

## MINUTES

### *Montevallo City Council Work Session*

August 26, 2019

5:30 p.m. at City Hall

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

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

Chief Bill Reid reported for the Fire Department. He said there were a lot of medical calls, as usual. There is an item on the agenda requesting a new ATV to replace the old one that blew up. He said it was old and can't be repaired. He is not sure if there is any insurance value in the old one. They use the ATV for EMS at special events in order to get into places that are inaccessible to a large rescue vehicle. The new one will cost around \$15,000. He said he has room in his General Fund Budget to cover that expense.

Chief Littleton presented the Police Department report:

	Jan-19	Feb-19	Mar-19	Apr-19	May-19	Jun-19	Jul-19	Aug-19	Sep-19	Oct-19	Nov-19	Dec-19	Total 2019
Total Reports	81	104	126	120	134	106	65	88					824
Criminal Cases	35	27	17	30	55	50	31	25					270
Non-Criminal	3	5	7	5	0	3	1	0					24
Traffic Accidents	13	12	16	26	18	12	5	6					108
Traffic Citations	181	199	190	200	158	214	111	237					1490
DUI Arrest	5	4	3	6	7	8	3	4					40
Public Intox Arres	1	1	5	3	4	1	1	0					16
Alias Arrest	9	26	24	11	19	14	16	14					133
Juvenile Arrest	0	0	2	1	1	0	0	0					4
Misd Arrest	4	6	3	4	8	3	8	5					41
Felony Arrest	1	2	2	6	3	2	2	1					19
Drug Related	15	8	5	8	9	7	6	4					62
Total Arrest	35	47	42	39	49	34	35	28					309
Auto Thefts	0	2	0	0	0	0	0	0					2
Burglaries	1	1	3	3	1	2	3	1					15
Auto Recoveries	0	0	0	0	0	0	0	0					0
Auto Burglaries	1	2	0	1	1	2	0	0					7
Criminal Mischief	0	4	4	0	2	4	3	2					19
DV Related	4	7	7	11	13	11	6	17					76
Assaults	2	5	1	5	2	3	1	2					21
Fraud / Forgery	0	2	2	0	4	2	4	3					17
Harass / Reck	2	2	7	11	11	4	2	1					40
Misc. Offenses	16	19	19	15	26	22	12	19					148
Robberies	0	0	0	0	0	0	2	0					2
Thefts / Attempts	11	1	9	9	4	6	5	7					52
Suicide Attempts	0	0	0	0	0	0	0	0					0
Suicides	0	0	0	0	0	0	0	0					0
Deaths	1	0	0	0	0	0	0	1					2

Code Enforcement Officer Mike Wilder said he has 3 items for the Council to consider later on the Agenda.

Council Member Herbert discussed the plans for changes in the garbage route schedule. We will know more by the end of September. We will notify residents of the changes by mail and other means. He also mentioned that the Arbor Board will hold their meeting on

September 4<sup>th</sup> at 5:30 p.m. at the Recycling Center. ValloCycle added 3 new bike racks bringing their total up to 19.

Kirk Hamby, Director of Public Works, informed everyone we are now three weeks away from the start of our paving project. This year's project will include all of Arden, Highland Street, College Street, and eventually Oak Street.

Council Member Herbert also noted that 25 old bikes will be repaired tomorrow. We should get 4 back as refurbished. Shortly, we will have 25 bikes in our fleet.

Mr. Hamby also informed the Council that his crews have started putting up flags for the upcoming Labor Day Holiday. We should have a total of 75 flags up along Hwys 119 and 25 by that day.

Council Member Herbert said he spent a whole day last week riding along with Mr. Hamby. He said he was impressed by his crews and all they are able to accomplish.

Council Member Nix said the Park Board met last week and discussed rental rates and camping fees for Shoal Creek Park. He said he will set a date for the Park Committee to review those recommendations.

Director of Parks & Recreation Shane Baugh informed the Council the football season has started. Other sports and activities should start soon. MHS plays its first home game Thursday night.

The Golf Course appeared to be busy this past weekend.

Planning Commission meets September 12 at 6:00 p.m. her at City Hall. They expect to discuss the proposed apartment development at the intersection of Overland and Shoshone.

Savannah Kitchens presented the library report:

## **Library Director's Report Notes**

### **City Council**

**August 26, 2019**

- Current Projects
  - New bookcases are being installed on Monday September 9
    - We will be closed to the public because the company has said that installation could last all day; this will allow us to re-organize without affecting patron experience
- New staff fridge was successfully installed
- Going to a national library conference next week
  - The Association for Rural and Small Libraries, a division of the American Library Association (ARSL)
- Next week we will begin our ESOL classes (English classes) again (provided by the Literacy Council of Central Alabama)
  - Adding a special area with educational games and toys for the kids of the students
  - Beginning a new bilingual storytime once a month
  - Offering all our event calendars in English *and* Spanish

Council Member Bunt presented her report:

## **Council Meeting Aug. 26**

### Arts & Education

- Junior City Council
- Library
- Montevallo Arts Council
  - Tinglewood - Sept. 7
- Montevallo Artwalk
  - Taking applications for artists. Event scheduled Oct. 26.
- Schools
  - University started back today
  - Montevallo Elementary Parent Night K-2nd, Tuesday, Sept. 3  
3rd-5th on Thursday, Sept. 5
  - National College Colors Day is Aug. 30 - so please wear Purple and Gold
  - All schools will be closed Sept. 2 for Labor Day
  - Montevallo Connection - 1st meeting of the year on Sept. 11 at 4 p.m.

Council Member Peterson said the Historical Commission recommends the EJI request on the Agenda.

He said the next Finance Committee meeting is Wednesday, 4:30 p.m. at City Hall.

Mayor Cost invited Rob Walker, the architect working on the Mahler House (Perry Hall) renovation project, to submit his plans and recommendations to the Council.

Mr. Walker said they looked at a host of potential alternatives for the use at Perry Hall. He noted a market trend which suggests the venue would be an ideal location for weddings and other events. Therefore, he recommends improving the house so it can be used to host pre-wedding functions and small gatherings. Keeping the proposed occupancy limits low would avoid the costly improvements that would be needed to use the home for larger gatherings.

He presented the following:



 **ROB WALKER**  
ARCHITECTURE, LLC  
SHEETS • FOR DESIGN • FIRM • ARCHITECTURE • DESIGN

Perry Hall

August 26, 2019



Council Member Herbert said he has attended events at similar properties and it works out very nicely.

Mayor Cost suggested that if the Council is ready, they go ahead and approve the recommended use during the regular meeting so we can continue to move forward on the project.

Council Member Herbert asked what other uses they considered.

Mr. Walker said this use is really the highest and best use because it allows the property to be used by the public without requiring a cost-prohibitive investment. A similar low impact use would be a museum, but that would not be a beneficial to the city as this proposed use.

Mayor Cost said she likes this idea because it allows for the space to be used for small meetings and other public gatherings.

Council Member Herbert asked if Mr. Walker felt the proposed improvements would be within our budget.

Mr. Walker said other than the foundation work and other efforts to secure the building's structure, they really haven't proposed a lot of costly additions or finishes. That will be where most of the money goes, as well as to the new restrooms and catering kitchen.

### ***Montevillo City Council Meeting***

**August 26, 2019**

**6:00 p.m. at City Hall**

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

### **Pledge of Allegiance**

**PUBLIC HEARING:** 4600 Hwy 119 – Condemnation hearing on blighted property.

Mayor Cost opened the Public Hearing at 6:00 p.m. Officer Wilder presented the following:

**Abatement of Grass & Weeds - Pg of  
110 Samford Street**

**If No Owner Action:**

« ✓ **Set Meeting With City Council:**

**Date:** 28 May 2019

*The city council shall determine whether the weeds, surplus grass, or other unwanted vegetation growing upon a street, sidewalk or private property are a public nuisance, and shall declare the same by resolution...*

« ✓ **Copies for Herman for Council Meet:**

**Council Meeting for Resolution**

« ✓ **Date of Meeting:** 28 May 2019

« ✓ **Council's Decision:**

The council unanimously passed a resolution to claim 110 Samford Street a public nuisance.

**Notice of Hearing Date**

« ✓ **Hearing Date:** 8 July 2019

« ✓ **Certified Letter:**

Name: Samuel Imburu

Add: 107 Stonehill Circle

Pelham AL 35124

« » **Publish in Newspaper Once a week for two weeks:** (At least 14 days prior to Hearing)

(Notice shall also be given by publication in a newspaper normally read by all segments of the population, published in the county once a week for two consecutive weeks.)

He said the house is caving in. The property was purchased for back taxes by an investor. They do not own the property itself. He has not received any response from the property owner. The investor is not able to improve a property he does not own.

Mayor Cost asked if anyone was in attendance to discuss the property. Hearing no response, the Mayor closed the Public Hearing at 6:03 p.m.

**Meeting Call to Order** – Mayor Cost called the meeting to order at 6:03 p.m.

**Approval and/or corrections of the minutes** -8/12/19 – Council Member Herbert made a motion to approve the Minutes from August 12, 2019 as corrected. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

**Recognitions / Awards:**

The City Clerk presented the following:

At the David Mathews Center for Civic Life's 4<sup>th</sup> Annual Civic Institute on August 16<sup>th</sup>, Mayor Cost was awarded the David Mathews Center for Civic Life's 2019 Jean O'Connor-Snyder Award.

The Jean O'Connor-Snyder Award annually recognizes an Alabama community leader who has empowered others in the spirit of Jean O'Connor-Snyder. Jean O'Connor-Snyder served as a mentor for the Capstone Men and Women of the University of Alabama during the 1970s; her commitment to community, service, and excellence deeply impacted the young men and women she mentored. The Mathews Center honors her life and legacy through a statewide undergraduate internship program and through the annual Jean O'Connor-Snyder Award.

Recipients of the Jean O'Connor-Snyder Award must demonstrate a record of serving their communities while encouraging and empowering others to be active, engaged members of society. Award winners are epitomized by their unique ability to uncover the potential in others. Jean O'Connor-Snyder Award recipients demonstrate a commitment to finding the worth in everyone and empowering others to use their talents to improve their communities.

Congratulations, Mayor Cost!



On behalf of Montevallo Main Street, the City Clerk also informed the Council of the recognitions they received at last week's conference as detailed in the following media release:



**Creating Jobs. Keeping Character.**

**For Immediate Release:  
August 22, 2019**

**Contact:**  
Marylon Barkan  
205.516.4506  
[marylon@mainstreetalabama.org](mailto:marylon@mainstreetalabama.org)

### **Montevallo Main Street Celebrates a Year of Successes on Main Street Alabama Day**

*Decatur, Ala.* – Main Street Alabama celebrated local program successes at the sixth annual Awards of Excellence on the day that Governor Kay Ivey proclaimed Main Street Alabama Day. The day recognizes the efforts of the organization that is focused on creating jobs and keeping character in communities across the state. During the Awards of Excellence program, Main Street Alabama's President and State Coordinator, Mary Helmer, honored projects and individuals that made tremendous impacts in their respective communities. Alabama Municipal Electric Authority sponsored the event that was held at the Cook Museum of Natural Science in Decatur.

"It's an honor to recognize these outstanding community projects, leaders and volunteers," said Helmer. "Today's award winners represent the most innovative downtown revitalization projects in our Main Street Alabama communities. As our program grows, we continue to encourage our local communities to pursue and demand excellence for their districts and strive to create places that are authentic and welcoming to entrepreneurs. Projects recognized with an Award of Excellence are truly charting new territory in downtown revitalization in Alabama. The effort and leadership it takes to move these projects from concept through completion is tremendous and we are thrilled to acknowledge such achievements. We are especially honored to be presenting these awards the day Governor Ivey proclaimed Main Street Alabama Day."

Over 200 projects, people, and entities were nominated by their local Main Street

[www.mainstreetalabama.org](http://www.mainstreetalabama.org)

programs to be recognized for the impact they make in their communities. Montevallo was recognized in a number of categories:

**Main Street Hero – Julie Smitherman**, Montevallo Main Street Board President and dedicated volunteer

**Excellence in Design – Façade Program**, a matching funds grant to improve commercial storefronts, chaired by Board and Design Committee member Pam Phagan

**Excellence in Placemaking – Friday Nights at the Cove**, a pocket park live music series organized by Executive Director Courtney Bennett

**Excellence in Economic Impact – Village on Valley**, a comprehensive commercial area revitalization project by Dr. Bobby Shunnarah

**Excellence in Promotion – Tinglewood Festival**, an annual event organized by Montevallo Chamber of Commerce, Montevallo Main Street, and Montevallo Arts Council

**#MORE#**

The Awards of Excellence Banquet is a highlight of the aLABama Downtown Laboratory, a three-day conference that bolsters the efforts of communities participating in the nationally acclaimed Main Street program or those communities interested in downtown revitalization. The sixth annual event drew over 150 community leaders from Alabama as well as attendees from Kentucky and Tennessee.

Main Street Alabama has 27 Designated Programs and over 30 Downtown Network Communities. Alexander City, Anniston, Athens, Birmingham, Birmingham's Historic 4th Ave Business District, Calera, Columbiana, Decatur, Dothan, Elba, Enterprise, Eufaula, Florence, Foley, Fort Payne, Gadsden, Headland, Heflin, Jasper, Marion, Monroeville, Montevallo, Opelika, Oxford, Scottsboro, South Huntsville, and Wetumpka each have Designated Programs and new communities will be added annually. Applications to become a Designated Program will be available in Spring 2020. Until then, communities interested in downtown revitalization can participate in Main Street Alabama's Downtown Network.

Main Street Alabama focuses on bringing jobs, dollars and people back to Alabama's historic communities. Economic development is at the heart of our efforts to revitalize downtowns and neighborhood commercial districts.

**###**

[www.mainstreetalabama.org](http://www.mainstreetalabama.org)

Mayor Cost also pointed out that Montevallo was recently ranked as the 11<sup>th</sup> safest city in Alabama, crediting our Police Chief and his officers for their tremendous work.

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

Before opening the floor to comments, Mayor Cost said she assumed most of the people in the packed house came because of the proposed EJI monument. She encouraged everyone to respect each other as they express their opinions. Her hope is that no matter which way the vote goes, we will all leave the meeting still caring for and loving one another.

Charlie Binion questioned the sequence of the discussions. He said he would like to hear what the proposal is and have an opportunity to respond before the vote is taken.

Buddy Freeman said our local pastoral association which represents all races was created many years ago in response to a crisis. They have stayed together all that time addressing any other issue and crises across racial lines. They've learned it isn't always easy to discuss issues of race, but it is necessary. This proposed monument reminds us of our past so we can avoid similar issues in our future.

Jo and Stan Dawson with Montevallo Automotive Repair addressed the Council regarding their lot lease. With the demolition of the old City Hall and PD, they will need to relocate their wrecker lot. At one time, they it had been proposed that they may be able to use a portion of the Recycling Center lot to store their vehicles.

The City Clerk explained that they proposed fencing a section of the lot in exchange for free rent for a year. After that, they'd pay us \$500 a month for the use of the property. This item would be added under Other Business.

Mr. Harris addressed the Council regarding his interest in adding ducks to Orr Park. He said he'd like to house them on the island in the creek.

Mayor Cost said we need to talk about that with Mr. Baugh.

Kathy King asked if the city is enforcing the residential parking decal requirement.

Chief Littleton said they are, but can't catch every offender. He said he would ask his officers to increase their patrol in her zone to watch for violators.

Cheryl Patton requested that the two sculptures she donated to the city and are currently being stored at the Recycling Center be installed at Shoal Creek Park.

Mayor Cost asked her to talk to the SCP Foundation to get their recommendation on where the sculptures should be located and bring that back to the Council for approval.

Mae Glosson expressed her disappointment with the way the city has cared for the property Ms. Mahler gave to the city. She said she has friends who would consider donating property to her alma mater, UM, but they are hesitant to because of the city's inattention to the Mahler house.

Mayor Cost assured Ms. Glosson that the city has fully abided by the wishes of Ms. Mahler.

Adrian Burroughs addressed the Council in support of the EJI proposal. She said telling the truth will help her community heal from the trauma of the past.

Bobby Pierson said there ae many historic markers around the city. He doubted if many people stopped to read those, and felt that this marker would not be noticed by many folks either. He said it would not cause any problems and that he supported it.

Dr. John Stewart addressed the Council as a local resident, not as an official representative of UM. He said he supports the monument for several reasons: 1) If we don't remember our past we are doomed to repeat it, 2) EJI initiatives have been a positive thing for both Montgomery and Birmingham, and 3) We don't need monuments to acknowledge everyone who died by lynching. We acknowledge the Jews who died in concentration camps even though we know many others also died at the hands of Nazis in WWII.

Joyce Jones, Chair of the Montevallo Historical Commission, said that the Commission recommends approving this monument. She said this is part of our history. We don't want to stir the pot, but the truth of our people's history deserves to be told.

Madelyn Cantoo said she has worked on the Jefferson County project and supports the monument here in Montevallo. Lynchings were done in violation of the law. This monument remembers a time when the law was broken in the name of justice.

Kenny Dukes said that this monument will not change his opinion of anyone. He loves and respects everyone in Montevallo. If we put up this monument, we will be the only city in Shelby County confident enough to take a stand and recognize what really happened here during that time. That speaks a lot for the character of the people of Montevallo.

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

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

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

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

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

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

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

**Consent Agenda:** NONE

**New Business:**

Request to use Orr Park for a Benefit on September 1, 2019, and Waive all Vendor Fees and Licenses – Mayor Cost noted the event has been relocated. NO ACTION NEEDED.

Approval to place historic Equal Justice Initiative marker on city property at the southeast corner of the intersection of Shelby Street and Main Street (old Victory lot)

Kathy King addressed the council and presented her group’s proposal:

20 August 2019

To Mayor Cost and the city council:

We request your consideration and support for installation of an Equal Justice Initiative historical marker near the site of an 1889 double lynching at the corner of Main and Shelby Streets.

**Background** I am Kathy King, a resident of Montevallo since 1989 and co-leader (with Paul Mahaffey and Sierra Turner) of a community coalition that has been working in partnership with the Equal Justice Initiative in Montgomery to educate ourselves and members of the community about the history of racial injustice in our area. On August 6 the Historical Commission voted to recommend that the council approve installation of the marker with language approved by the EJI (see Appendix A) at a site near the corner of Main and Shelby Streets (see Appendices B & C). Appendix B identifies two proposed sites for the council’s consideration. Ours will be the 6th EJI marker to be installed in Alabama (see Appendix D). For details regarding marker design and content, see Appendix E. For an overview of the EJI Community Remembrance Project, see <https://eji.org/community-remembrance-project>.

**Significance** The marker recognizes the victims of racial injustice and seeks to promote honest reflection about this dark period in our history. It is EJI’s belief, and ours, that telling the truth about the past will lead to reconciliation.

**Cost** EJI will bear full expense of the marker (\$3000), including fabrication and shipping.

**Benefits**

- Positive publicity in connection with the dedication ceremony (as early as fall 2019)
- EJI investment in the community, including \$5000 toward awards and scholarships to local high school students as part of an EJI-sponsored essay competition.
- Stimulus to further development of the Montevallo African-American Heritage Trail.
- Advantages to the community from a relationship with EJI. The National Memorial for Peace and Justice (informally, the lynching memorial) is #1 on TripAdvisor’s list of things to do in Montgomery. The Legacy Museum is #2. Installation of the Montevallo marker will attract visitors interested in both EJI and the Alabama Civil Rights Trail.
- Advancement of truth and reconciliation on the local level.
- Demonstration that ours is a diverse and inclusive community open to the many stories that make up our history.

**Thinking Ahead** The parking lot at the corner of Shelby and Main Street where the lynching took place may qualify as a historical property: a “place or structure associated with an event or persons of historic or cultural significance to the city” (Municipal Code Sec. 2-293 (c) 1. e). The council may wish to consider recommending that some part of the lot, owned by the city, be designated by ordinance a “historical property” with a view toward developing it as a site in the Montevallo African-American Heritage Trail.

We ask that the council recommend approval of the EJI historical marker with a view toward installation in November or December. Thank you for your consideration.

Kathy King  
kingk@montevallo.edu

Paul Mahaffey  
mahaffey@montevallo.edu

Sierra Turner  
sturner6@montevallo.edu

## **Appendix A: Marker Language**

### **Lynching in Montevallo**

Near this marker, two African American men were lynched by a white mob on August 31, 1889. Their names are unknown. During this era, deep racial hostility in the South permitted suspicion and presumptions of guilt against black people to flourish without serious scrutiny. After a white man was killed while interrupting a burglary, a group of armed white men searched the area and apprehended the two unidentified black men as suspects. When the two men were brought to town, hundreds of angry white citizens gathered demanding revenge. Before the two men could be transferred to the Columbiana jail, local officers turned them over to the mob, claiming they feared a "bloody riot" if they did not allow the mob to abduct the two men. Under the threat of lynching, one of the men reportedly confessed to the crime. Often, African Americans accused of crimes were beaten and tortured to obtain confessions that would be used to justify lynchings. The other man, known only as "Big Six," insisted upon his innocence. Despite this, the mob hanged both men from a tree. These two unidentified black men were denied their constitutional right to stand trial, and were killed by a lawless mob that never faced prosecution. They were two of at least nine African American victims of racial terror lynching killed in Shelby County between 1889 and 1923.

### **Side 2:**

### **Lynching in America**

Thousands of African Americans were lynched in the United States between the Civil War and World War II. Lynching, a form of racial terrorism used to intimidate black people and to enforce white supremacy, was most prevalent in the South. In Alabama alone, more than 360 African Americans were killed by white lynch mobs, with at least nine in Shelby County. Following the collapse of Reconstruction, resistance to equal rights for African Americans led to horrific mob violence against black women, men, and children. Lynching victims accused of crimes or perceived violations of racial customs were consistently denied due process and the protection of the law. Many were pulled from jails or handed over to mobs by officials legally required to protect them. Millions of African Americans fled the South to escape the climate of terror. Those who remained faced continuing humiliation, intimidation, and trauma. Little has been done to address the legacy of lynching. Understanding the history of racial terrorism is critical to confronting challenges created by mass incarceration, excessive punishment, unjustified police violence, and the presumption of guilt and dangerousness that continue to burden African Americans and people of color today.





Appendix B:  
Location of marker

Use this item at your own risk. Accuracy is not guaranteed for any reason. The material and information contained in this document is provided for general information only and should not be used for legal, engineering or surveying purposes. Shelby County is not liable and/or responsible for the consequences caused by or related to, in any way, the screen data or data taken in reliance on this document.

## Appendix C

### Location of double lynching, Montevallo, 31 August 1889: Summary of Evidence

1. Primary sources place the hanging on Main Street, as does Eloise Meroney's generally reliable *Montevallo: The First One Hundred Years* (1977).

2. Evidence of three kinds points to a tree located near the SE corner of Main and Shelby Streets. (It is referred to as the "Tree of Paradise," the "gallows tree.")

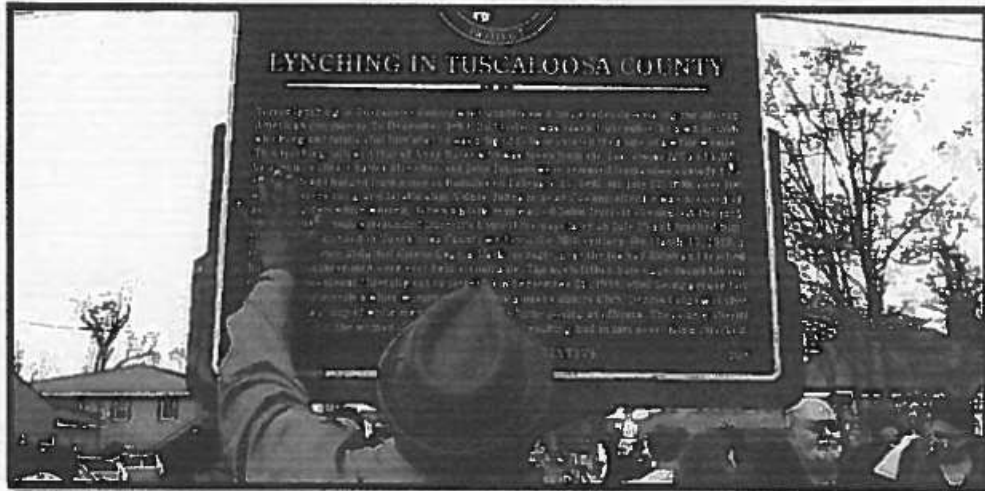
1. *Family history.* Roy Marshal Cunningham informed me by email, 15 Aug 2018, that the "lynching took place on Main Street in front of the home of Henry and Augusta (Allen) Wilson." He continues: "Augusta said they hung the men in a tree in front of her house and they hung their hats on the gate posts of the fence that ran around her front yard." This information has the authority of family connection: Henry Wilson was first cousin to one of Cunningham's great great grandfathers. The Wilson home was located at the SE corner of Main and Shelby.
2. *Corroborating newspaper accounts.* Stories datelined Montevallo suggest the hanging occurred very close to the crime -- "a short distance" or "not fifty yards from where Lawrence lost his life." By all accounts John E. Lawrence was killed at Latham's Store where he interrupted a late-night burglary. The store, owned by Sam Latham, Lawrence's father-in-law, stood on the NE corner of Main and Shelby Streets less than fifty yards from the Wilson house.
3. *Corroborating photograph.* A photograph of the Magnolia Hotel, a structure later added at a 90 degree angle to the Wilson house (and subsequently torn down), shows a tree suitable for a hanging. It stands within a fence that would run around the front of the house, possibly the same fence upon which the hats were placed in the family tradition reported by Cunningham. The identification of the "gallows tree" with the tree in this photograph is consistent with information in one source that the tree stood "not forty feet" from a private residence (i.e., the Wilson house). The photograph, printed in Meroney, p. 52, is available digitally courtesy of Milner Archives, University of Montevallo.

**Conclusions.** The lynching occurred near the SE corner of Main and Shelby Streets on a site across from the present City Hall. The National Register of Historical Places Registration Form (2011, pp. 16-7) provides this as the location, citing Meroney's authority (pp. 45-46). This location matches the Wilson family tradition transmitted by Cunningham, a well-regarded local historian and descendent of the owner-occupants at the time of the lynching. His account, which I find credible on its own, corresponds with details found in contemporaneous newspaper articles. Finally, as a matter of interest, Meroney reports that "as late as 1907 the ropes still dangled from the limb" (pp. 45-46) and Cunningham's ancestral aunt Augusta is recalled as saying that "ropes were left hanging on the tree to warn any of the locals what would happen to them if anything similar were to occur in the future."

-- Kathy King, 25 August 2019



## Appendix D



EJI has installed 16 historical markers total, 5 in Alabama: Brighton, Letohatchee, Gadsden, Tuscaloosa, and Selma. EJI is presently working with 40 community partners on active Community Remembrance Projects. They continue to hear from communities across the nation with interest in CRP efforts that are either currently organizing to participate or who have an interest in developing a local coalition.

Appendix E

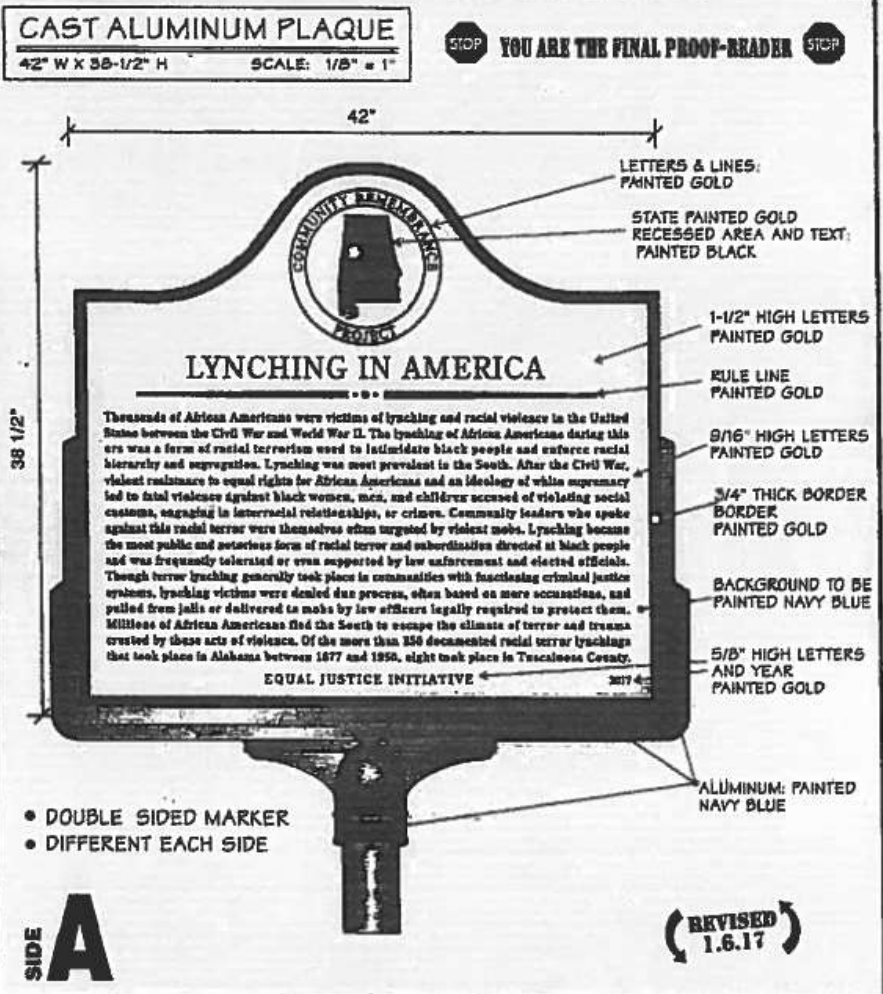
**the southwell co.**  
 1401 N. ALABAMA - SAN ANTONIO, TX 78204  
 PH: (214) 222-1234 FAX: (214) 222-1234

approved (no corrections)  
 approved as noted  
 revise and resubmit  
 signed by: \_\_\_\_\_ date: \_\_\_\_\_

PLEASE SIGN AND RETURN ONE COPY  
 CALLING TO SIGN THIS CHECK WILL RESULT  
 IN A CHARGE FOR YOUR SIGNATURE  
*1.6.17*

CUSTOMER: \_\_\_\_\_  
 EQUAL JUSTICE INITIATIVE  
 122 COMMERCE ST  
 MONTGOMERY, AL 36104

SHIP TO: \_\_\_\_\_  
 TBO



QUOTE # \_\_\_\_\_ N/A FILE NAME: 16-16619.cdr  
 JOB # 16-16619 DATE \_\_\_\_\_  
 P.O. # \_\_\_\_\_ N/A SUBMITTED: 12.30.16  
 RE: LYNCHING IN  
 TUSCALOOSA / AMERICA DRAWN BY: BRADLEY EVERITT

QUANTITY: ONE (1) DOUBLE SIDED  
 MATERIAL: CAST ALUMINUM  
 FINISH: SEE DRAWING  
 SIZE: 42" WIDE X 38 1/2" HIGH  
 BORDER: SINGLE LINE  
 LETTERS: \_\_\_\_\_

**PLEASE SPECIFY MOUNTING ATTACHMENTS**

CONCEALED  
 WOOD SCREWS W/ROSETTES  
 EXPANSION BOLTS W/ROSETTES  
 TOGGLE BOLTS W/ROSETTES

THE DESIGN OF THIS PLAQUE HAS BEEN MADE USING  
 COMPUTERIZED GRAPHICS. THE ACTUAL PATTERN USED IN  
 CASTING WILL BE MADE BASED ON FINAL APPROVAL OF THIS  
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- approved (no corrections)
  - approved as noted
  - revise and resubmit
- signed by: \_\_\_\_\_ date: \_\_\_\_\_

PLEASE SIGN AND RETURN ONE (1) COPY.  
 FAILURE TO SIGN THIS PROOF WILL RESULT  
 IN RESUBMITTAL FOR YOUR SIGNATURE.

*Thank You*

**CUSTOMER:**

EQUAL JUSTICE INITIATIVE  
 122 COMMERCE ST  
 MONTGOMERY, AL 36104

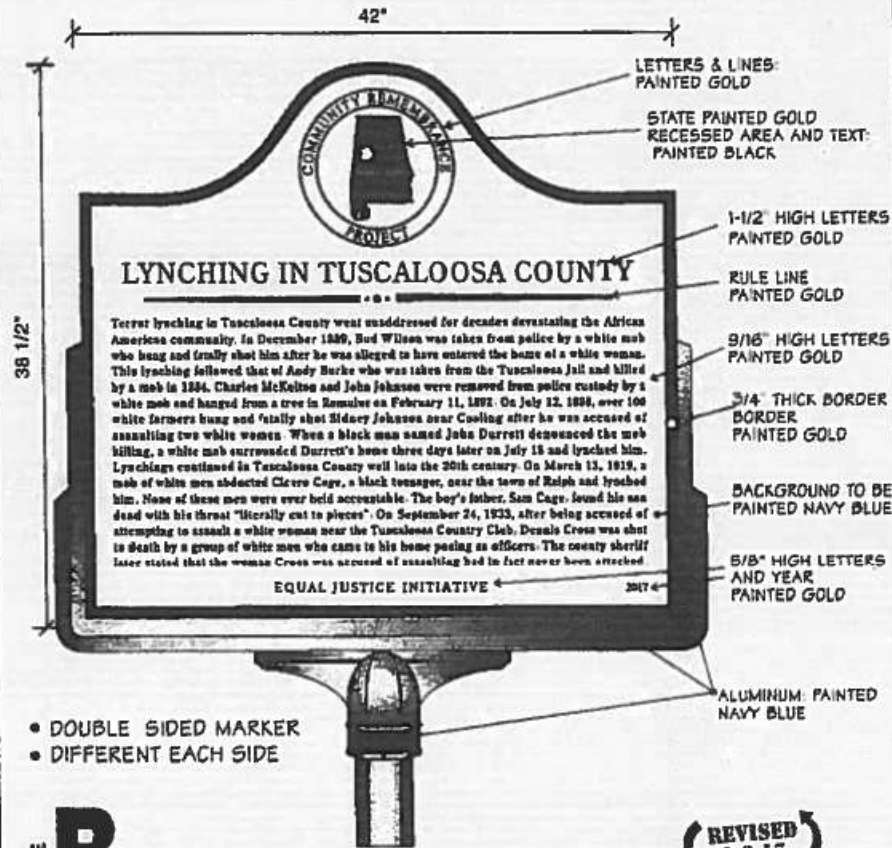
**SHIP TO:**

TBD

**CAST ALUMINUM PLAQUE**

42" W X 36-1/2" H SCALE: 1/8" = 1"

**STOP YOU ARE THE FINAL PROOF-READER STOP**



- DOUBLE SIDED MARKER
- DIFFERENT EACH SIDE

**SIDE B**

**(REVISED 1.6.17)**

QUOTE # \_\_\_\_\_ N/A FILE NAME: 16-18619.cdr  
 JOB # 16-18619 DATE \_\_\_\_\_  
 P.O. # \_\_\_\_\_ N/A SUBMITTED: 12.30.16  
 RE: LYNCHING IN  
 TUSCALOOSA / AMERICA DRAWN BY: BRADLEY EVERITT

**PLEASE SPECIFY MOUNTING ATTACHMENTS**

- CONCEALED
- WOOD SCREWS W/ROSETTES
- EXPANSION BOLTS W/ROSETTES
- TOGGLE BOLTS W/ROSETTES

QUANTITY: ONE (1) DOUBLE SIDED  
 MATERIAL: CAST ALUMINUM  
 FINISH: \*SEE DRAWING  
 SIZE: 42" WIDE X 36 1/2" HIGH  
 BORDER: SINGLE LINE  
 LETTERS: \_\_\_\_\_

THE DESIGN OF THIS PLAQUE HAS BEEN MADE USING  
 COMPUTERIZED GRAPHICS. THE ACTUAL PATTERN USED IN  
 CASTING WILL BE MADE BASED ON FINAL APPROVAL OF THIS  
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Sierra Turner addressed the Council and noted the Equal Justice Initiative spent 10 years researching and documenting lynchings in Alabama and throughout the nation.

Paul Mahaffey stressed that the EJI is not only paying the cost of this marker but will also provide \$5,000 in scholarships to our High School for an annual essay contest. He said this marker acknowledges the truth of what happened and helps to facilitate reconciliation. He also noted that Montevallo will be one of only 6 communities in the state to have such a monument – one of only 17 in the nation. As such, he pointed out this will signal to the world that Montevallo is a diverse and inclusive community.

Council Member Nix expressed his concerns that the monument may give the impression that we condone murder – noting that the lynchings, while terrible, were in response to the murder of a local business person.

Mayor Cost stressed that the monument points out that these men were denied justice and killed without having had a trial.

Council Member Herbert said the mob took away the ability of the court to determine whether or not these men were guilty or not. He said the marker helps us to discuss this issue and recognize what happened.

Council Member Bunt expressed her support for the project, as well.

Mayor Cost noted the EJI's center in Montgomery serves as a memorial to all of the known and unknown victims of lynchings throughout our nation.

Council Member Peterson pointed out this marker addresses the truth of what happened here, and that he is in favor of the project.

Council Member Goldsmith asked about the wording. The Mayor pointed out the wording was detailed in the proposal. Council Member Goldsmith then made a motion to approve the marker as proposed. Council Member Bunt seconded. Council Member Nix voted NAY. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Next, the Council discussed the best location for the marker. The Mayor suggested in front of City Hall. Council Member Nix suggested the cemetery. Council Members Herbert, Bunt and Peterson all said it needed to be located at the corner lot where the lynching took place, assuming it would be approved by ALDOT.

Council Member Goldsmith made a motion to locate it on the corner of Main and Shelby Streets. Council Member Herbert seconded. Council Member Nix voted NAY. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Bleachers for the Orr Park baseball fields – ½ City, ½ MHS - +/- \$4,685 from the Regions Capital Reserve’s Unallocated Reserve - Council Member Nix made a motion to approve the request. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Adopt Annual Transportation Plan related to new Gas Tax - \$33,976 in Anticipated Revenue Allocated as a Transportation Project Grant Match Reserve -

Council Member Peterson made a motion to approve the FY 2020 Transportation Plan. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.



## **Fiscal Year 2020 City of Montevallo Transportation Plan**

In accordance with the Rebuild Alabama Act signed into law March 12, 2019, the City of Montevallo hereby adopts this annual Transportation Plan to use the estimated revenues of \$33,976 in anticipated revenue from the Rebuild Alabama Act (Fuel Bill) fund during the 2020 Fiscal Year as a reserve for matching funds to any state or federal grant funded projects to perform roadway improvements, repairs, resurfacing, reconstruction or maintenance within our existing street/road network during said fiscal year or later years.

**IN WITNESS WHEREOF**, the City of Montevallo has caused this Fiscal Year 2020 City of Montevallo Transportation Plan to be executed in its name and on its behalf by its Mayor and Clerk on this the 26<sup>th</sup> day of August, 2019.

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**HOLLIE COST, MAYOR**

---

**HERMAN LEHMAN, CITY CLERK**

**(CITY SEAL)**

Introduction of the Proposed 2019-2020 Financial Budgets –

The City Clerk explained that the Budgets are merely being presented to the Council tonight. There will be a public hearing on September 9<sup>th</sup> to formally present the budget to the public and accept comment. There will need to be a work session scheduled thereafter, and a vote on the budget sat the last meeting in September.

MEMORANDUM

Date: August 20, 2019

To: Montevally City Council

From: Hollie C. Cost., Mayor

Re: 2019-2020 Fiscal Year Financial Budgets

Council:

The attached draft budget includes the vast majority of requests from all department heads. Among other things, it includes the 3% merit increases, eliminates curbside recycling, adds a Sustainability Coordinator and assistant at the Recycling Center, and increases support for the Golf Course. In addition, it also includes:

- In the General Fund, on the revenue side, you will note that our projected income remains in line with our actual experience this year. (pp. 1-5)
- Our 4 cents of the Sales Tax Revenue is estimated at \$2,715,000. The remaining one cent tax is estimated at \$682,500, with 90% going to MDCD and 10% to the Regions Reserve. (p. 1)
- On the expenditure side, one of the biggest changes in next year's projected budget is the 3% merit increase for eligible employees. You will note that specific increase reflected in the salary line-item within each department.
- Importantly, the budget does not include any anticipated increase in health insurance rates for next year.
- Since 2020 is an election year in the city, this budget includes election-related costs. (p. 19)
- The General Fund budget continues our \$10,000 in support for the Tinglewood Festival. (p.22)
- The budget also keeps our other "contributions" at essentially the same level as last year, except for the \$7,000 added to fund our city's delegation to Japan in the fall. (p.23)

- City Hall also includes an increase in costs for the new IT in a Box service.(p.22)
- Salaries and related expenses for Karen Evans and Sandy Byrd have been moved to Court. A part-time bailiff position was also added. (p.78)
- We also increased our support for the Library, as they requested, by \$13,753. (p. 62)
- Curbside Recycling is eliminated. (p. 43)
- Regarding the Golf Course, Dwight Dellinger and the City Clerk met with Erik Mass with the UM athletic Dept. Erick stressed the importance of having a professional grounds keeper that knows about maintaining grass and is licensed to spray chemicals. Those changes, together with recommendations from Dwight, added around \$110,000 to golf expenditures. (pp.47-48) Dwight also has a plan for increasing play / revenue at the course. That resulted in an increase in projected revenue of approximately \$54,000. (p. 4)
- Park & Recreation request included \$30,000 for a new batting cage at Stephens Park. That request is included in the State Capital Improvement Account. (p. 85)
- In addition, the State Improvement Account includes \$15,000 requested by the Fire Department for additional improvements to Station One.
- One of the most apparent changes is to Recycling. The proposed budget includes funding for the new Sustainability Coordinator and Equipment Operator positions at the Center. (pp. 57-58)
- The Fire Department budget includes an additional \$5,000 for support of Rescue 1. (pp.32-33) They also requested \$12,000 for a new Gator which is included in the Regions Reserve. (p.92)
- The Regions Capital Reserve continues to provide funding for the Police Cars and Fire Trucks, as well as \$25,000 for Comp Plan, \$7,000 for Main Street Banners, and \$3,000 for Arbor Board replanting.

With all of this, we project a positive ending, unallocated balance of \$2,261 in the General Fund.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MONTEVALLO, ALABAMA  
ADOPTING ITS 2019-2020 FISCAL BUDGETS**

**Whereas**, Generally Accepted Accounting Policies and Procedures recommend municipalities approve an annual financial budget;

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF MONTEVALLO, ALABAMA, AS FOLLOWS:**

1. The Council hereby adopts the following:

**2019-2020 GENERAL FUND BUDGET**

REVENUES:	\$5,880,019	(\$534,356 UP)
Trans from Court (fines)	0	(\$100,000 DOWN)
Trans from Court (restitution)	<u>32,000</u>	(\$8,000 DOWN)
TOTAL REVENUE	\$5,912,000	(\$426,356 UP)

## EXPENDITURES:

Beautification -	\$ 2,400	(No Change)
Historical Commission -	2,000	(No Change)
City Judge -	20,860	(3% Increase)
City Prosecutor -	13,035	(3% Increase)
Mayor's Office -	14,964	(\$2,000 UP)
Clerk's Office -	91,063	(\$3,637 UP)
City Council -	3,200	(No Change)
Revenue Officer -	79,852	(\$4,182 UP)
Elections -	17,500	(\$17,500 UP)
Economic Development -	64,518	(\$36 DOWN)
City Hall – General Operations	615,200	(\$26,531 UP)
City Shop -	18,650	(\$1,350 UP)
Police -	1,583,958	(\$61,839 UP)
Fire & Rescue -	332,170	(\$5,589 UP)
Cemetery -	81,110	(\$2,213 UP)
Building Inspector -	10,904	(No Change)
Fire Inspector -	68,661	(\$2,843 DOWN)
Streets & Roads -	549,859	(\$17,329 UP)
Leaf & Limb -	99,665	(\$4,172 UP)
Sanitation -	281,344	(\$32,757 DOWN)
Animal Control -	26,925	(\$3,421 UP)
Golf Course -	425,175	(\$115,993 UP)
Aging Program -	53,097	(\$1,160 UP)
Parks & Recreation -	274,340	(\$1,670 UP)
Community Band -	250	(No Change)
Recycling Center	119,763	(\$109,463 UP)
Mahler Property	1,200	(No Change)
90% of 1 Cent Expense (MDCD)	614,250	(\$63,000 UP)
10% of 1 Cent Expense	68,250	(\$7,000 UP)
Fire Truck Lease Repayment	54,654	(No Change)
Library Loan Repayment	70,776	(No Change)
Transfer to Library -	<u>252,174</u>	(\$13,753 UP)

TOTAL EXPENDITURES \$5,909,758 (\$422,154 UP)

REVENUES OVER  
EXPENDITURES \$ 2,261



**4/5 CENT GAS EXCISE TAX FUND**

REVENUES	\$ 11,462	(No Change)
EXPENDITURES	<u>11,000</u>	(No Change)
REVENUES OVER EXPENDITURES	\$ 462	(No Change)

**2 & 7 CENT GAS EXCISE TAX FUND**

REVENUES	\$ 14,805	(No Change)
EXPENDITURES	<u>14,805</u>	(No Change)
REVENUES OVER EXPENDITURES	\$ 0	(No Change)

**10 CENT GAS TAX FUND**

REVENUES	\$ 56,627	(NEW)
EXPENDITURES	<u>50,000</u>	(NEW)
REVENUES OVER EXPENDITURES	\$ 6,627	(NEW)

**COURT**

REVENUES	\$ 405,100	(\$35,100 UP)
EXPENDITURES	<u>358,690</u>	(\$98,906 UP)
REVENUES OVER EXPENDITURES	\$ 36,401	(\$36,085 UP)

**FORFEITURE FUND**

REVENUES	\$ 0	(No Change)
EXPENDITURES	<u>0</u>	(No Change)
REVENUES OVER EXPENDITURES	\$ 0	

**CAPITAL IMPROVEMENT FUND**

REVENUES	\$ 59,000	(\$3,000 UP)
EXPENDITURES:		
Misc - Old City Hall Demo/Paving)	<u>45,000</u>	(\$5,000 DOWN)
REVENUES OVER EXPENDITURES	\$ 14,000	(\$8,000 UP)

**LIBRARY FUND**

REVENUES	\$ 275,674	(\$40,374 UP)
EXPENDITURES	<u>275,674</u>	(\$14,853 UP)

REVENUES OVER EXPENDITURES	\$ 0	(No Change)
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**MONTEVALLO REGIONS CAPITAL RESERVE FUND**

**REVENUE**

Library Debt Payments	\$ 70,776	(No Change)
Fire Truck Lease Payments	54,654	(No Change)
10% of 1 Cent Tax	68,250	(\$7,000 UP)
90% of 1 Cent Tax	<u>0</u>	(\$551,250 DOWN)
TOTAL	\$193,680	(\$544,250 DOWN)

**EXPENDITURES**

MDCD	0	(551,250 DOWN)
City Hall	31,000	(\$11,000 UP)
Police - Vehicles	33,000	(No Change)
Fire Dept – Capital	107,000	(\$12,000 UP)
Misc. –	10,000	(\$8,000 DOWN)
Capital – Mahler/SCP	0	(\$10,000 DOWN)
Street Mower	<u>9,300</u>	(No Change)
TOTAL	\$190,300	(\$546,250 DOWN)
UNALLOCATED	\$ 3,380	(\$2,000 UP)

ADOPTED AND APPROVED THIS \_\_\_\_ DAY OF SEPTEMBER, 2019.

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Mayor

ATTEST:

---

City Clerk

110 Samford Street – Authorization to abate weeds and clean-up property –

Council Member Goldsmith made a motion to abate weeds and clean-up property at 110 Samford Street. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

78 Western Dr – Authorization to remove inoperable vehicle from premises –

**Inoperable Vehicle Abatement - Pg of**  
**78 Western Drive**

«**»** *Property ID Number:*  
# 27 4 19 3 001 024.000

«**»** *Property Address:*  
Add: 78 Western Drive  
Montevallo AL 35115

«**»** *District: # 2      Date Began: 04/03/2019*

«**»** *Photograph and Document Condition of  
the Property:*

- After receiving several complaints from Linda McCray, about an inoperable motor vehicle at 78 Western Drive, I found a white Ford Explorer in the yard and the engine removed and placed on the ground.



Inoperable Vehicle Abatement - Pg of  
78 Western Drive



Wednesday - 03 April 2019

- 12:53 - Checked 78 Western Drive. Found white Ford Explorer that appears to be worked on. Engine on the ground.
- Since the vehicle was being worked on, which is one of the stipulations of an inoperable vehicle being parked in the yard, I decided to return in 30 days and check the progress of the repair. Return on [05/03/2019](#).



Inoperable Vehicle Abatement - Pg of  
*78 Western Drive*



*Tag number of Ford Explorer*



No action has been taken by the owner.

Council Member Nix made a motion to remove inoperable vehicle from 78 Western Drive. Council Member Goldsmith seconded. ALL AYES . . . MOTION APPROVED.

4600 Hwy 119 – Condemnation of property & authorization to bid demolition –

Council Member Goldsmith made a motion to condemn 4600 Hwy 119 and authorize bids to demolish the house. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

Approve \$15,000 +/- EMS ATV to replace the buggy that exploded – Utilize unspent funds in their GF budget –

Brad Davis explained that the quote was from an approved purchasing group, so it did not need to be formally bid. The department uses the ATV to access remote areas. Chief Reid said they have enough excess funds in their budget to cover the cost.

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

### **Old Business:**

Presentation and Approval of proposed plan for use of the Mahler House (Rob Walker) –

Council Member Herbert asked why someone would suggest that the city is not following the wishes of Ms. Mahler with regard to caring for her property.

Mayor Cost said she did not understand that, either. We have followed the dictates of Ms. Mahler's gift and will to the letter. Ms. Mahler gave us her property for use as a public park. That is exactly what we are doing with it.

Council Member Nix asked that the Council be kept apprised of the scope of work as they uncover more issues.

Council Member Peterson said we need to get work underway ASAP. We've planned long enough.

Mayor Cost agreed, noting that once the Council approves the proposed use, the architect will be able to complete the drawing for the Phase I bids.

Council Member Peterson made a motion to approve the architect’s proposal and to move forward with the project. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

**Board Appointments:**

Council Member Bunt made a motion to renew Terry Arnold’s position on the Trail Committee. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

Council Member Nix made a motion to appoint Aaron Mahaney to the Park Board. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

**Other Business**

Council Member Nix made a motion to approve a lease agreement (MOU) with Dawson, Inc. (dba Montevallo Auto Repair) to use a portion of the recycling center property to store towed vehicles. In exchange for their installing fencing, which will include privacy screening, the city agrees to let the Dawsons use the property rent-free for a year. After that, they will pay \$500 a month. Council Member Goldsmith seconded. ALL AYES . . . MOTION APPROVED.

Council Member Bunt made a motion to waive all business licenses and vendor fees for Art Walk on October 26<sup>th</sup>. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

Council Member Nix made a motion to approve the establishment of three new bank accounts and other account changers as detailed in the Resolution. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.



**Resolution No. 08262019-600**

**Whereas**, from time to time, it is necessary to update the signatories on city bank accounts, and to add or close accounts; and



**Whereas**, the Rebuild Alabama tax distributions, in accordance with HB 2 passed in the 2019 Special Session of the Legislature, require the establishment of two bank accounts, one for Gasoline Tax and one for Diesel; and

**Whereas**, the Montevallo Junior City Council (MJCC) as an entity of the City also requires a separate bank account; and

**Whereas**, personnel changes have taken place in our Municipal Court;

**NOW, THEREFORE, BE IT RESOLVED** that the City Clerk or his designee id hereby authorized to set up the following bank accounts at Trustmark Bank in Montevallo:

Rebuild Alabama Gas Tax

Signers – Herman Lehman, Hollie Cost, Lisa Terrill, Jason Peterson

Rebuild Alabama Diesel Tax

Signers – Herman Lehman, Hollie Cost, Lisa Terrill, Jason Peterson

Montevallo Junior City Council (MJCC)

Signers – Herman Lehman, Hollie Cost, Lisa Terrill, Jason Peterson

In addition, the City Clerk or his designee shall have Ivy Krukowski's name removed for all city court related bank accounts.

**Adopted and approved this the 26<sup>th</sup> day of August, 2019.**

---

Hollie Cost, Mayor

ATTEST:

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Herman Lehman, City Clerk & Treasurer

**Citizen Participation:**

Charlie Binion suggested that the Council allow for public comment before an item is voted on. He said he would have liked to comment on the EJI proposal after he heard what it was. He said he felt there is a lot of opposition to this project which was not heard.

Mayor Cost said she understood and agreed that would be a good change in procedure.

Janice Seaman suggested the name of the murdered businessman be added to the sign and that his middle initial be corrected as John T. Lawrence in the presentation. She also corrected the name of Marshall Roy Cunningham.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Peterson seconded. ALL AYES . . . MEETING ADJOURNED at 7:39 p.m.

Submitted by:

Herman Lehman  
City Clerk

**Adjourn**