

MINUTES

Montevallo City Council Work Session

May 11, 2020

5:30 p.m. at City Hall

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Tiffany Bunt, Council Member Arthur Herbert and Council Member Jason Peterson were in attendance. Council Member Willie Goldsmith joined by Zoom.

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

Mayor Cost noted that in response to the ongoing COVID-19 Pandemic, the meeting was being broadcast on Facebook Live and that Council Member Goldsmith was participating via Zoom.

Council Member Goldsmith asked Chief Davis to present the Fire Department report.

Chief Davis said they ran 101 calls in April consisting among other things of 5 fires, 67 EMS calls, and 4 hazardous materials responses.

Council member Goldsmith asked if they responded to a fire in Brierfield yesterday. Chief Davis said they did.

Chief Littleton presented the Police Department report:

Montevallo Police Department Stats

	January-20	February-20	March-20	April-20	May-20	June-20	July-20	August-20	September-20	October-20	November-20	December-20	Total
Total Reports	98	75	76	63									312
Criminal Cases	40	22	22	30									114
Non-Criminal	11	15	18	6									50
Traffic Accidents	13	15	9	8									45
Traffic Citations	150	140	68	16									374
DUI Arrests	3	9	2	2									16
Public Intox Arr	0	1	1	2									4
Alias Arrests	13	3	8	1									25
Juvenile Arrests	2	0	0	0									2
Misd Arrests	3	7	5	0									15
Felony Arrests	1	0	1	5									7
Drug Related	5	2	2	7									16
Total Arrest	25	23	19	17									84
Auto Thefts	0	0	1	2									3
Burglaries	1	3	2	0									6
Auto Recoveries	0	0	1	1									2
Auto Burglaries	4	1	0	0									5
Criminal Mischief	4	2	4	5									15
DV. Related	2	7	9	12									30
Assaults	8	4	4	3									19
Fraud/Forgery	0	2	1	1									4
Harass / Reck	4	0	6	2									12
Misc. Offenses	25	10	18	7									60
Robberies	0	1	0	0									1
Thefts / Attempts	8	12	4	4									25
Suicide Attempts	0	0	0	1									1
Suicides	0	0	0	0									0
Deaths	0	0	0	0									0

Karen Kiker
11:26 AM
5/6/2020

Council Member Goldsmith asked the Chief for an update on the homicide investigation. The Chief said he couldn't go into the details, but they are making some great progress on that case.

Kirk Hamby, Public Works Director, said his crews are all well and staying busy. This is an especially busy year for yard waste removal because so many people have had to stay at home due to the pandemic and satay at home orders. As a result, his crews are behind schedule but doing everything they can to catch up.

Council Member Herbert noted Ms. Barone is working to put together a sustainability advisory committee to help generate ideas and develop a variety of sustainability initiatives in Montevallo. He asked anyone who is interested in participating to contact us.

Olivia Barone, Sustainability Coordinator, said she has been working on the AARP grant to obtain ADA compliant outdoor exercise equipment for Orr Parks and Dailey Park. The grant request is on the agenda for approval later in the regular meeting.

Council Member Herbert said this would be a great addition to our parks.

Ms. Barone informed the Council we are only 100 pounds away from our goal of collecting 500 pounds of plastic film (plastic grocery bags, etc).

Director of Parks and Recreation Shane Baugh reminded the Council there are no youth sport activities at this time. The Governor's orders are a bit vague and it is unclear which sports could be restarted and which could not. He has been in constant touch with directors at other cities to see what they are doing in response to the pandemic and to comply with the Governor's mandates. Even so, we are still keeping our facilities maintained and could restart our programs tomorrow if given the word.

Mr. Baugh said they are working on culverts and a small bridge at Shoal Creek Park to help hikers cross some of the areas which tend to retain water. He also noted that our trails and parks in general are getting used a lot during this shutdown.

Dwight Dellinger presented the following:

Montevallo Golf Club Monthly Report – April 2020

6/4/2020

To: Herman Lehman
From: Dwight Dellinger

1. Rounds Played.
For the month of April, we had 237 rounds played before the course closed on April 6th.
2. Course Maintenance.
Steve, Brantley and Fred continue to work. We are still waiting for the irrigation pump to be received and installed. Steve has been trying to keep the greens alive by using the water wagon from the city.
3. Reopening.
I have been working on protocol lists for both staff and players in preparation for the reopening. PPEs have been ordered. Clubhouse and outside services staff worked Tuesday May 5th cleaning, running and servicing the carts and cleaning the clubhouse. If possible we will need at least one day's notice of reopening so we can go through everything again and begin contacting the many players that have reached out to us through Facebook, on the answering machine and texts and emails.

Mr. Dellinger also noted that we are still waiting for the new irrigation pump to be installed. As such, they are doing everything they can to water the greens by hand.

Council Member Nix reminded everyone there will be a Planning Commission meeting on May 21st, 6:00 p.m. at City Hall.

Council Member Bunt pointed out that our local High School graduates have all been recognized with yard signs.

Library Director Savannah Kitchens presented the following update:

In the month of April, the library circulated 2,405 ebooks and online audiobooks. Although this is of course a decrease in our usual circulation rate, we're happy to see that these are still strong numbers, and our community continued to read during the lockdown.

The library plans to be open for curbside service on Monday, May 25, with modified service hours (yet to be determined). The building will be closed to the public, but librarians will be working behind the scenes to provide books, movies, reading suggestions, reference, and take-home activities to our patrons. We look forward to our first virtual Summer Reading Program, launching June 1.

Sarah Hogan updated the Council on the IMPACT program. She said she appreciates the help of her volunteer committee members. They are working on some terrific initiatives and there are a lot of good things coming our way.

Melanie Poole spoke on behalf of American Village, noting the facility remains closed to visitors due to the ongoing pandemic. In addition, they have cancelled their annual Memorial Day programming.

Steve Gilbert, Director of the Montevallo Chamber of Commerce, reported they are spending a great deal of time working with our small businesses to help them navigate a number of federal assistance programs. Several local businesses have been awarded aid of some sort.

The Farmer's Market opens June 1st. We will follow strict social distancing and other guidelines required by the state. We posted our rules on the Chamber Facebook Page and will have signs at the market. The market opens at 3:00 p.m., but many vendors come early and start selling before that.

Montevallo Main Street Director Courtney Bennett stressed that our Main Street is open for business. Even those few small businesses which aren't physically open yet are finding ways to serve their customers. She encouraged everyone to call ahead to find out the best way to patronize our businesses.

Ms. Bennett also informed the Council that our new Main Street Sustainability Committee met today. She also said our Veterans Banners are going back up tomorrow.

Once again, she encouraged everyone to keep shopping local, wear a mask, and maintain social distancing.

Council Member Peterson reported that the MDCC met earlier that day. Mark Richard has replaced Mary Ellen Heuton as the University rep on the board. The new Fox 6 Weather Cam being paid for by the MDCC will be installed on main Dorm shortly. The Hwy 25 crosswalk improvements should be completed by July. And Phase IV of paving should start around that time, as well.

Mayor Cost asked the City Clerk for an update on the Mahler House project. He said the bids requests are out and the bid opening will be toward the end of this month.

Mayor Cost thanked Ms. Heuton for her service as a member of the MDCC.

**May 11, 2020
6:00 p.m. at City Hall**

Mayor Hollie Cost, Council Member Rusty Nix, Council Member Tiffany Bunt, Council Member Arthur Herbert and Council Member Jason Peterson were in attendance. Council Member Willie Goldsmith joined by Zoom.

Pledge of Allegiance

Mayor Cost welcomed everyone to the meeting and she thanked them for wearing masks.

The Mayor then opened the first public hearing at 6:01 p.m.

PUBLIC HEARING:

Sign in

name

Emily Sparacino

Steve G. Burt

Melanie Poole

Nathan Stamp

Jim Farris

Laznik Smith

George Henry

Chris Math

Haron Mahoney

Davin Johnson

SP19-008 Dollar General Hwy 119 -

Mayor Cost said we would hear from the applicant first, then the planning staff, followed by the city engineer and city attorney. She thanked the public for giving us such thoughtful questions in advance so we could address their concerns.

Alyssa Carter with the Broadway Group summarized the points included in the following letter she provided the council:

Mr. Lehman,

Thank you for the opportunity to respond to the issues raised by Councilman Herbert. The Broadway Group respects the process and Councilman Herbert's interest in doing what is best for the citizens of Montevallo. We understand his primary issue to be with the report requirement contained in Section 18.06. As you know, The Broadway Group had many discussions with the City and its representatives concerning this section prior to submitting our application and plans. We even went so far as to request examples and names of potential vendors to issue the "report." In the end, the City was unable to provide any specific information on this requirement or exactly what it was looking for. As a result, The Broadway Group proposed to submit a letter from Dollar General which provided the rationale for its site selection. In response, we were informed by the City and its representatives that the letter satisfied the report requirement of Section 18.06. While we continue to believe that is so, we have attached an additional professional report regarding the project and the site.

As you can see, it very clearly contains information on the "needs and extent of the market to be served and the general economic conditions." More specifically, it demonstrates that the population within a 3 mile radius of the site is underserved and the retail demand for a store similar to Dollar General exceeds the supply. The report further includes population demographics within 1 and 3 mile radiuses by: (a) age (b) households, (c) race and ethnicity, (d) education and (e) income. This data clearly demonstrates the market and economic justifications for the project. To that end, neither The Broadway Group nor Dollar General would be making the substantial investment in this project if that were not the case. As you might expect, the information contained in the attached report is confidential and proprietary, and we therefore request that the information not be used for any purpose beyond consideration of our application.

In terms of the Section 15.01, we respectfully disagree with Councilman Herbert's interpretation that "the language of the ordinance is intentionally vague." The Planning Commission properly recognized, that the proposed Dollar General store is a permitted use under the zoning ordinance. Moreover, it is "a commercial use limited in character and size to that which is of service to the immediately surrounding neighborhood" as required by Section 15.01. This is confirmed by the report above highlighting the demographics applicable to the site. The size of the project (8960 sq. ft.) has been specifically tailored to serve the surrounding neighborhood, which consists of, among other things, dense residential neighborhoods, the American Village and the Alabama National Cemetery. The proposed project will, in fact, fill the community's existing need for additional retail. Further, the notion that either Dollar General or The Broadway Group is making this substantial investment with the intent "of losing money to keep out competition" is simply not true and has no factual support.

As you know, we have worked tirelessly with the City over many months to design a tasteful and beautiful project that will not only be an asset to the citizens of Montevallo but also complies with all aspects of the zoning ordinances and the scenic overlay district. Even more fundamentally, it is consistent the Comprehensive Plan previously adopted. We look forward to the meeting tonight and answering any questions you might have. Thank you.

Kristine Goddard with Shelby County Development services highlighted the key points in their staff report as detailed below:

REPORT TO THE CITY OF MONTEVALLO

PLANNING & ZONING BOARD

Department of Development Services

April 16, 2020

Case No. SP19-008

Dollar General - Hwy 119

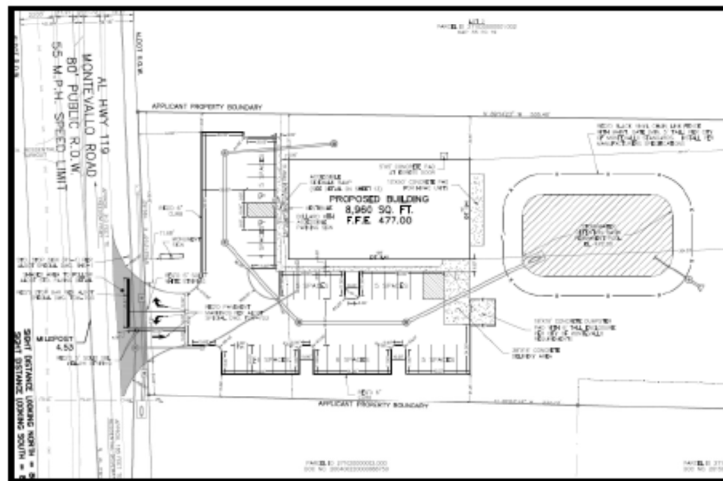
Site Development Plan

This is a request from Robert Broadway, on behalf of the property owner, Lovelady Properties, for the approval of a site development plan for a retail store development.

The subject property is identified as Lot 1 of the Village Square Subdivision and is located south of the intersection of Freedom Parkway and State Route 119. The 2.5 acre subject property is zoned B-1 SD, and situated in Section 2, Township 22 South, Range 3 West; Parcel Identification No. 58-27-1-02-0-000-001.003.

DISCUSSION

The subject property is Lot 1 of the Village Square Subdivision, approximately 300 feet south of the entrance to Lexington Parc at the intersection of Freedom Parkway and State Route 119. The property contains approximately 2.5 acres and is undeveloped. The site was previously cleared with the exception of the rear 70-80 feet adjoining Lexington Parc. The subject property is zoned B-1 SD, Neighborhood Business Special District according to the *Zoning Ordinance of the City of Montevallo*. The subject parcel is also located within the Scenic Corridor Overlay District. The B-1 Special District allows for the development of a commercial retail store on the subject parcel.

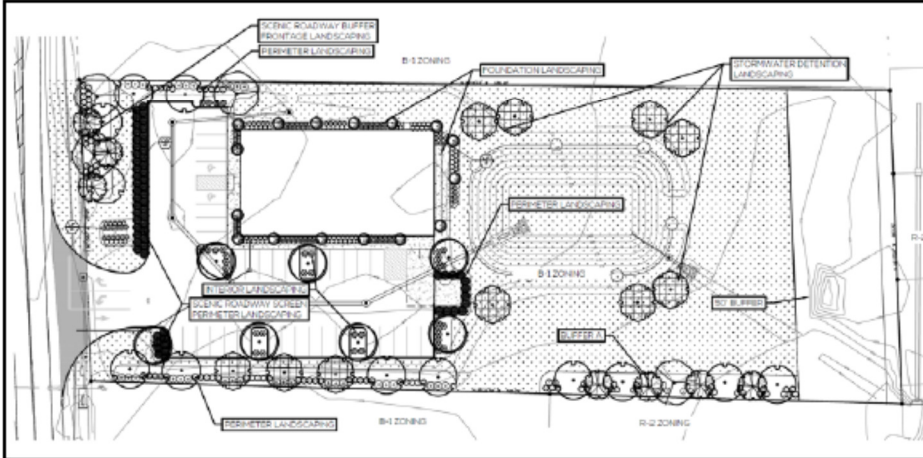


Proposed Site Development

The applicant proposes to construct an 8,960 square foot general retail store, identified as a Dollar General, on 2.5 acres. The subject property is located in the Scenic Corridor Overlay District and must meet the intent of Appendix E. Scenic Corridor Overlay District Design Standards and Guidelines as reviewed and approved by the Montevallo Design Review Committee.

Access

Access for the proposed retail store will be from State Route 119 as reviewed and approved by the Alabama Department of Transportation (ALDOT). A singular access is proposed on the south portion of the subject property. A copy of the access permit from ALDOT is required as part of the approval process for the site development plan. ALDOT did not required a traffic study for this proposal.



Parking

Parking spaces are provided as required at 36 spaces, including two ADA handicap spaces with a minimum of one van accessible space. General retail stores require a parking ratio of one space per every 250 square feet of floor area. The spaces provided meet the minimum number of spaces required for general retail. Retail developments in the SCOD specify that only a single parking aisle should be located in the front of the building with the remainder of parking located to the side or rear. Parking for the proposed development provides a single lane of parking in front of the store with the remaining required parking located to the side.

Design

The Montevallo Arbor and Beautification Board has reviewed the landscape plan for this development and has determined that landscaping for the development meets the requirements of Article 23 of the Montevallo Zoning Ordinance.

The Design Review Committee initially reviewed the proposal on February 11, 2020 and requested modifications to the initially proposed design. Included below are the incorporated changes requested by the DRC, including architectural changes and signage. The DRC will meet on April 14, 2020 to review the revised elevation plans.



Utilities

Montevallo Water Works and Sewer Board has completed a review of the plan set dated 2/24/2020 and determined it to meet the minimum requirements of the *Montevallo Water Works and Sewer Board Standard Specifications*. The review was completed with regard to potable water and sanitary sewer only. The following items are required as part of the plan approval and should be identified on a certified plan set.

1. Sheet 12 and Sheet 14
 - a. Montevallo Water and Sewer Board representative shall be present when any work is performed on the water system and/or the sewer system.
 - b. All work on the water system and the sewer system must be performed by a licensed contractor.

Grading and Storm Water

The City Engineer has reviewed the drawings and finds the drawings to be in substantial compliance with the Special District and the Zoning Ordinance. Prior to final certification of the site development plan the following items must be added to the plan set.

1. The site benchmark per the Schoel land title survey must be added to sheets 4, 8, 10 & 13.
2. An approved ALDOT Turn-Out permit must be provided prior to commencement of project construction.
3. A Land Disturbance Permit and bonding must be approved and in place including evidence of an ADEM General NPDES coverage.

The applicant has submitted the Land Development permit application and it is currently under review.

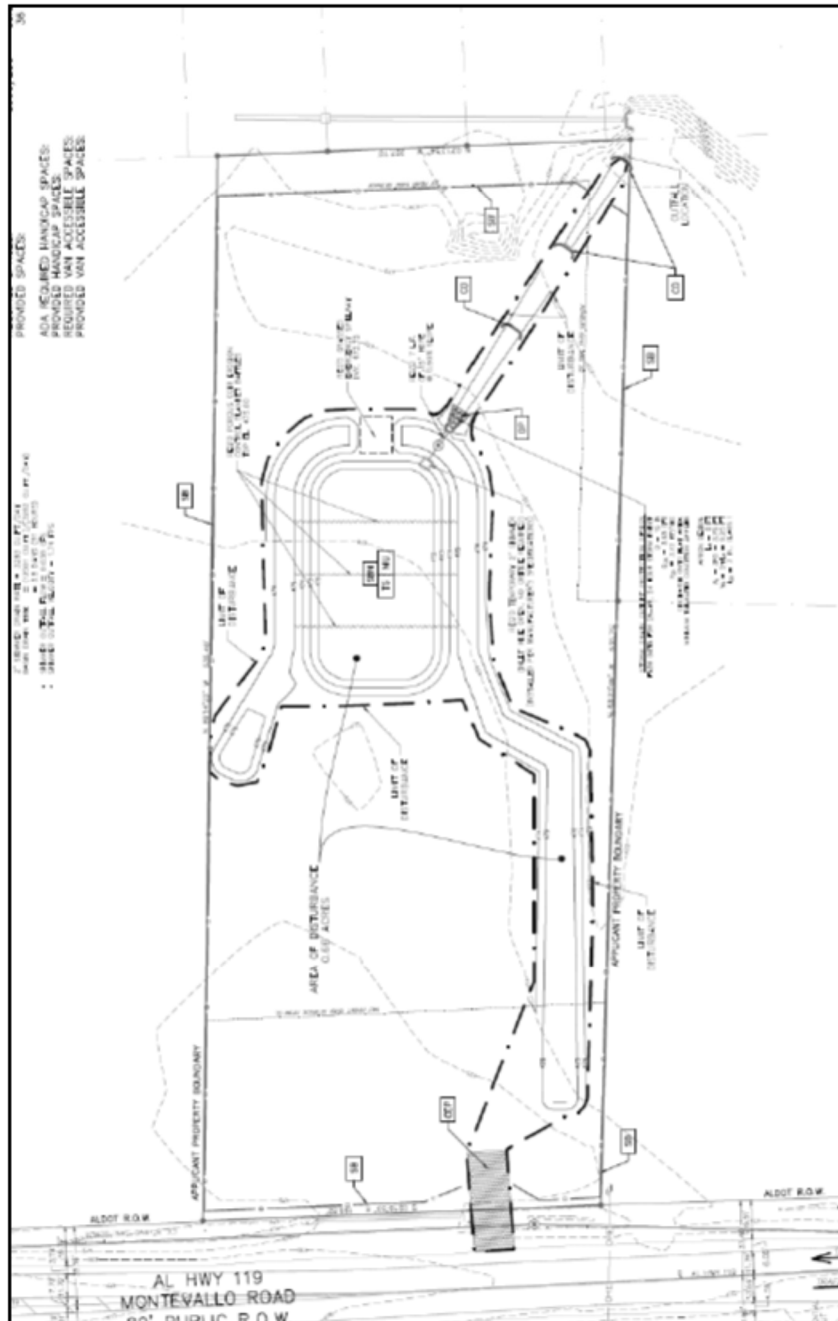
Summary

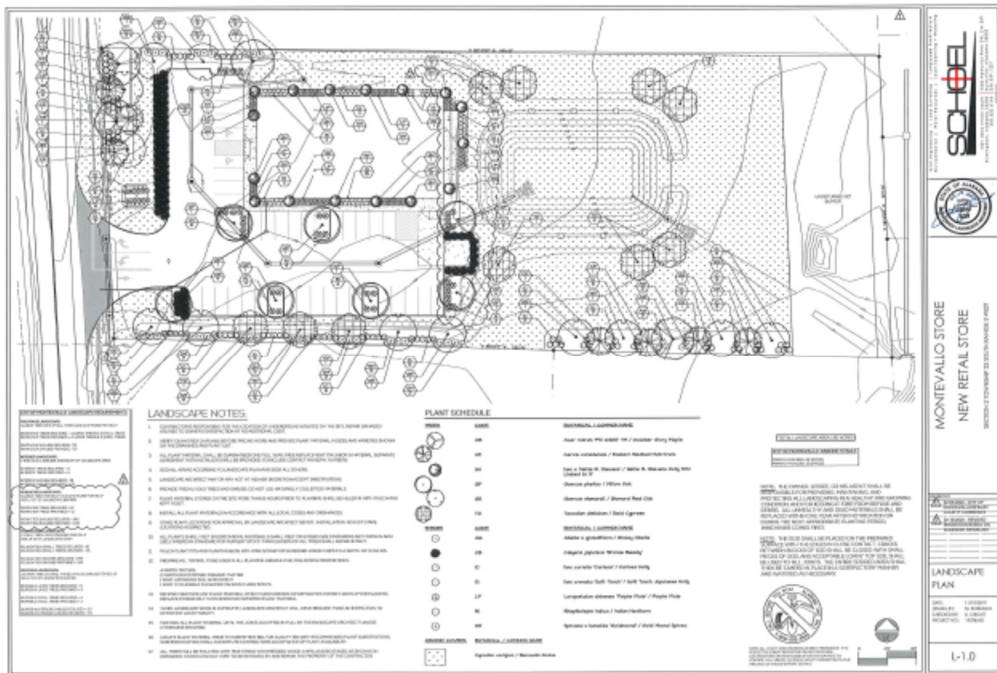
The proposed development is consistent with the *Zoning Ordinance of the City of Montevallo* including *Appendix E. Scenic Corridor Overlay District Design Standards and Guidelines*. *Approval* of the site plan should be subject to:

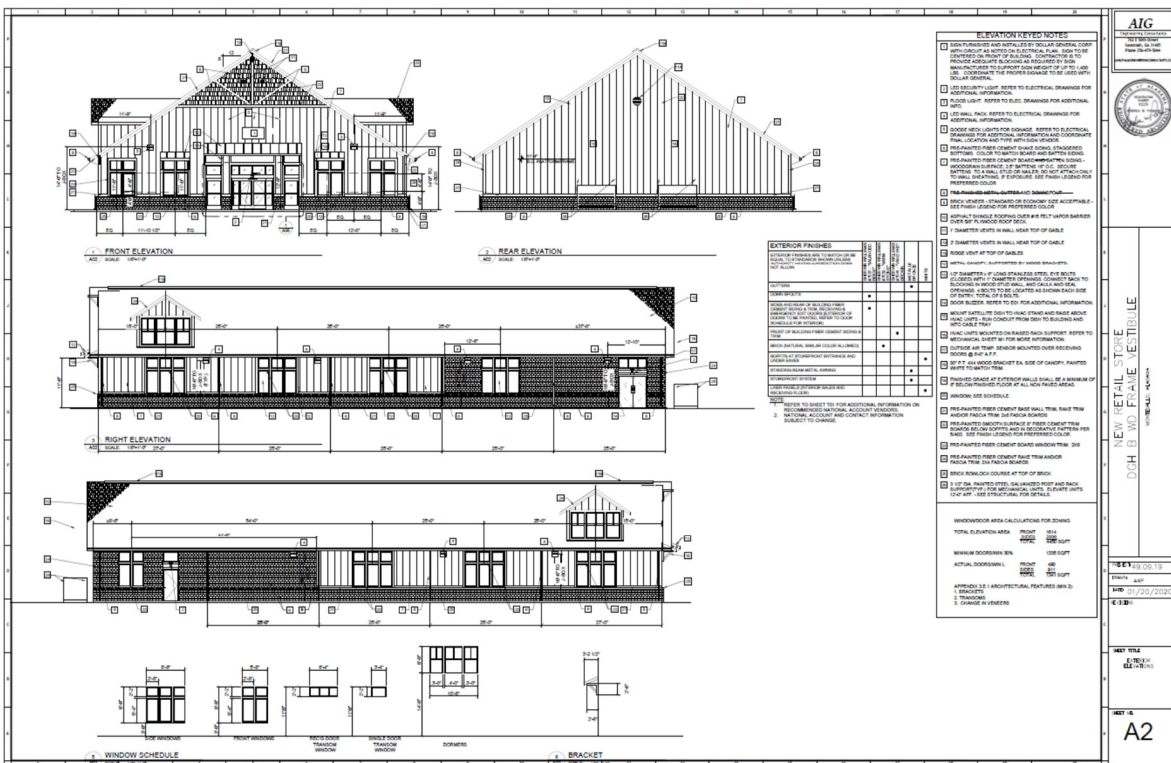
- The applicant submitting a revised site plan that addresses all remaining minor corrections;
- The applicant completing all required bonding and submitting a final site plan for certification prior to the issuance of building permits;
- Compliance with the regulations, policies and guidelines of the City of Montevallo;
- Approval by the Montevallo City Council.



Area of Disturbance and BMPs

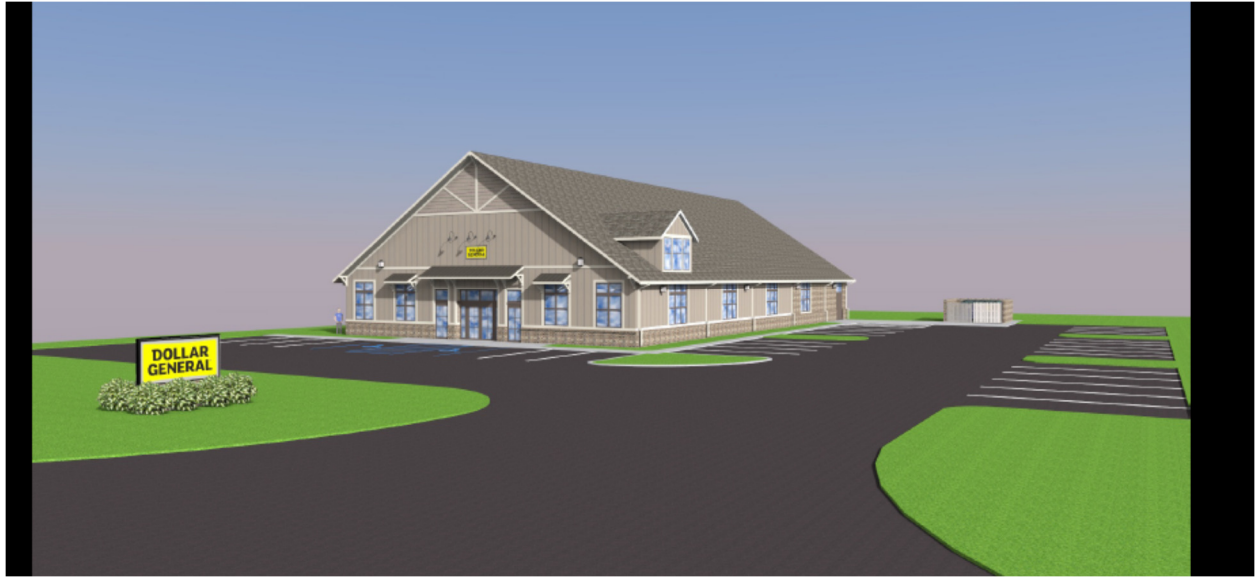












Mayor Cost noted that several people had expressed concern that the Council was considering approving variances with regard to this project. Ms. Goddard said there are no variances requested in this proposal.

Matthew Burgess addressed the comments he outlined the following letter to the Mayor:



2111 Parkway Office Circle
Suite 100
Birmingham, AL 35244
TEL 205.443.3080
FAX 205.313.6454
www.GarverUSA.com

May 11, 2020

Honorable Hollie Cost, Mayor
The City of Montevallo
541 Main Street
Montevallo, AL 35115

RE: Site Plan Engineering Review
Shelby County Case No. SP19-008
Proposed Dollar General on SR119

Dear Mayor Cost:

On May 8, 2020, I received correspondence regarding the review process leading up to this evening's approval vote for the proposed Dollar General on SR119. Of interest were questions over the development's effects on local traffic and stormwater design impacts. To facilitate an informed decision at tonight's Council meeting, I have briefly addressed the concerns presented by City residents below:

Traffic Report & Turn Lanes Analysis Requirement

Section 18.06.B-05 of the Montevallo Zoning Ordinance requires a professional traffic analyses of proposed developments. As you are aware, the location in question is located on SR119, a functionally classified route maintained by the Alabama Department of Transportation (ALDOT). As such, roadway improvements and access to frontage developments are governed by the ALDOT via the state's *Access Management Manual* (<https://www.dot.state.al.us/maweb/pdf/ALDOT%20Access%20Management%20Manual.pdf>).

As part of the site development plan initial submittal review, calculations were checked by this office for the applicability of turn lanes to this development. Per Appendix D of the access manual, no turn lanes were required as stated in the review letter dated December 23, 2019.

Satisfied that this analysis - completed in accordance with official state guidance – complimented the provided engineering design, further traffic requirements were deferred to ALDOT as they have jurisdiction over SR119 and ultimately their requirements would override those of the City in this case. The approved ALDOT turn-out permit for this development, provided by the Broadway Group, reaffirms this analysis.

Downstream Stormwater Runoff Impacts

Under existing conditions, runoff from the property flows in the general direction of the Heritage Trace community. Stormwater runoff generated by the proposed development is collected via surface inlets and conveyed to a detention basin in the rear of the property per Montevallo subdivision regulations and engineering standards. As is standard engineering practice, post-development discharge from the detention pond flows in the same general direction as the pre-development stormwater via a constructed tail ditch.

Pre- and post-development stormwater characteristics and flows were detailed in a 116-page "*Stormwater Management Report*" submitted and reviewed as part of the engineering site plans. The report satisfies the requirements of the City's engineering standards and indicates a reduction in peak site discharge for the 25-year design storm event.

It is my understanding the Heritage Trace community is concerned about the impacts of additional discharge on their community infrastructure. As the intent of a detention basin is to limit post-development stormwater flows to that of a property's pre-developed condition, no increase in flows are to be expected. A complex, multi-watershed hydrologic model of the entire region comprised of the 119 corridor and the Lexington Parc/Heritage Trace subdivisions are beyond the scope of discussion for a single-parcel development.

Given the public nature of this development and in a good-faith effort at transparency and community coordination, the above-referenced stormwater calculations were provided to Mr. Stan Cauthen, PE on behalf of the Heritage Trace community. Mr. Cauthen is a registered professional civil engineer with over 40 years of experience in both the private and public sectors, including executive-level posts with ALDOT.

I anticipate this foundational information will be useful during tonight's public hearing. I am available today should you have further questions and can be reached as outlined below. Likewise, I plan to attend the City Council meeting via teleconference this evening.

As always, we appreciate the opportunity to work with the City of Montevallo. If you have any questions regarding this matter, feel free to contact me JMBurgess@GarverUSA.com or by telephone at 205/443-3090.

Best Regards,
GARVER



Matthew Burgess, PE
Project Manager

CC: Rusty Nix - City of Montevallo City Council District 1
Willie Goldsmith - City of Montevallo City Council District 2
Tiffany Bunt - City of Montevallo City Council District 3
Jason Peterson - City of Montevallo City Council District 4
Arthur Herbert - City of Montevallo City Council District 5
Herman Lehman - City Clerk, City of Montevallo
Kristine Goddard - Shelby County Department of Development Services
Sharman Brooks - Shelby County Department of Development Services

City Attorney Bent Owens noted it is the Council's prerogative to determine the appropriateness of this request and either approve it, reject it, or modify it. However, he cautioned that their decision must have a rational basis. Otherwise, they risk their decision being ruled arbitrary and capricious in court. They cannot legally deny the request, for example, simply because the neighbors don't want a Dollar General. There must be a rational basis for their decision.

Furthermore, this request has been reviewed and approved by the DRC, Planning Commission, and our professional staff. He also cautioned that these requests should be considered together, unless there is something identified as being different between the two.

The Mayor requested questions from the Council.

Council Member Herbert requested additional clarification regarding the traffic counts.

Mr. Burgess explained that ALDOT has a lot of experience dealing with a wide variety of development types. As such, they make their own assessments of need based on their history with other similar types of development.

Mayor Cost asked if it was even possible for the city to require something more stringent than ALDOT.

Mr. Owens said the city could legally do that. However, we need to follow the requirements in the Zoning Ordinance as closely as possible.

Council Member Peterson asked Mr. Burgess if we could ask ALDOT for permission to add the turn lane, even if they don't require it.

Mr. Burgess said he thinks they would be open to considering it. However, he said they tend to hold pretty firm on their findings.

Council Member Nix expressed concern that there may be a need in the future for a turn lane as the adjoining lot is developed. Who would be responsible for the cost at that point?

Mr. Owens said he assumed it would be the adjoining property owner.

The Mayor then opened up the hearing to questions from the public.

Jim Farris addressed the council and presented the following:

May 8, 2020

The Mayor and City Council
City of Montevallo
541 Main Street
Montevallo AL 35115

Honorable Mayor and City Council Members:

This purpose of this letter is to voice my displeasure in how the city has handled the proposed building of a Dollar General Store on Hwy 119 in Montevallo's Scenic Corridor.

I, or any of my neighbors who have expressed our opposition to this project, would agree with the right of the Broadway Group (BG) or Dollar General Corporation (DG) to seek to build this store. We only want them to comply, totally, with the Montevallo Zoning Ordinance for the Scenic Overlay District.

I have seven issues with how this project has been handled by our city government:

1. Public Records. The Arbor and Beautification Committee met on Dec 17, 2019 and unanimously approved the DG landscape plan. There was no pre-meeting announcement of action to be taken and minutes from the meeting were not made public, despite requests, until during the Design Review Committee (DRC) meeting the afternoon of Apr 14, 2020, 119 days after the Arbor Board meeting. At the DRC, I personally pointed out at least four areas where the Arbor Board approved landscape plan conflicted with Montevallo's Zoning Ordinance.
2. Neighborhood Market. At both DRCs, the definition of a "Neighborhood Market" was discussed. Section 3.01 of the Zoning Ordinance does not define a "Neighborhood Market." However, Zoning Ordinance Sec 18.06.B.4 requires a professional report on the needs and extent of the market to be served and general economic justifications. On Apr 14th, architect (?) Alyssa Carter admitted that they had looked for a qualified person to do the report but couldn't find anyone and asked if "we" knew of anyone who could do it. It appears that this report hasn't been completed IAW the Zoning Ordinance.
3. Turn Lane. At the Apr 14th DRC, I mentioned that Sec 18.06.B.5 requires a professional traffic report. Page 2, Access of Broadway's Site Plan Development document states that ALDOT did not require a site survey. The Montevallo code does require one, I don't see how ALDOT can override our requirement. Two subdivisions, Lexington Parc and Heritage Trace, both within 500 ft of the proposed DG entrance both have southbound left turn lanes. Several years ago, when Dr Merkle was going to build on the adjacent lot to the south (with better site distances), he was told by ALDOT that he needed a left turn lane. I propose that, on an average day, this store would generate traffic equal to either subdivision and certainly greater than a neighborhood doctor's office with only one doctor.
4. Not a Legal Meeting. The DRC on Apr 14 had as it's first agenda point, Verification of Quorum. There was not a quorum present. The meeting continued as planned with numerous items discussed. When a third committee member arrived later establishing a quorum, the meeting continued. At the end, the committee voted on all issues discussed both with and without a quorum. Alabama's Open Meeting Law requires a quorum for a public governmental meeting of boards, commissions, and councils. A discussion without a quorum is not a "deliberation" upon which a committee can vote.
5. Revised Landscape Plan. For the Planning and Zoning Committee meeting on Apr 16, BG's document, page 2, Design, they state, "The Montevallo Arbor and Beautification Board has

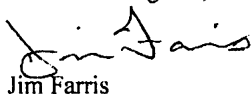
reviewed the landscape plan for this development and has determined that landscaping for the development meets the requirements of Article 23 of the Montevallo Zoning Ordinance.” The Arbor Committee met Jan 28, 2020, there is not a posting of any additional agendas or minutes on the website. They have not met since that time. The Landscape Plan indicates that it was revised on March 24, 2020. I do not think the Arbor and Beautification Board could have approved the revised Landscape plan.

6. Monument Sign. An entrance sign was discussed at the Feb 11 and Apr 14 DRC meetings, but no detailed design or exact location was given IAW Zoning Ordinance Section E.5.A. At the Apr 14 meeting, Kristine Goddard, Shelby County Development Services argued against our Zoning Ordinance and for DG having a bright yellow sign. She said the wording of our ordinance was suggestive and not binding. Our Ordinance E.3.H.3. states, “Colors have been chosen not only by what is found architecturally in the Scenic Corridor but also what is seen in nature and in the surrounding environment. These interpretations seek to avoid ‘primary’ or ‘bright’ color values in favor of ‘muted’ and ‘subtle’ colors.” She also said that the color was part of DG’s branding. As of Thursday, Apr 23, City Clerk’s email, we finally got to see the design of the monument sign. You will be asked to approve a sign that has not been through DRC or P&Z review and approval. Nowhere in BG’s or DG’s verbiage do they say they accept and propose this sign. Historically, in the Scenic Corridor an ALDOT review has been required to determine if sign placement interferes with any driver sightlines. Are there any public records of DRC, P&Z, or ALDOT reviews? If DG placed this store in any municipality that had a strict sign ordinance, it wouldn’t be yellow, but that wouldn’t stop them from building a store.
7. Stormwater. Finally, the developer has not totally addressed how stormwater will enter the watershed and basin. It appears that the stormwater will ultimately flow into the existing detention pond maintained by the Heritage Trace subdivision. Through past inattention to detail, Montevallo’s Contract Engineer and the Shelby County Department of Development Services have allowed the Lexington Parc community to discharge their runoff into that detention pond with no financial responsibility to help maintain the facility. This is a major concern to the Heritage Trace community.

Question to ponder: If BG had purchased the property where the Eclipse was located downtown and proposed this building, what would be your reaction?

If you want to personally discuss any of these issues, Hermann Lehman has my contact info.

With warm regards,



Jim Farris

Scenic Corridor Resident

Mayor Cost asked Mr. Owens about the allegation we had violated the Open Meetings Act.

Mr. Owens said it all depends on when the vote was taken. If the vote was taken after a quorum had been established, and the member was satisfied with their understanding of the issue at question, it is fine. Ultimately, however, Mr. Owens stressed that the final

approval is up to the City Council. If the Council is concerned that the process was flawed in some way, they can take that into consideration as part of their determination.

Melanie Poole then addressed her concerns as outlined in the following:

May 11, 2020

Montevallo Mayor Hollie Cost

Montevallo City Council Members:

Rusty Nix, District 1

Willie Goldsmith, District 2

Tiffany Bunt, District 3

Jason Peterson, District 4

Arthur Herbert, District 5

Montevallo City Clerk Herman Lehman

Honorable Mayor Cost, Montevallo City Council Members, Mr. Lehman:

I am a City of Montevallo voter and taxpayer, a resident of the Heritage Trace subdivision and an employee of the American Village Citizenship Trust. The purpose of my letter today is to voice my displeasure with the City, its mayor and city council, and boards of authority in the handling of the application by The Broadway Group to build a Dollar General store within the Scenic Corridor Overlay District on Highway 119 in Montevallo.

*Article 19 of the City of Montevallo Zoning Ordinance, known as the "Scenic Corridor Overlay District," is designed to work in conjunction with the underlying zoning district(s) to preserve and enhance the natural beauty adjacent to and along Montevallo's roadways, **to discourage unsightly development which may tend to mar or detract from the natural beauty; and to exercise such reasonable control over the land within the district as may be necessary to accomplish this objective.***

I would like to bring to your attention a number of issues I have with the proposed SP19-08 Dollar General-Hwy 119 project, and the handling of the project to date.

- The Montevallo Arbor and Beautification Board minutes of the December 19, 2019 meeting were not made available until April 14, 2020, which did not allow concerned individuals to review the Board's actions in a timely manner.
- Meetings that occurred during COVID-19 restrictions were not broadcast in a manner that allowed adequate public viewing/hearing. Those watching the live Facebook feed could not hear the proceedings, or see who was speaking, and the speakers were not identified in most cases.
- The packet that was sent to Planning and Zoning Board members prior to the April 16 meeting states "Access for the proposed retail store will be from State Route 119 as reviewed and approved by the Alabama Department of Transportation (ALDOT). ALDOT did not require a traffic study for this proposal." **Where is a copy of this determination? It has not been made public, nor has it been a part of any materials supplied by the City at any publically-attended meeting.**

Other concerns include:

- 1) Section 18.06-B of the City of Montevallo Zoning Ordinance states:
"The development of any property with an Overlay District shall require that prior to any construction or other improvements, the applicants shall submit a plan for development and use of the property within said established overlay district that meets the requirements set forth in the development standards of the district."
4. A professional report on the needs and extent of the market to be served and general economic justifications.
No such study was done. In fact, The Broadway Group's representative asked a Heritage Trace subdivision representative if "we knew of someone who could do it." If no market study was done, how do you know it meets the requirements for a "general store limited in character and size to that which serves the immediate neighborhood only"?
- 2) Section 19.0.2-B of the City of Montevallo Zoning Ordinance states:
"In a Scenic Corridor Overlay District, notwithstanding the underlying zoning district, no land shall be developed and no building shall be erected or structurally altered except in conformance with the provisions of this Article. The provisions of this Article shall apply in addition to other requirements of these regulations. In the event of a conflict, the most restrictive provisions shall govern except as otherwise provided in this Article."
The provisions outlined in Article 19 and Appendix E – Scenic Corridor Overlay District Design Standards & Guidelines are the most restrictive, but it appears that variances have been allowed. In materials distributed for the April Planning and Zoning Board meeting, City Clerk Herman Lehman
- 3) Section 25.05-G3 of the City of Montevallo Zoning Ordinance states:
"Those developments requiring a variance from any applicable regulations herein shall have the variance request heard and approved by the Zoning Board of Adjustment prior to considerations of the site plan."
A Zoning Board of Adjustment (see Article 26) was not formed to authorize a variance from the terms of the City of Montevallo Zoning Ordinance. But both the Planning and Zoning Board and the Design Review Committee have allowed variances from the regulations stated in the Ordinance.
- 4) Appendix E – H3 of the City of Montevallo Zoning Ordinance states:
"Colors have been chosen not only by what is found architecturally in the Scenic Corridor area but also what is seen in nature and the surrounding environment. These interpretations seek to avoid primary or bright color values in favor of muted and subtle colors."
The Design Review Committee allowed a variance for the Dollar General signage, allowing them to keep their bright yellow, saying "the yellow is permissible because the overlay portion of our code is a guideline versus a requirement and is subject to interpretation."
- 5) Section 25.05-J4 of the City of Montevallo Zoning Ordinance states:
"Site plans shall be designed as to provide for streets, water supply, sewage disposal, refuse collection and storm water detention. Those specific factors to be evaluated in determining that these measures have been adequately addressed include:

g. Location, capacity and design of storm water detention facilities, both as to the site and the watershed or basin."

The Dollar General store storm water detention pond overflow is sited to drain into the Heritage Trace subdivision storm water detention pond. The City of Montevallo's contract engineer has already allowed the Lexington Parc community to discharge their runoff into that detention pond without any financial responsibility for upkeep and maintenance. Is there any assurance that Dollar General will not do the same?

- 6) Section 25.05-J5 of the City of Montevallo Zoning Ordinance states:

"Site plans shall be so designed as to assure that the overall design and function of the proposed project are compatible and harmonious with other properties in the immediate area."

Personally, I strongly feel that a Dollar General store is INCOMPATIBLE with existing properties in that area of Highway 119, which include three beautiful subdivisions as well as The American Village. Montevallo is so blessed to have The American Village, the Alabama National Cemetery, a beautiful new city park, and a much-improved downtown business district. I really think it's a shame to diminish the scenic corridor with a Dollar General.

Dollar General is the first proposed retail placement within the Scenic Corridor Overlay District. I urge the City to ensure strict compliance -- with no variances whatsoever -- with respect to any of the standards including proper classification of the proposed retail establishment, and matters related to architectural style, setbacks, lighting, ingress and egress, parking, signage, and others outlined in Article 19.

This is the first proposed business designated B1-SD. How is such a broad definition of "general store limited in character and size to that which serves the immediate neighborhood only" being given to this project? **Where is the market analysis that says a Dollar General meets that criteria in this location?**

Sections 18.06 B and C of the City of Montevallo Zoning Ordinance include numerous items that "shall" be met by law. These items are considered a duty of public officials to meet, the performance of which can be compelled by a *writ of mandamus*.

**From CNN Business "Dollar stores are everywhere. That's a problem for poor Americans." By Nathaniel Meyersohn, July 19, 2019:*

*"While the economy is doing very well, our core customer continues to struggle," Dollar General chief executive Todd Vasos told analysts in 2019. The company's core customers earn around \$40,000 a year or below, \$20,000 below the median income.**

Dollar General looks to build stores in rural areas where a big box retailer or grocery store is not within 15 or 20 miles. Around 75% of Dollar General stores are in towns with 20,000 or fewer people, and the chain has its biggest footprint in southern states.

There is a Publix grocery store within 5 miles of the proposed Dollar General, and a Foodland grocery store within 5 miles.

• , , •

Cities around the country are pushing back against the influx of dollar stores. In 2018, Birmingham Mayor Randall Woodfin and the Birmingham City Council unanimously approved legislation prohibiting new dollar stores from opening within a mile of existing locations. They recognized that the proliferation of dollar stores adversely impacts the availability of healthy food options and small grocers.*

The City of Cleveland passed a moratorium on new dollar store openings. Fort Worth City Councilwoman Kelly Allen Gray said, "There are almost 100 dollar-type stores in a ten-mile radius. They are heavily located in low-to-moderate income neighborhoods, which makes their presence feel predatory."*

The City Council knows that this is a contentious project. I believe that it should not be voted on the same day as the public hearing. I am asking the Montevallo City Council and Mayor Cost to postpone a decision on SP19-008 Dollar General – Hwy 119 in order to do your due diligence so that you can defend your decision on this project to your constituents.

Sincerely,



Melanie Poole
Heritage Trace subdivision resident



Devin Johnson addressed the council. He said he lives directly behind the proposed Dollar General site and was concerned because he didn't want people walking behind the store into his unfenced yard.


Ms. Carter explained that the store would be located a significant distance from the property line and that there is a landscaped buffer included in the plans.



George Henry expressed his concerns. Primarily, he said he was concerned with the interpretation of the permissible uses under B-1 Zoning, especially since there are several other parcels within the overlay district which are zoned B-1. He asked the Council to consider this property as part of the district as a whole and consider how the other parcels could be developed if a Dollar General is permitted here. Moreover, he suggested the language of the ordinance was chosen for a reason, and that it was intended to be very restrictive.


Nathan Stamps, owner of the adjoining commercial lot, addressed the Council and explained that these parcels were zoned commercial for decades. The original designation was Gateway Commercial. He argued that the restrictive intent of the zoning had been met and, as a result, this will be the most beautiful Dollar General Store in the country.


Comments and questions were then taken from Facebook.





**Martha McMinn** · 56:35 Kristen. Who is speaking?
Like · Reply · 1h  1


**City of Montevallo** · 1:00:39 To improve sound quality, only one microphone is currently on for this live stream. Apologies for the confusion, but council members will not be highlighted as they speak.
Like · Reply · Commented on by Maggie Jo Benson (?) · 1h


**Judy McDonald Cauthen** · 52:15 Please forgive my prior comments. Using bluetooth! I beg to differ with attorneys comment about the 2 dollar generals being the same! They are NOT the same. The one on 119 is in a SCENIC HISTORICAL OVERLAY DISTRICT! Please, please consider the impact to this very unique district including The American Village and National Cemetery!
Like · Reply · 1h  1



**Kristen Marshall Bridges** · 18:56 They are different.
Like · Reply · 1h







Reply as City of Montevallo    

**Kristen Marshall Bridges** · 56:31 It has been.
Like · Reply · 1h

**Martha McMinn** · 54:18 Not am ideal way for a community meeting. Poor sound.
Like · Reply · 1h

**Kristen Marshall Bridges** · 16:40 It isn't, but they are doing their best in a pandemic world.
Like · Reply · 1h  1

**Frank Ashley Barrientes** · 52:50 Whoever has the yellow frame.
Like · Reply · 1h  1

**Melinda Bracknell Nix** · 52:19 Rusty
Like · Reply · 1h  2



Martha McMinn · 1:22:46 The studies proposed why 2 Dollar General stores in such close proximity?

Like · Reply · 1h



1



City of Montevallo · 1:21:17 Public comment is now being accepted. Please let us know if you have any questions / comments about the Dollar General proposed for HWY 25. Please know that the council will address comments, but opportunity for dialogue may be limited because of the Facebook live platform.

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



City of Montevallo · 1:17:09 The second public hearing will be about Dollar General on HWY 25. Ms. Carter will speak about the project and then development services will speak about the project and then we will be accepting public comment.

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



City of Montevallo · 1:14:11 The time for public comment on the HWY 119 Dollar General Public Hearing is now closed.

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



Rhonda Witherington Mathews · 1:04:42 Are y'all using the retention pond that belongs to Heritage Trace

Like · Reply · 1h



City of Montevallo · 1:11:46 They are not. They are constructing their own at the rear of the property.



1

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



Judy McDonald Cauthen · 1:04:19 You would have a turn Lane for Lexington Park...then no turn lane for the proposed DG...then turn lane for Heritage Trace! I make that drive every day and I can tell you...accidents waiting to happen 😞

Like · Reply · 1h



1



Martha McMinn · 1:01:02 Thank you city

Like · Reply · 1h



1



Kristen Marshall Bridges · 1:28:20 What role is being filled by whom?

Like · Reply · 58m



City of Montevallo · 1:28:38 Can you clarify?

Like · Reply · Commented on by Maggie Jo Benson (?) · 58m



Reply as City of Montevallo



City of Montevallo · 1:28:18 If you have any comments for the council drop them now!

Like · Reply · Commented on by Maggie Jo Benson (?) · 59m



Martha McMinn · 1:25:23 Are these walking markets or driving markets?

Like · Reply · 1h



City of Montevallo · 1:26:15 Driving.

Like · Reply · Commented on by Maggie Jo Benson (?) · 1h



Reply as City of Montevallo



Rhonda Witherington Mathews · 1:25:24 In the backyard of a neighborhood?????

Like · Reply · 1h



City of Montevallo · 1:24:49 The HWY 25 store is going to be a relocation of the one beside Lucky's. The two areas are different markets.

Like · Reply · Commented on by Maggie Jo Benson (?) · 1h



Rhonda Witherington Mathews · 1:23:30 Is the proposed Hwy 25 Dollar General in close proximity to a neighborhood

Like · Reply · 1h



City of Montevallo · 1:22:58 The time for public comment on the HWY 25 Dollar General Public Hearing is now closed

Like · Reply · Commented on by Maggie Jo Benson (?) · 1h



Rhonda Witherington Mathews · 1:33:49 We have neighbors in the cul de sac that park straight into the curb like it's a marked parking space. It prevents anyone making the turn within the cul de sac especially on our trash collection days. What if anything can be done to solve this issue?

Like · Reply · 53m



Kristen Marshall Bridges · 1:43:09 Don Crowe

Like · Reply · 44m



Kristen Marshall Bridges · 1:34:48 What street, Rhonda?

Like · Reply · 52m



1



City of Montevallo · 1:34:21 What neighborhood do you live in?

Like · Reply · Commented on by Maggie Jo Benson [?] · 52m



Reply as City of Montevallo



Rhonda Witherington Mathews · 1:35:16 I hate to say it but it's on Princeton Park. 😞

Like · Reply · 51m



1



Rhonda Witherington Mathews · 1:30:26 When would be an appropriate time to ask a question about neighborhood street parking?

Like · Reply · 56m



City of Montevallo · 1:31:28 Go ahead and ask it. We'll make sure the council hears it at the second opportunity for citizen participation.

Like · Reply · Commented on by Maggie Jo Benson [?] · 55m



1



Kristen Marshall Bridges · 1:29:08 I'll follow up separately. I just couldn't hear

Like · Reply · 58m



1



Kristen Marshall Bridges · 1:28:20 What role is being filled by whom?

Like · Reply · 58m



Kristen Marshall Bridges · 1:43:55 I'll send his number.

Like · Reply · 42m



Kristen Marshall Bridges · 1:43:45 That's Don Crowe

Like · Reply · 42m



Rhonda Witherington Mathews · 1:33:49 We have neighbors in the cul de sac that park straight into the curb like it's a marked parking space. It prevents anyone making the turn within the cul de sac especially on our trash collection days. What if anything can be done to solve this issue?

Like · Reply · 52m

↪ 3 Replies



Rhonda Witherington Mathews · 1:35:16 I hate to say it but it's on Princeton Park. 😞

Like · Reply · 50m



1



Rhonda Witherington Mathews · 1:30:26 When would be an appropriate time to ask a question about neighborhood street parking?

Like · Reply · 55m



City of Montevallo · 1:31:28 Go ahead and ask it. We'll make sure the council hears it at the second opportunity for citizen participation.

Like · Reply · Commented on by Maggie Jo Benson [?] · 54m



1



Kristen Marshall Bridges · 1:29:08 I'll follow up separately. I just couldn't hear

Like · Reply · 57m



1



Kristen Marshall Bridges · 1:28:20 What role is being filled by whom?

Like · Reply · 58m

↪ 1 Reply



City of Montevallo · 1:28:18 If you have any comments for the council drop them now!

Like · Reply · Commented on by Maggie Jo Benson [?] · 57m



City of Montevallo · 0:00 The City Council Meeting was adjourned at 7:50 p.m. No further public comment will be accepted or entered into the minutes. Thank you all for your participation.

Like · Reply · Commented on by Maggie Jo Benson (?) · 4m



Melinda Bracknell Nix · 2:06:55 In lieu of a canary yellow sign, I have photos of a DG they has a pale yellow background (historical palette) with the sign lettering in black. Something like this would be more appropriate in the area closest to the American illage.

Like · Reply · 18m



City of Montevallo · 2:19:26 Please send the photos over!

Like · Reply · Commented on by Maggie Jo Benson (?) · 5m



Melinda Bracknell Nix · 1:43:04 It has been done before and could be done again.

Like · Reply · 15m



Reply as City of Montevallo



Kristen Marshall Bridges · 2:19:19 Thank you!

Like · Reply · 5m



Kristen Marshall Bridges · 2:16:23 MAggie -can the council address the rumors of several shootings in the city?

Like · Reply · 8m



Bailey Joy · 2:08:59 I agree Melinda Bracknell Nix

Like · Reply · 15m



Kristen Marshall Bridges · 2:00:06 Transparency is good.



City of Montevallo · 51:53 Public comment is now being accepted. Please let us know if you have any questions / comments about the Dollar General proposed for HWY 119. Please know that the council will address comments, but opportunity for dialogue may be limited because of the Facebook live platform.

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



Kristen Marshall Bridges · 47:56 The difference would be separate zoning classifications for the two sites.

Like · Reply · 1h



Judy McDonald Cauthen · 46:29 A big shift to ITV's is scenic Bay district

Like · Reply · 1h



Frank Ashley Barrientes · 44:18 Watching

Like · Reply · 1h



1



Kristen Marshall Bridges · 41:02 Thank you all.

Like · Reply · 1h



1



City of Montevallo · 32:32 The first public hearing will be about Dollar General on HWY 119. Ms. Carter will speak about the project and then development services will speak about the project and then we will be accepting public comment.

Like · Reply · Commented on by Maggie Jo Benson [?] · 1h



Mary Ellen Heuton · 26:12 Thank you, I have been honored to serve on MDCD and to have an opportunity to work with such dedicated folks across the city and county.

Like · Reply · 2h



1



Kelly Bice · 25:17 I can hear you

Like · Reply · 2h



1

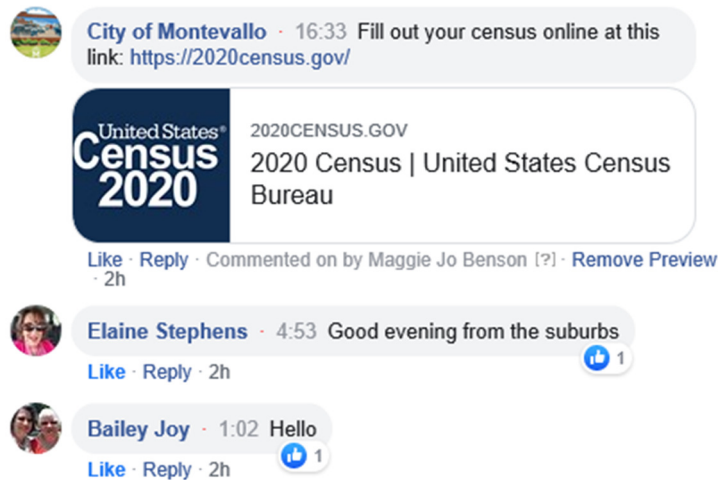


City of Montevallo · 17:59 If you know a teenaged citizen who might be interested in serving on the Montevallo Junior City Council, email mgray@cityofmontevallo.com for more information.

Like · Reply · Commented on by Maggie Jo Benson [?] · 2h



City of Montevallo · 16:33 Fill out your census online at this link: <https://2020census.gov/>



Responding to a question regarding drainage, Mr. Burgess explained that the plan does not include using the Heritage Trace detention pond. By law, the site must be engineered so that no more water flows off of it once developed than does now. Should actually improve the drainage situation.

Facebook questions ended.

Council Member Bunt asked if we have received a professional market study.

Mayor Cost noted they sent us market and demographic information. The Mayor asked Ms. Goddard if that satisfies our requirement?

Ms. Goddard said that for a neighborhood market of less than 9,000 square feet such as this, the fact we received a letter from Dollar General which summarized the results of their internal study, it did meet the requirements. They presented evidence that a professional study had been done as required.

Mayor Cost asked if this was similar to what is acceptable in other communities she deals with. Ms. Godard said the others she works with do not have the same requirements in their ordinance. However, if they did, she would accept this summary as meeting the requirement.

There being no further questions, the hearing was closed at 6:47p.m.

The Mayor then opened the second hearing at 6:47 p.m.

SP20-001 Dollar General Hwy 25 –

Ms. Carter simply noted this is a new location for their Hwy 25 store, moving from the Lucky's Shopping Center to the corner of Hwy 25 and Cedar Street.

Ms. Goddard presented the staff report:

REPORT TO THE CITY OF MONTEVALLO
PLANNING & ZONING BOARD
Department of Development Services
April 16, 2020
Case No. SP20-001
Dollar General - Hwy 25
Site Development Plan

This is a request from Robert Broadway, on behalf of the property owner, J T Adams, for the approval of a site development plan for a retail store development.

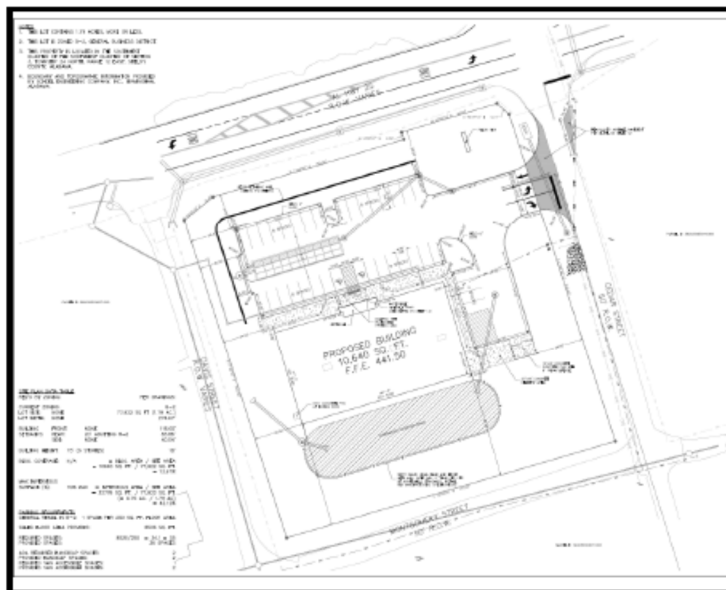
The subject property is located at 110 Hwy 25 and is surrounded by four public roads including Davis Street, Montgomery Street, Cedar Street and U.S. Hwy 25. The subject property is zoned B-2, and situated in Section 3, Township 24 North, Range 12 East; Parcel Identification No. 58-36-2-03-2-003-009.000.

DISCUSSION

The subject property is located along State Route 25 approximately 900 feet east of the intersection of Selma Street and SR 25. The property contains approximately 1.79 acres and a single-family residential structure that was previously utilized as a commercial business. The subject property is zoned B-2, General Business District according to the *Zoning Ordinance of the City of Montevallo*.

Proposed Site Development

The applicant proposes to construct a 10,640 square foot general retail store, identified as a Dollar General, with 8,526 square feet of sales area.



Access

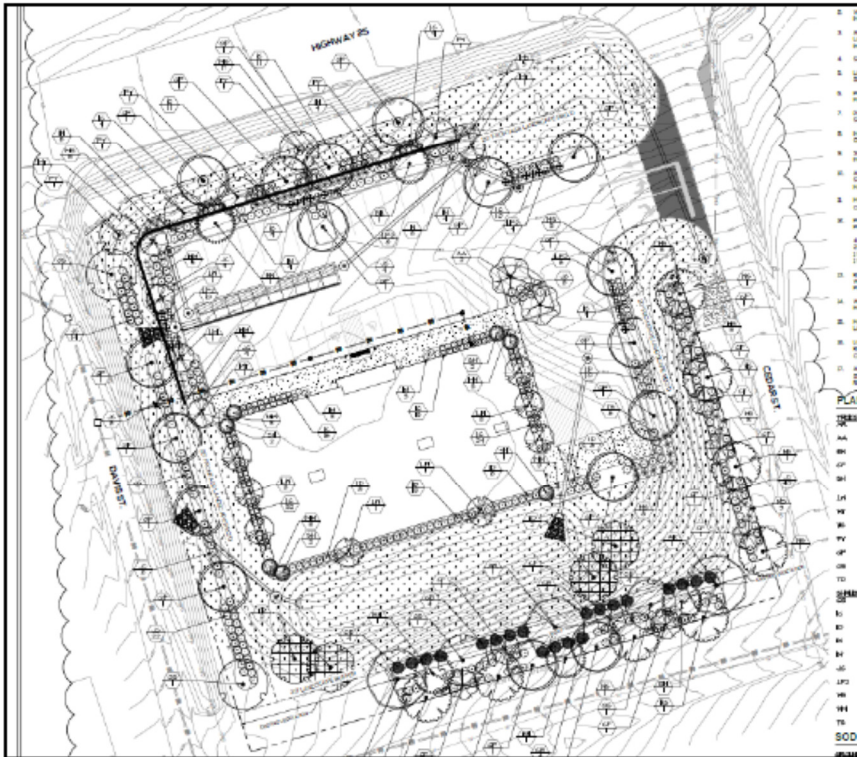
The subject property is surrounded on four sides by public roads; three city streets and one state highway, State Route 25. A single access location from Cedar Street is proposed for the retail store. Cedar Street is a city road. A traffic study was not requested for this project.

Parking

A total of 36 parking spaces are provided including two ADA handicap spaces with a minimum of one van accessible space. General retail stores require a parking ratio of one space per every 250 square feet of floor area. The spaces provided meet the minimum number of spaces required for general retail.

Landscaping

Frontage landscape buffers are required on all side of the subject property due to the four public roads that surround it. The Arbor and Beautification Board has reviewed the required buffers, perimeter landscaping, parking island landscaping and foundation plantings and have found the plans meet the intent of the landscape regulations of Article 23. A bond must be completed for landscape materials and installation prior to construction. The applicant has additionally been made aware of some additional minor text correction on the site plan documents.



Utilities

Montevallo Water Works and Sewer Board has completed a review of the plan set dated 2/24/2020 and determined it to meet the minimum requirements of the *Montevallo Water Works and Sewer Board Standard Specifications*. The review was completed in regards to potable water and sanitary sewer only. The following items are required on Sheet 10 as part of the plan approval and should be identified on a certified plan set.

1. Montevallo Water and Sewer Board representative shall be present when any work is performed on the water system and/or the sewer system.
2. All work on the water system and the sewer system must be performed by a licensed contractor.

Grading and Storm Water

The City Engineer has reviewed the drawings and finds the drawings to be in substantial compliance with the Special District and the Zoning Ordinance. Prior to final certification of the site development plan the following items must be added to the plan set.

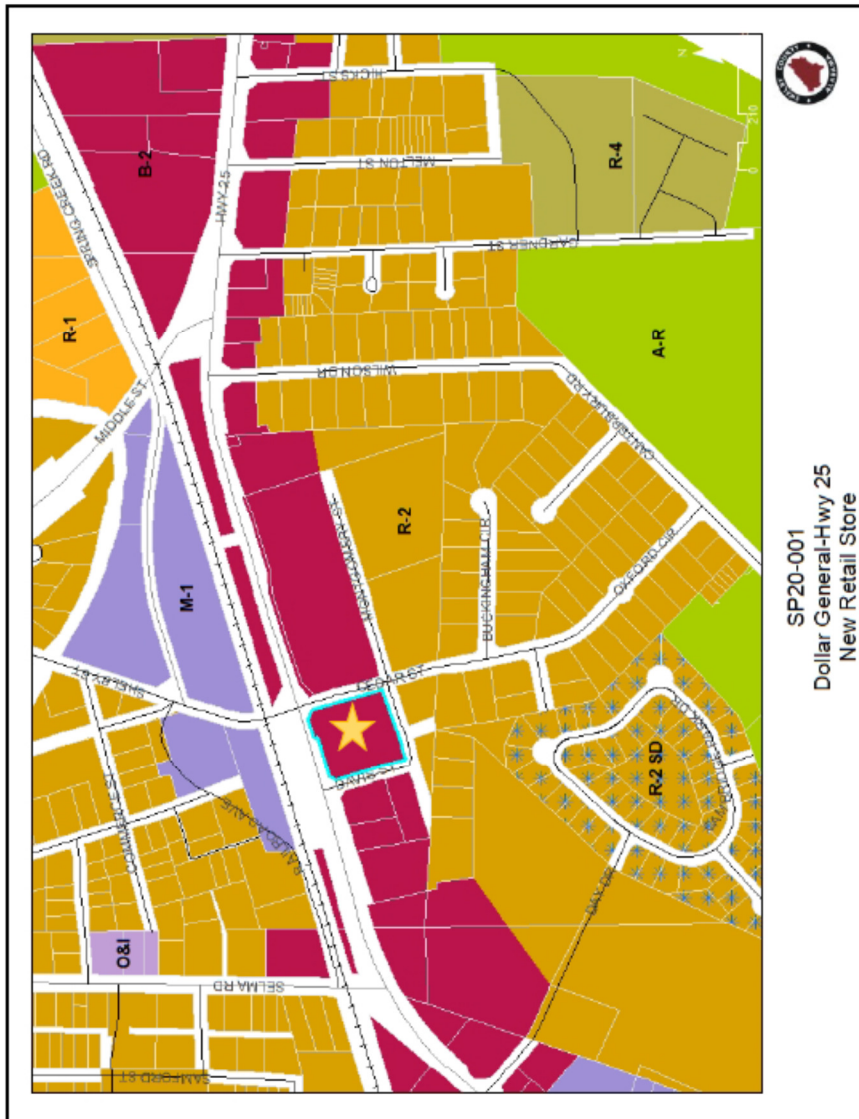
1. Please include the horizontal coordinates and vertical elevation data in the plans for the benchmark shown on the provided lot title survey.
2. Correction of minor typographical error on Note No. 8 in the "Earthwork General Notes"

A Land Disturbance Permit and bonding must be approved and in place including evidence of an ADEM General NPDES coverage.

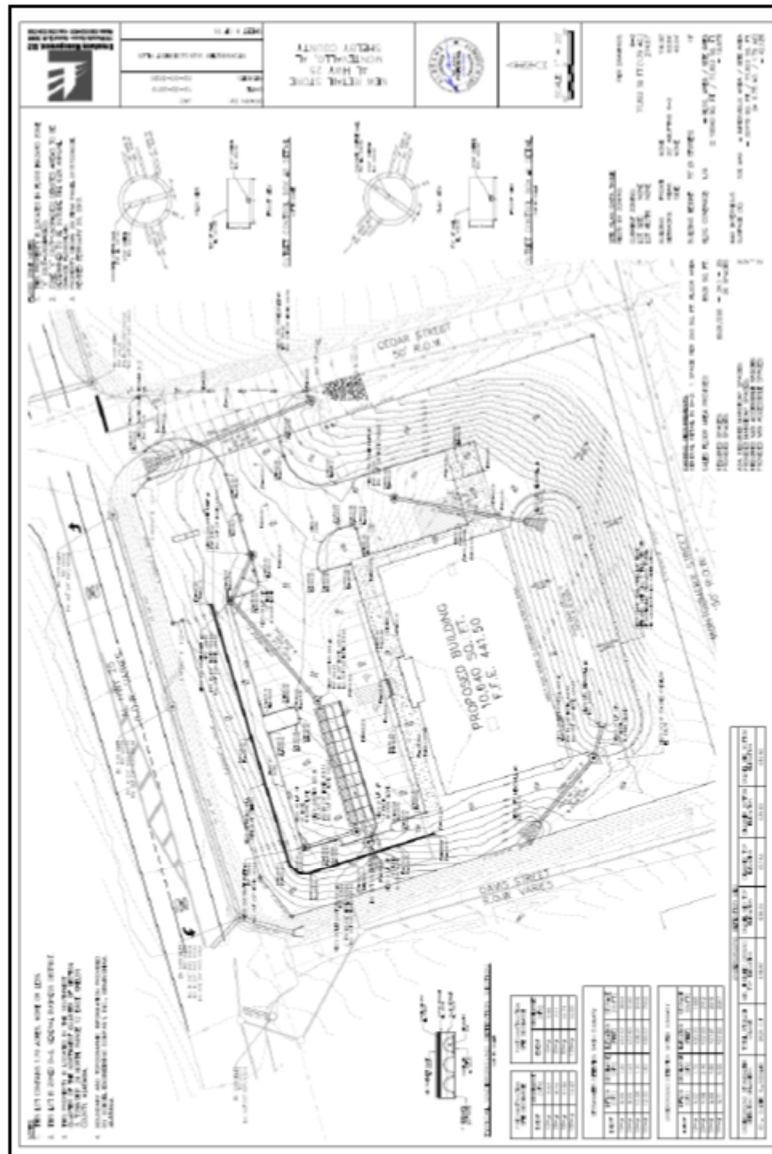
Summary

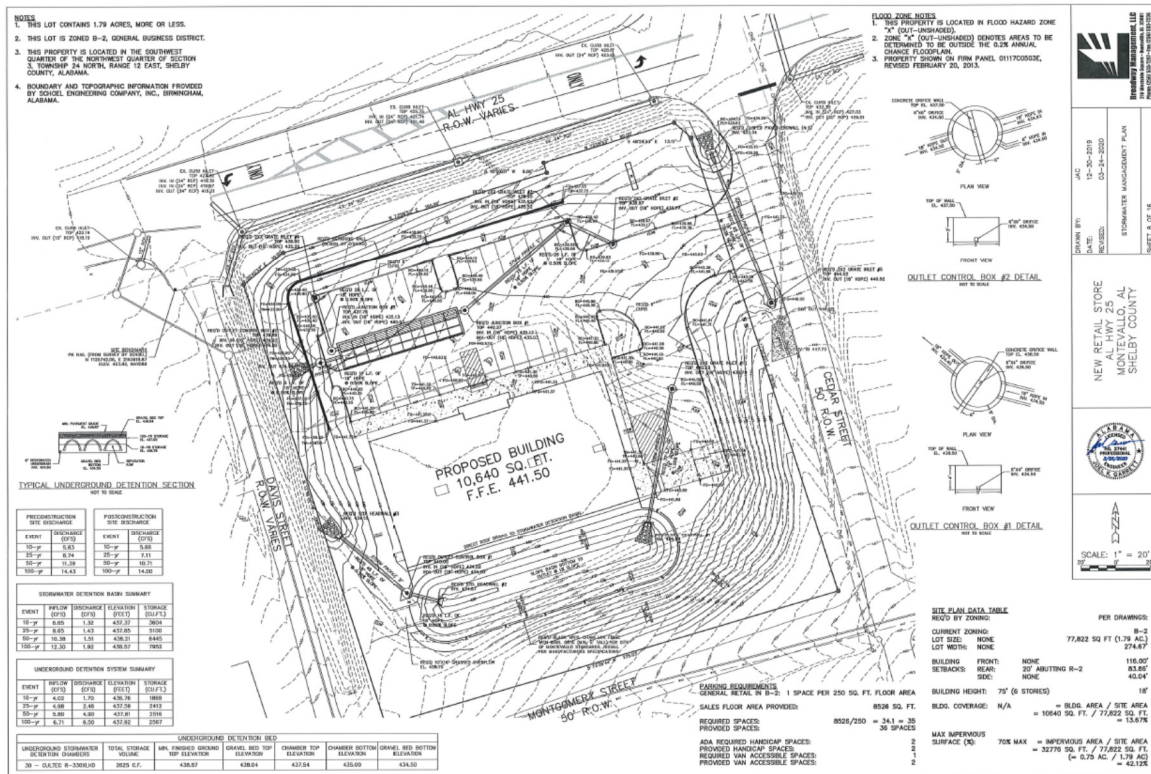
The proposed development is consistent with the *Zoning Ordinance of the City of Montevallo*. Approval of the site plan should be subject to:

- The applicant submitting a revised site plan that addresses all remaining minor corrections;
- The applicant completing all required bonding and submitting a final site plan for certification prior to the issuance of building permits;
- Compliance with the regulations, policies and guidelines of the City of Montevallo;
- Approval by the Montevallo City Council.



Storm Water Management Plans





Mr. Burgess said the plans comply with our standards. Entry to the site is off of Cedar Street. Everything looks good. There are no storm water issues. The water flows to where it did before. The site also includes a detention area.

Council Member Bunt noted that neighbors are concerned that the street is too narrow to accommodate the added traffic.

Mr. Burgess said the plans include widening Cedar Street up to the entrance of Dollar General to accommodate the needs.

Council Member Nix noted this parcel is zoned B-2.

There were no questions from anyone at City Hall.

The City Clerk mentioned that the Council had previously received comments from several neighbors expressing their concerns regarding the development. These mostly concerned traffic-related and safety concerns.

In response to a question from Dorothy McMinn regarding the need for two stores in Montevallo, Ms. Carter explained that these two stores have different trade areas. The trade area for this store is actually larger than the Hwy 119, which is why this store is bigger.

In response to another question, Ms. Goddard explained that this site is located in an older neighborhood, and is zoned B-2 and this site plan meets the requirements of our ordinance.

Ms. McMinn asked if people would walk or drive to access these stores.

Ms. Carter said drive.

There being no further questions, the hearing was closed at 6:57 p.m.

Mayor Cost then opened the regular meeting at 6:57 p.m.

Approval and/or corrections of the minutes – 4/27/20

Council Member Herbert made a motion to approve the Minutes from April 13, 2020 as presented. Council Member Peterson seconded. ALL AYES . . . MOTION APPROVED.

Recognitions / Awards:

Once again, Mayor Cost thanked Mary Ellen Heuton for her service on the MDCC.

Citizen Participation:

Although not a legal requirement, Mayor Cost pointed out we are broadcasting the meeting via Facebook Live. She then opened the meeting for Citizen Participation. No one participated.

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, MDCC, IDB, Chamber, Historical Commission, Main Street) –

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

Mayor Cost mentioned she met with our Department Heads today to discuss the need to significantly reduce expenditures prior to the end of the fiscal year. Due to the ongoing pandemic and related orders from the Governor, we anticipate a serious shortfall in revenue for the remainder of the year. For whatever reason, Congress has not appropriated funds to help cities meet these shortfalls. Cities across the state are working together to encourage our representatives to act. In the meantime, it will be up to us to figure out a path forward. She said she greatly appreciates the efforts everyone with the city has made to tackle this difficult issue. It will be a struggle for all of us.

Consent Agenda: NONE

New Business:

Approval of the Site Plan for SP19-008 Dollar General Hwy 119 –

Mayor Cost pointed out we have heard from our professional staff, as well as our volunteer boards. Everyone says this proposal meets our requirements. The one thing which keeps coming up is the color of the signs. She asked if there is any way we can get that changed.

Ms. Carter said Dollar General would like to keep the color consistent with their brand.

Council Member Nix noted the Dollar General in Gulf Shores just has the black lettering. He said he thinks the background color was a light gray. He said that would be a better choice for this site.

In response to a question from Council Member Herbert, Mr. Owens said the Council can approve the Site Plan with the condition that the sign be a different color.

Council Member Nix said he is still very concerned about the lack of a turn lane. However, Mr. Burgess said it wasn't needed, and ALDOT is responsible for approvals on Hwy 119. Nevertheless, his concern remains.

Council Member Bunt said she agreed about the need for a turn lane. However, she said she understands the desire of the company to maintain the color of its brand. She asked if we could ask ALDOT to consider the turn lane.

Mayor Cost noted that ALDOT always trumps the city. They control what happens. We can ask them, but their word is final.

Ms. Carter said they have been working with ALDOT for 6 months. At no time did ALDOT suggest the need for a turn lane. If they had, they would have budgeted the requirement of the turn lane into the project in order to determine whether or not this site was feasible. As it is, they moved forward with their plans with the understanding that was not a

requirement. In addition, their monument sign is located outside of the ALDOT right of way. In the city's ordinance, it says the colors must be those seen in nature. Yellow is seen in nature.

Mayor Cost asked Mr. Burgess to ask ALDOT for some feedback on the turn lane issue.

Mr. Burgess said he would, but we need to be careful not to annoy them.

Council Member Nix said it would be worth at least asking the question.

Council Member Bunt suggested we set up a Zoom meeting with them.

Ms. Carter reminded the Council they have already received their permit from ALDOT. The site doesn't require a turn lane. If ALDOT required one, they would have put one in.

Council Member Herbert said he has two different concerns: 1) the definition of "immediate neighborhood;" and 2) the requirement for a professional market study.

Mayor Cost stressed once again that we have received a recommendation from the DRC, the Arbor Board, and the Planning Commission. The proposal has been reviewed and approved by our City Engineer and planners. All of them are telling us this meets the requirements of our code. If we can't rely on them to do their jobs to our satisfaction, we should just get rid of them and handle this all ourselves.

Council Member Herbert said we aren't saying they aren't doing their jobs.

Council Member Peterson pointed out that no other development along Hwy 119 in that area hasn't had a turn lane.

As well as other businesses, noted Council Member Nix.

Assuming ALDOT is willing to discuss this, Mr. Burgess asked if the Council felt there was a need for a right or left turn lane. Both Council Member Herbert and Nix said left headed south.

With regard to the term "immediate neighborhood," Council Member Herbert expressed concern that phrase is rather vague and needs to be better defined.

Council Member Nix said this store would pull from the surrounding neighborhoods as well as the subdivisions further up 119. He asked what issues bothered the Council the most – turn lane or signage.

Council Members Bunt and Peterson said turn lane.

Council Member Herbert said the definition of immediate neighborhood because it will affect future development along the corridor.

Mayor Cost suggest Ms. Carter be involved in these future discussions with ALDOT.

Council Member Herbert thanked Ms. Carter for being so helpful and providing the Council with the information it requested.

Given the remaining questions, the Council took no action on this issue.

Bob Broadway, owner of the development group, stressed that they have done everything that has been required of them. They have the ALDOT permit in-hand, and ALDOT is very strict about issuing permits. He said he's not sure what can be accomplished by going back to ALDOT at this point. The City Engineer has said the plan meets our requirements, as has the city's planners. As such, he was confused as to why the city would require something more now.

Mayor Cost said she understands his frustration. However, out of respect to the Council, we need to give them the opportunity to get their questions answered.

Approval of the Site Pan for SP20-001 Dollar General Hwy 25 –

Council Member Nix reminded everyone this site is on the corner of Hwy 25 and Cedar Street. Access to the site is off Cedar Street, not Hwy 25, so it does not need ALDOT approval.

Mayor Cost said that was correct.

There being no further discuss, Council Member Peterson Made a motion to approve the Site Plan. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Mayor Cost thanked Ms. Carter and her company for making this important investment in our community, especially during these challenging times.

Authorization to submit AARP Community Challenge Grant – Olivia Barone

Council Member Peterson asked if there was a match to this grant. Ms. Barone said no.

Council Member Herbert made a motion to approve the grant request. Council Member Bunt seconded. ALL AYES . . . MOTION APPROVED.

Project Summary:

Montevallo is known for its walkable downtown and green spaces. 49% of our homes are within a ½ mile walking distance of a park. Parks promote outdoor activities, healthy lifestyles, and social interaction. Local fitness centers also provide valuable health benefits to a community. In Montevallo,

though, there are no affordable gym options. Our goal is to use this grant to purchase and install exercise equipment for two parks in Montevallo: Orr Park and George Dailey Park. Orr Park is one of our most used parks and is home to Montevallo's Senior Center and the Boys and Girls Club. George Dailey Park, located by Montevallo Middle School, embodies a rich heritage in Montevallo and is planned to be Montevallo's first ADA inclusive park. While Orr Park may be our most used park, George Dailey is in one of Montevallo's poverty-stricken community and is near Hwy 25. Montevallo has a rural population of 6,636 and includes individuals with a documented disability at 13.8% of total population, and individuals over the age of 65 making up 13% of our population. Further, the city has multiple pockets of poverty and lacks accessibility to health-related resources. Rural communities tend to have fewer available resources for preventive services and access to care and food than urban settings. High rates of poverty and uninsured place rural communities at higher risk for chronic diseases. Thus, community-based preventive measures can help. We see this grant as an opportunity to improve the health of our community beyond our current pandemic. Business as usual will not be acceptable for us. We want to make these changes now in order to have a positive impact in the future. Although unable to access a fully equipped gym, the city can provide accessible exercise equipment that promotes muscle toning and cardiovascular workouts. In response to COVID-19, we will also be providing a cleaning solution for each user.

Project Livability Improvements: Social impact to the community especially 50+ ages

The equipment at Orr Park was thoughtfully picked for our 50+ community on function, accessibility, and location. For example, the handcycle is for residents looking to have a cardiovascular workout who may have trouble walking long distances. The equipment will be directly adjacent, with walkable access, to Montevallo's senior center.

Livable communities: Please provide a brief summary of the ongoing efforts to make this community more livable for all ages and share how the Community Challenge project will support that effort and have a lasting impact

The City of Montevallo has made great strides in enhancing the quality of life for all of its citizens through a number of public improvements such as Main Street sidewalk and streetscape investments, becoming a designated Alabama Communities of Excellence Community and establishing a local Main Street program. Montevallo has come a long way in a short period of time and continues to grow stronger and more vibrant with investments large and small.

Robust public involvement is the most critical part of any planning process. Knowing the importance of public involvement, the RPCGB planning team for Montevallo's Comprehensive Plan used a multifaceted approach utilizing both in-person and online methods to gather as much information from the community as possible. The plan provides a framework for guiding public and private decisions that will affect new development as well as reinvestment in existing neighborhoods and business areas. The Comprehensive Plan includes goals and actions that will continue to increase our walkability and enhance our public places. One action specifically states to incorporate interactive outdoor fitness stations into existing parks. Another long-term goal is to Partner with the Tivity Health SilverSneakers program to expand recreational programming for seniors in Montevallo.

Community engagement: Please describe how residents and local organizations been engaged in the area's livable communities' activities to date. How will you engage the community and involve older adults in the process as you execute this grant?

Over the course of this grant application multiple stakeholders were consulted on ideas and execution. Shane Baugh, Montevallo's Parks and Recreation Director, served as a sounding board for project feasibility and scouting locations. Rose Devinner, Director of Aging Programs at the Senior Center, helped with the beginning stages of the grant. She supported installing exercise equipment at Orr Park. The exercise equipment will give seniors who are regulars at the center an opportunity to do light physical activity outside. University of Montevallo kinesiology professor, Jermaine Mitchell, was an integral part of this grant. He helped choose the pieces based on fitness level and muscle group. He has worked on several projects within Montevallo informing our community why physical fitness is crucial to a long life. Kinesiology students can also volunteer their time to teach and instruct how to properly use the exercise equipment. This will also be a part of programs at the senior center.

List of Deliverables:

(A)= wheelchair accessible

Orr Park:

1. Hand Cycler (A)
2. Plyometrics
3. Pull-Up/Dip (A)
4. Assisted Row/Push Up

George Dailey Park:

1. Handcycle (A)
2. Pull-Up/Dip (A)
3. Chest/ Back Press (A)

Mayor Cost stressed how important it is for us to be able to make improvements to our facilities like this, especially in difficult financial times like this.

Old Business: None

Board Appointments:

Mayor Cost encouraged people in the audience to consider serving on our volunteer boards. She specifically invited Jim Farris to consider serving on our Design Review Committee.

Other Business:

Council Member Nix made a motion to waive the business license and vendor fees for the Farmer's Market. Council Member Herbert seconded. ALL AYES . . . MOTION APPROVED.

The Council briefly discussed the possibility of relocating our municipal election voting place to the library. However, it was determined the polling place needed to remain at its current location. Voting location would remain at Orr Park. No motion was made, and no action was taken.

Citizen Participation:

Jim Farris stressed the need for Dollar General to have a professional report. He thanked the Council for delaying the vote in order to get more information.

Melanie Poole thanked the Council for doing their due diligence. Three points they are arguing: 1) Need for a turn lane; 2) The sign color; and 3) Need for a professional report that identifies the need for this store.

George Henry thanked the Council. They do not have to do Zoom meetings. Well done. He pointed out that Mr. Burgess' calculations on the traffic flow differed from ALDOT. Suggested the Council needs to change the language of the Zoning Ordinance to clarify how the rest of the parcels will be developed. He also noted the Council has the right to do more than ALDOT requires.

Mayor Cost said this is the time we can address language changes. Asked everyone to comment on the draft Comp Plan.

FACEBOOK –

Rhonda Matthews reported a parking issue in her neighborhood, along Princeton Park.

Mayor Cost asked Chief Littleton to look at that.

Kristen Bridges thanked the Council for their transparency. They are doing a good job.

Melinda Nix said she found an example of a sign with a historic yellow color.

Kristen Bridges asked the Council to address rumors of several shootings in city.

Jeremy Said one was outside the city limits, The Sheriffs are handling that. The other was the one we discussed earlier. These took place over the last month.

Mayor Cost said these has been a recent rash of problems. She thanked the Police Department.

There being no further business before the Council, Council Member Nix made a motion to adjourn. Council Member Peterson second. ALL AYES . . . MEETING ADJOURNED at 7:51 p.m.
Submitted by:

Herman Lehman
City Clerk