

**MOUNTAIN BROOK CITY COUNCIL
MEETING AGENDA**

**CITY HALL COUNCIL CHAMBER (ROOM A108)
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

JULY 14, 2014 – 7:00 P.M.

1. Approval of the minutes of the June 23, 2014 regular meeting of the City Council.
2. Consideration: Resolution declaring certain property surplus and authorizing its sale/disposal.
3. Consideration: Resolution awarding the bid for the purchase of thermal imaging equipment for the Fire Department.
4. Consideration: Resolution awarding the bid for the purchase of two top dressers for the Parks and Recreation Department.
5. Consideration: Resolution authorizing the execution of an Agreement and Assignment of Excess Cost Recovery Funds to allow the Alabama 9-1-1 Board to use excess cost recovery money toward an Internet protocol based next generation and integrated emergency communication network (aka the ANGEN project) for wireless devices and connection with plans to extend the network for wireline connections.
6. Consideration: Resolution authorizing the execution of a consent for the subletting of space by Global Signal Acquisition II, LLC to SouthernLINC on the cell tower and grounds at the Public Works site.
7. Consideration: Resolution authorizing the execution of a utility and construction agreement between the City and the Alabama Department of Transportation (ALDOT) with respect to the Phase 9 sidewalk project (CMAQ-NR13(908) Project Reference No. 100056494).
8. Public hearing: Consideration of an ordinance amending the [Mixed Use] master development plan for the property located at 1930 Cahaba Road in English Village (re: Vino Restaurant) with respect to the conditions previously established pursuant to Resolution No. 01-242 adopted on February 26, 2001.
9. Public hearing: Consideration of an ordinance amending the PUD development plan for the Lane Parke development (Ordinance No. 1871 adopted May 21, 2012).
10. Public hearing: Consideration of an ordinance amending Section 109-32 of the City Code (Residential Code) regarding the waiver of certain replacement fenestration provisions.
11. Announcement: The next regular meeting of the City Council will be July 28, 2014, at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
12. Other business.
13. Comments from residents.
14. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 23, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 5:45 p.m. on Monday, the 23rd day of June, 2014. 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 Burgin Kent, City Manager Sam Gaston, and City Clerk Steven Boone.

1. AGENDA

1. Request for an additional \$5,000 for construction administration with respect to the Safe-Routes-to-Schools project – Nimrod Long of Nimrod Long & Associates. (Resolution No. 2014-075 was added to the formal meeting agenda.)
2. Proposal to beautify and landscape the four (4) corners of Mountain Brook Parkway/Overbrook Road-Nimrod Long.

The members of the City Council expressed their general agreement to allow the beautification measures and that they did not expect to pay the entire cost of such improvements.

3. Food/fashion truck regulations – Dana Hazen (Appendix 1).

The members of the City Council expressed their general agreement to the provisions of the draft language presented. Council member Pritchard asked Ms. Hazen to identify those areas in the villages where food trucks can operate. The draft ordinance will be presented in final form for consideration by the City Council on July 14, 2014.

4. Street light conversion for Mountain Brook Parkway and additional street light at the pedestrian crossing signals east of Cahaba Road – Sam Gaston. (Resolution No. 2014-074 was added to the formal meeting agenda.)
5. Crestline Piggly-Wiggly update – Robert Jolly of Retail Specialists.

Mr. Jolly reported that the project is moving forward and had a representative (Jeff Slayton) of the project architect review preliminary renderings of the proposed layout and look of the store. Skipper Consulting has been engaged to study traffic flow and patterns in the vicinity. The traffic study will likely lead to further design adjustments and changes. The developer will continue talking with affected parties (school officials and area residents) to discuss concerns and other matters related to the development.

Members of the audience addressed the Council about traffic congestion concerns along Vine Street, Dexter and adjacent intersections. Other matters of concern brought up included safety, parking, noise, and service to the grocery store.

6. David Faulkner, State Representative Elect of House District 46, to address the Mayor/City Council. (This matter was removed from the agenda due to the absence of Mr. Faulkner.)

7. Conditional use/assemblage in Local Business Districts-send to Planning Commission for review and a recommendation?

After some discussion, the members of the City Council expressed their desire not to send this matter to the Planning Commission for their consideration. Representatives of The Advent were not present at the meeting but will be allowed pursue their conditional use application at a future meeting.

Upon conclusion of the City Council's review of the other formal [7 p.m.] agenda issues, Council President Smith adjourned the meeting.

Steven Boone, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
JUNE 23, 2014**

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 Monday, the 23rd day of June, 2014. 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 Burin Kent, 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 three Boy Scouts from Troop 320 in attendance for their Communications merit badge.

2. CONSENT AGENDA

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

Approval of the minutes of the June 9, 2014 meeting of the City Council.

2014-073	Reappoint Billy Angell to the Tree Commission (term to end May 9, 2017).	Exhibit 1
2014-074	Authorize the installation of (and request Alabama Power Company to install) one (1) [new] 150 W MH Cut-off Bronze Cobra street light on an existing pole located at the Mountain Brook Parkway pedestrian crossing signal and replace the eleven (11) existing APC street lights with a combination of eight (8) 150 W MH Cut-off Bronze Cobra and three (3) 350 W MH Cut-off Bronze Cobra light along the Mountain Brook Parkway.	Exhibit 2, Appendix 1
2014-075	Authorize additional consideration in an amount not to exceed \$5,000 to Nimrod Long and Associates for services provided (and yet to be provided) with respect to the Safe Routes to Schools (SRTS) sidewalk construction project.	Exhibit 3, Appendix 2

Thereupon, the foregoing minutes and resolutions were introduced by Council President Smith and their immediate adoption was moved by Council member Pritchard. The minutes and resolutions were then considered by the City Council. Council member Vogtle seconded the motion to adopt the foregoing minutes and resolutions. Council member Pritchard then stated for the record that he will abstain from voting with respect to Resolution No 2014-075. 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 (abstained on Resolution No. 2014-075)
 Jesse S. Vogtle, Jr.

Nays: None

Council President Smith thereupon declared that said minutes and Resolution Nos. 2014-073 and 2014-074 are adopted by a vote of 5—0 and that Resolution No. 2014-075 is adopted by a vote of 4—0.

3. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE AMENDING SECTION 109-32 OF THE CITY CODE (RESIDENTIAL CODE) REGARDING THE WAIVER OF CERTAIN REPLACEMENT FENESTRATION PROVISIONS (EXHIBIT 4)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience.

Tommy Patton of Pella Windows asked how this ordinance will be interpreted with respect to a porch enclosure involving the installation of glass windows without any other additions to the house. Does such enclosure require [building] code compliance with respect to meeting the shade coefficient of the windows. Also, what about the installation of windows in a non-conditioned space?

Ronnie Sample, remodeling contractor from Pelham, spoke in favor of the ordinance. His interpretation of the proposed ordinance is that it allows windows to be installed in a home that do not meet the more stringent energy efficiency codes.

Upon conclusion of the discussion, Council President Smith stated that due to the absence of the City's Building Inspection Superintendent and the technical nature of the questions raised regarding the proposed ordinance, she is entering a motion that the public hearing be continued until July 14, 2014 at 7 p.m. The motion was seconded by Council member Pritchard. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The President of the Council declared that the motion carried by a vote of 5—0 and that this matter will be considered again on July 14, 2014.

4. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE (NO. 1907) AMENDING THE PARK AT OVERTON RESIDENTIAL INFILL DISTRICT (RID) MASTER DEVELOPMENT PLAN FOR THE CONSOLIDATION OF TWO LOTS INTO ONE AND LIMITING THE DEVELOPMENT TO EIGHTEEN (18) OR FEWER LOTS TO ALLOW FOR THE FUTURE CONSOLIDATION OF LOTS (WITHOUT COUNCIL APPROVAL) (EXHIBIT 5, APPENDIX 3)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience. There being none, 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 is 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 Smith, Council President
Amy G. 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 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 Smith, Council President
Amy G. Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard, III
Jesse S. Vogtle, Jr.

Nays: None

The President of the Council declared that the ordinance (No. 1907) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

5. CONSIDERATION: ORDINANCE (NO. 1906) AMENDING SECTION 34-7 OF THE CITY CODE TO PROHIBIT THE OPERATION OF ANY MECHANICALLY POWERED LAWN EQUIPMENT OPERATED FOR COMMERCIAL PURPOSES WITHIN A RESIDENTIAL DISTRICT BETWEEN THE HOURS OF 6:00 P.M. AND 8:00 A.M. (EXHIBIT 6, APPENDIX 4)

Council President Smith introduced the ordinance in writing and invited comments and questions from the audience.

Brian Word of Northcoat Drive and president of Blackjack Horticulture asked that the City Council consider changing the start time from 8 a.m. to 7 a.m. to align with construction start times. [Blackjack typically does not work weekends. Mr. Gaston stated that construction start times have been set at 7 a.m. on weekdays and 8 a.m. on weekends.]

Clay Ragsdale of 3837 Cove Drive:

- Suggested that the City adopt a policy outlining the best practices for the proper and respectful use of powered equipment to minimize noise pollution and circulate such policy to business licensees and other users of such equipment (Appendix 4).

Bob Berryhill of Kingshill Road:

- Asked for clarification of the existing noise ordinance.
- Questioned how the existing noise ordinance is enforced.
- Views the noise ordinance as too subjective and has allowed his neighbor to effectively use the police department to force he and his wife to no longer listen to their radio [set at a conversational level] outside by their pool.
- The complainant is unidentified and therefore he and his wife are unable to work the situation out with the neighbor.

Chief Cook:

- The police department responds to all nuisance calls, meets with the complainant, then the alleged offender and warns them of the complaint.
- Before an officer would make an arrest for such complaint, the situation would have to be extreme.
- If the offender refuses to heed the warning, the police would bond the offender to court.
- An arrest is not out of the realm of possibility.

There being no further comments, Council member Pritchard moved: 1) that the ordinance be amended with respect to the start time from 8 a.m. to 7 a.m. on weekdays and 8 a.m. on weekends, and 2) that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said amended ordinance be suspended, and that unanimous consent to the immediate consideration of said amended ordinance is given and that the reading of the amended ordinance at length be waived. The motion was seconded by Council member Vogtle and was carried, as follows:

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

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

Nays: None

The President of the Council declared that the ordinance (No. 1905), as amended, is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

6. ANNOUNCEMENT REGARDING AN UPCOMING PUBLIC HEARING

Council President Smith announced that the City Council shall conduct a public hearing on July 14, 2014 at 7 p.m. at City Hall (Room A108) to consider an ordinance amending the [Mixed Use] master development plan for the property located at 1930 Cahaba Road in English Village (re: Vino Restaurant).

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

Council President Smith announced that the next meeting of the Mountain Brook City Council will be held on Monday, July 14, 2014 at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

8. ADJOURNMENT

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

Steven Boone, City Clerk

EXHIBIT 1**RESOLUTION NO. 2014-073**

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Billy Angell is hereby re-appointed to serve a third term on the Tree Commission, to serve without compensation, with the term of office to end May 9, 2017.

EXHIBIT 2**RESOLUTION NO. 2014-074**

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

- (a) That Alabama Power Company be requested to install one (1) [new] 150 W MH Cut-off Bronze Cobra street light on an existing pole located at the Mountain Brook Parkway pedestrian crossing signal and replace the eleven (11) existing APC street lights with a combination of eight (8) 150 W MH Cut-off Bronze Cobra and three (3) 350 W MH Cut-off Bronze Cobra lights (see attached map/ illustration - Exhibit A).
- (b) That the City Clerk be directed to furnish the Alabama Power Company a certified copy of this resolution.

APPENDIX 1**EXHIBIT 3****RESOLUTION NO. 2014-075**

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes additional consideration 1) in an amount of \$2,400.00 for professional services already performed and 2) in an amount not to exceed \$2,600.00 for future professional services to be performed by Nimrod Long & Associates, in the form as attached hereto as Exhibit A, with respect to the Safe Routes to Schools (SRTS) sidewalk construction project; and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Manager is hereby authorized and directed to engage Nimrod Long & Associates for and on behalf of the City of Mountain Brook, Alabama for said work and to execute such other documents that may be determined necessary with respect to said engagement all subject to review by the City Attorney.

APPENDIX 2**EXHIBIT 4**

RESOLUTION NO. 2014-076

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: 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:

48 (forty eight)Taser X-26 Devices (functional): For destruction

Serial Nos.

x00-212650	x00-227520	x00-125615	x00-238379
x00-238301	x00-436880	x00-238194	x00-436988
x00-238247	x00-090554	x00-238628	x00-091985
x00-125809	x00-238597	x00-238648	x00-238281
x00-238341	x00-436985	x00-436816	x00-238375
x00-227181	x00-339746	x00-122358	x00-226619
x00-059982	x00-238548	x00-090756	x00-238268
x00-125470	x00-091843	x00-168542	x00-238425
x00-125440	x00-238312	x00-238653	x00-238616
x00-238613	x00-227714	x00-224257	x00-122299
x00-227718	x00-091171	x00-224425	x00-105268
x00-339580	x00-125801	x00-227193	

9 (nine) Damaged Taser X-26 Devices: For destruction

Serial Nos.

x00-005747	x00-238200	x00-238391	x00-091487
x00-122085	x00-238208	x00-100551	

1 (one) Taser X-26 USB Dataport Download Kit: For destruction

65 (sixty five) Taser X-26 holsters: For destruction

4 (four) Storage Cabinets, metal with dual doors, sizes (approx. inches):

- (1) 36 x 42 x 18
- (1) 36 x 71.5 x 18
- (2) 36 x 72 x 24

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Manager is hereby authorized and directed to 1) destroy the Tasers and related accessories, and 2) sell the four storage cabinets by way of public Internet auction to the highest bidder and to otherwise dispose of such property that does not sell at said public auction.

ADOPTED: This 14th day of July, 2014.

Council President

APPROVED: This 14th day of July, 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 meeting held on July 14, 2014, as same appears in the minutes of record of said meeting.

City Clerk

RESOLUTION NO. 2014-077

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 four (4) thermal imaging cameras to NAFECO, having submitted the sole bid, in the [negotiated] amount of \$39,000.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the Mayor or City Manger are hereby authorized to issue a purchase order and to execute such other documents that may be determined necessary with respect to said purchase.

ADOPTED: The 14th day of July, 2014.

Council President

APPROVED: The 14th day of July, 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 regular meeting held on July 14, 2014, as same appears in the minutes of record of said meeting.

City Clerk



CITY OF MOUNTAIN BROOK FIRE DEPARTMENT

102 Tibbett Street, Mountain Brook, Alabama – 35213 Phone: (205) 802-3838, Fax: (205) 879-5919



INTEROFFICE MEMORANDUM

TO: Sam Gaston, City Manager
FROM: Robert Ezekiel, Fire Chief *RWE*
DATE: July 1, 2014
SUBJECT: Thermal Imaging Camera Bid Information

In accordance with State bid laws and City purchasing policies, specifications were developed for four (4) Thermal Imaging Cameras and placed out for bids on Wednesday, May 21, 2014. A bid opening was held at 2:00 PM on Wednesday, June 25th with the following resulting bids:

NAFECO: \$40,000
Sunbelt Fire Apparatus: No Bid
Bullard: No Bid
Heritage Fire Equipment: No Bid

The department had budgeted \$39,000 for the four thermal imagers. The low bid from NAFECO exceeded our budget by \$1,000. Per State bid laws, municipalities may negotiate with the lowest bidder to get a better price; therefore, I spoke with NAFECO regarding a reduction to get us within budget. They have agreed to provide the units at our budgeted figure of \$39,000.

I will add that the last thermal imaging cameras were purchased with a FIRE Act Grant and these units are replacing the former units under our ERS system.

It is my recommendation that we purchase the thermal imagers from NAFECO for the \$39,000 and that we put this item on the next City Council agenda for consideration and hopefully affirmation.

As always, if you need any additional information, please feel free to inquire.

CC: Steve Boone

CITY OF MOUNTAIN BROOK
56 CHURCH STREET
MOUNTAIN BROOK, ALABAMA 35213
OFFICE OF PURCHASING AGENT (CITY MANAGER)

BID COVER SHEET

Bid Request Posted this Date: Wednesday, May 21, 2014 Bids to be opened this Date and Time: Wednesday, June 25, 2014 at 2:00 PM

To Whom It May Concern:

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

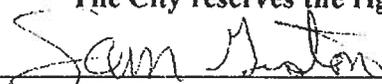
To be considered by the City, a bid must comply with Alabama law, including, but not limited to, Ala. Code (1975) §§41-16-50 *et seq.* and 31-13-1 *et seq.*, and provide documentation of enrollment in the E-Verify program pursuant to Ala. Code §31-13-9.

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

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

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

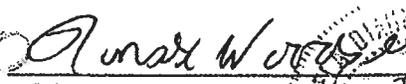
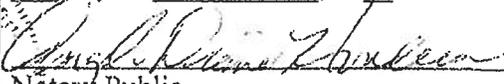
The City reserves the right to accept or reject any or all bids and to waive formalities.

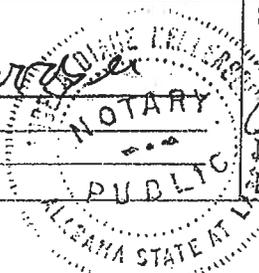

Sam S. Gaston, City Manager and Purchasing Agent

BIDDER NAFECO TELEPHONE 800-628-6233
ADDRESS 1515 West Moulton Street EMAIL ronald.woodall@nafeco.com
CITY Decatur, STATE AL ZIP 35601
BID AMOUNT (AS PER SPECIFICATIONS) 4 - Thermal Imaging Cameras: \$ 40,000.00 Total
\$10,000 each - ISG X380 Thermal Imager

Note: MUNICIPALITIES ARE EXEMPT FROM STATE SALES TAX

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

Auth. Signature: 	Sworn to and subscribed before me on this 10th day of <u>June</u> , 2014.
Name: <u>Ronald Woodall</u>	
Title: <u>Vice President</u>	Notary Public
	My Commission Expires: <u>7/15/14</u>



RESOLUTION NO. 2014-078

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) top dressers to Golf Ventures, having submitted the best bid, in the amount of \$18,136.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the Mayor or City Manger are hereby authorized to issue a purchase order and to execute such other documents that may be determined necessary with respect to said purchase.

ADOPTED: The 14th day of July, 2014.

Council President

APPROVED: The 14th day of July, 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 regular meeting held on July 14, 2014, as same appears in the minutes of record of said meeting.

City Clerk

Date: July 10, 2014
To: Sam Gaston, City Manager
Cc: Steve Boone, City Clerk
From: Shanda Williams, Director of Parks & Recreation
RE: Top Dressers (2) Bid Acceptance

Bids were solicited for the City of Mountain Brook's purchase of two (2) Top Dressers, by the Parks and Recreation Department. All bids were opened and publicly reviewed on Wednesday, July 2, 2014. The following vendors submitted bids as listed:

Golf Ventures	\$ 18,136.00
Jerry Pate Turf & Irrigation	\$ 21,428.42

I would like to accept and recommend the lowest bidder, Golf Ventures, (\$ 18, 136.00) for this purchase.

The Equipment – Top Dresser Account, number is 441-7890-6730-0605 and \$28,400.00 has been budgeted for this fiscal year.

RESOLUTION NO. 2014-079

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the execution of the Agreement and Assignment of Excess Cost Recovery Funds, in the form as attached hereto as Exhibit A, with respect to the 911 ANGEN system project.

ADOPTED: The 14th day of July, 2014.

Council President

APPROVED: The 14th day of July, 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 regular meeting held on May 27, 2014, as same appears in the minutes of record of said meeting.

City Clerk



STATE OF ALABAMA
OFFICE OF THE ALABAMA 911 BOARD

Jason Jackson
Executive Director

1 Commerce Street
Suite 610
Montgomery, Alabama 36104
(334) 440-7911
www.al911board.com

June 30, 2014

City of Mountainbrook E9-1-1
56 Church Street
Mountainbrook, AL 35213

Mr. Bankston or Lt. Clark,

Please find attached an Agreement and Assignment of Excess Cost Recovery Funds sent via certified letter to the eighty-eight ECDs in Alabama during the month of February 2014. The document is an agreement between you and the Alabama 9-1-1 Board to use excess cost recovery money toward the ANGEN project. The Board's records indicate that we have not received a signed document from your ECD, so we are providing you a copy of the agreement and requesting your consideration in signing and returning it to the Board office by August 15, 2014. Thank you for your attention to this matter. If you have any questions regarding this agreement, please do not hesitate to contact the office.

Sincerely,

Jason Jackson
Executive Director

Enclosures: 1

AGREEMENT AND ASSIGNMENT OF EXCESS COST RECOVERY FUNDS

THIS AGREEMENT is made and entered into this ____ day of _____, 2014, by and between _____, an Emergency Communication District organized and operating under the laws of the State of Alabama (hereinafter referred to as the "ECD") and the Alabama Statewide 911 Board (hereinafter referred to as the "Board").

WHEREAS, the parties acknowledge that the State of Alabama has begun transition to an IP based next generation and integrated emergency communication network (known as ANGEN or the ANGEN project) for wireless devices and connections with plans to extend the network for wireline connections, AND

WHEREAS, the full transition to ANGEN will allow emergency response systems to take full advantage of voice, data, video, and other information available over broadband networks and IP platforms, AND

WHEREAS, Bandwidth.com, Inc. has been contracted with to serve as System Service Provider (SSP) to provide system services and necessary support for the ANGEN project which will enable E9-1-1 calling to all participating Public Safety Answering Points (PSAPs) throughout the State of Alabama over an IP network, AND

WHEREAS, the parties acknowledge and understand that the Alabama Supercomputer Authority (ASA) has been contracted with to provide the IP network for the implementation of ANGEN, AND

WHEREAS, the ECD has agreed to fully participate in the ANGEN project, AND

WHEREAS, the ECD entered into a similar agreement with Alabama CMRS Board whereby it assigned a distribution from that Board's operating account back to the CMRS Board which was used to provide matching funds for a grant to the Alabama Department of Homeland Security from the U. S. Department of Transportation (which the CMRS Board administered) to provide initial funding for the ANGEN project, AND

WHEREAS, under Section 11-98-5 Ala. Code, 1975, as amended provides that if the Board determines that revenues dedicated for cost recovery to CMRS providers exceeds necessary funding requirements, it may distribute any excess revenues to the ECDs pursuant to 11-98-5.2, AND

WHEREAS, the Board has determined that there are excess revenues in the Cost Recovery fund and the parties acknowledge that it is practical and beneficial to the ECDs for a distribution to ECDs be made and assigned back to the Board to be dedicated toward funding ANGEN

NOW, THEREFORE IN CONSIDERATION OF THE PREMISES,

1. The Board will make a distribution of approximately \$3 million (\$3,000,000.00) from excess Cost Recovery funds to the ECDs which will designated as "ANGEN distribution".
2. The ECD agrees to assign its share of the "ANGEN distribution" to the Board which shall be dedicated to payment of expenses related to the implementation of the ANGEN project.
3. Only costs associated with the implementation of the ANGEN project are to be paid from these assigned funds.
4. The term of this agreement shall be for a period through May 21, 2015, (which is the term of the Agreements between the CMRS Board and Bandwidth.com and the Alabama Supercomputer Authority), however, the initial term may be extended thereafter upon the same terms and conditions as set forth herein for a period of time mutually agreeable between the parties.
5. This Agreement reflects the entire agreement between the parties with respect to the matter described herein. There are no prior representations or agreements between these parties relative to such subject matter that are not reflected in or superseded by this Agreement.
6. This Agreement shall be interpreted and governed by the laws of the State of Alabama.
7. Having agreed to the terms herein, the undersigned signatories hereby represent and warrant that each has authority to enter into this Agreement.
8. This Agreement shall become effective upon full and complete execution by both parties.

IN WITNESS WHEREOF, THE PARTIES HAVE SIGNED AND EXECUTED THIS AGREEMENT.

Alabama Statewide 911 Board

(ECD)

Roger Wilson, Chairman

Signature

Date _____

Printed Name and Title

Date _____

RESOLUTION NO. 2014-080

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the execution of the consent to sublet space and ground to SouthernLINC by Global Signal Acquisitions, II (A Crown Castle Company), in the form as attached hereto as Exhibit A, with respect to Crown Castle tower located at 3589 East Street, 35243 (BU: 874943 / App ID: 254638).

ADOPTED: The 14th day of July, 2014.

Council President

APPROVED: The 14th day of July, 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 regular meeting held on May 27, 2014, as same appears in the minutes of record of said meeting.

City Clerk



Crown Castle
Two Chase Corporate Drive, Suite 105
Birmingham, AL 35244

June 30, 2014

VIA FED EX

Attn: Steve Boone
City Clerk
City of Mountain Brook
56 Church Street
Mountain, Brook, AL 35213

Re: Crown Castle telecommunications tower located at 3589 East Street, Vestavia, AL 35243
BU: 874943 / App ID: 254638
Tower Site Lease Agreement dated November 1, 1997, as amended by and between The City of Mountain Brook ("Lessor") and STC FIVE LLC ("Lessee"), the "Lease"
Request for Consent to Sublease

Dear Mr. Boone:

Pursuant to an agreement between STC Five LLC ("Sprint") and Global Signal Acquisitions II LLC ("GSA"), GSA subleases and/or otherwise operates the tower site that is subject to the Lease on behalf of Sprint. GSA is a Crown Castle company. GSA and its subsidiaries is the owner and operator of shared wireless communication facilities.

In order to better serve the public, minimize the amount of towers in an area where a Lease is located, and/or improve the financial viability of a site, GSA plans to sublease to **SouthernLINC**. The sublease will not alter the character or use of the site nor will it change the nature of either GSA's or Sprint's occupancy of the site.

Sprint has authorized GSA to contact you and request consent to the subletting of space on the tower and the ground, within the existing lease area. Pursuant to Paragraph 11 of your Lease, Sprint is required to obtain your consent, not to be unreasonably withheld. Therefore, GSA, on behalf of Sprint, respectfully requests your consent to this sublease.

In addition, your consent to this sublease will amount in an additional \$250.00/per month revenue sharing to the City. The Structural Analysis and Construction Drawings will be supplied to Jerry Weems in connection with SouthernLINC's building permit application.

As used in this letter, the term sublease shall include any arrangement by which a third party can install and operate its equipment on the property subject to the Lease. GSA will continue to be responsible for performing all of the obligations under the Lease.

Please indicate your consent by executing this letter where indicated below and return one original of same to me using the enclosed pre-paid Fed Ex envelope.

If you have any questions concerning this request, please contact me at (205) 909-2025.

Sincerely,



Jennifer C. McCown

Real Estate Specialist – AL District

Agreed and accepted this ____ day of _____, 2014

(Lessor's signature)





ALABAMA DEPARTMENT OF TRANSPORTATION

THIRD DIVISION
OFFICE OF DIVISION ENGINEER
1020 BANKHEAD HWY. WEST
P.O. Box 2745

BIRMINGHAM, ALABAMA 35202-2745

Telephone: (205) 328-5820

FAX: (205) 254-3199



2014-081

Robert Bentley
Governor

John R. Cooper
Transportation Director

June 23, 2014

The Honorable Lawrence Oden
Mayor, City of Mountain Brook
City Hall
P.O. Box 130009
Mountain Brook, Alabama 35213

RE: Jefferson County
Project Number: CMAQ-NR13(908)
[Proj. Ref. No. 100056494]
Mountain Brook Sidewalks – Phase 9
Along Brookwood Road, Crosshill Road
and Oakdale Drive

Dear Mayor Oden,

I have enclosed the original Utility and Construction Agreement (and one copy) between the State of Alabama and the City of Mountain Brook, Alabama for the above referenced project.

This Agreement is submitted to the City for approval. After execution by the City Council, please return the original document and the copy, with original signature and the City Seal affixed to both to this office for further handing. A certified resolution, which authorizes the Mayor to sign the Agreement, affixed with the City seal should be included with the original Agreement, as well as with the copy.

If I can supply you with any additional information or clarify any point contained herein, please feel free to contact me at your convenience.

Sincerely,

Brian C. Davis
Division Engineer

BCD/LAT/SFPB

Enclosure

C: Mrs. Sandra F. P. Bonner
File w/Enc.



ALABAMA DEPARTMENT OF TRANSPORTATION

1409 Coliseum Boulevard, Montgomery, Alabama 36110



Robert Bentley
Governor

John R. Cooper
Transportation Director

June 18, 2014

Mr. Brian C. Davis
Division Engineer
Alabama Department of Transportation
Post Office Box 2745
Birmingham, Alabama 35202

SUBJECT: CMAQ-NR13(908)
Mountain Brook Sidewalks Phase 9
Along Brookwood Road, Crosshill Road and Oakdale Drive
Mountain Brook, Alabama
Jefferson County
Reference Numbers: 100056494

Dear Mr. Davis:

The enclosed funding agreement between the State and the City of Mountain Brook, Alabama, is to obligate federal funds for construction on the subject project.

Please review this agreement and, if it is acceptable, present it to the city for approval. The agreement should be executed by the city, signed by the mayor with the city seal affixed and a resolution attached authorizing the mayor to be the signatory on behalf of the city. After the agreement is executed by the city, please sign and return this document to this office.

Please contact Mary Lou Crenshaw at 334-353-6439 if you have any questions.

Sincerely,

Robert J. Jilla
Multimodal Transportation Engineer

By: C. W. Colson, Jr.
C. W. Colson, Jr.
Special Programs Engineer

RJJ:CWC:mlc
Attachment
c: file

**AGREEMENT
FOR
UTILITY AND CONSTRUCTION**

**BETWEEN THE STATE OF ALABAMA
AND
THE CITY OF MOUNTAIN BROOK, ALABAMA**

**PROJECT CMAQ-NR13(908)
Mountain Brook Sidewalks Phase 9
along Brookwood Road, Crosshill Road and Oakdale Drive
Mountain Brook, Alabama
Reference Number:100056494**

THIS AGREEMENT is made and entered into by and between the State of Alabama, acting by and through the Alabama Department of Transportation, hereinafter referred to as STATE; and the City of Mountain Brook, Alabama, hereinafter referred to as CITY, in cooperation with the United States Department of Transportation, Federal Highway Administration, hereinafter referred to as the FHWA; and

WHEREAS, a Transportation Improvement Program has been developed for the Birmingham Urbanized Area and certain transportation improvements and priorities are listed therein; and

WHEREAS, it is in the public interest for the STATE and the CITY to cooperate toward the implementation of the Transportation Improvement Program; and

WHEREAS, the STATE and the CITY desire to cooperate in a construction program for sidewalks along Brookwood Road, Crosshill Road and Oakdale Drive, Phase 9 of a citywide project, in the City of Mountain Brook, Alabama.

NOW, THEREFORE, the parties hereto, for, and in consideration of the premises stated herein do hereby mutually promise, stipulate, and agree as follows:

- 1) This Agreement will cover all aspects of construction for the proposed improvements, including construction engineering and inspection during the course of the work, all in accordance with plans approved by the STATE.
- 2) Funding for this agreement is subject to availability of Federal Aid funds at the time of authorization by FHWA.
- 3) The project will be administered by the STATE and all cost will be financed, when eligible for Federal participation, on the basis of 80 percent Federal funds and 20 percent CITY funds. The estimated cost and participation by the various parties is as follows:

2014-081

	<u>Total Estimated Cost</u>	<u>Total Estimated Federal Funds</u>	<u>Total Estimated Local Funds</u>
Construction Including Engineering and Inspection	\$1,578,184.19	\$1,262,547.35	\$315,636.84
Total	\$1,578,184.19	\$1,262,547.35	\$315,636.84

It is understood that the above is an estimate only, and in the event the final cost exceeds the estimate, the CITY will be responsible for its proportional share as above noted and the CITY agrees to pay same to the STATE; or in the event the cost is less than the estimate, the CITY will receive a refund accordingly from the STATE. It is expressly understood by both parties of this Agreement that all Federal funds will be CMAQ program funds, attributable to the Birmingham Area. The STATE does not commit any STATE or Federal funds beyond those mentioned herein.

- 4) The CITY will coordinate required adjustments to utilities with the utility company involved in accordance with usual STATE procedures. Any utility expenses involved which are eligible for STATE reimbursement or payment under state law will be considered as part of the Project cost and will be paid as provided herein, with the CITY paying its proportional share. The STATE will not be liable for utility expenses which are not eligible for STATE reimbursement or payment under state law.
- 5) The construction of the improvements will be by contract and the STATE will be responsible for advertisement and receipt of bids and for the award of the contract. Following receipt of bids and prior to award of the contract, the STATE will invoice the CITY for its porata share of the estimate construction cost as reflected by the bid of the successful bidder plus the engineering and inspection cost, and the CITY will promptly pay this estimated cost before the award of the contract. The STATE will not award the contract until it is in receipt of the estimated cost payable by the CITY as reflected by the bid of the successful bidder, plus the engineering and inspection cost. All required off-site testing shall be the responsibility of the Alabama Department of Transportation. All on-site engineering, inspection, and testing (including obtaining and delivery of test specimens to the Alabama Department of Transportation testing facility) shall be the responsibility of the CITY or its designated representative.
- 6) Upon completion and acceptance of the work by the STATE, the CITY will assume full responsibility for maintenance of that part of the improvements which are not part of the Alabama Highway Maintenance System.
- 7) A final audit will be made of all project records after the completion of the project and a copy will be furnished to the Department of Examiners of Public Accounts, in accordance with ACT 1994, No.94-414. A final financial settlement will be made between the parties as reflected by the audit and this Agreement.
- 8) The performance of the work covered by this Agreement will be in accordance with the current requirements of the STATE and FHWA.

- 9) Each party will provide without cost to the other, information available from its records that will facilitate the performance of the work.
- 10) Agency to Indemnify: The CITY will be responsible at all times for all of the work performed under this Agreement and the CITY will protect, defend, indemnify and hold harmless the State of Alabama, the Alabama Department of Transportation, the officials, officers, and employees in both their official and individual capacities, and their agents and/or assigns, from and against any and all actions, damages, claims, loss, liabilities, including attorney's fees or expenses whatsoever or any amount paid in compromise thereof arising out of or connected with the work performed under this Agreement.
By entering into this agreement, the CITY is not an agent of the STATE, its officers, employees, agents or assigns. The CITY is an independent entity from the STATE and nothing in this Agreement creates an agency relationship between the parties.
- 11) Any dispute concerning a question of fact in connection with the work not disputed of by this Agreement between the CITY and the STATE will be referred to the director of the State of Alabama Department of Transportation, whose decision will be final.
- 12) Exhibits M and N are attached and hereby made a part of this Agreement.
- 13) The terms of this Agreement may be modified by supplemental agreement duly executed by the parties hereto.
- 14) Either party has the right to terminate this Agreement at any time by giving thirty (30) days written notice of termination. Said notice will be mailed by certified or registered mail.
- 15) By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the agreement and shall be responsible for all damages resulting therefrom.
- 16) 7/24th Law: Nothing shall be construed under the terms of this Agreement by the CITY or the STATE that shall cause any conflict with Section 23-1-63, Code of Alabama, 1975.

IN WITNESS WHEREOF, the parties hereto cause this Agreement to be executed by those officers, officials and persons thereunto duly authorized, and the Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Governor of Alabama.

SEAL

ATTEST: THE CITY OF MOUNTAIN BROOK, ALABAMA

City Clerk (Signature) BY: _____
Mayor (Signature)

Type name of Clerk _____
Type name of Mayor

APPROVED AS TO FORM:

BY: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

RECOMMENDED FOR APPROVAL:

Brian Davis
Division Engineer

Robert J. Jilla,
Multimodal Transportation Engineer

Ronald L. Baldwin, P.E.
Chief Engineer

STATE OF ALABAMA
ACTING BY AND THROUGH THE
ALABAMA DEPARTMENT OF
TRANSPORTATION

John R. Cooper, Transportation Director

The foregoing Agreement is hereby executed in the name of the State of Alabama and signed by the Governor on this _____ day of _____, 20_____.

Robert Bentley
Governor, State of Alabama



RESOLUTION NUMBER 2014-081

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

1. That the City enter into an agreement with the State of Alabama, acting by and through the Alabama Department of Transportation for:

Project CMAQ-NR13(908), the Mountain Brook Sidewalks Phase 9 for a construction program for sidewalks along Brookwood Road, Crosshill Road and Oakdale Drive in the City of Mountain Brook which Agreement is before this council.

2. That the Agreement be executed in the name of the City, by its Mayor, for and on its behalf.
3. That the Agreement be attested by the City Clerk and the seal of the City affixed thereto.

BE IT FURTHER RESOLVED that upon the completion of the execution of the Agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

Passed, adopted and approved this _____ day of _____, 20____.

ATTESTED:

City Clerk

Mayor

I, the undersigned qualified and acting City Clerk of the City of Mountain Brook, Alabama, do hereby certify that the above and foregoing is a true copy of a resolution passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the _____ day of _____, 20____ and that such resolution is on file in the City Clerk's Office.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this _____ day of _____, 20____.

City Clerk

2014-081

CONSULTANT 3/19/90
REVISED 7/18/90
REVISED 6/16/11

EXHIBIT M

CERTIFICATION FOR FEDERAL-AID CONTRACTS: LOBBYING

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative AGREEMENT, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U. S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U. S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such subrecipients shall certify and disclose accordingly.



CONSULTANT 2/15/95
REVISED 5/30/02
REVISED 6/16/11

EXHIBIT N

FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be constituted as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this AGREEMENT shall contravene any statute or Constitutional provision of amendment, either now in effect or which may, during the course of this AGREEMENT, be enacted, then the conflicting provision in the AGREEMENT shall be deemed null and void.

In any controversy concerning contract terms, or on a question of fact in connection with the work covered by this project, including compensation for such work, the decision of the Transportation Director regarding the matter in issue or dispute shall be final and conclusive on all parties.

For any and all disputes arising under the terms of this contract, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, when considering settlement of such disputes, to consider using appropriate forms of non-binding alternative dispute resolution.

TERMINATION DUE TO INSUFFICIENT FUNDS

- a. If the agreement term is to exceed more than one fiscal year, then said agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the agreement in subsequent fiscal years.
- b. In the event of proration of the fund from which payment under this AGREEMENT is to be made, agreement will be subject to termination.

NO GOVERNMENT OBLIGATION TO THIRD PARTY CONTRACTORS

The STATE and CONSULTANT acknowledge and agree that, notwithstanding any concurrence by the Federal Government in or approval of the solicitation or award of the underlying contract, absent the express written consent by the Federal Government, the Federal Government is not a party to this contract and shall not be subject to any obligations of or liabilities to the STATE, CONSULTANT, or any other party (whether or not a party to that contract) pertaining to any matter resulting from the underlying contract.

The CONSULTANT agrees to include the above clause in each subcontract financed in whole or in part with Federal assistance provided to FHWA. It is further agreed that the clause shall not be modified, except to identify the subcontractor who will be subject to its provisions.



VINO/GALLERY 1930

Petition Summary

Request to amend an existing development plan for property in the Mixed-Use zoning district.

Analysis

The proposal involves a 1000 square foot addition to the building and the provision of five (5) additional on-street parking spaces on 20th Avenue South. This addition is to be used primarily by the gallery, with joint events catered by Vino. The parking requirement for the gallery and the restaurant is the same (5 spaces/1000 sq. ft.), so the proposed addition and provision of additional on-street parking complies with the zoning ordinance whether used by the gallery or by the restaurant.

Section 129-555 of the Village Overlay allows for parking credit for new on-street parking created as part of a development plan, so while the on-street parking will be available for public use by all patrons of English Village, the subject property will receive parking credit for the provision of the new parking spaces.

Background

This parcel has been approved for a variety of uses. It was first rezoned from Local Business to Mixed Use in 1996; then amended to allow a specific mixed-use development with an Anthony's Restaurant and Jazz Club in a basement, retail and parking on the ground level, and 3 residential condominiums above (this plan was never implemented).

In 2001 the development plan was amended to allow three (3) galleries in the existing building: an art gallery, a chair gallery and a garden design shop. These galleries were established but subsequently closed. In 2009, a request to establish a Mexican restaurant was recommended for denial by the Planning Commission and the application was withdrawn without being forwarded to the City Council.

In 2010 the Planning Commission recommended approval of Case 1823, and the Council approved the amended development plan on November 8, 2010 to allow any use permitted in the Local Business District to be established on the subject property. Vino restaurant and the gallery were subsequently established.

On July 7, 2014, the Planning Commission recommended approval of this proposed amendment to the Mixed-Use development plan.

Appends

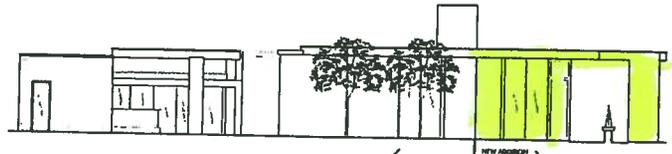
LOCATION: 1930 Cahaba Road ZONING DISTRICT: Mixed Use

OWNER: Paragon Management, LLC AGENT: Ali Rabiee

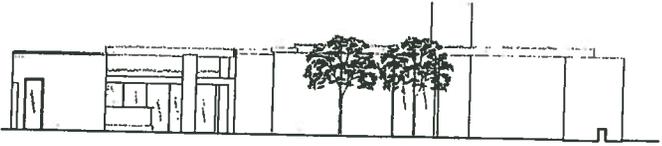
1917

VINO ADDITION

1930 CAHABA ROAD
MOUNTAIN BROOK, ALABAMA
01 MAY 2014



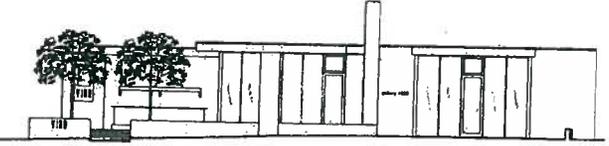
2 NEW SOUTH ELEVATION
1/8" = 1'-0"



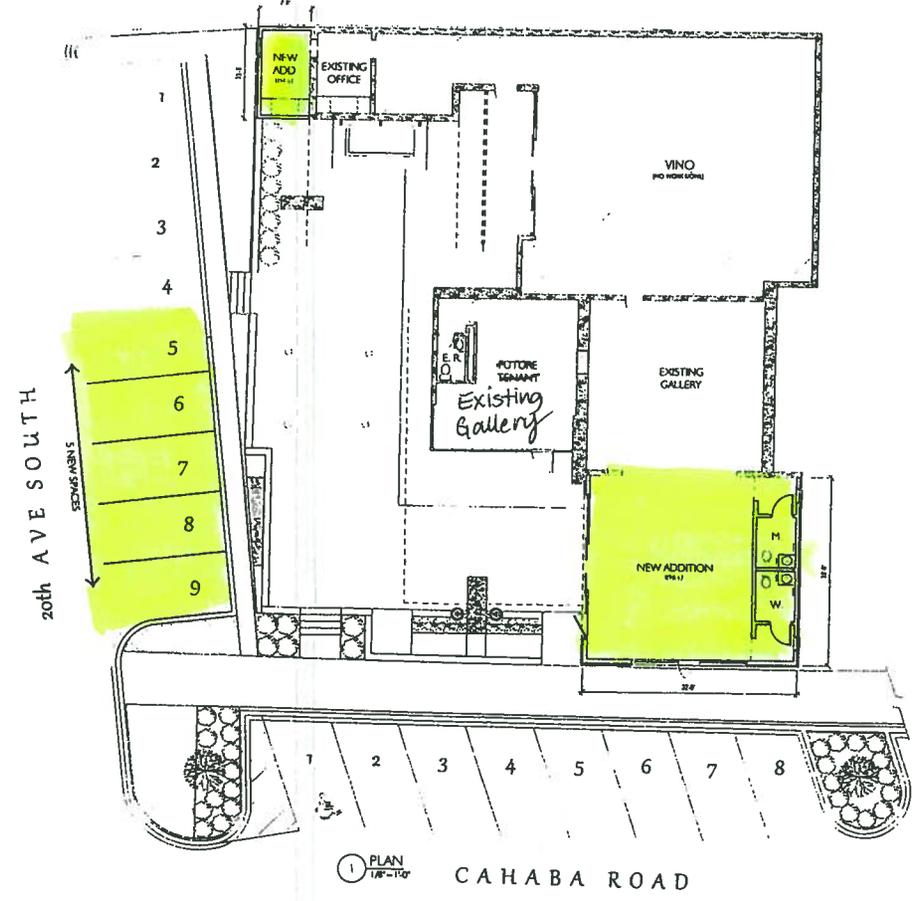
3 EXISTING SOUTH ELEVATION
1/8" = 1'-0"



4 NEW EAST ELEVATION
1/8" = 1'-0"



5 EXISTING EAST ELEVATION
1/8" = 1'-0"



1 PLAN
1/8" = 1'-0"

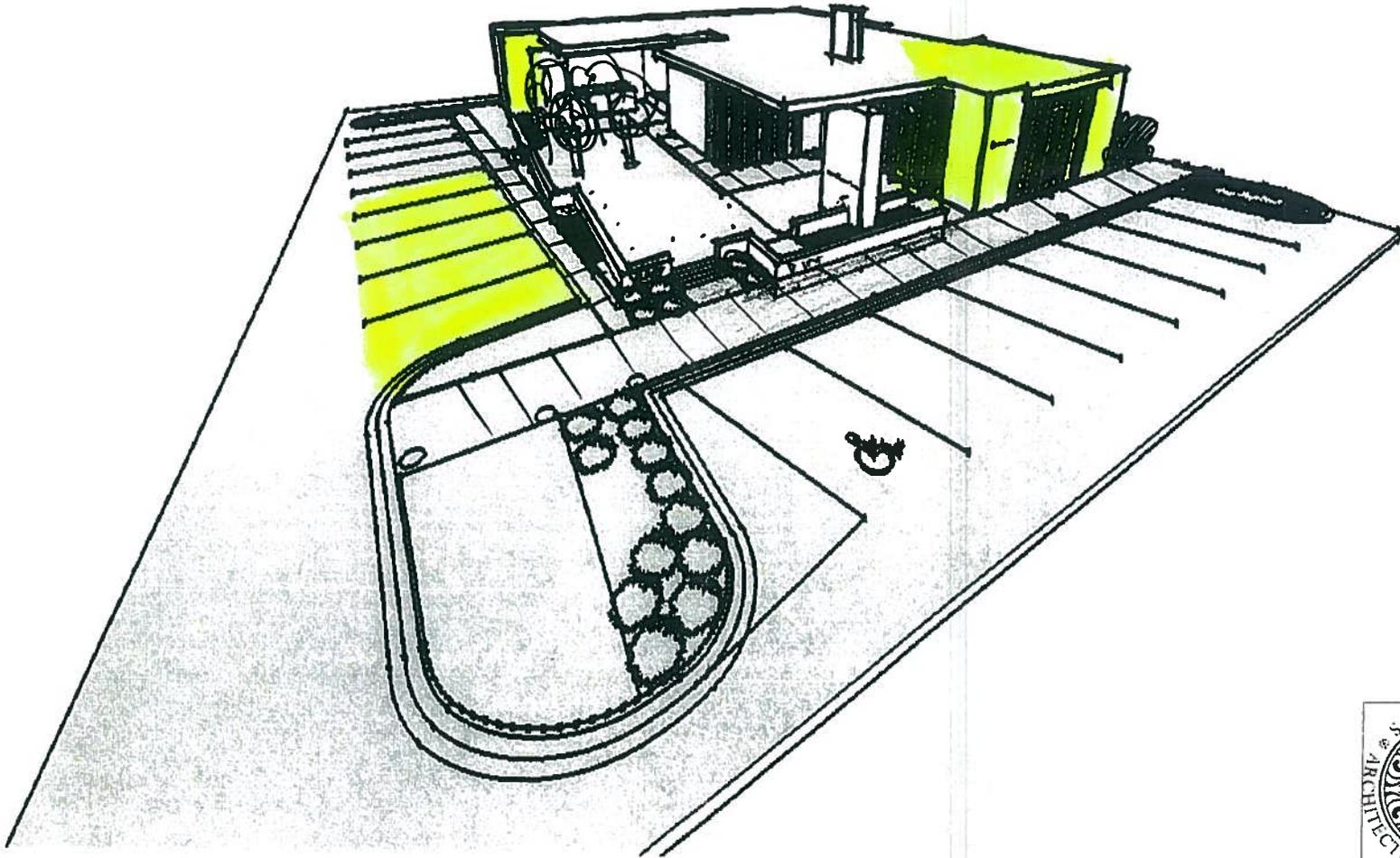
STUDIO C
ARCHITECTURE & INTERIORS

MAXIMUM ADDITION: 200 S.F. PER (1) PARKING SPACES
200 x 5 = 1,000 S.F.

Proposed Plot Plan and Elevations

VINO ADDITION

1930 CAHABA ROAD
MOUNTAIN BROOK, ALABAMA



LEGEND

ASP	ASPHALT
BLDG	BUILDING
CALC	CALCULATED
MEAS	MEASURED
CH	CHORD
LN	LINE
Δ	DEFLECTION
Δ	DELTA
ESMT	EASEMENT
G.M.	GAS METER
HW	LONG CHORD
MIN	MINIMUM
MH	MANHOLE
M.M.	MONITORING WELL
OW	OVERHANG
POR	PORCH
R	RADIUS
R.O.W.	RIGHT OF WAY
SAN	SANITARY
STM	STORM
S.H.	SPRINKLER HEAD
UTL	UTILITY
AC	ACRES
S.F.	SQUARE FEET
CL	CENTERLINE
A/C	AIR CONDITIONER
⊙	POLE
⊙	ANCHOR
—	FENCE
—	POWER LINE
—	PAVEMENT WITH WATER METER
—	TANGENT
RES	RESIDENCE
○	LIGHT
COV	COVERED
▢	DECK
⊙	CONCRETE WALL

Existing Survey



LOT 4

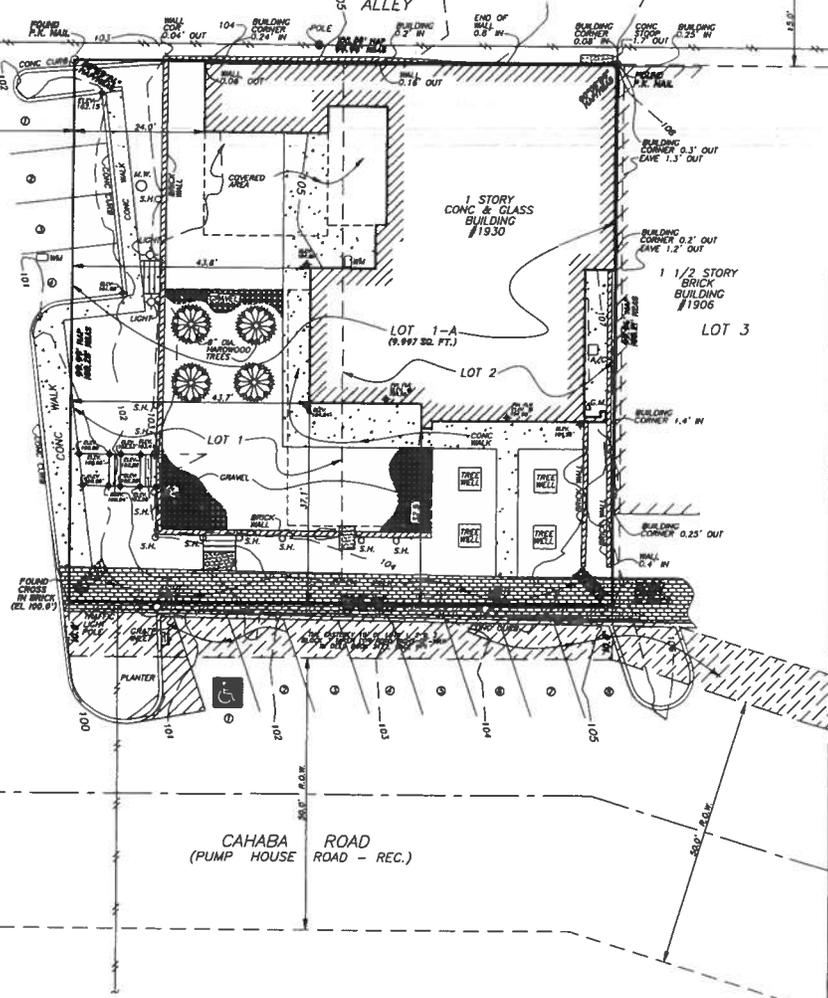
NOTE: NO SUBSURFACE UTILITIES HAVE BEEN LOCATED

SOUTH

20TH AVENUE

20TH AVENUE

ALLEY



CAHABA ROAD (PUMP HOUSE ROAD - REC.)

SCALE: 1"=10'
STATE OF ALABAMA
JEFFERSON COUNTY

"Closing Survey"

I, Ray Weyand, a Registered Land Surveyor, hereby certify to the purchaser of this property at this time, that I have surveyed **LOT 1-A, BLOCK 3, RESURVEY OF PARTS OF LOTS 1 & 2 ENGLISH VILLAGE WEST SECTOR**, as recorded in Map Volume 233, Page 88, in the Office of the Judge of Probate, Jefferson County, Alabama; that there are no rights-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires, (visible on the surface) on or over said premises except as shown; that there are no encroachments on said lot except as shown and that improvements are located as shown above. I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, according to my survey of **AUGUST 27, 2013**.
Survey invalid if not noted in red.

Order No.: 80106
Purchaser: **RABEE**
Address: **1930 CAHABA ROAD**

Ray Weyand, Reg. L.S. 624973
169 Osborn Road Homewood, AL 35209
Phone: (205) 942-0088 Fax: (205) 942-0087
Copyright ©

Note: (a) No title search of the public records has been performed by this firm and land shown hereon was not abstracted for easements and/or rights-of-way, recorded or unrecorded. The parcel shown hereon is subject to setbacks, easements, zoning, and restrictions that may be found in the public records of said county and/or city. (b) All bearings and/or angles, are deed/record map and actual unless otherwise noted. (c) Underground portions of foundations, footings, and/or other underground structures, utilities, easements or burial sites were not located unless otherwise noted. We do not look for underground sewers or flip manhole covers. (d) The shown north arrow is based on deed/record map. (e) This survey is not transferable and is only good for 6 years and only good to the person/co. that pays for it at time of survey. (f) Easements not shown on record map are not shown above.

- LEGEND**
- ASP ASPHALT
 - BLDG BUILDING
 - CALC CALCULATED
 - MEAS MEASURED
 - CH CHORD
 - HW HEADWALL
 - DEL DEFLECTION
 - ESMT EASEMENT
 - G.M. GAS METER
 - LC LONG CHORD
 - MIN MINIMUM
 - M.H. MANHOLE
 - M.W. MONITORING WELL
 - OH OVERHANG
 - POR PORCH
 - R RADIUS
 - R.O.W. RIGHT OF WAY
 - SAW SANITARY
 - STM STORM
 - S.H. SPRINKLER HEAD
 - UTL UTILITY
 - AC ACRES
 - S.F. SQUARE FEET
 - C CENTERLINE
 - A/C AIR CONDITIONER
 - P POLE
 - A ANCHOR
 - F FENCE
 - PL POWER LINE
 - PAV PAVEMENT
 - W/W WATER METER
 - W.M. WATER METER
 - TAN TANGENT
 - RES RESIDENCE
 - OLGT LIGHT
 - COV COVERED
 - DECK DECK
 - CONCRETE CONCRETE
 - WALL WALL

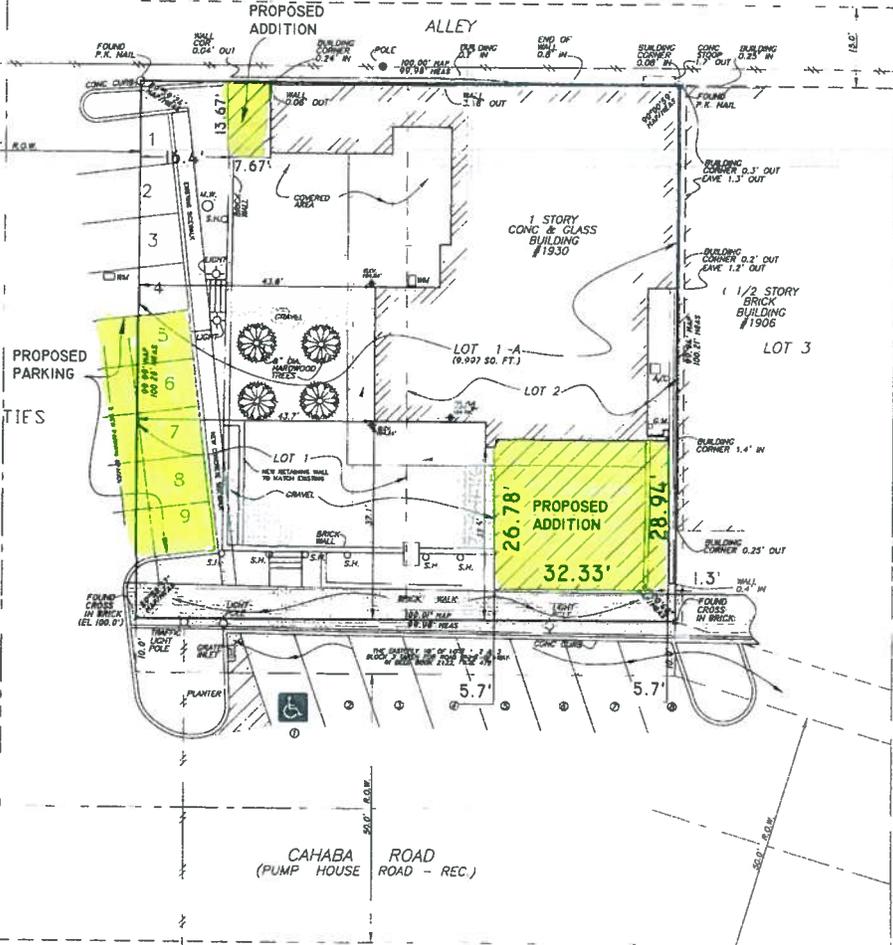
Existing Survey
w/ Proposed Additions



LOT 4

NOTE: NO SUBSURFACE UTILITIES
HAVE BEEN LOCATED

20TH AVENUE SOUTH



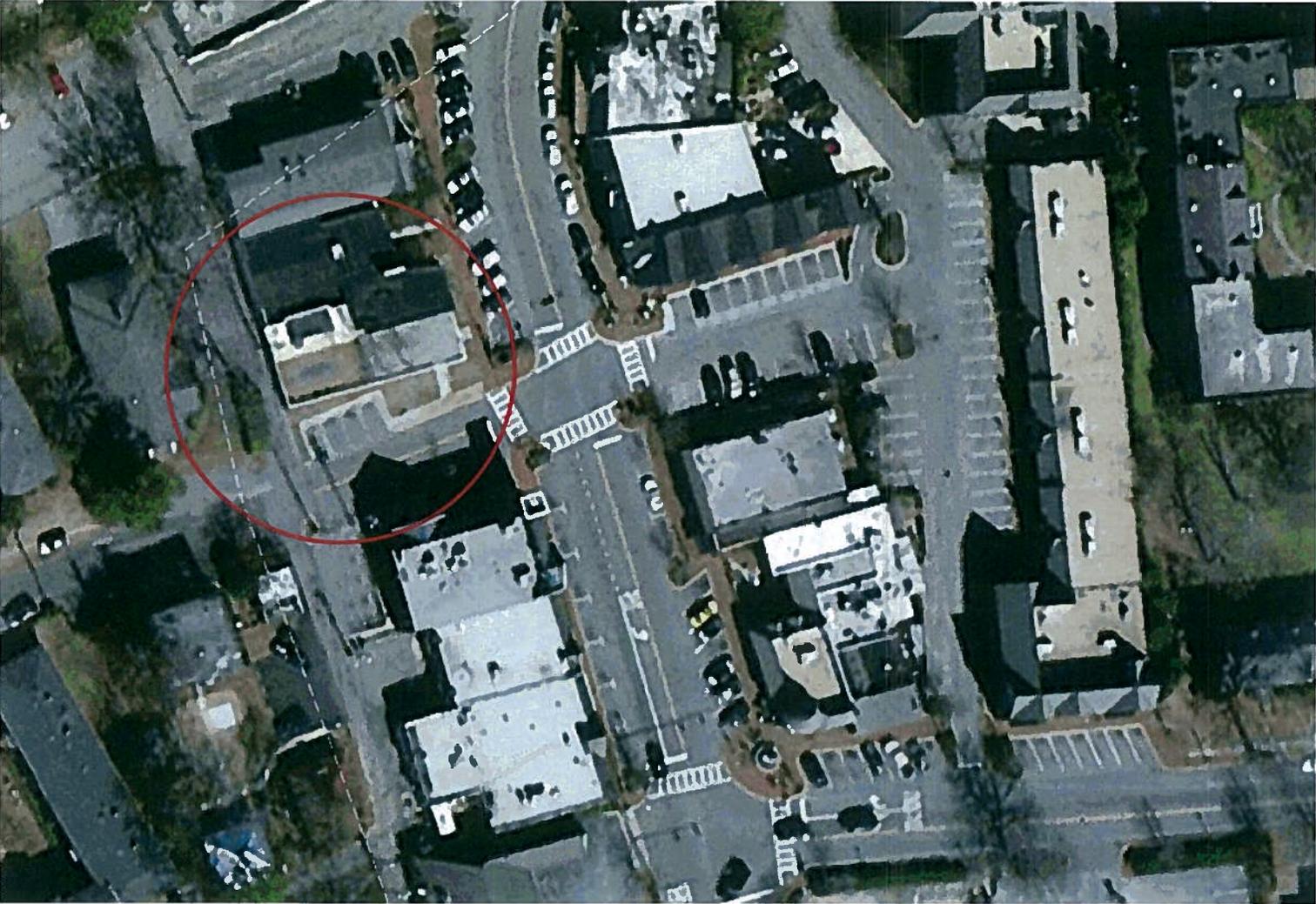
PLOT PLAN

SCALE: 1"=10'

**Lot - 1-A
BLOCK 3, RESURVEY OF PARTS OF
LOTS 1 & 2 ENGLISH VILLAGE WEST SECTOR**

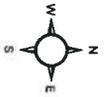
WEYGAND SURVEYORS, INC.
169 OXMOOR ROAD
HOMEWOOD, AL 35209
T:(205)942-0086
F:(205)942-0087

Date, JULY 3, 2014
This is NOT a survey.



1917

1917



‘ORDINANCE NO. 1907

**AN ORDINANCE TO AMEND THE MASTER DEVELOPMENT PLAN
FOR MIXED-USE PROPERTY IN THE CITY OF MOUNTAIN BROOK, ALABAMA
LOCATED AT 1930 CAHABA ROAD**

Legal Description: LOT 1-A BLOCK 3, RESURVEY OF PARTS OF LOTS 1 & 2 ENGLISH VILLAGE WEST SECTOR AS RECORDED IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

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

Section 1. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-234 of the Mountain Brook City Code, as originally approved by the Mountain Brook City Council in 1996 and most recently amended on November 8, 2010, are hereby amended to include the changes set forth in the Amended Master Development Plan Application to allow a 1,000 square foot addition and to add five new on-street parking spaces to 20th Avenue South, as depicted in the attached Exhibit “A,” which is approved herewith, made a part hereof, and specifically incorporated herein by reference, said Plan and materials constituting regulatory standards for use of the subject property, subject to further modification only as provided for in Article XIV, Chapter 129 of the Mountain Brook City Code.

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

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

Section 4. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.”

ADOPTED: This 14th day of July, 2014.

Council President

APPROVED: This 14th day of July, 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 July 14, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July ____, 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

Steven Boone, City Clerk

LANE PARKE AMENDMENT

Petition Summary

Request to amend the Lane Parke Planned Unit Development (PUD) to allow a reduction in the required amount of window transparency for the grocery building.

Analysis

The approved PUD requires that the grocery building façade along the new Jemison Lane have a minimum window transparency of 40%. As outlined in the attached letter from the Western Supermarket, the difficulty in complying with the transparency requirement stems from the fact the wine shop is to be located in the area of the store that fronts on Jemison Lane (see attached proposed floor plan). The light and heat associated with the provision of the minimum transparency would be detrimental to the wine. Also, having 40% transparency would limit the shelving needed for wine display in this area of the store.

City staff and the VDR committee have worked closely with representatives of the Western Supermarket to arrive at a solution that would provide pedestrian relief and interest along this façade, but the applicant has come to the conclusion that the floor plan of the store cannot be revised to accommodate the minimum transparency requirement, and thus, is requesting this amendment to the PUD.

What is proposed, herein, is that the minimum transparency requirement for the grocery typology be reduced from 40% to 30%, and that the transparency requirement may be met by utilizing double-paned insulated spandrel glass in the windows, which is not transparent, but may result in the overall appearance of a window (see attached elevation). The applicant is to bring samples of the proposed glass and materials to the Council meeting for inspection by the Council.

The Planning Commission recommended approval of this amendment at its meeting of July 7, 2014.

Background

Since its final approval (Ordinance 1871, May 2012) the Lane Parke PUD has been amended as follows:

The Planning Commission recommended approval of Case 1879 on March 4, 2013, and the City Council adopted Ordinance 1885 on March 11, 2013 to allow the ground floor elevation of portions of the residential component to be 1-1/2 – 4 feet lower than originally approved.

The Planning Commission recommended approval of Case 1885 on July 1, 2013, and the City Council adopted the corresponding ordinance on July 26, 2013 to allow an overall reduction in the scale, density and parking for the PUD.

Appends

LOCATION: 2525 Park Lane Court North
ZONING DISTRICT: PUD

OWNER: Evson, Inc.

WESTERN

Market

2614 19TH Street South
Birmingham AL, 35209
205-879-3471 / 205-879-3476 Fax

- Current trends in the grocery industry point to all fresh departments; Floral - Produce – Bakery – Prepared Foods – Deli Meats / Salads – Seafood and Meat department grouped in an area separate from dry grocery. This area needs to be close to the entrance and convenient to checkout lanes.

Receiving dock and store room coolers and freezers location dictate the location of these fresh departments. In this store design, the receiving area is on the north or right side of the building.

- The building design originally calls for a 25,000 sq ft grocery building and a 3400 sq ft specialty shop area next door. That design results in a lower structure height in the shop section. This lower structure is preferred for the location of the Wine shop. Light, temperature change and vibration are detrimental to wine, leading to the determination that we cannot have transparent windows in this area.
- The community needs and wants a full service upscale Supermarket. Our customers do not want a specialty grocery store. They want a Supermarket that will fill their basic needs, as well as their fresh and prepared food needs.

A specialty grocery store generates significantly less volume than a Supermarket resulting in less sales tax revenues.

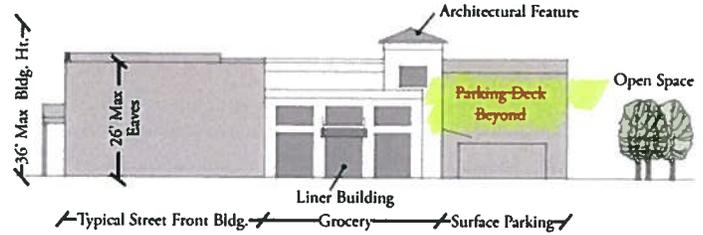
In order to totally satisfy our customer's needs, wall space display is critical to maximize use of the available store space.

NOTES

Transparency:

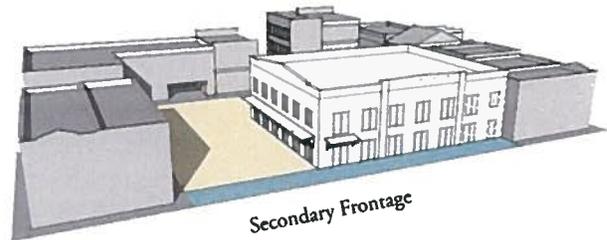
- On any facade that faces a Secondary Frontage, the first story shall have a transparency of 30% to 70% of the facade on the first floor and each upper story shall have a transparency of 15% to 60% of the facade. Any other facades that are visible from a public right of way, both the first story and upper stories shall have a minimum transparency of 40%.
- Frontages visible from public right of ways may be lined with commercial space that conforms to one of the applicable Building Typologies as set forth in the Regulating Plan.
- Vehicular entries to parking should occur on Secondary Private or Service Frontage. An entry may occur on an area of Primary Frontage, provided that the building is behind liner buildings of at least 10' in depth.
- For this typology, transparency requirements on facades that face a Secondary Frontage may be met utilizing double-pane insulated spandrel glass units.

ONE STORY BUILDINGS



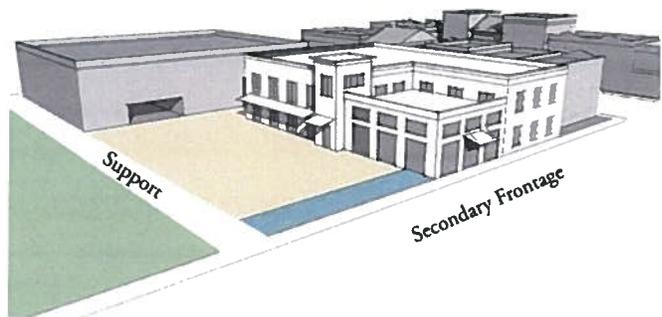
Pitched Roof Massing:

- One story buildings with a pitched roof shall have a maximum cornice/eaves height of 26'.
- Pitched roofs must not extend more than 10' above the eaves if the roof pitch is 5:12 to 13:12.
- Pitched roofs must not extend more than 16' above if the roof pitch is 14:12 to 20:12. Pitched roofs sloped greater than 20:12 will not be allowed.
- No building shall exceed 36' in height.
- Pitched roof structures may contain additional floor area which may be occupied without counting towards the story maximum for purposes of the Regulating Plan, provided any additional floor area is associated with and accessory to the floor area of the inferior story. In this condition, the maximum cornice height may be exceeded by 3', provided that a transparency of 15% to 45% is provided for the half story through the use of dormers.



Flat Roof Massing:

- Parapets must extend a minimum of 3' above the top of the roof structure. This minimum height is intended to ensure that all rooftop equipment is hidden from public view.
- Parapets must occur within the maximum building height.
- Buildings or store spaces with a flat roof and parapet are not required to have a cornice/eaves line distinct from the top of the parapet.
- All rooftop equipment shall fall within the permissible roof heights, be located away from slopes or areas exposed to the public street, and otherwise be screened from view from adjacent public streets or be incorporated into the skin of the building or internal to the block.



Architectural Features:

- Buildings are limited to one story.
- Internal mezzanine floors are permitted within allowable ceiling height.
- Differentiated bays should be expressed on each facade of a building or store space that is over 60' wide and is directly fronting a public space or street.
- Bays shall be a minimum of 20' and a maximum of 30'; they must have architectural articulation, such as piers or pilasters.

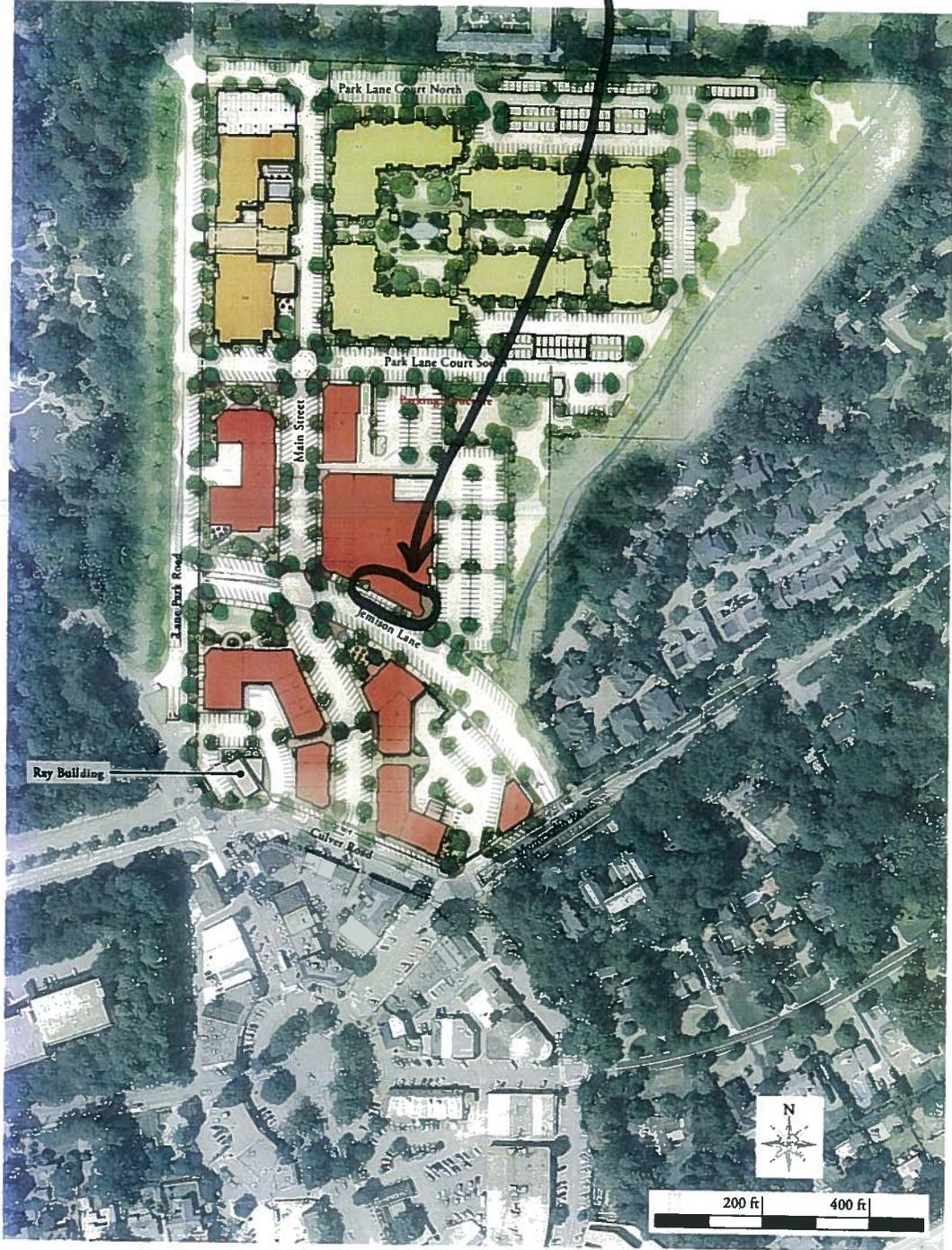


Grocery frontage

1918

MASTER DEVELOPMENT PLAN

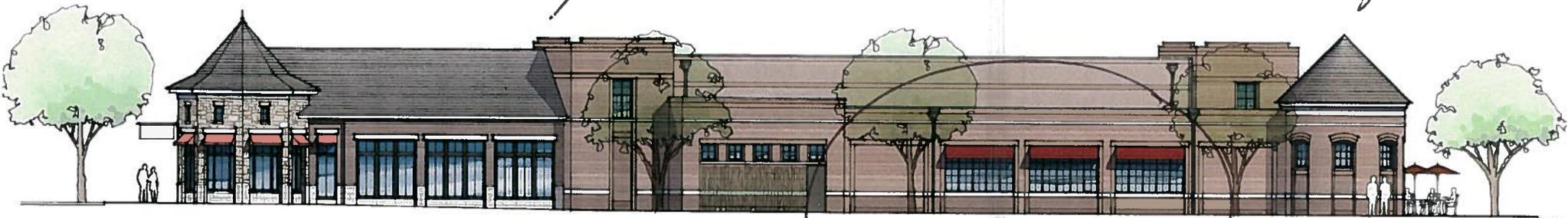
UPDATED ILLUSTRATIVE MASTER PLAN



MINDFUL OF THE PAST, LOOKING TO THE FUTURE



grocery facade



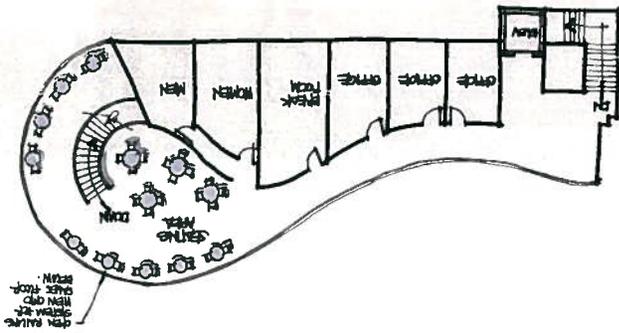
BUILDING A
SOUTH ELEVATION

proposed 30% transparency
w/ spandrel glass

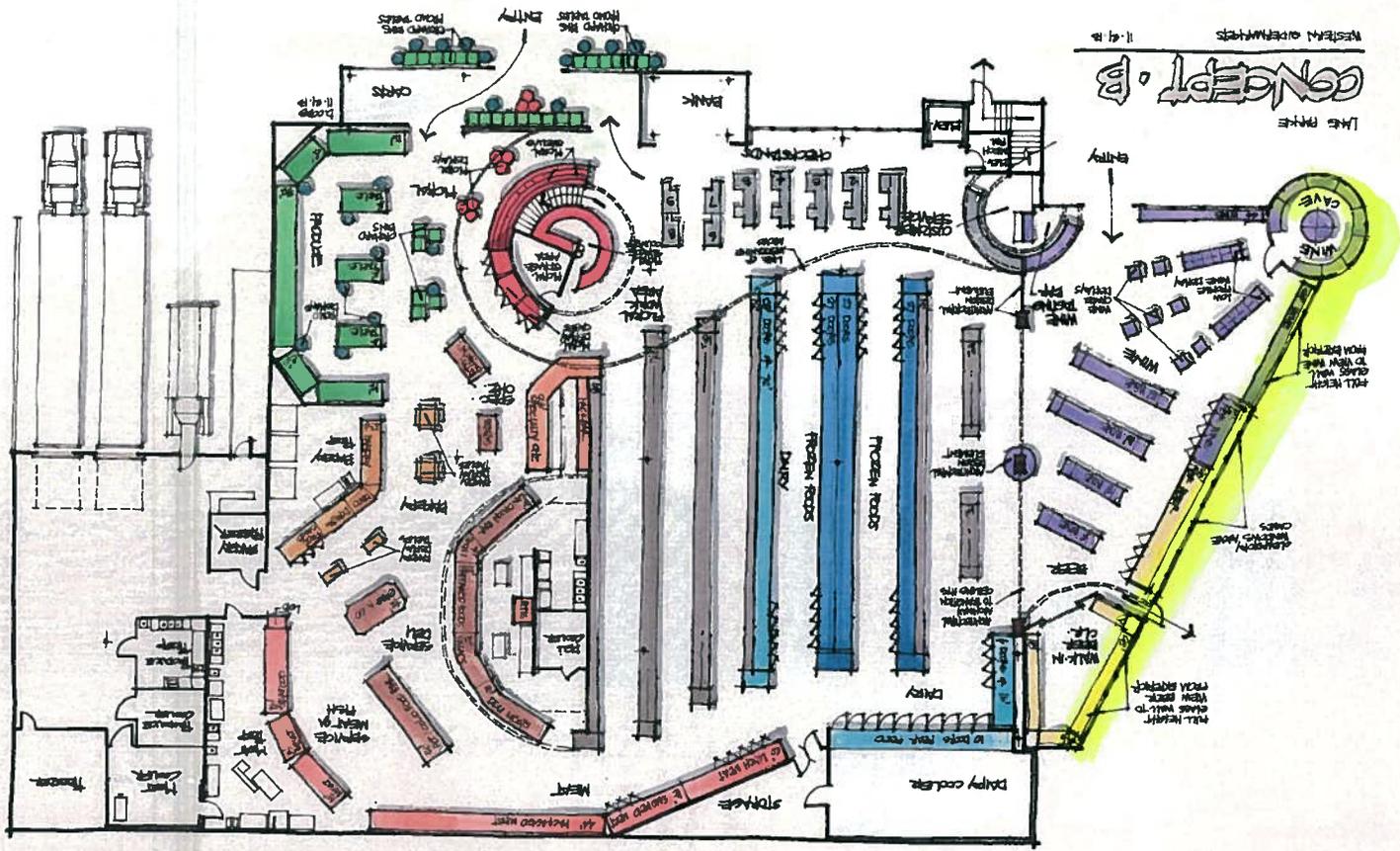
1918

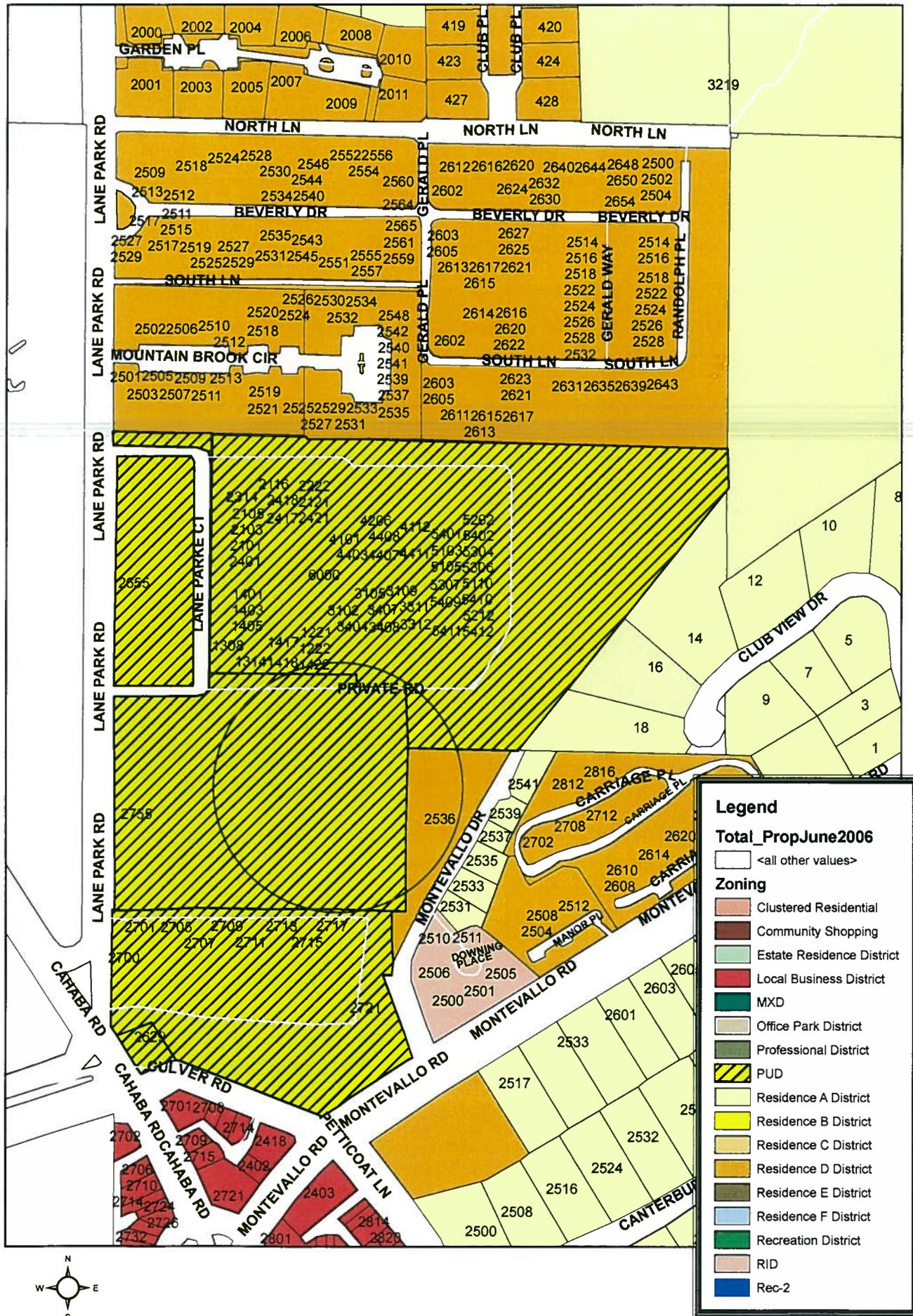
1918

proposed grocery floor plan



- 71 PRODUCE
- 69 FRESHNESS AND SPECIALTY
- 67 MEAT - various
- 65 MEAT - various
- 63 MEAT - various
- 61 MEAT - various
- 59 MEAT - various
- 57 MEAT - various
- 55 MEAT - various
- 53 MEAT - various
- 51 MEAT - various
- 49 MEAT - various
- 47 MEAT - various
- 45 MEAT - various
- 43 MEAT - various
- 41 MEAT - various
- 39 MEAT - various
- 37 MEAT - various
- 35 MEAT - various
- 33 MEAT - various
- 31 MEAT - various
- 29 MEAT - various
- 27 MEAT - various
- 25 MEAT - various
- 23 MEAT - various
- 21 MEAT - various
- 19 MEAT - various
- 17 MEAT - various
- 15 MEAT - various
- 13 MEAT - various
- 11 MEAT - various
- 9 MEAT - various
- 7 MEAT - various
- 5 MEAT - various
- 3 MEAT - various
- 1 MEAT - various





Legend

Total_ProjJune2006

- <all other values>

Zoning

- Clustering Residential
- Community Shopping
- Estate Residence District
- Local Business District
- MXD
- Office Park District
- Professional District
- PUD
- Residence A District
- Residence B District
- Residence C District
- Residence D District
- Residence E District
- Residence F District
- Recreation District
- RID
- Rec-2



ORDINANCE NO. 1908

AN ORDINANCE TO AMEND LANE PARKE DEVELOPMENT
PLAN PREVIOUSLY APPROVED BY ORDINANCE 1871

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

1. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-265 of the Mountain Brook City Code, as approved upon the adoption of Ordinance 1871 dated May 21, 2012 are hereby amended to include the changes specified in Exhibit A attached hereto.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

A parcel of land being situated in the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest quarter of Section 8, Township 18 South, Range 2 West, more particularly described as follows:

Begin at the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 18 South, Range 2 West; being the Point of Beginning; thence run Northerly along the West line of said Quarter - Quarter a distance of 665.12 feet; thence right 91°-08'-04" a distance of 1325.11 feet; thence right 88°-58'-55" a distance of 74.22 feet; thence right 37°-49'-05" a distance of 736.41 feet; thence right 52°-46'-30" a distance of 62.37 feet; thence right 00°-14'-22" a distance of 179.92 feet; thence left 90°-58'-32" a distance of 355.39 feet; thence right 88°-43'-29" a distance of 24.53 feet; thence left 87°-29'-35" a distance of 139.13 feet; thence right 89°-27'-49" a distance of 14.61 feet; thence left 117°-30'-00" a distance of 175.92 feet; thence right 84°-32'-17" a distance of 46.85 feet; thence tangent to a curve to the left having a radius of 1243.26 feet and a central angle of 9°-20'-05" along the curve an arc distance of 202.55 feet; thence right 62°-49'-52" from the tangent of said curve a distance of 329.33 feet; thence tangent to a curve to the left having a central angle of 18°-00'-50" and a radius of 66.12 feet an arc distance of 20.79 feet; thence left 2°-03'-01" to the tangent of a curve to the left having a central angle of 34°-34'-36" and a radius of 60.77 feet, an arc distance of 36.67 feet; thence continue from the tangent of said curve a distance of 45.64 feet; thence right 90°-00'-00" a distance of 119.49 feet; thence right 33°-25'-36" a distance of 245.11 feet; thence right 0°-00'-42" a distance of 377.82 feet to the Point of Beginning.

Said Parcel contains 27.59 acres more or less.

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

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

5. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 14th day of July, 2014.

Council President

APPROVED: This 14th day of July, 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 July 14, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July ___, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

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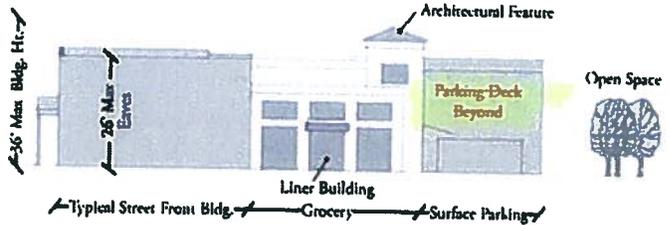
City Clerk

NOTES

ONE STORY BUILDINGS

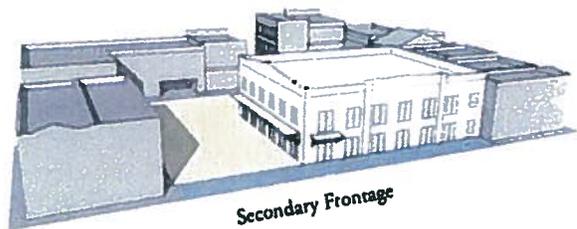
Transparency:

- On any facade that faces a Secondary Frontage, the first story shall have a transparency of 30% to 70% of the facade on the first floor and each upper story shall have a transparency of 15% to 60% of the facade. Any other facades that are visible from a public right of way, both the first story and upper stories shall have a minimum transparency of 40%.
- Frontages visible from public right of ways may be lined with commercial space that conforms to one of the applicable Building Typologies as set forth in the Regulating Plan.
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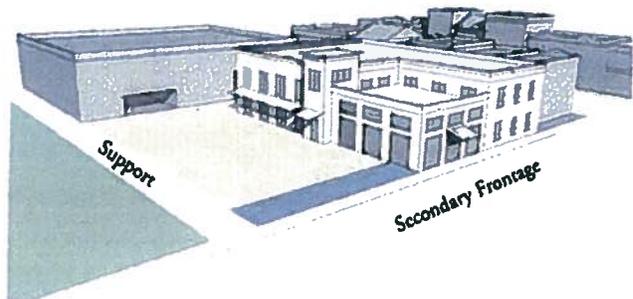


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Architectural Features:

- Buildings are limited to one story.
- Internal mezzanine floors are permitted within allowable ceiling height.
- Differentiated bays should be expressed on each facade of a building or store space that is over 60' wide and is directly fronting a public space or street.
- Bays shall be a minimum of 20' and a maximum of 30'; they must have architectural articulation, such as piers or pilasters.



ORDINANCE NO. 1909

AN ORDINANCE AMENDING CHAPTER 109 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 109, Article II - Building Code, Division I of the Code of the City of Mountain Brook, Alabama ("City Code") shall be amended as follows:

Section 1. Section 109-32 of the City Code shall be amended by adding subsection (f) so that the entire Section 109-32, as amended, shall be as follows:

Sec. 109-32. Same---Amendments

The building code adopted by section 109-31 is amended as follows:

- (a) Section R108.2 of the International Residential Code is hereby repealed and replaced with the following:

"R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee or fees as set forth in City Code Section 14-1 shall be paid at the time of filing application, in accordance with such fee schedule as shall be set from time to time by the city council. A list of such fees shall be kept on file in the city clerk's office."

- (b) Section R110.1 of the International Residential Code is hereby repealed and replaced with the following:

"R110.1 Use and occupancy. No residential building or structure shall be used or occupied, and no change in the existing occupancy classification of a residential building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official and the city manager. No commercial building or structure shall be used or occupied, and no change in the existing occupancy classification of a commercial building or structure or portion thereof shall be made until the building official has issued a certificate of occupancy which has been signed by the building official, the fire official, and the city manager. A certificate of occupancy shall not be issued until after the city manager shall have determined that the building conforms to all provisions and regulations of the city with respect thereto, including its use under the zoning ordinances of the city. A certificate of occupancy (whether a temporary certificate or the regular certificate) issued without the signature of the building official, fire official (in the case of commercial buildings), and the city manager shall not be deemed to be a certificate of occupancy issued under this code or under the city's zoning ordinance."

- (c) Section R112 (Board of Appeals) of the International Residential Code is hereby repealed and replaced with the following:

"Section R112 Board of Appeals. Appeals regarding the application of the adopted building and fire codes may be presented to the city manager for consideration. The city manager may elect to render a decision on such appeal or

remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the city manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

The board of zoning adjustment of the City of Mountain Brook, Alabama, as said board is prescribed by Section 11-52-80 Code of Alabama (1975), as amended, shall constitute a board of adjustments and appeals under this code."

- (d) Section R113.4 of the International Residential Code is hereby repealed and replaced with the following:

"R113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

In instances where a person commences work prior to making application for a required permit, all applicable permit fees shall be doubled. Once notified in writing by the building official of the city that a report or building permit application must be submitted, such person must submit such report within ten (10) days. Persons who fail to make such report within the time period required shall be subject to additional penalties as provided under Sec. 1-6.1 of the city code and by § 13A-10-4 of the Code of Alabama."

- (e) Section P2904.1 of the International Residential Code shall be hereby amended by adding the following provision:

"P2904.1.2 Sprinkler Exemption. Any homeowner may, upon application to the City, request an exemption to the sprinkler requirement of P2904.1.1 and such exemption shall be granted upon the following:

- a. The applicant must either confer with the Fire Marshal or his or her designee about the benefits of installing a residential fire sprinkler system or review presentation materials developed by the Fire Marshal concerning sprinkler systems; and
- b. The applicant must certify that he or she has met the requirements in subsection (a) above, and fully understands and acknowledges the risks of opting not to install a residential fire sprinkler system.

Exception:

1. No exemption shall be granted for any dwelling constructed less than 5 feet from the property line in accordance with Table R302.1 (1).
2. No exemption shall be granted for 2-family dwelling units."

“(f) The following provisions of the International Residential Code (IRC) are inapplicable with respect to the repair, renovation, alteration, reconstruction of or room additions to existing buildings and structures that are within the scope of the IRC:

- a. **Subsection N1102.3.6 (R402.3.6) Replacement fenestration in Chapter 11 - Energy Efficiency; and**

b. Subsection AJ102.4 Replacement windows of Appendix J - Existing Buildings and Structures.”

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. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 14th day of July, 2014.

Council President

APPROVED: This 14th day of July, 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 July 14, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 15, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

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City Clerk