections services, bill or debt collection services)	\$50
541511	Computer Programmer Professional License (Individual and/or Firm)	\$200
446111	Consultant - Independent including mobile sales, cosmetics, jewelry, and home party/sales	\$50
541611	Consultants (Travel, Financial, Management, etc.)	\$150
337125	Contractor - Cabinet Makers (household furniture manufacturing except wood and metal)	\$150
561790	Contractor -Chimney, Gutter, Drain Swimming Pool Cleaning Services	\$150
236220	Contractor - Construction - Commercial and Institutional Building	\$150 State Certification is required
238310	Contractor - Drywall and Insulation (Drywall, plaster work and building insulation work. Acoustical ceiling tile and panel installation, lathing, drop ceiling installation, soundproofing, firestop, fresco, taping and finishing)	\$150
238210	Contractor - Electrical and Other Wiring Installation	\$150 State Certification is required

238350	Contractor - Finish Carpentry (cabinets, molding or trim, countertop, paneling, door and window frame construction, garage door installation, window and door installation)	\$150
238330	Contractor - Flooring	\$150
238130	Contractor - Framing Under Homebuilder Supervision	\$150
236220.01	Contractor - General	\$150 State Certification is required List of sub-contractors required
238150	Contractor - Glass and Glazing	\$150
237310	Contractor - Highway, Street and Bridge (airport runway, highway line painting, traffic lanes or parking lot lines painting, pothole filling, resurfacing highway, road, street or bridge, and guardrail construction)	\$150
561720	Contractor - Janitorial Services	\$150
238140	Contractor - Masonry (block laying, marble, granite, and slate exterior, bricklaying, masonry, pointing, cleaning, or caulking, concrete block laying, stucco, and foundation building (brick, stone or block)	\$150
238220	Contractor - Plumbing and Heating and Air Conditioning (HVAC) (lawn and fire sprinkler installation, sewer hookup and connection, cooling tower installation, heating, ventilation, duct work Installation, fireplace, natural gas installation, furnace installation)	\$150 State Certification is required
238160	Contractor - Roofing (painting, spraying, or coating, sheet metal roofing installation, shake and shingle installation, skylight installation)	\$150
238170	Contractor - Siding (downspout, gutter, and gutter guard installation, fascia, and soffit installation, vinyl, wood, aluminum siding installation)	\$150

541890	Contractor - Sign Painters - Other Services Related to Advertising (sign lettering and painting, display lettering, store window dressing, keychains, magnets)	\$150
238910	Contractor - Site Preparation	\$150
238990	Contractor - All Other Specialty Trade (Billboards, swimming pool, paver installation, driveway and parking lot paving or sealing, sandblasting building exteriors, fence installation, scaffold erecting and dismantling, manufactured home set up and tie-down, interlocking brick and block and house mover)	\$150
445120	Convenience, Food and Beverage and Grocery, and Commodities (limited line of goods including milk, bread, soda, and snacks)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
492110	Couriers	\$150
999999.00	Delivery into the city	Schedule "I" Delivery Gross Receipts less than \$10,000 = no license  Delivery Gross Receipts over \$10,000 = license fee of \$100
812320	Dry Cleaning and/or Pressing Clothing (Dry cleaning and Laundry Services except coin-operated)	\$175
561311	Employment Placement Agencies	\$150
541330	Engineer (Engineering Services)	\$200  State License Required

811310	Equipment Repair & Maintenance Commercial and Industrial Machinery and Equipment (except auto and electronic) Repair and Maintenance	\$100
525.00	Estate Sale Management	\$200
711190	Event Entertainment - Carnivals (a) per day	\$375 per day Must be purchased at city hall
711190.01	Event Entertainment - Carnivals per week	\$1,500 per week Must be purchased at city hall
713.03	Event Entertainment - Concerts or Entertainments: To be levied on the person or group providing the concert or entertainment, and not on the person or group providing the venue – per event	\$100 per event Must be purchased at city hall
713120	Event Entertainment - Machines: Coin operated, amusement, game and music	\$35
561710	Exterminators and Pest Control Services	\$100 State license/certification required
115210	Farriers (activities for animal production, semen banks, boarding, branding, breeding, hoof trimming)	\$100
453220	Flea Market (rental of booths)	\$30 per booth
453310	Flea Market Items (Used Merchandise sales, books, consignment)	\$175
453110	Florists	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

722310	Food Service Companies (food concession, cafeteria food service)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
812210	Funeral Homes and Funeral Services (provides facilities for wakes, arranging transport of the dead, selling caskets and related merchandise, director services, embalming services, mortician services, mortuaries and undertaker services)	\$200
811111	Garages, Mechanic, Auto Repair (general repair)	\$175
221210	Gas Companies	Schedule "D" 3% of gross receipts. (See 11-51-129 of the 1975 <i>Alabama Code</i> )
424720	Gasoline	<p>Schedule "E" Wholesale, \$100 plus (+) \$0.02 per gallon sold or delivered. Payment of this tax is to be made by the 20<sup>th</sup> of the month following the month the sales were made, and must be accompanied by a sworn statement specifying the number of gallons sold. (This subsection adopted 14 November 1961 effective 01 December 1961; and amended by Ordinance 93F to change to \$0.02 per gallon. Re-amended 11 October 1993 by Ord. 93L)</p> <p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over</p>
452990	General Merchandise Stores	

		\$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
541430	Graphic Design Services	\$100
713940	Gym Fitness and Recreational	\$150
621910	Healthcare - Ambulances - Each ambulance that services pick up inside the City	\$150 for the first ambulance \$100 for each additional
623312	Healthcare - Assisted Living Facility (without on-site nursing care, without nursing care, and rest homes without nursing care	\$200
623311	Healthcare - Assisted Living Facility with nursing care	\$200
621310	Healthcare - Chiropractors	\$200
339116	Healthcare - Dental Laboratories (Bridges custom made, Dental Labs, Dentures custom made, Orthodontic Appliance custom made, custom made Teeth)	\$150
621210	Healthcare - Dentists	\$200
812191	Healthcare - Diet and Weight Reducing Centers	\$100
621610	Healthcare - Home Health Care Services	\$150
621492	Healthcare - Kidney Dialysis Centers	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

621511	Healthcare - Lab Facility, Lab Tech (local or mobile) Medical Laboratories (blood, pathology, bacteriological, forensic, medical testing)	\$125
623110	Healthcare - Nursing Home With Nursing Care	\$200
621320	Healthcare - Optometrist	\$200
446110	Healthcare - Pharmacy and Drug Stores (Health & Personal Care, Cosmetics, Health Food)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
621340	Healthcare - Physical, Occupational, Speech Therapists and Audiologists	\$200
621111	Healthcare - Physicians except Mental Health Specialists	\$200
621112	Healthcare - Physicians Mental Health Specialists	\$200
621391	Healthcare - Podiatrist	\$200
621330	Healthcare - Psychologist	\$200
541112	Healthcare - Therapist (Independent no permanent Facility)	\$200
541940	Healthcare - Veterinarian Services (Individual and/or Firm)	\$200
721110	Hotels	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license

		fee with a maximum of \$5000.00.
454110	In Home Sales	\$150
611699	Independent Schools and Specialty Training and Education	\$200
541350	Inspectors - Home (Residential and Commercial Building Inspection Services)	\$150
611620	Instructor – Gymnastic, Martial Arts, Exercise, Art, Fitness, Dance, Hobbies etc.	\$150
524.01	Insurance – All Other	<b>Schedule “F”</b> Other than Fire and Marine Companies - \$15 + 1% of the gross premiums, less return premiums. A sworn statement, verified by the company president, vice-president, or secretary, of the amount of gross premiums, less return premiums received on all policies issued in the City shall accompany payment. Both are due by March 2 of each year for the preceding year. (See 11-51-120/123 of the 1975 <i>Alabama Code</i> )
524.00	Insurance- Fire and Marine	<b>Schedule “F”</b> Fire and Marine Companies – 4% of the gross premiums, less return premiums, on property located in the City. A sworn statement of the amount of gross premiums less return premiums on property located in the City shall accompany the tax payment. (See 11-51-120/123 of the 1975 <i>Alabama Code</i> )

524210	Insurance Agencies and Brokerages (agencies, brokerages, brokers)	\$175
541410	Interior Design Service	\$100
561730	Landscaping Services (planting trees, shrubs, plants, lawns, or gardens and maintenance, design of landscape and construction of walkways, retaining walls, decks, fences, ponds, & chemicals)	\$150 State Certification Required
812310	Laundry (Coin-operated laundries and drycleaners)	Schedule "G" Self-service, coin-operated- Up to ten machines \$100 plus (+) \$5 for each additional machine
561730.01	Lawn Care, (grass cutting only, no chemicals or planting)	\$75
812331	Linen Supply (rental or contract basis laundered items such as table and bed linens, towels, diapers, uniforms, and gowns)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
561622	Locksmiths	\$100 Requires Certifications from the Electronic Security Board of Licensure of Alabama
444190	Lumber Yards (other building material dealers, electrical supply, fencing, plumbing supply, prefabricated building dealers, glass)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

332710	Machine Shop	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
454210	Machines: Vending, Snacks, Drinks & Weighing Machine	\$35 each
311000	Manufacturers	<p>Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
812199.02	Massage Therapy	<p>\$225 One Therapist &amp; Facility, plus \$50 each additional operator</p> <p>State License is required</p>
722330	Mobile Food Services (ice cream, mobile food concession stands, mobile canteens, mobile refreshment stands, mobile food carts, mobile snack stands)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
423990	Monuments	\$100
512120	Motion Picture and Video Distribution and/or Production	\$150

484230	Motor Vehicle Carriers (specialized freight)	\$100
484210	Moving (household and office)	\$100
484210.01	Moving and Storage PODS (portable on demand storage)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
512250	Music Studio – Recording, Producing, Promoting, Distribution etc.	\$150
812113	Nail Salon	\$100 for one operator or chair plus \$50 for each additional operator or chair
511110	Newspapers and Job Printing	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
522298	Pawn Shops / Brokers / Title Pawn / Merchandise / Check Cashing All Other Non-depository Credit Intermediation (short term credit, consumer cash lending and Pawn Shops)	\$300
454391	Peddler, Curb Market, Temporary Site (local)	\$150
454391.01	Peddler, Door to Door Solicitation – Transient	\$300 Copy of Driver's License Required

		Register with Police Dept. Dawn till Dusk Only
711510	Photographers (Other no Permanent Studios Independent Artists, Writers, and Performers (actors, actresses, announcers, artists, authors, ballet dancers, cameramen, cartoonists, comedians, directors, disc jockeys, music arrangers and directors, storytellers, taxidermists, etc.)	\$50 per week  or  \$250 per year
541921	Photographers: (a) Studio permanently within the City (Photography Studios, Portrait)	\$125
922150	Probation Services (Parole and Probation)	\$150
541990	Professional Services Not Elsewhere Classified	\$200
531312	Property Managers – Nonresidential	\$125
531311	Property Managers Residential	\$125
482111	Railroads	\$100 + 10 per passenger car
531210	Real Estate Agencies (agents)	\$125 per agency + \$75 for each agent
531320	Real Estate Appraisers	\$75  License required from Alabama Real Estate Appraiser Board
721199	Rental – Airbnb, Bed and Breakfast and All Other Travelers Accommodations (guest houses, tourist homes, cabins and cottages, youth hostels)	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
532289	Rental – All Other Consumer Goods	\$150

532112	Rental – Leasing Vehicles on and off Road and Passenger Car Leasing (Long term)	\$150
532420	Rental – Leasing Furniture, Equipment, Consumer Goods	\$150
531130	Rental – Mini-warehouses and self-storage units	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
531190	Rental – Mobile Home Park (mobile home sites, vacant lots, flea market space, and grazing, farm, or forest land)	\$50.00 Each Unit
531110	Rental of Real Estate (apartments, duplex, houses, cottage, houses, mobile home, town house rentals)	\$50.00 per Unit per year
722511	Restaurants Full-Service	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.  Health Department Approval Required
722513	Restaurants Limited-Service (fast food, drive through)	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross

		<p>receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p> <p>Health Department Approval Required</p>
517410	Satellite Telecommunications	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
321113	Saw Mills, Custom, Grist, or Planing Mills	\$200
561612	Security Guard Services (Security Guards and Patrol Services, bodyguard, guard dog and parking security)	\$175
561621	Security System Services Installation and Monitoring (burglar and fire alarms, installation, repair, or monitoring of electronic security alarm systems)	<p>\$150</p> <p>State License is required</p>
562991	Septic Tank and Related Services (pumping, renting and /or servicing portable toilets) (installation under 238910)	<p>\$150</p> <p>State Certification is required</p> <p>Shelby County Health Department approval is also required to operate</p>
512240	Sound Recording Studios	\$150
812199	Spa – permanent facility, nail tech, cosmetologist etc. (day spa, hair removal, saunas, ear piercing, hair replacement, or weaving services, tanning, message, permanent makeup)	<p>\$225 One Therapist &amp; Facility, plus \$50 each additional operator</p> <p>Proper Certification is required</p>

722515	Specialty Food and Drink (ice cream, frozen yogurt, cookies, popcorn, bagels, doughnuts, or pretzels and nonalcoholic beverages)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
541360	Surveyor and Mapping Services	<p>\$150</p> <p>\$200</p> <p>Must have Health Department Approval</p> <p>Requires State License</p> <p>All contaminated waste generated by a Tattoo Artist or Body Piercer shall be removed by a licensed biohazard disposal service. All tattoo and body piercing shall be performed in a clean, sanitary area separate from and out of view of the waiting area. All tattoo parlors and body piercers licensed by the City shall be subject to all federal, state and county rules and regulations governing tattoo parlors and body piercers.</p> <p>No minor shall be administered a tattoo or any other body piercing procedure without written consent from a parent or guardian.</p> <p>No one shall administer or be administered a tattoo or any other body piercing procedure while under the influence of</p>
812199.01	Tattoo Shop / Artist / Body Piercers	

		alcohol, prescription medication, or any substance controlled by 13A-12-201 to 13A-12-294 of the 1975 <i>Alabama Code</i> .
485310	Taxi Cabs – Limousine	\$100 for first vehicle plus \$50 for each additional vehicle
561422	Telemarketing, Office, Agents – (Phone Sales (Bureaus and Other contact Centers (customer service call centers, order taking for clients via internet, soliciting contributions, providing information about products or services)	\$175
517002	Telephone Companies: (a) Per local exchange	\$225
517003	Telephone Companies: (b) Per intrastate long distance exchange	\$75
517911	Telephone Pre-Paid Cards	\$75
441320	Tire Shop (new and used, repair and maintenance)	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
524.02	Title Insurer	\$100
484121	Trucking Companies, hauling, leasing and sales	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license

		fee with a maximum of \$5000.00.
484121.01	Trucking Companies, hauling, leasing (no sales)	\$100
811211	TV and Radio Repair Shops (electronics repair and maintenance, television, stereos, speakers, video recorders, radios and cameras)	\$100
811420	Upholstery (refinishing, repair and restoring)	\$100
532282	Video Rental (prerecorded movies and games)	\$200
562111	Waste Collection – Trash, debris, brush, or rubble	<p>Schedule “A”</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
424990	Wholesale Selling	<p>Schedule “H”</p> <p>Yearly Gross receipts up to \$60,000.00 equals (=) \$150.00 license fee.</p> <p>Yearly Gross receipts over \$60,000.00 equals = total gross receipts minus (-) \$60,000.00 multiplied by (x) .00075 plus (+) \$150.00 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
321999	Woodwork Factories and Fence Manufacturers	<p>Schedule “A”</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>

488410	Wrecker Service – Towing	\$150 per wrecker
999999.01	Unclassified miscellaneous <b>business</b> services not elsewhere classified	\$75
999999.02	Unclassified miscellaneous <b>personal</b> services not elsewhere classified	\$75
19	Tobacco Products: (a) Cigarettes – For packages 1-20	\$0.10
19	Tobacco Products: (a) Cigarettes – For packages 21-40	\$0.20
19	Tobacco Products: € Cigarettes – For packages over 40	\$0.30
19	Tobacco Products: This tax is to be paid by the consumer, but collected monthly by the City from the wholesaler. Any tobacco wholesaler doing business in the City of Montevallo must keep and make available to the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20 <sup>th</sup> of each month, for sales of the preceding month.	
19	Tobacco Products: Cigars, etc.: (a) For packages of 1-20 cigars	\$0.04
19	Tobacco Products: Cigars, etc.: (b) For packages 21-40	\$0.08
19	Tobacco Products: Cigars, etc.: € For packages over 40	\$0.12
19	Tobacco Products: (d) For pouches or cans or similar containers of chewing, or loose, or pipe tobacco or snuff or other tobacco products of up to four ounces	\$0.04
19	Tobacco Products: € For heavier pouches or cans	\$0.08
19	Tobacco Products: (f) For packs of rolling papers	\$0.08
19	Tobacco Products: (g) This tax is to be paid by the consumer, but collected monthly by the City from the wholesalers. Any tobacco wholesaler doing business in the City of Montevallo must keep and make available to the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20 <sup>th</sup> of each month, for sales of	

	the preceding month.	
19	<b>Other Tobacco Products: (a)</b> For all tobacco products not covered above, and for cigarette papers	10% of wholesale price
19	<b>Other Tobacco Products: (b)</b> This tax is to be paid by the consumer, but collected monthly by the City from the wholesalers. Any tobacco wholesaler doing business in the City of Montevallo must keep and make available to the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20 <sup>th</sup> of each month, for sales of the preceding month.	

**Numeric Listing**

Schedule Code	Description	Amount / Schedule
115210	Farriers (activities for animal production, semen banks, boarding, branding, breeding, hoof trimming)	\$100
221210	Gas Companies	Schedule "D" 3% of gross receipts. (See 11-51-129 of the 1975 <i>Alabama Code</i> )
236220	Contractor - Construction - Commercial and Institutional Building	\$150 State Certification is required
236220.01	Contractor - General	\$150 State Certification is required List of sub-contractors required
237310	Contractor - Highway, Street and Bridge (airport runway, highway line painting, traffic lanes or parking lot lines painting, pothole filling, resurfacing highway, road, street or bridge, and guardrail construction)	\$150
238130	Contractor - Framing Under Homebuilder Supervision	\$150

238140	Contractor - Masonry (block laying, marble, granite, and slate exterior, bricklaying, masonry, pointing, cleaning, or caulking, concrete block laying, stucco, and foundation building (brick, stone or block))	\$150
238150	Contractor - Glass and Glazing	\$150
238160	Contractor - Roofing (painting, spraying, or coating, sheet metal roofing installation, shake and shingle installation, skylight installation)	\$150
238170	Contractor - Siding (downspout, gutter, and gutter guard installation, fascia, and soffit installation, vinyl, wood, aluminum siding installation)	\$150
238210	Contractor - Electrical and Other Wiring Installation	\$150 State Certification is required
238220	Contractor - Plumbing and Heating and Air Conditioning (HVAC) (lawn and fire sprinkler installation, sewer hookup and connection, cooling tower installation, heating, ventilation, duct work installation, fireplace, natural gas installation, furnace installation)	\$150 State Certification is required
238310	Contractor - Drywall and Insulation (Drywall, plaster work and building insulation work. Acoustical ceiling tile and panel installation, lathing, drop ceiling installation, soundproofing, firestop, fresco, taping and finishing)	\$150
238330	Contractor - Flooring	\$150
238350	Contractor - Finish Carpentry (cabinets, molding or trim, countertop, paneling, door and window frame construction, garage door installation, window and door installation)	\$150
238910	Contractor - Site Preparation	\$150
238990	Contractor - All Other Specialty Trade (Billboards, swimming pool, paver installation, driveway and parking lot paving or sealing, sandblasting building exteriors, fence installation, scaffold erecting and dismantling, manufactured home set up and tie-down, interlocking	\$150

	brick and block and house mover)	
311000	Manufacturers	<p>Schedule "A"                      Yearly  Gross receipts up to \$100,000.00  equals (=) \$100.00 license fee.  Yearly Gross receipts over  \$100,000.00 equals = total gross  receipts minus (-) \$100,000  multiplied by (x) .00075 plus (+)  \$100 (flat fee) equals (=) license  fee with a maximum of \$5000.00.</p>
312112	Bottlers	<p>Schedule "B"                      Yearly  Gross receipts up to \$60,000.00  equals (=) \$200.00 license fee.  Yearly Gross receipts over  \$60,000.00 equals = total gross  receipts minus (-) \$60,000.00  multiplied by (x) .00075 plus (+)  \$200.00 (flat fee) equals (=)  license fee with a maximum of  \$5000.00.</p>
312121	Alcohol - Beer On Premises Only	<p>\$75  In addition to all other taxes  whether Federal, State or Local</p>
312122	Alcohol - Beer Off Premises	<p>\$75  In addition to all other taxes  whether Federal, State or Local</p>
312131	Alcohol - Wine Off Premises Only	<p>\$75  In addition to all other taxes  whether Federal, State or Local</p>
312131	Alcohol - Wine On Premises Only	<p>\$75  In addition to all other taxes  whether Federal, State or Local</p>
312132	Alcohol - Beer Wholesale Distributor	<p>\$275  In addition to all other taxes</p>

		whether Federal, State or Local
312132.01	Alcohol - Wine Wholesale Distributor	\$275 In addition to all other taxes whether Federal, State or Local
312132.02	Alcohol - Beer & Wine Wholesale Distributor	\$375 In addition to all other taxes whether Federal, State or Local
312141	Alcohol - Liquor On or Off Premises - Payment for this tax is to be made by the 20 <sup>th</sup> of the month following the month the purchases were made, and must be accompanied by a sworn statement specifying the amount purchased	\$150 + 5% of purchases
321113	Saw Mills, Custom, Grist, or Planing Mills	\$200
321999	Woodwork Factories and Fence Manufacturers	<b>Schedule "A"</b> Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
332710	Machine Shop	<b>Schedule "A"</b> Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
337125	Contractor - Cabinet Makers (household furniture manufacturing except wood and metal)	\$150

339116	Healthcare - Dental Laboratories (Bridges custom made, Dental Labs, Dentures custom made, Orthodontic Appliance custom made, custom made Teeth)	\$150
423990	Monuments	\$100
424720	Gasoline	Schedule "E" Wholesale, \$100 plus (+) \$0.02 per gallon sold or delivered. Payment of this tax is to be made by the 20 <sup>th</sup> of the month following the month the sales were made, and must be accompanied by a sworn statement specifying the number of gallons sold. (This subsection adopted 14 November 1961 effective 01 December 1961; and amended by Ordinance 93F to change to \$0.02 per gallon. Re-amended 11 October 1993 by Ord. 93L)
424990	Wholesale Selling	Schedule "H" Yearly Gross receipts up to \$60,000.00 equals (=) \$150.00 license fee. Yearly Gross receipts over \$60,000.00 equals = total gross receipts minus (-) \$60,000.00 multiplied by (x) .00075 plus (+) \$150.00 (flat fee) equals (=) license fee with a maximum of \$5000.00.
441110	Automotive Dealers New	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

441120	Automotive Dealers Used	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
441310	Automotive Parts and Accessories Stores	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
441320	Tire Shop (new and used, repair and maintenance)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
444110	Building Material (home centers, building materials, home improvement)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license</p>

		fee with a maximum of \$5000.00.
444190	Lumber Yards (other building material dealers, electrical supply, fencing, plumbing supply, prefabricated building dealers, glass)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
445120	Convenience, Food and Beverage and Grocery, and Commodities (limited line of goods including milk, bread, soda, and snacks)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
445310	Alcohol - Package Stores Beer, Wine, and Liquor Stores (only)	\$600 License from Alabama ABC Board Required
446110	Healthcare - Pharmacy and Drug Stores (Health & Personal Care, Cosmetics, Health Food)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
446111	Consultant - Independent including mobile sales, cosmetics, jewelry, and home party/sales	\$50

451211	Book Stores	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
452990	General Merchandise Stores	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
453110	Florists	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
453220	Flea Market (rental of booths)	\$30 per booth
453310	Flea Market Items (Used Merchandise sales, books, consignment)	\$175
453998	Auction Houses – General merchandise, Ordinary Merchandise, Livestock	\$175
454110	In Home Sales	\$150

454210	Machines: Vending, Snacks, Drinks & Weighing Machine	\$35 each
484230	Motor Vehicle Carriers (specialized freight)	\$100
454310	Coal and Wood Dealers (firewood, bottled gas, fuel and heating oil)	\$50
454391	Peddler, Curb Market, Temporary Site (local)	\$150
454391.01	Peddler – Door to Door Solicitation – Transient	\$300 Copy of Driver’s License Required Register with Police Dept. Dawn till Dusk Only
482111	Railroads	\$100 + 10 per passenger car
484121	Trucking Companies, hauling, leasing and sales	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
484121.01	Trucking Companies, hauling, leasing (no sales)	\$100
484210	Moving (household and office)	\$100
484210.01	Moving and Storage PODS (portable on demand storage)	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

485310	Taxi Cabs - Limousine	\$100 for first vehicle plus \$50 for each additional vehicle
487110	Buses (tours, scenic and sightseeing, trolleys, horse-drawn carriage rides)	\$150
488410	Wrecker Service - Towing	\$150 per wrecker
492110	Couriers	\$150
524.00	Insurance- Fire and Marine	Schedule "F" Fire and Marine Companies – 4% of the gross premiums, less return premiums, on property located in the City. A sworn statement of the amount of gross premiums less return premiums on property located in the City shall accompany the tax payment. (See 11-51-120/123 of the 1975 <i>Alabama Code</i> )
524.01	Insurance – All Other	Schedule "F" Other than Fire and Marine Companies - \$15 + 1% of the gross premiums, less return premiums. A sworn statement, verified by the company president, vice-president, or secretary, of the amount of gross premiums, less return premiums received on all policies issued in the City shall accompany payment. Both are due by March 2 of each year for the preceding year. (See 11-51-120/123 of the 1975 <i>Alabama Code</i> )
524.02	Title Insurer	\$100
525.00	Estate Sale Management	\$200
511110	Newspapers and Job Printing	Schedule "A" Yearly Gross receipts up to

		<p>\$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
511120	Advertising soliciting ads in telephone directories and periodicals	\$150
512120	Motion Picture and Video Distribution and/or Production	\$150
512240	Sound Recording Studios	\$150
512250	Music Studio – Recording, Producing, Promoting, Distribution etc.	\$150
515210	Cable TV: (a) For companies non-franchised by the City.	5% of gross operating revenue or maximum allowed by State
515210.01	Cable TV: (b) For franchised companies.	5% of gross operating revenue or maximum allowed by State
517002	Telephone Companies: (a) Per local exchange	\$225
517003	Telephone Companies: (b) Per intrastate long distance exchange	\$75
517410	Satellite Telecommunications	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
517911	Telephone Pre-Paid Cards	\$75

522101	Bank Main Office – Not Branch Location or ATM	\$125 State Regulated per 11-51-130 of the Code of Alabama
522111	Bank Branch Or ATM – Not Main Office Of Bank	\$10 State Regulated per 11-51-130 of the Code of Alabama
522120	Banking - Savings & Loans – Not Branch Location Or ATM	\$125 State Regulated per 11-51-131 of the Code of Alabama
522121	Banking - S&L Branch Or ATM – Not Main Office Of S&L	\$10 State Regulated per 11-51-131 of the Code of Alabama
522292	Banking - Mortgage/Loan Companies Real Estate Credit (home equity lending, mortgage companies or banking	\$150
522298	Pawn Shops / Brokers / Title Pawn / Merchandise / Check Cashing All Other Non-depository Credit Intermediation (short term credit, consumer cash lending and Pawn Shops)	\$300
523110	Banking - Investment and Securities Dealing	\$150
524210	Insurance Agencies and Brokerages (agencies, brokerages, brokers)	\$175
531130	Rental - Mini-warehouses and self-storage units	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

531110	Rental of Real Estate (apartments, duplex, houses, cottage, houses, mobile home, town house rentals)	\$50.00 per Unit per year
531190	Rental - Mobile Home Park (mobile home sites, vacant lots, flea market space, and grazing, farm, or forest land)	\$50.00 Each Unit
531210	Real Estate Agencies (agents)	\$125 per agency + \$75 for each agent
531311	Property Managers - Residential	\$125
531312	Property Managers - Nonresidential	\$125
531320	Real Estate Appraisers	\$75 License required from Alabama Real Estate Appraiser Board
532112	Rental - Leasing Vehicles on and off Road and Passenger Car Leasing (Long term)	\$150
532289	Rental - All Other Consumer Goods	\$150
532420	Rental - Leasing Furniture, Equipment, Consumer Goods	\$150
541110	Attorney	\$200
541112	Healthcare - Therapist (Independent no permanent Facility)	\$200
541211	Accountant / CPA	\$200
541211.01	Accounting, bookkeeping, tax preparation	\$150
541310	Architect (Architectural Services)	\$200
541320	Architectural Landscape Services	\$200 State Registration Required
541330	Engineer (Engineering Services)	\$200 State License Required

541350	Inspectors - Home (Residential and Commercial Building Inspection Services)	\$150
541360	Surveyor and Mapping Services	\$150
541410	Interior Design Service	\$100
541430	Graphic Design Services	\$100
541511	Computer Programmer Professional License (Individual and/or Firm)	\$200
541810	Advertising Agencies	\$150
541870	Advertising for distributing hand bills	\$50
541921	Photographers: (a) Studio permanently within the City (Photography Studios, Portrait)	\$125
541940	Healthcare - Veterinarian Services (Individual and/or Firm)	\$200
541990	Professional Services Not Elsewhere Classified	\$200
561311	Employment Placement Agencies	\$150
561422	Telemarketing, Office, Agents – (Phone Sales (Bureaus and Other contact Centers (customer service call centers, order taking for clients via internet, soliciting contributions, providing information about products or services)	\$175
561440	Collection Service – Collection Agency, Debt Collector (account or delinquent account collections, tax collections services, bill or debt collection services)	\$50
561612	Security Guard Services (Security Guards and Patrol Services, bodyguard, guard dog and parking security)	\$175
561621	Security System Services Installation and Monitoring (burglar and fire alarms, installation, repair, or monitoring of electronic security alarm systems)	\$150 State License is required
561622	Locksmiths	\$100 Requires Certifications from the

		Electronic Security Board of Licensure of Alabama
561710	Exterminators and Pest Control Services	\$100 State Certification is required
561720	Contractor - Janitorial Services	\$150
561730	Landscaping Services (planting trees, shrubs, plants, lawns, or gardens and maintenance, design of landscape and construction of walkways, retaining walls, decks, fences, ponds, & chemicals)	\$150 State Certification Required
561730.01	Lawn Care, (grass cutting only, no chemicals or planting)	\$75
562111	Waste Collection – Trash, debris, brush, or rubble	Schedule “A” Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
562991	Septic Tank and Related Services (pumping, renting and /or servicing portable toilets) (installation under 238910)	\$150 State Certification is required Shelby County Health Department approval is also required to operate
532282	Video Rental (prerecorded movies and games)	\$200
541611	Consultants (Travel, Financial, Management, etc.)	\$150
541860	Advertising for soliciting other commercial ads (Direct Mail Advertising)	\$75
541890	Contractor - Sign Painters - Other Services Related to Advertising (sign lettering and painting, display lettering, store window dressing, keychains, magnets)	\$150

561790	Contractor -Chimney, Gutter, Drain Swimming Pool Cleaning Services	\$150
611620	Instructor – Gymnastic, Martial Arts, Exercise, Art, Fitness, Dance, Hobbies etc.	\$150
611699	Independent Schools and Specialty Training and Education	\$200
621111	Healthcare - Physicians except Mental Health Specialists	\$200
621112	Healthcare - Physicians Mental Health Specialists	\$200
621210	Healthcare - Dentists	\$200
621310	Healthcare - Chiropractors	\$200
621320	Healthcare - Optometrist	\$200
621330	Healthcare - Psychologist	\$200
621340	Healthcare - Physical, Occupational, Speech Therapists and Audiologists	\$200
621391	Healthcare - Podiatrist	\$200
621492	Healthcare - Kidney Dialysis Centers	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
621511	Healthcare - Lab Facility, Lab Tech (local or mobile) Medical Laboratories (blood, pathology, bacteriological, forensic, medical testing)	\$125
621610	Healthcare - Home Health Care Services	\$150

621910	Healthcare - Ambulances - Each ambulance that services pick up inside the City	\$150 for the first ambulance \$100 for each additional
623110	Healthcare - Nursing Home With Nursing Care	\$200
623311	Healthcare - Assisted Living Facility with nursing care	\$200
623312	Healthcare - Assisted Living Facility (without on-site nursing care, without nursing care, and rest homes without nursing care)	\$200
624120	Adult Day Care (Services for the Elderly and Persons with Disabilities)	\$175
624410	Child Day Care Services / Nurseries	\$175 License required by Alabama Department of Human Resources
711190	Event Entertainment - Carnivals (a) per day	\$375 per day Must be purchased at city hall
711190.01	Event Entertainment - Carnivals per week	\$1,500 per week Must be purchased at city hall
711510	Photographers (Other no Permanent Studios Independent Artists, Writers, and Performers (actors, actresses, announcers, artists, authors, ballet dancers, cameramen, cartoonists, comedians, directors, disc jockeys, music arrangers and directors, storytellers, taxidermists, etc.)	\$50 per week or \$250 per year
713.03	Event Entertainment - Concerts or Entertainments: To be levied on the person or group providing the concert or entertainment, and not on the person or group providing the venue – per event	\$100 per event Must be purchased at city hall.
713120	Event Entertainment - Machines: Coin operated, amusement, game and music	\$35
713940	Gym Fitness and Recreational	\$150
713950	Bowling Centers	\$100 for each lane

713990	Billiard or Pool Tables	\$500 for first table plus \$250 for each additional table.
721110	Hotels	<p>Schedule "A"  Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
721199	Rental - Airbnb, Bed and Breakfast and All Other Travelers Accommodations (guest houses, tourist homes, cabins and cottages, youth hostels)	<p>Schedule "A"  Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
722310	Food Service Companies (food concession, cafeteria food service)	<p>Schedule "A"  Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
722320	Caterers (prepare food at off-premise site and transport meals and snacks to events)	<p>Schedule "A"  Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross</p>

		multiplied by (x) .00075 plus (+)\$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
722330	Mobile Food Services (ice cream, mobile food concession stands, mobile canteens, mobile refreshment stands, mobile food carts, mobile snack stands)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p>
722410	Alcohol - Bars, Lounge, Nightclubs, Pubs (primarily engaged in preparing and serving alcoholic beverages, may provide limited food services)	<p>\$300.00</p> <p>In addition to all other taxes whether Federal, State or Local</p>
722513	Restaurants Limited-Service (fast food, drive through)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p> <p>Health Department Approval Required</p>
722515	Specialty Food and Drink (ice cream, frozen yogurt, cookies, popcorn, bagels, doughnuts, or pretzels and nonalcoholic beverages)	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+)</p>

		\$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
722511	Restaurants Full-Service	<p>Schedule "A"</p> <p>Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee.</p> <p>Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.</p> <p>Health Department Approval Required</p>
811111	Garages, Mechanic, Auto Repair (general repair)	\$175
811121	Automotive Body and Paint	\$150
811122	Automotive Glass Replacement Shops (replacing, repairing and/or tinting)	\$150
811192	Car Washes / Detail (Coin Operated or Physical) (automotive detail shops, mobile car and truck washes, car washes)	\$150
811211	TV and Radio Repair Shops (electronics repair and maintenance, television, stereos, speakers, video recorders, radios and cameras)	\$100
811310	Equipment Repair & Maintenance Commercial and Industrial Machinery and Equipment (except auto and electronic) Repair and Maintenance	\$100
811420	Upholstery (refinishing, repair and restoring)	\$100
812111	Barber Shop	\$100 for one operator or chair plus \$50 for each additional operator or chair
812112	Beauty Salon	\$100 for one operator or chair

		plus \$50 for each additional operator or chair
812113	Nail Salon	\$100 for one operator or chair plus \$50 for each additional operator or chair
812191	Healthcare - Diet and Weight Reducing Centers	\$100
812199	Spa – permanent facility, nail tech, cosmetologist etc. (day spa, hair removal, saunas, ear piercing, hair replacement, or weaving services, tanning, message, permanent makeup)	\$225 One Therapist & Facility, plus \$50 each additional operator Proper Certification is required  \$200  Must have Health Department Approval  Requires State License  All contaminated waste generated by a Tattoo Artist or Body Piercer shall be removed by a licensed biohazard disposal service. All tattoo and body piercing shall be performed in a clean, sanitary area separate from and out of view of the waiting area. All tattoo parlors and body piercers licensed by the City shall be subject to all federal, state and county rules and regulations governing tattoo parlors and body piercers.
812199.01	Tattoo Shop / Artist / Body Piercers	<b>No minor shall be administered a tattoo or any other body piercing procedure without written consent from a parent or guardian.</b> No one shall administer or be administered a tattoo or any other body piercing procedure

		while under the influence of alcohol, prescription medication, or any substance controlled by 13A-12-201 to 13A-12-294 of the 1975 <i>Alabama Code</i> .
812199.02	Massage Therapy	\$225 One Therapist & Facility, plus \$50 each additional operator  State License is required
812210	Funeral Homes and Funeral Services (provides facilities for wakes, arranging transport of the dead, selling caskets and related merchandise, director services, embalming services, mortician services, mortuaries and undertaker services)	\$200
812310	Laundry (Coin-operated laundries and drycleaners)	Schedule "G" Self-service, coin-operated- Up to ten machines \$100 plus (+) \$5 for each additional machine
812320	Dry Cleaning and/or Pressing Clothing (Dry cleaning and Laundry Services except coin-operated)	\$175
812331	Linen Supply (rental or contract basis laundered items such as table and bed linens, towels, diapers, uniforms, and gowns)	Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.
812910	Animal Grooming (boarding, grooming, sitting, and training)	\$100
812990	Bondsmen	\$150
922150	Probation Services (Parole and Probation)	\$150
999999.00	Delivery into the city	Schedule "I" Delivery

		Gross Receipts less than \$10,000 = no license  Delivery Gross Receipts over \$10,000 = license fee of \$100
999999.01	Unclassified miscellaneous <b>business</b> services not elsewhere classified	\$75
999999.02	Unclassified miscellaneous <b>personal</b> services not elsewhere classified	\$75
19	Tobacco Products: (a) Cigarettes - For packages 1-20	\$0.10
19	Tobacco Products: (a) Cigarettes - For packages 21-40	\$0.20
19	Tobacco Products: (c) Cigarettes - For packages over 40	\$0.30
19	Tobacco Products: This tax is to be paid by the consumer, but collected monthly by the City from the wholesaler. Any tobacco wholesaler doing business in the City of Montevallo must keep and make available to the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20th of each month, for sales of the preceding month.	
19	Tobacco Products: Cigars, etc.: (a) For packages of 1-20 cigars	\$0.04
19	Tobacco Products: Cigars, etc.: (b) For packages 21-40	\$0.08
19	Tobacco Products: Cigars, etc.: (c) For packages over 40	\$0.12
19	Tobacco Products: (d) For pouches or cans or similar containers of chewing, or loose, or pipe tobacco or snuff or other tobacco products of up to four ounces	\$0.04
19	Tobacco Products: (e) For heavier pouches or cans	\$0.08
19	Tobacco Products: (f) For packs of rolling papers	\$0.08
19	Tobacco Products: (g) This tax is to be paid by the consumer, but collected monthly by the City from the wholesalers. Any tobacco wholesaler doing business in	

	the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20th of each month, for sales of the preceding month.	
19	Other Tobacco Products: (a) For all tobacco products not covered above, and for cigarette papers	10% of wholesale price
19	Other Tobacco Products: (b) This tax is to be paid by the consumer, but collected monthly by the City from the wholesalers. Any tobacco wholesaler doing business in the City of Montevallo must keep and make available to the City License Inspector records adequate to verify that the correct amount of tax has been paid. Payment of the tax is due on the 20th of each month, for sales of the preceding month.	

**Schedule "A"**

Schedule "A" Yearly Gross receipts up to \$100,000.00 equals (=) \$100.00 license fee. Yearly Gross receipts over \$100,000.00 equals = total gross receipts minus (-) \$100,000 multiplied by (x) .00075 plus (+) \$100 (flat fee) equals (=) license fee with a maximum of \$5000.00.

**Schedule "B"**

Schedule "B" Yearly Gross receipts up to \$60,000.00 equals (=) \$200.00 license fee. Yearly Gross receipts over \$60,000.00 equals = total gross receipts minus (-) \$60,000 multiplied by (x) .00075 plus (+) \$200.00 (flat fee) equals (=) license fee with a maximum of \$5000.00.

**Schedule "C"**

Schedule "C" \$30 per job plus (+) .005 times (x) the price of any work over \$2,000. In addition to builders' licenses.

**Schedule "D"**

Schedule "D" 3% of gross receipts. (See 11-51-129 of the 1975 *Alabama Code*)

**Schedule "E"**

Schedule "E" Wholesale, \$100 plus (+) \$0.02 per gallon sold or delivered. Payment of this tax is to be made by the 20<sup>th</sup> of the month following the month the sales were made, and must be accompanied by

a sworn statement specifying the number of gallons sold. (This subsection adopted 14 November 1961 effective 01 December 1961; and amended by Ordinance 93F to change to \$0.02 per gallon. Re-amended 11 October 1993 by Ord. 93L)

**Schedule "F"**

- (a) Fire and Marine Companies – 4% of the gross premiums, less return premiums, on property located in the City. A sworn statement of the amount of gross premiums less return premiums on property located in the City shall accompany the tax payment. (See 11-51-120 and 122 of the 1975 *Alabama Code*)
- (b) Other than Fire and Marine Companies - \$15 + 1% of the gross premiums, less return premiums. A sworn statement, verified by the company president, vice-president, or secretary, of the amount of gross premiums, less return premiums received on all policies issued in the City shall accompany payment. Both are due by March 2 of each year for the preceding year. (See 11-51-121 of the 1975 *Alabama Code*)

**Schedule "G"**

Schedule "G" Self-service, coin-operated - Up to ten machines \$100 plus (+) \$5 for each additional machine

**Schedule "H"**

Schedule "H" Yearly Gross receipts up to \$60,000.00 equals (=) \$150.00 license fee. Yearly Gross receipts over \$60,000.00 equals = total gross receipts minus (-) \$60,000.00 multiplied by (x) .00075 plus (+) \$150.00 (flat fee) equals (=) license fee with a maximum of \$5000.00.

**Schedule "I" Delivery License**

Gross Receipts less than \$10,000.00 equals (=) no license required. Gross receipts over \$10,000.00 equals (=) license fee of \$100.00

This ordinance shall become effective upon its passage and advertisement as provided by law.

Approved and adopted this \_\_\_\_\_ day of \_\_\_\_\_ 2018

\_\_\_\_\_  
Mayor Hollie Cost

Attest:

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Herman Lehman, City Clerk

Declare items from Library as surplus and permit their disposition –

Council Member Nix made a motion to declare the following items from the library as surplus and to approve their disposition:

Dell Laptops (8)

- 001108
- 001105
- 001106
- 001103
- 001104
- 001101
- 001102
- 001111

HP Laptops (4)

- No City property tags
- Running Windows 7 with Office 2010

Dell Desk Top Printer 5100 CN

- 000909

Sharp MX 2600 N Workstation

- 001279

Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Recommendation from Historical Commission to nominate Perry Hall (Mahler Home) to the National Historic Register –

Janice Seaman discussed the benefits of listing the Mahler house (Perry Hall) on the National Historic Register. She said David Schneider will need to update his historical

survey of the home, but that the Historical Commission has the money in its budget to pay the cost of that survey.

Council Member Walker noted that being on the Register would open up additional sources of potential grant funding.

Council Member Nix suggested the Council may be better off holding off on considering this item until they decide on the caretaker issue.

Mayor Cost agreed. She also expressed her concern that being listed on the Register could result in higher construction costs when we work to renovate the property – much like the Peterson House at UM.

Council Member Walker noted that the added cost with the Peterson House was due to the fact that UM received Federal funding for the restoration project. That meant they had to follow strict restoration guidelines. Simply being on the Register does not require anything special.

Council Member Nix said being on the Register will help us to protect and preserve the house.

Ms. Seaman said the Historical Commission would like to see the home listed as a Landmark property in order to provide it with the greatest level; of protection.

Mayor Cost noted that she had only just received the information pertaining to this request and would like for the Council to have more time to consider this.

Council Member Nix said if we delay this item, we need to delay the vote on the other items relating to SCP on the Agenda, as well.

Ms. Seaman pointed out that being designated on the National Register would not restrict the city's use of the property.

Council Member Nix made a motion to allow the Montevallo Historical Commission to nominate Perry Hall (Mahler Home) to the National Historic Register. Council Member Peterson seconded. Mayor Cost Abstained. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

### **Old Business:**

Approval of the proposed, new city logo

Council Member Bunt made a motion to keep our current logo. Council Member Nix seconded. (Council Member Walker stepped out of the room.) Council Members Nix,

Goldsmith and Bunt voted AYE. Council Member Peterson Abstained. Mayor Cost voted NAY. . . . MOTION APPROVED.

Approval of the proposed, new city tagline

Both Council Member Nix and Walker said they were not fans of the proposed tagline – “The place to make your mark!” Council Member Bunt said that it is being used by Montevally Main Street and that we definitely need to be consistent as far as a tagline goes. Mayor Cost pointed out that the tagline highlights the many positive ways we all “make our mark” on our city.

Council Member Bunt made a motion to adopt the new tagline – “Montevally: The Place to make your mark!” Council Member Goldsmith seconded. Council Members Walker and Nix voted NAY. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Approval of the proposed, new wayfinding / destination design template –

The City Clerk noted that the new branding toolkit gives us the fonts and other tools we need to design destination signs and other wayfinding features. If the council approves the use of these tools, we can use them to design unique signage for our parks and other places. The Council will have to approve the actual designs that are developed. This just gives us a starting place.

Council Member Nix made a motion to approve the proposed, new wayfinding / destination design template. Council Member Walker seconded. ALL AYES . . . MOTIOPN APPROVED.

Request from Arbor & Beautification Board for Funding to Implement Replanting Program – Discussed earlier. NO ACTION.

Transit Project Update –

The Mayor informed everyone that our new transit system – Montevally Area Express – began its pilot program that day. She said they are still working out the kinks in the routes and thinks everything will be running smoothly, and that some additional stops along Hwy 25 and in Aldrich will be added by September.

Council Member Nix suggested we paint the buckets used to hold the temporary bus stop signs.

Mayor Cost asked Ms. Bennett to coordinate the painting effort. She also asked Justin Vest to utilize his Hometown Action network to distribute information on the bus route and schedule.

Dee Woodham, Chair of the Shoal Creek Park Foundation, addressed the Council regarding several items pertaining to the park which are up for consideration tonight. Beginning with the least controversial of the actions, she reminded the Council that Shelby County has offered to provide \$100,000 toward the construction of a bridge and new section of trails at SCP. The MDCD is providing the remaining \$60,000. Tonight, the Council is being asked to approve the design – the “Connector” style bridge.



Mayor Cost thanked Ms. Woodham for all of her efforts on the Foundation.

Council Member Nix asked about the bridge’s design, specifically if it had and supports or other features that could be impacted by floating debris in the creek.

Ms. Woodham said they had to perform a flood study on the creek and take other steps in order to meet FEMA’s requirements. As such, she thinks the design is appropriate for this location. She said this project will be put out for bid soon. The bridge is designed for pedestrian traffic only, although it can support a Gator or other similar utility vehicle.

Council Member Walker made a motion to approve the Shoal Creek Park bridge “Connector” design. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

With regard to the house, Ms. Woodham said that the Shoal Creek Park Foundation recommends using the Mahler house as a caretaker house and having Marty Everse (SCPF board) and someone from Montevallo Historical Commission to co-head the renovation

effort. They also recommend a MOA with County to have a county employee serve as general contractor/project manager. They also believe that the best use for the house, at least initially, would be as a caretaker house. This would allow us to have someone on-site at all times to look after the property and help to keep it clean. Their exact duties are something we can determine down the road. The idea is to get started with the restoration project as quickly as possible, using the \$300,000 in funds set aside by the Council for improvements to the house.

Janice Seaman presented the Historical Commission's recommendation.

**Montevallo Historical Preservation Commission**

August 10, 2018

Dear Mayor and City Council:

At the city council meeting on July 23, 2018, the Montevallo Historical Preservation Commission submitted a proposal for the preservation of the Perry Mahler Home. We would like to expand on our original proposal with some additional information.

If you allow the Montevallo Historical Preservation Commission to move forward with the preservation of the property, Marty Everse, who serves on the house committee for the Shoal Creek Park Foundation, has agreed to serve as their representative to the MHPC, if they should elect him to do so. With his representation, the SCPF would have a seat at the table for our three phase plan of restoration.

As a commission of the city, the MHPC would work through the city for the requests for bids for all phases of the work on the house. Both Bill Glosson and Melinda Nix have extensive experience in the bid process and we would work closely with the city to determine the scope of work for the project. Between Sherry Valides, H G McGaughy and myself, we have successfully completed multi million dollars worth of historic restoration projects in past years. The projects completed by Sherrie Valides include two of the most preeminent antebellum properties in the state of Alabama, Reverie in Marion and Kirkwood in Eutaw.

One of our greatest concerns regarding the county taking the lead on the project is that they have no experience in historic preservation. It is of the utmost importance that whoever is selected as the contractor have extensive experience in this field. A bid is attached from Psalms Construction whose credentials would give them the expertise to correctly perform the work on the Perry Mahler home. Mike Powell, the president of Psalms Construction, assured me today, that if they were selected to do the work on the Perry Mahler house, they would be able to commence work within a month.

Due to the dire condition of the house, getting started as quickly as possible could help stop further deterioration as the winter months and bad weather will soon be here and only accelerate its decline. At this time, there is no one appointed to take the lead for the county and whoever they are, will have a large learning curve to get up to speed on what has been done to date, as well as to develop a scope of work. We do not have that much time to wait. The front porch is near collapse and if that happens the front of the house could fall.

As you know, we would like to eventually see the Perry Mahler home become a city museum. We have gathered so much primary source material and artifacts for the city but we have nowhere to put them. Since the house is now being vandalized and it is never a good idea to leave a house empty, we would like to see someone occupying the structure until such time a museum is feasible.

Thank you for considering our proposal for the preservation of the Perry Mahler home. We, to date, have not been allowed to fulfill our duties according to the city ordinance, that established the MHPC to take the appropriate measures, to restore the property. As this was Elizabeth Mahler's only request of the city in receiving this very generous gift, we would be greatly honored to carry out her wishes.

Sincerely,

  
Janice Seaman, Chair  
205-567-9659

**Proposal for the preservation of  
The Perry Mahler House  
By the Montevallo Historic Preservation Commission**

On June 26, 2018 there was a public hearing with two members of the city council, the mayor, Dee Woodham, chairman of the SCPF and two members of the SCPF house committee, Gary Muehlbauer and Terry Arnold. The entire Montevallo Historic Preservation Commission was present.

After much discussion and Gary Muehlbauer, asking that the MHPC take control of the restoration of the Perry Mahler home, it was decided that the SCPF would present their plan, which was presented at the hearing as hiring an architect and the MHPC would present their plan for phase one.

The MHPC plan for phase one of restoration for the Perry Mahler house is to first address the foundation of the house and all other deteriorating components of the exterior of the structure. We have contacted a contractor (the bid proposal is attached) who has over 40 years experience, in historic preservation, to get a quote for doing all of the following work. Removal of the porch as it is presently collapsing. The porch would be rebuilt and restored to its original appearance when the Mahler's finished their renovation. Repair the damaged sill on the front of the house and all other issues of the foundation including the floor joists that have slipped away from the sills. Also, the cornice boards and soffits are damaged in places and the siding needs to be repaired. Painting needs to occur where wood has been replaced and further evaluation needs to take place to determine if the entire house is in need of painting.

This entire first phase will be permitted through Shelby County and inspected. The contractor will hire the structural engineer who will have substantial experience in historic preservation to determine loads and all

other requirements of Shelby County. We understand that the job will need to be let for bids.

Phase two will address all of the mechanical components of the home ie, HVAC, electrical and plumbing.

Phase three will be repair and restoration of the finishes of the house.

We would like to see the home used for a city museum as in Helena and Columbiana. The Montevallo Historical Society with over one hundred members is the group who has expressed interest in assisting with these efforts.

## City ordinance regarding MHPC

- (4) Recommend to the city council that the designation of any place, district, site, building, structure, objects or work of art as a historic property or as a historic district be revoked or removed;
- ✓(5) Restore and preserve any historic properties acquired by the city or acquired by the commission;
- (6) Promote the acquisition by the city of facade easements and conservation easements;
- (7) Develop and conduct educational programs on historic properties located within the city and on general historic preservation activities;
- ✓(8) Make such investigations and studies of matters relating to historic preservation, and employ historic preservation experts, as the city council or the commission itself may, from time to time, deem necessary or appropriate for the purposes of preserving historic resources.
- (9) Seek out local, state, federal and private funds for historic preservation, and make recommendations to the city council concerning the most appropriate uses of any funds acquired;
- ✓(10) Perform historic preservation activities as the official agency of the city historic preservation program;
- ✓(11) Employ persons, if necessary, to carry out the responsibilities of the commission;
- ✓(12) Receive donations, grants, funds or gifts of historic property;
  - (13) Purchase, sell, contract to purchase, contract to sell, own, encumber, lease, mortgage and insure real and personal property in carrying out the purposes and responsibilities of the commission. The commission shall not obligate the city without prior consent;
  - (14) Review and make comments to the state historical commission concerning the nomination of properties within its jurisdiction to the National Register of Historic Places;
  - (15) Investigate, survey and process nominations of properties to the National Register of Historic Places;
  - (16) Investigate, survey and process applications for certification of historic properties for tax credits for preservation expenditures;
  - (17) Participate in private, state and federal historic preservation programs and with the consent of the city council, enter into agreements with the same to perform historic preservation related functions.
- (e) Annual reports of the commission's activities. The commission shall prepare and file with the city council and with the state historical commission, an annual report of its activities as required by the city council and the state historical commission. The annual report shall cover the period from October 1 to September 30 and shall be submitted in October of each year. The report shall include such items as the number of cases reviewed, historic district and property designations made, revised resumes of commission members/staff, appointments to the commission, attendance records and all minutes relating to the review of National Register nominations. The report shall document attendance at the orientation/training session as specified in subsections (h) and (i) of this section.
- (f) Conflict of interest. At any time the commission reviews a project in which a member of the commission has ownership or other vested interest, that member will be forbidden from presenting, voting or discussing the project, other than answering a direct question.
- (g) Records of commission meetings. A public record shall be kept of the commission's resolutions, proceedings and actions.
- (h) Responsibilities of commission members. Each commission member and anyone serving the commission in a technical/professional staff capacity is required to attend at least one and recommended to attend at least two informational or educational meetings per year pertaining to historic preservation. Such meetings may include those sponsored by the state historical



**PSALMS CONSTRUCTION INC.**  
**15500 POWELL LOOP TUSCALOOSA, ALABAMA 35406**  
**(205) 758-4561 OFFICE – (205) 345-2949 FAX**  
**PSALMSINC@YAHOO.COM**

## **CONTRACT**

**THIS AGREEMENT, Made as of June 12<sup>th</sup>, 2018**

**Between the Owner: Montevallo Historic Preservation Commission**  
**541 Main Street 35115**  
**Montevallo, Alabama**  
**Attention: Janice Seaman**

**And the Contractor: Psalms Construction, Inc.**  
**15500 Powell Loop**  
**Tuscaloosa, AL 35406**  
**205-758-4561**

**For the Project: Foundation Repairs and Misc. Work at the Residential Mahler House in Montevallo**

### **ARTICLE 1. CONTRACT DOCUMENTS**

**1.1** The contract documents consist of this agreement, general conditions, construction documents, and allowances. All documents noted herein shall be provided to the Contractor by the Owner. These contract documents represent the entire agreement of both parties and supersede any prior oral or written agreement.

### **ARTICLE 2. SCOPE OF WORK**

**2.1** The following is a scope of work to be performed by the contractor according to plans, specifications, details, and allowances. Construction to be by Psalms Plan of Action report created on June 12<sup>th</sup>, 2018

- 1. General Requirements provided by Psalms Construction**
  - a. Project Management and Coordination
  - b. Project Supervision
  - c. Scheduling
  - d. Communication and Emergency Contacts
  - e. Owner-Contractor Progress meetings
  - f. Stored Material Protection
  - g. Temporary Facilities as needed.
  - h. Applicable required permitting
  - i. Survey and jobsite Staking
  - j. Submittals and Samples as required for items needing owner approval
  - k. Project Closeout Package
    - i. Final As-Built Plans if required
    - ii. Contractor's Warranty
    - iii. Complete list of items/finishes that have been installed
    - iv. Certificate of occupancy if applicable
- 2. Foundation Repairs:**
  - a. Existing Sill/Edge Beam at the front of the house to be removed and repacked or consolidated as required.
    - i. Sill Replacement Allowance: 40 Linear ft.
    - ii. Sill Consolidation Allowance: 20 Linear ft.
    - iii. All shoring for existing floor system and walls to be properly installed before and sill/edge beam work to begin.
    - iv. New Sill/Edge beam to be rough sawn limber to match existing in size (Approx. 6" x 10")
    - v. Minimal removal and replacement of interior floor boards may be required
  - b. Existing Floor Joists to be repaired, consolidated and sistered.

Contractor Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

- i. Joist sistering allowance: 20 Joists.
    - ii. Joist consolidation allowance: 2 Gallons consolidate products equal to Abatron LiquidWood
    - iii. All new joists to be installed and anchored to existing and new sills with proper anchoring and fasteners.
    - iv. Minimal removal and replacement of interior floor boards may be required
    - v. **IMPORTANT NOTE:** All new joists for sistering existing joists will match existing conditions only and will not be sized for span or load bearing.
  - c. Vapor Barrier Installation
    - i. New 20 Mil vapor barrier to be installed throughout crawlspace to help alleviate moisture damage to existing and new floor members.
    - ii. Important Note: This should not be considered a full crawlspace encapsulation
- 3. Front Porch Demolition and Reinstallation
  - a. Front porch concrete and wood structure to be fully removed and materials disposed of offsite as appropriate.
  - b. New Concrete slab (4") to be installed with all necessary bond breaks from existing structure and with all moisture intrusion protection as necessary
  - c. New Wood framed roof covering system to match existing in size and style. Posts (8 Total) to be salvaged, consolidated, and refinished for reuse and reinstallation. All wood to be painted as specifications require. Covering will be equal to screw down type metal roof.
- 4. Cellar CMU wall replacement
  - a. Existing CMU wall (South) of cellar (Approx. 10 linear ft.) to be removed and replaced.
  - b. Shoring of floor system and walls to be properly installed before any demolition is performed.
  - c. Proper foundation requirements and reinforcement to be installed as required.
  - d. New Wall to be fully waterproofed at exterior before backfill is installed
- 5. Misc. Work:
  - a. Repair/Replace missing fascia board at exterior front of house. 16 Linear ft. allowance.
  - b. All new fascia to be painted per required specifications.
- 6. Contingency Allowance:
  - a. \$10,000.00 for contingency allowance. This allowance is for minor unforeseen items in which work must be performed to facilitate completion of the project but was not allowed for in the contractors' original scope of work.

**ARTICLE 3. TIME OF COMPLETION**

3.1 The approximate commencement date of the project shall be date contract is signed by all parties. The Contractor shall complete said project in a timely matter, however any change orders and/or unusual weather might delay or otherwise affect the completion date.

**ARTICLE 4. THE CONTRACT PRICE**

- 4.1 The price of the project shall be set at the sum of **\$119,557.70(One Hundred Nineteen Thousand Five Hundred Fifty-Seven Dollars.)**
- 4.2 The Owner and the Contractor acknowledge that the Owner will pay a sum of **\$10,000.00 (Ten Thousand Dollars)** upon signing of this contract and before construction begins for down payment and mobilization costs. This payment will be reflected on schedule of values and deducted from remaining monies owned.

**ARTICLE 5. PROGRESS PAYMENTS**

5.1 The Owner will make payments to the contractor as work progresses and percentages are completed. A pre-approved schedule of values will be issued with every pay request in which the percentages of work will be shown as completed. Owner shall make draw payments to contractor within 15 days after request by contractor. Should the owner fail to make payment, contractor may charge a penalty of 1% annually upon the unpaid amount until paid.

5.2 If payment is not received by the Contractor within 15 days after delivery of payment request for work satisfactorily completed, contractor shall have the right to stop work or terminate the contract at his option. Termination by Contractor under the provisions of this paragraph shall not relieve the Owner of the obligations of payments to Contractor for that part of the work performed prior to such termination. Termination by Owner under the provisions of this paragraph shall not relieve the Owner of the obligations of payments to Contractor for that part of the work performed prior to such termination.

Contractor Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

**ARTICLE 6. DUTIES OF THE CONTRACTOR**

- 6.1 All work shall be in accordance to the provisions of the plans and specifications. All systems shall be in good working order.
- 6.2 All work shall be completed in a workman like manner, and shall comply with all applicable state and local building codes and laws.
- 6.3 All work shall be performed by licensed individuals to perform their said work, as outlined by law.
- 6.4 Contractor shall obtain all permits necessary for the work to be completed.
- 6.5 Contractor shall remove all construction debris and leave the project in a broom clean condition.
- 6.6 Upon satisfactory payment being made for any portion of the work performed, Contractor shall furnish a full and unconditional release from any claim or mechanics' lien for that portion of the work for which payment has been made.
- 6.7 Substitutions and Value Engineering shall be allowed to be performed by contractor along as items and work performed is as equal as or better than work stated in contract documents and/or specifications.

**ARTICLE 7. OWNER**

- 7.1 The Owner shall communicate with any subcontractors/suppliers only through the Contractor.
- 7.2 The Owner will not assume any liability or responsibility, nor have control over or charge of construction means, methods, techniques, sequences, procedures, or for safety precautions and programs in connection with the project, since these are solely the Contractor's responsibility.

**ARTICLE 8. CHANGE ORDERS AND FINISH SCHEDULES**

- 8.1 A Change Order is any change to the original plans and/or specifications. All change orders need to be agreed upon in writing, including cost, additional time considerations, approximate dates when the work will begin and be completed, a legal description of the location where the work will be done and signed by both parties. 50% of the cost of each change order will be paid prior to the change, with the final 50% paid upon completion of the change order.

**ARTICLE 9. INSURANCE**

- 9.1 The Contractor shall purchase and maintain needed Workman's Compensation and Liability insurance coverage as required by law and deemed necessary for his own protection.

**ARTICLE 10. GENERAL PROVISIONS**

- 10.1 If conditions are encountered at the construction site which are subsurface or otherwise concealed physical conditions or unknown physical conditions of an unusual nature, which differ naturally from those ordinarily found to exist and generally recognized as inherent in construction activities, the Owner will promptly investigate such conditions and, if they differ materially and cause an increase or decrease in the Contractor's cost of, and/or time required for, performance of any part of the work, will negotiate with the Contractor an equitable adjustment in the contract sum, contract time or both.

**ARTICLE 11. HAZARDOUS MATERIALS, WASTE AND ASBESTOS**

- 11.1 Both parties agree that dealing with hazardous materials, waste or asbestos requires specialized training, processes, precautions and licenses. Therefore, unless the scope of this agreement includes the specific handling, disturbance, removal or transportation of hazardous materials, waste or asbestos, upon discovery of such hazardous materials the Contractor shall notify the Owner immediately and allow the Owner/Contractor to contract with a properly licensed and qualified hazardous material contractor. Any such work shall be treated as a Change Order resulting in additional costs and time considerations.

Contractor Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

**ARTICLE 12. ARBITRATION OF DISPUTES**

12.1 Any controversy or claim arising out of or relating to this contract, or the breach thereof, shall be settled by arbitration administered by the American Arbitration Association under its Construction Industry Arbitration Rules, and judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction thereof.

**ARTICLE 13. WARRANTY**

13.1 At the completion of this project, Contractor shall execute an instrument to Owner warranting the project for 1 year against defects in workmanship or materials utilized. All manufacturers' warranties will prevail. No legal action of any kind relating to the project, project performance or this contract shall be initiated by either party against the other party after 1 year beyond the completion of the project or cessation of work.

**ARTICLE 14. TERMINATION OF THE CONTRACT**

14.1 Should the Owner or Contractor fail to carry out this contract, with all of its provisions, the following options and stipulations shall apply:

14.1.1 If the Owner or the Contractor shall default on the contract, the non-defaulting party may declare the contract is in default and proceed against the defaulting party for the recovery of all damages incurred as a result of said breach of contract, including a reasonable attorney's fee. In the case of a defaulting Owner, the Earnest money herein mentioned shall be applied to the legally ascertained damages.

14.1.2 In the event of a default by the Owner or Contractor, the non-defaulting party may state his intention to comply with the contract and proceed for specific performance.

14.1.3 In the case of a defaulting Owner, the Contractor may accept, at his option the earnest money as shown herein as liquidated damages, should earnest money not cover the expenses to date, the Contractor may make claim to the Owner for all work executed and for proven loss with respect to equipment, materials, tools, construction equipment and machinery, including reasonable overhead, profit and damages applicable to the property less the earnest money.

**ARTICLE 15. ATTORNEY FEES**

15.1 In the event that it becomes necessary for Psalms Construction, Inc. to retain the services of an attorney to enforce any of the terms or conditions of this contract, Psalms shall have the right to recover its reasonable attorney fees therefore from the owner.

**ARTICLE 16. ACCEPTANCE AND OCCUPANCY**

16.1 Upon completion, the project shall be inspected by the Owner and the Contractor, and any repairs necessary to comply with the contract documents shall be made by the Contractor. Owner shall not take possession of home until all monies are paid in full to the Contractor and a Clearance of Occupancy has been issued by the City Inspectors.

WITNESS our hand and seal on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Signed in the presence of:

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Witness

\_\_\_\_\_  
Contractor Signature

\_\_\_\_\_  
Owner Signature

Contractor Initials \_\_\_\_\_ Owner Initials \_\_\_\_\_

## **Psalms Construction, Inc.**

15500 Powell Loop  
Tuscaloosa, Alabama  
(205) 758-4561  
[sethpowell@psalmsconstruction.com](mailto:sethpowell@psalmsconstruction.com)



June 12<sup>th</sup>, 2018

To: Mrs. Janice Seaman

Mahler House at Perry Farm  
2679 Highway 119  
Montevallo, Alabama 35115

Mrs. Janice Seaman,

At your request, Psalms Construction has reviewed onsite conditions and foundation report provided by Mr. Bill Glosson to help develop a plan of action for repairs to the Mahler house in Montevallo Alabama. The following is our plan of action that we have developed based on past experiences of this project type and the information provided to us.

### **1. General Overview of existing conditions requiring attention/repair:**

According to the GHD report, the Mahler house has major structural issues due to insect/termite damage, fungal growth and wood decay. These problems were also observed during multiple jobsite visits by Psalms Construction personnel. Sill/Edge Beams show compression/crushing and rotation as deterioration has caused edge beam to rotate under full weight of first floor, second floor, and roof system. Multiple joists under house show damage with some joists cracked and split the full length of the joist. The floor of the home shows areas of dips and sloping with some areas having an approximately 6" difference between high and low areas. Crawlspace clearance is an issue for recommended minimums which effects the condition of the wood members and also the ability of individual to work in the crawlspace area. The absence of any type of vapor barrier has also had the ability to contribute to the deterioration of the structural members of the floor system. In the cellar area it was observed that the south CMU wall shows separation and deflection of the foundation sill/stem wall.

### **2. General Observations for creating the custom plan of action for this project**

In a typical project of this type in which the exact conditions of all the first floor structural members have yet to be ascertained, the first floor coverings and decking would need to be fully removed and salvaged for reuse. After removal of this flooring has been performed an inspection of each inch of individual structural member would be performed and a plan of action would be developed for each individual floor member. As the budget at the time doesn't not reflect this level of detail in structural repairs, a plan of action has been developed based on GHD services report and visual observations by Psalms Construction personnel. This plan of action is being performed to help stop future deterioration and repair/replace observed damage to structure members per GHD report and Palms Construction observations. It must be noted that this plan of action will not guarantee that every inch of deteriorated wood would be replaced/consolidated or every structural issue will be resolved.

### **3. Plan of Action**

1. **Sill/Edge Beam Replacement:** Per GHD report and site observation the Sill/Edge Beam along the front of the house shows major deterioration and crushing which had caused settling of house and rotation of the beam. To properly address this problem the existing floor system attached to this sill/band beam and the wall systems above will have to be properly jacked and shored to allow for beam to be removed and replaced at areas that are beyond repair. This plan of action will anticipate that most if not all this front band beam will have to be removed and replaced using this method. Consolidation of the beam will be an option in areas in which the sill/band beam may be repaired. After replacement of sill/edge beam with appropriate materials the shoring will be removed and existing joists and wall framing will allowed to bear on this new sill. **Note: Some interior floorboards may have to be temporarily removed and reinstalled to help facilitate this work**
2. **Joist sistering/replacement:** Per GHD report and site observations many of the 3"x7" floor joists show damage caused by wood deterioration and termite damage. Photo 8 and Photo 9 of GHD report show joists that are fully split most of the length of the structural member. Because of the inability at this time to know the full extent of damage at each of the 33+ joist we have anticipated that sistering of joists will have to be accomplished at 20 of these joists. Actual amount will be adjusted as further investigation is performed as work progresses. Please note that that all sistering and repair will be accomplished to match existing conditions only. **Note: Some interior floorboards may have to be temporarily removed and reinstalled to help facilitate this work**
3. **Front Porch Removal and Replacement:** Removal of Front porch concrete slab and wood framed roof system will be a necessity because of general deteriorated condition of the porch and to help facilitate sill replacement and protection of new structural members that are installed. Existing concrete slab will be removed to help expose existing sill for removal. A new concrete slab will be installed will proper bond breaks, barriers, and moisture protection to protect any replaced or repaired sill from further damage. The new wood framed roof system will match existing as closely as possible with proper moisture protection to protection existing conditions from weather intrusion. Existing posts will be consolidated and restored and reinstalled. All wood will be painted per specifications required.
4. **Cellar CMU Wall Repairs:** Per GHD Report and Site observations the existing south CMU wall of the cellar has been compromised and will be required to be removed and rebuilt. All joists, sills, and wall framing that bears on this CMU stem wall will be properly shored and secured before CMU wall is removed. After shoring excavation and demolition will be performed to remove CMU for replacement. New footings sized with proper reinforcement will be installed before new cmu is installed. New 8" CMU will be installed with proper horizontal reinforcement, vertical reinforcement, and grout fill. New CMU wall be waterproofed at exterior before backfill is performed. After new CMU wall has been properly installed shoring will be removed for joists, sill, and wall framing to properly bear on the rebuilt CMU stem wall.
5. **Misc. Items.** As the intent for this plan of action is to help protect this house from future damage a few maintenance issues will also need to be performed on the house. A section of fascia board will need to be replaced that is missing at the front of the house. An allowance of 16 linear ft. of this fascia has been included in the plan of action to repair/replace/and refinish this missing section of fascia.

**4. Cost:**

Estimating cost for a project of this type can only be tabulated by returning to past projects, experience, and reviewing man power labor for specific project scopes of this type. Performing work of this type is very labor intensive and is prone to be very risky in not only the physical aspects but also with the budget. It is imperative that not only a direct+indirect cost estimate is performed by the contractor but also that an allowance for contingency is allowed for by the owner.

Psalms' Estimate for This Plan of Action:	\$112,557.70 (Materials and Labor)
Owner Contingency:	\$7,000.00
<u>Total Budget</u>	<u>\$119,557.70</u>

For Reference: Preferred Consolidation Materials

- Abatron LiquidWood (Part A and B)
- Abatron Wood Epox

**Additional Items for Consideration**

1. A major issue that has been observed by all parties is the lack of clearance between the joists and the existing grade of the crawlspace. Rectifying this condition is no small matter especially if the floor boards are not to be removed from the interior of the house. To solve this problem will require a substantial amount manpower. Man power alone could run into the multiple hundreds of hours to facilitate a project of this type. Also removal of any rock may not be possible to be accomplished from working in crawlspace clearance alone. Another item to also consider would be the cause and effect on the existing foundation walls, sill walls, and shoring when the soils around these items are disturbed/removed. This may cause future work to have to be performed on these items as well.

8/9/2018

Gmail - Mahler House



Janice Seaman <janicefayeseaman@gmail.com>

*Email from Personal Representative of the Estate*

**Mahler House**

2 messages

*of Elizabeth A. Mahler*

GARY MUEHLBAUER <mueh252@bellsouth.net>

Mon, Aug 6, 2018 at 10:15 AM

Reply-To: GARY MUEHLBAUER <mueh252@bellsouth.net>

To: Janice Seaman <janicefayeseaman@gmail.com>, Sherry Vallides <reverie140@charter.net>, Bill & Mae Glosson <wcglosson@bellsouth.net>

Good Morning Janice,

We haven't spoken since the June 26th meeting in which we participated. I pray all is going well with you and the other members of our Historical Commission.

As you were informed at the most recent Shoal Creek Park Foundation meeting, I resigned my position on the Board.

Prior to that Board meeting there was a joint discussion group held on June 26th regarding status and moving forward with the Mahler house.

During that discussion, I recommended to all present that responsibility of managing "preservation" of the Mahler house be placed under the direction of the Historical Commission. This duty, if so directed to the Historical Commission, would include necessary foundation, roof, window, grounds repair and improvements. Additionally, the interior condition was discussed at the June 26th meeting and this also would be under the purview of the Commission.

I understand it's odd for someone having resigned a position, by which he would have first-hand knowledge of proceedings pertaining to a subject, to ask for an update; however, relying on your generous nature, is it possible for you to provide me an update/status of the Mahler house?

Thank you and all the members for your ongoing efforts to ensure the historical nature of our beautiful city is maintained along with progress.

Gary Muehlbauer

Janice Seaman <janicefayeseaman@gmail.com>

Mon, Aug 6, 2018 at 11:24 AM

To: GARY MUEHLBAUER <mueh252@bellsouth.net>

Dear Gary:

Thank you so much for your communication. I was planning on contacting you as soon as I returned from New York. My niece was married this past Saturday so it was so nice to receive your email (I'll be on this plane for a while!). As you know there was a Shoal Creek Park Foundation meeting the next day and Hollie announced you had resigned but never told the board of your recommendation from the day before regarding allowing the Historical Commission to take the lead in the restoration of the home place. They also had a whole new plan to have the county be the project manager with Marty Everse and a member of the historical commission being on the committee. My concern about this plan is that the county has zero experience with historic preservation and would not be concerned about doing a restoration and just do a patch job. Also with all that the county has going on there would be further delays in getting started. The historical commissions plan to first take care of the foundation, front porch, and all other exterior concerns then moving to phase 2 which would be all of the mechanicals. The final phase would be the interior finishes. .... to be continued

[Quoted text hidden]

Ms. Woodham stressed the importance of having a qualified project manager on the job.

Ms. Seaman argued that the County didn't have the same level of experience dealing with historic restoration projects as Psalms or contractors like them.

Council Member Walker said he thought having someone like Mr. Evers and someone like Ms. Seaman on the project team made sense.

Ms. Seaman said that Mr. Evers would be willing to serve as a member of their team, as well.

Mayor Cost said we are concerned with doing what is best to protect the house. In her opinion, the Foundation's plan to use the house as a caretaker residence rather than as a museum or some sort of public assembly was the most affordable route to go. Using it for public purposes would drastically increase the construction cost.

Council Member Walker said that his experience with running a museum at Tannehill State Park was that museums are money pits.

Mayor Cost emphasized that our main goal is preserving the house. To that end, we need to make a decision on which way to go.

Ms. Seaman noted that their latest proposal does that.

Council Member Nix said he was at the meeting where Ms. Mahler's executor recommended that the Historical Commission take the lead on this project.

Council Member Walker asked Ms. Seaman if there was a reason she had copies of their latest proposal hand-delivered over the weekend to everyone on the Council, except for the Mayor. She said there was not.

The Mayor said she would appreciate more time to review all of the materials.

Council Member Walker made a motion to accept the Shoal Creek Park Foundation proposal.

Council Member Bunt suggested that two members of the Historical Commission serve on the project committee.

Council Member Walker said he did not want to amend his motion to that effect.

Council Member Nix said he doesn't think it will matter how many people from the Historical Commission you put on that committee because they won't listen to anyone anyway. He said his main concern is that the City remains in control of the \$300,000.

Ms. Woodham said the City would definitely keep the money and issue payments as the project progresses.

Bill Glosson said that as a member of both the Historical Commission and the Foundation he was confused by the language of the proposed MOA.

Mayor Cost noted there is a motion on the floor to accept the Shoal Creek Park Foundation's proposal to provide authority for Mayor to enter into contract with the County and MDCD for bridge/trail work and up to \$12k for County to oversee and manage renovation work on SCP house (in conjunction with Marty Everse and someone from Historical Comm.) for use as caretaker house. The \$12k and renovation expenses will come out of the original \$300k.

Council Member Peterson seconded.

Council Member Nix reiterated that the money for the project remains with the City.

Mayor Cost called for the vote. Council Member Nix voted NAY. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Authorize Shoal Creek Park MOU – To be amended to reflect the decision of the Council.

Approval of proposed SCP Caretaker Agreement - To be considered at a later date.

REMINDER - Invitation to attend Bicentennial Flag presentation at Chamber Luncheon – August 15, \$12 per person

White Goods – No Update

**Board Appointments:** NONE

**Other Business:** NONE

**Citizen Participation:**

Melinda Nix, a member of the Historical Commission, addressed the Council to express her concern with the City allowing the Shoal Creek Park Foundation to oversee the Mahler House restoration project. She said that the internet lists Mayor Cost, Dee Woodham and Herman Lehman as the foundation's only officers and she felt that was a conflict of interest. She also said the original articles of incorporation were amended to exclude the word

“historical” and it is clear the foundation is not concerned with the historic nature of the property.

Mr. Lehman, the City Clerk, explained that those were the three original incorporators of the foundation. The foundation now has an established board of directors and operates according to its bylaws. He does not serve on that board. As far as the change in the language of the articles is concerned, those changes were made at the request of the IRS so that the foundation would qualify for the proper non-profit status.

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 7:54 p.m.

Submitted by:

Herman Lehman  
City Clerk