

MINUTES

Montevillo City Council Work Session

June 12, 2017

5:30 p.m. at City Hall

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

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

Chief Jeremy Littleton presented the Police Department report:

Montevillo Police Department Stats

	January-17	February-17	March-17	April-17	May-17	June-17	July-17	August-17	September-17	October-17	November-17	December-17	Total
Total Cases	123	91	116	124	151								605
Criminal Cases	50	35	60	40	50								235
Non-Criminal	11	20	25	20	20								96
Traffic Accidents	18	11	17	20	20								86
Traffic Citations	127	135	224	123	208								817
DUI Arrests	2	3	1	6	5								17
Public Intox Arr	2	0	1	1	1								5
Alias Arrests	14	12	12	17	16								71
Juvenile Arrests	0	1	0	0	1								2
Misd Arrests	12	11	6	11	18								58
Felony Arrests	3	3	2	3	2								13
Drug Related	4	5	4	4	4								21
Total Arrest	37	33	31	42	48								191
Auto Thefts	0	0	1	1	0								2
Burglaries	1	4	5	2	4								16
Auto Recoveries	0	0	0	0	0								0
Auto Burglaries	2	1	2	2	3								10
Criminal Mischief	3	1	0	4	2								10
DV. Related	15	9	17	16	7								64
Assaults	3	1	2	4	17								27
Fraud/Forgery	7	1	2	4	2								16
Harass / Reck	7	6	8	5	10								36
Misc. Offenses	8	17	14	13	19								71
Robberies	1	1	0	2	0								4
Thefts / Attempts	11	6	6	4	18								45
Suicide Attempts	1	3	1	0	2								7
Suicides	0	0	0	0	0								0
Deaths	2	1	1	2	2								8

Karen Kiker
8:44 AM
6/9/2017



Montevallo Police Department City Council Report

Date:
06/12/2017

Patrol Report:

Total Calls: 968	Burglaries: 4	Zone Checks: 401
Total Cases: 151	Auto Burglaries: 3	School Patrols: 35
Traffic Accidents: 25	Domestics: 17	
Traffic Stops: 413	Assaults: 2	
Traffic Citations: 208	Fraud/Forgery: 2	
Total Arrests: 48	Thefts/Attempts: 18	

Investigations (New Cases):

Felony Cases Pending: 3	Misdemeanor Cases Pending: 2
Felony Cases Closed: 9	Misdemeanor Cases Closed: 11

School Resource Report:

Offense Reports: 2	Traffic Accident Reports: 0	Cases Pending: 0
Incident Reports: 3	Arrest Reports: 1	Cases Closed: 0

Additional Comments:
Four of the 7 new patrol cars have arrived.



Montevallo Police Department Code Enforcement Activity Report

Date:
06/12/2017

Inspection Period
05/22/2017

Inspection Period
06/12/2017

Inoperable Vehicle Inspections:

Inspected:
0

Pending:
2

Closed:
0

Animal Complaint Inspections:

Inspected:
1

Pending:
0

Closed:
1

Abandoned Building Inspections:

Inspected:
0

Pending:
33

Closed:
0

Property Inspections:

Inspected:
6

Pending:
2

Closed:
1

Miscellaneous Complaints:

Inspected:
1

Pending:
0

Closed:
1

Inspected:
8

Total Inspections this Period:
8

Total Inspections Year to Date:
28



Montevallo Police Department Code Enforcement Activity Report

Inspections this Period:

Two yards tall grass Oak St and Plowman St
Tall Grass on Oxford Circle
Tall Grass on Pineview Road
Tall Grass on Highland Street
Shoal Creek Circle Grass
Shoal creek Circle Trash on the roadside
Animal Cruelty Rabbit on Overland Road
Noise Complaint on Holloway Hill
Trash on Highland Street

Inspections Pending Continued from Last Period:

Wrecked Taurus on Block Street
Abandoned Vehicle in Scott's Village
Tall Grass on Buckingham Circle

Cases Closed this Period:

Trash on Highland Street removed.
Rabbit on Overland Rd was taken to the vet for treatment.
110 Samford Street (Abandoned House), spoke to owner and he is cleaning it up.

Other Comments:

The Vacant Houses in the City are being rechecked for any improvements or deterioration. An Abatement Board meeting will be scheduled in July to discuss the homes.

A resident of Holloway Hill is complaining of noise made by the trucking company on Industrial Drive. No Officer's have heard the noise being made. Options for him will be checked into, but he has been advised to also start calling the company headquarters and complain.

Council Member Goldsmith asked the Chief if he knew when the next Abatement Board meeting was scheduled. The Chief said it should be scheduled for the first week in July.

Chief Bill Reid presented the Fire Department report. He informed the council they responded to 149 calls in May – which could be a record. He said their transport volume is down but they are responding to a lot of calls. They are still waiting on the new rescue truck to be returned. That is holding up their improvements to the station. They received the final drawing on the new engine truck. The new truck build seems to be on schedule.

Kirk Hamby updated the council on activities at Public Works noting that they were very busy. Among other things, they were busy cleaning up limbs dropped during the recent storms. He also made note that Birmingham Recycling is now picking up our recyclables from the Recycling Center and that is working out well. He said his crews are wide-open cutting right-of-ways. He said being short one employee makes it really hard on them. He also noted that the proposed White Goods Ordinance and request for 2 new pick-up trucks were included later in the agenda.

Mayor Cost mentioned that there will be upcoming discussions regarding the paving and sidewalk repair lists.

Shane Baugh updated the council on Park and Rec. The spring sports are winding down. The parks are quickly booking up for the fall. We have World Series teams in town this coming weekend. They may use 3-7 of our fields. He also mentioned that his crew is having a hard time keeping up with all the grass cutting.

Wade Rider reported on the Golf Course. He noted that even with the recent bad weather their level of play is running close last year. They have several tournaments scheduled. He said the course is looking much better. They are still focusing on improvements to the greens and other areas of the course.

Council Member Nix said he thought the course was looking better.

Mr. Rider also informed the council that UM has offered to replace our signs at the course. As part of that effort, he said he'd like to update the course's logo. He presented several alternatives to the council and asked for their input.

Council Member Nix reminded the council there will be a Planning Commission meeting at the end of July. He also mentioned the agenda item regarding waiving the city's \$50 filing fee as a means of encouraging more people to annex their properties into Montevallo.

Allie Williams presented the Library report:

PARNELL MEMORIAL LIBRARY
MONTHLY REPORT
MAY 2017

CIRCULATION: 3846 items charged
(Increased by 35%)

COMPUTER USE: 468 users
(Decreased by 31%)

STORYTIME/4: 74
(Increased by 21%)

MOVIES/3: 141 people attended
(Increased by 18%)

ADULT PROGRAMS/5: 24

WEBSITE VISIST SINCE 5/22/17: 1614 visits

DEPOSITS:

5/4/17	\$95.40
5/19/17	\$259.50
5/24/17	\$4875.00
5/31/17	\$177.18
	\$5407.08

Notes:

- Summer Reading Program kicked off on June 1. We had 145 in attendance at our first program.
- Children's Musical Theatre Workshop started June 5. The performance dates will be June 15th and 16th at 7 pm.
- Reminder that we have hundreds of new audio books and DVDs, so please come out and check some out and help our circulation.
- Need your old solid color pillowcases please, no holes.

Greg Reese updated the council regarding the Parnell Memorial Library Foundation's allocation of the money left them by Ms. Mahler. He said a portion is going to the Montevallo Players for a new sound system, another part is going to the Arts Council and the remained, about half, is being held in savings for issues that may come up over time at

the library. He also noted that the Children's Musical Camp is working with around 50 kids this year. Their performances are Thursday and Friday.

Council Member Bunt reminded everyone that the Arts Council is featuring painting by Lori Binion in the gallery at Parnell. She also talked about the special programs going on this summer at American Village and recommended that everyone plan to attend the Independence Day celebration at American Village on July 4th.

Council Member Bunt also thanked everyone for helping to make the Sister City's Jail & Bail event such a great success. She said they raised around \$6,800 for the organization and this summer's student exchange. So far, we have four students and two adult chaperones going to Echizen in July.

Mayor Cost mentioned that Mural Camp is going strong. She also mentioned the new Arts Trail brochure.

Leah Waites, President of the Junior City Council, reported that several members of the council have graduated and they are looking for new members to fill those open slots. On June 21st, they will be making a presentation at the Chamber of Commerce luncheon. They are also attending a team building retreat this summer.

Mayor Cost introduced her new intern, Jessie, a UM student who has volunteered to help out around City Hall this summer.

The Mayor also informed the council that our Echizen pottery exhibit will be on loan this summer to Piedmont College. They have a visiting scholar from Japan and the exhibit will be on display at the college in conjunction with his visit.

Council Member Walker reminded everyone the Finance Committee met May 31st and will meet again at the end of June.

Janice Seaman informed the council the Historic Preservation Commission is preparing a policy regarding metal detecting on public property which they will bring to the council at a later date.

Chief Littleton explains the request for approval to submit an application for a COPS grant. He said they are short on officers. They really need two more. This grant could be a way to hire one new officer with the grant paying 74% of that cost for a three year period. After that, we'd have to take on 100% of the cost. He estimated this would cost the city around \$14,000 per year.

Council Member Walker offered to help with any grant-related questions the Chief may have.

Council Member Nix asked what expenses were included in that 75%. The Chief explained that it covers salary, retirement, insurance and all compensation-related costs. Again, he

said our end should be around \$14,000. The Chief stressed that his department is short on officers and they are having a hard time keeping up. As he mentioned before, they really need two new officers but this may be an opportunity to at least get one.

The City Clerk presented the recommendation of the Sustainability Committee to obtain estimate for paving trailhead parking lot at Stephens Park and extending the paved trail to UM Lake:

Parking Lot at Stephens Park

Among other things, the parking lot at Stephens Park serves as the trailhead for one of the few existing portions of our Park Trail which is paved and would otherwise be handicapped accessible. Unfortunately, as depicted in the photos below, the parking lot is unpaved and, as a result, the trail is largely inaccessible to anyone with mobility issues of any sort – not just persons in a wheelchair.





While adding more gravel to the lot may, at least in the short-run, minimize the flooding issues as pictured above, that would not solve the accessibility issue. Therefore, assuming it is approved by the trustee, I would recommend using a portion of the funds bequeathed to the city by Ms. Mahler for paving the trail system to pave the Stephens Park trailhead and connect the parking area directly to the existing paved trail. In addition, I would suggest extending the paved portion of the trail across and along CR 10 up to University Lake.

These improvements would also have the added benefit of also providing disabled, elderly and other persons with limited mobility issues the opportunity to more readily access the ballfields at Stephens Park. As you know, we have several paved parking spots immediately adjoining the ballfields which provide some accessibility to disabled persons. However, these few spaces do

not provide safe and unimpeded access to the fields to those visitors who may not technically be disabled but who may still suffer from mobility issues of one sort or another.

Given the fact that these improvements would not only solve the accessibility issue at the trail but also at the ballfields, essentially solving two problems at once, I think this would be something Ms. Mahler would be proud to see her gift used to achieve.

The council also discussed the recommendation of the Sustainability Committee to purchase 2 4WD Silverado Trucks from State Bid List using Sanitation Reserve funds. The cost per truck is \$27,707.55.

Council Member Nix asked if they need a 4 wheel drive truck. Mr. Hamby explained that these trucks would be used out at the clay pit and other places where having 4 wheel drive is critical. Plus, he pointed out the feature only added a couple thousand dollars to the final cost and that, in his opinion, it was well worth it.

The Mayor said the council will discuss the proposed Non-discrimination Ordinance in detail during the regular meeting.

The City Clerk said the request for the declaration of surplus assets and disposal is routine and merely required for our auditors.

**Montevallo City Council Meeting
June 12, 2017
6:00 p.m. at City Hall**

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

Meeting Call to Order

Mayor Cost called the regular meeting to order at 6:00 p.m.

Approval and/or corrections of the minutes - 5/22/17 Council Member Peterson made a motion to approve the minutes from May 22, 2017 as presented. Council Member Nix seconded. Council Member Walker Abstained. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Recognitions / Awards: NONE

Opportunities for citizens to speak to the Council:

Betsy Inglesby informed the council about a problem on Shelby Street with cars running the stop sign at the Presbyterian Church.

Mayor Cost suggested the city may be able to install rumble strip at that area to remind motorists about the stop sign.

Chief Littleton said they can add extra patrols to that area. However, he noted that motorists tend to slow down and obey the law if they see a police car in the area.

Ms. Inglesby said no one adheres to the 20 MPH speed limit along that road either. She suggested cameras may help catch violators.

Mayor Cost said the problem with cameras is they are not very effective when it comes to identifying numbers on a license plate.

Mr. Hamby noted that the signage along Shelby Street is visible and in good order.

H.G. McGaughy said he was downtown Saturday and someone had pulled in the wrong way in front of Smitherman's with their backend out in traffic.

Mayor Cost suggested that if anyone sees that sort of violation in the future that they immediately call the Police Department so they can address the issue.

Committee Reports and Consideration of Bills:

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

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

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

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

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

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

Consent Agenda: NONE

New Business:

Authorization to seek COPS Grant for one additional Police Office –

Council Member Goldsmith made a motion to authorize the application for the COPS Grant to hire one new police officer. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Recommendation of Sustainability Committee to obtain estimate for paving trailhead parking lot at Stephens Park, extending paved trail to UM Lake –

Council Member Peterson made a motion to approve to seek bids on the cost of paving the trailhead and a portion of the unpaved trail. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Recommendation of Sustainability Committee to purchase 2 4WD Silverado Trucks from State Bid List using Sanitation Reserve funds - Council Member Bunt made a motion to approve the purchase of the two new trucks using funds from the Sanitation Reserve. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Non-discrimination Ordinance – Mayor Cost reminded everyone that this ordinance was brought to the city by members of the Montevallo Acceptance Project (MAP). In short, the goal of the group is to ensure that everyone is treated fairly. The Mayor then invited the MAP spokesman, Buddy Freeman, to describe the genesis of this ordinance.

Mr. Freeman said he has lived in Montevallo for 31 years. He said MAP started in 2014. He said they are pleased to bring this ordinance to the city council for consideration. They have been working on this for over two years. He then asked Bruce McClanahan to address the council.

Among other things, Mr. McClanahan said this ordinance is good for business. It ensures respect for all persons. It provides a safe environment for everyone. It will set Montevallo apart as the first community to adopt this type of ordinance (even though communities in Mississippi are already ahead of us). He said the Commission's primary role would be to advocate and educate. He asked the council to adopt the ordinance.

Mayor Cost invited Sam Reese, a recent MHS graduate who was one of only eight students this year to receive a full scholarship to Alabama, to address the council. Mr. Reese stressed, in the words of Martin Luther King, Jr., "we must learn to live together as brothers or perish together as fools." He said the proposed Non-Discrimination Ordinance (NDO) makes official what we have done all along. He urged the council to adopt the ordinance.

Michael Patton, a UM professor and local business owner, said he support the NDO and applauds the MPO for all they have done. He said that acceptance id what makes UM special and it is what makes the Eclipse and other business ion Montevallo special. It is what makes Montevallo special. He said this ordinance is nothing new to us. We are already doing these things. It simply codifies what is already built into the fabric of our community.

Greg Reese read a poem to the council. The sentiment of the poem was that at our best, we as a community all come together to “sing our songs.” He said he supports the NDO because it reflects who we are.

Buddy Freeman said two of UM’s student government presidents have been involved in the MPO. He said students at UM feel safe in our community. He said he thinks the NDO will attract even more students to UM as prospects understand that our city welcomes everyone.

Mayor Cost thanked everyone for their efforts. She noted that if this ordinance passes, it will be the first of its sort in our state. She said many folks have asked her why we need this ordinance – because it puts us on the side of right, she said.

The Mayor explained that the council would not be voting on this tonight. She said this will be the first reading and that a public hearing will be set for the next meeting before the ordinance will be considered.

Council Member Walker expressed some concerns with the ordinance, particularly with the set-up of the Commission. He asked if the law would be enforceable. Will it hold up to a challenge? He said he does not want to fight a legal battle only to see this overturned. He wants to make certain it is defensible.

Council Member Peterson noted that this ordinance was proposed to the city council more than a year ago. Our attorneys have reviewed it and we have reviewed in depth since then.

Council Member Bunt said she is very much in support of the NDO but has concerns, as well. She said she talked with communities in other states that have similar ordinances. She wants to make sure whatever we do is done right and is legal.

Mayor Cost suggested we invite our city attorneys to a work session to go over these issues and address these concerns.

Greg Reese expressed his concern over the continued delay.

Council Member Walker pointed out that this is a new council and there are new members on it who are not as familiar with this ordinance as others. He said it is imperative that they do their due diligence when considering this ordinance.

The Mayor noted that if the city passes this ordinance, we will be under a lot of scrutiny and we need to make certain we can withstand a challenge.

Council Member Bunt stressed that no one is trying to impede progress. We simply need to make certain whatever we pass is enforceable.

H. G. McGaughy questioned the need for this in the first place – noting that Montevallo has always been an accepting and welcoming community.

Mayor Cost compared this to the civil rights movement and the laws that were enacted to protect minorities in our nation.

Council Member Walker pointed out that a white male, he has not faced the same struggles as minority groups. He said there is a feeling of inequality among these groups which is based in reality. That is why it is so important we get this right.

Mayor Cost stressed that the goal is to treat people fairly. Right now, for example, a gay couple could be denied the opportunity to rent a home in Montevallo.

Thomas Lilly, Jr. said he would support the NDO. He said people need to treat each other with respect.

Greg Reese said he knows there will be people voicing their opposition to the NDO, but reminded the council that the job of a leader is often to make difficult, unpopular decisions in order to do what's right.

Michael Patton noted that passing laws has been required in the past to address issues of racial equality.

The City Clerk read the following into the record:

Ordinance _____

NON-DISCRIMINATION ORDINANCE – AN ORDINANCE AMENDING CHAPTER 16 OF THE MONTEVALLO MUNICIPAL CODE

Whereas, the City of Montevallo desires to affirm the dignity and worth of each citizen of this city regardless of sexual orientation, gender identity, single and family members, the handicapped, and people of all ethnic groups, age, color, religion, and national origin;

Now, therefore, be it hereby ordained by the City of Montevallo, Alabama that Chapter 16 of the City of Montevallo Municipal Code be amended to include the following:

Chapter 16 - OFFENSES AND MISCELLANEOUS PROVISIONS

Article IV. - NON DISCRIMINATION ORDINANCE

Division 1 - FAIR HOUSING POLICY

Sec. 16-70. - Policy.

Within constitutional limits, it is the policy of the city to provide for fair housing throughout the city.

Sec. 16-71. - Purpose.

The enactment of this division does hereby affirm the dignity and worth of each citizen of this city regardless of sexual orientation, gender identity, single and family members, the handicapped, and people of all ethnic groups, age, color, religion, and national origin. The city has therefore declared that acts of prejudice, intolerance, discrimination, and disorderly conduct in connection with fair housing choice, threaten the rights and privileges of its inhabitants, consequently damaging the image and foundation of the city. This division seeks to terminate and prevent any of said violations.

Sec. 16-72 - Definitions.

The following words and phrases used in this division shall have the following respective meanings: *ADECA*. The Alabama Department of Economic and Community Affairs.

Covered multifamily dwellings.

- (1) Building consisting of four (4) or more units if the buildings have one (1) or more elevators; and
- (2) Ground floor units in other buildings consisting of four (4) or more units.

Discriminatory housing practice. An act that is unlawful under this division.

Dwelling. Any building or structure, or portion of any building or structure, which is occupied as, or designed or intended for occupancy as, a residence by one (1) or more families, and any vacant land which is offered for sale or lease for the construction or location on it of any such building or structure, or portion of it.

Familial status.

(1) One (1) or more individuals who have not attained the age of eighteen (18) years and are domiciled with:

- a. A parent or another person having legal custody of the individual; or
- b. The designee of the parent or other person having the custody, with the written permission of parent or other person.

(2) The protections afforded against discrimination on the basis of familial status apply to any person who is pregnant or is in the process of securing custody of any individual who has not attained the age of eighteen (18) years.

Gender identity. The actual or perceived gender-related identity, expression, appearance, or mannerisms, or other gender-related characteristics of an individual, regardless of the individual's designated sex at birth.

Handicap. With respect to a person:

- (1) A physical or mental impairment which substantially limits one (1) or more of the person's major life activities;
- (2) A record of having such an impairment; or
- (3) Being regarded as having an impairment. The term "handicap" excludes current, illegal use of or addiction to a controlled substance as defined by law.

Housing for older persons. Housing:

- (1) Provided under any state or federal program that the attorney general determines is designed specifically and operated to assist elderly persons, as defined in the state or federal program; or
- (2) Intended for, and solely occupied by persons sixty-two (62) years of age or older; or
- (3) Intended and operated for occupancy by at least one (1) person fifty-five (55) years of age or older for each unit, and meeting the regulations as established by ADECA.

Person. One (1) or more individuals, corporations, partnerships, limited liability companies, associations, labor organizations, legal representatives, mutual companies, joint-stock companies, trusts, non-incorporated organizations, trustees, trustees in bankruptcy, receivers, and fiduciaries.

Sexual orientation. Actual or perceived homosexuality, heterosexuality, or bisexuality.

To rent. To lease, to sublease, to let, and otherwise to grant for a consideration the right to occupy premises not owned by the occupant.

Sec. 16-73. - Unlawful discriminatory housing practices.

It shall be unlawful:

- (A) To refuse to sell or rent after the making of a bona fide offer, to refuse to negotiate for the sale or rental of, or otherwise to make unavailable or deny a dwelling to any person because of race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin;
- (B) To discriminate against any person in the terms, conditions, or privileges of sale or rent of a dwelling, or in the provision of services or facilities in connection with it, because of race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin;
- (C) To make, print or publish, or cause to be made, printed, or published, any notice, statement, or advertisement with respect to the sale or rent of a dwelling that indicates any preference, limitation, or discrimination based on race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin or an intention to make the preference, limitation, or discrimination;
- (D) To represent to any person because of race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin that any dwelling is not available to inspection, sale or rental when the dwelling is available;
- (E) For profit, to induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons

of a particular race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin;

(F) To discriminate in the sale or rental, or to otherwise make unavailable or deny, a dwelling to any buyer or renter because of a handicap of:

1. That buyer or renter;
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available, or
3. Any person associated with that buyer or renter;

(G) To discriminate against a person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of services or facilities in connection with the dwelling, because of a handicap of:

1. That person;
2. A person residing in or intending to reside in that dwelling after it is sold, rented, or made available; or
3. Any person associated with that person.

Sec. 16-74. - Discrimination in services, organizations, or facilities relating to business of selling or renting dwellings.

It shall be unlawful to deny any person access to, or membership or participation in, any multiple listing service, real estate brokers' organization, or other service, organization, or facility relating to the business of selling or renting dwellings or to discriminate against him or her in the terms or conditions of the access, membership, or participation on account of race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin.

Sec. 16-75. - Discrimination in residential real estate related transactions.

(A) It shall be unlawful for any person or other entity whose business includes engaging in residential real estate related transactions to discriminate against any person in making available such a transaction, or in the terms or conditions of the transaction, because of race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin.

(B) As used in this section, "residential real estate related transaction" means any of the following:

- (1) The making or purchasing of loans or providing other financial assistance:
 - (a) For purchase, construction, improvement, repairing, or maintaining a dwelling; or
 - (b) Secured by residential real estate; or
- (2) The selling, brokering or appraising of residential real property.

(C) Nothing in this division prohibits a person engaged in the business of furnishing appraisals of real property to take into consideration factors other than race, color, religion, national origin, sex, gender identity, sexual orientation, handicap, or familial status.

Sec. 16-76. - Exemptions.

(A) Except for subdivision (C) of section 16-73, sections 16-73 and 16-75 do not apply to rooms or units in dwellings containing living quarters or intended to be occupied by no more than four (4) families living independently of each other, if the owner actually maintains and occupies one (1) of the living quarters as his or her residence.

(B) Sections 16-73 and 16-75 do not apply to any single-family house sold or rented by an owner when:

- (1) The private individual owner does not own more than three (3) single-family houses at any one time; and
- (2) In the sale of any single-family house by a private individual owner not residing in the house at the time of the sale or who was not the most recent resident of the house before the sale, the

exemption granted by this subsection shall apply only with respect to one (1) sale within a twenty-four-month period; and

(3) A bona fide private individual owner does not own an interest in, nor is there owned or reserved on the owner's behalf, under any express or voluntary agreement, title to or a right to all or a portion of the proceeds from the sale or rental of more than three (3) single-family houses at any one time.

(C) The sale or rental of a single-family house is excepted from the application of this division only if the house is sold or rented without both of the following:

(1) The use in any manner of the sale or rental facilities or the sales or rental services of a real estate broker, agent, or salesperson, or of the facilities or services of a person in the business of selling or renting dwellings, or of an employee or agent of a broker, agent, salesperson or person, and

(2) The publication, posting, or mailing, after notice, of an advertisement or written notice in violation of this division. Nothing in this subsection prohibits the use of attorneys, escrow agents, abstractors, title companies, and other professional assistance as necessary to perfect or transfer title.

(D) For the purposes of this section, a person is considered to be in the business of selling or renting dwellings under any of the following circumstances:

(1) The person has, within the preceding twelve (12) months, participated as principal in three (3) or more transactions involving the sale or rental of any dwelling or any interest in it.

(2) The person has, within the preceding twelve (12) months, participated as agent, other than in the sale of his or her personal residence, in providing sales or rental facilities or services in two (2) or more transactions involving the sale or rental of any dwelling or any interest in it.

(3) The person is the owner of any dwelling designed or intended for occupancy by, or occupied by, five (5) or more families.

(E) This division shall not prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised, or controlled by or in conjunction with a religious organization, association, or society, from limiting the sale, rental, or occupancy of any dwelling which it owns or operates for other than a commercial purpose to persons of the same religion or from giving preference to those persons, unless membership in the religion is restricted because of race, color, or national origin. This division shall not prohibit a private club not in fact opened to the public, which as an incident to its primary purpose provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of the lodgings to its members or from giving preference to its members.

(F) This division shall not prohibit conduct against a person because the person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined by law.

(G) For purposes of subdivision (F) of Section 16-73, the term "discrimination" includes any of the following conduct:

(1) A refusal to permit, at the expense of the handicapped person, reasonable modifications of existing premises occupied or to be occupied by the person if the modifications are necessary to afford that person full enjoyment of the premises, except that in the case of a rental, the landlord, where it is reasonable to do so, may condition permission for a modification on the renter agreeing to restore the interior of the premises to the condition that existed before the modification, reasonable wear and tear excepted.

(2) A refusal to make reasonable accommodations in rules, policies, practices, or services when accommodations may be necessary to afford the person equal opportunity to use and enjoy a dwelling.

(3) In connection with the design and construction of covered multifamily dwellings for first occupancy after the effective date of this division, a failure to design and construct those dwellings in such a manner that:

- (a) The public use and common use portions of the dwelling are readily accessible to and usable by handicapped persons;
- (b) The dwelling has at least one (1) building entrance on an accessible route unless it is impracticable to do so because of the terrain or unusual characteristics of the site;
- (c) All the doors designed to allow passage into and within all premises within the dwelling are sufficiently wide to allow passage by handicapped persons in wheelchairs; and
- (d) All premises within these dwellings contain the following features of adaptive design:
 - (i) An accessible route into and through the dwelling;
 - (ii) Light switches, electrical outlets, thermostats, and other environmental controls in accessible locations;
 - (iii) Reinforcements in the bathroom walls to allow later installation of grab bars; and
 - (iv) Usable kitchens and bathrooms that an individual in a wheelchair can maneuver about the space.
- (H) Compliance with the appropriate requirements of the American National Standard for Building and Facilities Providing Accessibility and Usability for Physically Handicapped People (commonly cited as "ANSI A117.1") suffices to satisfy the requirements of subsection (G)(3)(d). Nothing in this division shall be construed to require the city to review or approve the plans, design, or construction of all covered multifamily dwellings, to determine whether the design and construction of these dwellings are consistent with the requirements of subsection (G)(3). Nothing in this division shall be construed to invalidate or limit any rule, regulation, resolution, section, or ordinance that requires dwellings to be designed and constructed in a manner that affords handicapped persons greater access than is required by this division.
- (I) Nothing in this division with respect to discrimination based on handicap requires that a dwelling be made available to an individual whose occupancy would constitute a direct threat to the health or safety of other individuals or whose occupancy would result in substantial physical damage to the property of others.
- (J) Nothing in this division limits the applicability of any reasonable local, state, or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Owners and managers of dwellings may develop and implement reasonable occupancy and safety standards based on factors such as the number and size of sleeping areas or bedrooms and the overall size of a dwelling unit so long as the standards do not violate local, state, or federal restrictions. The provisions in this division regarding familial status shall not apply to housing for older persons. This chapter shall not prohibit the lease application or similar document from requiring information concerning the number, age, sex, and familial relationship of the applicants and the dwellings' intended occupants. The owner or manager may consider these factors in determining payment of utilities. The application also may require disclosure by the applicant of the conviction of any intended occupant for violating any laws pertaining to the illegal manufacture or distribution of a controlled substance as defined by law.
- (K) Section 16-73 with respect to discrimination based on sex does not apply to the rental or lease of dwellings in a single-sex dormitory property.

Sec. 16-77. - Interference with person in exercise of right granted under chapter.

It shall be unlawful to coerce, intimidate, threaten, or interfere with any person in the enjoyment of, exercise of, or the aid or encouragement of any other person in the exercise of any right granted under this division.

Sec. 16-78. - Complaints.

The city clerk's office is the official depository for all bona fide complaints from person(s) who have been aggrieved by any violation of unfair housing practices under this division. The city clerk is only responsible for hearing and making suggestions to the complainant regarding his or her complaint.

The enforcement of violations will be directed to the Greater Birmingham Fair Housing Center, the Alabama Department of Economic and Community Affairs, or the U.S. Department of Housing and Urban Development (HUD), as the complainant may elect.

Sec. 16-79 - Penalty for violation.

A violation of this division may be punished by a fine of not more than one hundred dollars (\$100.00) at the discretion of the municipal court. Each day that any violation continues shall constitute a separate offense.

Division 2 - Municipal contracts

Sec. 16-80. - Nondiscrimination provisions to be included in municipal contracts.

The city and all city departments and agencies shall include in every municipal contract hereafter entered into the following provisions:

“During the performance of this contract the contractor agrees as follows:

(1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, national origin or disability. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin. Such action shall include but not be limited to the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the city setting forth the provisions of this nondiscrimination clause.

(2) The contractor will, in all solicitations or advertisements for employees placed by or on behalf of the contractor, state that all qualifying applicants will receive consideration for employment without regard to race, color, religion, sex, gender identity, sexual orientation, handicap, familial status, or national origin.

(3) The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice to be provided by the city, advising the labor union or worker's representative of the contractor's commitments under this section, and shall post copies of such notice in conspicuous places available to employees and applicants for employment.

(4) In the event of the contractor's noncompliance with the nondiscrimination clauses of this contract, this contract may be canceled, terminated or suspended in whole or in part and the contractor may be declared ineligible for further municipal contracts.

(5) The contractor will include the provisions of this section in every subcontract or purchase order unless exempted by written orders of the governing body of the city so that such provisions will be binding upon each subcontractor or vendor.”

Division 3 – Unlawful discrimination

Sec. 16-90. - Purpose.

By enacting this division, it is the purpose and intent of the City Council of Montevallo, Alabama, to protect the right and opportunity of all persons to be free from all forms of discrimination, including discrimination based on real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status, and to promote the public health and welfare of all persons who live and work in the City of Montevallo.

Sec. 16-91. - Definitions.

The definitions contained in Sec. 16-72 shall also apply to this division. Also, for the purposes of this division, the following terms shall have the following meanings:

Age. An individual's status as having obtained forty or more years of age.

Discriminate, Discrimination, or Discriminatory. Any act, policy or practice that, regardless of intent, having the effect of subjecting any person to differential treatment as a result of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status.

Employee. Any individual employed by or seeking employment from an employer, excluding any individual employed by his or her parents, spouse, or child.

Employer. A person who employs one or more employees in the City of Montevallo, or any agent of such person. Employer shall include the City of Montevallo and any city contractor.

Marital Status. An individual's past, current, or prospective status as single, married, divorced, or widowed.

National Origin. An individual's or his or her ancestor's place of origin.

Place of Public Resort, Accommodation, Assemblage, or Amusement. Any place, store, or other establishment, either licensed or unlicensed, that supplies accommodations, goods, or services to the general public, or that solicits or accepts the patronage or trade of the general public, or that is supported directly or indirectly by government funds. The term does not include any of the following:

- a. Any lodging establishment which contains not more than three rooms for rent and which is actually occupied by the proprietor of such establishment as a primary residence.
- b. Any private club, bona fide membership organization, or other establishment that is not in fact open to the public.

Religion. All aspects of religious belief, observance, and practice.

Veteran Status. An individual's status as one who served in the active military, naval or air service, and who was discharged or released under conditions other than dishonorable.

Sec. 16-92. - Civil Rights Declared.

Within constitutional and statutory limits, the right of an otherwise qualified person to be free from discrimination because of that person's real or perceived race, color, religion, national origin, sex, sexual orientation, gender identity, age, disability, marital status, familial status, or veteran status is recognized as and declared to be a civil right, the deprivation of which is declared to be a violation of this division subject to penalty as provided in Sec. 16-95. This right shall include, but not be limited to, all of the following:

1. The right to obtain and hold employment and the benefits associated therewith without discrimination.
2. The right to the full enjoyment of any of the accommodations, advantages, facilities, or privileges of any place of public resort, accommodation, assemblage, or amusement without discrimination.
3. The right to engage in property transactions, including obtaining housing for rental or sale and credit therefore, without discrimination.
4. The right to exercise any right granted under this division without suffering coercion or retaliation.

Sec. 16-93. - Exceptions.

Notwithstanding the foregoing, the following are not discriminatory practices prohibited by Sec. 16-92 of this division:

1. A religious corporation, association, or society that employs an individual of a particular religion to perform work connected with the performance of religious activities by the corporation, association, or society.
2. An employer who observes the conditions of a bona fide affirmative action plan or a bona fide seniority system which is not a pretext to evade the purposes of this ordinance.

Sec. 16-94. - Complaints.

The city clerk's office is the official depository for all bona fide complaints from person(s) who have been aggrieved by any violation under this division. The city clerk is only responsible for hearing and making suggestions to the complainant regarding his or her complaint. Complaints will be directed at the discretion of the complainant to the Montevallo Human Rights Commission or municipal court for imposition of a penalty as provided in Sec. 16-95 of this division.

Sec. 16-95 - Penalty for violation.

A violation of this division may be punished by a fine of not more than one hundred dollars (\$100.00) at the discretion of the municipal court. Each day that any violation continues shall constitute a separate offense.

Division 4 – Montevallo Human Rights Commission

Sec. 16-96 – Creation of Montevallo Human Rights Commission.

There is hereby created the Montevallo Human Rights Commission (“Commission”). Its purpose shall be to promote principles of diversity, inclusion, and harmony in the City of Montevallo through education, community events, the provision of advice to the City Council and Mayor, and through receiving and resolving complaints filed under this ordinance, to be then passed to the municipal court with recommendations.

Sec. 16-97 – Composition and term.

Composition. The Commission shall be composed of not more than 9 members who shall be broadly representative of the population of the city, including representatives of the communities enumerated in Division 3 of this Article. The Mayor shall appoint the members of the Commission subject to confirmation by a vote of the City Council. Members shall serve for 3 years and may be reappointed.

Sec. 16-98 - Governance.

The Commission shall formulate its own procedures, and may create task forces or committees as it deems appropriate. These procedures are subject to review by the Mayor and City Council.

Sec. 16-99 - Responsibilities.

The responsibilities of the Commission include managing Commission records and accounts, developing public education programs, providing training for Commission members, managing citizen complaints, and any other tasks needed to help the Commission perform its functions. It may use the services of attorneys, clerks, or other city government employees or the services of contractors as necessary.

Sec. 16-100 - Activities.

The Commission shall receive, initiate, investigate, seek to conciliate, hold hearings on and pass upon complaints alleging violations of Division 3 of this Article. If it is deemed there is a

violation of this Article, it shall be passed on to the municipal court for imposition of penalty per section 16-95. It shall present an annual report to the Mayor and City Council of its activities; it shall develop public education programs regarding compliance with this ordinance and equal opportunity and treatment of all individuals; and it shall engage in any other necessary action to effectuate its purpose and duties.

Adopted and approved this _____ day of _____, 2017.

Hollie C. Cost, Mayor

ATTEST:

Herman Lehman, City Clerk & Treasurer

The Mayor said we will schedule a Work Session and let everyone know when it will be held.

Declaration of surplus assets and disposal authorization – Council Member Nix made a motion to declare the following items as surplus and to approve their disposition. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

PROPERTY OF
CITY OF MONTEVALLO

000300

power supply

PROPERTY OF
CITY OF MONTEVALLO

000273

monitor

PROPERTY OF
CITY OF MONTEVALLO

000014

monitor

PROPERTY OF
CITY OF MONTEVALLO

000258

power supply

PROPERTY OF
CITY OF MONTEVALLO

000257

power supply

PROPERTY OF
CITY OF MONTEVALLO

000266

monitor

PROPERTY OF
CITY OF MONTEVALLO

001031

dell monitor

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: 06/09/2017

TO WHOM IT MAY CONCERN:

Mayor & Council | _____
 Name of Individual | Title

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

	Description	Asset Label #	Serial #
1	2006 Ford Crown Victoria	NA	2FAFP71W6X165524
2	2006 Ford Crown Victoria	NA	2FAFP71U86X165523
3	1999 Ford Crown Victoria	NA 000751	2FAFP71U6XX119335
4			
5			

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: <u>Surplus</u>

Custodian of Equipment:

 Employee | Date

AUTHORIZED BY: Jeremy S. Littleton | 06/09/2017
 Department Head | Date

Waiver of city portion of annexation fees – Council Member Goldsmith made a motion to wave the city’s portion of the annexation fee (\$50) until December 31, 2017 as part of the city’s efforts to attract new properties into the city limits. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Authorization of additional funding for Phase II archeological survey at Shoal Creek Park by University of South Alabama - \$6,400

UNIVERSITY OF SOUTH ALABAMA

COLLEGE OF ARTS AND SCIENCES
CENTER FOR ARCHAEOLOGICAL STUDIES
THE ARCHAEOLOGY MUSEUM



TELEPHONE: (251) 460-6911
ARCHAEOLOGY, 6052 USA DRIVE S.
MOBILE, ALABAMA 36688-0002

June 6, 2017

Mayor Hollie C. Cost
City of Montevallo
541 Main Street
Montello, AL 35115

Dear Mayor Cost:

Please find attached a University of South Alabama proposal for Phase II archaeological Testing on a portion of site 1SH716 in the Area of Potential Effect (APE) for the proposed pavilion in Shoal Creek Park, City of Montevallo, Shelby County, Alabama. Our fee will be \$6,400.00. The archaeological survey will be conducted according to standards established by the Alabama Historical Commission. If you have any questions, please let us know.

Sincerely,

A handwritten signature in cursive script that reads 'Bonnie L. Gums'.

Bonnie L. Gums, Senior Archaeologist
Center for Archaeological Studies

251-460-6911

Proposal for Phase II Archaeological Testing on a Portion of Site 1SH716 in the Area of Potential Effect (APE) for a Proposed Pavilion in Shoal Creek Park, City of Montevallo, Shelby County, Alabama

Submitted by the
Center for Archaeological Studies
6052 USA Drive South
University of South Alabama
Mobile, AL 36688
June 6, 2017

Introduction

Phase II archaeological testing on a portion of site 1SH716 in the Area of Potential Effect (APE) for a proposed pavilion in Shoal Creek Park (*aka* Perry Hall-Mahler Farm) is requested by the City of Montevallo. Specifically, these Phase II investigations will occur on the northeast edge of site 1SH716, a large prehistoric lithic scatter recorded during the March 2017 shovel test survey by the University of South Alabama's Center for Archaeological Studies (USA-CAS) (Figure 1) (Gums 2017). Phase II fieldwork will involve the excavation of shovel tests and 1.0 by 2.0-meter test units in the APE of the proposed pavilion.

The APE consists of an area 40 by 40 feet (12 by 12 meters) for the pavilion, with a 15-foot (4.5-meter) patio (Figures 2 and 3). A buffer zone of 8.0 feet (2.5 meters) will be on the north, east, and west sides and a 30-foot construction area will be on the south side. The total APE is approximately 56 feet (17 meters) east-west by 28 feet (28 meters) north-south. A proposed buried PVC water line will extend from the pavilion south-southeast to the main water line along Highway 119 (*aka* Montevallo Road). The northern portion of this buried water line is within the APE.

This Phase II archaeological testing will determine the presence or absence of artifacts and site limits at this location and assist in the evaluation of site 1SH716 for potential eligibility for nomination to the National Register of Historic Places (NRHP). Based on Phase II survey results, evaluations and recommendations for further archaeological investigations will be presented.

The farmstead that became known as Perry Hall was established by Sion Jacob Perry in 1836, and it remained in the Perry family for 100 years, until 1946 when it was purchased by the Mahler family (de Shazo 1973; Lovett 2014). In 2013, the remaining 167 acres was donated to

the City of Montevallo by Elizabeth A. Mahler, with a request to preserve the property as a park and other municipal purposes.



Figure 1. Map showing the approximate location of the proposed pavilion on the northeast edge of site 1SH716 for Phase II archaeological testing (Gums 2017: Figure 41).

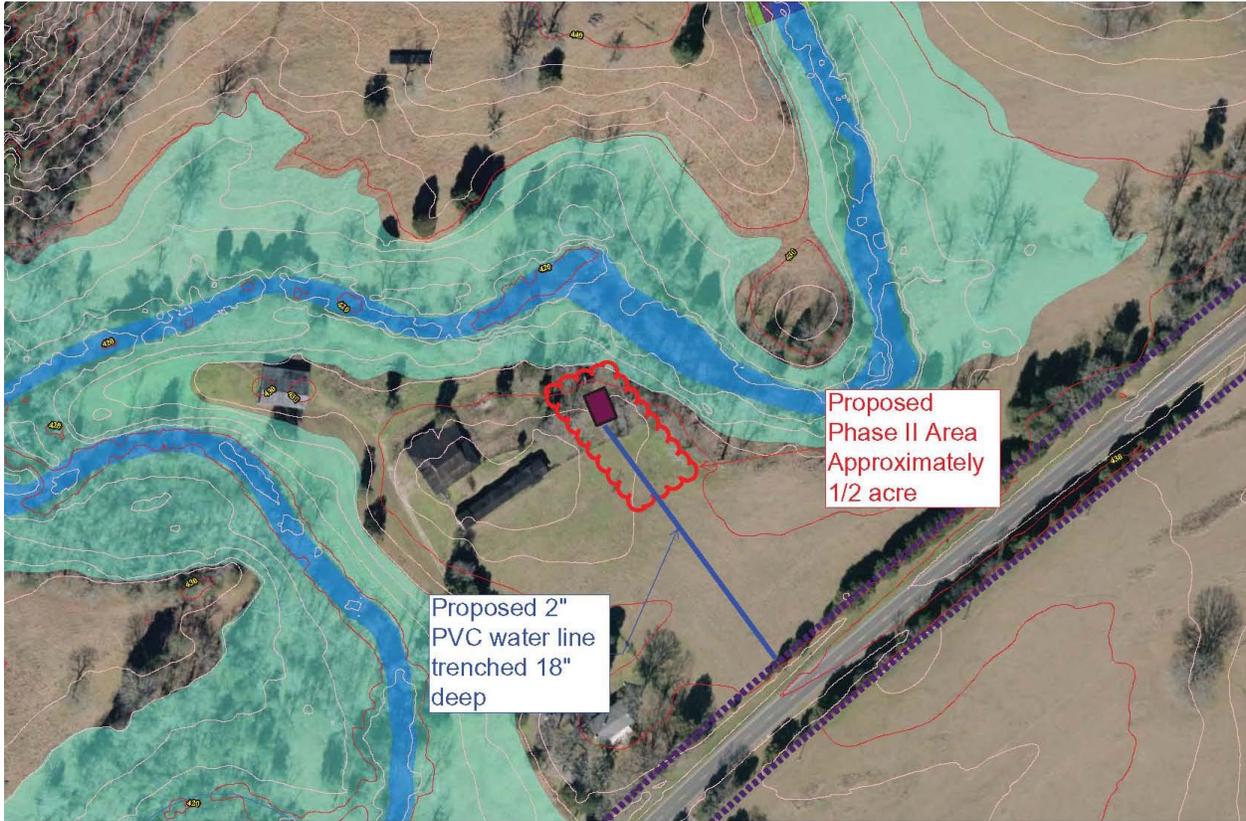


Figure 2. Map of the approximate location of the Area of Potential Effect (APE) and buried water line for the proposed pavilion on the northeast edge of 1SH716.

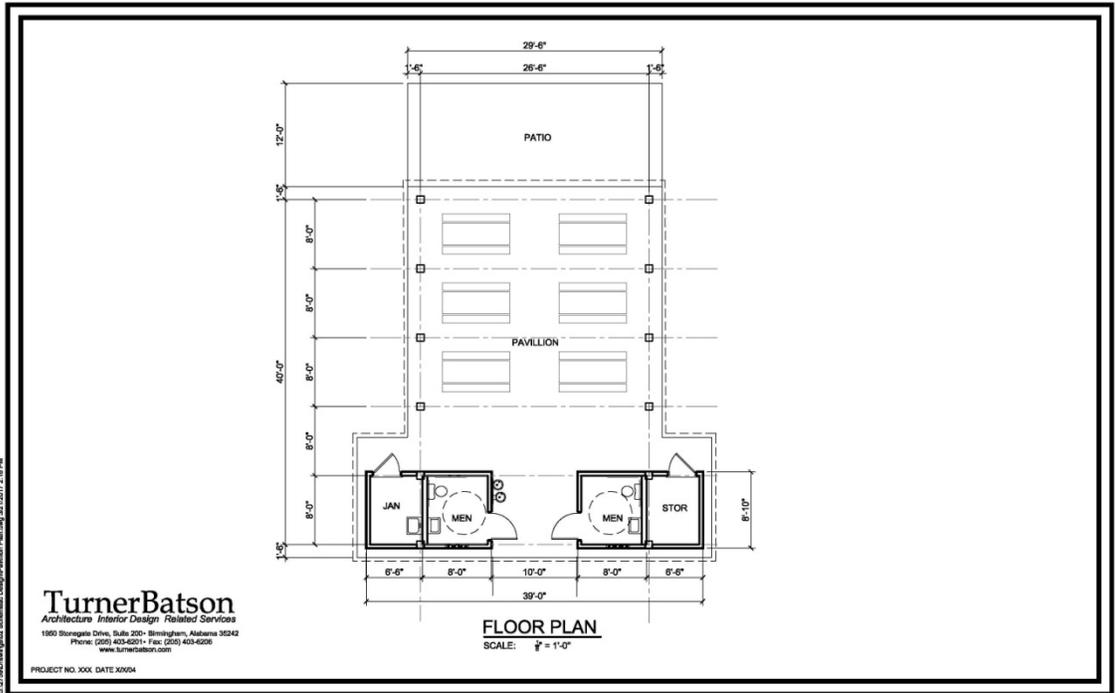


Figure 3. Plan of the proposed pavilion.

Scope of Work

Phase II fieldwork will involve the excavation of shovel tests and 1.0 by 2.0-meter test units on the northeast portion of site 1SH716 in the APE of the proposed pavilion to determine the presence or absence of artifacts and site limits at this location. A minimum of six shovel tests will be excavated, if possible on the 10-meter grid established for the March 2017 survey (Gums 2017). A minimum of four test units will be excavated in the pavilion APE. Locations of shovel tests and test units will be determined in the field.

Soils excavated from shovel tests and test units will be screened through ¼-inch hardware mesh. Soil profiles will be recorded using the *Munsell Soil Color Charts*. Cultural features will be excavated according to standard procedures, and flotation and other specialized samples will be taken when deemed necessary. Upon completion, shovel tests and test units will be backfilled. A map of the APE with shovel test and test unit locations will be prepared.

Field investigations will be followed by processing and analysis of recovered artifacts, interpretations of Phase II archaeological testing, and preparation of a report providing testing results, artifact analysis, and recommendations for further archaeological investigations.

Statement of Qualifications

The principal archaeologists involved with this project meet the Secretary of the Interior's minimal professional qualifications in archaeology as published in the *Federal Register* 48(190, Sept. 1983, Part IV):44739. The University of South Alabama (USA) is a 501(c)3 institution devoted to serving the educational needs of the Mobile area and the region. The Center for Archaeological Studies at USA was created in 1992 to conduct professional archaeological research in the Mobile area, to disseminate results of that research to the public, and to encourage the preservation and appreciation of our archaeological heritage. The Center is staffed by a director, associate director, project manager, laboratory supervisor, and archaeological technicians.. These investigations will be conducted by the Center for Archaeological Studies in compliance with Alabama Historical Commission guidelines.

Collections Curation

Artifacts, maps, field notes, photographs, and other records for this Phase II archaeological testing on a portion of site 1SH716 in the APE of a proposed pavilion in Shoal Creek Park will be curated at the University of South Alabama's Center for Archaeological Studies, in accordance with state and federal rules and regulations for archaeological curation.

Report Preparation

A final technical report will be submitted at the completion of the Phase II archaeological testing on a portion of site 1SH716 in the APE of a proposed pavilion in Shoal Creek Park property. This report will convey all required technical data and interpretations including Phase II field methods, results and evaluations of investigations, and recommendations.

References Cited

de Shazo, Thomas E.

1973 *History of Sion Jacob Family in Shelby County, Alabama*. Alexandria, VA.

Gums, Bonnie

2017 *Phase Ib Archaeological Research for the Mahler Property, City of Montevallo, Shelby County, Alabama*. Report prepared for the Alabama Historical Commission, Montgomery, and the City of Montevallo by the Center for Archaeological Studies University of South Alabama, Mobile.

Lovett, Forrest Blake

2014 *From Perry Hall to Shoal Creek Farm: A Brief History of One of Montevallo's Oldest Homesteads*. Report prepared for an Internship in History for Dr. Ruth Truss.

Phase II Budget

Fieldwork

Project Archaeologist, 2 days, 20 hrs. @ \$25.42/hr.	508.00
Archaeologist, 2 persons, 2 days, 40 hrs. @ \$20.36/hr.	814.00
Employee Benefits (33% of wages; \$1,322.00)	436.00
Transportation Costs (500 miles round trip @ \$0.535 per mile)	268.00
Per Diem, 3 people, \$75.00/person, 6 days	450.00
Field Supplies	<u>50.00</u>
	\$2,526.00

Research, Lab Work, and Report Preparation

Project Archaeologist, 4 days, 32 hrs. @ \$25.42/hr.	813.00
Archaeologist, 3 days, 24 hrs. @ \$20.36/hr.	489.00
Graphic Specialist, 2 days, 16 hrs. @ \$20.36/hr.	326.00
Employee Benefits (33% of wages; \$1,628.00)	537.00
Lab Supplies	<u>50.00</u>
	\$2,215.00

Subtotal **\$4,741.00**

Indirect Costs (35% of subtotal; \$4,741.00) 1,659.00

Total **\$6,400.00**

Council Member Walker made a motion to approve the contract. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Ordinance Amending the Garbage Service Ordinance to add White Goods service –

The City Clerk read the following into the record:

Ordinance _____

**AN ORDINANCE REPEALING AND REPLACING ORDINANCE 07Q (9.24.07)
AUTHORIZING AND PROVIDING FOR SOLID WASTE COLLECTION IN THE
CORPORATE LIMITS OF THE CITY OF MONTEVALLO, ALABAMA AND THEREBY
AMENDING CHAPTER 18, SECTIONS 18-1 THROUGH 18-32 OF THE MONTEVALLO
MUNICIPAL CODE**

Whereas, the City has received frequent and ongoing complaints about *White Goods being left in front of residences*; and

Whereas, *White Goods are defined by the City's Municipal Code as refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances*; and

Whereas, it is currently the responsibility of the resident and/or property to properly discard of all *White Goods* and other items not scheduled for curbside pick-up by our sanitation services; and

Whereas, placing these items along the street creates an eyesore and adversely impacts the community as a whole; and

Whereas, from time to time, City sanitation crews have been forced to remove and properly discard these items; and

Whereas, removing these items creates an added cost and burden to the City; and

Whereas, removing *White Goods* is not currently a service the City is able to provide to all of its residents; and

Whereas, it is in the best interest of the public's health and welfare for this added service to be made available;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF MONTEVALLO, ALABAMA THAT ORDINANCE 07Q (9.24.07) AUTHORIZING AND PROVIDING FOR SOLID WASTE COLLECTION IN THE CORPORATE LIMITS OF THE CITY OF MONTEVALLO, ALABAMA IS HEREBY REPEALED AND REPLACED WITH THE FOLLOWING:

I. PURPOSE OF THE SOLID WASTE ORDINANCE

The purpose of the Ordinance is to implement a regulatory scheme to protect the health, safety and welfare of citizens by, among other matters, collecting and disposing of garbage so as to minimize the occurrence of disease, remove potential sources of disease and to promote a clean and healthy community. Reference is made to Code of Alabama, 1975, Section 22-27-1 (Solid Wastes Disposal Act), and such act is hereby incorporated in its entirety as though more fully set out in this section. The authority granted to a municipality to implement such act is determined by Code of Alabama, 1975 Section 22-27-3. Assessments in the form of service charges are authorized by statute including Code of Alabama, 1975, Section 22-27-5, to cover the cost of providing garbage services, which shall be a charge against the real property and its owners.

II. DEFINITIONS

The following terms when used in this Ordinance shall have the meanings respectively ascribed to them, unless the context clearly indicates otherwise:

- A. **APPROVED CONTAINERS-** Roll-Out Carts as defined in Section II. (P), and Bags as defined in Section II. (B).
- B. **BAGS-** for the collection of Bulky Waste in plastic sacks designed to store and enclose Solid Waste with sufficient wall strength to maintain physical integrity when lifted by top. Total weight of a bag with contents shall not exceed forty (40) pounds.
- C. **BULKY WASTE-** Large items such as furniture, large auto parts, trees (in four (4) foot sections and being less than six (6) inches in diameter), branches, stumps and other oversize wastes whose large size precludes or complicates their handling by normal solid waste collection, processing, or disposal methods, which includes Yard Waste as defined herein.
- D. **CITY-** The City of Montevallo, Alabama.
- E. **CONSTRUCTION AND DEMOLITION WASTE-** Waste resulting solely from construction, remodeling, repair, or demolition operations on buildings, or other structures, but not inert debris, land-clearing debris, yard debris, or used asphalt, asphalt mixed with dirt, sand, rock, concrete, or other similar non-hazardous material.
- F. **CUSTOMERS-** Residential Units and Light Commercial Entities located within the City Limits.
- G. **GARBAGE-** Dead animals of less than ten (10) pounds in weight that have been slaughtered for human consumption; every accumulated waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter including, but not limited to, other food containers; and all putrescible or easily decomposable waste; animal or vegetable matter which is likely to attract flies or rodents, but excluding sewage and human waste.
- H. **HAZARDOUS WASTE-** Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency or appropriate agency of the federal or state government to be hazardous, toxic, radioactive, volatile, corrosive, flammable explosive, biomedical, infectious and/or bio-hazardous as those terms are defined by or pursuant to Federal or State law or regulations.
- I. **INDUSTRIAL WASTE-** Solid Waste generated by industrial process and manufacturing.

- J. **LIGHT COMMERCIAL ENTITY-** A business entity within the City limits that generates a volume of Municipal Solid Waste that can be adequately accommodated by one or more Roll-Out Carts.
- K. **MEDICAL WASTE-** Any Solid Waste which is generated in diagnosis, treatment, or immunization, of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, but does not include any hazardous waste or those substances excluded from the definition of Solid Waste.
- L. **MOBILE HOME PARK-** a parcel of land containing two or more mobile homes or trailers and operated as a single operation under the same ownership and management.
- M. **MUNICIPAL SOLID WASTE-** Solid Waste resulting from the operation of residential, commercial, industrial, governmental or institutional establishments that would normally be collected, processed and disposed of through a public or private solid waste management service. Municipal Solid Waste never includes Hazardous Waste, Special Waste, Medical Waste or Solid Waste from mining or agricultural operations.
- N. **REFUSE-** All nonputrescible waste.
- O. **RESIDENTIAL UNIT-** A residence, dwelling, home, cottage, apartment, trailer, mobile home, manufactured home, duplex, or any other structure inhabited by one or more persons within the City of Montevallo, occupied for at least a portion of the relevant month by a person or group of persons. Each unit of an apartment or condominium dwelling consisting of four (4) or less living units, whether of single or multi-level construction, shall be treated as a Residential Unit. A Residential Unit shall be deemed occupied when both water and power services are being supplied thereto. The fact that any Residential Unit is occupied shall be prima facie evidence that Solid Waste is being produced and accumulated upon the premises thereof.
- P. **ROLL OUT CART-** A receptacle approved and issued by the City or the City's designee or the City's Contractor and owner by the City or the City's designee or Contractor having the strength to store normal household solid waste.
- Q. **RUBBISH/TRASH-** All waste wood, wood products (but not yard waste), chips, shavings, sawdust, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes and boots, combustible waste pulp and other products such as are used for packaging, or wrapping crockery and glass, ashes, cinders, glass, and mineral or metallic substances.
- R. **SOLID WASTE-** All solid and semi-solid Garbage, Refuse, and Rubbish/Trash, but never (a) Hazardous Waste or Special Waste, (b) the other items excluded under the Exclusions paragraph of the Contract, (c) solid or dissolved materials in domestic sewage, (d) solid or dissolved materials in irrigation return flows, (e) industrial discharges which are a point sources subject to permits under Section 402 of the Federal Water Pollution Control Act as amended (86 STAT.880), or (f) source, special nuclear, or by-product materials as defined by the Atomic Energy Act of 1954 as amended (68 STAT.923).
- S. **SPECIAL WASTE-** Solid Waste that can require special handling and management, including whole tires, used motor oil, lead- acid batteries and Medical Wastes. Also, all treated/de-characterized (formerly hazardous) wastes, polychlorinated biphenyl ("PCB") wastes; industrial process wastes; asbestos containing material; chemical containing equipment; demolition debris; incinerator ash; medical wastes; off-spec chemicals; sludges; spill-cleanup wastes; underground storage tank (UST) soils; and wastes from service industries.
- T. **WHITE GOODS-** Refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances.

- U. **YARD WASTE-** Any and all vegetative matter resulting from private landscaping or regular yard maintenance. Yard Waste shall not include limbs which are greater than five (5) feet in length or four (4) inches in diameter. Yard Waste also shall not include debris from commercial/professional landscaping or excessive debris caused by storms or other inclement weather.

III. COLLECTION OF DISPOSAL SERVICE ESTABLISHED

There is hereby established in the City of Montevallo, here-in- after sometimes referred to as “City,” a garbage, trash, yard waste and rubbish collection, hauling and disposal service, to be provided by the City of Montevallo, or its designated agent, licensee, franchisee, employee or contractor. The collection, hauling and disposal of Rubbish, trash, and garbage shall be made not less frequently that once each week in residential areas. Yard Waste shall be collected at a minimum of twice per month in residential areas, but not at any location in an amount exceeding two cubic yards per period of collection. All collection schedules are subject to change due to legal holidays or weather conditions, or circumstances deemed by the City or its designee to justify such change.

IV. MANDATORY PUBLIC PARTICIPATION

- a) A mandatory garbage collection, hauling and disposal service shall be conducted and performed within the City by an independent waste contractor (sometimes referred to in this chapter as the “contractor”) in accordance with the terms of the existing contract which the City has with an independent waste contractor and hereafter to be determined through bid process.
- b) Garbage collection service shall be provided to each residential unit, including: single-family dwelling units, each manufactured home units, each unit of a duplex, townhouse or other multifamily dwelling of the City, including apartment complexes of four (4) units or less.
- c) Garbage collection fees shall be set by City Council determined from time to time by adding a reasonable administrative cost to current contract price received with provisions for periodic rate adjustments during the life of the contract as negotiated between the City and the contractor, approved by the City Council, and reflected in the minutes of the City Council. Such garbage collection fees shall be collected on a monthly basis by the City.
- d) The owner of each single-family dwelling units, each manufactured home units, each unit of a duplex, townhouse or other multifamily dwelling of the City, including apartment complexes of four (4) units or less or other multifamily dwelling shall pay the required garbage collection fee unless the owner or occupant, as the case may be, qualifies for an exemption as provided for here-in or is otherwise exempt by state law. Every owner of a residential unit generating garbage shall participate in and subscribe to the City’s system of services and shall comply with the requirements of this article whether or not they desire the services be rendered, except as provided here-in-below. The City hereby adopts the rules and regulations of the state department of public health regarding solid waste collection, transportation, storage, processing and disposal as may be amended from time to time and any local rules of the county health board that may be promulgated from time to time with regard to solid waste collection, transportation, storage, processing and disposal. The provisions of this article are mandatory and not voluntary.

V. EXEMPTIONS

- A. Pursuant to Code of Alabama, 1975, Section 22-27-3(a)(2), Any household whose sole source of income is Social Security Benefits shall be granted an exemption from the payment of any fees required under this article, provided the household seeking to claim the exemption shall present proof of income to the City Clerk no later than October 1 of each year. The exemption shall apply only so long as the household's sole source of income is social security and shall be requested each year in which the exemption is desired. Any person who knowingly provides false or misleading information in order to obtain an exemption shall be in violation of this Ordinance as provided for here-in. Those persons seeking such exemption under Code of Alabama, 1975, Section 22-27-3(a)(2) shall state in writing, under oath, that their sole source of income is derived from social security benefits and shall apply for such exemption at the office of the clerk on forms provided which set out the sworn information required by this section. Upon filing the form with the clerk, along with supporting documents, and approval as provided by State Law, such persons are exempted from paying any fees required under this chapter.
- B. An exemption will be provided for any business, church or other private institution providing for the disposal of their garbage in accordance with special permits granted by the state health department or by contracts with other garbage disposal companies. Copies of these permits and/or agreements must be filed annually during the month of September with the clerk. However, any business may voluntarily participate in the curbside garbage pick up so long as applicable fees are paid and all garbage generated by said business can be placed in one or more of the provided roll-out carts. Should any business use the services of a private garbage collection entity, said entity shall be licensed to do business in the City.
- C. Any apartment complex (consisting of more than five units) or Mobile Home Park shall be exempt from the payment of the garbage collection fees so long as the individual units or mobile homes do not have individual driveways which connect directly to a public road. Any apartment unit or mobile home whose individual driveway connects directly to a public road (that is the driveway is not accessed via a private road which services the entire Mobile Home Park or Apartment Complex) shall be subject to the mandatory participation and the owner of the real property shall pay the garbage fees as set forth here-in.
- D. An exemption will be provided for any owner of a farm as defined by section 11-34 of the 1982 Code of Montevallo, or owner of five (5) acres or more of land zoned for agricultural use (AO) on his, her, own land providing for the disposal of their garbage in accordance with special permits granted by the state health department or by contracts with other garbage disposal companies. Copies of these permits and/or agreements must be filed annually during the month of September with the clerk. However, any business may voluntarily participate in the curbside garbage pick up so long as applicable fees are paid and all garbage generated by said business can be placed in one or more of the provided roll-out carts. Should any business use the services of a private garbage collection entity, said entity shall be licensed to do business in the City.

VI. PROVIDING CARTS: PLACEMENT FOR EMPTYING; REPAIR AND REPLACEMENT; BACK ENTRANCE PICK-UP

- A. The City, designee or its contractor, will provide each resident a roll-out cart for the purpose of storage of garbage. This is the only cart authorized for use; garbage will not be collected loose or in any non-City cart.

- B. The City, its designees, or its contractor will provide each business or commercial establishment desiring to use the City's curb-side garbage collection or refuse collection with a cart or carts for the purpose of collecting garbage.
- C. On scheduled garbage pick up days, the resident or business will be required to place the roll-out cart at the curbside (with-in three (3) feet of the right-of-way or at some other location as directed) no earlier than the evening prior to the collection day and remove the roll-out cart from the right-of-way not later than the evening of the collection day and place the cart in an area out of view of the traveled way, or to the side or rear of the residence.
- D. The resident or business will be responsible for cleaning of the roll-out cart.
- E. The City, or its designee, will be responsible for repair or replacement of roll-out carts damaged or stolen through no fault of the resident. Any resident who intentionally or negligently damages or loses a roll-out cart shall pay the cost of repair or replacement; said cost to be assessed to their next monthly bill..
- F. Upon satisfactory proof (which shall consist of a medical doctors sworn statement for each household member who is 18 years of age or over) of disability because of health, age, or other reasons of all persons 18 years of age or over residing in a Residential Unit, the City, its designee, or its contractor will collect garbage from roll-out carts placed near the back entrance of such residential unit. The City Clerk or other person(s) designated by the City Clerk shall provide such forms as are necessary for application for back door pick up of garbage. The City Clerk, or other person(s) designated by the City Clerk, shall review and grant such applications when in compliance with the provisions of the paragraph.
- G. No collection personnel shall enter houses or buildings.

VII. DISPOSAL OF RUBBISH/TRASH/YARD WASTE:

In residential areas:

- A. All Yard Waste shall be placed within three (3) feet of the edge of the public road or curb adjacent to the resident's property and will be picked up twice per month.
- B. All grass clippings shall be placed in Bags and sealed tightly to prevent spilling.
- C. Building debris, such as scrap lumber, plaster, roofing, concrete, brick bats and sanding dust, resulting from construction, repair, remodeling, removal or demolition of any building or appurtenance on private property; and dirt, stumps and tree trunks will not be removed by the City or its designee, but the owner shall cause such waste to be privately removed.
- D. The City shall not be responsible for the collecting and hauling of rubbish, trash, limbs, brush or other debris from private property preliminary to, during or subsequent to construction of new buildings of whatever type prior to occupancy. Such material shall be removed by the owner of such property or the contractor responsible for the accumulation of the same.
- E. It shall be the responsibility of all fence companies, tree surgeons, pulpwood contractors, nurseries and landscape contractors or any individual or company doing work on private property to remove from premises all residue and rubbish resulting from such work.
- F. White Goods shall be picked up pursuant to the curb-side garbage collection program as follows:
 - a) Refrigerators, stoves and ranges, water heaters, freezers, swing sets, bicycles (without tires), scrap metal, copper, used and discarded mattresses, televisions, electronics, furniture and other similar domestic and commercial large appliances and similar manmade items may be put out for pickup no sooner than one day before pickup is scheduled. This service is limited to residential only and not commercial rental cottages or apartments, unless they pay for city garbage service or arrange for pickup ahead of time with the city and pay a fee in an amount to

be set by the city based on the amount to be picked up. Weight is limited to 300 pounds per item. The city hall (205-665-2555) must be notified before any unusual item not listed herein is put out for pickup. No items longer than 10 feet in length may be put out for pickup.

- b) No commercially created trash or construction refuse, or homeowner-created construction refuse resulting from major lot cleaning, home construction, major renovation, repair or demolition will be picked up. Commercial haulers licensed by the city may be employed by the owner for this purpose. Trash or debris resulting from routine or minor homeowner maintenance and repairs, including minor lot clearing or yard maintenance will be removed.
- c) An additional fee in an amount to be established by the city will be assessed to the property owner for the White Goods or Yard Waste in excess of ten cubic yards. However, arrangements for this special service must be made and paid for in advance.

VIII. COMMERCIAL GARBAGE COLLECTION:

The collection of commercial garbage and trash may be provided by the City or its contractor; or in the alternative, a commercial garbage contractor who is licensed by and has a current permit from the City to operate within the City, or by a governmental entity or authority approved by the City.

IX. UNAUTHORIZED REMOVAL OF GARBAGE CARTS:

It shall be unlawful for any person, other than the resident who maintains the roll-out cart, to remove any garbage, rubbish or other like material from any garbage can or other cart, within the City, after it has been placed therein except under the order of an officer, agent or employee of the public works department or by some other authorized person removing same for disposal.

X. DUMPING OTHER THAN CARTS:

No person shall place or cause to be placed upon the public street, sidewalks or alleys of the City any garbage, trash or refuse or other waste unless the same be placed in a Container or placed as provided herein.

XI. RATES AND CHARGES FOR COLLECTION SERVICES:

Beginning October 1, 2017 payments for services will be due on a monthly basis paid as follows:

- A. Twenty Four Dollars 25/100s (\$24.25) per month for Residential unit; and the owner of each said apartment house or complex shall be liable for the garbage fee on each dwelling unit in such apartment complex, and the owner of each trailer park be responsible for the garbage fee on each mobile home or house trailer in said trailer park. Additional roll-out carts will be provided at a fee of twelve dollars (\$12.00) per month per additional cart.

XII. BILLING; COLLECTION AGENT:

- A. All bills for service shall be rendered monthly.
- B. Such payment shall be due by the first day of each month and such payment shall be delinquent after fifteen (15) days and a late fee of ten percent (10%) shall be assessed. After sixty (60) days from the due date service shall be suspended.

XIII. PENALTIES:

Any person, firm or corporation violating any of the provisions of this article shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than two hundred fifty dollars (\$250.00) and imprisoned for a period not to exceed thirty (30) days, or both; and such shall also be subject to the sanctions allowed by state law, including but not limited to civil suit for the collection of past due amounts.

This ordinance is hereby approved and adopted this the _____ day of _____, 2017, thereby amending Chapter 18, Sections 18-1 through 18-32 of the Montevallo Municipal Code.

Mayor Hollie C. Cost

ATTEST:

Herman F. Lehman III, City Clerk

The Mayor explained that people leaving White Goods out by the road has been an issue for us. Rather than fining people, the committee thought it was better to make this a new service everyone could benefit from.

Council Member Peterson said this is a service we can all use and, in the process, help to keep our city looking clean.

Council Member Nix said he thinks we need to put the burden for paying for this on the offending land owner. Residents shouldn't have to pay to clean up someone else's mess.

In response to a comment by local resident, Mr. Hamby said we are able to pick up TVs and take them to our dump.

Thomas Lilly, Jr. said Alabaster and Helena offer that service. He said if people should be fined if they put things out.

Mayor Cost reiterated that the idea is to provide an additional service to people, not just fine violators. This would work just like our Leaf & Limb Service. The Mayor pointed out that this is only the first reading and it will not be considered until the next meeting.

Bill Glosson said most of the problems he has noticed have been at rental properties. As residents, we should not all have to pay for them.

The Mayor noted that enforcing regulations on violators takes time, sometimes months. In the meantime, we all have to live with the junk that gets piled out along the street. This service is an effort to address that issue and give us all a new benefit. This was the recommendation of the Sustainability Committee.

Old Business:

Request for Two Street Lights on Valley Street Between West & Shelby – Peggy Sumerlin – NO UPDATE.

ALAGASCO (update) – NO UPDATE

Board Appointments:

Park Board – Cameron Strauss – NO ACTION

Other Business:

Council Member Peterson made a motion to authorize the Mayor to notify ALDOT that the city would like Volkert Engineering to provide CE&I services for our Middle Street Project, assuming Trey Gauntt can negotiate an acceptable agreement with them. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Citizen Participation :

A citizen from Aldrich said she would like to see extra police patrols in the neighborhood. The Mayor said she would pass that request along to the Police Chief. The citizen also commented on a couple potholes along 203 and abandoned cars on lots which may not be in the city limits.

There being no further business before the council, Council Member Nix made a motion to adjourn. Council Member Walker seconded. ALL AYES . . . MEETING ADJOURNED at 8:01 p.m.

Submitted by:

Herman Lehman
City Clerk