

**MOUNTAIN BROOK CITY COUNCIL  
MEETING AGENDA**

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

**NOVEMBER 25, 2013, 7:00 P.M.**

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1. Approval of the minutes of the November 12, 2013 regular meeting of the City Council.
2. Consideration: Resolution appointing a member to the Board of Zoning Adjustment to fill the unexpired term of Noel Dowling, to serve without compensation, with the term of office to end July 25, 2014.
3. Consideration: Resolution setting a public hearing at 7 p.m. on January 13, 2014 to consider an ordinance adopting the 2014 edition of the National Electrical Code (NFPA 70).
4. Consideration: Resolution authorizing the installation of a street light on an existing pole in the alley located at 3772 Montevallo Road.
5. Consideration: Resolution declaring two (2) police cruiser [Crown Victoria] light bars surplus and authorize their sale to the City of Warrior in consideration of \$1.
6. Consideration: Resolution reaffirming the City's intention to implement safety guidelines with respect to the City's workers' compensation program.
7. Consideration: Resolution authorizing the directing the City Attorney to certify that the City's drug and alcohol testing policy is compliant with the fourth amendment to the U. S. Constitution.
8. Consideration: Resolution awarding the bid for two (2) variable message sign trailers for the Police Department.
9. Consideration: Resolution recommending to the State of Alabama, Alcoholic Beverage Control Board, the issuance of a 020 – Restaurant Retail Liquor License to Brick and Tin, LLC located at 2901 Cahaba Road, Mountain Brook, AL 35223.
10. Consideration: Ordinance authorizing a 3-way stop sign at the intersection of Fairmont Drive and Lorena Lane and provide for punishment for violations thereof.
11. Consideration: Ordinance authorizing the abandonment and sell at public [Internet] auction of certain abandoned/stolen personal property taken up and stored by the City's police department pursuant to §11-47-116 of the Code of Alabama.
12. Announcement: The next regular meeting of the City Council will be December 9, 2013, at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
13. Other business.
14. Comments from residents.
15. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
NOVEMBER 12, 2013**

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The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:00 p.m. on Tuesday, the 12th day of November, 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 Carl Johnson, City Manager Sam Gaston, and City Clerk Steven Boone.

**1. AGENDA**

1. Ms. Ivey Brown addressed the City Council regarding a limited sight visibility issue at the intersection of Montevallo Road and Montevallo Park Place.

The members of the City Council expressed general opposition to installing a stop sign on Montevallo Road as it represents a major thoroughfare of the City. They also expressed general opposition to conducting a formal traffic study. Also, discussed was the installation of a sidewalk and/or pedestrian crossing signal.

With respect to sidewalks, the members of the City Council stated that such sidewalks are generally considered with the stipulation that the affected residents pay for the construction materials. The City Manager will have Public Works prepare an estimate of the cost of such construction materials for the residents' benefit. The notion of a pedestrian crossing signal was not viewed favorably by the members of the City Council.

The Police Department was instructed to conduct a more thorough review and report back to the City Council.

2. Steven Gay of the Public Works Department discussed the City's plans to convert the village lighting to more energy efficient LED bulbs (the first phase of which is included in the fiscal 2014 budget).

Before proceeding, the City shall meet with a representative of Phillips [lighting] regarding its program whereby the conversion cost is paid by way of installment payments based on the energy savings (i.e., initial/conversion costs are deferred).

The lighting conversion shall be performed in the villages first to determine the effect on lighting levels and aesthetics before moving onto the lights in residential areas of the City.

3. Stop sign request at the Fairmont Drive and Lorena Lane intersection.

Notices are to be mailed to area residents and this matter will be considered again at the next meeting of the City Council.

**2. EXECUTIVE SESSION**

There being no further business to come before the City Council, it was moved by Council member Vogtle that the City Council convene in executive session to discuss a matter involving real estate negotiation. The motion was seconded by Council member Carter. The City Attorney certified that the subject of said executive session was allowed pursuant to the Open Meetings Act. President Smith then asked that the members of the audience be excused and that the City Council will reconvene for its schedule business meeting in the Council Chamber at approximately 7 p.m.

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Steven Boone, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA  
NOVEMBER 12, 2013**

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The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Tuesday, the 12th day of November, 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 Carl Johnson, City Manager Sam Gaston, and City Clerk Steven Boone.

The City Council President stated that a quorum was present and that the meeting was open for the transaction of business.

**1. RECOGNITION OF GUESTS**

Council President Smith recognized Boy Scouts William Hereford III, Hunt Cochoran [and others] of Troop 28 in attendance to satisfy the requirements for the Citizenship in Community merit badge.

**2. 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 October 28, 2013 meeting of the City Council.

2013-162	Declare certain property surplus and authorize its sale at public Internet auction.	Exhibit 1
2013-163	Recommend to the ABC Board the issuance of an 040 – Retail Beer (On or Off Premises) and an 60 – Retail Table Wine (On or Off Premises) licenses to Delizioso, LLC (trade name Delicios) located at 3150 Overton Road.	Exhibit 2, Appendix 1
2013-164	Award the police department uniform bid.	Exhibit 3, Appendix 2
	Authorize the execution of the following service agreements:	
2013-166	• Alabama Symphonic Association	Exhibit 4, Appendix 3
2013-167	• Birmingham Botanical Society	Exhibit 5, Appendix 4
2013-168	• Birmingham Museum of Art	Exhibit 6, Appendix 5
2013-169	• Alabama Veterans' Memorial Foundation	Exhibit 7, Appendix 6
2013-170	• Jefferson County Historical Commission	Exhibit 8, Appendix 7
2013-171	• Exceptional Foundation	Exhibit 9, Appendix 8

2013-172	• Birmingham Zoo	Exhibit 10, Appendix 9
2013-173	Authorize the appropriation of two thousand one hundred dollars (\$2,100) to the Jefferson-Blount-St. Clair Mental Health Authority in consideration of its commitment to provide mental health programs, activities, and services to residents of the City of Mountain Brook, Alabama for the fiscal year ending September 30, 2014.	Exhibit 11, Appendix 10

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. 2013-162 through 164 and nos. 2013-166 through 173) are adopted by a vote of 5—0.

**3. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE (NO. 1898) AMENDING THE CAHABA VILLAGE MASTER DEVELOPMENT PLAN (TO PROVIDE FOR ADDITIONAL SURFACE PARKING (EXHIBIT 12, APPENDIX 11))**

Council President Smith opened the public hearing, introduced the ordinance in writing, and invited comments and questions from the audience.

There being no discussion or comments, Council member Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent for the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

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

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Pritchard moved for the adoption of said ordinance. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

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

The President of the Council declared that the ordinance (No. 1898) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**4. PUBLIC HEARING: A RESOLUTION (NO. 2013-165) TO CONSIDER REVOKING THE BUSINESS LICENSE ISSUED TO MS. REGINA POWERS (DBA\STEAKHOUSE SUPPLY) (EXHIBIT 13, APPENDIX 12)**

Council President Smith opened the public hearing, and invited Mr. Boone to make comments regarding the matter.

Mr. Boone:

- The business license issued to Ms. Powers included the delivery of meat products to her customers. The licensee was expressly instructed that door-to-door solicitations in the City were prohibited under the business license issued.
- The City has received numerous complaints from residents about door-to-door solicitations.
- The Police Department has encountered representatives of the licensee on numerous occasions [by chance and in response to complaints] engaged in door-to-door solicitations.
- Written and verbal warnings have been issued to the licensee by the City's Revenue Examiner on several occasions regarding business license violations.
- Written notice of this public hearing was delivered to the licensee in accordance with City Code Section 26-223. [Ms. Powers was not present for the hearing].
- It is the recommendation of the City Clerk that the business license be revoked for Ms. Powers' willful and repeated violations of the City's business license code.

There being no further discussion or comments, Council member Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said resolution be suspended, and that unanimous consent for the immediate consideration of said resolution be given and that the reading of the resolution at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

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

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Pritchard moved for the adoption of said resolution. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

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

The President of the Council declared that the resolution (No. 2013-165) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**5. CONSIDERATION OF AN ORDINANCE (NO. 1897) AUTHORIZING THE PLACEMENT OF A STOP SIGN ON MONTEVALLO PARK PLACE AT ITS INTERSECTION WITH MONTEVALLO ROAD. (EXHIBIT 14, APPENDIX 13)**

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience. There being no discussion or comments, Council member Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

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

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Pritchard then moved for the adoption of said ordinance. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The President of the Council declared that the ordinance (No. 1897) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**6. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE (NO. 1899) 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). (EXHIBIT 15, APPENDIX 14)**

Council President Smith opened the public hearing, introduced the ordinance in writing, and invited comments and questions from the audience.

There being no discussion or comments, Council member Pritchard made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent for the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

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

Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared the motion carried by a vote of 5—0.

After said ordinance had been considered in full by the Council, Council member Pritchard moved for the adoption of said ordinance. The motion was seconded by Council member Vogtle. Thereupon, Council President Smith called for vote with the following results:

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

The President of the Council declared that the ordinance (No. 1899) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**7. 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 November 25, 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](http://www.mtnbrook.org)) for more information.

**8. ADJOURNMENT**

There being no further business to come before the City Council at this time, Council President Smith adjourned the meeting.

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Steven Boone, City Clerk

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**EXHIBIT 1**

**RESOLUTION NO. 2013-162**

**A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL  
OF CERTAIN SURPLUS PROPERTY**

**WHEREAS**, the City of Mountain Brook, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

**WHEREAS**, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook, as follows:

Section 1. It is hereby established and declared that the following property owned by the City of Mountain Brook, Alabama is not needed for public or municipal purposes and is hereby declared surplus property:

Count	Description	Model	Description
1	3COM 10/100 16 port switch	3C16470	SN: LUNZQ6H0054516

2013-174

M e m o

Date: November 14, 2013

To: Sam Gaston  
Steve Boone

From: Carole Epstein

RE: Board of Zoning Adjustment Appointment

Mr. Noel Dowling resigned this past week from the BZA.

Mr. Richard Simonton is currently a Supernumerary. Since Mr. Simonton is an architect (and we need an architect on the BZA), Mr. Higginbotham would like the City Council to consider appointing Mr. Simonton as a full member at the November 25<sup>th</sup> Council meeting, if possible.

Attached is a draft resolution concerning the appointment and a copy of his resume.

Thank you for your consideration.

**RESOLUTION NO. 2013-174**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that Supernumerary Board of Zoning Adjustment member Richard Simonton is hereby appointed as regular member of the Board of Zoning Adjustment to fill the unexpired term of Noel Dowling, to serve without compensation, with the term of office to end July 25, 2014.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 November 25, 2013, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

# RESUME FOR THE CITY OF MOUNTAIN BROOK BOARD OF ZONING ADJUSTMENT

Submitted by:

**Richard F. Simonton, AIA, LEED AP**

2324 English Village Lane  
Mountain Brook, Alabama 35223  
(mobile) 205.999.7392

November 14, 2013

## **PERSONAL HISTORY**

I grew up in the Forest Park neighborhood of Birmingham and attended Indian Springs School. Between 1989 and 2008 I have lived in California, Louisiana and Georgia. In the spring of 2008 my family and I decided to return to the Birmingham area and moved to Mountain Brook. I have been married to Tina Simonton for twenty years and we presently have twin boys attending fifth grade at Mountain Brook Elementary. We are members of St. Mary's on the Highlands Episcopal Church.

## **EDUCATION / PROFESSIONAL**

- Bachelor of Architecture from Auburn University; 1989
- Post Graduate study at Louisiana State University in vernacular architecture, cultural geography and community preservation; 1993-1994
- National Council of Architectural Registration Boards (NCARB) Certified
- Registered Architect in Alabama and Georgia
- Member American Institute of Architects (AIA)
- Councilor on Executive Committee of American Institute of Architects, Birmingham Chapter
- LEED Accredited Professional since 2001
- Founding board member of the Atlanta Chapter of the U.S. Green Building Council
- Principal and Director of Design at Simonton Swaika Black Architects, Inc.

## **SERVICE**

- Den leader with Pack 253 for Webelos II Scouts
- FEMA Certified for Earthquake and Wind/Flood Damage Assessment Response Teams
- Past member of Spalding County Chamber of Commerce
- Invited reviewer for student architectural projects at the Georgia Institute of Technology, Auburn University, and Louisiana State University
- Past board of directors' member for the Center for Landscape Interpretation (a non-profit dedicated to preservation of Louisiana heritage sites).

References:

Mr. Phil Black  
Mr. Ken Key  
Mr. Tommy Prewitt

**RESOLUTION NO. 2013-175**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook that, at the meeting of the City Council to be held on Monday, January 13, 2014, at 7:00 p.m., in the auditorium of Mountain Brook Junior High School, the City Council will hold a public hearing regarding an ordinance adopting the 2014 National Electrical Code (NFPA70).

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook that the City Clerk be, and he hereby is, authorized and directed to cause to be published not fewer than fifteen (15) days prior to January 13, 2014, by posting in five (5) conspicuous places within the City of Mountain Brook, as follows: City Hall—56 Church Street, Gilchrist Drug Company—2805 Cahaba Road, , The Invitation Place—3150 Overton Road, and Overton Park, 3020 Overton Road, the following notice concerning both proposed actions in words and figures substantially as follows:

**"PUBLIC HEARING**

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, January 13, 2014, at 7:00 p.m., in the auditorium of Mountain Brook Junior High School, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

**'ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING SECTION 109-56 OF THE CITY CODE ALL INVOLVING THE ADOPTION OF "NATIONAL ELECTRICAL CODE, 2011 EDITION" RELATING TO INSPECTION ACTIVITIES OF THE CITY OF MOUNTAIN BROOK AND ENFORCEMENT OF BUILDING PROVISIONS AS PROVIDED IN SAID CODE**

**WHEREAS**, it is the desire of the City Council of the City of Mountain Brook, Alabama, to adopt, in all respects, the International Code Council ("ICC") code relating to electrical construction and installations; and

**WHEREAS**, the adoption of this Code is pursuant to §11-45-8 Code of Alabama (1975); and

**WHEREAS**, the adoption of this Code is done to facilitate proper inspection activities by the City of Mountain Brook, Alabama, relating to construction of buildings within the corporate limits of said city and relating to public safety, health and general welfare;

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

**Section 1.** Section 109-56 of the City Code is hereby repealed and replaced with the following:

**"Sec. 109-56. Electrical code--Adoption by reference.**

The National Electrical Code, 2014 Edition, published by the National Fire Protection Association and available for purchase from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA or by calling (800) 344-3555, is hereby adopted by reference as though it were copied herein fully, subject to the amendments of the following sections, as the electrical code of the city."

**Section 2.** 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 3.** 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.** The effective date of this ordinance shall be March 1, 2014.'

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance."

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**ADOPTED:** This 25th day of November, 2013.

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Council President

**APPROVED:** This 25th day of November, 2013.

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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, Alabama, at its meeting held on November 25, 2013, as same appears in the minutes of record of said meeting and published by posting copies thereof on November 26, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road

The Invitation Place, 3150 Overton Road  
Overton Park, 3020 Overton Road

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Steven Boone, City Clerk

**Sam Gaston**

2013-176

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**From:** Bill Dore  
**Sent:** Wednesday, November 20, 2013 4:51 PM  
**To:** gastons@mtnbrook.org  
**Subject:** Light Pole

To Whom it may concern.

I reside at 3773 West Jackson Blvd and a proposed light pole is being considered in the alley behind my home by our Mountain Brook community .

I wish to express my opposition to the propose project !

I would be at the meeting in person but am out if state!

I would appreciate your suppot.

Bill Dore  
I

Sent from my iPhone

## Sam Gaston

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**From:** Steve Still  
**Sent:** Thursday, November 21, 2013 8:50 AM  
**To:** Sam Gaston; Hamp Greene  
**Cc:** billd@doreenergy.com  
**Subject:** RE: Proposed streetlight in alley  
**Attachments:** photo.jpg; photo.jpg

Sam,

I wanted to weigh in on Hamp's email.

I agree with Hamp. I believe the concerns set forth in his email are valid and his suggestion is very reasonable.

I guess I typically think of street lighting, whether it's in the front or rear of a home, as being a resident's responsibility; not the City's or the Power Company's responsibility.

I drove up and down Fairway Drive last night and there are several nice street lamps in front of residences.

I've attached two pictures of nice lamps that perhaps a resident could consider for installation of a street lamp.

Both of these provide adequate lighting, and are very attractive and in keeping with our community appearance.

I will be unable to make the meeting Monday night, but would appreciate it if you could provide my comments to Mayor Oden and the members of the City Council.

Thank you for all that you do!

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**From:** Sam Gaston [mailto:[gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)]  
**Sent:** Wednesday, November 20, 2013 5:06 PM  
**To:** Hamp Greene  
**Cc:** Steve Still; billd@doreenergy.com  
**Subject:** RE: Proposed streetlight in alley

Thank you. I will forward your comments to the Mayor and City Council.

Sam S. Gaston  
City Manager  
City of Mountain Brook, AL.  
56 Church Street  
P.O. Box 130009  
Mountain Brook AL. 35213  
(205) 802-3803 Phone  
(205) 870-3577 Fax

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**From:** Hamp Greene [mailto:[hamp@churchofthehighlands.com](mailto:hamp@churchofthehighlands.com)]  
**Sent:** Wednesday, November 20, 2013 4:41 PM  
**To:** [gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)  
**Cc:** [sstill@maynardcooper.com](mailto:sstill@maynardcooper.com); [billd@doreenergy.com](mailto:billd@doreenergy.com); Hamp Greene  
**Subject:** Proposed streetlight in alley

11/21/2013

Dear Sam-

Thanks for your time on the phone. As we discussed, I am adamantly opposed to the city allowing a streetlight on the existing pole located behind 3772 Montevallo Rd. in the alley between Montevallo Rd. and W. Jackson Blvd. because of the effect it would have on my backyard and that it would break precedence for street lighting in Mountain Brook.

As we discussed- the subject pole is approximately 20 feet from my property line and backyard. A streetlight on this pole would greatly alter the ambience in my back yard as even the lowest watt bulb would cast a significant amount of light into my backyard. My family and I routinely spend evenings in our backyard hanging out and grilling. If the city were to allow a streetlight on the subject pole the light from the pole would be a huge distraction and dramatically change our backyard experience. Additionally, my master bedroom and den windows face the alley(approximately 65 feet from pole), so a streetlight on the subject pole would shine continual light into my bedroom and den at night.

Mountain Brook is a quaint community with minimal streetlights, and as you stated, there are no streetlights in alleys in Mountain Brook. The proposed streetlight would undoubtedly violate the "Mountain Brook feel" and be a distraction and "eyesore" for my family and me.

I certainly value pedestrian/resident safety, particularly for children (I have three children of my own). As you are aware, the alley is narrow and one lane with very minimal traffic, and that traffic is almost entirely by residents, not the general public. The alley is a dead-end and resident's car traffic count isn't more than a few cars a night. It seems the more appropriate action for any concerned neighbors would be to erect their own lighting, which could address their concerns with the least impact on the rest of the neighborhood.

Thank you so much for your consideration.

Best Regards-  
Hamp Greene

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11/21/2013



**RESOLUTION NO. 2013-176**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, as follows:

1. That the Alabama Power Company be requested to install a street light on an existing pole located at rear of property (alley) located at 2772 Montevallo Rad (see attached map/ illustration - Exhibit A).
2. That the City Clerk be directed to furnish the Alabama Power Company a certified copy of this resolution.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 meeting held on November 25, 2013, as same appears in the minutes or record of said meeting.

\_\_\_\_\_  
City Clerk

Street Lighting Modifications



Alabama Power Company \_\_\_\_\_, Alabama  
 Jefferson County \_\_\_\_\_, Alabama

Gentlemen:

This to advise that CITY  Council The City of Mountain Brook, Alabama  
 Commission of \_\_\_\_\_, Alabama  
 on the 25 day of NOVEMBER, 2013, adapted resolutions which appear in the minutes of

this meeting, authorizing the following street lighting modifications:

Fixture Ownership				Site Lamp (Lumens)	Location
Number of Fixtures Owned by Co.		Number of Fixtures Owned by Customer			
Install	Remove	Install	Remove		
1		X			2772 MONTEVALLO ROAD EXISTING POLE NEAR ALLEY

The requested modifications will change the present billing amounts as shown below:

- (a) Additions \_\_\_\_\_ \$ \_\_\_\_\_
- (b) Removals \_\_\_\_\_ \$ \_\_\_\_\_
- (c) Other \_\_\_\_\_ \$ \_\_\_\_\_
- (d) Net Change in Annual Billing \$ \_\_\_\_\_
- (e) Previous Annual Billing \$ \_\_\_\_\_
- (f) New Annual Billing \$ \_\_\_\_\_
- (g) New Monthly Billing \$ \_\_\_\_\_

For Company Use Only:	
W. E. Number	<input type="checkbox"/> W. E. Not required
Get Order Number	Date

Alabama Power Company

Signed: City of Mountain Brook, Alabama

Approved: \_\_\_\_\_ By: \_\_\_\_\_

Title: \_\_\_\_\_ Title: \_\_\_\_\_

Form 25-11200 Rev. 1/06

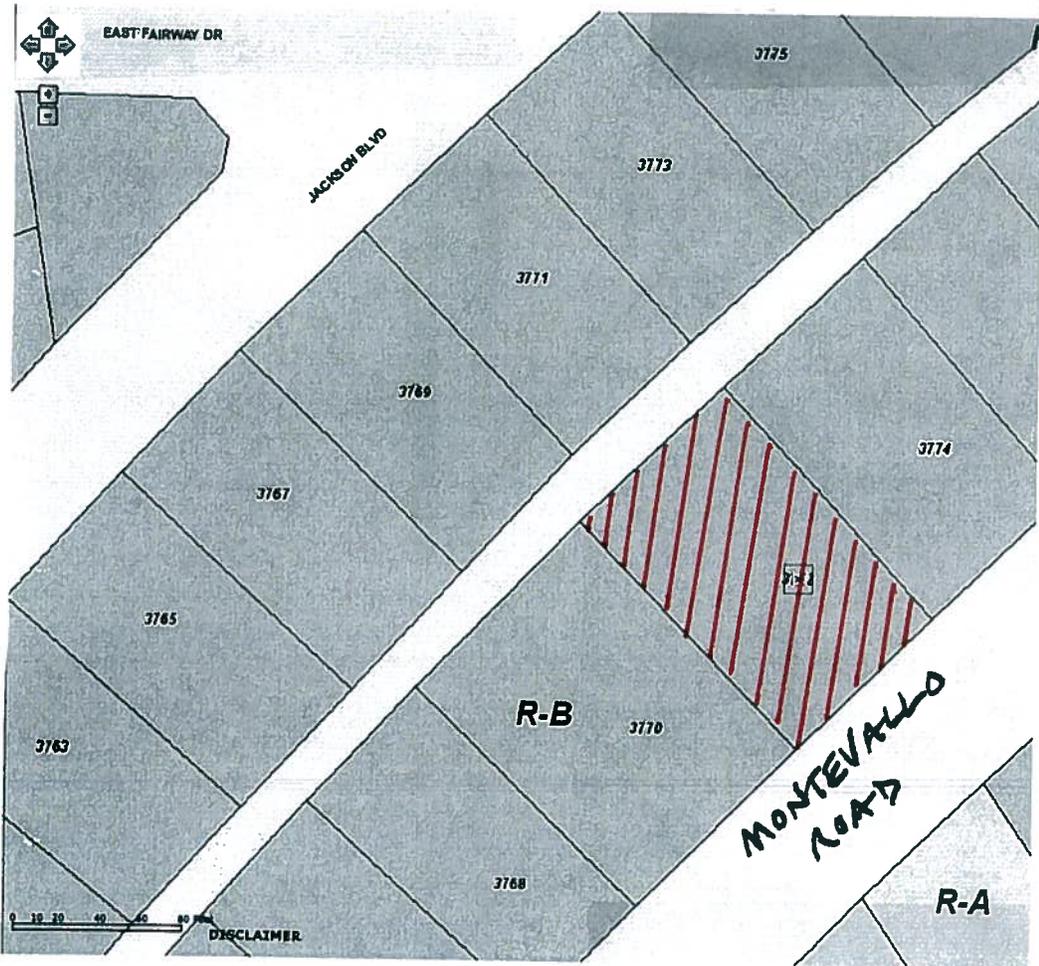
44-12200

EXHIBIT A

**SKETCH OF PROPOSED WORK -- SIMPLIFIED W. E.**



Customer City of Mountain Brook		Location		Agreed Serv. Date		Estimate No.	
Division		District		Town Mountain Brook		Drawn by	
County Jefferson		Section		Range		Adm. File	
Acquisition Agent		Date RW Assigned		Date RW Cancelled		Map Reference	
						LOO	Transformer Loading



Voltage	
Pt	Sec.
PHONE CO.	
Co. Name	
CATV CO.	
Co. Name	
ACCESSIBLE	
TREE CROW	
ROCK HOLE	
PERMITS REQ'D	
RW	
CITY	
COUNTY	
STATE	
MIRBALL	
OTHER	
SCALE	
D. For Inst.	
Date	

EXHIBIT A

2013-177

----- Forwarded message -----

From: **Jay Williams** <[williamsj@mtnbrook.org](mailto:williamsj@mtnbrook.org)>

Date: Wed, Nov 20, 2013 at 1:46 PM

Subject: Light bars for Ford Crown Victorias

To: Ted Cook <[cookt@mtnbrook.org](mailto:cookt@mtnbrook.org)>

We have two light bars stored at Public Works that were removed from vehicles no longer in our fleet. The City Of Warrior Alabama has expressed an interest in having these pieces of equipment donated to their police department for use on vehicles still in service.

The light bars are as follows

1 Whelen 8000 series edge serial number 43265

1 Whelen Liberty model SL8GZ1 serial number 19052

The light bars in question will no longer be used by our city since we will no longer purchase Ford Crown Victorias for our vehicle fleet. In my opinion, it would serve the public in general if we donated these pieces of equipment to another jurisdiction where they could be used for public safety.

Thank you for your consideration.

--

Lieutenant J.C. Williams  
Mountain Brook Police Department  
101 Tibbett Street  
Mountain Brook Alabama 35213  
[205-802-3862](tel:205-802-3862) Office  
[williamsj@mtnbrook.org](mailto:williamsj@mtnbrook.org)

**RESOLUTION NO. 2013-177**

**A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL  
OF CERTAIN SURPLUS PROPERTY**

**WHEREAS**, the City of Mountain Brook, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

**WHEREAS**, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook, as follows:

Section 1. It is hereby established and declared that the following property owned by the City of Mountain Brook, Alabama is not needed for public or municipal purposes and is hereby declared surplus property:

<b>Item</b>	<b>Description</b>	<b>Notes</b>
1	Whelen 8000 Series Edge	Serial 43265
2	Whelen Liberty Model SL8GZ1	Serial 19052

Section 2. That the City Manager, or his designated representative, be and he hereby is authorized and directed to convey the above property, as is without warranty, to the City of Warrior, Alabama in consideration of \$1.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 meeting held on November 25, 2013, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

2013-178



## MUNICIPAL WORKERS COMPENSATION FUND, INC.

P.O. BOX 1270 • 535 ADAMS AVENUE • MONTGOMERY, AL 36102  
334-262-2566 • FAX 334-263-0200  
CLAIMS 1-888-736-0210

LEON SMITH  
Mayor, Oxford  
President

PHIL SEGRAVES  
Mayor, Guin  
Vice President

TOM HENDERSON  
Mayor, Center Point  
Director

BILLY BLACKWELL  
Mayor, Ozark  
Director

DON MOORE  
Councilmember, Uniontown  
Director

KEN SMITH  
General Manager

STEVE MARTIN  
Operations Manager

DATE: October 28, 2013

TO: Members of MWCF, Inc.

FROM: Ken Smith  
MWCF General Manager

SUBJECT: Premium Discounts for the 2014 Fund Year

The Board of Directors of the Municipal Workers Compensation Fund, Inc. (MWCF) met on October 16<sup>th</sup> and has approved premium discounts for those members that commit to certain safety guidelines, establish a medical protocol and adopt a drug and alcohol testing program that is fourth amendment compliant. The previous document known as the Statement of Commitment has been revised for 2014 and is now titled SAFE WORKPLACE GUIDELINES. A three (3) percent discount will be given for each program. Members that adopt all three programs will receive a ten (10) percent discount instead of the nine (9) percent. For this past year, 56% of MWCF members took advantage of the 10% discount! For those members who have adopted a medical protocol and/or a drug and alcohol testing program in prior years no action needs to be taken to receive the discounts for these programs. **However, all members must complete the 2014 Safe Workplace Guidelines and return it by December 1, 2013** to have that discount reflected on the initial 2014-2015 Estimated Billing being mailed in December. We encourage each member to review the enclosed document(s) carefully. Please make a copy for your file and then required forms should be returned to MWCF at the above address or faxed to 334-263-0200 by December 1. **No premium discount will be issued after February 1, 2014 for Safe Workplace Guidelines received after that date.**

If your municipality or municipal entity does not presently participate in the Drug and Alcohol testing program or have a Medical Protocol on file, that information has also been enclosed for your review.

For more details, see the article in the Fall 2013 issue of *Risk Management Solutions* mailed to you last month or download at [www.almwcf.org](http://www.almwcf.org).

**RESOLUTION NO. 2013-178**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby reaffirms the City's intention to implement safety guidelines with respect to the City's workers' compensation program (Exhibit A attached hereto).

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 November 25, 2013, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk



## MUNICIPAL WORKERS COMPENSATION FUND

### 2014 SAFE WORKPLACE GUIDELINES

---

Name of Municipality or Agency: City of Mountain Brook, Alabama

Name of Safety Coordinator: David Kennedy Email Address: kennedyd@mtnbrook.org

Safety Coordinator Phone Number: (205) 802-3833 Fax Number: (205) 874-0653

**The undersigned hereby confirms to the Municipal Workers Compensation Fund, Inc., our intent to implement the following safety standards relevant to our municipal entity:**

#### GENERAL SAFETY GUIDELINES

1. Adopt and implement a written safety manual or a statement of safety standards.
2. Establish a Safety Committee to recommend new safety policies, review and update existing safety policies, review accidents and establish methods to help prevent accidents, injuries and damages to equipment.
3. Have quality safety meetings for all employees once a month. At least one of these meetings each year should be a training session on proper lifting techniques and back wellness. Consider integrating health & wellness topics such as smoking, diabetes, management of stress and weight into these meetings. Document attendance, date, time and issues covered. The MWCF video library is an excellent resource for training presentations. A wide array of resources including the complete video library catalog can be found at [www.losscontrol.org](http://www.losscontrol.org).
4. Have the designated Safety Coordinator or City Clerk review loss run reports that are mailed to each member quarterly. During this review, reports should be analyzed to make sure the records are correct. The Safety Coordinator or City Clerk should present a summary of the quarterly report to the Mayor or other Chief Executive Officer and all department heads.
5. Investigate all job related injuries regardless of the severity, determine the cause, maintain investigation records, and report all job related injuries immediately by completing a First Report of Injury Form at [www.almwcf.org](http://www.almwcf.org). Confer with any employee who has filed two more or more claims in a 12 month period as to how their job can be made safer.
6. Provide a safety orientation for all new employees on how to do job tasks safely and document that this has been done.
7. Designate a doctor or medical group to be used by employees for non-emergency job-related injuries. It is highly recommended that a supervisor or manager accompany injured employees to the medical facility on the initial visit. In life threatening emergencies, employee should be taken to the nearest medical facility.

Our designated doctor or medical group is: Alabama Comp (Dr. Romeo)

**(Must be completed)**

8. Recognize those employees with accident-free work records.

**TRAINING AND PROCEDURES**

- 9. Issue safety equipment where necessary, and provide proper tools for a job to employees to help prevent accidents and require the use of such safety equipment through a written policy.
- 10. Adopt a written infectious disease policy and consider providing hepatitis B shots for all police, fire, emergency medical technician, sanitation personnel, or any employee who has a high possibility of exposure.
- 11. Consider providing CPR/AED and first aid training to employees.
- 12. Emphasize the significance of good maintenance and housekeeping of equipment, work areas, building and grounds. Documented inspections of all equipment, work areas, building and grounds for safety hazards, including electrical, fire and life safety hazards should be done at least quarterly. Any problems discovered should be corrected immediately and documented.
- 13. Evaluate all excavations to insure proper trenching and shoring procedures are in place and provide employee training on the proper use of excavating equipment.
- 14. All part-time, seasonal and temporary employees should comply with the same safety standards and policies as permanent employees.
- 15. As violence in the workplace is increasing annually, consider implementing a Workplace Violence policy.

**MOTOR VEHICLES**

- 16. Establish a written policy instructing operators of motor vehicles to be observant of any malfunction and seek immediate repair when such malfunction is apparent. A record of any action taken should be maintained.
- 17. Evaluate traffic safety programs using the DOT guidelines when working near roadways and insure conformance with safety guidelines. These guidelines can be obtained by calling the American Assc. of State Highway Officials 1-800-231-3475 and requesting the *Manual on Uniform Traffic Control Devices for Streets and Highways*. The cost is \$120.00 online at <https://bookstore.transportation.org/>.
- 18. Consider defensive driving courses for those employees who drive vehicles. It is recommended that all drivers attend a defensive driving course every two years. AMIC and MWCF provides a Skid Car Training Program for operators of all municipal vehicles.
- 19. Have a written vehicle operations policy that details the requirements and responsibilities of safely operating a municipal vehicle, mandates seat belt use for driver and all passengers, and prohibits the use of any non-job essential electronic device while driving.

**POLICE DEPARTMENTS (WHERE APPLICABLE)**

- 20. Consider requiring that all Police Officers wear bullet resistant vests and wear reflective vests when involved in traffic control duty.
- 21. Implement a written police and jail procedure manual (where applicable) with rules and regulations updated periodically.
- 22. Consider utilizing available law enforcement training aids such as the Fire Arms Training System (FATS) available through MWCF.
- 23. Consider providing coverage for all volunteer firemen and reserve police officers through MWCF.

Number of non-elected paid employees 235 +/-

Lawrence T. Oden  
Mayor or Chief Executive Officer (Please Print)

David G. Kennedy  
Safety Coordinator (Please Print)

\_\_\_\_\_  
Mayor or Chief Executive Officer (Signature)

\_\_\_\_\_  
Safety Coordinator (Signature)

City of Mountain Brook, Alabama  
Municipality or Agency

\_\_\_\_\_  
Date

**A safety meeting to discuss these Safe Workplace Guidelines should be held with all department heads as soon as possible once it has been signed. Document the time, place and attendees at this meeting. MWCF should be notified immediately of any changes in the Safety Coordinator position by calling Donna Wagner at (334) 262-2566.**

2013-179



## MUNICIPAL WORKERS COMPENSATION FUND, INC.

P.O. Box 1270 • 535 ADAMS AVENUE • MONTGOMERY, AL 36102  
334-262-2566 • FAX 334-263-0200  
CLAIMS 1-888-736-0210

LEON SMITH  
Mayor, Oxford  
President

PHIL SEGRAVES  
Mayor, Guin  
Vice President

TOM HENDERSON  
Mayor, Center Point  
Director

BILLY BLACKWELL  
Mayor, Ozark  
Director

DON MOORE  
Councilmember, Uniontown  
Director

KEN SMITH  
General Manager

STEVE MARTIN  
Operations Manager

### DRUG TESTING PROGRAM FOR PREMIUM DISCOUNT

RE: 2014 Post-Accident Drug Testing Program

Dear MWCF Member:

The Municipal Workers Compensation Fund, Inc. (MWCF) is offering a separate three (3%) percent discount to those members who have a post-accident drug testing program and have had such program certified by their attorney to be Fourth Amendment compliant. This certification is necessary due to Federal Court decisions restricting municipalities and municipal entities from conducting post-accident drug testing. In addition to the three (3%) percent discount, the Municipal Workers Compensation Fund, Inc. will pay up to \$32.00 for each lost time post-accident drug test.

To qualify, each MWCF member must do the following:

1. Sign and return the "Participating Commitment for Fourth Amendment Compliant Post-Accident Drug and Alcohol Testing" and
2. Have the municipality or municipal entity's legal counsel certify that the current member's drug and alcohol policy is Fourth Amendment compliant.

**If you have received this memo and enclosed Drug Testing Program Form, it indicates that we do not have a current document on file to issue this discount.**

To receive the benefit of the discount on your 2014 premium and payment of post-accident drug testing, please sign the enclosed "Participating Commitment" and have your legal counsel sign the "Certification Section" by December 1, 2013 and return to the following:

Municipal Workers Compensation Fund, Inc.  
P.O. Box 1270  
Montgomery, AL 36102  
Or FAX to 334-263-0200

**RESOLUTION NO. 2013-179**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the directs the City Attorney to certify that the City's drug and alcohol testing policy is compliant with the fourth amendment to the U. S. Constitution (see Exhibit A attached hereto).

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 November 25, 2013, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

# Municipal Workers Compensation Fund

## Participating Member Commitment for Fourth Amendment Compliant Post-Accident Drug and Alcohol Testing

The undersigned member desires to commit to the Municipal Workers Compensation Fund that they will endeavor to implement a 4th amendment compliant post-accident drug and alcohol testing program. The undersigned member agrees to certify through said member's legal counsel that said participating member's post-accident drug and alcohol testing program complies with and is not in violation of the 4th Amendment of the United States Constitution. The Municipal Workers Compensation Fund shall grant to the participating member an annual premium discount as determined by the Municipal Workers Compensation Fund's Board of Directors and pay up to \$32.00 on all loss time post-accident drug and alcohol testing for complying with the certification requirement of this program.

Entity Name: City of Mountain Brook, Alabama Date: \_\_\_\_\_

By: \_\_\_\_\_ Title: City Manager

Printed Name: Sam Gaston Printed Title: City Manager

Witness: \_\_\_\_\_  
Steven Boone, City Clerk

## Certification of Fourth Amendment Compliant Drug and Alcohol Testing Program

This is to certify that the drug and alcohol testing program of City of Mountain Brook, Alabama (entity) in my legal opinion complies with the requirements of the 4th Amendment of the United States Constitution.

Legal Counsel: \_\_\_\_\_ Date: \_\_\_\_\_

**RESOLUTION NO. 2013-180**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby awards the bid for the purchase of two (2) variable message sign trailers for the Police Department to Kustom Signals whose bid has been determined to be the best bid submitted and to conform with the City's expressed specifications.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the City Manager to issue a purchase order and to execute such other documents, for and on behalf of the City, that may be determined necessary with respect to said purchase.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 November 25, 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

---

To : Chief Cook  
From : Lt. J. Williams  
Date : November 19, 2013  
Subject : Variable Message Sign Trailers

We recently requested bids on VMS Trailers from three vendors: MPH, Kustom Signals, and Decatur Electronics. We did not receive a bid from Decatur Electronics. Kustom Signals submitted the low bid at \$33,480.00 for two SMART VMS III Trailers, including shipping. MPH bid \$38,240.00 for two MPH Industries Three Line Speed Monitor Full Matrix Message Trailers. Both units meet our bid specifications.

I recommend we accept the low bid from Kustom Signals. The bid amount is below our budgeted amount.

Respectfully,

Lt. J.C. Williams

Copies : Captain G. Hagood, Lt. C. Clark, File

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**RESOLUTION NO. 2013-181**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby recommends to the State of Alabama, Alcoholic Beverage Control Board, the issuance of a 020 – Restaurant Retail Liquor License to Brick and Tin, LLC located at 2901 Cahaba Road, Mountain Brook, AL 35223.

**BE IT FURTHER RESOLVED** that the City Clerk is hereby instructed to forward a copy of this resolution to the State of Alabama, Alcoholic Beverage Control Board.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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 November 25, 2013, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**  
**Confirmation Number: 20131121142907528**



**Type License:** 020 - RESTAURANT RETAIL LIQUOR      **State:** \$300.00 **County:** \$300.00  
**Type License:**      **State:**      **County:**  
**Trade Name:** BRICK AND TIN      **Filing Fee:** \$50.00  
**Applicant:** BRICK AND TIN LLC      **Transfer Fee:**  
**Location Address:** 2901 CAHABA ROAD    MOUNTAIN BROOK, AL 35223  
**Mailing Address:** 14 STONEHURST GREEN    BIRMINGHAM, AL 35213  
**County:** JEFFERSON **Tobacco sales:** NO      **Tobacco Vending Machines:**  
**Sale of Products Containing Ephedrine:** NO      **Type Ownership:** LLC  
**Book, Page, or Document info:** LR201314 6160      **Do you sell Draft Beer:** Y  
**Date Incorporated:** 05/20/2013 **State incorporated:** AL      **County Incorporated:** JEFFERSON  
**Date of Authority:** 05/20/2013      **Alabama State Sales Tax ID:** R008580332

**Name:**      **Title:**      **Date and Place of Birth:**      **Residence Address:**

MAURICIO SILVIO PAPAPIETRO 6360754 - AL	MEMBER	01/12/1979 BIRMINGHAM, AL	14 STONEHURST GREEN BIRMINGHAM, AL 35213

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES  
Does ABC have any actions pending against the current licensee? NO  
Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO  
Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO  
Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES  
Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO  
Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO  
Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

**Contact Person:** MAURICIO PAPAPIETRO  
**Business Phone:** 205-297-8636  
**Fax:**

**Home Phone:** 205-637-1720  
**Cell Phone:** 205-266-0103  
**E-mail:** MAURICIO@BRICKANDTIN.COM

**PREVIOUS LICENSE INFORMATION:**

**Trade Name:**  
**Applicant:**

**Previous License Number(s)**  
**License 1:**  
**License 2:**



**STATE OF ALABAMA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20131121142907528**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **IRON ART INCORPORATED 205-262-2676**  
 What is lessors primary business? **INSURANCE**  
 Is lessor involved in any way with the alcoholic beverage business? **NO**  
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**  
 Is the business used to habitually and principally provide food to the public? **YES**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **2700** Display Square Footage:  
 Building seating capacity: **70** Does Licensed premises include a patio area? **NO**  
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**  
 Number of licenses in the vicinity: **6** Nearest: **1**  
 Nearest school: **4 blocks** Nearest church: **3 miles** Nearest residence: **3 blocks**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

**Name: Violation & Date: Arresting Agency: Disposition:**

Name:	Violation & Date:	Arresting Agency:	Disposition:



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20131121142907528**

**Initial each**

**Signature page**

*MP*

In reference to law violations, I attest to the truthfulness of the responses given within the application.

*MP*

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

*MP*

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

*[Signature]*

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

*[Signature]*

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

*[Signature]*

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

*MP*

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

*MP*

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

*MP*

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Mauricio Papapietro*

Signature of Applicant: *Mauricio*

Notary Name (print): *Valencia Johnson*

Notary Signature: *Valencia Johnson*

Commission expires: *1-4-14*

Application Taken: *11-21-13*

App. Inv. Completed:

Forwarded to District Office: *11-21-13*

Submitted to Local Government: *11-21-13*

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

*11-21-13*

**ORDINANCE NO. 1900**

**AN ORDINANCE TO PROVIDE FOR TWO STOP SIGNS ON FAIRMONT DRIVE AT ITS INTERSECTION WITH LORENA LANE AND ONE STOP SIGN ON LORENA LANE AT ITS INTERSECTION WITH FAIRMONT DRIVE AND TO PROVIDE FOR PUNISHMENT FOR VIOLATIONS THEREOF**

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

**Section 1.** It shall be unlawful for the driver of any vehicle to cause or allow such vehicle traveling in either an easterly or westerly direction on Fairmont Drive to enter its intersection with Lorena Lane when there is standing at such intersection a "Stop" sign facing in the direction of such driver without having first brought such vehicle to a complete stop within ten (10) feet of said intersection.

**Section 2.** It shall be unlawful for the driver of any vehicle to cause or allow such vehicle traveling in a northerly direction on Lorena Lane to enter its intersection with Fairmont Drive when there is standing at such intersection a "Stop" sign facing in the direction of such driver without having first brought such vehicle to a complete stop within ten (10) feet of said intersection.

**Section 3.** Any person violating the provisions of this ordinance shall be punished by a fine not to exceed \$500.00, or by imprisonment not to exceed 180 days, or both.

**Section 4.** All ordinances or portions of ordinances conflicting with this ordinance are hereby repealed.

**Section 5.** This ordinance shall become effective when published as required by law.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 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, at its meeting held on this 25th day of November, 2013, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November \_\_\_\_\_, 2013, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road  
The Invitation Place, 3150 Overton Road

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City Clerk



**CITY OF MOUNTAIN BROOK**

56 Church Street  
P.O. Box 130009  
Mountain Brook, Alabama 35213  
Telephone: 205.802.3803  
Fax: 205.870.3577  
[gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)

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SAM S. GASTON  
CITY MANAGER

November 13, 2013

Dear Resident:

The Mountain Brook City Council, at its November 25<sup>th</sup> meeting, will consider an ordinance establishing the intersection of Fairmont Drive and Lorena Lane as a 3-way stop. A map of this location is attached.

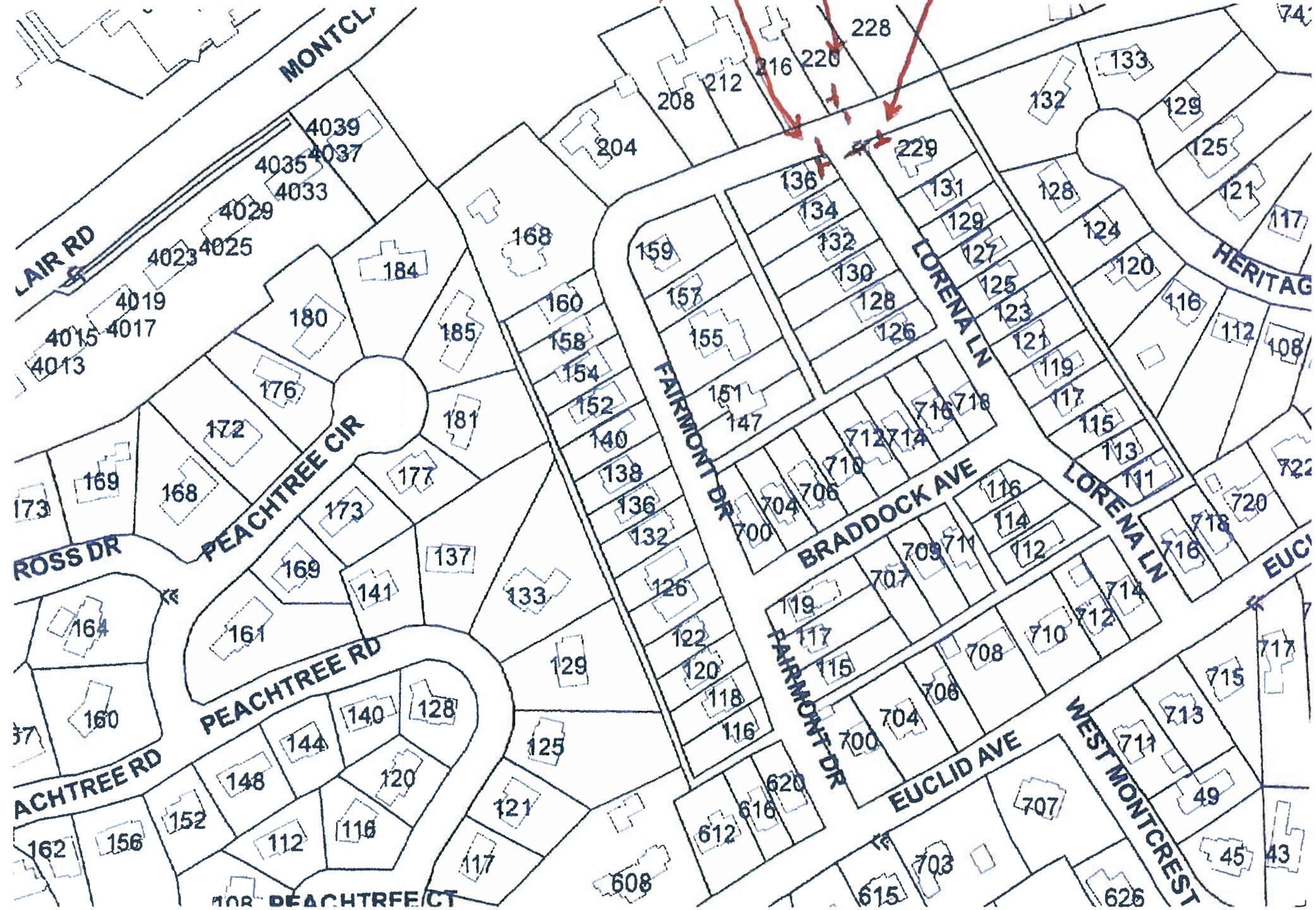
You are invited to attend this meeting on November 25<sup>th</sup> which will begin at 7:00 p.m.

If you are unable to attend and would like to voice your comments on this proposed 3-way stop, please contact me at 802-3803 or [gastons@mtnbrook.org](mailto:gastons@mtnbrook.org).

Sincerely,

Sam S. Gaston  
City Manager

# 3 Proposed Stop Signs



**ORDINANCE 1901**

**AN ORDINANCE AUTHORIZING THE PUBLIC AUCTION  
OF CERTAIN ABANDONED AND STOLEN PROPERTY**

**WHEREAS**, the City of Mountain Brook, Alabama, has taken up and stored abandoned and stolen personal property found within the corporate limits or outside the corporate limits but within the police jurisdiction; and

**WHEREAS**, Section 11-47-116 of the Alabama Code of 1975 authorizes the chief law enforcement officer of the City to sell such property at public auction to the highest bidder for cash and the proceeds of such sale are to be paid to the general fund of the City; and

**WHEREAS**, the City Clerk is hereby authorized and directed to publish at least twenty (20) days prior to the public auction a notice of the sale of such property by posting this ordinance at the following locations: City Hall, 56 Church Street, Overton Park, 3020 Overton Road, Gilchrist Pharmacy, 2850 Cahaba Road, and The Invitation Place, 3150 Overton Road; and

**WHEREAS**, the owner of any of the properties identified in Section 1 below may redeem the same at any time prior to its sale subject to their payment to the City of any redemption fees that may be set by the chief law enforcement officer of the City pursuant to Section 11-47-116 (b) of the Alabama Code of 1975.

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

**Section 1.** Pursuant to Section 11-47-116 of the Alabama Code of 1975, the City Council has determined that the following abandoned and stolen personal property are to be sold at public auction:

<b>Case #</b>	<b>Property Type</b>	<b>Case Type</b>	<b>Item Description</b>
69312/3/4	Evidence	Burglary	1-Apple iPod 30g, white, s/n: 8L619C8XSZ9
69312/3/4	Evidence	Burglary	1-Alpine car stereo amplifier, s/n: RZ0842636
201200021576	Property	Recovered Property	1-Allegro DVD player/VCR
201200021576	Property	Recovered Property	1-Sony stereo receiver
201200021576	Property	Recovered Property	1-Marantz 5-disc changer
201200007532	Property	Recovered Property	1-Tennis bag containing 4-tennis racquets
201300002353	Evidence	Burglary	2-fishing rods/reels, Daiwa brand
201200023042	Evidence	ID theft	1-Dell laptop, s/n: 47N2DV1
201200023042	Evidence	ID theft	1-KitchenAid juicer attachment
201000027550	Property	Recovered Property	1-purse, brand "Longchamp", contents: makeup
201200020265	Evidence	ID theft	1-Boss car amplifier, s/n: 1108038458

**Section 2.** The following drug paraphernalia property shall be destroyed and disposed of by the chief law enforcement official of the City or his designee:

<b>Case #</b>	<b>Property Type</b>	<b>Case Type</b>	<b>Item Description</b>
201300010812	Property	Recovered Property	3-suitcase-type drug paraphernalia cases, empty

**Section 3.** Any properties identified in Section 1 above not sold at public auction after three attempts by the City shall be deemed worthless and the chief law enforcement official of the City shall be authorized to dispose of such properties.

**Section 4.** This ordinance shall become effective when published as required by law and the [initial] public auction of said property shall take place on or after December 15, 2013.

**ADOPTED:** This 25th day of November, 2013.

\_\_\_\_\_  
Council President

**APPROVED:** This 25th day of November, 2013.

\_\_\_\_\_  
Mayor

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City Hall, 56 Church Street  
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road  
The Invitation Place, 3150 Overton Road

\_\_\_\_\_  
City Clerk

## seized computer

1 message

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**James Griffin** <jgriffin@bishopcolvin.com>  
Reply-To: jgriffin@bishopcolvin.com  
To: Steve Boone <boones@mtnbrook.org>

Wed, Nov 13, 2013 at 4:52 PM

Good afternoon Steve:

After reviewing the statute, Ala. Code Section 11-47-116, I can only conclude that the City does not have the option of using seized property, but must sell it at auction. There is a federal statute that provides differently for property seized in drug enforcement, but it does not apply to this computer here.

### Section 11-47-116

**Taking up and storing of abandoned and stolen personal property; redemption by owner; sale and disposition of proceeds.**

(a) All municipalities are hereby authorized to provide by ordinance for the **taking up and storing of abandoned and stolen personal property** found within the corporate limits or outside the corporate limits but within the police jurisdictions and to sell the same in the manner provided in subsection (b) of this section. A permanent record giving the date of the taking of each piece of such property, the place where found and taken and a description of the property shall be kept. The property so taken shall be stored in a suitable place to protect it from deterioration; provided, that if the property be perishable the same may be sold at once without notice, in which case the proceeds shall be held for a period of six months for the account of the owner and if not called for within that time shall be converted into the general fund.

(b) At least every six months **the chief officer of the law enforcement department** of each such city and town adopting an ordinance under subsection (a) of this section **shall sell at public auction to the highest bidder for cash the property which shall have then been taken up** and stored for a period of three months or more, the sales to be made after notice of the time and place thereof shall have first been given by publication of notice once a week for two successive weeks in a newspaper of general circulation published in the city or town in question and, in cities and towns in which no newspaper is published, by posting such notice in a conspicuous place at the city hall or police station. The first publication or posting of notice, as the case may be, shall be at least 20 days before the sale. The owner of any of the property taken up and stored may redeem the same at any time prior to its sale by paying the reasonable expense of taking the property in charge, its maintenance and storage and a pro rata of the cost of publication. Each article shall be sold separately and a notation in the storage record book shall be made of the amount received for each article. The person making the sale shall have the right to reject any and all bids if the amount bid be unreasonably low and shall have the right to continue the sales from time to time if no bidders are present. After deducting and paying all expenses incurred in the taking up, storing, maintaining and selling of the property, the balance, if any, shall be paid into the general fund of the municipality making the sale.

*(Acts 1943, No. 533, p. 507.)*

Please let me know if you wish me to follow up in any way. Thanks,

**James B. Griffin**  
1910 First Avenue North  
Birmingham, Alabama 35203  
(205) 251-2881  
jgriffin@bishopcolvin.com