

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING AGENDA**

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

**JUNE 23, 2014 -5:45 P.M.**

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1. Request for an additional \$2,400 for construction administration for the Safe-Routes-to-Schools project – Nimrod Long of Nimrod Long & Associates. (See attached information. This item may be added to the formal agenda)
2. Proposal to beautify and landscape the four (4) corners of Mountain Brook Parkway/Overbrook Road-Nimrod Long (See attached information. This item may be added to the formal agenda)
3. Food/Fashion Trucks regulations – Dana Hazen (See attached information)
4. Additional street light for Mountain Brook Parkway at the pedestrian crossing signals east of Cahaba Road and upgrade of existing street light on this street – Sam Gaston. (See attached information. This item may be added to the formal agenda)
5. Crestline Piggly-Wiggly update – Robert Jolly of Retail Specialists.
6. David Faulkner, State Representative Elect of House District 46, to address the Mayor/City Council
7. Conditional use/assemblage in Local Business Districts-send to Planning Commission for review and a recommendation?

Nimrod Long  
And Associates

L O N G

Land Planners  
Landscape Architects  
Urban Designers

June 11, 2014

Mr. Sam Gaston  
City of Mountain Brook  
P.O. Box 130009  
Mountain Brook, AL 35213

RE: **Project No. SRTS-SR09(903) & (904)**  
Safe Routes to School, Construction Observation  
City of Mountain Brook, Jefferson County

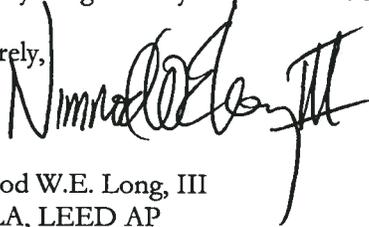
Dear Sam:

As you are aware, during Construction we have been called upon numerous times to assist with the project. We have been billing on an hourly basis not to exceed \$8,500, but have gone over that amount by \$2,400 due to several unforeseen site issues that required our assistance.

We are requesting additional services for the hours we have gone over the limit, and an estimate of future services for construction observation to complete the project. We proposed that the overage hours, and future hours not exceed \$5,000.00

Thank you again for your consideration.

Sincerely,



Nimrod W.E. Long, III  
FASLA, LEED AP

cc: File  
08-147\Corr\Re-Bid Corr\6-11-14 Letter to Sam - Additional Service.doc

Nimrod Long  
And Associates



Land Planners  
Landscape Architects  
Urban Designers

City of Mountain Brook  
P. O. Box 130009  
Mountain Brook, AL 35213

Invoice No: 19740  
Billing Period: 4/21/14-5/20/14  
Invoice Date: May 31, 2014  
Project Name: SRTS Construction Administration  
#13-401.02 DG

Attn: Sam Gaston, City Manager

Project Description:

**Construction Administration**

To be billed at our hourly rates, to a maximum of \$8,500.00, plus reimbursable expenses x 1.1

Professional Services:	Hours	Rate	Fee	Expenses:	Charge
Long, Nimrod	7.00	\$135.00	\$945.00	Mileage	\$0.00
Eliason, Joel	0.00	100.00	0.00	Travel Fare	0.00
Giddens, Dave	14.55	100.00	1,455.00	Postage/Shipping	0.00
Stambaugh, Madeline	0.00	70.00	0.00	Telephone	0.00
				Printing/Copying	0.00
<b>Total Professional Services</b>	<b>21.55</b>		<b>\$2,400.00</b>	<b>Total Expenses:</b>	<b>\$0.00</b>

<b>Current Invoice Total:</b>	<b>\$2,400.00</b>
<b>Past Due Balance (See Attachment)</b>	<b><u>0.00</u></b>
<b>Total Amount Due:</b>	<b><u>\$2,400.00</u></b>

**Project Summary:**

**Professional Services Fees:**

Previous Billing \$8,500.00  
Current Billing 2,400.00  
Total Professional Services \$10,900.00

## Sam Gaston

---

**From:** Nimrod Long  
**Sent:** Thursday, June 12, 2014 9:28 AM  
**To:** Sam Gaston  
**Subject:** RE: SRTS - Additional Fees

Sam:

The monthly bill shows that we have been not charging for our additional time for several months. I was hoping that it would just be a few hundred dollars which I would have just not charged.

However, you know the time required and the challenges in dealing with some of these people.

Nim

Nimrod W.E. Long III  
FASLA, LEED AP  
President

Nimrod Long and Associates  
Land Planners | Landscape Architects | Urban Designers  
2213 Morris Avenue, First Floor  
Birmingham, AL 35203  
205-323-6072 Voice  
205-910-8730 Cell  
205-324-6128 Fax

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**From:** Sam Gaston [mailto:gastons@mtnbrook.org]  
**Sent:** Wednesday, June 11, 2014 8:42 PM  
**To:** Nimrod Long  
**Subject:** Re: SRTS - Additional Fees

Why haven't u told me that u were getting close. ?

Sent from my iPhone  
Sam Gaston

On Jun 11, 2014, at 2:35 PM, Nimrod Long <[Nimrod@nimrodlong.com](mailto:Nimrod@nimrodlong.com)> wrote:

Sam:

We have gone over our hourly allotment of time on SRTS by over \$2,000. We need to ask for more fees to cover meeting with all the homeowners or with the contractor.

Please review the attached letter and tell me if that is acceptable.

Thanks,  
Nim

Nimrod W.E. Long III  
FASLA, LEED AP  
President

Nimrod Long and Associates  
Land Planners | Landscape Architects | Urban Designers

6/16/2014

Nimrod Long

And Associates

L O N G

Land Planners

Landscape Architects

Urban Designers

June 17, 2014

Mr. Sam Gaston  
City of Mountain Brook  
P.O. Box 130009  
Mountain Brook, AL 35213

RE: **Project No. SRTS-SR09(903) & (904)**  
Safe Routes to School, Construction Observation  
City of Mountain Brook, Jefferson County

Dear Sam:

As you are aware, during Construction we have been called upon numerous times to assist with the project. We have been billing on an hourly basis not to exceed \$8,500, but have gone over that amount by \$2,400 due to several unforeseen site issues that required our assistance, such as the wall at the Campbell's, the drainage at West Montcrest, parking pad issues, and other homeowner issues, etc..

We are requesting additional services for the hours we have gone over the limit, and an estimate of future services for construction observation to complete the project. We proposed that the overage hours, and future hours not exceed \$5,000.00. In addition to the attached invoice for \$2,400, we anticipate billing up to \$2,600 for the following:

Planting Review and Staking;  
Respond to Homeowner Issues;  
Final Review and Close-out Assistance for ALDOT Portion of SRTS;  
Field Review of Drainage Structure on W. Montcrest; and  
Field Design of Sidewalk Extension on W. Montcrest beyond ALDOT Project.

Thank you again for your consideration.

Sincerely,



Nimrod W.E. Long, III  
FASLA, LEED AP

cc: File  
08-147\Corr\Re-Bid Corr\6-17-14 Letter to Sam - Additional Service.doc

Nimrod Long  
And Associates

L O N G

Land Planners  
Landscape Architects  
Urban Designers

City of Mountain Brook  
P. O. Box 130009  
Mountain Brook, AL 35213

Invoice No: 19740  
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Project Name: SRTS Construction Administration  
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Attn: Sam Gaston, City Manager

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**Construction Administration**

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Stambaugh, Madeline	0.00	70.00	0.00	Telephone	0.00
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<b>Total Professional Services</b>	<b>21.55</b>		<b>\$2,400.00</b>	<b>Total Expenses:</b>	<b>\$0.00</b>

<b>Current Invoice Total:</b>	<b>\$2,400.00</b>
<b>Past Due Balance (See Attachment)</b>	<b><u>0.00</u></b>
<b>Total Amount Due:</b>	<b><u>\$2,400.00</u></b>

**Project Summary:**  
**Professional Services Fees:**  
Previous Billing \$8,500.00  
Current Billing 2,400.00  
Total Professional Services \$10,900.00

*Thomas G. Luckie*

*P.O. Box 530584  
Birmingham, AL 35253*

April 21, 2014

Mr. Sam Gaston  
City Manager  
The City of Mountain Brook  
56 Church Street  
Mountain Brook, AL 35213

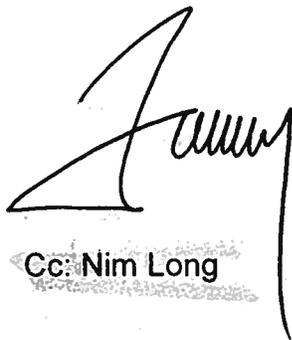
Dear Sam,

As you are aware, the wall on the corner of my lot (Pine Ridge and Overbrook) was partially knocked down the other day. In talking to your office a couple of weeks ago, your nice assistant mentioned that plans are underway to rebuild it. I mentioned to her that it would be great if we could beautify the area around the four walls of that intersection. To that end, she mentioned that a Boy Scout troop was looking for a project.

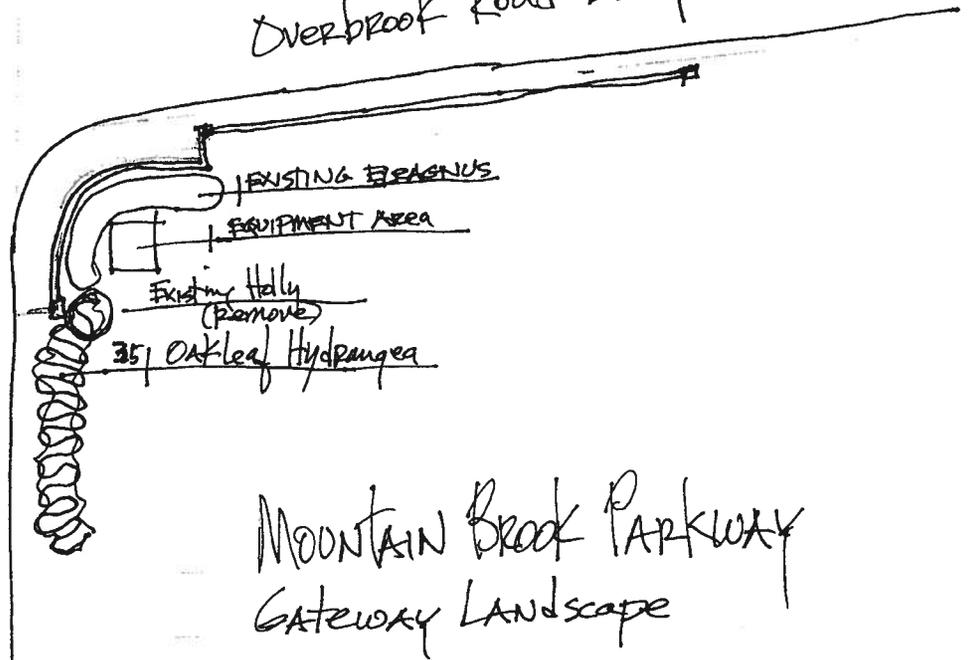
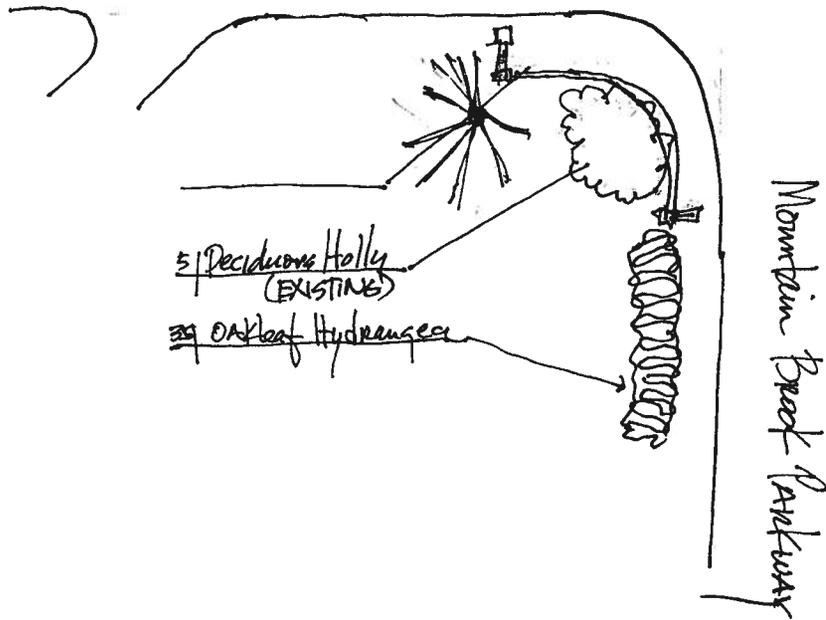
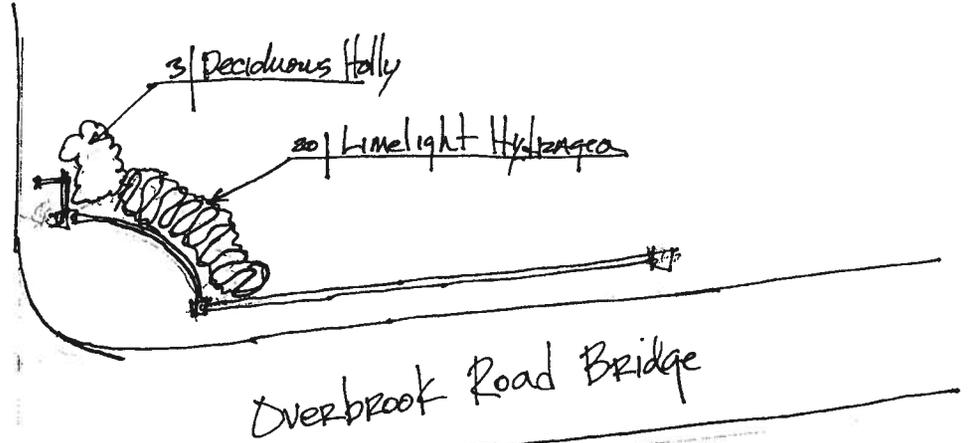
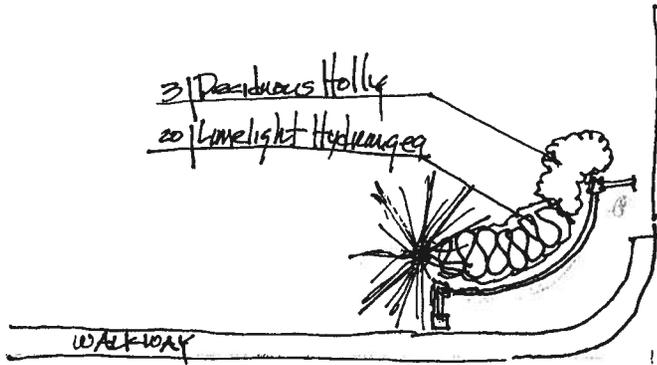
I have discussed this with Nim Long, my across the street neighbor, and he would be willing to do a landscape design around the four walls as a donation to the City. I would be willing to donate \$500 towards the purchase of plants. With the design and some of the plants donated, if we can engage this Boy Scout troop, perhaps for a small amount of out of pocket money, the City can beautify this area.

Sam, is this doable, and what can i do to make it happen?

Thank you for your consideration.



Cc: Nim Long



**Sam Gaston**

---

**From:** Tom Luckie  
**Sent:** Wednesday, June 11, 2014 3:06 PM  
**To:** gastons@mtnbrook.org  
**Cc:** 'williamssh@mountainbrook.org'  
**Subject:** FW: Scan from a Xerox WorkCentre  
**Attachments:** 2473\_001.pdf

Hello Sam,

If you recall, we discussed the idea of beautifying the four corners on Mountain Brook Parkway and Overbrook Road. Nim Long, a friend and across-the-street neighbor, developed the attached plan. I had pledged that I would throw in \$500 towards the material and perhaps we can engage a boy scout troop to do the planting under Nim's supervision. If there is anything else I can do to move this along, just say the word.

All the best.

Tommy

-----Original Message-----

**From:** Tom Luckie  
**Sent:** Wednesday, April 23, 2014 3:28 PM  
**To:** Sam Gaston  
**Cc:** Nimrod Long; Shanda Williams  
**Subject:** RE: Scan from a Xerox WorkCentre

Great and thanks Sam,

I will get with Nim and someone will be in touch.

Tommy

**TOM LUCKIE**  
chairman/ceo  
[tom.luckie@luckie.com](mailto:tom.luckie@luckie.com)

**LUCKIE & COMPANY**  
600 Luckie Drive  
Birmingham, AL 35223  
(o) 205.877.9873

6/16/2014

(f) 205.877.9855  
[www.luckie.com](http://www.luckie.com)

-----Original Message-----

From: Sam Gaston [<mailto:gastons@mtnbrook.org>]  
Sent: Wednesday, April 23, 2014 2:57 PM  
To: Tom Luckie  
Cc: Nimrod Long; Shanda Williams  
Subject: FW: Scan from a Xerox WorkCentre

Tommie,  
Regarding your attached letter and proposal, yes, it is doable. I would like to see the plans from Nimrod and we would need for the City Council to approve it.

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

-----Original Message-----

From: [xerox@mtnbrook.org](mailto:xerox@mtnbrook.org) [<mailto:xerox@mtnbrook.org>]  
Sent: Wednesday, April 23, 2014 2:58 PM  
To: [gastons@MTNBROOK.org](mailto:gastons@MTNBROOK.org)  
Subject: Scan from a Xerox WorkCentre

Please open the attached document. It was scanned and sent to you using a Xerox WorkCentre.

Attachment File Type: PDF

6/16/2014



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP  
City Planner  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3821  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: June 16, 2014  
TO: Mayor, City Council, City Manager and City Attorney  
FROM: Dana Hazen, City Planner  
RE: Draft Food Truck Ordinance

The attached draft is nearly the same as the one presented to the council on the evening the merchants were present; the main revision is what could be sold on private property (it was limited to food and beverage, only, in the last draft).

At the council meeting of June 9, Virginia asked me to include a provision excluding retail merchant trucks from vending in the public right-of-way, but to allow them on private property with the property owner's permission.

This ordinance still has its limitations as far as allowing vending that we aren't threatened by (like the ice cream truck) and limiting or disallowing vending that may compete with the established businesses.

This ordinance, as drafted, limits mobile vending on a great majority of our primary commercial streets (due to the angled parking thereon); however, some parallel parking does exist (mainly in English Village)... so we may need a different approach.

You may remember that, last year, when this subject first came up, my recommendation was simple: **disallow mobile vending on streets designated in our village overlay as "primary frontage streets."** These streets house almost all of our bricks-and mortar businesses. I have attached the village maps which indicate such streets.

However, many discussions at the council level have since ensued and I have been asked by the council to study what other cities are doing, and to come up with alternatives; this I have done, and it has resulted in the draft before you today.

It might be nice if we could simply "do nothing" but as our ordinances stand right now, mobile vendors are not prohibited and have been operating in the City since 2012. The City has issued eight mobile vending licenses to-date. These include Shindigs, Melt, Spoonfed Grill, Our Ice Cream, Hole in One Donuts, Rapicci's Italian Ice, Birmingham Fashion Truck, and Gypsy Blue Fashion Truck.

What we are attempting to do at this time is draft an ordinance to either disallow mobile vending or to regulate when, where and how the vendors may operate. I am happy to draft any ordinance the council directs.

## **Draft**

### **Mobile Vending Ordinance City of Mountain Brook June 16, 2014**

#### **Public Right-of-Way Sales**

Types of Wares permitted for sale: Food and beverage

A valid City business license must be secured; a copy of which is to be retained in the mobile vehicle, along with a copy of the County Health Department certificate.

A mobile vehicle is permitted one moveable freestanding sign not to exceed 2 feet x 3 feet.

Umbrellas and awnings attached to the mobile vehicle are allowed. Tents are prohibited.

Movable chairs, tables and umbrella are permitted, but must comply with ADA requirements allowing passage on sidewalks.

Refuse containers shall be provided by the vendor on or within 15 feet of the mobile vehicle; and it shall be the responsibility of the mobile vendor to clear the area of debris after vending.

City trash/recycling receptacles may not be used for mobile vending operations or for related customer-generated refuse.

Mobile vending hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.; and the mobile vehicle may be at any one location for no more than 3 continuous hours (including set-up and take-down of mobile vending operation).

Noise is limited to 70 decibels.

Mobile vending in the right-of-way shall only occur from the side of a mobile vehicle that is parked abutting and parallel to the curb and sidewalk, and may only occur where a sidewalk is adjoining the parallel parking space.

Mobile vehicles shall comply with all City parking and traffic regulations.

Any power required for the mobile vehicle shall be self-contained. The mobile vehicle shall not draw its power from the public right-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.

A minimum 50' separation shall be required between the mobile vehicle and the front door/entrance to any existing restaurants and related outdoor dining areas (measured to the closest dining table). This rule only applies when such restaurant is open for business.

10' separation required from intersections, crosswalks, fire stations, police stations, and fire hydrants and other mobile vendors.

## **Private Property Sales**

**Types of Wares permitted for sale:** Any retail item permitted in the Local Business zoning district.

The property on which mobile vending is proposed must be zoned Local Business, Mixed-Use, Commercial Shopping, Office Park or Professional.

The mobile vendor must provide to the City written expressed consent from the owner to use the business property on which mobile vending is proposed; and must retain a copy in the mobile vehicle, along with the City business license and Health Department certificate.

Refuse containers shall be provided by the mobile vendor on or within 15 feet of the mobile vehicle; and it shall be the responsibility of the mobile vendor to clear the area of debris after vending; refuse shall not be placed in any private container without expressed written consent of the property owner.

City trash/recycling receptacles may not be used for mobile vending operations or for related customer-generated refuse.

Mobile vending shall not obstruct the use of any street intersection or pedestrian crosswalk, shall not impede the ingress or egress of any driveway, and shall not obstruct pedestrian space.

Mobile vehicles shall not be left unattended or stored at any time when vending is not taking place or during restricted hours of operation.

Mobile vending hours of operation shall be limited between 6:00 a.m. and 10:00 p.m.; and the mobile vehicle may be at any one location for no more than 3 continuous hours (including set-up and take-down of mobile vending operation).

Noise limited to 70 decibels.

A mobile vehicle is permitted one moveable freestanding sign not to exceed 2 feet x 3 feet which must be contained on the private property. At no time shall any signage be placed within the public right-of-way.

Any power required for the mobile vehicle shall be self-contained. The mobile vehicle shall not draw its power from the public right-of-way. No power cable or equipment shall be extended at grade or overhead across any public street, alley or sidewalk.

# City of MOUNTAIN BROOK

## CRESTLINE VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

### BUILDING FRONTAGE TYPES

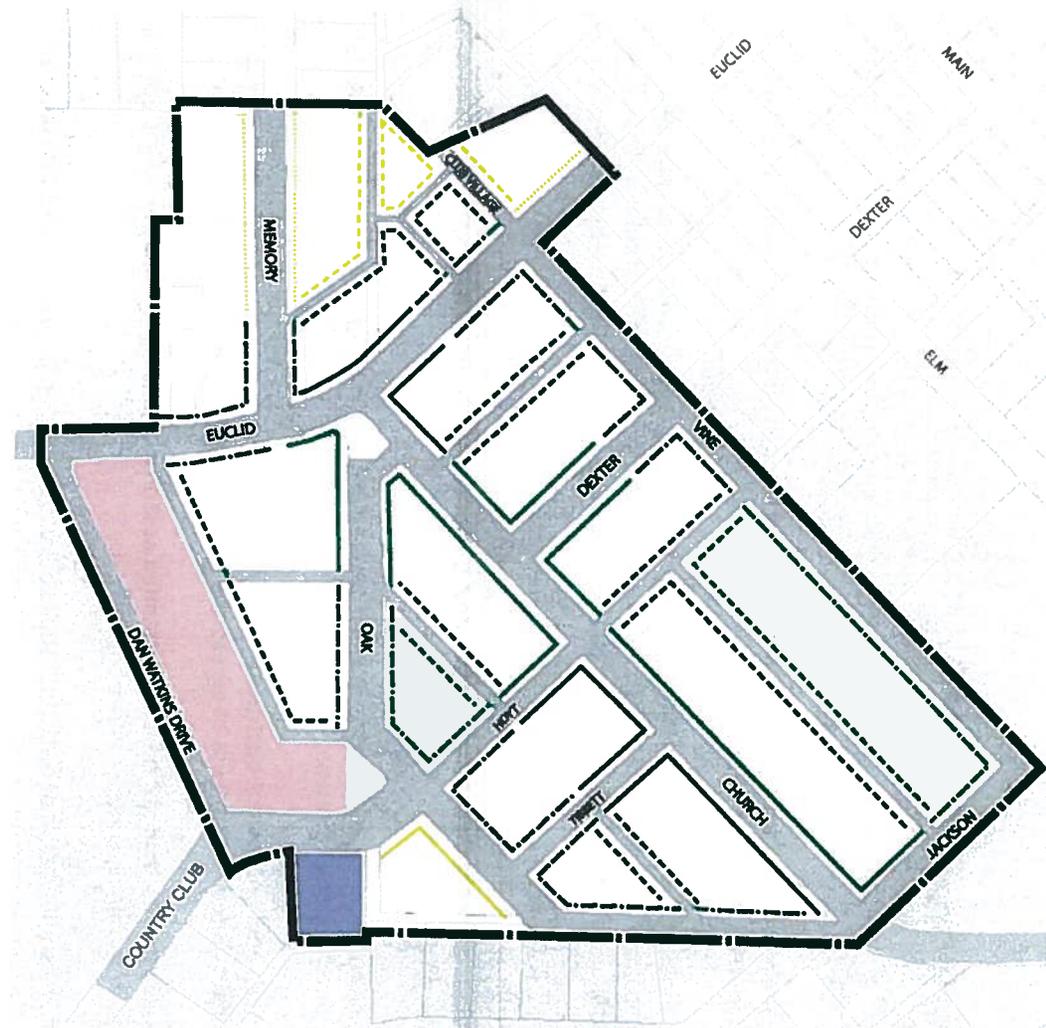
- 

 Primary Frontage  
 2 story  
 3 story
- 

 Secondary Frontage  
 2 story  
 3 story
- 

 Support Frontage  
 2 story  
 3 story
- 

 Residential ("Neighborhood") Frontage  
 2 story  
 3 story
- 
 Village Boundary Line
- 
 Area controlled by base zoning districts standards only
- 
 Overlay standards Not applicable-area controlled by base zoning district standards and court decrees only.

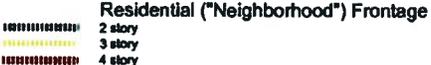


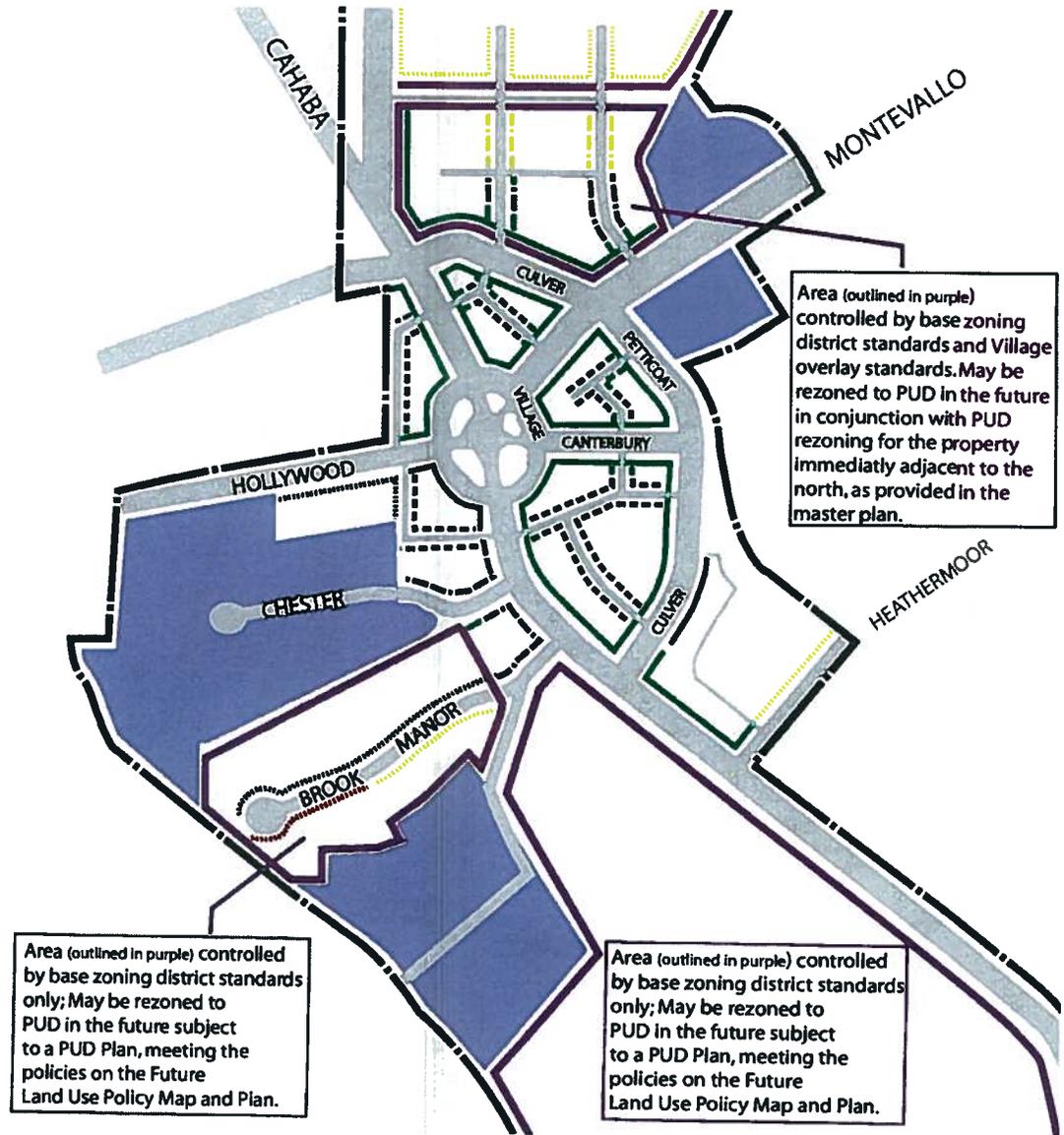
# City of MOUNTAIN BROOK

## MOUNTAIN BROOK VILLAGE Village Center

### BUILDING AND DEVELOPMENT REGULATING PLAN

#### BUILDING FRONTAGE TYPES

- 
**Primary Frontage**  
 2 story  
 3 story
- 
**Secondary Frontage**  
 2 story  
 3 story
- 
**Support Frontage**  
 2 story  
 3 story
- 
**Residential ("Neighborhood") Frontage**  
 2 story  
 3 story  
 4 story
- 
**Village Boundary Line**
- 
**Area controlled by base zoning districts standards only**



# City of MOUNTAIN BROOK

## ENGLISH VILLAGE BUILDING AND DEVELOPMENT REGULATING PLAN

### BUILDING FRONTAGE TYPES

- Primary Frontage  
 2 story  
 3 story
- Secondary Frontage  
 2 story  
 3 story
- Support Frontage  
 2 story  
 3 story
- Residential ("Neighborhood") Frontage  
 2 story  
 3 story
- Village Boundary Line
- Area controlled by base zoning districts standards only



## Sam Gaston

---

**From:** Therrell, Deborah L.  
**Sent:** Monday, June 02, 2014 2:37 PM  
**To:** gastons@MTNBROOK.org  
**Subject:** Class Lighting recommendation  
**Attachments:** Scanned from a Xerox Multifunction Device.pdf

Sam,

According to the information Robin White/T J sent me the recommendation of the class was to:

replace the 100 watt Mercury Vapor Open Bottom fixtures with 150 Watt Metal Halide Cut-Off Bronze Cobra heads

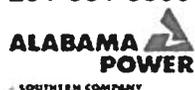
replace the 400 watt High Pressure Sodium Cobra head fixtures with 350 watt Metal Halide Cut-Off Bronze Cobra heads

replace the 150 Watt High Pressure Sodium fixtures with 150 Watt Metal Halide Cut-Off Bronze Cobra heads

High pressure sodium is a "Pinkish Yellow" light where Metal Halide is a "White" light. The kids preferred the White light.

See attached. They used the existing lights/sizes as they appear in our mapping system. Robin said they noticed however when they "walked" it out that there are actually 12 lights here instead of 8. For the class project they stuck with the 8 lights that show in our mapping drawing.

Debbie Therrell  
Alabama Power Co.  
600 North 18<sup>th</sup> St. 3S-1635  
Birmingham, AL 35203  
205-226-1807 Office  
205-226-1099 Fax  
251-331-3500 Cell



Always on™



Class Project

Fixtures Currently Billed	Qty.	Cost per Fixture		Total Cost All Fixtures	
		Monthly	Annual	Monthly	Annual
100w MV Open Bottom	3	4.04	48.48	12.12	145.44
400w HPS Standard Gray Cobra	2	18.41	220.92	36.82	441.84
150w HPS Standard Gray Cobra	3	10.58	126.96	31.74	380.88
<b>Total</b>		<b>33.03</b>	<b>396.36</b>	<b>80.68</b>	<b>968.16</b>

A

B

B x 12 Mos.

A x B

A x B x 12 mos.



Class Project Recommendation - This was based on 8 fixtures

Proposed Fixtures					
Light Type	Qty	Cost per Fixture		Total Cost All Fixtures	
		Monthly	Annual	Monthly	Annual
150w MH Cut-Off Bronze Cobra	6	15.07	180.84	90.42	1085.04
350w MH Cut-Off Bronze Cobra	2	21.88	262.56	43.76	525.12
<b>Total</b>		<b>36.95</b>	<b>443.4</b>	<b>134.18</b>	<b>1610.16</b>

A

B

B x 12 Mos.

A x B

A x B x 12 mos.



Field verification revealed there are actually 11 APC street lights currently on Mountain Brook Parkway Proposed Fixtures below include proposed 150 W Light by Pedestrian Crossing & City Owned Street Light that City wants Alabama Power to maintain Bulb & Photo cell.

Proposed Fixtures					
		Cost per Fixture		Total Cost All Fixtures	
Light Type	Qty.	Monthly	Annual	Monthly	Annual
150w MH Cut-Off Bronze Cobra	9	15.07	180.84	135.63	1627.56
350w MH Cut-Off Bronze Cobra	3	21.88	262.56	65.64	787.68
cost to maintain Bulb/PE cell on 350w	1	12.69	152.28	12.69	152.28
<b>Totals</b>		<b>49.64</b>	<b>595.68</b>	<b>213.96</b>	<b>2567.52</b>

A

B

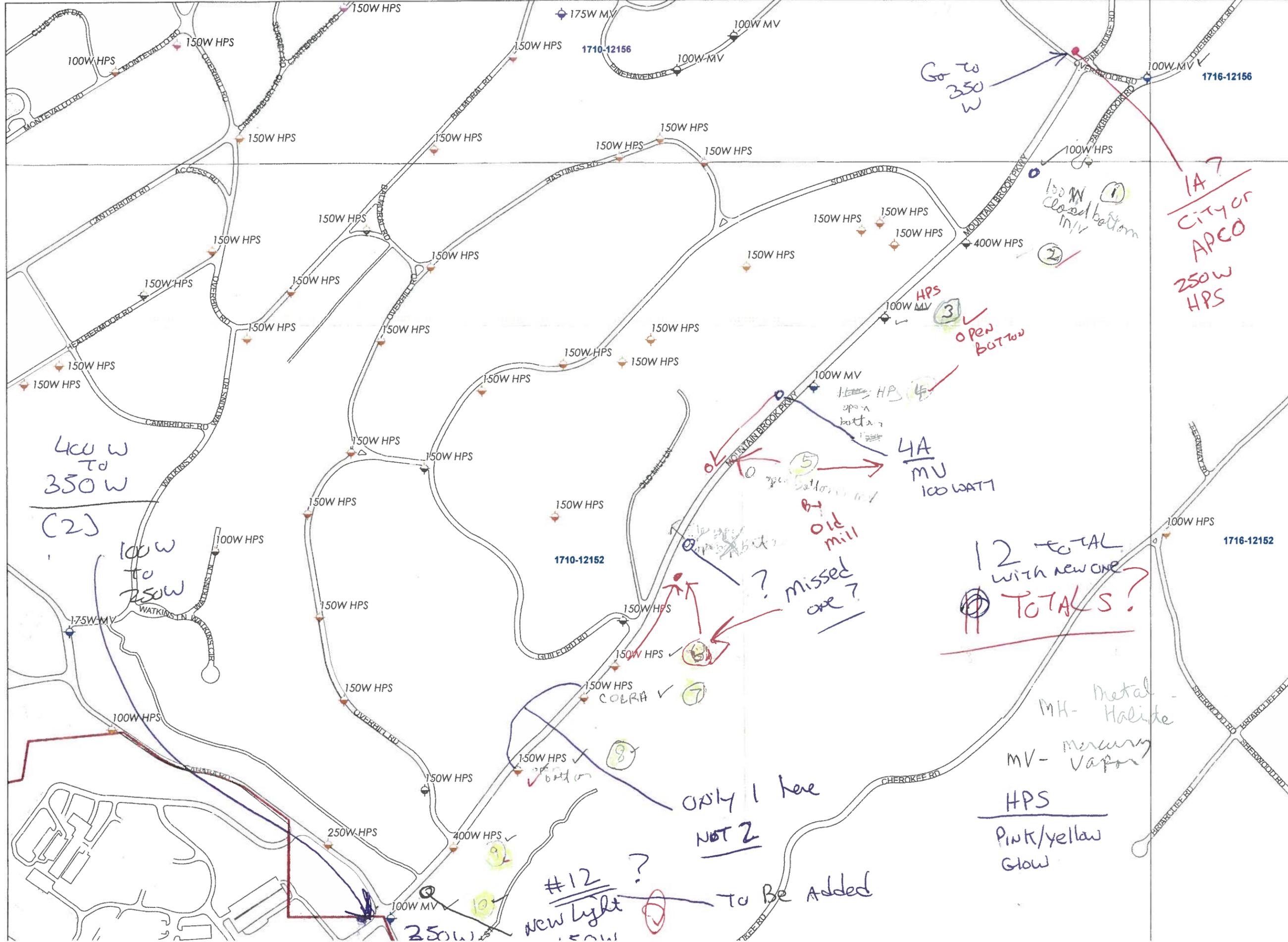
B x 12 mos.

A x B

A x B x 12 mos

Currently you are paying **\$80.68** a month for the lights on Mountain Brook parkway. The new monthly payment would be **\$213.96 mo.** This includes the new light by the Ped. Crossing you are wanting us to put up & the cost of maintaining the bulb & photo cell on the City owned pole/fixture (350 watt ) you will install.

All 150w Remained ; 2-400w to 350w ; Any 100w to be 150w ; 100w AT MBP/CAHBA to 350w ; New Light AT Pedestrian Crossing 150w



**Legend**

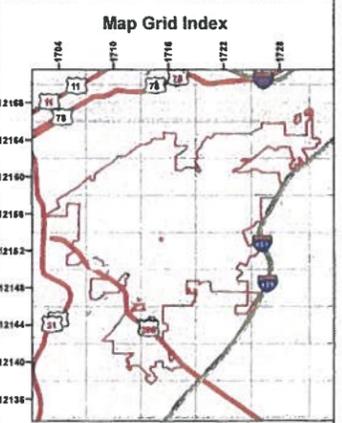
Light Class	High Pressure Sodium	Mercury Vapor	Incandescent	Metal Halide
Customer Owned				
Company Owned				

**Other Features**

- Building/Structure
- ROW
- City Limits
- Water

**Roads**

- AL Interstates
- State Hwy
- US Hwy



**ALABAMA POWER**

**City of Mountain Brook Street Light Inventory**

**Scale:** 1 inch equals 200 Feet

0 100 200 400 Feet

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