

**Montevallo City Council Work Session
February 11, 2019
5:30 p.m. at City Hall**

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

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

Chief Littleton was absent. Mike Wilder, Code Enforcement Officer, presented the following:



**Montevallo Police Department
Code Enforcement Activity Report**

Inspections this Period:

- *2 Inoperable vehicles removed 98 Western Drive.
- *1 Cow loose. Brookside Mobile Home Park. New fence.
- *230 Commerce Street. Building debris still piled up in the middle of property. If not cleaned up by the time demolition is completed on 3 other properties, Cox Landscaping will clean it up.
- *Demolition of 125 & 135 Dauphin Way and 161 Commerce Street begins on February 14, 2019, by Cox Landscaping.

Inspections Pending Continued from Last Period:

- *330 Evansville Circle - Owner Cleaning up property, but not yet complete.
- *260 Evansville Circle - Owner has removed the rugs and blankets from his fence, but not complete. Owner is erecting a privacy fence which should solve the problem.
- *1390 County Road 10 and 4600 Highway 119. Had Abatement Board Meeting on February 4, 2019. Only two members showed up. Needed three to have a Quorum. Resat Meeting for February 18, 2019 and contacted the members. Have been able to contact three members. The other two members have not responded.

Cases Closed this Period:

- *98 Western Drive - Cleared and 2 vehicles towed.
- *Brookwood Mobile Home Park - 1 Cow loose - New fence erected by owner.
- *Dumpster cleaned up at Scott Street and Falcon Way. Will continue to check.

Other Comments:



**Montevallo Police Department
Code Enforcement Activity Report**

Date: 02/11/2019	Inspection Period 01/15/2019	Inspection Period 02/11/2019
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Inoperable Vehicle Inspections:

Inspected: 3	Pending:	Closed: 3
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Animal Complaint Inspections:

Inspected: 2	Pending: 1	Closed: 1
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Abandoned Building Inspections:

Inspected: 6	Pending: 6	Closed:
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Property Inspections:

Inspected: 15	Pending: 12	Closed: 3
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Miscellaneous Complaints:

Inspected: 3	Pending: 2	Closed: 1
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Inspected: <i>[Signature]</i>	Total Inspections this Period: 29	Total Inspections Year to Date: 29
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Chief Bill Reid updated the Council on activities at the Fire Department. He noted that during January they experienced the lowest call volume in the past 3 years, only 70 calls. However, last week alone they ran around 20 calls, so volume for February appears up. He said they responded to a mobile home fire in Dogwood last night – it was a total loss. Last month, of the 70 calls, they had 9 lifting assist calls.

Kirk Hamby, Director of Public Works, said his crews put up 20 banners for College Night celebrations at UM. Our U.S. flags on Main Street will be up ahead of President’s Day. Phase II of our sidewalk project is still incomplete. We have a recycling meeting scheduled for Friday at 2 p.m.

In response to a question from Council Member Nix, Mr. Hamby explained that Carey White is the contractor handling our sidewalk work.

Council Member Peterson informed the Council the Arbor & Beautification Board met last week. They are working on the Spring Beautification Awards. He also noted that long-standing chair of the board, Herschel Hale, is stepping down from his leadership role. However, he will continue to serve on the board.

Council Member Nix informed the Council that the Senior Center’s Soup & Bingo event on Saturday was attended by around 15 seniors. As usual, everyone had a great time.

Shane Baugh, Director of Parks & Recreation, said team registration has completed. He also mentioned that his crew has removed nearly all of the barbed wire from Shoal Creek Park. The new bridge at SCP is installed, but not finished. The pavilion is nearly finished, as well.

Council Member Nix asked if we plan to leave the old log footbridge on the site. Mr. Baugh said we will, but the old log bridge would be closed to public access.

Wade Rider reported on the Golf Course. He said he hopes rounds will improve once the course dries out.

Council Member Nix commented that the greens are in great condition.

Mr. Rider said they are and that has led to a lot more interest in the course. In fact, it has resulted in a lot more tournaments being booked at the course. The crews are working hard to make the entire course look better.

Council Member Bunt presented the following:

City Council - Monday, Feb. 11

Education and Arts

1. This past weekend was UM's Homecoming and College Night. Golds won College Night.
2. At UM Homecoming, two Montevallo locals were among the alumni honored. Jeff Walker, son of Betty and Tom Walker, brother of Matt Walker was awarded the Young Achiever's Award. And Joe Howard (father of Katie Howard) was awarded the Alumni Achievement Award.
3. MES is participating in Operation School Bell on Wed. Feb. 13
4. President's Day - celebrate George Washington's birthday. If you come dressed in historical costume, admission is only \$5. And you can enjoy cake with George Washington at noon.
5. American Village Festival of Tulips will be starting soon. They anticipate (fingers crossed) opening on or right after Washington's Birthday (Feb. 18).
6. Montevallo Arts Council is taking applications for Arts Fest in Orr Park on April 20. See their Facebook page for more info.

Abigail Heuton, Montevallo Junior City Council Mayor, said the MJCC is working on their bylaws. Also, they are preparing for a March 16th color run. They expect Moonlight Movies to start at the end of May.

Mayor Cost informed the Council that the Japan – America Society has reached out to offer their support preparing our delegation for its trip to Japan.

Council Member Walker pointed out that the Finance Committee has two recommendations on the Agenda tonight.

Courtney Bennet, Montevallo Main Street Director, reminded everyone that September 7th is this year's Tinglewood Festival. It has been accepted as an official Alabama 200 Bicentennial event. She also mentioned that there is an online survey we'd appreciate everyone participating in.

Council Member Walker also reminded everyone of the Chamber luncheon, Wednesday the 20th at 11:30 a.m.

The Mayor continued to review the Agenda items with the Council.

Montevallo Beautification Month is April 2019.

Reroofing Parnell Memorial Library – Mid-America Roofing, \$22,312 to be Paid Using State Capital Improvement Funds. Council Member Nix pointed out that the next bid was \$60,000.

Replacing mini HVAC unit in Data Room – Carden Heating & Cooling, \$3,500 to be Paid Using State Capital Improvement Funds. The City Clerk explained that we requested several quotes but this was the only company that gave us one.

Recommendation of Finance Committee to Amend Budget to Increase Misc. Revenue (10.4151.48045) by \$3,900 and Increase Police Tuition Expense (10.4210.80150) by \$3,900.

Recommendation of Finance Committee to Amend Budget to Increase Sale of Fixed Assets (10.4210.48060) by \$5,625 and Small Tools & Equip. Expense (10.4210.80455) by \$5,625.

Authorization to Contract with Carol Williams to provide Grant Writing Services for - \$1,500 MAX, Amend Budget Increasing 10.4151.40040 FRANCHISE TAX by \$10,000 and Increasing 10.4151.82020 CONTRACT SERVICES by \$1,500

Under old business, the Mayor pointed out the following:

Victory Property Update – The environmental report is complete. We will discuss this in detail as it relates to our offer to purchase this property during the Executive Session.

Approval of the Strategic Plan;

Perry Hall (Mahler House) MOA Update – No Activity.

Authorize Mayor to Finalize the Purchase of the Victory Building Using Funds from the Central State Bank Money Market Account – Closing on or about February 21, 2019 . Will be discussed during executive session.

Board Appointments:

Historic Preservation Commission (3 year term nominated by Mayor & approved by Council) – Mayor Cost noted there are two current openings on the commission. She reminded everyone that according to the Code, the mayor nominates the proposed new members and the council approves them. Her nominees are:

- Daisy Washington – 2/11/2022
- Joyce Jones – 2/11/2022

Other Business

Reminder – February 22-24, 2019 is the Severe Weather Preparedness Tax Holiday

Schedule Tour of Woodgrain Millwork Facility – The Mayor said we will work to schedule a convenient time with everyone to tour their facility.

She also pointed out a request to approve submitting a micro-grant. There is no required match.

Dee Woodham also presented a proposal to the Council to affix six 24” X 30” metal photo-plates on the walls at the new Mahler Family Pavilion. The photo-plates will include etched photos of the Mahler family enjoying life on their home place. They have a donor who has agreed to pay the cost of the plates. She asked the Council to improve their placement on the structure.

Mayor Cost thanked Ms. Woodham for all the work she has done as a volunteer on the Shoal Creek Park Foundation, as well as the Chair of the MDCD.

Montevallo City Council Meeting
February 11, 2019
6:00 p.m. at City Hall

Pledge of Allegiance

Meeting Call to Order

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

Approval and/or corrections of the minutes – 1/28/19

Council Member Walker made a motion to approve the Minutes from January 28, 2019 as corrected. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Recognitions / Awards:

Dr. Campbell with Montevallo Elementary School and Mayor Cost honored the following students for their achievements: Alek Avalos, Saperior Lacey, Rayce Fletcher, Kelly Carden, Kaleb Dunaway, and Angie Zapata Rabadan.

Opportunities for citizens to speak to the Council: No one participated.

Executive Session: Approval to enter Executive Session in order to discuss the negotiation of the Victory Contract - City Clerk and Environmental Engineers to attend.

Mayor Cost explained the purpose of the Executive Session and said it should not take more than 20 minutes. Council Member Nix made a motion to leave the regular order of business and enter Executive Session for approximately 20 minutes in order to discuss the negotiation of the Victory Contract, with the City Clerk, City Attorney and Environmental Engineer to attend. Council Member Goldsmith seconded. The Council retired to Executive Session at 6:09 p.m.

The City Council returned to the chamber and Council Member Nix made a motion to return to the regular order of business. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED. The meeting reopened at 6:28 p.m.

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 Bunt seconded. ALL AYES . . . MOTION APPROVED.

Consent Agenda: NONE

New Business:

Montevallo Beautification Month – April 2019

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

Resolution 02112019-200

A resolution designating April 2019 as “Montevallo Beautification Month”

WHEREAS, the Montevallo Arbor and Beautification Board invites all citizens, businesses and property owners of Montevallo to beautify our city by sponsoring or volunteering in a variety of creative cleanup, beautification and community improvement activities during the month of April; and

WHEREAS, sponsors and volunteers can make a visible difference in Montevallo and in their communities, as well as create a new sense of hometown pride and accomplishment, setting an example that can help change attitudes about littering and even prevent litter in the first place; and

WHEREAS, it is fitting and proper that the Montevallo City Council recognize the efforts of the Arbor and Beautification Board by designating the month of April 2019 as "Montevallo Beautification Month."

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

Section 1. That the Council hereby goes on record as designating April 2019 as “Montevallo Beautification Month.”

Section 2. That this Resolution shall take effect from and after its adoption.

ADOPTED AND APPROVED THIS 11th DAY OF FEBRUARY, 2019.

Signed

Attest

Hollie C. Cost

Herman F. Lehman, III

Mayor

City Clerk

Reroofing Parnell Memorial Library – Council Member Bunt made a motion to approve Mid-America Roofing’s quote of \$22,312 to reroof the library using State Capital Improvement Funds. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Replacing mini HVAC unit in Data Room – Council Member Peterson said he deals with these things every day and thinks this is a good price. He then made a motion to award Carden Heating & Cooling the job at \$3,500 to be paid using State Capital Improvement Funds. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Recommendation of Finance Committee to Amend Budget -- Council Member Goldsmith made a motion to amend the budget to increase Misc. Revenue (10.4151.48045) by \$3,900 and increase Police Tuition Expense (10.4210.80150) by \$3,900. Council Member Nix seconded. ALL AYES . . . MOTION APPROVED.

Council Member Nix pointed out that the Chief said when we send an officer to the Police Academy, they are required to stay with us for two years. If they leave early, they have to pay us back the cost of their tuition and expenses.

Recommendation of Finance Committee to Amend Budget – Council Member Nix made a motion to increase Sale of Fixed Assets (10.4210.48060) by \$5,625 and Small Tools & Equip. Expense (10.4210.80455) by \$5,625. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Authorization to Contract with Carol Williams to provide Grant Writing Services for - \$1,500 MAX, Amend Budget Increasing 10.4151.40040 FRANCHISE TAX by \$10,000 and Increasing 10.4151.82020 CONTRACT SERVICES by \$1,500

Council Member Bunt said she thought it was a good idea to have someone writing grants for us. Council Member Walker said this price is reasonable. He then made a motion to

approve the request to hire Ms. Williams as presented. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Old Business:

Victory Property Update - Discussed earlier.

Approval of the Strategic Plan – The City Clerk explained the process in developing the plan,. He said this does not tie us to any specific proposals. It is a reflection of the dreams and ideas expressed by citizens and other stakeholders during the planning process. It is the first step. Next, we will start working on updating our Comp Plan. Eventually, we will revise our Zoning Ordinance.

Council Member Nix said he did not like and would not support the idea of tiny houses at Shoal Creek Park.

Here again, the City Clerk stressed that this does not suggest the Council is approving anything specific.

Steve Gilbert, Montevallo Chamber Director, explained that the poster reflects the input, edits and revisions suggested by the Steering Committee. By approving the plan, the City is not approving every aspect of the plan.

Council Member Bunt said she loves the idea of improving pedestrian pathways along Hwy 25.

Mayor Cost said we are already working on plans to improve a pedestrian crossing at the intersection of Hwy 119 and Hwy 25, across from Lucky's. She then thanked Mr. Gilbert, the Steering Committee and everyone who participated in the process for helping us come up with such as great plan.

Council Member Peterson then made a motion to adopt the Strategic Plan. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Perry Hall (Mahler House) MOA Update – Mayor Cost said we are still reviewing these and Council Member Walker will set up a work session to discuss this in the near future.

Authorize Mayor to Finalize the Purchase of the Victory Building Using Funds from the Central State Bank Money Market Account – Closing on or about February 21, 2019

Mayor Cost reminded everyone that our original offer was for \$375,000 cash, subject to the results of the environmental study. The actual purchase price was \$520,000 based on a

recent appraisal, with the difference in our cash offer being a donation to the city on the part of the owners. We plan to demolish the old City Hall and Police Department.

Based on the environmental report, there are some additional, unanticipated clean-up costs we will face. As such, the Mayor noted the recommendation is to offer the seller's \$350,000 instead of \$375,000 in cash to offset the cost of those items.

Council Member Walker said he thinks purchasing this property presents the city with a tremendous opportunity. He said it has been vacant too long. He then made a motion to offer the sellers a revised purchase price of \$350,000 and move to close immediately. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Mayor Cost said she would present this offer to the sellers tomorrow.

Board Appointments:

Historic Preservation Commission (3 year term nominated by Mayor & approved by Council) – Mayor Cost noted there are two openings on the commission. We received letters of interest from three residents. She then nominated the following

- Daisy Washington – 2/11/2022
- Joyce Jones – 2/11/2022

Council Member Nix said he was concerned that Ms. Washington had only been a resident for five years. He said Ms. Jones has been here all her life.

Council Member Walker made a motion to approve both of the Mayor's nominees, Daisy Washington and Joyce Jones, to a term ending 2/11/2022. Council Member Goldsmith seconded. Council Member Nix ABSTAINED. ALL OTHERS VOTED AYE . . . MOTION APPROVED.

Other Business

Reminder – February 22-24, 2019 is the Severe Weather Preparedness Tax Holiday - Discussed earlier.

Schedule Tour of Woodgrain Millwork Facility – Discussed earlier.

Demolition work by the property owner has not been completed at 230 Commerce Street. Therefore, the Code Enforcement Officer recommended that it be added back to the abatement list. Council Member Nix made a motion to accept that recommendation. Council Member Goldsmith seconded. ALL AYES . . . MOTION APPROVED.

Mayor Cost reminded everyone about the need to approve the signs at the Shoal Creek Park Pavilion – at no cost to the city.

Council Member Walker said he thinks they look great and are a great way to honor the Ms. Mahler and her family for all they have done for our city.

Council Member Bunt agreed.

Dee Woodham thanked the people who helped with the SCP pictures, including: Carey Heatherly, Kelly Wacker, Susan Fulmer, Cheryl Patton, and Marty Everse.

Council Member Bunt made a motion to approve placement of the photos at the pavilion. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Council Member Nix made a motion to approve the application for the micro-grant, which requires no match. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED. Council Member Nix made a motion to waive all vendor fees and licenses for the Grand Opening of Shoal Creek Park on March 16, 2019. Council Member Walker seconded. ALL AYES . . . MOTION APPROVED.

Mayor Cost reminded everyone that event will be part of Love Montevallo Day this year.

Mayor Cost noted a recent article in the Shelby County Reporter there were numerous inaccurate statements regarding her removal of Janice Seaman from our Historical Commission and other city boards. In order to clarify what actually took place, the Mayor read the following repose to the editor of the Shelby County Reporter into the official record:

Hi Tim and Neal,

I hope you are both doing well. As a long time reader of Shelby County Reporter, I want to thank you and your staff for your long and well-established history of providing Shelby County residents with important news in an unbiased and professional fashion. I know how important accuracy is to your paper, which is why I find it necessary to correct errors found within two recent articles published by Ms. Nancy Wilstach. Out of respect for Ms. Wilstach, I am copying her on this correspondence. I have also copied our city clerk who maintains all official city documentation.

In the “Montevallo mayor cites ‘differences’ in firing historic commission chair” article published on February 7th, Ms. Wilstach indicated “Seaman said that she had gone to City Hall in the week before the Jan. 29 called meeting to drop off some paperwork regarding Shoal Creek Park when Cost called her into the mayor’s office.” This is inaccurate. Ms. Seaman and I had a pre-planned scheduled meeting at city hall. While she did have paperwork with her, I had asked her to meet with me at city hall for a

discussion. Had Ms. Wilstach discussed the issue with me, I would have gladly provided my comments regarding that meeting.

Additionally, Ms. Wilstach goes on to say “Cost and Seaman have had previous public disagreements centered on the condition of Perry Hall, the house on the Mahler estate. The 167-acre Mahler farm on Alabama 119 was bequeathed to the city five years ago by Elizabeth Mahler whose will also provided the city with \$300,000 for restoration of ‘the homeplace.’” This statement is inaccurate. Ms. Mahler did not leave any funds for restoration of the house. With the blessing of the executor, the city council reallocated \$300,000 of the funds Ms. Mahler left the city to use for restoration of the home. Again, had Ms. Wilstach contacted me about this amount, I would have gladly provided her with the correct information.

With respect to Ms. Wilstach citing that, “I contacted each council member individually to see if they agreed with my intention.” This is also inaccurate. At the advice of our city attorney I contacted the council members to inform them of the action I was taking. This was akin to a personnel action which does not require a vote of the council to enact. No one was polled.

There are additional errors in Ms. Wilstach’s most recent article “Seaman remains at helm of historical commission”, February 8, 2019. She states that at the January 29th meeting “she informed the commissioners that she had fired Seaman for working “in direct conflict with the city.” This is inaccurate in that I never indicated that I fired Ms. Seaman. I strongly believe in doing all that I can to protect individual’s privacy to the greatest degree possible and would never openly discuss “firing” someone. Due to Ms. Seaman being in a voluntary position, “firing” her was not even possible. In fact, I provided Ms. Wilstach with a copy of the letter that I read to the board and am attaching to this email.

Ms. Wilstach also indicated “During the Feb. 7 meeting Seaman distributed copies of a letter from her lawyer to Cost.” Again, this is inaccurate. Ms. Seaman never distributed a letter to me during the February 7th meeting. Since Ms. Wilstach was present at the meeting, she certainly must have noticed that Ms. Seaman never distributed anything to me. She and I were on opposite ends of the room.

Ms. Wilstach again states “Cost said she had contacted each council member to make sure she had support.” My action at the time did not require support of the council. In fact, Ms. Wilstach asked me how the other council members felt about the action I took and I told her that I would not speak for any council member.

Ms. Wilstach stated “A county official has been appointed project manager.” As of now, there is no definitive direction regarding the house so there is no project manager. A county official did lead the charge to develop an estimate on the expenses of restoring the house to use as a caretaker cottage. Once that estimate was submitted, that part of the county involvement was complete. In fact, the city then offered the Historic Commission the opportunity to oversee the renovation of the home. The Historic Commission questioned the funds available and then proceeded to develop and present an

MOA that was counter to previous conversations regarding Historic Commission engagement. That MOA is now under consideration.

The statement that “Archaeological exploration of possible Indian artifacts was abruptly halted last year” is also inaccurate. The city engaged and funded an archaeological study. It was only discontinued after the study was complete. Again, this would have required minimal fact-checking. Had Ms. Wilstach consulted any city official, we could have provided her with this information.

This type of reporting is troublesome at best but could be interpreted as intentionally malicious and divisive at worst, especially given Ms. Wilstach’s longstanding relationship with Ms. Seaman. Over the years I have been open and engaging with Ms. Wilstach each time she has asked me for an interview. I have appreciated the manner in which she has covered important and newsworthy information. I am very disappointed that my confidence in her is now tarnished. I am especially disappointed that it will be difficult to maintain an open spirit in the future. I appreciate the opportunity to respond to these inaccuracies and trust that you will ensure that the corrections are noted in an appropriate manner.

All the best,

Hollie

Hollie C. Cost, Mayor
City of Montevallo

The following is the statement the Mayor delivered to the Historic Preservation Commission as referenced in the above and which was read by her into the record:

Thank you all for agreeing to meet with me tonight. I know it’s inconvenient timing, but this is important. It’s no secret that we have been experiencing differences between the leadership of the historic commission and other entities in the recent past. These differences have impeded our ability to move forward and make important decisions. Make no mistake, I appreciate and respect differences of opinion but when a leader is working in direct conflict with the city, it becomes a tremendous roadblock to progress and can’t be tolerated. As the appointing authority of the city, it is my responsibility to ensure that we are making progress and that we are working as a team. I’ve tried a number of different strategies of accomplishing this over the

years but those were ultimately unsuccessful. So, unfortunately, the only option that remained was to institute a change in leadership.

I want to ensure you all that I support the remaining members of the historic commission. I have confidence in your ability to work as a team and to work with the city. This is why I recommended your appointment to the commission. Given an upcoming expected increase in developments and projects that will need the support of the historic commission, it is important at this juncture that each of you are willing to serve in this manner moving forward. If you are not, I will regrettably accept your resignation or ask you to step down.

Regarding business items that need to be addressed in the immediate future, as you know, you will need to appoint a new chair. Additionally, there are three positions that need to be filled on the commission. The council ultimately makes those appointments and will happily take your recommendations. Additionally, the annual CLG report is long overdue. We need your support to complete this. We've realized that members are required to attend annual trainings. While a few of you have participated in this, the city needs to be more diligent in providing you with those opportunities. We need your support with Main Street Board activities as well. And finally, a very important project is underway by a citizen group in town to place a historic marker memorializing victims of lynchings in Montevallo. I know this group is eager to talk with you about this and will need your support moving forward. One of your members, Mr. Kenny Dukes has been intimately involved in this project from its inception.

Again, I thank you for your willingness to serve and am looking forward to a brighter and stronger relationship with each of you individually and the historic commission collectively.

The Mayor also read into the record a letter from our City Attorney which detailed the Mayor and Council's powers to remove Ms. Seaman or any member of a Board.

WALLACE | ELLIS
Ellis Head Owens & Justice
Attorneys at Law

Frank C. Ellis, Jr.
J. Frank Head
J. Bentley Owens, III
William R. Justice
G. Daniel Head
Joshua D. Arnold

ATTORNEY-CLIENT
PRIVILEGED COMMUNICATION

Wales W. Wallace, Jr. (1919-1986)
Frank Head (1891-1979)

February 11, 2019

Of Counsel:
Judge Oliver P. Head, Retired
Conrad M. Fowler, Jr., Retired

VIA E-MAIL - hcost@cityofmontevallo.com

The Honorable Hollie C. Cost, Ph.D.
City of Montevallo
541 Main Street
Montevallo, Alabama 35115

Dear Mayor Cost:

At your request and for the benefit of the City Council, I have reviewed the letter dated February 5, 2019 to you expressing the opinion that you have no authority to remove the Chair of the Historical Commission or to otherwise manage the affairs of the City insofar as city officials are concerned. Since no legal authority was cited in support of that conclusion, I thought it would be helpful for the City Council and you to reaffirm your authority to do so.

Under *Code of Alabama* section 11-43-81, the Mayor, as CEO of the municipality, has the general supervision and control of all other officers, except as otherwise provided by law. As such, the Mayor may remove any officer for good cause, temporarily, if the appointment of such officer was appointed with the consent of the city council. Thereafter, the removal must be reported and the reasons therefor given to the council. If the council shall sustain the act of removal by the mayor by a majority vote, the vacancy shall be filled as provided by this title. The Alabama Code section does not state that the council must vote on the matter.

In a related section, under *Code of Alabama* section 11-43-160, any person appointed to office may, for cause, after a hearing, be removed by the officer making the appointment. The city council may remove, by a 2/3 vote, any such person in the several departments for incompetence, malfeasance, misfeasance, or nonfeasance in office and for conduct detrimental to good order or discipline, including habitual neglect of duty.

Turning next to the organization of the City of Montevallo Historic Preservation Commission, in Code 1982, § 8-401; Ord. No. 07D, § 1(8-401), dated April 9, 2007, the city council declared it to be the purpose and intent of the City to establish a uniform procedure for use in providing for the protection, enhancement, perpetuation and use of places, districts, sites, buildings,

structures, objects, landscape features and works of art having a special historical, cultural or aesthetic interest or value, in accordance with the provisions of this division.

The following operative sections detail the formation of the Commission:

a) Creation of the commission. There is hereby created a commission whose title shall be "City of Montevallo Historic Preservation Commission" (hereinafter "commission" or "city historical commission").

(b) Commission members: number, appointment, terms, compensation and rules and standards.

(1) The commission shall consist of seven members nominated by the mayor and appointed by the city council. All members shall be residents of the city and shall be persons, to the extent possible, who have demonstrated training or experience in history, architecture, architectural history, American studies, cultural geography, cultural anthropology, planning, archaeology, law, or other related historic preservation field or who shall be residents of a historic district.

(2) Members shall serve three-year terms. Members may be reappointed. Members shall not receive compensation, although they may be reimbursed for expenses incurred on behalf of the commission.

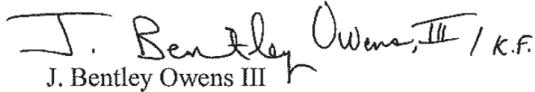
(3) Vacancies on the commission shall be filled by persons nominated by the mayor and appointed by the city council. Such appointments shall be for the unexpired term of the member replaced.

The City Ordinance that established the Commission is silent on the subject of removal from office. *Code of Alabama* section 11-68-3(d) provides that members of the commission may be removed for cause by the city council. Accordingly, the general law of Alabama applies. As such, acting as Mayor, you have the authority to temporarily remove for cause any city official appointed by the City Council to a department, board, committee or commission created by the council, subject to council approval. The Alabama Code then delegates the authority to the City Council to act on the temporary removal from office. The City Council can either sustain or veto the removal from office. In the absence of an exception to a mayor's general supervisory authority and control over the affairs of the City, a failure to vote on the matter is tantamount to an acceptance of the dismissal, which then effectively becomes permanent.

I hope and trust that the foregoing will aid both the City Council and you in the mechanics

of the shared responsibilities involving the dismissal of officials when nominated by a mayor and appointed by a city council in Alabama in your current deliberations.

Very truly yours,

 / K.F.
J. Bentley Owens III

JBO/kf

cc: Mr. Herman Lehman (via e-mail: hlehman@cityofmontevallo.com)

Mayor Cost also noted that, regrettably, subsequent to the meeting of the Commission which she called to explain her actions and the path forward, the Commission met again and, instead of appointing a new chair for the Commission, they allowed Ms. Seaman to return and run the meeting, even though she had been lawfully removed from the Commission as described.

The Mayor noted that, as laid out by our attorney, hearing no objections from the City Council, her ruling in the matter stands.

Citizen Participation

Bobby Pierson addressed the Council and asked if the parking lots and extra land surrounding the Victory Building is included in the purchase. The Mayor said they are.

Janice Seaman addressed the Council to explain why she was still operating in her role as Chair at the Historical Commission meeting the Mayor mentioned. She said she received a letter from her attorney which stated that the Mayor had no authority to remove her from city boards and that she should continue to operate as before. She said she would let her attorney know of the Mayor's actions and have him address the issue with her directly.

Susan Godwin, a former member of the Historical Commission, said she was at that meeting and that Ms. Seaman was acting on the advice of her attorney. She said the city has hung itself with this slanderous treatment of Ms. Seaman. She never acted on her own behalf and always stood up for what the Commission had asked her to do.

H.G. McGaughy mentioned that Dr. Stewart said the new Performing Arts Center will open in October. He asked if Oak Street would be paved after that.

Mike Jones presented a request regarding the annual Ora Lee Jones 5K Run:



Board of Directors:

Albert Jones, Jr., Ken Jones Deborah Brown, Tim Jones, Mark Jones, Mike Jones, & Shone Jones

959 Spring Creek Road Montevallo, AL 35115
oljfoundation@gmail.com

Dear City Council members,

The family of the late Ora L. Jones is excited to announce our 4th Memorial 5k Walk/Run. We are proposing for this event to be held Saturday May 11th, 2019 in Montevallo's Orr Park. During her life, our mother demonstrated commitment to this community and the university through acts of service. Since her death, the family has continued her legacy by supporting students on their educational journey with scholarships. For the past seven years, through the generosity of many, this foundation has been blessed to give over \$40,000 in scholarships to deserving students. We ask that the city will consider partnering with us to help continue these endeavors. We are asking specifically for the following:

- The use of Orr Park to hold the 5k from the hours of (7 am to 10 am)
- A barricade provided by law enforcement to stop incoming traffic within the Park.
- An emergency first responder on site during the race.

Benefits to this city include:

- Building positive relationships within the community
- Improving education experiences for all students
- Helping promote a fun and healthy lifestyle for our community
- Showcasing our local businesses

We hope that you grant permission for us to host this event. This year we have set a goal of giving out \$10,000 in scholarships. For additional questions, please contact either Albert Jones Jr. (205-515-2036) or Mike Jones (205-427-0063). Thanks again for your consideration and for giving us the opportunity to serve this community.

Thank You for Your Support

Ora L. Jones Foundation, Board of Directors

Mayor Cost asked him to check with Sandy and make sure that date is available.

Abigail Heuton commented on how good the new coffee shop in Montevallo is.

Jenny Lucas said she listened to the Mayor's comments regarding the Historical Commission and asked if Ms. Seaman was still on the Commission.

Mayor Cost said "NO."

Ms. Lucas then asked the Mayor to specify exactly why she was removed.

Mayor Cost said she is not going to discuss those reasons in a public forum.

Steve Sears addressed the Council regarding the condition of Bulldog Bridge, which is situated on land he owns and has been used for years by students walking to school. Unfortunately, he said the bridge is infested with termites – as evidenced from a rotten board he brought to the meeting and showed to the Council.

Mayor Cost asked Mr. Hamby to have the bridge inspected and, if necessary, treated and repaired.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Bunt seconded. ALL AYES . . . MEETING ADJOURNED at 7:18 p.m.

Submitted by:

Herman Lehman
City Clerk