

MINUTES

Montevallo City Council Work Session

April 11, 2022

5:30 p.m. at City Hall

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

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

Discussion of New Business Items on Agenda:

Heritage Trace Master Plan Amendment – Zoning. Discussion held in Council Meeting.

University SD Amendment ATO House Apartments – Discussion held in Council Meeting.

Surplus vehicles and equipment – See Appendix 1 for list of items.

Closing of Island Street on Saturday, April 23 for Spring Fling Food Truck Festival.

Old Business: Annexation of Gandy Property. Second reading.

Board Appointments: Tables until next City Council Meeting.

Mayor Nix called for Committee Reports:

Council Member King called on Chief Littleton for the Police Department Report. Chief Littleton reported there were 92 Total Reports. See Appendix 2.

Council Member King called on Chief Davis for the Fire Department Report and he reported the Total Number of Calls for March was 122 (100 EMS). See Appendix 3.

Mayor Nix called on Council Member Dukes for Sustainability. Council Member Dukes spoke on behalf of Kirk Hamby, Public Works and reported 16 tons were collected at the Recycling Center Saturday for the Shelby County Free Landfill Day. Council Member Dukes reported the Recycling Center will be closed Friday – Monday for the Easter Holiday.

Mayor Nix called on Council Member Eisenberg for Recreation, Preservation and Community Development. She called on Shane Baugh, for Parks and Recreation. Shane reported there is big tournaments in town tonight and the rest of the week. Fields are in heavy use. Bridges under repair. Main bridge at Orr Park under repair and will be completed by Wednesday. He reported the Stephens Park Restrooms were over budget. Sonya Swords spoke regarding today's MDCD meeting to advise they came in under budget on the Dailey Park project, and they had discussed reallocating MDCD Funds from Dailey Park to be reallocated to Stephens Park.

Mayor Nix called for Education, Arts, and Outreach. Council Member Mitchell called on Savannah Kitchens, Library Director. Savannah reported on 15 programs at the library, number of visits to the library was 1,954 and various updates. See Appendix 4.

Council Member Mitchell called on Sarah Hogan, Program Director Impact Montevallo. Sarah reported Impact held a Coalition Meeting last week. Impact continues to work on the Thriving Earth Exchange. She will be the guest speaker at the Montevallo Chamber of Commerce Luncheon on April 20. Impact will be partnering with Main Street and DRUM the Program at the inaugural Spring Fling Family Food Truck Festival on April 23. She reported National Prescription Take Back Day is April 30. See Appendix 5.

Council Member Mitchell called on Blessing, MJCC Junior Mayor Pro Tem for the MJCC report. Blessing reported the Bird House Project will begin soon. The MJCC is collecting shoes for Soles4Souls. The MJCC will be participating in Arts Fest this Saturday. The MJCC is working on an art box to be completed by the end of the school year. And she reminded everyone of nominations for Super Youth Saturday.

Council Member Mitchell reported Montevallo Schools will be closed April 15 for students and is a workday for teachers. She reported the American Village is open full time. She reported Arts Fest will be held this Saturday from 10 a.m. until 5 p.m. at Orr Park.

The next meeting for the Education, Arts and Outreach Committees will be held on Tuesday, April 19, 2022 at 5:30 in the Willie C. Goldsmith Council Chambers.

Mayor Nix called on Council Member Swords for reports on Finance, Economic Development & Tourism.

Council Member Swords called on Courtney Bennett, Executive Director, Montevallo Main Street. Courtney reported the Find A Rainbow Scavenger Hunt in partnership with Impact was a great success; Spring Fling Family Food Truck Fest is on April 23 in partnership with Impact and DRUM the Program. Courtney met with Green Valley Farms with her Board President and the President of the Arbor & Beatification Board to make a plan to add trees to the downtown streetscape. Montevallo Main Street is sponsoring the Music Stage at Arts Fest. See Appendix 6.

Council Member Swords called on Adele Nelson, Executive Director, Montevallo Chamber of Commerce. Adele reported she attended the Farmers' Market Manager Meeting in Montgomery. She reported the Montevallo Chamber co-hosted the Washington Update with Congressman Gary Palmer. Montevallo Onion Sale deadline is April 15. The Montevallo Chamber Luncheon will be Wednesday, April 20 and features Sarah Hogan, Impact Director. Golf Tournament will be held April 28. See Appendix 7.

Council Member Swords reported MDCD met today and called on Matt Burgess gave a report on the Highway 25 project. Matt reported project construction will begin in late summer or early fall.

Pledge of Allegiance

Montevallo City Council Meeting

April 11, 2022

6:00 p.m. at City Hall

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

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

Public Hearing:

Case No. SD22-001 Heritage Trace-Amended Master Plan - tabled for two weeks. Appendix 8.

Public Hearing:

Case No. SD22-004 University SD Amendment – Alpha Tau Omega Fraternity House.

David Bradford the developer spoke on behalf of the project. Project is in the University Special District. He plans to have a maximum of 12 units. Appendix 9.

CP Pierson asked who would manage the property? Private or University of Montevallo. Answer: Privately owned by David Bradford and he would manage.

Close of Public Hearing at 6:10 p.m.

Approval and or corrections of the Minutes: 3.28.22 – Motion by Council Member Mitchell, second by Council Member King, All Ayes, Motion passed.

Recognitions / Awards: None

Opportunities for Citizens to speak to the Council:

Michael Patton 1220 Highland Street, Commissions and Boards. Concerns over how they are appointed/ people on the boards. Questioned how was done and why.

George Henry 105 Heritage Park. Asked a question regarding the postponing of the zoning of Case Number SD22-001 as to what the advertising post must contain. Mr. Henry also expressed his difference of opinion on the request of his recusal from voting on the matter as a possible ethics violation. Mr. Henry stated he felt like the matter was handled poorly by the City.

Committee Reports:

Public Health & Safety (Police, Fire, Code Enforcement, Housing Abatement, Planning and Zoning) – Reported during City Council Work Session.

Sustainability (Streets & Sanitation, Recycling, Arbor & Beautification, ValloCycle, Environmental Preservation Initiatives, and Historical Commission) – Reported during City Council Work Session.

Recreation, Preservation and Community Development (Parks & Recreation, Youth Athletics, Trails, Annexations) – Reported during City Council Work Session.

Education, Arts & Outreach (Schools, Library, UM, Boys & Girls Club, American Village, Sister City Commission, Artwalk, IMPACT) – Reported during City Council Meeting.

Finance, Economic Development & Tourism (Finance, MDCD, IDB, Chamber, Main Street) – Reported during City Council Meeting.

Consideration of Bills

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

New Business:

Consideration of Case No. SD22-004 University SD Amendment – Alpha Tau Omega Fraternity House. Motion made by Council Member King, Second by Dukes, All Ayes.

Recommendation to declare Vehicles and other City Property as surplus for the purpose of Public Auction. Motion made by Council Member King, second by Eisenberg, All Ayes.

Request from Montevallo Main Street to close Island Street from North Boundary Street to Park Drive for the purpose of Spring Fling Food Truck Festival from 10 AM to 6 PM Saturday April 23, 2022. Motion made by Council Member Mitchell, second by Council Member Swords, All Ayes

Old Business: Ordinance 03202022-440 Annexation Gandy Property. Motion made by Council Member Eisenberg, second by Swords, All Ayes. Appendix 10.

Board Appointments: Tabled.

Other Business: Camper plugs at Park/ MDCD Funding. Camper Plugs, City Clerk will obtain estimates for the project. Motion made by Council Member King, second by Council Member Eisenberg, All Ayes,

MDCD Funds from Dailey Park project that came in under budget to be reallocated to Stephens Park. Motion made by Council Member King, second Council Member Eisenberg, in the amount of \$37,911.00, All Ayes.

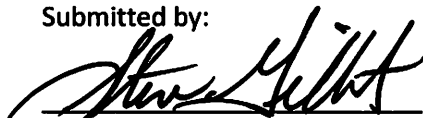
Citizen Participation:

CP Pierson 1131 Oak Street, Question about George Dailey Park. Private funds being raised for Dr. Earl Cunningham Bench to be placed in Park. Who will install the bench? Will it be the City? Answer, No.

George Henry asked again about procedures for an Ordinance regarding the Zoning of the property in Heritage Trace. City Clerk Gilbert advised Mr. Henry that the Ordinance would be posted in its entirety after review by legal counsel in accordance with the requirements for a 15 day advertising period before the matter is brought before Council.

There being no further business before the Council, Mayor Nix called for a Motion to Adjourn, Motion to adjourn made by Council Member King, Second by Council Member Mitchell, All Ayes. Meeting Adjourned at 6:57 p.m.

Submitted by:



Steve Gilbert
City Clerk / Treasurer

APPENDIX 1

Inventory Liquidation List	Quantity	Department	Model Number/ Serial Number / VIN	Location	Condition	Operational Y / N
Pallet Jacks	3	Golf Course	N/A	City Shop	Fair	N/A
Fire Extinguisher	7	Golf Course	N/A	City Shop	Fair	Expired
Gas Cans	3	Golf Course	N/A	City Shop	Fair	N/A
Water Hoses	1 Lot	Golf Course	N/A	City Shop	Fair	N/A
Range Ball Wahser	3	Golf Course	N/A	City Shop	Fair	N/A
Husqvarna Power Hedge Trimmer	1	Golf Course	N/A	City Shop	Fair	N
Husqvarna Back Pack Blower	1	Golf Course	Model 560 BTS	City Shop	Fair	N
Toro Greens Aerator	1	Golf Course	SN # 09120-8.0488	City Shop	Fair	Y
Hustler Zero Turn Mower	1	Golf Course	Missing Tag	City Shop	Poor	Parts Only
Turf Brush	1	Golf Course	TB220-001418	City Shop	Good	Y
Greens Slicer Attachments	3	Golf Course	N/A	City Shop	Fair	Y
GrassHopper Zero Turn Mower	1	Golf Course	Model # 339 SN# 6512839	City Shop	Poor	N
NAPA Battery Charger	1	Golf Course	Model 85-1500	City Shop	Fair	Unknown
Portable Diesel Tank (Trailer)	1	Golf Course	N/A	City Shop	Poor	N
Greens Roller RS-5152	1	Golf Course	Model 5152	City Shop	Good	Y
2002 Massey Ferguson Tractor 231-S	1	Golf Course	Model 23152 SN# 9681K27138	City Shop	Good	Y
1998 Ford F-800 Grapple Truck	1	Public Works	VIN 1FDYF80C7WVA16603	City Shop	Poor	Y
1991 GMC White Sweeper Truck	1	Streets	Expeditior VIN 4V2DCFAD1MN638941	City Shop	Good	Y
2012 Cub Cadet ZTR Mower	1	Public Works	53H2PT0050 1C152Z30024	City Shop	Fair	Y Blade Clutch Issue
Echo Trimmer	1	Golf Course	SRM210	City Shop	Poor	N
Echo Trimmer	1	Golf Course	SRM225	City Shop	Poor	N
Husquvarna Trimmer	1	Golf Course	Model 325 SN# 2100035	City Shop	Poor	N
Troy Built Edger	1	Golf Course	TB 70SS	City Shop	Poor	N
Wheel Barrow	1	Golf Course		City Shop	Fair	N/A
Scotts Seed Fertilizer Spreader	1	Golf Course		City Shop	Fair	N/A
Pull Behind Utility Cart	1	Golf Course		City Shop	Fair	N/A
Hand Tools Rakes Shovels	1	Golf Course		City Shop	Fair	N/A
Jeep Rims and Tires	5	Golf Course		City Shop	Fair	N/A
Metal Folding Chairs	4	Golf Course		City Shop	Fair	N/A
Floor Jacks	3	Golf Course		City Shop	Fair	N/A
Pull Behind Rake	1	Golf Course		City Shop	Fair	N/A
Fiberglass Folding Step Ladder 12ft.	1	Golf Course		City Shop	Fair	N/A
Aluminum Ladder 16 ft	1	Golf Course		City Shop	Fair	N/A
Small Mower Tires and Rims	4	Golf Course		City Shop	Fair	N/A
Metal Hand Trucks Folding	1	Golf Course		City Shop	Fair	N/A
1998 GMC Sonoma Pickup Ext Cab	1	Water Department	VIN 1GTCS19X1WK520816	City Shop	Fair	Y
2008 Ford Ranger Pickup Reg Cab	1	Water Department	VIN 1FTYR10UX8PA39733	City Shop	Fair	Y

2022 Montevallo Fire And Rescue Events by Type

Report Date: 4/1/2022 From:1/1/2022 TO:3/31/2022

APPENDIX 3

		Jan	Feb	Mar	Total
ABDOMINAL		6	4	7	17
ALARM	CARBMONOX	0	0	2	2
	FIRE_COMMERI	0	2	1	3
	FIRE_RESIDENTI	3	2	1	6
	MEDICAL	4	2	5	11
ALLERGIES		1	1	0	2
ALTERED		3	1	8	12
ANIMAL	BITE	0	0	2	2
ASSAULT		1	6	0	7
BACK		0	1	1	2
BLEEDING		5	1	2	8
BREATHING		23	8	9	40
CARDIAC	ADLT	6	3	2	11
	CHLD	0	0	1	1
	INFNT	1	0	0	1
CHESTPAIN		12	8	4	24
CHOKING	ADULT	1	0	0	1
	INFANT	0	1	0	1
DIABETIC		1	0	0	1
EXPLOSION		0	0	1	1
EXTREMITIES		9	6	12	27
FALL	STANDING	10	5	8	23

		Jan	Feb	Mar	Total
FD-ASSIST	AGENCY	0	1	0	1
	CHILDCAR	1	1	0	2
	LAWENF	0	2	0	2
	LIFT	20	15	9	44
	MUTUAL	0	1	0	1
	PUBLIC	2	1	1	4
	TREE	0	0	2	2
FIRE	APPLIANCE	0	2	0	2
	BRUSH	2	1	1	4
	DUMPSTER	0	1	0	1
	STRUCTURE_CO	4	0	3	7
	STRUCTURE_RE	3	7	0	10
	TRANSFORMER	0	0	3	3
	VEHICLE	0	0	1	1
GENERAL		3	6	6	15
HEAD/NECK		2	1	4	7
HEADACHE		1	0	2	3
HEART		2	1	0	3
LINES		0	0	1	1
MVC	CHECK_INJURIE	6	8	8	22
	W_INJURIES	2	2	0	4
OB		1	0	0	1
ODOR	ELECTRICAL	0	0	1	1
	GAS	0	0	1	1
OVERDOSE		0	2	2	4

	Jan	Feb	Mar	Total
POISONING	1	1	0	2
SEIZURE	2	2	2	6
STROKE	6	3	0	9
SUICIDE	1	1	1	3
TEST	0	1	1	2
TORNADO_WAR	0	0	1	1
TRAUMATIC	0	1	1	2
TRESPASS	1	0	0	1
UNRESPONSIVE	5	3	5	13
Total	151	115	122	388

PARNELL MEMORIAL LIBRARY

MARCH 2022

VISITS TO THE BUILDING

1,954

ITEMS CHECKED OUT

13,587

CITIZEN SAVINGS

\$247,529.25

PHONE CALLS

99

WIFI & COMPUTER SESSIONS

1,774

DATABASE SEARCHES

1,043

PROGRAM PARTICIPATION

245

PROGRAMS: 15

- 4 Mini Music Sessions
- 4 storytimes with Mr. Mac
- 1 Dr. Seuss craft kit
- 1 Sweets & Eats event
- 1 senior movie
- 2 Tech Help Hour sessions
- 1 APT Parent/Caregiver Forum
- Teen Advisory Board

COMMUNITY MEETINGS

22


FAX ATTEMPTS: 86

FAX SUCCESS: 11



PARNELL MEMORIAL LIBRARY

MARCH 2022

- Just a check in for our new bin browsing shelves in the picture book area; in March 2021, we checked out 379 picture books; in March 2022, we checked out 1,288 - that's a 239% increase from last year! The new bin shelving is holding up well, and it seems like the families in our community are really enjoying them.
 - A+ Wildlife Service is in the process of completing sealing the building for our bat problem. More evidence of bats living in the library was found, so we're very grateful that Council gave us the go-ahead to handle this issue.
- 

City Council Meeting April 11, 2022

Ms. Sarah Hogan, program director provided the following report:

- **Coalition Meeting Last Week:** We had a great monthly meeting last week. You should have received a copy of the minutes and presentation from the meeting earlier today via email. Please review the materials to learn about all the great ways we are making an impact in the community. An update on legislation was provided including the new Marijuana and Pregnancy Bill and the Decriminalization Bill. The legislation does address that no medical marijuana dispensary can be within 1000 feet of a daycare of 2 or 4 year institution of higher learning. This bill has currently only passed the Senate. I would encourage the Council to be proactive regarding the City's stance on medical marijuana dispensaries.
- **Thriving Earth Exchange:** We continue to work with our three scientists through the Thriving Earth Exchange. Thank you to Courtney Bennett, for assisting with this project. We are currently comprising of list of Montevallo Assets and defining those into categories. This will help as we work towards quantifying our quality of life here in Montevallo.
- **Chamber Luncheon:** Please make plans to attend the upcoming Chamber of Commerce luncheon on April 20 at 11:30 am. I am excited about the opportunity to talk about Impact Montevallo and getting others in the community involved in our efforts to reduce youth substance use.
- **Spring Fling:** Our partnership event with Montevallo Main Street and Drum the Program, Spring Fling: A Family Food Truck Fest is set for Saturday, April 23 from Noon – 6:00 pm on Island Street. We need volunteers. If you are interested in helping, please reach out and please plan to come out and have a good time.
- **National Prescription Take Back Day:** National Prescription Take Back Day is held twice a year, hosted by the DEA and supported by our Shelby County Sherriff's Office in conjunction with our local law enforcement. The next event will be Saturday, April 30 from 10:00 – 2:00 at Montevallo Drug. Please make sure to properly dispose of all unused and expired prescriptions medications to minimize the risk of abuse.
- **Camp Journey:** Our rising 6th graders camp, Camp Journey, will be held June 21 – 25 at Montevallo High School. This free camp provides opportunities for students to build valuable relationships with their SRO and other law enforcement and community leaders that will help develop leadership skills, character traits and values that will help students throughout their academic year and issues they may face moving into the 6th grade and adolescence years. The camp provides a fun active environment where students will also get first-hand knowledge of the duties of our law enforcement agencies. Registration is open. Officer Wilhite did a great job presenting to these students and their guardians at an event

last week at the Middle School. If you know of a rising 6th grader that may be interested, please have them pick up an application from SRO Wilhite or use the link on our social media.

- **MJCC:** And finally, I'm happy to have Junior Mayor Pro Tem, Blessing with us tonight. I know she will fill you on all the great things the Junior City Council is working on but I did want to thank Ms. Lisa Shapiro for coordinating with Shelby County Reporter for the donation of two metal newspaper stands for the MJCC to use as Art Exchange Boxes. Thank you to the Shelby County Reporter for this generous donation and to Kirk Hamby and Byron O'Neal for going to pick these items up. I can't wait to see these boxes available for our citizens.

Report to City Council

April 11, 2022

Activities

- Our Rainbow Scavenger Hunt with Impact Montevallo was a great success. The winners were announced last week via social media and each one picked up their prize packets. The “Best Example of Being A Rainbow to Someone else” was Christie Headley’s son, who picked up trash downtown as he looked for rocks. Most Rocks Found went to Eva Lemus’ daughter, who found 21 out of 24. Most Creative Photos was a tie between Alison Baggett’s son, who used a rock to create a beautiful drawing, and Petra Hunter’s daughter, who utilized our two downtown photo spots to take pictures with her younger sibling in tow.
- Last week, I toured Green Valley Farms along with my Board President and the President of the Arbor & Beautification Board. We are in the process of analyzing our downtown streetscape trees and making a plan for those that need to be trimmed or replaced. We are also in the process of designing landscape improvements at the Post Office and will update you as plans are finalized.
- Montevallo Main Street is sponsoring the Music Stage at Arts Fest in Orr Park this Saturday, and we invite you to stop by our booth and say hello while you’re there. Live music will be played at the park from 11 AM to 4 PM by 5 different acts.
- The following Saturday, April 23, we are co-hosting the Inaugural Spring Fling Food Truck Fest with Impact Montevallo and DRUM the Program, and we invite you to join us for food and fun! We would also appreciate your support in our request on tonight’s agenda to close down a portion of the street so that our guests can enjoy the event safely. If approved, we would notify the two businesses who are located on that portion of the street.

Business Transitions

- Opening soon:
 - Pit 119, 629 Main Street, date TBA
 - Slice Stone Pizza + Brewhouse, 1105 Ashville Road, date TBA
 - Xcaret Grill, 1032 Main Street, date TBA
 - Main Street Nutrition, 746 Main Street, date TBA
 - Drayer Physical Therapy, 742 Main Street, date TBA
 - Visibil.IT, 619 Main Street, date TBA
- Properties for sale/rent within the district:
 - Sale:
 - Lot on Island Street for sale or build to suit—listed by Bob Nesbitt, 205-939-8219
 - Rent:
 - 626 Main Street – call 205-665-0035
 - 616 Main Street – call 205-436-1919
 - 1225 Valley Street – call 205-567-9659

Respectfully submitted, Courtney Bennett, Executive Director

Montevallo Chamber of Commerce Report City Council 4.11.22

- 1) Adele attended the **Farmers' Market Manager Meeting** Thurs Mar 31st at the Al Dept of Agriculture auditorium in Montgomery. - update for 2022 Senior Farmers Market Nutrition Program (SFMNP) will be paperless
(2022 Montevallo Farmers' Market every Monday 3-6pm from June 6 - Aug 15)
- 2) Montevallo Chamber Co-Host **Washington Update Luncheon** with Congressman Gary Palmer on Monday, April 11 at the Hyatt Regency Birmingham – The Wynfrey Hotel.
- 3) Montevallo Onion Sale deadline April 15th with tentative delivery of May 5th. Funds raised will go to support the **Annual Montevallo Chamber Community Grant Fund**.
- 4) Chamber will have a booth at the **15th Annual Montevallo Arts Fest** on Sat April 16th 10am - 5pm
- 5) Wed April 20th will be the **Chamber Luncheon** "*Impact Montevallo: An Organizational Overview*" with guest speaker Sarah Hogan / 11:30am to 1pm at Parnell Library meeting room. Lunch at noon \$12.00 / Catered by the MHS Culinary II Arts Program. Centerpiece Decorations - MJCC / RSVP by Mon 4/18
- 6) **Montevallo Chamber Golf Tournament** to benefit the Mary Lou Williams Scholarship fund will be Thurs April 28 at Cahaba Falls Country Club in Centreville. Contact Chamber for registration and sponsorship information.
- 7) Montevallo Chamber will be sponsoring the **Shelby Emergency Assistance Disc Golf Tournament** . May 14th 9am UM Disc Golf Course Info contact Team :Lehman 205-746-8721
- 8) Montevallo Chamber will Co-Host the **2022 Shelby County Small Business Awards Luncheon** on May 18 @ the Grande Hall in Columbiana. Deadline to nominate a business will be April 18th



Adele Nelson

Executive Director

Montevallo Chamber of Commerce

REPORT TO THE MONTEVALLO CITY COUNCIL**Department of Development Services****April 11, 2022****SD22-001 Heritage Trace Special District-Amended Master Plan**

Note: The Montevallo Planning and Zoning Commission heard this case at it's regular meeting on March 17, 2022 after continuing the case from February 17, 2022 to allow the applicant and HOA of Heritage Trace time for additional discussion regarding the proposed modification of the Special District and rezoning request.

This is a request from Daniel Sealy, property owner, for approval to amend the Master Plan of Heritage Trace to remove approximately 37 acres of the undeveloped area and change the zoning district boundary from R-2 SD, Single Family Residential Special District to A-R, Agricultural Residential to allow for the future development of up to three rural, single family lots. The subject property is located off Montevallo Road (Alabama Highway 119) in the Heritage Trace Subdivision at the end of Heritage Trace Parkway in the City of Montevallo. The subject property is zoned R-2 SD, Single Family Dwelling Special District and situated in Section 11, Township 22 South, Range 03 West; Parcel Identification No. 58-27-1-11-1-001-001.000.

During the regular meeting of the Planning and Zoning Commission on February 17, 2022, representatives of the Homeowner's Association (HOA) for Heritage Trace expressed concerns related to the request of the applicant and all possible uses permitted "by right" in the A-R, Agricultural Residential District. The HOA expressed concern the only access to the applicant's property was through the neighborhood and some of the permitted uses would be in direct conflict with the established residences and single-family designated use.

The applicant and the representatives of the Heritage Trace HOA agreed to meet outside of the public meeting. They discussed options that would accommodate the HOA desire to preserve the established residential neighborhood and the applicant's request to remove the property from the Special District and develop up to a three lot subdivision on 37 acres with an A-R designation.

The two parties met on Tuesday, March 8, 2022, at the Montevallo Public Library. Development Services was provided two letters regarding the meeting of both parties to forward to the Planning and Zoning Commission. Those have been attached with this summary along with the staff report.

While the complete satisfaction of both parties involved may be an ideal situation, it is a difficult task indeed. The property owner and the HOA have agreed to a list of permitted uses within the A-R district, allowing certain permitted uses and omitting others if the request is approved. Additionally, the applicant agreed to strike "park" as a permitted use during the meeting, as it created ambiguity in its inclusion. The HOA did want to maintain the 37 acres under the Special District designation for Heritage Trace; however, a conditional A-R will essentially serve the same purpose. Any use not expressly permitted would require a rehearing by the Commission and Council.

The Planning and Zoning Commission recommended approval of the applicant's request to remove the 37 acres from the Special District and zone the parcel a conditional A-R district, including the attached specifically permitted uses, by majority vote with six members voting in favor and one member voting against.

jskinner@lawtjs.com

March 10, 2022

VIA EMAIL

Mr. Charles Mathews
President
Heritage Trace Residential Association, Inc.
P.O. Box 251
Montevallo, Alabama 35115

Re: Sealy Rezoning Application of 37 Acres, Montevallo, Alabama
Our File No. 18001-0758

Dear Mr. Mathews:

First and foremost, my clients Daniel and Courtney Sealy appreciate the open and pleasant conversation we had with your association's board of directors this past Tuesday night at the library in Montevallo. I think we all understand that we are almost on the same page as to desired uses of my client's 37 acre parcel and the association's concerns relating to accessing the property through your neighborhood.

I have reviewed the applicable zoning regulations as well as the zoning definitions we discussed at the meeting. Based on my conversation with Kristine Goddard at Shelby County Development Services, the attached A-R Zoning with the stricken Permitted Uses is what the Sealys are submitting to her to restrict certain uses of their property as part of the rezoning application. I would also like to address some of the additional items discussed relating to the rezoning:

1. Leaving the property in a Special District (SD) does not change anything for future development. The Sealys do not have enough public road frontage for anything more than two lots, and any subdivision of the 37 acres beyond two lots will require the Sealys to submit a subdivision plan with lots, roadways, drainage plans, infrastructure plans, etc., as well as be prepared to build out the roads and infrastructure. This requirement would be the same whether it remains a Special District or is rezoned to A-R. Further, under the zoning ordinance Special Districts are primarily designed to deal with planned developments (residential or manufactured home), a mining district, or a very specific district as part of the overall master plan such as the urban residential districts in downtown Montevallo. These are all quite different than the two lot, 37-acre parcel the Sealys are seeking to rezone A-R. Further, the Sealys' property is more akin to the other parcels contiguous to the Sealys' parcel which are agricultural properties.

lawtjs.com

2. Once the stricken Permitted Uses are removed, the Sealys will basically have a Conditional A-R zoning. Removing any Conditional Use is not required because none of those uses are allowed unless the property goes through the entire zoning process.

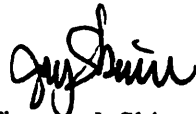
3. The zoning regulations contain specific definitions of the uses. Any attempt to further define (or limit) a use would result in inconsistencies within the zoning regulations which is not desired as it leads to many future problems and in many instances is not permitted under Alabama case law. Even the SDS office was weary of any attempts to further define items as it opens the door to the "what if" game. We should not be concerned with "what if" and should focus on the now. There are more than adequate measures in the zoning regulations and based on the limitations the Sealys agree to so as to address any future "what if" re-development attempts.

4. Any future development of this property will require going through the entire zoning process. The Sealys will be limited to 3 acre or greater lots, but all of the other zoning requirements outlined above will be required before the property could be further developed.

5. The stricken Permitted Uses are the ones that neither the Sealys or the HOA wanted to see conducted on the property. Until someone wants to spend hundreds of thousands of dollars on engineering, surveying, and infrastructure, this will be a two-lot subdivision on 37 acres.

The Sealys certainly want to be good neighbors with the association's members, and we feel the Sealys are demonstrating this by agreeing to the removal of many of the allowed Permitted Uses in the A-R zoning regulation. While we are certainly not asking for the association to endorse the rezoning, we hope we have addressed the association's objections and concerns so that we can all see that both parties have substantially similar goals of how the property will be developed. Thank you again for meeting with us.

Very truly yours,



Thomas J. Skinner, IV

TJS/js

Enclosure

cc: Daniel and Courtney Sealy

ARTICLE 8. A-R, AGRICULTURAL-RESIDENTIAL DISTRICT

Section 8.01. Generally.

The regulations set forth in this Article or set forth elsewhere in this Ordinance, when referred to in this Article, are the regulations in the A-R, Agricultural-Residential District. This district is intended to provide a zoning classification for low-density development of primarily agricultural/forestry purposes and single-family homes on a minimum lot size of three (3) acres. The Agricultural-Residential District may be applied to any lands for which the Planning Commission finds should be preserved primarily for low intensity uses or open space.

Section 8.02. Use Regulations.

A. Permitted Uses.

Within the A-R, Agricultural-Residential District, only the following uses and structures designed for such uses shall be permitted:

1. Any use in existence at the time of zoning the subject property Agricultural-Residential District.
2. Single family structures located on a minimum of three (3) acres.
- ~~3. Manufactured Home located on a minimum of three (3) acres, provided that the manufactured home shall be mounted on a permanent foundation, in accordance with the standards set forth in the manufacturer's requirements and meeting the minimum installation standards of the Alabama Manufactured Housing Commission.~~
- ~~4. Domestic Violence Shelter.~~
- ~~5. Group Care Home.~~
6. Garage Apartment.
- ~~7. Home Day Care.~~
8. Accessory structures and uses which are an ancillary function of the primary use of the subject property, including garage apartments and not more than one accessory dwelling for persons employed on the premises.
9. Farm
- ~~10. Kennels~~
11. Home Occupations.
- ~~12. Parks.~~

B. Conditional Uses.

Within the A-R, Agricultural-Residential District, the following uses may be allowed as conditional uses:

1. Single family residential structure located on less than three (3) acres.
2. Manufactured home located on less than three (3) acres.
3. Church or other place of worship provided, that any building shall be located not less than twenty-five (25) feet from any side lot line.
4. Public school, elementary or high, or a parochial or private school having a curriculum including the same courses as ordinarily given in a public school, but not providing residential accommodations for students; provided, that any such building shall be located not less than twenty-five (25) feet from any side lot line.
5. Outdoor recreation.
6. Bed & Breakfast Inn.
7. Wireless Telecommunication Facility.
8. Farm Support Business
9. Garden Center or Nursery, wholesale and/or retail.



Heritage Trace

Home Owners Association

Montevallo, Alabama

March 11, 2022

The Law Offices of Thomas J. Skinner
1 Independence Plaza Suite 415
Birmingham, AL 35209

Mr. Skinner,

Thank you for compiling a draft of the Sealys zoning proposal for the Heritage Trace HOA to review and consider. We felt the meeting on March 8 was beneficial as well. Even so, we are dismayed at how significantly different your letter is from the understanding we left the meeting with.

It was stated repeatedly that your client strictly desires to use the property to construct single-family dwellings on minimum 3-acre lots and to have something akin to a 'hobby/personal use farm'. Presently this scope is restricted to immediate family homes but may expand as time goes along. It is understood that further subdivision beyond two lots would require certain zoning and/or subdivision requirements to be met. Furthermore, you and your clients put us at ease with verbal assent to our concerns by agreeing to minor modifications to the zoning of that parcel to ensure legally binding arrangements are made to the parcel going forward. However, your letter does not legally assuage those concerns but rather is more akin to an opinion letter that would have little bearing to future considerations.

The Montevallo Planning Zoning Commission directed the HOA and the applicant, your client, to work out something to jointly present back to the Commission at the earliest opportunity. We are volunteers, not attorneys nor real estate agents/developers like yourself, and as such we respectfully submit the following questions and will make it known to the City that the HOA board is not in agreement with what you have already submitted to the county.

1. We found out late this afternoon that you already submitted this to the County. Please understand that we did not have an opportunity to review the proposal as agreed during our Tuesday evening meeting. Therefore, it should not be construed to the county as an agreed upon compromise. The zoning commission

directed the board and applicant to work out an agreement prior to resubmitting. It seems you and your client have decided to take an alternate path.

2. We felt as if we left the meeting in complete agreement, with the only outstanding items being special district designation and defining home occupation more carefully.

All board members present agree this is what we had alignment on:

- We agreed to recommend and agree to A/R zoning, with permitted uses be single family home, associated farm buildings and that's it.
- We agreed to strike conditional uses altogether. There is no reason to leave those items in given what your clients state as their sole intended use.

3. As it stands now based upon your letter, the HOA feels strongly that, among other things, the special district designation should be retained.

4. As for definition refinement we disagree and recommend terms be more clearly defined. (i.e. Home Occupations being one of them. We believe we should agree on a definition even if it is one currently in use in the County or City code. Kristine Goddard, in conversation, referenced a definition she/they use which seems completely appropriate.)

5. We discussed and thought the Sealys agreed to a vegetative barrier between their property and any adjoining Heritage Trace lot. The follow-up and take away was to determine whether it was a 50 foot or 100 foot buffer.

6. Your point that any future development of the property will require going through the entire zoning process again is not germane to this discussion. We are dealing with the facts before us and doing our best to extrapolate potential outcomes. We are not lawyers who know real estate and/or development law & associated loopholes.

Conclusion:

It is our opinion that your letter indicates the applicants, the Sealy family, gave nothing other than defining A/R a little more carefully -- otherwise there was no compromise. Which is unfortunate given the fact that all board members left the meeting with a much different understanding.

We also want to be good neighbors with the Sealys, and with whoever might own the property in the future. It is for that very reason that we feel a burden to get this right at the outset. As time passes, and new leadership steps into the HOA, P&Z Commission and City Council, the institutional knowledge of what has

transpired may be lost. This issue has come to us on our watch, and we want to be sure that we are making the best and most informed decisions at this time.

Sincerely,

Charles Mathews
President, Heritage Trace Home Owners Association
and members of the Board

cc: Kristine Goddard, Shelby County Development Services-Planning Services
City of Montevallo Planning and Zoning Commission

February 16, 2022

Members of the Planning and Zoning Commission, City of Montevallo
RE: February 17 meeting to consider rezoning request by Mr. Daniel Sealy

In your consideration of Mr. Daniel Sealy's request to remove and rezone 37 acres of the Heritage Trace Subdivision, I would like to express my feelings to the commission. I am a homeowner in Heritage Trace, and the proposed rezoning would affect me.

It is my understanding that Mr. Sealy desires to have a family compound where he and members of his immediate family could all have homes on farm-type land, where there would be livestock and some crop acreage. I also understand that he has requested a change to A-R Agricultural-Residential District for this currently zoned R-2 Special Overlay District property.

I do not have a problem with changing the use to A-R if it can be specified that the ONLY permitted use be Single family structures located on a minimum of three acres with a conditional use of single family residential structure located on less than three acres. The other permitted uses outlined in the City of Montevallo Zoning Ordinances are not acceptable.

As a part of rezoning consideration, the Planning and Zoning Commission must consider neighborhood compatibility. Manufactured homes, domestic violence shelters, group care homes, garage apartments, home day cares, kennels, and working farms are not compatible in land use, noise generation, traffic generation, or hours of operation to the Heritage Trace Subdivision, and should not permitted uses if rezoning to A-R is considered.

An option is rezoning to E-1, Single-Family Estate District. Both permitted uses within this zone would be acceptable (Single-family dwelling, except that manufactured homes are not permitted; and accessory structures and accessory uses including, but not limited to nurseries, home gardens and green houses.) as well as compatible with the Heritage Trace Subdivision.

The Heritage Trace Neighborhood Association Board believes that Mr. Sealy and his family will be good neighbors, and we welcome them to our neighborhood. His plans for the 37 acres adjacent to Heritage Trace as he has expressed them *can* be compatible with our neighborhood if we can work together to come up with zoning uses that work for all parties.

Sincerely,



Melanie Poole
1042 Heritage Trace
Montevallo, AL 35115

REPORT TO THE MONTEVALLO CITY COUNCIL**Department of Development Services****April 11, 2022****SD22-004 University Special District-Amended Master Plan**

Note: The Montevallo Planning and Zoning Commission heard this case at it's regular meeting on March 17, 2022 after continuing the case from February 17, 2022 to allow the applicant the opportunity to be present to answer any questions by the Commission.

This is a request from David Bradford, MORE Adventures Homes, LLC, property owner, for approval of an amendment to change the use of a designated fraternity house located within the University Special District to allow for privately owned apartments intended for University students. The subject property is located at 1071 Middle Street in the City of Montevallo at the southeast corner of the intersection of Shelby Street and Middle Street. The property is zoned O & I SD, Office and Institutional Special District and situated in Section 21, township 22 South, Range 03 West; Parcel Identification No. 58-27-5-21-3-001-013.000.

The applicant had an unexpected conflict the night of the Planning and Zoning Commission on February 17, 2022 and was unable to attend the meeting. The Planning and Zoning Commission, after reviewing the materials of the case had some additional questions related to the remodel of the structure that required the applicant to be present to answer. The applicant was able to attend the regular meeting on March 17, 2022 and answer the outstanding questions of the Planning and Zoning Commission to their satisfaction.

The O & I SD, Office and Institutional Special District designation was applied to the previous UM district, referred to collectively as the University Special District. The amendment to the University Special District is necessary for the conversion of the property to student housing. Under the current Special District the property is specifically identified as a Fraternity Home. The change in designation of the property will allow the applicant to remodel the home to accommodate dorm style student apartments. The subject property is privately owned and was actively used as a Fraternity House on the edge of the University of Montevallo Campus for the years pre-dating the current zoning regulations and during the time of the Zoning Ordinance update in 2012. The property was and continues to be surrounded by University owned and Campus buildings and remained part of the University, O & I SD, Office and Institutional Special District. The proposed change in use designation will maintain the residential character of the property along with its proximity adjacent to campus while maintaining direct pedestrian access. The removal of the Fraternity House designation allows the building to be more diversified for student housing opportunities. The staff report presented to the Planning and Zoning Commission is attached.

The Planning and Zoning Commission unanimously recommended approval of the proposed amendment to the University Special District.

From: David & Gaby <david.gaby8@gmail.com>
Date: Mon, Jan 24, 2022, 3:35 PM
Subject: Dr Stewart, this is what our plan is for the ATO house
To: <jwstewart@montevallo.edu>, Brad Davis <brad@waynedavisconstruction.com>

Dr Stewart

I hope your holidays were joyful and COVID free.

I was speaking with Christine from the zoning committee and she said I would need you to 'sign off' on our plans for the ATO house since it is in a college-specific zone. Brad Davis suggested I email you a clear plan of what we intend for the ATO house renov project. See below

Our goal for the ATO project is to create the most attractive and safest option for student housing on the University of Montevallo campus. We aim to do this by KEEPING in place the shared dorm experience of student housing by keeping the common areas on the main floor as an integral part of the student housing experience.

We will update and beautify the kitchen area to be more welcoming and more useful as a kitchen for the tenants. The wrap-around porch, entryway and the common room between it and the kitchen are all designated common areas for the 'dorm life' culture to flourish. In this sense the 9 single bed/single bath units are not apartments since they have the shared space elements - including a shared laundry room. However, in order to add more privacy, the 'dorm' area in the back (7 units) will each have their own individual shower and bathroom. This will only involve restructuring the walls between rooms to accomodate 3 additional bathrooms. Again, there is no intent whatsoever to create 'apartments' for non-students. We are excited that you agreed this was a good idea and that 9 such units would fit the current housing needs of the students of U of M.

The downstairs/basement would be renovated to accomodate 3 units for the use of parents, traveling professors and such as short term rental units. It may be that occasionally they may be rented for a few days by non U of M folks but our goal is for 'mom and dad' to have a place to stay on campus and in proximity to their son or daughter.

I hope that this is still a plan that you can give your approval for -- that will go a long way in getting this project done, and students enjoying our facility. We will do whatever we can to make this building a beautiful part of your campus and an asset to your thriving college life.

Please let me know if you have any questions.
We are your servants
Brad Davis and David Bradford

From: Presidents Office <presidentsoffice@montevallo.edu>
Sent: Wednesday, February 2, 2022 2:45 PM
To: Steve Gilbert <sgilbert@CityofMontevallo.com>
Cc: Stewart, John W <jwstewart@montevallo.edu>
Subject: Middle Street property

Dear Mr. Gilbert:

I have been made aware of an application filed with the City by the owners of a former fraternity house located at 1071 Middle Street seeking approval to convert the structure to apartments or multi-occupant residential use. The University is not privy to the specific plans that the owners have presented for redevelopment of the property. However, assuming that it conforms to applicable zoning and building codes, the University interposes no objection in concept to the use proposed for the subject property.

Please let me know if you need clarification or further information regarding the University's position.

Sincerely,

John Stewart





ORDINANCE NO. 03282022-440

AN ORDINANCE ASSENTING TO A CERTAIN PETITION FOR ANNEXATION

Whereas, all of the owners of property located and contained within an area contiguous to the corporate limits of Montevallo, and not within the corporate limits or police jurisdiction of any other municipality, have signed and filed a written petition with the City Clerk requesting that such property or territory be annexed to Montevallo, and

WHEREAS, said petition contains an accurate description of the property or territory proposed to be annexed together with a map of the said territory showing its relationship to the corporate limits of Montevallo,

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

1. That the City Council of the City of Montevallo, as and for its governing body, hereby assents to the annexation of that certain land of approximately 13 acres with a physical address of 2472 Spring Creek Road (Shelby County Highway 12), upon the petition of the property owner(s) Seth and Jessica Gandy, as provided in §11-42-21 of the *1975 Alabama Code* and other applicable law.

LEGAL DESCRIPTION:

Commence at a 1" pipe in place being the Southeast corner of the Southeast one-fourth of the Southwest one-fourth of Section 14, Township 22 South, Range 3 West, Shelby County, Alabama, said point being the point of beginning. From the beginning point proceed North 87°18'32" West along the South boundary of said quarter-quarter section for a distance of 887.06 feet to a 1/2" pipe in place thence proceed North 19°52'29" West for a distance of 710.98 feet to a 1" pipe in place, said point being located on the Southerly right-of-way of Spring Creek Road; thence proceed North 42°27'41" East along the Southerly right of way of said road for a distance of 367.23 feet to the P.C. of a concave curve right having an arc distance of 52.46 feet and a radius of 3859.73 feet; thence proceed Northeasterly along the Southerly right-of-way of said road and along the curvature of said curve for a chord bearing and distance of North 42°23'05" East, 52.46 feet to a 5/8" rebar in place; thence proceed South 39°37'29" East for a distance of 1324.210 feet to the point of beginning.

The above described land is located in the Southeast one-fourth of the Southwest one-fourth of Section 14, Township 22 South, Range 3 West, Shelby County, Alabama.

Being the same property as previously described in Instrument 20041103000604560.

2. That the annexed territory be zoned A-R until rezoned upon a recommendation of the Planning and Zoning Commission.
3. That the annexed territory be made a part of Council District 5 until such time as Council Districts are redrawn pursuant to the US Census.
4. That the City Clerk is directed to file a copy of this ordinance, including a description of the property or territory annexed, in the office of the Judge of Probate of Shelby County, and to advertise this ordinance as provided by law.

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

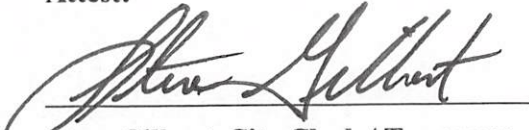
Approved and adopted this day, April 11, 2022.



Mayor Rusty Nix



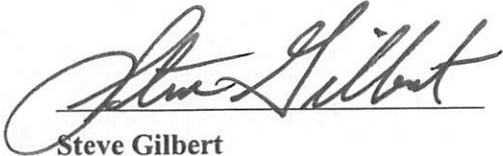
Attest:



Steve Gilbert, City Clerk / Treasurer

I certify that the attached Ordinance 03282022-440, adopted by the Montevallo City Council on April 11, 2022, was pursuant to §11-45-8(b) of the *1975 Alabama Code*, posted in conspicuous places within the community:

1. Public Outdoor Bulletin Board, City Hall, 541 Main Street, Montevallo.
2. The City Shop, 445 Selma Road, Montevallo.
3. The Park and Recreation Building/Senior Center, Orr Park, 420 Vine Street, Montevallo.
4. The Parnell Memorial Library, 277 Park Drive, Montevallo, beginning March 29, 2022 and continuing for more than four weeks thereafter.



Steve Gilbert

City Clerk / Treasurer

March 23, 2022

Seth and Jessica Gandy
121 Oak Street
Maylene, Al 35114

Mayor Rusty Nix
541 Main Street
Montevallo, Al 35115

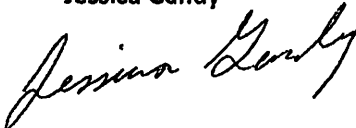
Dear Mayor Nix,

As the owner(s) of the below-referenced property, we would like the City of Montevallo to consider our request for annexation. The property in question is located at 2472 Spring Creek Road, Montevallo, Al 35115. The property is currently undeveloped. The size of the tract is 13 acres. My wife and I are going to build a home on this property. We wish to be annexed into your wonderful city for access to emergency responders and to be a part of this great city. We wish to be annexed in under A-R. Any additional information may be obtained by contacting myself at 205-641-9698. My wife and I would like to thank you and the council for your consideration on this request. God Bless,

Seth Gandy

A handwritten signature in black ink, appearing to be 'S S' with a long horizontal line extending to the right.

Jessica Gandy

A handwritten signature in black ink, appearing to be 'Jessica Gandy' in a cursive style.



Montevillo

80' ROW

378s

710.60

438.38

80' ROW

460s

340s

310s

March 23, 2022

Seth and Jessica Gandy
121 Oak Street
Maylene, AI 35114

Mayor Rusty Nix
541 Main Street
Montevallo, AI 35115

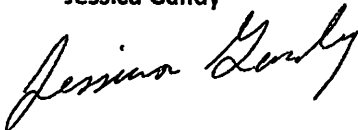
Dear Mayor Nix,

As the owner(s) of the below-referenced property, we would like the City of Montevallo to consider our request for annexation. The property in question is located at 2472 Spring Creek Road, Montevallo, AI 35115. The property is currently undeveloped. The size of the tract is 13 acres. My wife and I are going to build a home on this property. We wish to be annexed into your wonderful city for access to emergency responders and to be a part of this great city. We wish to be annexed in under A-R. Any additional information may be obtained by contacting myself at 205-641-9698. My wife and I would like to thank you and the council for your consideration on this request. God Bless,

Seth Gandy

A handwritten signature in black ink, appearing to be 'Seth Gandy', with a long horizontal flourish extending to the right.

Jessica Gandy

A handwritten signature in black ink, appearing to be 'Jessica Gandy', written in a cursive style.