

**MOUNTAIN BROOK CITY COUNCIL
MEETING AGENDA**

**CITY HALL COUNCIL CHAMBER
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

MONDAY, JULY 8, 2013, 7:00 P.M.

1. Approval of the minutes of the June 24, 2013 regular meeting of the City Council.
2. Consideration: Resolution awarding the bid for police uniforms (MAC Uniforms).
3. Consideration: Resolution approving the [service] conditional use application submitted by Will and Sarah Mason with respect to their proposed operation of a music lesson/retail store at 2903 Cahaba Road (local business district).
4. Consideration: Ordinance re-affirming voting districts previously established upon the adoption of Ordinance No. 1624, assigning polling locations, and relocating one polling location (City Hall) to its original site due to the recent completion of the new municipal complex all with respect to municipal elections.
5. Public hearing: Consideration of an ordinance amending Chapter 129 of the City Code by adding a new "Vine Street Transitional" zoning district and amending the Article XXXI (Village Overlay Standards) and Section 129-416 (Advisory Design Review Required in the Villages of Mountain Brook).
6. Announcement: The next regular meeting of the City Council is Monday, July 22, 2013, at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
7. Other business.
8. Comments from residents.
9. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 24, 2013**

The City Council of the City of Mountain Brook, Alabama met in public session in the Council Chamber of City Hall at 7:00 p.m. on Monday, the 24th day of June, 2013. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard III
Jesse S. Vogtle, Jr.
Lawrence T. Oden, Mayor

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and Acting City Clerk Joy Moman.

1. INFORMAL DISCUSSION

1. Sam Gaston gave an update on the community hotspot initiative.
2. Regarding the Brick & Tin conditional use application (Resolution No. 2013-099), a representative from Safeguard Parking gave a brief explanation of how parking services will be made available to patrons of Brick & Tin Restaurant and offered assurances to the council that appropriate measures will be taken to ensure that traffic and alleyways will not be hindered.

2. RECOGNITION OF GUESTS

Council President Smith recognized Boy Scout Rob Ritchie from Troop 320.

3. CONSENT AGENDA

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the June 10, 2013 meeting of the City Council.

2013-094	Reappoint Ruth Mears to the Tree Commission, to serve without compensation through April 12, 2016.	Exhibit 1
2013-095	Reappoint Stephen Bostock to the Tree Commission, to serve without compensation through March 22, 2016.	Exhibit 2
2013-096	Reappoint John H. (Jack) Martin the Finance Committee, to serve without compensation through July 10, 2017.	Exhibit 3
2013-097	Reject all bids with respect to the Cahaba River Park construction project (NLA #11-300) dated June 6, 2013.	Exhibit 4
2013-098	Declare certain property surplus and authorizing its sale at public Internet auction.	Exhibit 5

- | | | |
|----------|---|--------------------------|
| 2013-099 | Approve the conditional use (restaurant) application submitted by Brick & Tin (restaurant) for the former Village Dermatology location in Mountain Brook Village, 2901 Cahaba Road - Mauricio Papapietro. | Exhibit 6,
Appendix 1 |
| 2013-100 | Authorize the execution of a contract between the City and Modern Quality Construction, Inc. with respect to dormitory renovations at Fire Station No. 2 (Locksley Drive). | Exhibit 7,
Appendix 2 |

Thereupon, the foregoing minutes and resolutions were introduced by Council President Smith and their immediate adoption was moved by Council member Pritchard. The minutes and resolutions were then considered by the City Council. Council member Vogtle seconded the motion to adopt the foregoing minutes and resolutions. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard III
Jesse S. Vogtle, Jr.

Nays: None

Council President Smith thereupon declared that said minutes and resolutions (nos. 2013-094 through 2013-100) are adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

4. ANNOUNCEMENT REGARDING THE NEXT REGULAR MEETING OF THE CITY COUNCIL

Council President Smith announced that the next regular meeting of the City Council will be Monday, July 8, 2013, at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

5. EXECUTIVE SESSION AND ADJOURNMENT

There being no further business to come before the City Council, it was moved by Council member Pritchard that the City Council convene in executive session to discuss a matter involving potential litigation. The motion was seconded by Council President Smith. The City Attorney certified that the subject matter of the executive session is allowed pursuant to the Open Meetings Act. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard III
Jesse S. Vogtle, Jr.

Nays: None

President Smith declared that the motion carried by a vote of 5—0 and then asked that the members of the audience be excused. President Smith also announced that the City Council meeting will adjourn upon conclusion of the executive session.

Joy Moman, Acting City Clerk

RESOLUTION NO. 2013-101

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the Police Department uniform bid submitted by Municipal and Commercial Uniforms and Equipment (MAC Uniforms), is hereby accepted.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Manager is hereby authorized and directed, for and on behalf of the City, to issue a purchase order to MAC Uniforms and to execute any other documents that may be determined to be necessary with respect to said uniform purchases.

ADOPTED: This 8th day of July, 2013

Council President

APPROVED: This 8th day of July, 2013

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on July 8, 2013, as same appears in the minutes of record of said meeting.

City Clerk



Mountain Brook Police Department
Chief Ted Cook
101 Tibbett Street
Mountain Brook, Alabama 35213
Phone: 205.802.3852
Fax: 205.802-2415

MBPD Uniform Bid 2013

July 2, 2013

Recommendation: Municipal & Commercial Uniforms and Equipment.

Bids were let for the Mountain Brook Police Department uniform purchase on March 11, 2013. Bids were opened April 12, 2013. Bid specifications were made in an attempt to, as nearly as possible, compare bids in an equal fashion. Below is a recap as nearly calculated as possible at this time.

Only 2 vendors of the 8 that were sent bid invitations submitted bid packets. The "Bid Amount (as per specifications)" were dramatically different in the 2 bids: \$3,776.60 McCain Uniform versus \$5,788.25 MAC Uniform. cursory review that day revealed possible mathematical errors and/or exclusions on both bid packages.

On June 10, 2013 both vendors were hand delivered letters from the Mountain Brook Police Department seeking clarification of their respective Bid packet submissions. The letter requested written response by June 20, 2013.

As of this date only Municipal & Commercial Uniforms and Equipment has responded. Therefore, I am recommending acceptance of the bid from Municipal & Commercial Uniforms and Equipment.

Thank you,

Chief Ted Cook

Copy



Mountain Brook Police Department
Chief Ted Cook
101 Tibbett Street
Mountain Brook, Alabama 35213
Phone: 205.802.3852
Fax: 205.802.2415

Hand Delivered TR
June 10, 2013

Mr. Edward Smith,

On April 12, 2013, M.A.C Uniform Service submitted a bid to supply Mountain Brook Police Department with uniforms and uniform equipment for sworn personnel. The total of the submitted bid was \$5,788.25 per officer. The only other bid for this service was submitted by McCain Uniform Service. The total of this bid was \$3,776.60 per officer. As you can see, there is a significant price difference in the two bids. In reviewing both bids, there appear to be mathematical inconsistencies between the two bids. There also appear to have been mathematical errors made when the total amounts were computed.

In the interest of making an informed decision and recommendation on the awarding of this bid, I respectfully ask that you address and answer the following questions.

1. What amounts were added to arrive at the total amount per officer bid?
2. Was the cost of body armor added in the bid total?
3. Can you supply Level 2 Body Armor as an alternative choice?
4. What inventory system will be used in order for the Mountain Brook Police Department to track the purchase history of each employee?
5. Was the cost of embroidery, patches, and rank insignia included in the cost per item totals?

I would like to thank you in advance for taking the time to address these questions. Please respond in writing by June 20, 2013.

Respectfully,

Chief Ted Cook

Copy



Mountain Brook Police Department
Chief Ted Cook
101 Tibbett Street
Mountain Brook, Alabama 35213
Phone: 205.802.3852
Fax: 205.802.2415

Ms. Tricia Minot,

Hand Delivered DC
June 10, 2013

On April 12, 2013, McCain Uniform Service submitted a bid to supply Mountain Brook Police Department with uniforms and uniform equipment for sworn personnel. The total of the submitted bid was \$3,776.60 per officer. The only other bid for this service was submitted by M.A.C. Uniform Service. The total of this bid was \$5,788.25 per officer. As you can see, there is a significant price difference in the two bids. In reviewing both bids, there appear to be mathematical inconsistencies between the two bids. There also appear to have been mathematical errors made when the total amounts were computed.

In the interest of making an informed decision and recommendation on the awarding of this bid, I respectfully ask that you address and answer the following questions.

1. What amounts were added to arrive at the total amount per officer bid?
2. Was the cost of body armor added in the bid total?
3. Can you supply Level 2 Body Armor as an alternative choice?
4. What inventory system will be used in order for the Mountain Brook Police Department to track the purchase history of each employee?
5. Was the cost of embroidery, patches, and rank insignia included in the cost per item totals?

I would like to thank you in advance for taking the time to address these questions. Please respond in writing by June 20, 2013.

Respectfully,

Chief Ted Cook

**Municipal and Commercial
Uniforms and Equipment, Inc.**

2208 3rd Avenue North
Birmingham, AL 35203
(205) 324-6011
www.macuniforms.com

June 13, 2013

Dear Chief Cook:

Re: MBPD Uniform Bid

Thank you for taking the time to examine and evaluate the recently submitted MBPD uniform bids. I understand your concerns about how the bid totals were reached, so I have re-examined the MAC Uniforms bid and would like to address your questions as follows:

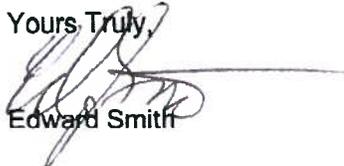
- There is a math error on the extension of Item #3. There should be a decrease of \$150 for a total of \$5638.25.
- Body armor IS included in our total bid.
- Level II armor can be provided at \$694.00 per vest; specs are attached.
- There was a sample of an Employee Tracking Report included with our original bid. You can also go online and view the accounts per employee.
- The charge for sewing on all patches (and badges per rank), and for embroidery, is included in our bid pricing. We have also always offered free alterations for the life of the garment.

There were exceptions on both bids submitted:

- The flashlight we submitted is an LED with a top and back switch and an AC/DC charger with two bases.
- Their body armor is heavier and thicker, making it more uncomfortable for the officers to wear.
- They also bid an alternate to the Danner boot, which is not the quality of the Danner Arcadia boot specified.

I have had the privilege of providing uniforms for the Mountain Brook Police Department for 38 of the last 40 years. At MAC we have the experience and the organization to supply, fit, and alter MBPD uniforms in house with experienced tailors and embroiderers. We appreciate your consideration and hope to have the opportunity to continue to serve your uniform requirements.

Yours Truly,



Edward Smith

CITY OF MOUNTAIN BROOK
3928 Montclair Road, Suite 230
MOUNTAIN BROOK, ALABAMA 35213
OFFICE OF PURCHASING AGENT (CITY MANAGER)

BID COVER SHEET

Bid Request Posted this Date: March 11, 2013
Bids to be Opened this Date and Time: April 12, 2013 at 2:00 p.m.

To Whom It May Concern:

Bids shall be sealed and delivered to the Office of the Purchasing Agent in the City Hall, City of Mountain Brook, Alabama, prior to the above specified date and time. Bids shall be publicly opened at the date and time specified above or as soon as practicable thereafter.

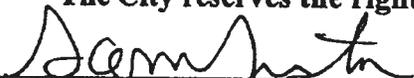
To be considered by the City, a bid must comply with Alabama law, including, but not limited to, Ala. Code (1975) §§41-16-50 *et seq.* and 31-13-1 *et seq.*, and provide documentation of enrollment in the E-Verify program pursuant to Ala. Code §31-13-9.

All bidders must use the bid form provided by the City for the project. This Bid Cover Sheet should be completed and submitted with the bid. Bids completed in pencil will not be accepted. Bids should be clearly marked "SEALED BID" and indicate on the outside of the envelope the project for which the bid is submitted and the date of bid opening.

The City reserves the right to require a bid bond, in which case specific information shall be provided with the request for bids.

The City reserves the right to utilize life cycle cost analysis in determining the lowest responsible bidder, in which case specific information shall be provided with the request for bids.

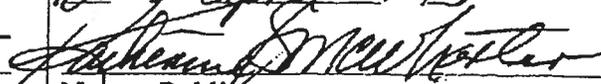
The City reserves the right to accept or reject any or all bids and to waive formalities.


Sam S. Gaston, City Manager and Purchasing Agent

BIDDER Municipal & Commercial Improvement Equip TELEPHONE 334-6041
ADDRESS 2208 3rd Ave No. EMAIL EDMACSMITH@GMAIL.COM
CITY Birmingham STATE AL ZIP 35203
BID AMOUNT (AS PER SPECIFICATIONS) \$ 5788.25

Note: MUNICIPALITIES ARE EXEMPT FROM STATE SALES TAX

This bid must be signed below by bidder's principal/officer/agent and notarized:

Auth. Signature: 	Sworn to and subscribed before me on this
Name: <u>Edward C. Smith</u>	<u>12</u> day of <u>April</u> , 20 <u>13</u>
Title: <u>PRESIDENT</u>	
	Notary Public
	My Commission Expires: <u>11-11-2013</u>

V-Neck Sweater with fleece liner dark navy	1	Blauer 225	88.00	88.00
Mock turtle neck dark navy	3	Blauer 8110X	29.95	89.85
Mock Turtle neck dickey dark navy	3	Blauer 8119X	10.95	32.85
Handcuffs	1	Peerless chain	24.95	24.95
ASP Baton	1	26" Model 52611 black	90.95	90.95
ASP Baton end cap	1	Model 52921 black	12.95	12.95
Rain hat cover	1	Clear plastic	3.95	3.95
Flashlight wand <i>Stream light</i>	1	Safety green fluorescent model PC3 75913	8.95	8.95
Flashlight <i>Stream light</i>	1	5.11 Tactical 53001-25813	145.00	145.00
Holder handcuff	1	Safari land Model 90 black	24.95	24.95
Holder report form	1	Saunders Model CM 8512	28.95	28.95
Holder ticket book	1	Saunders AH57106	26.95	26.95
Holder Baton	1	Safari Model F-35-F26-2 black	26.95	26.95
Holder Flashlight	1	5.11 Tactical Series 53001	24.95	24.95
Holder OC	1	Safari Land Model 38 black	24.95	24.95
Holder Magazine	1	Safari land Model 77 black	31.95	31.95
Holster Duty	1	Safari Land Model 6280 black	139.95	139.95
Belt keepers	4	Safari Land 65-2 black with hiddensnap	7.50	30.00
Belt outer duty	1	Safari land Model 94-2 black with Velcro closure	69.95	69.95
Belt inner duty	1	Safari Land 99-2 black with Velcro closure	29.95	29.95
Glove belt pouch	1	Safari land 33-32V black	18.00	18.00

*Municipal & Commercial
Uniform & Equipment*

Mountain Brook Police

Item	Qty	Description	Price each	Total
Armorskin Vest Dark Navy	2	Blauer 8470	80.25	160.50
Long sleeve street shirt dark navy	5	Blauer 8471	50.75	253.75
Short sleeve street shirt dark navy	5	Blauer 8472	42.95	364.75
Long sleeve shirt dark navy	5	Blauer 8450	70.75	353.75
Short sleeve shirt dark navy	5	Blauer 8460	63.00	315.00
Trousers dark navy	5	Blauer 8560	73.95	369.75
Coat, Gore tex Ike length, 9915Z	1	Blauer 9915Z	257.50	257.50
Feather Weight Rain jacket with Gore Tex Fabric Black/high vis ***	1	Blauer 9691	250.00	250.00
Feather Weight Rain Coat Gore Tex breathable Fabric black reversing to fluorescent yellow ***	1	Blauer 9690	275.00	275.00
Feather Weight Shell pants with Gore Tex fabric Color black	1	Blauer 9134	145.00	145.00
ANSI Certified Vest color fluorescent yellow	1	Blauer 339P	39.95	39.95

Municipal Commercial
Tr. Tools & Equipment

Gloves	1	Hatch Model NS430 black	19.95	19.95
Hat, uniform	1	Midway Uniform Cap Navy Blue Air Force Style with gold or silver band	34.95	34.95
Name tag	1	Blackinton Model A4180 Officer silver, Cpl and above gold	19.95	19.95
Tie	2	Navy, clip or tied tie	4.50	9.00
Socks	3	Throlo Model WSXL 13 black or over calf	9.95	29.85
Shoes ***	1	Bates model 942 corfram	89.95	89.95
Shoes ***	1	Rocky model 5005 plain toe leather	96.95	96.95
Boots ***	1	Rocky model 2173 plain toe Leather 8" or 6"	79.95	79.95
Boots ***	1	Danner model 21210 leather plain toe 8" or 6"	235.00	235.00
T-Shirt SS	3	Under armor model 5039 black	22.95	68.85
T-Shirt SS	3	Blauer model 8120 black in color	14.95	44.85
Template	1	Northwestern SN1000	16.95	16.95
Duty bag Premier	1	Uncle Mike Model 5249 black POG-081	39.95	39.95
Badge wallet	1	Slimline Model 1 black in color	18.95	18.95
Badge belt backer	1	Strong leather Model 81120 black in color	18.95	18.95
Boots ***	1	Blauer FW018 Clash 8" black in color	109.95	109.95
Boots ***	1	Blauer FW016 Clash 6" black in color	99.95	99.95
Boots***	1	Blauer FW016WP Clash 6" waterproof black in color	114.95	114.95
Boots ***	1	Blauer FW028WP Blitz 8" waterproof black in color	124.95	124.95
Vest	1	PACA A3 w/2 carriers	754.50	754.50
Choice of one or the other***				
		Grand Total		5788.25

Municipal Commercial
Uniform & Equipment

RESOLUTION NO. 2013-102

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional [service] use application submitted by Will and Sarah Mason (dba\Mason Music) for the operation of music lesson studio and instrument/accessory sales at 2903 Cahaba Road (formerly Iron Arts) in Mountain Brook Village (Local Business District).

ADOPTED: This 8th day of July, 2013.

Council President

APPROVED: This 8th day of July, 2013.

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on July 8, 2013, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2013-102

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional [service] use application submitted by Will and Sarah Mason (dba\Mason Music) for the operation of music lesson studio and instrument/accessory sales at 2903 Cahaba Road (formerly Iron Arts) in Mountain Brook Village (Local Business District) subject to the following conditions:

1. Music instructors utilize designated all-day/employee parking in Mountain Brook Village.
2. _____
3. _____

ADOPTED: This 8th day of July, 2013.

Council President

APPROVED: This 8th day of July, 2013.

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on July 8, 2013, as same appears in the minutes of record of said meeting.

City Clerk

INTEROFFICE MEMORANDUM

TO: SAM GASTON, CITY MANAGER
FROM: STEVEN BOONE
SUBJECT: MASON MUSIC STUDIOS CONDITIONAL USE APPLICATION
DATE: JULY 3, 2013
CC: MAYOR AND MEMBERS OF THE CITY COUNCIL

Will and Sarah Mason intend to open a music lesson/instrument and accessories sales store at 2903 Cahaba Road (Old Iron Arts location). The space is to be subdivided with Brick & Tin occupying the remainder of the space. The music studio is estimated to be 2,000 square feet. Following is a summary of the applicant's operations information and issues to be considered by the City Council:

Hours of operation: 8:30a.m.—8:00p.m. Monday through Saturday
8:30a.m.—3:00p.m. generally administrative in nature. Lessons during these times are sporadic.
3:00p.m.—8:00p.m. generally allotted for lessons

Peak activity: 3:00p.m.—6:00p.m.

Class sizes: Most are private (1:1) with some group lessons consisting of 5—10 students. The maximum number of students is 13—18. The average number of patrons is estimated to be 8—9.

Number of employees: One office manager, one receptionist, and eight contract instructors (10 total).

Occupancy: Maximum: 27 (17 students and 10 staff/instructors)
Average: 15—18 students and staff/instructors
Group lessons are generally scheduled during off-peak times.

Classrooms: Eight with only one room large enough for group lessons.

Lessons/day: 30—40

Clientele: Generally, school-age students. In most instances, the students are dropped off by their parents for lessons. Applicant anticipates some walk-in students/customers from Mountain Brook Elementary and the surrounding area. Lesson duration ranges from 30, 45, to 60 minutes.

Dedicated parking spaces: Two in back of building to be used by the two administrative staff persons.

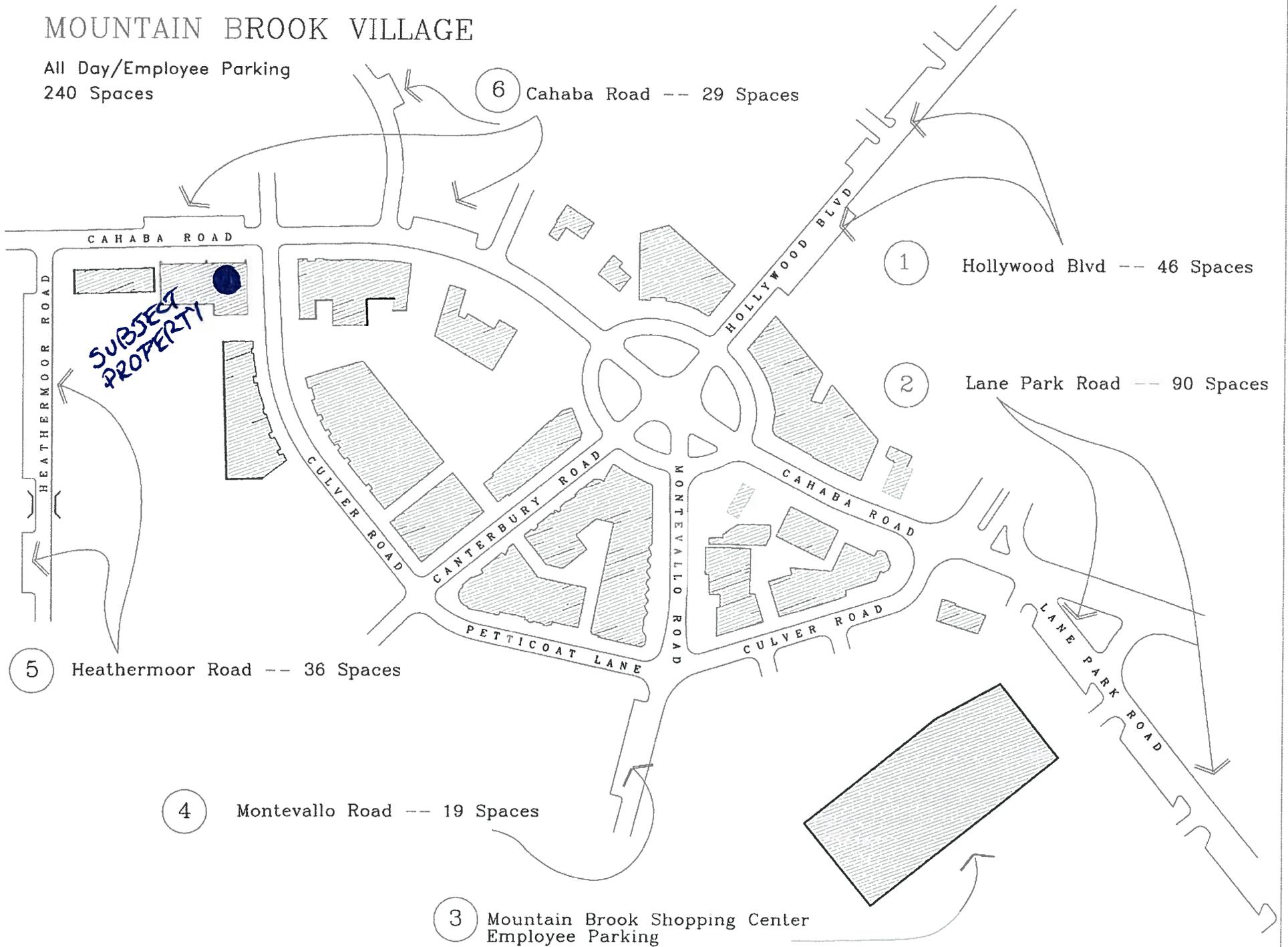
Parking plan: Contract instructors will generally park in the all-day/employee parking (see map).

Council considerations: The zoning ordinance requires council approval of service uses as a conditional use, and states that any proposed conditional use will be reviewed with respect to the following:

- Whether the use would disparately impact public parking
- Whether vehicular or pedestrian circulation would be impacted
- Compatibility with surrounding [existing] uses
- Whether the hours of operation or peak traffic will impact existing uses

MOUNTAIN BROOK VILLAGE

All Day/Employee Parking
240 Spaces



6 Cahaba Road -- 29 Spaces

1 Hollywood Blvd -- 46 Spaces

2 Lane Park Road -- 90 Spaces

5 Heathermoor Road -- 36 Spaces

4 Montevallo Road -- 19 Spaces

3 Mountain Brook Shopping Center
Employee Parking

CULVER ROAD
70' R.O.W.

FOUND CROSS

16

CONCRETE GUTTER

S34°10'51"W
100.00'

PLANTER

0.3' IN
59.94' (MEAS)
60.00' (MAP)
N55°41'19"W

20' ALLEY
N55°40'52"W
67.83'

2.30'
S55°43'
FOUND
REBAR

CROSS WALK
POINT OF BEGINNING
SET PK NAIL

2901

Brick & Tin Restaurant

Mason Music

2903

PLANTER(S)

67.25'
N55°40'51"W

PLANTER(S)

FOUND CROSS

1.5 CURB & GUTTER (TYP.)

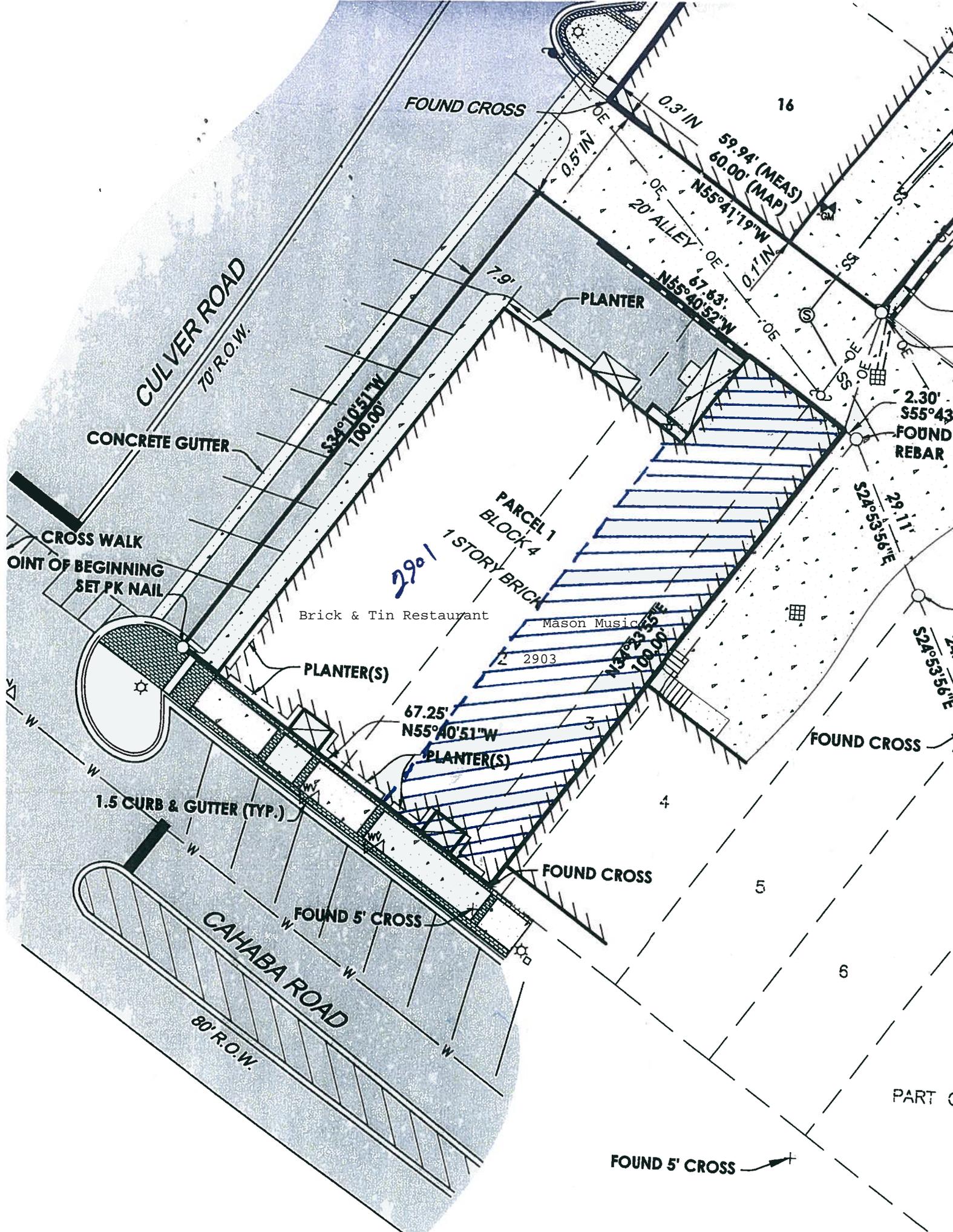
FOUND CROSS

FOUND 5' CROSS

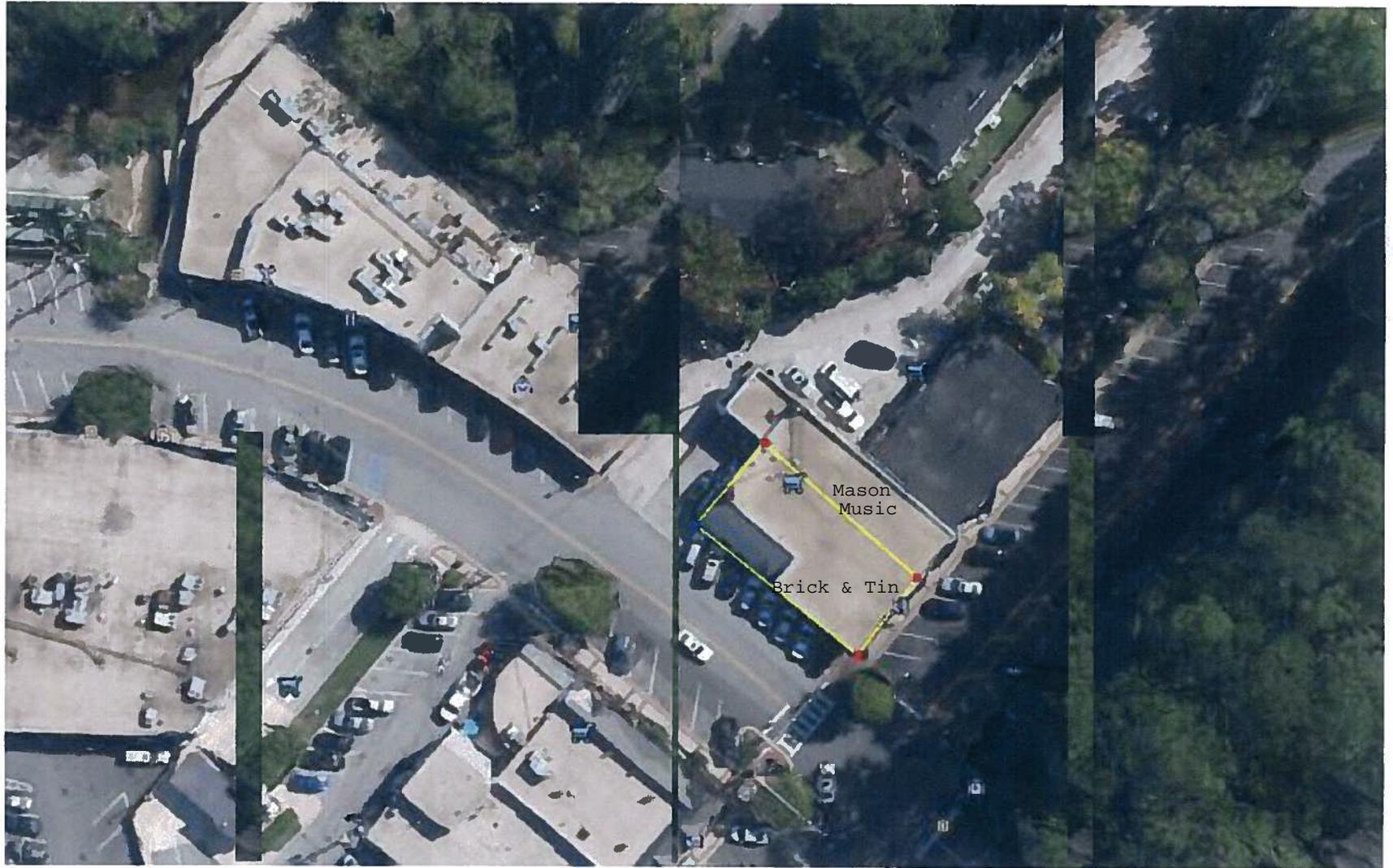
CAHABA ROAD
80' R.O.W.

FOUND 5' CROSS

PART C



2901 CAHABA ROAD



2901 CAHABA ROAD



2901 CAHABA ROAD



To Whom It May Concern:

Mason Music proposes to use the space in Mountain Brook Village currently occupied by Village Dermatology for the following uses:

Music Lessons
Musical instrument and music accessory retail

Our proposed hours of operation are as follows:
8:30am-3:00pm Office hours mainly for administrative work. During these hours we may have sporadic lessons with adults or home school children. We also have offered a preschool music program called 'munchkin music' in the past that met one day a week for an hour and had approximately 5-7 students in the group. This was held at 10:00am.

3:00pm-8:00pm main hours for after school lessons.

We propose to have 8 teaching rooms plus a lobby. The most people who could be working at a time would be 10. 8 teachers + 1 office manager + 1 receptionist.

Employees will park at the perimeter of the village, or wherever the city of Mtn. Brook deems desirable and helpful. We hope to be good tenants and beneficial members of the community.

Our peak hours will be after school, from 3:00 till 6:30. We do offer lessons until 8:00, but those later spots are generally less desirable and thus, less densely booked. At capacity, we would be able to service 8 students at a time if all were in a private 1-1 lesson. We are looking to have 1 room large enough to conduct occasional group lessons of 5-10 students. So the most we would ever have on site at a time would be 17 students, if all 7 private rooms were full and we had 10 students in the group lesson room. This is unlikely to be the case, because generally, our group lessons are scheduled during non-peak times on purpose.

At our current location in Vestavia Hills (Cahaba Heights) we have a small parking lot (11 spaces), and most of our students are dropped off. Their parents go shop at the Summit or other nearby businesses during the lesson and pick up at the end. Most of our students are not of driving age, and are dropped off and picked up as a result. We anticipate many of our 3:00 students at the potential new building walking from MBE directly to Mason Music and being picked up at the end of their lesson.

We look forward to the opportunity to open a location closer to many of our existing clients who live in Mtn. Brook. We also believe that we would be a good fit for this community, as we are offering a service that focuses on childhood development and enrichment through music. We hope to become a neighborhood establishment that will draw more business to other nearby shops and restaurants as well, so that a synergy can develop among us.

-Will and Sarah Mason

ORDINANCE NO. 1892

**AN ORDINANCE RE-AFFIRMING VOTING DISTRICTS
PREVIOUSLY ESTABLISHED UPON THE ADOPTION OF ORDINANCE NO. 1624,
ASSIGNING POLLING LOCATIONS, AND RELOCATING ONE POLLING LOCATION
TO ITS ORIGINAL SITE DUE TO THE RECENT COMPLETION OF THE NEW
MUNICIPAL COMPLEX WITH RESPECT TO THE MUNICIPAL ELECTIONS**

BE IT ORDAINED by the City Council of the City of Mountain Brook, as follows:

Section 1. **Establishment of Polling Districts and Assignment of Polling Locations.** The City shall be divided into six (6) polling districts as illustrated in the attached Exhibit A and the polling locations of each for the polling districts shall be as follows:

Polling District	<u>No.</u>	<u>Polling Location</u>	
	1	St. Luke's Episcopal Church (Precinct 46, Box 8) 3736 Montrose Road Mountain Brook, AL 35213	(No Change)
	2	Mountain Brook City Hall (Precinct 46, Box 9) 56 Church Street Mountain Brook, AL 35213	(Relocating back original site)
	3	Brookwood Baptist Church (Precinct 48, Box 6) 3449 Overton Road Mountain Brook, AL 35223	(No Change)
	4	Mountain Brook Fire Station No. 2 (Precinct 48, Box 4) 3785 Locksley Drive Mountain Brook, AL 35223	(No Change)
	5	Mountain Brook Elementary School (Precinct 46, Box 7) 3020 Cambridge Road Mountain Brook, AL 35223	(No Change)
	6	Cherokee Bend Elementary School (Precinct 45, Box 2) 4400 Fair Oaks Drive Mountain Brook, AL 35223	(No Change)

Section 2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama, that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

Section 4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law and approval by the U. S. Department of Justice as prescribed by Section 5 of the "Voting Rights Act".

ADOPTED: This 8th day of July, 2013.

Council President

APPROVED: This 8th day of July, 2013.

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on July 8, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 9, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street (Hoyt Lane mall entrance)
Gilchrist Pharmacy, 2850 Cahaba Road
Piggly Wiggly Food Store 4, 93 Euclid Avenue
The Invitation Place, 3150 Overton Road

City Clerk

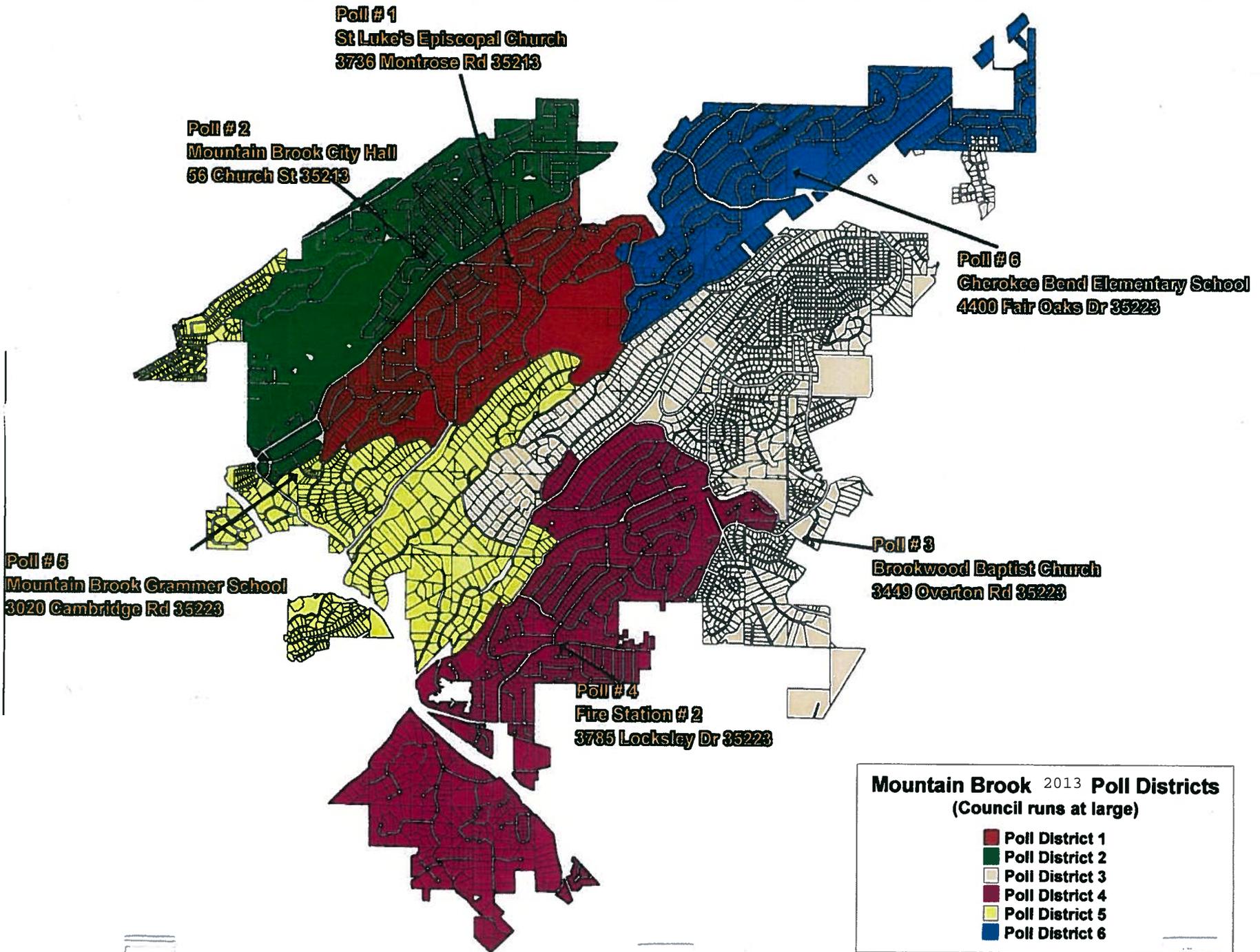


EXHIBIT A



Re: Ordinance No. 1893

CITY OF MOUNTAIN BROOK

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City Planner
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Mountain Brook, Alabama 35213
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MEMO

DATE: January 9, 2013

TO: Mayor, City Council
City Manager
City Attorney

FROM: Dana Hazen, City Planner

RE: Proposed Vine Street Transitional (VST) District

Vine Street Transitional (VST) District

On December 3, 2012, the Planning Commission voted to recommend to the Council the adoption of the Vine Street Transitional (VST) District, as well as the other related zoning ordinance amendments which are attached hereto.

Summary

There are several lots along the west side of Vine Street (Crestline Village) that are currently zoned Res-D and are too small (50'x150') to be redeveloped under any of the City's current zoning districts. Therefore, as the structures on these small lots become dilapidated (as is already the case at the northwest corner of Dexter and Vine) redevelopment of individual lots is not feasible under existing zoning regulations and the Village Overlay Standards.

The purpose of this proposed zoning amendment is to promote redevelopment of properties along the west side of Vine Street with a mixture of uses that are "transitional" in nature, such as office and multi-family. This area of Crestline Village is uniquely situated along the commercial fringe of the village, but given its proximity to single family zoning districts on the east side of Vine Street it is not ideal for development of intense commercial uses (such as retail and restaurant); however this area may be appropriate for the development of transitional uses.

The attached Vine Street Transitional (VST) District contains draft language that would allow for appropriate uses and building design for the properties indicated on the attached map of Vine Street. If adopted, no properties along Vine would be automatically "re-zoned," but the owners of such properties would have to petition the Planning Commission and Council for rezoning on an individual basis in the future.

ORDINANCE NO. 1893

AN ORDINANCE AMENDING SECTIONS 129-551, 129-552, 129-553 AND 129-416 OF THE CITY CODE ALL INVOLVING THE ADDITION OF THE VINE STREET TRANSITIONAL DISTRICT ZONING CLASSIFICATION TO THE ZONING CODE OF THE CITY OF MOUNTAIN BROOK

WHEREAS, it is the desire of the City Council of the City of Mountain Brook, Alabama, to amend certain sections of the City's zoning code;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook the following:

SECTION 1. Chapter 129 of the City Code is amended to include the following new sections:

“ARTICLE _____ - VINE STREET TRANSITIONAL (VST) DISTRICT

Sec. 129-___ - Purpose and applicability.

The Vine Street Transitional (VST) District is intended to provide compact, appropriate-scaled buildings along the west side of Vine Street in Crestline Village for detached single family, attached single family (townhouse dwelling), professional and business offices and mixed use (residential above office). The district may be applied to sites which can establish an effective transition from the Local Business District in Crestline Village to adjacent residential neighborhoods and the Crestline Elementary School site. The district is intended to provide a high degree of pedestrian connectivity within Crestline Village to increase accessibility and patronage of businesses, and to enhance the pedestrian character of Crestline Village.

The Vine Street Transitional (VST) District is also intended to emphasize lot frontages, and the orientation, location, and façade design of the buildings, as a key determinant of development that is transitionally compatible with the neighboring Local Business, Residence-A, Residence-C and Recreation Districts, and a key element in shaping the transitional character and streetscape of Vine Street in Crestline Village.

The VST District may be applied to those properties abutting the west side of Vine Street in Crestline Village, as that Village is defined by reference to the Village Boundary Line for Crestline Village in Section 129-557 of the City Code.

Sec. 129-___ - Permitted uses.

The uses permitted in the Vine Street Transitional District shall be as follows:

- (a) Detached single family dwellings;
- (b) Attached single family dwellings (townhouse dwelling units);
- (c) Professional offices;
- (d) Business offices;

- (e) Mixed use, with residential uses above office uses;
- (f) The uses in any of the above permitted uses may be condominium units;
- (g) Accessory structures and accessory buildings customarily incidental to the above permitted uses.

(a) *Minimum dimensions of parcel.*

- (1) Minimum area of parcel ... 7,500 square feet
- (2) Minimum width of parcel at all points between the street line and the front setback line ... 50 feet
- (3) Minimum number of feet of the parcel which must abut a street ... 50 feet

(b) *Minimum yards and building setbacks.*

The front lot line shall be deemed to be the edge of the adjacent public right-of-way, or the edge of the adjacent sidewalk which is nearest the building, whichever is farther from the centerline of the such right-of-way.

- (1) Minimum front (primary) yard setback... 5 feet
- (2) Minimum front (secondary) yard setback... 8 feet
- (3) Minimum rear yard setback5 feet
- (4) Minimum side yard setback
0 feet if party wall;
5 feet for end units, or a detached single family dwelling.
- (5) An enhanced primary entrance feature may extend up to 5 feet beyond the permitted and constructed front building line of the building provided that:
 - a. It occupies no more that 30% of the front façade (primary or secondary) of the lot;
 - b. It remains unenclosed, with no fixed windows or screens;
 - c. Any roof structure on or associated with the feature is up to one and one-half stories;
 - d. It is designed as an extension of the primary building using the same foundation, building materials, architectural styles and ornamentation as the primary building.

(c) *Building limitations.*

- (1) Maximum building area ...

For detached single family dwellings: 60% of the total area of the parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

For attached single family dwellings (townhouse dwellings): 80% of the total area of the

parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

For office and mixed use: 80% of the total area of the parcel, reduced by additional Open Space required by Section 129-554 for residential uses.

(2) Maximum building height ... 36 feet

At any and all points, the maximum external building height shall be measured from the existing grade of the sidewalk at the lot frontage, or the proposed grade at the front building line, whichever is lower.

(3) Maximum number of stories ... none

(4) Maximum allowable density ... One dwelling unit per 2,500 square feet of land contained in the parcel

(5) All rooftop equipment shall fall within the permissible roof heights, be located away from slopes or areas exposed to the public street, and otherwise be screened from view from adjacent public streets or be incorporated into the skin of the building or internal to the block.

Sec. 129-___ - Off-Street Parking.

(1) Location of parking must be in accordance with Section 129-555 of the Village Overlay Standards.

(2) Minimum off-street parking per dwelling unit: Two spaces.

(3) Visitor and accessory parking for 2 or more attached single family dwellings; shall be one-half parking space per unit;

(4) Surface parking, interior parking or parking structures for the dwelling units and for visitor or accessory parking shall meet the parking design and vehicle access limitations of Section 129-555 of the Village Overlay Standards.

Sec. 129-___ - Additional requirements.

(a) *Compliance with Village Overlay Standards.* All uses allowed in the VST District are excluded from the building type specifications in Section 129-553 of the Village Overlay Standards, but must otherwise conform to the remainder of the Village Overlay Standards in its entirety.

(b) *Exterior lighting.* If artificial illumination is provided for a parking area, it shall be arranged so as to shine and reflect away from any adjacent residential areas and away from any streets adjacent to or near the parcel. No lighting fixtures used for any parking area shall be elevated more than 14 feet above the ground, except for a light which is installed on the ceiling of a porch of a dwelling unit and is designed to illuminate only such porch. Each lighting fixture shall be designed and installed so as to direct its beam of light below the horizontal plane of such lighting fixture.”

(c) *Development plan.* Any rezoning proposal for the Vine Street Transitional (VST) District shall submit a development plan in conformity with section 129-234 of this Code demonstrating compliance with all site and building standards of this district, the applicable overlay standards,

and conformance with the village master plan and design guidelines.”

SECTION 2. Section 129-551(b) of the City Code is hereby amended as follows:

“(b) *General Applicability.* The Village Overlay Standards supplement the standards of the current Base Zoning District of each parcel to the extent that the standards herein do not conflict with the standards in the base zoning district. To the extent that the standards set forth in the Base Zoning District conflict or are inconsistent with the standards herein, the standards set forth in this Article shall apply; all uses allowed on lots in the Base Zoning District “Vine Street Transitional (VST) District” shall be exempt from the Building Type Specifications of the Village Overlay Standards. The standards in this section are applicable to the following Base Zoning Districts which exist in the Villages:

- (1) Local Business;
- (2) Professional;
- (3) Mixed Use;
- (4) Vine Street Transitional; and
- (5) Any residential zoning districts that exist in the Village boundaries.”

SECTION 3. Section 129-551(c) of the City Code is hereby amended as follows:

“(c) *Specific Applicability.* The Village Overlay Standards address building types, building heights, building form and orientation (relationship to streets and open spaces), and are specifically applicable to the following areas:

- (1) Crestline Village (except for lots zoned Vine Street Transitional (VST) District), as indicated on the attached Building and Development Regulating Plan for Crestline Village;
- (2) English Village, as indicated on the attached Building and Development Regulating Plan for English Village;
- (3) Mountain Brook Village, as indicated on the attached Building and Development Regulating Plan for Mountain Brook Village;
- (4) Overton Village, as indicated on the attached Building and Development Regulating Plan for Overton Village.

The boundaries officially approved for the Village Overlay Standards, as specified above, are adopted herein by reference, and shall become a part of Official Zoning Map of Mountain Brook as defined in Section 129-17 of the Zoning Ordinance.”

SECTION 4. Section 129-551(d) of the City Code is hereby amended as follows:

“(d) *Building and Development Regulating Plans.* The Building and Development Regulating Plans for Crestline Village (except for lots zoned Vine Street Transitional

(VST) District), English Village, Mountain Brook Village and Overton Village are attached hereto, included within, and made a part of these Village Overlay Standards, and apply in all areas identified thereupon.”

SECTION 5. Section 129-552 of the City Code is hereby amended as follows:

“(d) *Vine Street Transitional District Uses.* There is no specified building type for uses on lots zoned Vine Street Transitional District in the Village Overlay area; proposed building plans are subject to review by the Planning Commission and Village Design Review Committee for compliance with the VST District regulations, the Village Master Plan, the Design Guidelines and intent and purposes of the base zoning district and this Article.”

SECTION 6. Section 129-553(b) of the City Code is hereby amended as follows:

“(b) *Standards.* Permitted building types shall meet the following building standards, which standards shall control over any conflicting standard of the Base Zoning District (with the exception of any permitted use on lots zoned Vine Street Transitional (VST) District):”

SECTION 7. Section 129-553 of the City Code is hereby amended/corrected as follows:

1. The reference to “Section 19-31-4” (See “Maximum % of Lot Coverage (building footprint)-CD129:89) is hereby changed to “Section 129-554”.
2. The reference to “Section 19-31-5(d) (See Site Access – Vehicles-CD129:89) is hereby changed to “Section 129-555(d)”.
3. The reference to “Section 19-31-5” (See Legend [1]-CD129:91) is hereby changed to “Section 129-555”.
4. The reference to “Section 19-31-4” (See “Maximum % of Lot Coverage (building footprint)-CD129:92) is hereby changed to “Section 129-554”.
5. The reference to “Section 19-31-5(d) (See Site Access – Vehicles-CD129:92) is hereby changed to “Section 129-555(d)”.
6. The reference to “Section 19-31-5” (See Legend [1]-CD129:94) is hereby changed to “Section 129-555”.
7. The reference to “Section 19-31-4” (See “Maximum % of Lot Coverage (building footprint)-CD129:95) is hereby changed to “Section 129-554”.
8. The reference to “Section 19-31-5(d) (See Site Access – Vehicles-CD129:95) is hereby changed to “Section 129-555(d)”.
9. The reference to “Section 19-31-5” (See Legend [1]-CD129:97) is hereby changed to “Section 129-555”.
10. The reference to “Section 19-31-4” (See “Maximum % of Lot Coverage (building footprint)-CD129:98) is hereby changed to “Section 129-554”.
11. The reference to “Section 19-31-5(d) (See Site Access – Vehicles-CD129:98) is hereby changed to “Section 129-555(d)”.
12. The reference to “Section 19-31-5” (See Legend [1]-CD129:100) is hereby changed to “Section 129-555”.

SECTION 8. Section 129-416(a) of the City Code is repealed and replaced with the following:

“Sec. 129-416. Advisory design review required in the Villages of Mountain Brook.

- (a) The Villages of Mountain Brook, for purposes of this section, are composed of those properties located within the "Village Boundary Line" shown on the Village Maps found in Section 129-557 of the City Code. ~~and defined as, the Local Business Districts of the City of Mountain Brook, plus those Mixed Use, Office Park, Professional, and Residential Infill Districts which are contiguous to and/or within one mile of the boundary of such Local Business Districts ("villages)."~~

Section 9. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 10. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 11. The effective date of this ordinance shall be July 26, 2013.

ADOPTED: This 8th day of July, 2013.

Council President

APPROVED: This 8th day of July, 2013.

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on July 8, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 9, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

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City Clerk