

MINUTES

Montevallo City Council Work Session

February 10, 2014

5:30 p.m. at City Hall

Mayor Hollie Cost, Council Member Dee Woodham, Council Member Rusty Nix, Council Member Sharon Gilbert, Council Member Don Hughes, and Council Member Willie Goldsmith were in attendance.

Mayor Cost called the work session to order at 5:30 p.m. She informed the council that a Public Hearing would be heard at 6:00 p.m. regarding Mitchell Rezoning from R-2 to B-2 to permit the establishment of a parking lot for a restaurant in the City of Montevallo at the corner of Hicks Street and Doster Circle.

New Business

Farm Day is scheduled for **March 15, 2014** and the FFA is requesting that the police department block off the road from Shelby Street starting at 9:00 a.m. They also requested that vendor fees be waived.

Annexation Request

Mayor Hollie Cost discussed the request from Mr. Scott that his property be annexed into the city. By doing this, this will put all of his property in the City limits. Further discussion and vote will take place during council meeting.

Basketball Goals

Mayor Hollie Cost raised the discussion that the Shelby County Board of Education will be purchasing and installing four (4) adjustable basketball goals for the little league and need assistance to pay for two. The discussion was raised to use part of the Forfeiture Fund to help fund the purchase of the two. Don Hughes discussed that in the financial meeting that funds were not available to fund the cheerleaders so why would we buy basketball goals. He also confirmed that he wanted to help the cheerleaders but that was his personal opinion. Chief Jeremy Littleton claimed that the funds were available and that they could afford them. Mayor Hollie Cost stated the request came straight from the School Board. Sharon Gilbert inquired about the type of program this is for. Chief Jeremy Littleton explained it is a program to help kids after school and to keep them out of trouble and off the streets.

Mayor Hollie Cost said that it is an adult run program and the basketball goals will be installed at the school, and that we should equitable and fair and that the forfeiture funds is what will be used. But, she reminded everyone to remember that once those funds are gone they are gone. Don Hughes said that it is fair to have this discussion but we should also discuss the cheerleaders and whether they get funded or not. Chief Jeremy Littleton said that he did speak with Debby Raymond about this. Mayor Hollie Cost claimed that this does not have to be voted on at this time. These basketball goals will be installed in the Middle School for the younger students and are about 8' high. This will be placed on the next agenda for voting.

Police Report

Council Meeting February 10, 2014

Patrol

Total Cases	111
Traffic Accidents	30
Total Arrests	17
Assaults	3
Burglaries	9
Auto Burglaries	5
Domestics	13
Drug Related	3
Traffic Stops	396
Traffic Citations	171
Zone Checks	552
Extra School Patrols	60

Investigations

Open felony cases	18
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Code Enforcement

Verbal Warnings

Inoperable motor vehicle	1
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School Resource

Incident/Offense Reports	3
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Arrest Report	1
Accident Report	1
Cases Investigated	1
Cases Closed	1

Request surplus of listed equipment

Request **\$840.00** dollars from the forfeiture fund to purchase (12) Garmin GPS sensors for our patrol cars so the CAD system can be installed on patrol car computers. The CAD will give our officers the ability to use the mapping system through 911 to locate addresses better, monitor 911 calls throughout the entire county, and observe where other officers are located in our city as well as other jurisdictions. Dispatch can also observe where our officers are located in the city as well.

Request **\$912.00** dollars from the forfeiture fund to purchase (2) more laptops for patrol cars.

Our new patrol cars with all-wheel drive performed very well in our latest snow event. They were able to travel to locations that our other patrol cars could not reach. I would also like to thank Kirk and his employees for the help they gave us during the snow event.

Mitchell Rezoning There was discussion for approval of rezoning from R-2 to B-2. Landscaping and buffering will come included in the site plans to be approved. Rusty Nix raised the question about access off of Hick Street. Dee Woodham, asked about the parking lot and verified the council is waiting on a zoning change. Parking or changes to the building must be included in a site plan for future council approval.

Old Business

Mayor Hollie Cost started the discussion about the Amendments to the Nuisance Ordinance and that it will be voted on during the council meeting.

Other Business

Mayor Hollie Cost started the discussion about the City Hall will take place at the work session. The architect has put together documents and plans to be discussed. The City Hall Work Session is s scheduled for February 19, 2014 at the Parnell Memorial Library at 4:00 p.m.

Committee Report

Chief Bill Reid – Fire Department

MONTEVALLO

Incident Type Report (Summary)

Alarm Date Between {01/01/2014} And {01/31/2014}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
1 Fire				
111 Building fire	9	9.89%	\$0	0.00%
113 Cooking fire, confined to container	2	2.19%	\$0	0.00%
142 Brush or brush-and-grass mixture fire	2	2.19%	\$0	0.00%
154 Dumpster or other outside trash receptacle	1	1.09%	\$0	0.00%
	14	15.38%	\$0	0.00%
3 Rescue & Emergency Medical Service Incident				
320 Emergency medical service, other	1	1.09%	\$0	0.00%
321 EMS call, excluding vehicle accident with	43	47.25%	\$0	0.00%
322 Motor vehicle accident with injuries	3	3.29%	\$0	0.00%
324 Motor Vehicle Accident with no injuries	2	2.19%	\$0	0.00%
	49	53.84%	\$0	0.00%
4 Hazardous Condition (No Fire)				
412 Gas leak (natural gas or LPG)	1	1.09%	\$0	0.00%
	1	1.09%	\$0	0.00%
5 Service Call				
511 Lock-out	1	1.09%	\$0	0.00%
522 Water or steam leak	1	1.09%	\$0	0.00%
550 Public service assistance, Other	3	3.29%	\$0	0.00%
551 Assist police or other governmental agency	1	1.09%	\$0	0.00%
571 Cover assignment, standby, moveup	1	1.09%	\$0	0.00%
	7	7.69%	\$0	0.00%
6 Good Intent Call				
611 Dispatched & cancelled en route	6	6.59%	\$0	0.00%
6112 No Response	6	6.59%	\$0	0.00%
622 No Incident found on arrival at dispatch	1	1.09%	\$0	0.00%
651 Smoke scare, odor of smoke	1	1.09%	\$0	0.00%
661 EMS call, party transported by non-fire	2	2.19%	\$0	0.00%
	16	17.58%	\$0	0.00%
7 False Alarm & False Call				
700 False alarm or false call, Other	2	2.19%	\$0	0.00%
740 Unintentional transmission of alarm, Other	1	1.09%	\$0	0.00%
745 Alarm system activation, no fire -	1	1.09%	\$0	0.00%

MONTEVALLO

Incident Type Report (Summary)

Alarm Date Between {01/01/2014} And {01/31/2014}

Incident Type	Count	Pct of Incidents	Total Est Loss	Pct of Losses
7 False Alarm & False Call	4	4.39%	\$0	0.00%

Total Incident Count: 91

Total Est Loss: \$0

Other Discussions

The discussion about inclement weather and the meetings that were attended by Cindy Holsombeck and Kirk Hamby in Columbiana EMA – weather looking grim for next few days. Chief Jeremy Littleton said that during the last snow storm that the all-wheel drive vehicle did very well and thanked Kirk Hamby for his assistance during the storm. Council member Don Hughes thanked them for making sure that the children who were stranded at the schools were taken care of and taken home safely. Mayor Hollie Cost complimented the Public Works and Police Department on a job done well.

Mayor Hollie Cost confirmed with Sandy Byrd to continue to update the website and other social media such as Facebook regarding the upcoming weather events and warming stations. If a resident need assistance, they should contact the police department.

Council member Don Hughes started a discussion about the Bass Club and that they will be coming to the next council meeting. The high school has a team along with the university and they will be in charge of this year's event. It was covered by Auburn University last year. Council Member Hughes is going to provide them with our email address so we can update our website regarding this event.

Mayor Hollie Cost stated that the roof at the recycling center should be completed in two weeks.

ValloCycle – would like to take the excess bikes and bike parts and scrap the iron and all funds made to go back to ValloCycle. Kirk Hamby said that he would take care of this.

Mayor Hollie Cost discussed the recycling program and wants to set up a meeting with the American Village to discuss monthly recycling. Council member Sharon Gilbert will set up a program and address it with American Village.

Montevallo City Council Meeting

February 10, 2014

6:00 p.m. at City Hall

Pledge

Mayor Hollie Cost, Council Member Dee Woodham, Council Member Rusty Nix, Council Member Sharon Gilbert, Council Member Don Hughes, and Council Member Willie Goldsmith were in attendance.

Mayor Hollie Cost called a Public Hearing on Mitchell's Rezoning and inquired if there was anyone present to represent. Hearing called at 6:00 p.m.

Ms. Mitchell owns the property next door and is requesting that the zoning be consistent for both lots. Council member Don Hughes inquired if the parking lot would be paved. Mrs. Mitchell responded that she is not sure. He also inquired if the parking lot will be lighted, and visitor answered low lighting will have to be installed. Tommy Mitchell responded that the paving will be taken care of by Mr. Chavez and they will be paving the parking lot and take care of the drainage, but that the lighting is still in question. Michael Stewart, a real estate agent for more than 10 years, said he has a problem with the rezoning due to the amount of excess traffic this would cause in a quiet neighborhood where children play and will make it very difficult to leave due to the extra traffic, noise from the construction and being a grease trap. Resident Thomas Lilly I, Jr. claimed that it is time for the City of Montevallo to grow and he thinks that it would be a great change. Representative for Ms. Mitchell

claimed that the restaurant has been there for 12 years and they want to own their own property. Estelle Blackman has lived in this area since 1959 and has never had a problem, it is a quiet neighborhood and she is also concerned about the extra traffic and small children that play in the area.

James Walker entered a signed note to council opposing the property changing from an R-2 Residential District to B-2 General Business District.

2/10/14

I, James Walker, oppose The Request
From Tommie Mitchell To Rezone
Property AT corner of Hicks Street
And Doster Circle FROM R-2 Residential
District TO B-2 General Business
District,

James Walker
430 Doster Dr
Monticello AL-35115

Representative for the Mitchell's said that the part that is going to face Hicks Street will have a privacy fence. Traffic issue is coming off of Hwy 25 and onto Doster Street from 11:00 a.m. to 1:00 p.m. then from 5:00 p.m. to 8:00 p.m. going back on Hwy 25 not back into the residential area. No other discussions were heard. Mayor Hollie Cost closed the Public Hearing at 6:08 p.m.

2/10/14 PUBLIC HEARING - ZONING AMEND.

NAME

ADDRESS

- 1) ~~Joseph Adams~~ 435 Sacrament St Montevideo GA 35115
- 2) ~~Thompson & Sibley~~ 360 Sanford St Montevideo AL
- 3) ~~Michael~~ 350 Canmore St Montevideo AL
- 4) Jason Peterson 305 Ashville Cir Montevideo
- 5) Rachel Barrow 1150 HWY 54 Montevideo
- 6) Sanya Swords 355 Commercial St Montevideo
- 7) Jesse White
- 8) Lupe Serrano
- 9) Meredith Goggins
- 10) Wilh Belt 4479 Montevideo Hwy 10
- 11) Lena Buttqvist
- 12) Madison FARNER
- 13) Scott Goggins
- 14) Kay Goggins
- 15) RANNEY RICHARDSON
- 16) TOMMIE MITCHELL
- 17) Teng Niven
- 18) Nichl Stewart 225 Doster Dr.
- 19) KENNIE ROBINSON 225 DOSTER DR
- 20) Veronica Bailey 128 Hwy 203 Montevideo
- 21) RICHARD BROWNE 210 VINE ST "
- 22) TERESA LINCAID.
- 23) Estelle BLM Gorman
- 24) Earl Curran Gorman
- 25)

Mayor Hollie Cost called meeting to order at 6:09 p.m.

Council Member Hughes made a motion to approve the Minutes from January 27, 2014. Council Member Nix seconded.

Recognition & Awards

Student recognition and Citizenship awards presented to: Jacob Reynolds and Robert Kincaid
Teacher & Staff recognitions and following awards presented to: Tonya Littlejohn received Excellent Educator Award and Karen Goggins received the School Staff Excellence Award.

Mayor Hollie Cost invited the citizens to speak.

Willie Bell started the discussion about naming field 3 and 5 after Raymond Haggins and Clifford Dubose, both from Montevallo, and that this will be brought before the Park Board. Rachel Barone also brought to the City Council's attention that they would like to keep the sign (score board) named "Wayne Doughboy Pickett". Ed Davis with the Montevallo Golf Course said that it would be a great idea for them to name it after Wayne Pickett.

Reports to City Council

Kirk Hamby assured the City Council that they were prepared for any ice on roads should the weather get as bad as the last snow storm. They were hoping that this would not be the case but that they were ready to put down sand and help preparing roads. Mayor Hollie Cost mentioned to Sandy Byrd and to please update the website to stay off of any roads should the area become icy and to prevent chaos.

Kirk Hamby said that baseball will start next week in Orr Park. Middle School will start by the 20th, and bases should arrive by the 19th. The dug out, roofs and paving project is being kept up by Trey and they will schedule time to meet with him to discuss, also to look at the streets very carefully. Council member Don Hughes called the county about CR 203 and said that part of the road is in and part out of the city. He claimed that the county would be willing to pave all of their part of the road if we agree to pave our part that is in our city limits and to see what needs to be considered and incorporated. Council member Don Hughes said that he would get back with everyone on this and that they would have a list that breaks everything down and what will be paved etc. Council Member Hughes said that they are in our city limits and will send out a memo about exactly what they will pay.

Kirk Hamby and Council member Don Hughes will go through and identify each area that needs to be seal coated and will report back to the committee as to how many lots that are and not. They will make a recommendation to the committee and show the areas that fall into first priority. This should take approximately two weeks. Council member Don Hughes said that he would research the areas that were brought in to the city and what our responsibility is.

On March 15, 2014 UM Club at Overland will be recycling electronics and this will be publicized by them.

Park & Recreation

Soup & Bingo scheduled for February 15, 2014 at the Senior Center scheduled at 11:30 and the Senior Center is already closed for tomorrow due to possible inclement weather.

Youth athletics has about 100 registered and that the girls have enough for at least 3 to 4 teams. The final registration is scheduled for February 16, 2014 Sunday from 2 – 4 p.m. Mayor Hollie Cost inquired about having enough scholarship money, and was answered that no child has been turned down and that they worked with them and they will be holding fun-raisers to offset the cost and help pay. They just want us to pass the word out to the community.

On Saturday some of the High School and Middle School students were taking collections on Middle and Main Street. They could stay on the sidewalk and not run into the road. They can also collect money in the parking lot and on the corners only. Just want the children to be careful and protected.

The Trails meeting was last Friday. Cindy Holsombeck will get the Trail ordinance and members to Council Member Woodham. We are still in the process of getting a historical trail map.

Council Member Nix says he's waiting on a Chamber and Fire representative to call an Annexation Committee meeting.

Ed Davis, Montevallo Golf, said that they will host the Middle school for the next few months and have partnered with the Boys & Girls Club, Professional Golf Association that they are working on about 25 to 35 kids. Ed said he would provide us with a written report.

Arbor Day is February 22, 2014 from 9 a.m. until 12 noon. This is one of the best days and all should attend.

Council member Dee Woodham asked about setting a booth for Trails, Mayor Hollie Cost said that she would be glad to help with this and will get with Cindy Holsombeck.

University of Montevallo softball field construction has been delayed due to the weather. They are supposed to start playing softball next spring. There is a construction meeting on Friday and they will provide us with a time frame, Kirk Hamby said he would get the information.

Council member Sharon Gilbert called on Allie with Parnell Library to provide a report.

PARNELL MEMORIAL LIBRARY MONTHLY REPORT JANUARY 2014

CIRCULATION:	3006 Items Charged (Decreased by 43% from last year)	
COMPUTER USE:	692 users (Decreased by 26%)	
STORYTIME/3:	47 Children (Increased by 38%)	
MOVIES/3:	81 People Attended	
WEBSITE VISITS:	January 27 – February 10: 1969	
ADULT PROGRAMS/3:	45	
ADDITIONAL CHILDRENS/2:	19	
DEPOSITS:	1/16/14	\$384.49
	1/22/14	\$183.83
	1/27/14	\$101.80
	1/31/14	\$36.60
	1/31/14	\$33.65
	Total	\$740.37

She said that on February 25, 2014 they will be hosting a Couponing Program and that they will provide a flyer to that event. The event will start at 6:00 p.m. She also reported that all chairs have been recovered and tile samples will be arriving next week. All of the LSTA books for juvenile section have arrived. Jenny Cooper will provide a flyer with regards to the new books.

Mayor Hollie Cost confirmed that the Shelby County Schools were going to be closed tomorrow due to possible inclement weather.

Finance

Steve Gilbert presented a copy of the quarterly report and this report needs to be incorporated into these minutes.



**Report to City Council and Industrial Development Board
September – December 2013**

September

1. The Chamber sponsored a ribbon cutting at Allstate Insurance on September 12.
2. Our 2nd Annual Wild Game Cook-Off and Hunting & Fishing Expo on September 14 was a great success! We had 6 cook teams and 17 vendors. Wilson Hill Band and "The Chase" provided live entertainment. Chamber member John Roper was instrumental in making contacts and helping organize this event. Sponsors included Huddle House, Montevallo Drug, Tractor Supply, Cahaba Timber, Central Supply/NAPA, Mahan Creek Dental Office, Central State Bank, and Lelco.
3. Chamber luncheon on September 18 was attended by 39 business owners and community members. Our speaker was Montevallo High School principal Dr. Wesley Hester.

October

1. Our speaker at our October 16 Chamber luncheon was Dr. Earl Cunningham.
2. 2nd Annual Halloween-Themed Montevallo "Art Stalk" on October 26 was a great success, with 80 art and promotional vendors along Main Street.
3. Main Street businesses participated in our annual Hometown Halloween celebration on October 31.

November

1. The Chamber sponsored a ribbon cutting at Lula B's Frozen Yogurt on November 15.
2. Our Chamber luncheon on November 20 featured Stephanie Grissom sharing the "Backpack Buddies" program, which helps students at Montevallo and other area schools with food to eat on the weekends. 38 community members attended.
3. The Holiday Parade on November 21 was one of our biggest yet, with 60 floats and marching groups.

December

1. A delegation represented Montevallo at the Four Chambers Business After Hours event at Timberline Golf Course. The Greater Shelby, Calera, South Shelby and Montevallo Chambers hosted the event.
2. Because of the holidays, we did not hold a luncheon in December.
3. Renewal letters were mailed to all current Chamber members.
4. The Chamber's web site was revised and updated. (New Template)
5. The Chamber's Facebook page was updated and revised with new images.

Council Member Woodham asked the Mayor's monthly finalized report be distributed to all Council members. She then presented the following financial report: Council Member Woodham reported on the Finance Committee. The Finance Committee discussed current financials (see Mayor's report), grant procedures (Cindy Holsombeck will provide written procedures for department heads), litter control (we may start using inmates), energy efficiency (City Clerk to provide report for Finance Committee in two months), City Hall, Golf Course mower, (Council Member Hughes is researching), basketball goals request form by Ed, hotel feasibility & rental tax.

City of Montevallo Historical Financial Analysis

12/31/13

UNAUDITED & RECONCILED

	Actual '14 3 months	Actual '13 3 months	Difference 3 mon.	Annualized 3 months	Budget 2014
Revenues					
Historical Comm.	90	0	90	360	0
Default Depart.	0	180	-180	0	630
Economic Dev./P&Z fees	0	0	0	0	100
City Hall, all revenue over 50k shown as separate line item					
Business Licenses	13,632	26,614	-12,982		317,000
Franchise Tax	306	259	47		320,000
Franchise fees, W&S	15,834	25,669	-9,835	63,336	92,950
Property Tax	151,686	170,235	-18,549		333,000
General Sales & Use Tax,	425,788	378,867	46,921	1,703,152	1,523,996
Gas Tax from Co.	19,330	21,256	-1,926	77,320	83,000
Rental & Lease Tax	7,974	10,925	-2,951	31,896	45,000
Grant Income	0	0	0	0	2,000
Tobacco Tax	13,287	16,245	-2,958	53,148	54,000
Other*	47,977	32,823	15,154	191,908	154,277
Total City Hall	695,814	682,893	12,921	2,783,256	2,925,223
Police	28,812	1,622	27,190		5,481
Fire & Rescue	4,582	7,542	-2,960	18,328	16,900
Cemetery	7,350	13,650	-6,300	29,400	33,500
Streets & Roads	0	0	0	0	150
Sanitation	58,971	85,179	-26,208	235,884	355,500
Animal Control	20	10	10	80	200
Aging Program	1,566	1,917	-351	6,264	11,035
Parks & Rec.	1,275	1,825	-550	5,100	5,000
Recycle Center	519	1,042	-523	2,076	10,000
Water & Sewer	0	0	0	0	0
90% of 1% sales tax	126,629	113,660	12,969	506,516	457,199
10% of 1% sales tax	14,069	12,628	1,441	56,276	50,799
Borrowings					
Total revenues	939,697	922,148	17,549	3,080,748	3,871,717

	3 months 3 months '14	3 months 3 months '13	3 mon. 3 months diff.	3 months Ann. '14	2014 Budget '14
Expenses					
Beautification	1,483	172	1,311	5,932	3,000
Historical Commission	386	386	0	1,544	1,000
City Judge	3,088	4,215	-1,127	12,352	18,533
City Prosecutor	2,895	2,532	363	11,580	11,583
Court	1,579	1,544	35	6,316	0
Mayor	3,061	3,968	-907	12,244	11,909
City Clerk	16,637	14,471	2,166	66,548	73,472
City Council	203	855	-652	812	5,750
Revenue Officer	1,478	568	910	5,912	7,450
Election	0	7,535	-7,535	0	0
Econ.Dev./P&Z	8,097	8,586	-489	32,388	27,880
City Hall	90,862	72,758	18,104	363,448	412,260
City Shop	3,877	3,175	702	15,508	17,250
Police	293,746	307,563	-13,817	1,174,984	1,317,531
City Jail	0	0	0	0	0
Fire & Rescue	58,240	36,366	21,874	232,960	229,500
Cemetery	15,782	17,263	-1,481	63,128	72,625
Building Inspector	0	5,989	-5,989	0	0
Fire Inspector	11,887	8,778	3,109	47,548	42,290
Streets & Roads	115,322	96,480	18,842	461,288	461,288
Leaf & Limb	12,711	19,033	-6,322	50,844	95,514
Sanitation	53,456	50,964	2,492	213,824	1,220
Animal Control	4,353	5,561	-1,208	17,412	25,225
Golf Club	0	0	0	0	0
Aging Program	6,577	6,154	423	26,308	29,970
Parks & Recreation	29,297	35,433	-6,136	117,188	147,486
Community Band	0	48	-48	0	48
Library	0	0	0	0	0
Arbor	72	0	72	288	-288
Recycle Center	1,588	2,254	-666	6,352	13,225
W&S Grant	0	0	0	0	0
MDCD Contribution					
10% of 1% sales tax					
Interest expense					
Professional, 90% of 1%					
Professional, 10% of 1%					
Total Expenditures	736,677	712,651	24,026	2,946,708	3,255,615

	3 months	3 months	3 mon.	3 months	2014
	3 months Actual 2014	3 months Actual 2013		Ann. 2014	Budget '14
Net income b/f other sourc	203,020	209,497	-6,477		616,102
Other Sources of Funds, C	10,785	6,971	3,814		187,000
Other Uses of Funds, Libra	202,193	144,821	57,372		802,282
Net of sources and uses	-191,408	-137,850	-53,558		-615,282
Net Net	11,612	71,647	-60,035		820
Investments or Reserv	12/31/13	9/30/13			
Reserve CD at Central St	126,663	126,428			
Reserve MM at Central St	144,870	144,651			
Reserve CD at BankTrust	56,029	56,029			
Reserve cash account Bar	140,232	140,232			
Total	467,794	140,232			
Cash					
DDA at BankTrust	360,377	345,472			
DDA restricted, Sanit. M	302,494	302,037			
DDA restricted, Sanitator	212,219	208,129			
DDA, payroll	76,381	18,044			
Total	951,471	873,682			
Grand Total	1,419,265	1,013,914			

	3 months	3 months	3 mon.	3 months	2014
	2014	2013	Diff. in '14	Ann.	
	Actual	Actual	vs '13	2014	Budget '14
OTHER FUNDS					
4/5 Cent Gas Tax, cash	52,323				
Revenues	2,960	2,858	102	11,840	11,462
Expenses	0	0	0	0	11,000
Net Rev. vs Expenses	2,960	2,858	102	11,840	462
2/7 Cent Gas Tax, cash	2,642				
Revenue	2,960	2,858	102	11,840	11,462
Expenses	0	0	0	0	11,000
Net Rev. vs Expenses	2,960	2,858	102	11,462	462
Court, cash in bank*	95,541				
Revenues	77,483	106,164	-28,681	309,932	470,150
Expenses	70,711	96,862	-26,151	282,844	331,452
Net Rev. vs Expenses	6,772	9,302	-2,530	27,088	138,698
Forfeiture, cash in bank	36,086	40,249			
Revenues	5	6	-1		0
Expenses	4,167	14,354	-10,187		0
Net Rev. vs Expenses	-4,162	-14,348	10,186		0
Capital Improvement, .	177,650	177,605			
Revenues	44	70	-26	34,426	34,297
Expenses	0	0	0	23,924	34,297
Net Rev. vs Expenses	44	70	-26	10,502	-10,432
Regions Cash Reserve, 10% of 1%	150,725	142,801			
Dailey Park Grant	100,015	100,003			

	3 months 2014 Actual	3 months 2013 Actual	3 mon. Diff. '14 vs '13	3 months Ann 2014	2014 Budget '14
Library ,unrestricted, cas	67,386				
Library, Restricted, cash i	437	460	44		
Revenues	7,193	6,711	482	28,772	20,000
Expenses	51,291	43,503	7,788	205,164	188,854
Net Rev. vs Expenses	-44,098	-36,792	-7,306	-176,392	-168,854
Golf Course Receivable	159,377	104,358	99,891		
Inmate expense (included	20,218	19,414	804	80,872	83,200
Court fees & rev. (included in	76,635	107,950	306,540	349,020	420,000
Golf Course ended '13 with a loss of -35,086, '12 with a loss of -21,396 and '11 with a -4235 loss.					
Golf Course net income	12,441	-10,497			16,159

This report is prepared by Council Member Woodham by using City Reports. It is not reviewed or approved by City Hall.

Rental Tax – Businesses and Rental Property will be receiving letters regarding this and they should get with Debby Raymond with any questions.

Council Member Nix made a motion to pay the bills. Council Member Gilbert seconded.

Council member Rusty Nix made a motion to waive the vendor fees for Farm Day. Council Member Hughes seconded. ALL AYES . . . MOTION APPROVED.

Council member Woodham made a motion to suspend the rules and leave the regular order of business in order to consider an amendment to the zoning map ordinance. Council Member Hughes seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

The Mitchell rezoning that was discussed in the public hearing. Ms. Mitchell would hope that the new owners will go beyond on the landscaping, that this is a transition area, and will go by all of the rules, will come up with a site plan and will have to come before the council again. Site plan can be talked about later regarding the lighting through the P & Z Board.

Council Member Hughes made a motion to approve the rezoning. Council Member Nix seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

ORDINANCE NUMBER 02102014-150

COUNCIL MEMBER HUGHES

INTRODUCED THE FOLLOWING ORDINANCE

COUNCIL MEMBER NIX

SECONDED THE ORDINANCE

AN ORDINANCE AMENDING AND CREATING CHANGES TO THE ZONING MAP FOR THE CITY OF MONTEVALLO, ALABAMA

Whereas, Ms. Tommie L. Mitchell has applied for the approval of a rezoning of her property from R-2 to B-2 to permit the establishment of a parking lot for a restaurant in the City of Montevallo; and

Whereas, the subject property is located at the corner of Hicks Street and Doster Circle, and situated in Section 3, Township 24 North, Range 12 East; Lot 1, Block 2 of South Mont Subdivision; Parcel Identification No. 58-36-2-03-1-003-014.001 (part); and

Whereas, the Montevallo Planning Commission recommends approval of the rezoning request;

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

That the Zoning Map of the City of Montevallo, Alabama be amended as follows:

The zoning classification of the subject property located at the corner of Hicks Street and Doster Circle, and situated in Section 3, Township 24 North, Range 12 East; Lot 1, Block 2 of South Mont Subdivision; Parcel Identification No. 58-36-2-03-1-003-014.001 (part) is hereby rezoned from R-2 to B-2.

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

Approved and adopted this 10th day of February, 2014.

Hollie C. Cost, Mayor

Attest:

Herman Lehman, City Clerk

Mayor Cost thanked the public for their participation

Council Member Goldsmith made a motion to return to the regular order of business. Council Member Gilbert seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

Council member Dee Woodham addressed Chief Jeremy Littleton and told him to think about using the forfeiture fund for basketball goals. She explained that goals would be great to have, but the other forfeiture was discussed earlier in the meeting were very important to police purposes. Mrs. Barone from the Youth Athletics spoke up and offered to fund the goals. She said they were interested in getting involved with basketball.

Council member Woodham made a motion to suspend the rules and leave the regular order of business again in order to consider an annexation request. Council Member Nix seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

Council Member Goldsmith made a motion to approve the annexation request. Council Member Nix seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

ORDINANCE NO. 02102014-300

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 .88 acres at southeast quadrant of Alex Mill Rd and Hwy 119, upon the petition of Albert L. Scott, the owner, as provided in §11-42-21 of the *1975 Alabama Code* and other applicable law.

Legal description: 58-27-1-11-2-001-006.000

Commence at the NE corner of Section 11, Township 22 South, Range 3 West, Shelby County, Alabama; thence North 87 deg. 41 min. 50 sec. West, a distance of 2585.77 feet; thence North 88 deg. 22 min. 10 sec. West, a distance of 296.68 feet; thence South 19 deg. 54 min. 12 sec. West, a distance of 1082.15 feet to the point of beginning; thence South 51 deg. 41 min. 15 sec. East, a distance of 37.62 feet to the beginning of a curve to the right, having a radius of 320.00 feet, a central angle of 19 deg. 28 min. 05 sec., and subtended by a chord which bears South 41 deg. 54 min. 29 sec. East, and a chord distance of 108.12 feet; thence along the arc of said curve, a distance of 108.64 feet to the beginning of a non-tangent curve to the right, having a radius of 185.00 feet, a central angle of 09 deg. 34 min. 07 sec., and subtended by a chord which bears South 64 deg. 15 min. 26 sec. West, a distance of 30.86 feet; thence along the arc of said curve, a distance of 30.90 feet; thence South 69 deg. 02 min. 33 sec. West, a distance of 418.03 feet to the beginning of a curve to the right, having a radius of 474.68 feet, a central angle of 07 deg. 43 min. 35 sec., and subtended by a chord which bears South 72 deg. 54 min. 20 sec. West, and a chord distance of 63.96 feet; thence along the arc of said curve, a distance of 64.01 feet to a non-tangent curve to the left, having a radius of 1688.47 feet, a central angle of 14 deg. 48 min. 03 sec., and subtended by a chord which bears North 49 deg. 30 min. 40 sec. East, and a chord distance of 435.03 feet; thence along the arc of said curve, a distance of 436.24 feet; thence North 86 deg. 16 min. 34 sec. East, a distance of 46.82 feet to the point of beginning; being situated in Shelby County, Alabama.

Said legal being that portion of Shelby County Tax Parcel 58-27-1-11-2-001-006.000 sitting Northwest of Alex Mill Road, being a part of the NE ¼ of the NW ¼ of Section 11, Township 22 South, Range 3 West.

That the annexed territory be zoned A-R until rezoned upon a recommendation of the Planning and Zoning Commission.

- 2. That the annexed territory be made a part of Council District Five until such time as Council Districts are redrawn pursuant to the US Census.
- 3. 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, February 10, 2014.

Mayor Hollie C. Cost

Attest:

Herman Lehman, City Clerk

Council Member Woodham made a motion to return to the regular order of business. Council Member Hughes seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

Amendment Nuisance Ordinance – Council member Don Hughes complimented the Mayor on the handling of the Nuisance Ordinance. The City responded for public input, created a committee with the City Attorney, City Inspector, and ten (10) citizens to develop the following ordinance. He then made a motion to approve the Nuisance Ordinance. Council Member Nix seconded. Mayor Cost, Council Member Woodham, Council Member Nix, Council Member Gilbert, Council Member Hughes, and Council Member Goldsmith voted AYE . . . MOTION APPROVED.

ORDINANCE # 02102014-500

AN ORDINANCE AMENDING CHAPTER 14 OF THE MONTEVALLO

CODE TO PROVIDE FURTHER FOR REGULATION OF PUBLIC NUISANCES

WHEREAS, the City Council of Montevallo, Alabama, has determined that the health and welfare of the citizens of the City are adversely affected by the existence of public nuisances within the corporate limits and police jurisdiction of the City, and that the Code of Alabama authorizes municipalities to regulate public nuisances,

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

Section 1. That Chapter 14, Article I, of the Montevallo Code be amended by omitting Section 14-1 in its entirety and by adding the following sections:

“Sec. 14-1. Definitions.

- (a) For the purposes of this Article the term “public nuisance” shall mean anything that works hurt, inconvenience or damage to all persons who come within the sphere of its operation, though it may vary in its effects on individuals.
- (b) The term “public nuisance” shall also include anything defined or declared to be a public nuisance by statute of the State of Alabama, common law, or decision of the trial or appellate courts of the State of Alabama which may be regulated by municipalities.

(c) The term "public nuisance" shall also include an "inoperable motor vehicle," which is any motor vehicle, trailer, or semi-trailer that has remained on private property and in view of the general public for 30 days and is inoperable in that one or more of its major mechanical components, including, but not limited to, the engine, transmission, drivetrain, or wheels, are missing or are not functional, or the vehicle otherwise constitutes a nuisance. An inoperable motor vehicle shall not be deemed a public nuisance if:

(1) the motor vehicle has been rendered temporarily incapable of being driven under its own motor power in order to perform ordinary service or repair operations;

(2) the motor vehicle is on the premises of a place of business engaged in the wrecking or junking of motor vehicles, or primarily engaged in the storage and sale of damaged or theft-recovered vehicles for insurers;

(3) the motor vehicle is stored or parked in a lawful manner on private property in connection with the business of an automobile dealer, wholesaler, repairman, or wrecker service for repair or sale; or

(4) the motor vehicle is kept in an enclosed building completely shielded from the view of individuals on the adjoining properties or the street.

Sec. 14-2. Public nuisance unlawful.

It shall be unlawful for any person to permit or maintain the existence of any public nuisance on any property under his or her control.

Sec. 14-3. City code enforcement officer to enforce Article.

The chief of police, law enforcement officers, building inspector, director of public works, fire marshal, health officer, housing abatement board, and such other city employees as may be designated by the city council shall be responsible for reporting any public nuisance defined in this Article I. Such report shall be made to the code enforcement officer or a representative designated by resolution of the city council, who is hereby authorized to abate any such public nuisance found to exist in the city.

Sec. 14-4. Statutory provisions.

In addition to the procedures set out in this Article for abatement of public nuisances, the following statutory provisions may be utilized:

- (a) Unsafe structures may be abated pursuant to the provisions of Title 11, Chapter 40, Article 2 (§§ 11-40-30 through -36), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended; Title 11, Chapter 53A, Article 1 (§§ 11-53A-1 through -6), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended; and Title 11, Chapter 53B (§§ 11-53B-1 through -16), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended.

- (b) Overgrown grass or weeds may be abated pursuant to the provisions of Title 11, Chapter 67, Article 4 (§§ 11-67-60 through -67), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended.

- (c) Drug-related nuisances may be abated pursuant to the provisions of Title 6, Chapter 5, Article 9, Division 3 (§§ 6-5-155 through -156.5), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended.

- (d) Obscene nuisances may be abated pursuant to the provisions of Title 6, Chapter 5, Article 9, Division 4 (§§ 6-5-160 through -160.4), Code of Alabama 1975, as amended, as it now exists or as it may hereafter be amended.

Sec. 14-5. Debris, rubbish, etc.

An accumulation of debris, rubbish, brush, used building materials, refuse, remains from building demolition, remains from a fire, parts of buildings, parts of untenable structures, or things or places in which stagnant water is collected on any lot or tract of land in the city is hereby declared to be a public nuisance. It shall be unlawful to permit any such accumulation to remain or continue in existence in any place after receiving an order from the code enforcement officer to remove the same.

Sec. 14-6. Machinery, vehicles, etc., in residential area.

Storage of used building material, machinery, vehicles, parts of vehicles or any other materials which may provide a breeding place for mosquitoes, harmful insects or rodents, or is so unsightly as to be offensive to the neighborhood in an area zoned for residences, is hereby declared to be a public nuisance. It shall be unlawful to permit such storage to continue after receiving an order from the code enforcement officer to remove the same.

Sec. 14-7. Area of responsibility.

It shall be the responsibility of owners, occupants and lessees to keep their property free of public nuisances. Owners, occupants and lessees whose properties face on municipal sidewalks and strips between streets and sidewalks shall be responsible for keeping those sidewalks and strips free of public nuisances. Owners, occupants and lessees whose properties face on municipal alleys shall be responsible for keeping the area from their property to the center line of the alley free of public nuisances.

Sec. 14-8. Notice to abate public nuisance other than inoperable motor vehicles.

(a) Procedures for the abatement of weeds shall be governed by the provisions of Article III of this Code. Procedures for the abatement of unsafe buildings or structures shall be governed by the provisions of Article IV of this Code. Procedures for the abatement of other nuisances shall be governed by the provisions of this Article I.

(b) Whenever the code enforcement officer determines that a public nuisance other than an inoperable motor vehicle exists as defined in this Article or other applicable law or ordinance, he or she shall order the owner, occupant or lessee of the property on which the public nuisance is located to abate the same. Abatement shall mean either repair, rehabilitation, demolition or removal, as shall be determined by the code enforcement officer as the proper remedy.

(c) The code enforcement officer shall give written notice to abate to the owner, occupant or lessee, of the existence of the public nuisance, shall describe the particulars which make it a public nuisance, shall order the

manner in which it shall be abated, shall state the time within which the public nuisance must be abated, and shall state that a hearing may be requested in writing within fifteen days as provided herein.

(d) The written notice shall be sent by certified mail to that person shown by the records of the Property Tax Commissioner of Shelby County, Alabama, to have been the person last assessed for payment of ad valorem tax on the property where the public nuisance is situated.

(e) If the property is vacant, a notice with the same information as the written notice shall also be posted in a conspicuous place on the property.

(f) Where service of the written notice by certified mail has been attempted but the return receipt shows a failure of service, the notice shall be published once in a newspaper of general circulation in the city.

(g) The notice, whether written, posted, or published, shall require the owner, occupant or lessee to complete the abatement of the public nuisance within fifteen days from the date of the notice; provided however, the code enforcement officer may stipulate a longer time but in no case more than 60 days. The notice shall further state that if the public nuisance is not abated within the stated time, the code enforcement officer may institute legal proceedings against the owner, occupant or lessee for violation of this Article, and the city council may order abatement by the city by the use of its own forces or it may by contract with a third party with the cost assessed against the property.

Sec. 14-9. Notice to abate inoperable motor vehicle nuisance.

(a) Whenever code enforcement officer determines that a public nuisance arising from an inoperable motor vehicle exists as defined in this Article or other applicable law or ordinance, he or she shall order the owner of record of the vehicle, and the owner, occupant or lessee of the property on which the vehicle is located to abate the same. Abatement shall mean either repair or removal, as shall be determined by the code enforcement officer as the proper remedy.

(b) The code enforcement officer shall give written notice to abate by certified mail to the last registered owner of record of the inoperable motor vehicle, and notice to all other interested parties, including the owner, occupant or lessee of the premises upon which the vehicle is located, by securely affixing the notice to the vehicle. The notice shall also state that a hearing may be requested in writing and that if no hearing is

requested, the inoperable motor vehicle will be removed. The notice shall include a list of names of persons or private contractors, or both, who will perform the work of removing the vehicle.

Sec. 14-10. Appeals from notice to abate.

(a) Any person receiving notice of a public nuisance and an order to abate the same under sections 14-8 or 14-9 from the code enforcement officer may appeal the order to the city council by written notice filed with the code enforcement officer within fifteen days of the date of such notice. No appeal filed later than fifteen days after the notice shall be considered unless the city council consents.

(b) The appeal notice shall contain the name and property interest (owner, lienholder, lessee, etc.) of the appealing party, a short statement of the objections to the finding by the code enforcement officer that the building, structure, inoperable motor vehicle, or other condition is a public nuisance, and a mailing address to which notices and other communications may be sent to the appealing party. The filing of the request shall hold in abeyance any action on the finding of the code enforcement officer until determination thereon is made by the city council. Written notice giving the time, location, and date of the appeal hearing before the city council shall be mailed by certified and regular mail to the person requesting the hearing at the address stated in the appeal notice. Upon holding the hearing, which hearing shall be held not less than five nor more than 30 days after the request, the governing body shall determine whether or not the building, structure, inoperable motor vehicle, or other condition is a public nuisance, and if so, the city council shall order the appropriate abatement of the nuisance. The abatement may be accomplished by the city by the use of its own forces, or it may provide by contract for the abatement.

(c) If the abatement involves the removal of an inoperable motor vehicle, the city, upon removal, may dispose of the inoperable motor vehicle by sealed bid or auction as directed by the city council subject to the rights of any secured party or other holder of a recorded or registered security interest or lien on the motor vehicle who has requested a hearing and verified the existence of the security interest or lien within the time permitted by this section. The owner, occupant, or lessee of the land on which the vehicle is located may remove the vehicle at his or her own expense prior to the removal of the vehicle by the city.

Sec. 14-11. Failure to comply with notice to abate.

If the owner, occupant or lessee shall fail, neglect or refuse to comply with the notice to abate the public nuisance, in addition to any other actions or remedies authorized by law or this Article, the code enforcement officer may proceed to prosecute said person for a violation of the provisions of this Article or other applicable

ordinance. In the event no hearing is timely requested, the code enforcement officer shall report to the city council his or her findings and the failure to comply with the notice to abate, which report must be at least 30 days after the date the notice to abate was given. The city council shall determine whether or not the building, structure, inoperable motor vehicle, or other condition is a public nuisance, and if so, the city council shall order the appropriate abatement of the nuisance. The abatement may be accomplished by the city by the use of its own forces, or it may provide by contract for the abatement by a third party.

Sec. 14-12. Assessment.

(a) Upon completion of the work ordered by the city council, the code enforcement officer shall compute the actual expenses, including, but not limited to, total wages paid, value of the use of equipment, advertising expenses, postage, and materials used, which was incurred by the city as a result of such work. An itemized statement of such expenses shall be personally served or mailed by first class mail to the last known address of the owner, occupant or lessee of the property.

(b) In the event the owner, occupant or lessee shall fail or refuse for a period of 28 days to pay off and discharge the expenses, the code enforcement officer shall report such failure to the city council at the next regular meeting following the expiration of that period.

(c) The city council shall hold a public hearing before causing the actual expenses of the work to be levied as a special assessment against the property. Notice of the public hearing shall be mailed to the last known address of the owner, occupant or lessee of the property and published in a newspaper of general circulation in the city at least five days prior to the hearing. After the public hearing the city council may by resolution assess all or part of the expenses against the property.

(d) Any assessment against property under this section shall not be final until seven days after adoption by the city council. Once the assessment has become final, the city clerk shall have such resolution recorded in the office of the Judge of Probate of Shelby County.

Sec. 14-13. Collection of assessment or civil penalty; remedy of city.

(a) In the event the owner, occupant or lessee shall fail or refuse to discharge the assessment after a period of 28 days from the date the assessment was made final, the city may commence an action in any court of

competent jurisdiction to recover the expenses and any civil penalties assessed which may not have been paid.

(b) In addition to remedies otherwise provided for herein, the code enforcement officer may cause an action to be instituted to enjoin or abate any public nuisance.

Sec. 14-14. Continuing offenses.

In all cases the person whose duty it is to abate any public nuisance shall be liable for separate and distinct offenses for each day the public nuisance is allowed to remain after it has become his or her duty by notice of the code enforcement officer to abate it.

Sec. 14-15. Procedures and penalties for violations.

Any violation of any provision of this Article may be punished as provided in either of the following subsections:

(a) Fine.

Violators of any provisions of this Article are subject to prosecution in municipal court in the same manner as those who violate other provisions of this Code. Any person or entity violating any provision of this Article shall, upon conviction, be punished by a fine of not more than \$500.00. With respect to violations of this Article that are continuous with respect to time, each day that the violation continues is a separate offense. With respect to other violations, each act constitutes a separate offense. The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions. The imposition of a penalty does not prevent injunctive relief or other available remedy.

(b) Summons and complaint.

(1) Pursuant to Sec. 16-5 of this Code, the code enforcement officer or any law enforcement officer, in lieu of placing persons under custodial arrest, may issue a summons and complaint to any person charged with violating any of the provisions of this Article. Such summons and complaint shall be on a form approved by the

city council and shall contain the name of the municipal court of Montevallo, Alabama; the name of the defendant; a description of the offense, including the municipal code cite; the date and time of the offense; the place of the offense; signature of the officer issuing the citation; the scheduled court date and time; an explanation to the person cited of the ways in which he may settle his case; and a signature block for the magistrate to sign upon the officer's oath and affirmation given prior to trial.

(2) Whenever any person is charged with a violation of any of the provision of this Article, the charging officer shall take the name and address of such person and any other identifying information and issue a summons and complaint to the person charged. Such officer shall release the person from custody upon his written promise to appear in court at the designated time and place as evidenced by his signature on the summons and complaint, without any condition relating to the deposit of security.

(3) If any person refuses to give a written recognizance to appear by placing his signature on the summons and complaint, the officer shall take that person into custody and bring him before any officer or official who is authorized to approve bond.

(4) The following schedule of fines for first, second, and subsequent offenders of the alleged violation of the provisions of this Article who are prosecuted under this subsection (b) is hereby adopted, which shall be posted in a place conspicuous to the public within the municipal court clerk's office and the police department:

First offense:	\$100.00
Second offense:	\$250.00
Third and subsequent offense:	\$500.00

(5) A person or entity prosecuted under this subsection (b) may elect to appear before the municipal court magistrate within the time specified in the summons and complaint, and upon entering a plea of guilty, pay the fine and court costs. A plea of guilty shall only be accepted by the magistrate after the defendant has executed a notice and waiver of rights form. In the alternative, the defendant shall have the option of depositing the required bail, and upon a plea of not guilty, shall be entitled to a trial as authorized by law.

(6) The court clerk or magistrate shall receive and issue receipts for cash bail from parties who wish to be heard in court; enter the time of their appearance on the court docket; and notify the charging officer and witnesses, if any, to be present.

(7) If the defendant fails to appear as specified in the summons and complaint, the judge or magistrate having jurisdiction of the offense may issue a warrant for his or her arrest commanding that he or she be brought before the court to answer the charge contained on the summons and complaint. In addition, any person who willfully violates his or her written promise or bond to appear, given in accordance with this section, shall be guilty of the separate offense of failing to appear, a misdemeanor, regardless of the disposition of the violation with which he or she was originally charged.

(8) All fines and forfeitures collected upon a conviction or upon the forfeiture of bail of any party charged with a violation of any of the provisions of this Article shall be remitted to the general fund of the city.

(9) If the defendant corrects the condition upon which the summons and complaint was issued within 10 days of the issuance, the charging officer has the discretion to recall and rescind the summons and complaint.”

Section 2. That the following be added as Chapter 14, Article IV, of the Montevallo Code:

“ARTICLE IV. UNSAFE BUILDINGS OR STRUCTURES

Sec. 14-80. Montevallo Housing Code Abatement Board created.

There is hereby created the Montevallo Housing Code Abatement Board consisting of five members. Each council member shall appoint one member from his or her district to serve on the board for the term of the council member for a maximum of two consecutive terms in office. The board shall perform the duties delegated by Title 11, Chapter 53A, Article 1, Code of Ala. 1975, as amended.

Sec. 14-81. Notice of unsafe building or structure.

Whenever the board finds that any building, structure, part of a building or structure, party wall, or foundation situated within the City is unsafe to the extent that it creates a public nuisance from any cause, it shall give notice to the person or persons, firm, association, or corporation last assessed for state ad valorem taxes by personally serving a copy of the notice to remedy the unsafe or dangerous condition of the building or structure,

or to demolish the building or structure, within a reasonable time set out in the notice to the person or legal entity to whom the property was assessed for ad valorem taxes, not more than 60 days following the notice. If the unsafe condition is not remedied within 60 days, the building or structure shall be demolished and removed by the city and the costs shall be assessed against the property. In the event that the personal service is returned "Not Found" after not less than two attempts, the notice may be given by registered or certified mail. The mailing of the notice by registered mail, properly addressed and postage prepaid to the address where the notice for ad valorem taxes for the last tax year was mailed, shall constitute notice as required by this article. Prior to the delivery or mailing, the notice or a copy of the notice shall also be posted at or within three feet of an entrance to the building or structure. If there is no entrance, the notice may be posted at any location upon the building or structure.

Sec. 14-82. Administrative hearing; order for removal of unsafe building or structure; appeal of order for removal.

(a) Within the time specified in the notice, but not more than 60 days from the date notice is given, any person, firm, or corporation having an interest in the building or structure may file a written request for a hearing before the city council, together with any objection to the finding by the board that the building or structure is unsafe to the extent of creating a public nuisance. The filing of the request shall delay any action on the finding of the board until a determination is made. A hearing shall be held not less than 10 nor more than 60 days after the request. At the hearing, or in the event no hearing is timely requested, after the expiration of 60 days from the date the notice is given, the city council shall determine whether or not the building or structure is unsafe to the extent that it creates a public nuisance. Notice of the meeting of the city council, and that a determination will be made at the meeting, shall be published one time in a newspaper of general circulation in the city, not less than 10 days prior thereto. If a building or structure is determined to be unsafe to the extent that it creates a public nuisance, the city council shall order the building or structure to be demolished and removed 30 days following the determination. The city may actually perform, or contract for the performance of the demolition and removal of the building structure, and may sell or otherwise dispose of salvaged materials resulting from the demolition and removal.

(b) Any person aggrieved by the decision of the city council at the hearing may, within 30 days thereafter, appeal to the circuit court upon filing with the clerk of the court notice of the appeal and bond for security of costs in the form and amount approved by the circuit clerk. Upon filing the notice and bond, the clerk shall serve a copy of the notice of appeal on the city clerk. The appeal shall be docketed in the court as a preferred case. The city clerk shall, upon receiving the notice, file with the circuit clerk a copy of the findings and determination of the city council. A trial shall then be held without a jury upon the determination of the city council.

Sec. 14-83. Adoption of resolution fixing costs of removal of unsafe building or structure; fixing of costs to constitute special assessment and lien against property; notice and filing of resolution.

Upon demolition and removal of a building or structure, the board shall make a report to the city council of the cost. The city council shall adopt a resolution fixing the costs which it finds were reasonably incurred in the demolition and removal and assess the costs against the property. The proceeds of any monies received from the sale of salvaged materials from the building or structure shall be used or applied against the cost of the demolition and removal. Any person, firm, or corporation having an interest in the property may be heard at the meeting concerning any objection he or she may have to the fixing of the costs. The city clerk shall give not less than 15 days' notice of the meeting at which the fixing of the costs are to be considered by publication in a newspaper of general circulation in the city. The fixing of costs by the city council shall constitute a special assessment against the lot or lots, parcel, or parcels of land upon which the building or structure was located, and shall constitute a lien on the property for the amount of the assessment. The lien shall be superior to all other liens on the property except prior recorded mortgages and other prior recorded security interests and liens for taxes, and shall continue in force until paid. The city clerk shall mail a certified copy of the resolution by registered or certified mail to the person last assessed for ad valorem taxes, and a certified copy of the resolution shall be published in the manner as prescribed for the publication of municipal ordinances. A certified copy of the resolution shall also be filed in the office of the judge of probate of Shelby County.

Sec. 14-84. Assessment of costs against land purchased by the state; redemptioner or purchaser to take property subject to assessment; manner of payment or collection of assessment.

(a) The costs authorized herein may be assessed against any lot, lots, parcel, or parcels of land purchased by the State of Alabama at any sale for the nonpayment of taxes. A subsequent redemption of the property by any person authorized to redeem, or a subsequent sale of the property by the state, shall not operate to discharge, or in any manner affect the lien of the city for the assessment. Any redemptioner or purchaser shall take the property subject to the assessment.

(b) Payment of the assessment, or if delinquent, the collection of the assessment, shall be made in the same manner as is provided for the payment and delinquent collection of municipal improvement assessments pursuant to Article 1 (commencing with Section 11-48-1) of Chapter 2 of Title 11 of the Code of Ala. 1975.”

Section 3. All sections or parts of sections of the Montevallo Code contrary to the provisions of this Ordinance are hereby specifically repealed.

Section 4. The provisions of this Ordinance are severable, and if any part of this Ordinance is declared invalid or unconstitutional, that declaration shall not affect the remainder of this Ordinance, which shall remain in full force and effect.

Section 5. This Ordinance shall become effective upon its passage and publication or posting as required by law.

Approved and adopted this 10th day of February, 2014.

Hollie C. Cost, Mayor

Attest:

Herman Lehman, City Clerk

Board appointments – none at this time.

Other Business – City Hall work session is Wednesday February 19, 2014 same day as the Montevallo Basketball Game that starts at 5:30 p.m.

Surplus property – Chief Jeremy Littleton started the discussion about Inventory & Fixed Assets.

CITY OF MONTEVALLO
AUTHORIZATION FOR MOVEMENT OR REMOVAL OF CITY OF MONTEVALLO
PROPERTY

INSTRUCTIONS: Maintain completed form in City Hall. Provide Copy of completed form to person moving or removing property.

REFERENCE: City of Montevallo Fixed Asset and Inventory Policy

Date: February 7, 2014

TO WHOM IT MAY CONCERN:

Mayor Cost & City Council
 Name of Individual _____ Title _____

is authorized to () move () remove the following equipment:

	Description	Asset Label #	Serial #
1	Canon Camera	000769	KM1217
2	ALCO - Sensor III	000783	F-000091-01
3	2000 Ford Crown Victoria	000764	2FAFP71W7XK205562
4	2003 Ford Crown Victoria	000743	2FAFP71W03X209557
5	2000 Dodge Durango	000754	1B4HR28YZYF22047

This authorization is valid for movement or removal of the above described property under the following conditions:

Move/Removal Date:	_____
Scheduled Return Date:	_____
Location Moved/ Removed From:	_____
Location Moved to: (address)	_____
Purpose of Equipment Relocation:	_____

Custodian of Equipment:

 Employee _____ Date _____

AUTHORIZED BY:


 Department Head

02/07/2014
 Date

CITY OF MONTEVALLO
AUTHORIZATION FOR MOVEMENT OR REMOVAL OF CITY OF MONTEVALLO
PROPERTY

INSTRUCTIONS: Maintain completed form in City Hall. Provide Copy of completed form to person moving or removing property.

REFERENCE: City of Montevillo Fixed Asset and Inventory Policy

Date: February 7, 2014

TO WHOM IT MAY CONCERN:

 Name of Individual Title

is authorized to () move () remove the following equipment:

	Description	Asset Label #	Serial #
1	Dell Laptop	001268	4599772669
2	Dell laptop	001270	16217794369
3	Dell ATe laptop	NA	18324900253
4	HP Pavilion 2e 1210	000193	TW22-805180
5	Dell Desktop	000824	00045-657-954-687

This authorization is valid for movement or removal of the above described property under the following conditions:

Move/Removal Date:
Scheduled Return Date:
Location Moved/ Removed From:
Location Moved to: (address)
Purpose of Equipment Relocation:

Custodian of Equipment:

 Employee Date

AUTHORIZED BY:


 Department Head

02/07/2014
 Date

Council Member Hughes made a motion to declare the following items as surplus and to authorize their disposition at auction. Council Member Woodham seconded. ALL AYES . . . MOTION APPROVED.

Council Member Goldsmith made a motion to approve the Police Chief's request to use Forfeiture Funds to purchase \$840 worth of GPS units and 2 laptops for \$912. Council Member Gilbert seconded. ALL AYES . . . MOTION APPROVED.

Citizen Participation – Dr. Cunningham presented the council with a letter he had written thanking them for the changes made to the city.

Veterans Shrine – American Village February 17, 2014 at 1:00 p.m.

There being no further business before the council, Council Member Nix made a motion to adjourn. Council Member Gilbert seconded. ALL AYES . . . MEETING ADJOURNED at 7:15 p.m.

Submitted by:

Sandy Byrd
Administrative Assistant