

MINUTES

MONTEVALLO CITY COUNCIL WORK SESSION

DECEMBER 14, 2015

5:30 pm at CITY HALL

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Willie Goldsmith, Council Member Sharon Gilbert, Council Member Jason Peterson, and Council Member Dee Woodham, were in attendance. Junior Council Member Price Alexander was also in attendance.

Mayor Cost called the Work Session to order at 5:30 pm. The Mayor noted that public comment is not addressed during the work session but would be heard and addressed during the regular meeting beginning at 6:00 pm. The Mayor also requested that all in attendance sign-in on the sheet provided due to the Public Hearing regarding the weed abatement of two properties.

Mayor Cost called for committee reports.

Chief Jeremy Littleton presented the Police Department Report as follows:



## Montevallo Police Department City Council Report

Date:  
Monday, December 14, 2015

### Patrol Report:

Total Calls:  
679

Total Cases:  
120

Traffic Accidents:  
20

Traffic Stops:  
149

Traffic Citations:  
75

Total Arrests:  
31

Burglaries:  
2

Auto Burglaries:  
10

Domestics:  
14

Assaults:  
2

Fraud/Forgery:  
2

Thefts/Attempts:  
8

Zone Checks:  
746

School Patrols:  
50



## Montevallo Police Department Code Enforcement Activity Report

Date:  
12/11/2015

Inspection Period  
11/23/2015

Inspection Period  
12/13/2015

### Inoperable Vehicle Inspections:

Inspected:  
1

Pending:  
4

Closed:  
2

### Animal Complaint Inspections:

Inspected:  
0

Pending:  
0

Closed:  
0

### Abandoned Building Inspections:

Inspected:  
0

Pending:  
25

Closed:  
0

### Property Inspections:

Inspected:

Pending:  
1

Closed:  
0

### Investigations:

Felony Cases Pending:  
7

Misdemeanor Cases Pending:  
5

Felony Cases Closed:  
5

Misdemeanor Cases Closed:  
8

### School Resource Report:

Offense Reports:  
1

Traffic Accident Reports:  
0

Cases Pending:  
0

Incident Reports:

Arrest Reports:

Cases Closed:



## Montevallo Police Department Code Enforcement Activity Report

### Inspections this Period:

Inoperable Vehicle - Crestview Circle

### Inspections Pending Continued from Last Period:

Inoperable Vehicle King St - Letter returned unclaimed

Inoperable Vehicles on Salem Road - All letters returned unclaimed

### Cases Closed this Period:

Inoperable Vehicle - Crestview Circle, Vehicle Removed

Ashville Road - Firewood business cleaned up

Ashville Road - Two inoperable vehicles removed

Salem Road unkept property has been cut

Holloway Hill property has been cleaned

### Other Comments:

Heritage Trace Lots have not been cut. Public hearing tonight on properties.

Bid Packets are posted and several companies have expressed interest

No further complaints on dog from New Hope. Owner was cited.

Chief Littleton also stated that Lt. Tim Alexander had been trained in active shooter procedures and is available to speak to any public groups who are interested on the subject.

Council Member Goldsmith requested an update on the Chevron burglary case and the Chief reported that the PD had made an arrest and had turned the case over to Municipal Court.

Mayor Cost asked for an update on the recent home break-ins. Chief Littleton stated his understanding of the public concern regarding the recent burglaries, especially in the Indian Highlands neighborhood. Since October 1, four break-ins have occurred in that neighborhood, three of which are connected. The Police are present in the neighborhood frequently. In comparison to last year, the City has had less burglaries reported. Chief Littleton urged the public to report any concerns to the PD, however, to keep in mind that the police have to have reasonable suspicion to question people in the neighborhood. He is happy to speak to any community members who have concerns. A warrant has been issued and an arrest is pending for the three connected burglaries in Indian Highlands.

Chief Bill Reid reported that the grants mentioned on the agenda were not grants that had been received but ones that the Fire Department would like approval to begin the application process. An estimated cost as been included due that the grant requires a 5% match that would likely be processed during the next budget year. Chief Reid also notified the Council of a bill in the amount of \$4500 in conjunction with the Microgrant closing for additional equipment. The funds will be reimbursed from the grant and the City will receive a federal government check for the full amount.

Chief Reid also announced that the Fire Department held its annual awards banquet this past weekend, on Saturday, December 12 in which service awards were presented in 5 year increments. 190 years of service were awarded among 8 people, indicating many years of dedicated service.

Chief Reid reported that numbers of calls continue to grow, currently at 1146 and will likely hit 1200 this year which will be the most of all time with the current highest record being 1149.

Chief Reid also addressed the Council to review and approve an amendment to the bylaws. The Amendment addresses one section under membership and would like a vote as soon as possible. Mayor Cost reported that Council Member Goldsmith as chair of the Public Health & Safety Committee would call a meeting to discuss the changes. A meeting was set for Thursday, December 17 at 4:30 pm at City Hall with Council Members Goldsmith, Nix, and Woodham with Mayor Cost and Chief Reid to attend.

Council Member Goldsmith confirmed that the grants on the agenda were just opened for application and had not been submitted. Chief Reid confirmed that the grants are applied for every year and the information provided estimated cost to estimate the amount of the 5% match. The grant would hopefully allow the addition of another truck. City Clerk Herman Lehman reported that the funding for the 5% match would be supplied from the City Capital Reserve from next year's budget. Council Member Woodham suggested that the funds for the match come from the Health Foundation and City Clerk Lehman confirmed that Fire Marshall Broadhead had already mentioned the possibility.

Kirk Hamby, Public Works Director, reported that the City had received the brush truck last week, which they have been waiting on since July. His crew will be restriping the Victory parking lot to assist with parking issues in and around City Hall. The City is currently running the street sweeper about 3 days a week. Mr. Hamby reminded the Council and public that the household garbage schedule would be interrupted due to the upcoming holidays, therefore Friday pick-up for Christmas and New Year's will

run on Saturday. Mr. Hamby also reported that the replacement plantings on the Promenade were complete and the street sign project was 95% complete.

Council Member Peterson reported that the Vallocycle Board will meet the evening of Tuesday, December 15.

Shane Baugh, Parks and Recreation Director, reported that youth sports are in progress and the teams stand at 5 – 1. Work has been completed at the Shoal Creek Park site including a trail that has been cut through the woods, without disturbing much nature, from the house, under the bridge and along the creek. The trail will remain at least 20 ft from the creek. The structural issues of the house were inspected and there are some foundation issues that must be addressed. Janice Seaman, Chair of the Historical Commission, asked if the original architectural renderings of the original design of the house has been considered, Mr. Baugh reported that they were reviewing only the significant damages needed to repair the foundation issues of the home. Mr. Baugh also reported that he had met with University and County representatives regarding a Extreme 5k event to be held on April 9. The event will bring a lot of people to the City and they will also hire temp labor for the event. They may need assistance from the PD for traffic control. That weekend will also include travel ball competitions which could mean possibly 7,000 – 8,000 people in the City that weekend. Mayor Cost and Council Member Gilbert also mentioned that The Big Event for the University was to be held that weekend and they may be able to provide service.

Dwight Dellinger reported that the Golf Course had 428 rounds played on the course, which is down from last year and approximately 85% of the membership has remained. The staff continue to receive positive feedback from members. Mr. Dellinger reported that the greens were overseeded and regular cutting of the grounds were now being maintained. The course is currently offering a special of 18 holes for \$18 on Tuesday, Wednesday, and Thursday to encourage more play on the slow days of the week. He reported that Clay and the team are working hard to get things looking good and they are all keeping a positive attitude. They have had out of town players coming to the course, which is positive.

Janice Seaman, Chair of the Historical Commission, noted that the Council would be voting this evening on the establishment of a separate bank account for the for the Historical Commission and at the next meeting an update and presentation of possible grant opportunities would be presented.

Allie Williams, Director of the Library, reported that the holiday events of Cookies & Milk with Mrs. Clause and the Nutcracker performance were successful with 78 people in attendance. The Ballet has established a new great partnership with possible future events. Ms. Williams thanked Bud's Cookies and Piggly Wiggly for their support and sponsorship of supplies for the Cookies & Milk event. The library will host the Minion's movie tomorrow, Tuesday, December 15 at 3:30 pm. The library has also received a grant for young adult books and the grant did not require any match funding. As presented in the following Parnell Memorial Library report:

PARNELL MEMORIAL LIBRARY  
MONTHLY REPORT  
NOVEMBER 2015

CIRCULATION: 2619 items charged  
(Decreased by 21%)

COMPUTER USE: 556 users  
(Decreased by 16%)

STORYTIME/2: 28 children (Veteran's Day, Jury Duty)

MOVIES/5: 165 people attended  
(Increased by 63%)

ADDITIONAL PROGRAMS/4: 57

WEBSITE VISITS SINCE 11/24/15: 1900

DEPOSITS:

11/6/15	\$262.08
11/13/15	\$130.00
11/24/15	\$293.64
11/30/15	\$135.20
11/30/15	\$37.10
<b>TOTAL</b>	<b>\$858.02</b>

Notes:

- Our Cookies & Milk with Mrs. Claus and Nutcracker event was a huge success. We had 78 attendees, which is a LOT for us on a Saturday. The Festival Ballet Arts performance was a big hit and we will look for other ways to partner with them going forward. Thanks again to Bud's Best Cookies and Piggly Wiggly for once again providing the refreshments.
- We will be showing Minions tomorrow (12/15) at 3:30 p.m.
- We were awarded a \$4000 YA book grant from the Dorothy Louise Kyler Foundation. There was no match on this grant. We will be adding a lot of award-winners and honor books as well as high-interest titles for reluctant readers and popular authors.
- We will be offering youth literacy tutoring again in the spring semester (1<sup>st</sup> & 2<sup>nd</sup> graders). The number of slots will be determined by the number of students Dr. Ratchford can get to volunteer.
- ESOL registration for spring semester will be Tuesday, January 5<sup>th</sup> at 6:00. The class will start that Thursday, the 7<sup>th</sup> at 5:45 p.m.

Council Member Gilbert reported that the University held its December Commencement on Friday, December 11, 2015 at 5:00 pm and the K-12 schools would dismiss for the holiday break this Friday, December 18. Council Member Gilbert also announced the formation of an Education Task Force and any persons interested in serving on the committee should contact her or Mayor Cost. Mayor Cost stated that the task force would focus on how the city can supplement school activities and initiatives in all the schools and for anyone interested to please call or email Council Member Gilbert or Mayor Cost.

Mayor Cost reported that the Sister City Commission is assisting with the coordination of hosting students from Japan from March 17 – 27 and are looking for families to serve as host homes. Additional information will be supplied in the Chamber Chatter regarding the process and need for host families.

Council Member Woodham discussed the Medical Board which had been discussed earlier and she had follow-up meetings for additional information. The facility will add 30 permanent jobs to the City and additional tax revenue. The facility will include a 4 story building with retail space on the bottom floor.

Council Member Woodham reported that the Main Street Tavern had opened in its new location and were planning to add additional staff. She also reported that she had spoken with the owners of N’Orleans on Main who are moving into the now vacant location where the Tavern had been. The new restaurant will feature creole food and a piano bar and plans to open in the 1<sup>st</sup> quarter of the year. She also reported that Lula B’s will be closing.

Steve Gilbert, Director of the Montevallo Chamber of Commerce, reported that a ribbon cutting was held for Happy Dollar, a new business on Main Street. He urged the community to support local business. He updated the Council that he had spoken with property owners of the CVS complex and the cellphone business/Verizon will open in January.

Janice Seaman, Chair of the Industrial Development Board, reported they were finalizing the aquaponics farm lease.

Debby Raymond, Revenue Director, reported that business licenses had been sent out and she was now in the process of fielding phone calls.

Council Member Woodham reported on behalf of the Montevallo Project that the community is urged to shop Montevallo for unique items for the holidays. She also reported that there were no updates from ALDOT regarding the Main Street Revitalization Project. She has a meeting scheduled with the architects for Shoal Creek next week.

Mayor Cost discussed upcoming agenda items for the regular meeting. She stated that under New Business the Council will go into Executive Session to discuss initiatives with the County and University regarding public safety.

Mayor Cost asked City Clerk Lehman to clarify the needs for approval for the bank account for the Historical Commission. City Clerk Herman Lehman clarified that the bank account for the Historical Commission will use the City’s tax ID # but will be tracked as a separate account with normal signatories including HR Coordinator/Bookkeeper, Kathryn Wright and Chair of the Commission, Janice Seaman.

Mayor Cost discussed the Bicentennial Resolution. The City of Montevallo will celebrate its Bicentennial in 2017 and preliminary discussions have occurred regarding the forming of a committee. Mayor Ben McCrory has been asked to serve as Chair of the committee and Mayor Cost will confirm his

participation. The City is seeking approval of the Resolution to allow a partnership with the State to offer resources of co-branding and participate in State initiatives from the State Bicentennial committee.

Mayor Cost referenced the agenda items under Old Business. The Mayor thanked Chief Reid for his work on the Bylaws and looked forward to meeting to discuss the changes. The Medical Board has been previously discussed and Don Hughes will serve on the board along with other members of the community. The Mayor stated the Arts and Entertainment District will be discussed more later and it will not be voted on tonight but public comments would be heard.

The City Clerk asked the Council to add an item to the agenda under Other Business regarding the transfer of liquor license for Main Street Tavern.

**Pledge of Allegiance** led by Boy Scouts Joshua and Dean

## **MONTEVALLO PUBLIC HEARING & CITY COUNCIL MEETING**

**DECEMBER 14, 2015**

**6:00 pm at CITY HALL**

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Willie Goldsmith, Council Member Sharon Gilbert, Council Member Jason Peterson, and Council Member Dee Woodham, were in attendance. Junior Council Member Price Alexander was also in attendance.

Mayor Cost called the Public Hearing to order at 6:00 pm.

### **PUBLIC HEARING: Weed Abatement -**

110 Heritage Trace Parkway, Lot # 185, Parcel ID – 271112002003.000

118 Heritage Trace Parkway, Lot # 183, Parcel ID - 271112002005.000

Officer Holloway reported that originally three properties were noted for weed abatement but one property located at 100 Salem Road had been cut and cleaned up. Officer Holloway recommended that the Council vote to close the case at the Salem Road property. The abatement was cited due to the grass being 36 inches or higher. The properties located 110 & 118 Heritage Trace Parkway had not been cut and the property owner and tax owner had been notified. If the Council approves the abatement, Kirk Hamby and his crew will cut the grass at the properties and the City can proceed with putting a lien on the properties if the City is not paid for the service.

Mayor Cost asked the audience if any representatives for the properties were present to speak to the Council and no response was given.

Mayor Cost adjourned the public hearing at 6:02 pm.

## Meeting Call to Order

Mayor Cost called the meeting to order at 6:02 pm.

## Approval and/or corrections of the minutes – 11/23/15

Council Member Nix made a motion to approve the minutes from November 23 as presented and Council Member Goldsmith seconded the motion. Council Member Gilbert abstained as she was not present at the meeting, all other members voted aye. ALL AYES. THE MOTION WAS APPROVED.

## Student Recognitions / Awards

Mayor Cost called for student recognitions and was informed that they would resume in January. Mayor Cost explained to the audience that we normally highlight our area students for academic and service recognitions and enjoy being able to recognize our students.

## Opportunities for citizens to speak to the Council

Mayor Cost welcomed the crowd and stated that whether they were in attendance to be supportive or present concerns, she was glad to see all at City Hall. She highlighted features of the new City Hall that were not available at the old facility such as public restrooms, drink machine, and working water fountains. She also noted the historic photo displays throughout the building and the pottery from our Sister City, Echizen, displayed in the lobby along with a rotating art exhibit featuring local artists. Mayor Cost mentioned the easel in the lobby of a visual representation of the significant renovations set for Main Street and Middle Street, a project which was begun by past Mayor Sharon Anderson, continued by Mayor Ben McCroy and now she had the pleasure to be a part.

Mayor Cost stated that she had prepared a presentation regarding the Arts and Entertainment District in



## Background Information

- **Proposed by MVP (Montevallo Project)**
- **Purpose**
  - to designate a district as focus of arts, entertainment, restaurants, events, galleries and other unique shops
  - to promote Montevallo as a destination
  - to provide an increased revenue stream to enhance quality of life for all residents
- **Would permit alcohol in specific containers during designated hours**
- **All state laws currently in place would remain in place (i.e. public intoxication, drinking age, DUI)**

order to share information and clear up any misconceptions. As presented in the following powerpoint:

## Cities with Arts and Entertainment Districts

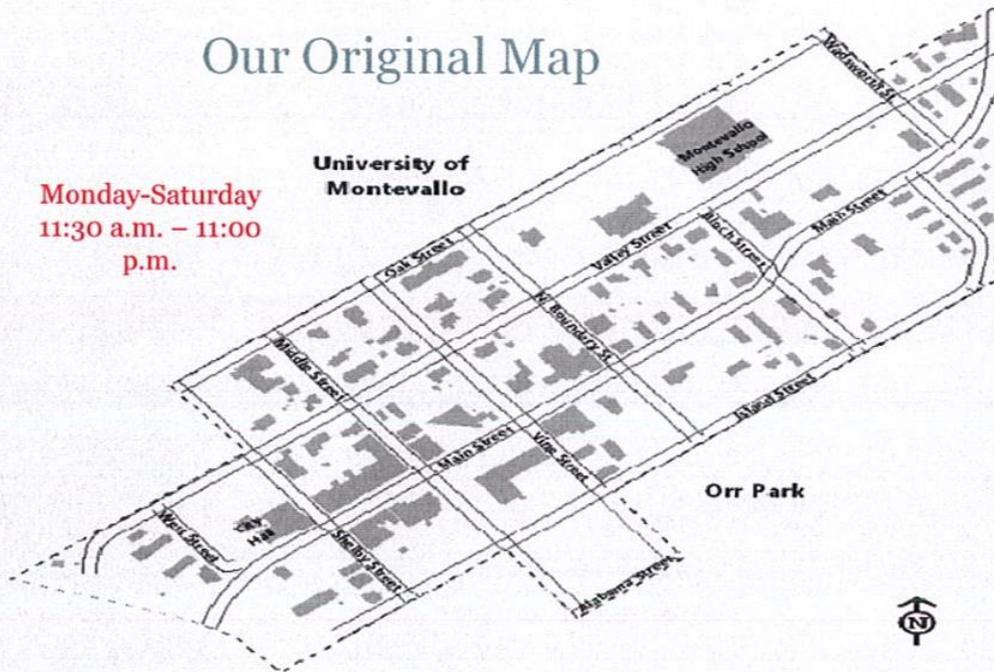
- |                                                                                                                                                                                                              |                                                                                                                                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• <b>Huntsville</b></li><li>• <b>Birmingham</b></li><li>• <b>Decatur</b></li><li>• <b>Mobile</b></li><li>• <b>Montgomery</b></li><li>• <b>Vestavia Hills</b></li></ul> | <ul style="list-style-type: none"><li>• <b>Guntersville</b></li><li>• <b>Eufaula</b></li><li>• <b>Auburn</b></li><li>• <b>Opelika</b></li><li>• <b>Cullman</b></li><li>• <b>Orange Beach</b></li></ul> |
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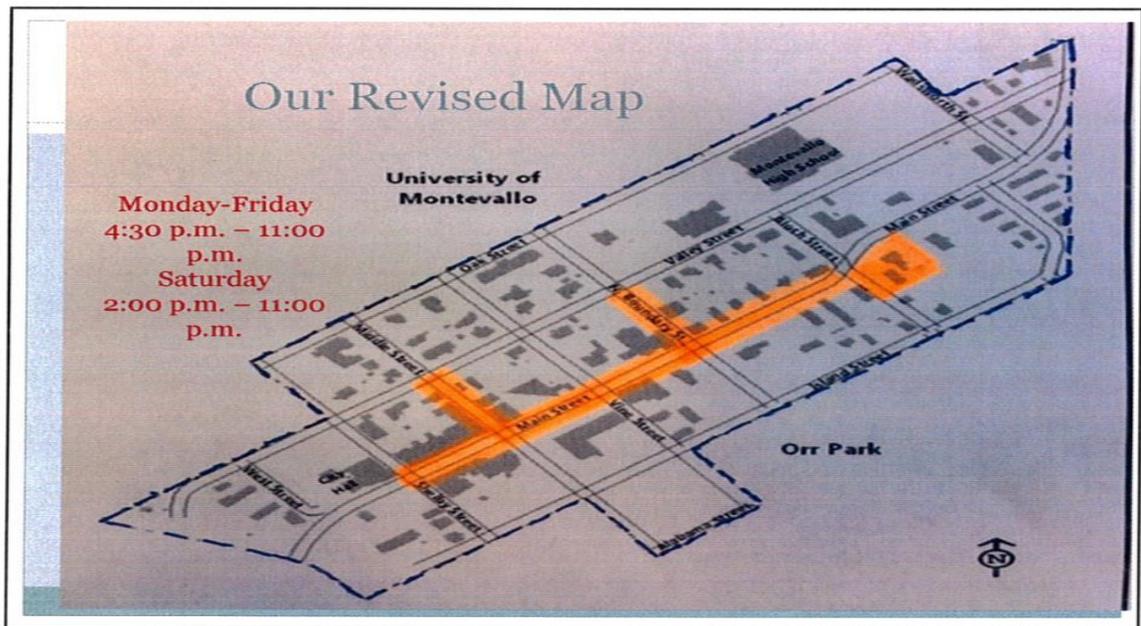
# Sample Map (Huntsville)



# Our Original Map

Monday-Saturday  
11:30 a.m. – 11:00  
p.m.





### Additional Information

- No district across the state has reported an increase in crime as a result of implementing district
- At least one district reported a decrease in crime
- All districts contacted reported increase in revenue and family-friendly activities in districts
- We will not vote on this tonight
- When it is up for a vote, we will publicize broadly
- If it passes, we will evaluate impact at 6 months and 1 year to determine whether we will continue, revise or repeal.

## Public Comment

- Please state name and address/street
- Please don't repeat comment that has already been presented (feel free to support others)
- Limit comment to 3 minutes
- We can not respond to questions tonight but can/will email responses and/or meet with you later
- Remember **everyone** is here because we ♥ Montevallo!

Mayor Cost explained how the idea originated and that it began from interested citizens who had attended a conference regarding Montevallo becoming a Main Street Community. It was initiated to energize the community, increase revenue, and have a dedicated arts district for activities. She stated the sticking point would be that the ordinance would permit open containers. She clarified that all state laws will remain in place. She discussed other cities within the state that had Entertainment Districts and thanked City Clerk Lehman for his assistance in compiling the information. Tuscaloosa was in the process of potentially adding a district to their city. Huntsville has two successful districts. Due to feedback from the community, the original proposed district map had been revised. There were concerns over the high school being included in the district, it was not the proposal or intent to have alcohol on the school property, all laws remain in place, and no alcohol is permitted on school grounds. This area was recommended as it was already designated as the City's Urban Core, a well-defined area within our Strategic Plan. The hours of operation for the district were also of concern although they were more restrictive than other communities. The Mayor stated that she had worked with all law enforcement in the City regarding the district. The new proposed map now begins at the property of Eclipse Coffee & Books down the sidewalks of Main Street to City Hall with the inclusion of one block from Main Street to Valley Street on North Boundary Street – the Promenade, and one block from Main Street to Valley Street on Middle Street to the Marathon gas station. She reiterated that only public sidewalks were included - not private business properties. Mayor Cost went on to explain that for 4 years now, Art Walk had been a successful event with no issues or concerns being raised, in which people have been allowed to walk around with alcoholic beverages during the event. She asked that Chief Littleton confirm that they have had no incidents in conjunction with these events and he did.

Mayor Cost stated that she and the Council wanted to hear input and wanted to discuss the process and were concerned with what is needed by the community. She spoke regarding her motion to suspend the rules at the last City Council meeting to vote on the ordinance that evening and admitted that she mistakenly didn't expect the controversy within the community regarding the issue. She stated that when the vote is added to the Council Meeting agenda, the public will be notified and it will be publicized broadly. If and when the ordinance is passed, the Council will review the outcome at 6 months and 1 year to determine if the district is beneficial for the community. A committee will be formed and will

include citizens. It will be determined if the district is right for the community and whether it should continue. It is also possible for the Council to repeal the ordinance at any time if needed.

Mayor Cost stated that everyone was welcome to comment. Due to public record, the City must record the name and address or street that each citizen lives, as each citizen is recognized to speak, please state this information. She stated that the process was to be supportive and all comments should be presented in a dignified manner, she also requested that in the interest of time that individuals not repeat what has already been stated, she encouraged the crowd to clap and show support of statements but not to repeat the same idea or points. She stated that although she nor the Council may not be able to answer every question tonight, each question would be recorded and it will be addressed at a later time. Mayor Cost reiterated that we are all here because we love Montevallo, all comments should be presented in a positive and objective manner and not directed personally.

Mayor Cost noted that according to policy all comments will be kept to a time frame of 3 minutes or less and Council Member Nix would assist in keeping time for each comment.

Mitchell Spears, business owner at 804 Main Street and property owner at 626 Main Street. Mr. Spears stated that he had been in town for 50 + years and was disappointed that this matter may have come to a vote, but the rules were not suspended, without written notification to the public. The hours for open containers, the public was not notified before the Council discussed the issue. He objected to open containers and liked the idea of Arts and Entertainment. In the comparison cities, they are much larger than this small town, larger cities can segregate districts. This district is applied to the heart of town in Montevallo – Main Street. Other districts have establishments during special events, not every day. These progressive ideas are not in line with prominent Christian Conservative views of this community. This is a quality of life issue.

Earl Cunningham, resident. Mr. Cunningham asked for a 1 minute warning. He stated it was great to be in Montevallo. He opposes the Entertainment District. He stated there was a time and place for everything but it was not our time. He said there was nothing wrong with drinking inside but drinking outside in front of a Baptist church was unacceptable. He said you can't control behavior, people are not always nice. This is a family oriented city. 1 minute warning was given. He stated that he asked for the warning because he was a veteran and had served and been through a lot and he didn't want anyone to tell him that his time was up because his time had not expired yet.

Dr. Michael Patton, business owner at 1032 Main Street, and resident at 1220 Highland Street. Dr. Patton stated that he was in his 20<sup>th</sup> year as a Professor at the University and 14<sup>th</sup> year as a business owner in town. He stated that no business person wants to harm any community member. Increase business, increase tax. Establish roots. Just like many towns on the comparison list, they are family oriented. We are discussing controlled respectable events to recruit young families. Many workers for the University choose to live in Birmingham where more activities and resources are offered. Nobody is in favor or wants to do things to make the City worse, they want to make it better.

Thomas Lilly, Jr., resident. Mr. Lilly stated that he had been a citizen of Montevallo all his life. He continued that some things will be good, revenue. Rules are good and strict. It's time to let this town grow some. Let the town grow and make sure the rules are in place.

Todd Burr, resident on Pineview Road. Mr. Burr stated that he would like to brag on folks. Chief Littleton, best that we could have. Kirk and sanitation staff – work hard. Shane, park and rec, so glad you hired him. Parents brag that our town is family oriented. I'm concerned that this may affect that view. We have awesome police and park and rec, they have their hands full and do not need more to do. Mr. Burr would like to know how many of the other cities had to hire additional staff due to the entertainment district? We have the best schools in the county and we are putting our children at risk.

Mayor Cost asked that Mr. Burr's question be entered into record and she would obtain the information and respond.

Mayor Cost took a moment to introduce Price Alexander, Junior Council President, and that he represents our youngest citizens and has a seat at every meeting.

Coach Pearson, resident at 1131 Oak Street. Coach Pearson stated that he had two questions. If the ordinance was passed, would individuals be walking the street with a cup, could you tell or smell whether the cup had alcohol in it or not? Mayor Cost answered, I don't think so. Coach Pearson continued that if that individual gets drunk would he go to jail, get locked up? Chief Littleton answered yes, anyone who was publically intoxicated would be arrested. Coach Pearson stated that was all he needed to know.

Stephanie Helms, resident on Ashville Road. Ms. Helms stated that she recently took her nieces to Chuckie Cheese, where they sell beer and no one experienced any issues. She stated that she did believe the ordinance would bring in young families in the community and she is in favor. She requested that no glass cups be used.

George Henry, resident in Heritage Trace. Mr. Henry stated that he had talked with the Mayor and Council Member Woodham regarding the issue and thanked them for talking to him when he was against the issue. Mr. Henry explained that like Auburn, the ordinance was only in effect for special events such as game days for a few hours. Mr. Henry also spoke of incident action planning and that Birmingham had the district pay for the ordinance and security. If you do pass this ordinance, can it be for only specific hours? For instance, the Christmas parade, Halloween, my church does something that evening. We need to coexist, this does not have to pass to grow arts and entertainment. We don't have to have open containers.

Susan Caplow, resident on Meadow Road. Ms. Caplow discussed a differing vision, one group sees a frat like debauchery and the other that it will be like Art Walk, family friendly, and people can have a drink or not. The Council will reevaluate the issue in a few months. Just try it. It's hard to believe that a dark underbelly will show up. It can be repealed if necessary. If it does grow business and activities, great, let's try it.

Marcus Lang, resident Meadowgreen Road. Mr. Lang has been in Montevallo for 8 years. Mr. Lang stated that he has respect for the people who have been trying to make downtown vibrant. Addressed toward the crowd – have you been down Main Street lately? Half of the business are closed. We must do something. There are great people, there has to be something we can do. Don't give up if it doesn't work. I don't want crazies running around. Those opposed – help us find something to do, to be vibrant. Look at these historic photos and what we use to be. What can we do to be better?

Mayor Cost reiterated that we want ideas, support, and participation on all matters regarding the City.

Phil Hurst, business owner of two locations on Main Street, Blue Phrog Art Gallery and Falcon Art Supply. Mr. Hurst stated, if we don't try it, we will never know. Jeremy has looked into it, it not going to bring gunfights to the street, we have kids here. Jeff has a great business, new facility, the Tavern is wonderful, family friendly, same as the Eclipse, they have a children's section, parents out on the porch having a beer. Jeremy will keep reports of anything out of the ordinary. We want Montevallo to blossom. We can't if we don't try. The Chamber is working to bring businesses, there's too much at stake, too much going on for us not to try it. Parental guidance is needed, in reference to kids and schools, they may not see it at home, Christians do drink. We got to try it.

Wilson Bell, resident on Hwy 10. Mr. Bell stated look at all the ministries we have. What do we tell fathers, mothers, grandparents, when 16 year olds are allowed to drink? Funeral home, Rocko's, open for business. They are going to step out in front of trucks running up and down Hwy 25. See crosses up and down highway because we want to try it. Open containers – they will put date rape drugs in the drinks. Open our doors to it all. Athens, Georgia, I've been there, people get raped. Our college is doing good and a good program at the park with no open containers. We are asking for our kids to get hurt/killed.

Chris Pounders, member of 1<sup>st</sup> Baptist Church, Montevallo and resident of Alabaster. Mr. Pounders presented a resolution to the Council on behalf of the church. Please see attached. Mr. Pounders stated that this was inappropriate due to the problems of society and we had to take a stand while government says it's okay. Government should be focused on keeping us safe.

A resolution of Montevallo First Baptist Church, adopted during church conference on December 9, 2015, concerning the proposed City of Montevallo Arts and Entertainment District.

Whereas the ministry of Montevallo First Baptist Church is to reach out to the community, here in Montevallo and around the world, providing the love of Jesus Christ in spiritual and physical ways, meeting the needs of people; and,

Whereas there are many people in our society who have a dependence on illicit use of drugs and alcohol; and,

Whereas the proposed Arts and Entertainment District will allow open containers of alcohol; and,

Whereas the expansion of allowable alcoholic usage is in direct contrast to the mission and ministry of our church:

Therefore, we the members of Montevallo First Baptist Church oppose the creation of an area within the City of Montevallo where alcohol can be openly carried outside the serving restaurant, an area that includes or is adjoined with churches, quick serve restaurants, University of Montevallo dormitory and buildings, other general businesses and Shelby County schools.

Jimmy Bice  
130 Triple B Drive  
Montevallo, AL 35115  
December 14, 2015

Montevallo City Council  
541 Main Street  
Montevallo, AL 35115

Subject: Street Drinking Proposal for Montevallo

Dear Montevallo City Council:

I am deeply concerned with this proposal. I have a daughter that works at the high school. I have a granddaughter enrolled in the high school. I have a granddaughter enrolled in the college. I have two grandchildren in the First Baptist Church of Montevallo.

In the last three years, there has been a lot of progress in the city of Montevallo. You have made a lot of positive change. Without change, there is no progress.

The board of education has made a lot of changes in our schools. They have spent 10 million dollars on the three campuses. There has been change in facilities, curriculum, principals and teachers. We have good schools in Montevallo. You have recognized many of our outstanding

college, I probably would mark Montevallo off of the list. I think street drinking will hurt recruiting across the state.

To repeal this later is too late. The image and perception will already be out there. Perception is real in people's mind.

Alcohol is a drug. Let's not be known for the town that put a drug on the streets in front of our children, schools and churches. This is not progression, this is regression.

I will say again, the design of Montevallo does not lend itself to street drinking. I am asking you to delete the street drinking portion of this proposal or vote to kill it altogether.

Thank you,

A handwritten signature in cursive script that reads "Jimmy Bice". The signature is written in black ink and is positioned above the printed name.

Jimmy Bice

Cheryl Patton, resident on Highland Street and business owner on Main Street stated that she was one of the few businesses in town that did serve alcohol and that the businesses take that responsibility very seriously. People will be carded and there is no chance that a high school/middle school student will be served. It is against the law and we could lose our license if we serve to anyone who is intoxicated. Main Street is about to be ripped up from one end to the other and businesses are scared of being able to stay in business. This is a way to get people to the business to enjoy Main Street.

Willie Bell, resident of Hwy 10 noted that he did drink growing up and had a friend, David, who died from alcohol related accident and did get it from older people. He stated that he was heathen and God gave him another chance. He stated that the bible did reference wine, but that wine was not fermented like it is now and is mind altering. A lot of people are effected by alcohol and we don't need to send this to our kids, send that message its okay, we need to show how to live the right way. We need to look at businesses and who we are trying to bring in, and pushing something that we don't need.

Mayor Cost reiterated that this discussion was not about changing alcohol law, alcohol is legal and drinking will remain in the City as allowed by law.

Dr. Michael Anderson, resident and business owner on Main Street, noted that he has been an eye doctor for 34 years and since 1991 has made significant efforts to have his business here, like building the historic style home on Main Street for his business. He stated that we needed to do something that fits into our town. He asked the four questions that a Rotarian considers – Is it the truth? Is it fair to all concerned? Does it promote good will? Will it be beneficial to all concerned? He then told a story about an alcoholic mother who gave birth and the baby was adopted and now those parents have to realize that alcoholism is a disease and that boy has to live it. I believe that alcohol in the bible was just as alcoholic as it is today. Good bartenders monitor how much they drink – who is monitoring the street? He talked about seeing the diversity in his patients, blue hair, pink hair, whatever, he sees them. However, he stated that he thought his business would suffer and he would lose patients if this ordinance passed.

Jenny Ford Glen, resident of Highland Street. She stated that she usually shops Montevallo first because she loves it. I can choose when to stop going in to a business because of the serving of alcohol. She is concerned about the lighting of Main Street which is not outlined in the ordinance. She stated that crossing the street at Eclipse is very dangerous and with people drinking that it would be even more

dangerous. She continued, who is watching these individuals when they leave with these cups? When they are in establishments they can be monitored, x's on hand, who can see in a dark corner? The Police are doing enough and don't need more to do. She stated that she didn't want to walk to McDonald's with her kids to get a Happy Meal and run into drunk people on the street. She loves walking down the street with kids and wants to be able to continue to do that.

Terry Sutton, pastor at First Baptist Church at 660 Main Street. Dr. Sutton stated that the Mayor contacted him to discuss the issue and she has done a lot to compliment this community and has been gracious to him to say the least and he appreciates it. With regard to the Council pushing this issue, it caught him off guard. He said, when he is looking for a sermon, alcohol is an easy topic. He wanted to get the facts, first, and thanked the Council for the revisions they had already made to the proposal. He wanted to check with the CDC in Atlanta and look at other cities and speak with Dr. Godfrey at ALCAP. I could only conclude that this is a bad bad thing. But he is a Baptist minister, for 8 years in Montevallo. His dad was a bootlegger and he grew up with alcohol. Concerns that come to mind include: After districts were created, was there an increase in misdemeanors, disorderly conduct, and/or noise complaints? He said he believes there will be and thinks this is a bad thing.

Greg Spence, resident at Roger Street, stated that he was MHS Class President when he graduated last year. When he considers the ordinance, he thinks of consistency. Consistency in the lifestyle. We can say we don't want it, but we have to live it. He continued, the Council can't vote on values, can't make decisions on values, consistently vowing to not drink and drive, the red bracelet campaign. It's about the kids watching you in your homes not just on Main Street.

Jan Corbett, works for the Drug Coalition, and stated that alcohol can affect the brain, we have to be advocate for kids. Underage drinking does occur. Drinking causes self-destruction. 1 in 3 homes are affected by alcohol addiction, 23 million are in long term recovery, and every 4 minutes someone dies due to alcohol. We have a beautiful community with kids and we all need to be an advocate because of the kids the City shouldn't do this.

Tiffany Bunt, resident on Elmont Woods, stated that at first she was skeptical about having alcohol at ArtWalk but we've had 13 successful ArtWalks. The businesses regulate the alcohol and set a high standard. She continued that she's a Christian and drinks in moderation. We need to be teaching kids moderation. During ArtWalk we have not seen anything out of the norm or an increase in crime. Using a specific cup does not mean drinking increases or decreases, it only allows people to move about. Adults can be Adults. It has been proven to work.

Kevin Hayes, resident at Pinewood Lane, stated that growing up he went to parties, threw parties. Talking about cups, we would put names on cups at parties and then the next day there would be cups throughout the neighborhood. You think cups means responsibility and it doesn't. We want to liven up the City for business – well, what kind of businesses do we want – just more alcohol business? Are we going to become Bourbon Street? I doubt it, but it will be bad. This is my business, because it's my downtown.

Mayor Cost recommended a motion for a 5 minute recess, Council member Nix made the motion for the recess and Council Member Woodham seconded. ALL AYES. THE MOTION PASSED. RECESS BEGAN AT 7:21 PM.

Mayor Cost called the meeting back to order at 7:26 pm.

Randy Boswell, resident at Shelby Street, stated that he was excited about the possibility of a Arts & Entertainment District. He stated that if the Council knew of businesses that would rush in due to this district to please let the community know because it might sway votes.

Mayor Cost, recognized Price Alexander, Junior Council Member and resident on Nabors Street. Price stated that alcoholism is a disease, just because you see someone drink doesn't mean you are going to.

Young people like myself are not mindless drones, it's not going to hurt, we are already seeing people drink now, give us credit for the choices we make. This just allows people to take their drink and go somewhere else.

Veronica Bailey, resident of Aldridge, asked why we can't have the ordinance without alcohol: She stated that she was a vendor for ArtWalk and alcohol doesn't matter. Just leave the alcohol out. If we need the district to have the City make money, why include alcohol?

Vicky Pounders, resident of Alabaster and member at First Baptist Church in Montevallo, stated that her parents residence is in Indian Highlands, if the Police are tied up in the District then they won't be in our neighborhoods where we are experiencing crimes of burglary.

Tim Ray, stated that many points have already been addressed, we have talked about additional revenue. Will the extra revenue offset the additional Officers that will be needed? It will be a tax drain. Mr. Ray stated that he was opposed to it in its current form or the original proposal, it may be possible for special events but there has to be revisions.

Connie Baugher, resident on Comanche Street, stated that she grew up in alcoholic home, took her a long time to realize how to be her own person, people are effected by alcohol abuse. We already have traffic problems down Main Street, it's hard now, and we are going to add people drinking that do not have any sense. When you drive down Main Street you take your life in your hands, people do not look, it will be worse when alcohol is involved.

Todd Burr, spoke earlier, pastor of Dog Wood Baptist Church and resident on Pineview Road, stated that this was not about alcohol, will not enhance the use of alcohol for us who do not agree with it, I commend the businesses who do an outstanding job in their service and regulate the alcohol sales and we do enter those businesses that serve alcohol, they make sure they do all they can to make the environment friendly for all who enter. Let's, the community, make a pledge to stay here, eat in our businesses, and make a difference in our community.

Mayor Cost thanked the crowd for all the comments and acknowledged that there are different sides of the issue. Mayor Cost stated that the Council would proceed with the agenda at this time. Mayor Cost then called for Committee Reports.

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

- **Public Health & Safety** (Police, Fire, Code Enforcement, Housing Abatement)–

Discussed during the Work Session and Chief Littleton provided additional information on the Indian Highlands burglaries. Chief stated that since October 1, there had been 4 burglaries reported and 3 were connected. He stated that the PD was in process of making an arrest. He confirmed that there were 746 zone checks logged by Police Officers in this area, indicating that the Police does have a presence in the neighborhoods. Chief Littleton noted that in comparison to last year – this year 20 burglaries had been reported compared to 32 last year.

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

Discussed during Work Session.

- **Recreation, Preservation and Community Development** (Parks & recreation, Golf Course, Youth Athletics, Trails, Historical Commission, Planning & Zoning, Annexations) –

Discussed during Work Session.

- **Education, Arts & Outreach** (Schools, UM, Boys & Girls Club, Library, American Village, Sister City Commission, Artwalk, Middle School Grant) –

Discussed during Work Session and Mayor Cost reminded the public of the establishment of the Educational Task Force and those interested in serving should contact her or Council Member Gilbert.

- **Finance, Economic Development & Tourism** (Finance, MDCD, IDB, Chamber) –

Discussed during Work Session. Council Member Nix moved to provide funding to pay bills as presented. Council Member Goldsmith seconded. ALL AYES. MOTION PASSED.

### **Consent Agenda: NONE**

### **New Business**

- Shelby County COMPACT Project (Executive Session) -

Mayor Cost explained that the Council along with Chief Littleton, Lt. Alexander, President John Stewart, Shelby County Manger Alex Dudchock, UM Police Chief Chad Adams, and District Attorney Jill Lee along with our city attorney, Bill Justice, will discuss the COMPACT in Executive Session. Council Member Woodham explained that the COMPACT involved discussion of security plans, procedures, assessments, measures, or systems or the safety of persons, structures, facilities, or other infrastructures and the discussion would last 30 – 45 minutes. Council Member Goldsmith moved to enter Executive Session and Council Member Woodham seconded. A ROLL CALL VOTE WAS INITIATED BY CITY CLERK, HERMAN LEHMAN AS FOLLOWS: COUNCIL MEMBER GILBERT: AYE; COUNCIL MEMBER GOLDSMITH: AYE; COUNCIL MEMBER NIX: AYE; COUNCIL MEMBER PETERSON: AYE; COUNCIL MEMBER WOODHAM: AYE, MAYOR COST: AYE. ALL AYES. THE MOTION PASSED. MEETING RECESSED TO EXECUTIVE SESSION AT 7:41 PM.

Mayor Cost called the meeting back to order at 8:15 pm.

- Weed Abatement - 110 Heritage Trace Parkway, Lot # 185, Parcel ID - 271112002003.000 --

Council Member Woodham moved that the property located at 110 Heritage Trace Parkway be approved for abatement. Council Member Nix seconded. ALL AYES. THE MOTION PASSED.

- Weed Abatement - 118 Heritage Trace Parkway, Lot # 183, Parcel ID - 271112002005.000

Council Member Peterson moved that the property located at 118 Heritage Trace Parkway be approved for abatement. Council Member Gilbert seconded. ALL AYES. THE MOTION PASSED.

- Fire Dept Grant Application Approval – \$600,000 Pumper Truck -30% Local Match
- Fire Dept Grant Application Approval – \$180,000 SCBA - \$9,000 Local Match (Health Foundation?)
- Fire Dept Grant Application Approval – \$25,000 Small Tools & Equipment Micro Grant -\$1,250 Local Match

Chief Reid clarified that this was approval to apply for the grants only. Council Member Nix confirmed that the meeting established earlier was for discussions of Bylaws only. Discussion

included the hopes to get funding from the Health Foundation for the matching funds but funds will be secured during next budget year. Council Member Goldsmith moved to approve the Fire Department with proceeding with the Grant applications, Council Member Nix seconded. ALL AYES. THE MOTION PASSED. Council Member Woodham thanked the Fire Department for bringing this to the Council's attention in a timely manner.

- Authorization Establishment of Historical Commission Bank Account – Mayor Cost asked City Clerk Lehman to clarify who would be authorized on the bank account. City Clerk Lehman noted that it would include the members of the Finance Committee, accountant and City Clerk with the addition of Janice Seaman. Council Member Nix moved to approve the establishment of a bank account for the Historical Commission. Council Member Gilbert seconded. ALL AYES. MOTION PASSED.
- Bicentennial Celebration Resolution – Mayor Cost explained that the Resolution would enable the City to apply for grant funding through the State Bicentennial committee. The Mayor stated that her assistant, Sarah Hogan, would contact the State and begin the process to be included in their promotions and seeking information about funding. Council Member Nix moved to approve the resolution as presented. Council Member Woodham seconded. ALL AYES. MOTION PASSED.



AT A MEETING OF THE \_\_\_\_\_ OF \_\_\_\_\_, ALABAMA,  
HELD AT \_\_\_\_\_, ON \_\_\_\_\_, 201\_\_,

RESOLUTION \_\_\_\_\_ ENDORSING AND SUPPORTING THE EFFORTS OF THE ALABAMA  
BICENTENNIAL COMMISSION IN \_\_\_\_\_, ALABAMA

**WHEREAS**, the United States Congress created the Alabama Territory from the eastern half of the Mississippi Territory on March 3, 1817; and,

**WHEREAS**, by 1819, the birth and growth of cities, towns, and communities in the Alabama Territory ensured that the population of the Territory had developed sufficiently to achieve the minimum number of inhabitants required by Congress to qualify for Statehood; and,

**WHEREAS**, the United States Congress and President James Monroe approved Statehood for the Alabama Territory on December 14, 1819 making it the nation's 22<sup>nd</sup> state; and,

**WHEREAS**, the Alabama Legislature approved a resolution in 2013 establishing the Alabama Bicentennial Commission to mark the 200<sup>th</sup> anniversary of Statehood; and,

**WHEREAS**, constitutional officers and other officials appointed Commission members to organize and execute a Bicentennial celebration intended to improve the education and understanding of all Alabamians and visitors regarding the state's history and heritage; and to create and promote lasting initiatives designed to benefit the State and its citizens; and,

**WHEREAS**, the Bicentennial period of reflection and commemoration, 2017 to 2019, has been divided into three thematic years to acknowledge distinctly: the environment, both natural and constructed, including especially the cities, towns, and communities which compose the State; the people, regardless of race, culture, or background; and the history, both ancient and recent, of the State of Alabama; and,

**WHEREAS**, commemorations and celebrations will enable and encourage Alabamians of all ages and backgrounds, as well as visitors from around the United States and beyond, to experience Alabama's rich and diverse cultural, historic, and natural resources, thereby stimulating the economy of Alabama through local economic growth; and,

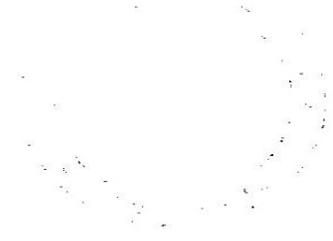
**WHEREAS**, full participation and contributory efforts by the localities of the State through their various councils, committees, and congregations, are paramount to the success of this historic endeavor; and,

**WHEREAS**, participation in Alabama's Bicentennial is a unique opportunity to celebrate and uplift the state during a very specific historical milestone;

**NOW, THEREFORE, BE IT HEREBY PROCLAIMED** by the Mayor and Council of \_\_\_\_\_, Alabama, that by this action, they do endorse the efforts of the Alabama Bicentennial Commission and hereby resolve to aid the Alabama Bicentennial Commission in promoting, planning, and executing the Commission's historic, educational, celebratory, and cultural initiatives by forming a Community Celebration Committee to support the Statewide and local observances and celebrations of the Bicentennial of the State of Alabama.

**DATED:** \_\_\_\_\_, 20\_\_\_\_, \_\_\_\_\_,  
\_\_\_\_\_, Alabama

**Attest**  
\_\_\_\_\_  
\_\_\_\_\_, State of Alabama



**Old Business**

- Fire Department Bylaws –  
  
Mayor Cost stated that the Public Safety Committee would review the bylaws and thanked the Fire Department for their hard work to find revisions that worked for them. The changes included holding volunteers accountable for 8 hours a month. The Committee will meet as set forth earlier on this coming Thursday.
  
- Resolution Authorizing the Creation of the Medical Clinic Board of the City of Montevallo –  
  
Council Member Nix stated that he had talked with City Clerk Lehman to confirm that this establishment would not hold the City liable for any portion of the business in the event that the business failed and it is his understanding that Montevallo will not be in the name and this board serves to allow incorporation of the facility/business. City Clerk Lehman confirmed that the City has no liability and the Board would be named The Central Village Medical Clinic Board. Council Member Goldsmith moved to approve the Medical Board as presented. Council Member Woodham seconded. ALL AYES. MOTION PASSED. Council Member Woodham stated that she was excited for a new establishment coming to the City.

**APPLICATION TO FORM  
THE CENTRAL VILLAGE MEDICAL CLINIC BOARD**

TO THE MAYOR AND COUNCIL OF THE CITY OF MONTEVALLO, ALABAMA:

We, the undersigned individuals, each being a duly qualified elector of the City of Montevallo, Alabama and an owner of property in said City (or an owner of property located in Shelby County, Alabama in areas outside the municipalities located in said county), do hereby apply for permission and authority to incorporate as a public corporation under the provisions of Section 11-58-1 et. seq., Code of Alabama (1975) as amended, and we attach hereto as **Exhibit "A"** a proposed certificate of incorporation for said public corporation.

We hereby request that this application be granted and that a resolution be adopted by you which approves the form of the proposed certificate of incorporation attached hereto and authorizes the formation of such public corporation.

Witness our signatures this the \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
ELAINE DELLINGER

\_\_\_\_\_  
KENNETH DUKES

\_\_\_\_\_  
HOLLIE C. COST

**Exhibit "A" to Application to form  
The Central Village Medical Clinic Board**

**STATE OF ALABAMA**

**COUNTY OF SHELBY**

**CERTIFICATE OF INCORPORATION**  
**OF**  
**THE CENTRAL VILLAGE MEDICAL CLINIC BOARD**

KNOW ALL MEN BY THESE PRESENTS, That we, Elaine Dellinger, Kenneth Dukes, and Hollie C. Cost, each of whom is a duly qualified elector of and an owner of property in said City (or an owner of property located in Shelby County, Alabama in areas outside the municipalities located in said county), do desire to organize a body corporate under the provisions of Section 11-58-1 et seq., Code of Alabama (1975) as amended, and being all of the incorporators of the corporation hereby organized, do make, sign, execute, acknowledge and file this Certificate of Incorporation as follows:

FIRST: The name of this corporation shall be **"The Central Village Medical Clinic Board."** The location of the principal office shall be at City Hall of the City of Montevallo, 541 Main Street, Montevallo, Alabama 35115.

SECOND: The period for the duration of this corporation shall be perpetual except as otherwise limited by operation of law.

THIRD: This corporation is formed for the purposes of constructing, operating and leasing for operation, medical clinics, and to that end, said corporation shall possess all powers necessary, desirable and convenient to conduct the said operations and to carry out the purposes herein expressed and all those expressly conferred upon public corporations under the provisions of Section 11-58-1, et seq., Code of Alabama (1975), as amended, and also, in addition to the above powers, shall have the following powers which shall be construed to be complementary to and not as limitations of the preceding powers:

(a) To sue and be sued and prosecute and defend, at law or in equity, in any Court having jurisdiction of the subject matter and of the parties, whether State or Federal.

(b) To have and use a corporate seal and to alter the same suitably at its pleasure.

(c) To acquire, whether by purchase, exchange, lease, construction or otherwise, one or more medical clinics and any necessary or desirable clinical facilities including nursing homes, assisted living facilities, and domiciliary care facilities; provided, however, that any

such medical clinic shall be located either within the corporate limits of the municipality or within fifteen (15) miles of such corporate limits, but not within the corporate limits of any other municipality, and not within the police jurisdiction of any other municipality unless such other municipality shall by resolution adopted by its governing body consent to such location within its police jurisdiction; and provided further, that no medical clinic shall be located outside of Shelby County.

(d) To improve, enlarge, maintain, equip and furnish one or more medical clinics and any necessary or desirable clinical facilities relating to either of such facilities.

(e) To lease to others, one or more medical clinics or parts thereof and any clinical facilities and to charge and collect rent therefor and to terminate any such lease upon the failure of the lessee to comply with any of the obligations thereof; and to grant options to renew or extend any such lease upon such terms and conditions as the Board of Directors may determine; provided that no lease shall extend beyond the last maturity of any bonds issued by this public corporation or sixty (60) years from the date of the lease, whichever is the longer.

(f) To sell, exchange, and convey, to contract to sell, exchange or convey, and to grant options to any lessee to acquire any medical clinic and any clinical facilities in connection therewith, and any or all of its properties whenever the Board of Directors of this public corporation shall find any such action to be in furtherance of the best interests of the corporation and the purposes for which it is organized.

(g) To borrow money and to issue corporate bonds for the purposes of carrying out any corporate powers.

(h) As security for the payment of the principal of and interest of any bonds so issued and any agreements made in connection therewith, to mortgage and pledge any one or more of its medical clinics and any or all of its clinical facilities or any part or parts thereof, whether then owned or thereafter acquired, and to pledge the revenues, rentals and receipts therefrom or from any part thereof.

(i) To enter into contracts and agreements or to do any act necessary for, or incidental to the performance of the duties and the execution of its powers as herein provided.

(j) To accept gifts of money or property, including one or more medical clinics and clinical facilities, from any source whatsoever, subject to such conditions as the Board of Directors of this public corporation may approve.

(k) To appoint and employ such officers and agents, including attorneys, as may in the judgment of the Board of Directors be required.

(l) To provide for such insurance as may be deemed advisable by the Board of Directors of this public body corporate.

(m) To buy, sell, trade or otherwise dispose of any and all personal property which may be necessary, convenient or desirable in order to further the purposes of this public corporation, no matter when the said personal property may be acquired, sold, or traded.

FOURTH: All Directors hereafter shall be elected by the Council of the City of Montevallo by majority vote thereof. Initially, Directors of this corporation and the terms of office of each shall be the following:

<u>Name</u>	<u>Length of Term</u>
Elaine Dellinger	2 years
Kenneth Dukes	4 years
Don Hughes	6 years

The terms of the above listed initial Directors shall begin to run from the date of filing of this Certificate of Incorporation with the Judge of Probate of Shelby County, Alabama. All Directors thereafter elected shall have terms of office of six (6) years unless removed for cause. The Board of Directors shall elect the following officers from among their number: Chairman, Vice Chairman, Secretary-Treasurer, and Assistant Secretary-Treasurer. Duties of each officer shall be those required by law and those which may be assigned by the Board of Directors.

FIFTH: Special called meetings may be held when deemed necessary by the Chairman of the Board of Directors after reasonable notice to all members of the Board.

SIXTH: Officers and members of the Board of Directors, including the Chairman thereof, shall serve without pay.

SEVENTH: A report in writing covering financial and other matters shall be made to the Mayor and Council of the City of Montevallo once each year on the anniversary of the date of incorporation. The report shall cover activities of the Board during the preceding year.

EIGHTH: Any member of the Board who removes his residence or voting place from the City of Montevallo or who sells all of his property within the City of Montevallo shall be disqualified to remain on the said Board; it shall become the duty of any such Board member to notify the Chairman of the Board and the Mayor of the City of Montevallo in writing that he or she is no longer qualified to serve on the Board. Vacancies on the Board shall be filled by the Mayor and Council of the City of Montevallo in the same manner as vacancies on the Board caused by expiration of terms of office.

NINTH: With respect to any property owned by the Board but leased to a non-governmental entity, the Board shall not avail itself of any exemption from ad valorem, sales or use taxes without the approval of the City Council of Montevallo, Alabama. Unless the City Council of the City of Montevallo, Alabama consents to the omission thereof, the Board will cause each lease agreement that it enters into with a non-governmental entity to include a provision that, notwithstanding any exemption from ad valorem, sales and use taxes to which the Board or user of the property may otherwise be entitled, the non-governmental entity will pay in lieu of taxes the amount that would otherwise be due to the City of Montevallo without such exemption.

IN WITNESS WHEREOF, the undersigned have hereto set their hands and seals as of this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

\_\_\_\_\_  
ELAINE DELLINGER

\_\_\_\_\_  
KENNETH DUKES

\_\_\_\_\_  
HOLLIE C. COST

STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

I, the undersigned authority, a Notary Public in and for said State of Alabama at Large, do hereby certify that Elaine Dellinger, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, she executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_ day of \_\_\_\_\_, 2015.

(Notarial Seal)

\_\_\_\_\_  
Notary Public, State at Large  
My Commission Expires:  
\_\_\_\_\_

STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

I, the undersigned authority, a Notary Public in and for said State of Alabama at Large, do hereby certify that Kenneth Dukes, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, he executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

(Notarial Seal)

\_\_\_\_\_  
Notary Public, State at Large  
My Commission Expires:  
\_\_\_\_\_

STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

I, the undersigned authority, a Notary Public in and for said State of Alabama at Large, do hereby certify that Hollie C. Cost, whose name is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that being informed of the contents of said instrument, she executed the same voluntarily.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

(Notarial Seal)

\_\_\_\_\_  
Notary Public, State at Large  
My Commission Expires:  
\_\_\_\_\_

## RESOLUTION

WHEREAS, three individuals who are qualified electors of the City of Montevallo and who are owners of property in the municipal limits of the City of Montevallo have made application to the governing body of the City of Montevallo for authority to form The Central Village Medical Clinic Board, a public corporation as contemplated by Section 11-58-1, et seq., Code of Alabama (1975), as amended, and,

WHEREAS, this Council finds that the formation of such a public corporation would be in the best interests of the City of Montevallo and would act to promote the public welfare, safety and well-being of the inhabitants of the City of Montevallo, and the area surrounding said City,

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Montevallo, Alabama:

That the Council, upon evidence duly submitted to and considered by it, hereby finds and determines that an application for the formation of a public corporation under the authority contained in Section 11-58-1, et seq., Code of Alabama (1975), as amended, has been duly filed with the Council by Elaine Dellinger, Kenneth Dukes, and Hollie C. Cost, that such application was signed by the said three persons recited above; that each of said persons is a duly qualified elector of and property owner in the City of Montevallo, Alabama (or an owner of property located in Shelby County, Alabama in areas outside the municipalities located in said county); and that it is wise, expedient and necessary that such a public corporation be formed; and that the persons filing said application shall be and the same hereby are authorized to proceed to form such corporation by filing a Certificate of Incorporation, in substantially the form presented to the Council, in the Office of the Judge of Probate of Shelby County, Alabama.

AND FURTHER RESOLVED that the initial directors of the above described corporation, and the expiration of their respective terms, shall be as follows:

<u>Name</u>	<u>Term Expires</u>
Elaine Dellinger	2 years from date of filing of certificate of incorporation
Kenneth Dukes	4 years from date of filing of certificate of incorporation
Don Hughes	6 years from date of filing of certificate of incorporation

STATE OF ALABAMA

COUNTY OF SHELBY

I, Herman Lehman, as City Clerk of Montevallo, Alabama, hereby certify that the above and foregoing is a true and correct transcript of a resolution duly adopted by the City Council of Montevallo, Alabama, on the \_\_\_\_ day of \_\_\_\_\_, 2015, and that said resolution is duly recorded in the official minutes and records of said City Council, and that I am the custodian of said records, which are kept in my office as City Clerk.

Given under my hand and official seal this the \_\_\_\_ day of \_\_\_\_\_, 201\_\_.

---

Herman Lehman  
City Clerk of Montevallo, Alabama

o Arts & Entertainment District Ordinance –

As discussed previously, Mayor Cost had noted that the Ordinance would not be voted on this evening. Council Member Nix noted that when the vote is set, he requested that all Council Members be present. Mayor Cost agreed. Council Member Woodham stated that if the Council did decide to move forward with an ordinance that it may be revised to be more event based, and that would be a compromise of the community. We would have to determine the mechanism to determine what events are included and any that may come up, such as ArtWalk, Homecoming, College Night, Founders' Day, etc. Council Member Nix noted that there have been no negative issues with ArtWalk and the Council would have to have a procedure in place for review of events. Council member Nix did also acknowledge that outdoor dining for businesses on Main Street may be beneficial but not allowing alcohol to leave the grounds of the establishment. Mayor Cost asked if Council Member Nix would be more comfortable if the ordinance was special event based, Council Member Nix responded that as long as it there was not an event every weekend. Mayor Cost stated that the Council had a lot to digest and that the ordinance may come up in January, the Council will discuss at their next meeting on December 28 whether to add the vote to a January agenda.

**Board Appointments**

Mayor Cost noted that the Council did need to appoint a member to the Water Board and asked Council Member Woodham to talk to suitable candidates on the Council's behalf to determine interest.

## **Other Business**

Main Street Tavern is seeking approval of transfer for the alcohol license at their new location. Chief Littleton questioned whether an inspection was completed. He stated that an inspection would need to be completed and need to consult with the ABC Board to ensure we are in compliance. The property is owned by the Montevallo Development Cooperative who leases the property to Main Street Tavern. Council Member Nix moved to approve the transfer of the liquor license for Main Street Tavern pending the inspection and recommendation of Chief Littleton. Council Member Woodham seconded. ALL AYES. MOTION PASSED. Mayor Cost asked Chief Littleton to handle first thing in the morning in order not to impede the business of Main Street Tavern in their new location.

## **Citizen Participation**

Thomas Lilly Jr., spoke earlier, resident, stated his respect for City Employees and their work. He is supportive of the ordinance but the City does need to have rules in place. He stated that we got to do things in a respectable manner. We need to be progressive, we can't live in the past. Make sure whatever you decide that rules are followed and in place. I am respectful of Kirk and his employees, the Police, and the Council.

George Henry, spoke earlier, resident of Montevallo for 9 ½ years. He stated that there is give and take in local government. Speaking to growth, he wants to see Montevallo grow. We have unique opportunities. In regards to zoning an Arts and Entertainment District, crime is low because resources increase. You have to have four businesses that hold alcohol licenses to be designated an Arts & Entertainment District, Montevallo currently only has three, unless the new restaurant coming will have one. You need to just focus on Arts & Entertainment, focus on our niche, and leave the alcohol at the establishments.

## **Adjourn**

Council Member Nix moved to adjourn the meeting. Council Member Woodham seconded. ALL AYES. MOTION PASSED. THE MEETING ADJOURNED AT 8:34 PM.

## **Submitted by:**

**Herman Lehman**  
**City Clerk**