

**MOUNTAIN BROOK CITY COUNCIL
ORGANIZATIONAL MEETING AGENDA**

**PRE-COUNCIL ROOM (A-106) CITY HALL
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

NOVEMBER 3, 2014 – 7:30 A.M.

1. Introduction: City Manager to introduce Pete Johnson, municipal judge, who will administer the oaths of office.
2. Inauguration of three members of the City Council elected to office.
3. Election of the City Council President (Virginia C. Smith).
4. Election of the City Council President Pro Tempore (to be announced).
5. Consideration: Motion for the adoption of the rules of order and procedure.
6. Consideration: Ordinance appointing the City Manager (Sam S. Gaston).
7. Consideration: Ordinance appointing the City Clerk (Steven Boone).
8. Consideration: Ordinance appointing the City Treasurer (William F. “Billy” Angell).
9. Consideration: Ordinance appointing the Assistant City Treasurer (John H. “Jack” Martin).
10. Consideration: Resolution appointing the City Attorney(s) (Bishop, Colvin, Johnson & Kent and Starnes, Davis & Florie, LLP).
11. Inauguration of the City Manager, City Clerk, and City Treasurer.
12. Consideration: Motion appointing Council representatives to the:

Planning Commission (voting member)	- Jack D. Carl
Board of Zoning Adjustment (liaison)	- Virginia C. Smith
Parks and Recreation Board (liaison)	- Virginia C. Smith
Emmet O’Neal Library Board (liaison)	- Lloyd C. Shelton
Board of Education (liaison)	- William S. Pritchard, III
Finance Committee (voting member)	- Lloyd C. Shelton
Villages Design Review Committee (liaison)	- Alice B. Womack
Editorial Board	- Virginia C. Smith
Tree Commission (liaison)	- Virginia C. Smith
Chamber of Commerce (liaison)	- Alice B. Womack
Parking Committee	- Jack D. Carl
Municipal judges	- Mayor Oden
Public safety departments	- Mayor Oden
All In Committee (voting member)	- William S. Pritchard, III
13. Consideration: Motion appointing the Mayor and City Council as the Board of Commissioners of the Mountain Brook Emergency Communication District and nomination of the Chairman of the Emergency Communication District Board.
14. Announcement: The next regular meeting of the City Council is Monday, November 10, 2014, at 7 p.m.
15. Other business.
16. Comments from residents.
17. Adjourn.

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Alice B. Womack, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Alice B. Womack

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Lloyd C. Shelton, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Lloyd C. Shelton

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, William S. Pritchard, III, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

William S. Pritchard, III

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook

~~each council member thereafter elected to said seats shall hold office for a term of four years so that the mayor and all council members are elected for four-year terms of office with the terms to be staggered as provided herein.~~

~~(Code 1996, § 2-20.2; Ord. No. 1627, § 2, 4-19-2004)~~

~~**Sec. 2-25. Compensation of mayor.**~~

~~The mayor shall draw no salary or other compensation for his services to the city.~~

~~(Code 1996, § 2-1; Ord. No. 2)~~

~~State law reference—Compensation of mayor, Code of Ala. 1975, § 11-43-80.~~

~~**Sec. 2-26. Compensation of councilmembers.**~~

~~Councilmembers shall receive no salary for performing the duties of their offices.~~

~~(Code 1996, § 2-7; Ord. No. 547, § 3)~~

~~**Sec. 2-27. Electronic voting.**~~

~~For all elections held subsequent to the passage of this section, the use of ES&S Model 100a ballot tabulator (M100) electronic voting device that includes an ES&S AutoMark ballot marking device for Help America Vote Act ("HAVA") compliance, a system which complies with Code of Ala., § 17-2-4 and any regulations adopted pursuant thereto, is hereby authorized for the reporting, counting, and tabulating of any and all election results.~~

~~(Ord. No. 1774, § 1, 6-23-2008)~~

Secs. 2-28—2-55. Reserved.

DIVISION 2. RULES OF ORDER AND PROCEDURE

Sec. 2-56. Meetings.

(a) *Rules of procedure.* Meetings of the city council shall be conducted in accordance with the applicable statutes of the state, as implemented by the rules of procedure contained in this article.

(b) *Time and place of regular meetings; special meetings.* Meetings of the council shall be held at the city hall or such other places within the city limits as the council may determine.

(1) Regular meetings shall be at such times as determined by the council.

(2) Written or oral notice of the time of any special meeting of the council as authorized by Code of Ala. 1975, § 11-43-5 shall, unless such meeting is announced at a regular meeting of council, be given to the city manager and to each councilmember at least 12 hours in advance of the meeting. The failure of any of them to receive such notice shall not invalidate an action taken at such meetings if:

a. Such person is present at the meeting or, either before or after the meeting, waives notice thereof; or

b. Such action is ratified at a subsequent meeting of the council.

The business that may be transacted at a special meeting shall not be limited to the item indicated in the notice. To the extent practicable, notice of a special meeting shall also be given to the mayor and the clerk, but the failure of either or both of them to receive such notice shall not impair the validity and efficacy of the business transacted at the meeting.

(c) *Attendance and participation of mayor, city manager and other city officials; addressing council.*

(1) The mayor and the city manager shall have the privilege of participating in the council's discussions and deliberations, but the right to make motions and to vote is limited to councilmembers.

(2) Persons other than the councilmembers, mayor and city manager shall be allowed to address the council while in session only with the permission of and under the conditions and limitations prescribed by the council president. Any such person shall, when first recognized, state his name, address and, if applicable, the person or

group represented; he shall identify himself again by name each subsequent time he is recognized.

- (3) Meetings shall be attended by the city clerk, the city attorney and such other officers, agents or employees of the city as the council may from time to time determine.

(d) *Order of business.* The order of business shall be as directed by the council president, however, any councilmember may make additions to the agenda.

(Code 1996, §§ 2-8—2-11; Ord. No. 570, §§ 1—4; Ord. No. 890, § 1, 11-13-1984; Ord. No. 1564, 2-24-2003)

State law references—Provisions relative to meetings, Code of Ala. 1975, §§ 11-43-49, 11-43-50; city council authorized to enact rules of procedure, Code of Ala. 1975, § 11-43-52; attendance of the city clerk, Code of Ala. 1975, § 11-43-100.

Sec. 2-57. Informal discussions.

Unless objection is raised by a councilmember, it shall be in order to permit informal discussion on subject matters brought before the council in advance of the formal presentation of any motion with respect thereto.

(Code 1996, § 2-12; Ord. No. 570, § 5)

Sec. 2-58. Ordinances to be in writing; when motions to be in writing.

All ordinances shall be in writing. Other motions shall be reduced to writing if requested by any councilmember.

(Code 1996, § 2-13; Ord. No. 570, § 6)

Sec. 2-59. Recording of vote.

"Yeas" and "nays" shall be taken and recorded in the minutes whenever required by statute or requested by any councilmember.

(Code 1996, § 2-14; Ord. No. 570, § 7)

State law reference—Recording of vote, Code of Ala. 1975, § 11-45-2.

Sec. 2-60. Motions to table.

It shall be in order to lay on the table a proposed amendment to a pending measure and such motion to table, if adopted, shall not carry with it or prejudice the original measure unless explicitly so stated in the motion.

(Code 1996, § 2-15; Ord. No. 570, § 8)

Sec. 2-61. Actions not requiring second.

Motions to reconsider do not require a second nor do appeals to the council from rulings by the chair on questions of order.

(Code 1996, § 2-16; Ord. No. 570, § 9)

Sec. 2-62. Participation of chair.

The chair may address the council, make a motion and discuss any other matter at issue without any requirement that he first relinquish the chair.

(Code 1996, § 2-17; Ord. No. 570, § 10)

Sec. 2-63. Absence of president of council, president pro tempore or clerk.

During the absence of the council president or during his inability to serve, the duties, responsibilities and powers of the council president, including those relating to his being the presiding officer of the council, shall devolve upon and be discharged by the president pro tempore of the council. During the absence or inability of the president pro tempore, the functions of such office shall be exercised by a councilmember appointed by the council, which appointment shall be entered upon the council minutes. During the absence or inability of the clerk to serve, the council shall appoint some other person to perform the duties of the clerk, which appointment shall be entered upon the council minutes.

(Code 1996, § 2-18; Ord. No. 570, § 11)

State law reference—Absence of council president, president pro tempore and clerk, Code of Ala. 1975, §§ 11-43-42, 11-43-100.

Sec. 2-64. Rules of order adopted.

The rules contained in "Robert's Rules of Order, Newly Revised" shall govern the council in all cases to which they are applicable and in which they are not inconsistent with the statutes of the state or with the provisions of this article.

(Code 1996, § 2-19; Ord. No. 570, § 12)

Sec. 2-65. Consent agenda.

(a) At the meeting of the members of the city council held prior to each regular meeting of the city council ("preliminary meeting"), any member of the city council may request that a resolution or other item, other than an ordinance, which is on the agenda for such regular meeting ("meeting") be placed on the consent agenda for the meeting. No resolution or other item shall be placed on the consent agenda unless it is discussed by the members of the city council attending the preliminary meeting.

(b) Any resolution or other item which a member of the city council requests be placed on the consent agenda for a meeting (singular, "matter"; plural, "matters") shall be placed on the consent agenda unless one or more members of the city

council object, which objection may be made either during the preliminary meeting or during the meeting.

(c) As the first item on the agenda for each meeting, after the minutes of the prior meeting of the city council have been considered (unless the minutes have been placed on the consent agenda), the president of the city council, or other presiding member of the city council ("presiding officer"), shall announce the agenda item number of any matters on the agenda which have been assigned to the consent agenda or the presiding officer shall direct the city clerk to read from the agenda a brief description of each matter which has been assigned to the consent agenda.

(d) After the agenda number of each matter on the consent agenda has been read by the presiding officer or the city clerk has read a brief description of each matter on the consent agenda, the presiding officer shall ask if any member of the city council would like to have any of such matters discussed. If a member of the city council would like to have a matter on the consent agenda discussed, such matter shall be withdrawn from the consent agenda and it shall be discussed when it is reached on the agenda. If a member of the audience asks for an explanation of, or information about, a matter on the consent agenda, the presiding officer may give a brief explanation of such matter or may direct a member of the city's staff or another member of the city council to give a brief explanation of such matter, but it shall not be withdrawn from the consent agenda.

(e) The presiding officer shall then ask for a motion with respect to the matters on the consent agenda. All matters on the consent agenda shall be considered in the same motion. If a motion to adopt the matters on the consent agenda is made, seconded and approved by a majority of the members of the city council who are present at the meeting, all such matters shall be considered adopted and in full force and effect, just as they would have been had each such matter been considered and voted on separately and approved by a majority of the members of the city council who were present at the meeting.

(Code 1996, § 2-20.1; Ord. No. 1311, §§ 1-5, 5-26-1998; Ord. No. 1468, 4-9-2001)

Secs. 2-66—2-88. Reserved.

ARTICLE III. OFFICERS AND EMPLOYEES

DIVISION 1. GENERALLY

Sec. 2-89. Surety bonds.

(a) *City clerk.* The bond required of the city clerk for the faithful performance of his duties and the safe custody of the funds of the city shall be an amount approved by the city council. Such bond shall be signed by good and sufficient sureties to be approved by the mayor. The premium for such bond shall be paid by the city from its general fund.

(b) *City treasurer.* The bond required of the city treasurer for the faithful performance of his duties and the safe custody of the funds of the city shall be an amount approved by the city council. Such bond shall be signed by good and sufficient sureties to be approved by the mayor. The premium for such bond shall be paid by the city from its general fund.

(Code 1996, § 2-3; Ord. No. 7; Ord. No. 8)

State law reference—Similar provisions, Code of Ala. 1975, §§ 11-43-104, 11-43-120.

Sec. 2-90. Assistant treasurer, office created; appointment; term of office; bond; compensation; duties.

(a) There is hereby created the office of assistant treasurer for the city. There shall be no more than two assistant treasurers.

(b) The assistant treasurers shall be appointed by the city council. The city council shall appoint one or two assistant treasurers, as the city council, from time to time, shall consider to be in the best interest of the city. The term of office of the assistant treasurer or assistant treasurers shall be coextensive with the term of office of the city council; provided, that either or both of the assistant treasurers may be removed at any time by vote of a majority of the members of the city council. During the absence or disability of the assistant treasurer, or both assistant treasurers if there are two assistant treasurers, the city coun-

ORDINANCE NO. 1921

**ORDINANCE APPOINTING THE
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK**

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

1. Sam Gaston is hereby appointed and employed as City Manager of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.
2. His duties shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.
3. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of the City, the same to be conditioned as provided in Section 11-43-21(c), Code of Alabama, 1975.

ADOPTED: This 3rd day of November, 2014.

Council President

APPROVED: This 3rd day of November, 2014.

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 November 3, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 4, 2014, 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

City Clerk

ORDINANCE NO. 1922

**ORDINANCE APPOINTING THE
CITY CLERK OF THE CITY OF MOUNTAIN BROOK**

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

1. Steven Boone is hereby appointed as City Clerk of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.

2. His duties as such City Clerk shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.

3. His duties as City Clerk shall be in addition to those incident to the position in the classified civil service in which he is or may hereafter be employed; and his compensation, both for such civil service position and as City Clerk, shall be that established for the civil service position under the schedules of the Personnel Board of Jefferson County as implemented by the City Council from time to time for classified employees of the City.

4. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of, the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 3rd day of November, 2014.

Council President

APPROVED: This 3rd day of November, 2014.

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 November 3, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 4, 2014, 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

City Clerk

ORDINANCE NO. 1923

**ORDINANCE APPOINTING THE
CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

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

1. William F. Angell is hereby appointed as City Treasurer of the City of Mountain Brook, to serve without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. He shall give bond with sureties in the penal sum of \$5,000.00, the premium for which shall be paid by, and be the expense of the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 3rd day of November, 2014.

Council President

APPROVED: This 3rd day of November, 2014.

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 November 3, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 4, 2014, 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

City Clerk

ORDINANCE NO. 1924

**ORDINANCE APPOINTING THE
ASSISTANT CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

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

1. John H. ("Jack") Martin is hereby appointed as Assistant City Treasurer of the City of Mountain Brook, Alabama, serve without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. The Assistant Treasurer shall furnish a surety company bond in an amount approved by the City Council for the faithful performance of his duties in the safe custody of the funds of the City. Such bond shall be signed by good and sufficient sureties to be approved by the Mayor. The premium for such bond shall be paid by the City from its General Fund.

ADOPTED: This 3rd day of November, 2014.

Council President

APPROVED: This 3rd day of November, 2014.

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 November 3, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 4, 2014, 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

City Clerk

RESOLUTION NO. 2014-148

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

The law firm of Bishop, Colvin, Johnson & Kent is hereby appointed as City Attorney for the City of Mountain Brook, Alabama, to serve at the pleasure of the City Council at a retainer fee of \$15,000 per month. Said fees are to compensate the City Attorney for the regular and customary legal services performed for said City, such as attendance at City Council meetings, advice to the Mayor, Council, and employees, and preparation of ordinances and resolutions; said salary not to operate as compensation for extraordinary or unusual services, such as handling municipal bond issues, public improvements, litigation, and the like for which said attorney shall be paid such additional compensation as may be fixed by the Council.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the law firm of Starnes, Davis & Florie, LLP is hereby appointed as City Attorney for the City with respect to litigation services to be billed at their standard hourly rates, to serve at the pleasure of the City Council.

ADOPTED: This 3rd day of November, 2014.

Council President

APPROVED: This 3rd day of November, 2014.

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 special meeting held on November 3, 2014, as same appears in the minutes of record of said meeting.

City Clerk

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Sam S. Gaston, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Sam S. Gaston

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Steven Boone, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Steven Boone

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, William F. Angell, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

William F. Angell

Sworn to and subscribed before me this 3rd day of November, 2014.

Orson L. ("Pete") Johnson, Judge
Municipal Court of Mountain Brook