

**Pre-Meeting Agenda  
Mountain Brook City Council  
City Hall – Room A106  
56 Church Street  
Mountain Brook, AL 35213  
February 8, 2016 6:30PM**

1. Creek bank stabilization and costs for Shades Creek at Mountain Brook Parkway and Overbrook Road-William Thornton of Schoel Engineering. (See attached information.)
2. R.O.W. survey for sidewalk along Montclair Road from Memory Lane to Mountain Brook Park Condos – Ronnie Vaughn, Darrell Meyers and Henry Fowlkes. ( See attached information)
3. Ms. Gayle Evanston to address the Council requesting smoking be banned on all city/public property, not just within public buildings. (See attached information)
4. Executive Session

## Sam Gaston

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**From:** Walter Schoel III  
**Sent:** Friday, November 13, 2015 3:23 PM  
**To:** 'Sam Gaston'  
**Cc:** 'Ronald Vaughn'; 'William Thomas'; 'James Parsons'  
**Subject:** Jemison Park stream bank stabilization  
**Attachments:** 15275-Design Package.pdf

Sam/Ronnie,

Attached are pdfs of the plans to stabilize the bank along Shades Creek and Mountain Brook Parkway.

The stabilization consists of around 73 feet of gabions that form a wall some 8 to 9 feet high. The gabion wall is battered in 1 ½ foot increments for each 3 foot vertical segment. We are calling for a guardrail to be installed in the improved area.

We would ask for pricing alternates for limestone or moss rock fill for the gabions. I know that Nimrod wants the moss rock fill.

I would be glad to come by City Hall or meet you at the site to discuss.

Please contact me when you have had a chance to review.

Walter

**Walter Schoel, III Ph.D., P.E.**

**President**

Schoel Engineering  
1001 22nd Street South | Birmingham, Alabama 35205  
Direct: 205.313.1130 | Main: 205.323.6166 | Fax: 205.328.2252  
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Civil Engineering | Surveying | Water Resources  
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2/2/2016



## **Mountain Brook Jemison Park Road/slope Stabilization**

12/15/2015

### **Pricing Instructions**

The project includes the provision and installation of the slope stabilization measures. Two options for the stabilization are presented:

- Gabion retaining wall
- Rock stack retaining wall

There is a water line located approximately 2 feet from the back of the Mountain Brook Parkway edge of paving, which must be protected. Any required shoring or temporary measures to facilitate construction should be included. Traffic control, as required, and erosion control should be included. Grassing of any disturbed areas should be included.

The rock fill material for the gabions should be river rock (no limestone).

No unusual permitting (Corps of Engineers, ADEM, FEMA) is expected.

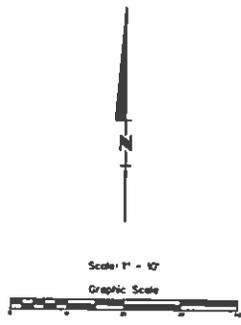
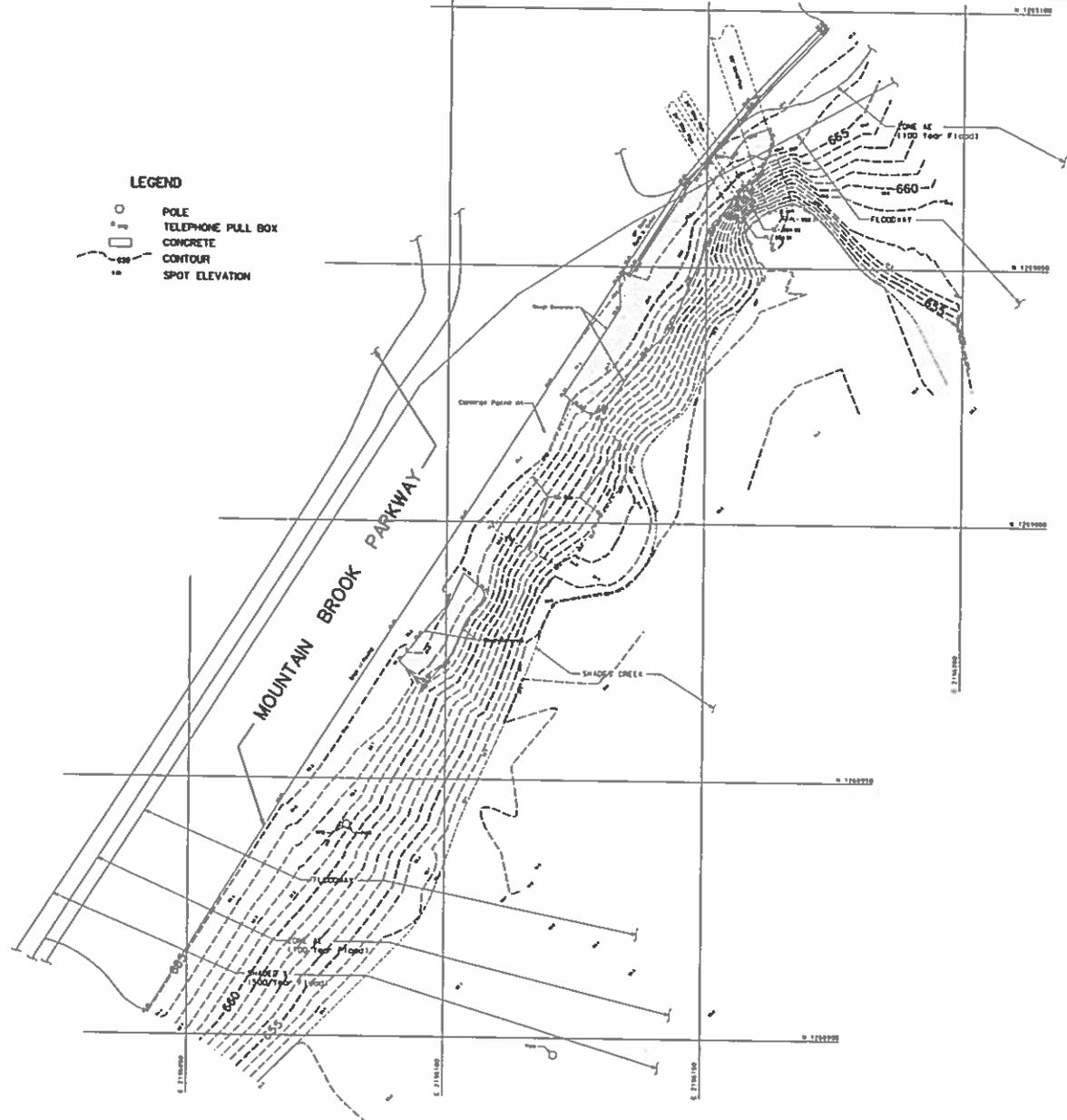
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1001 22nd Street South • Birmingham, Alabama 35205  
P 205-323-6166 • F 205-328-2252 • [schoel.com](http://schoel.com)



**LEGEND**

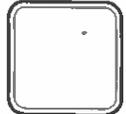
-  POLE
-  TELEPHONE PULL BOX
-  CONCRETE
-  CONTOUR
-  SPOT ELEVATION



**NOTES:**

1. This property is located within the 100 year flood area and is to Shaded Zone "B" (Area of 0.1% annual chance flood area of 15 annual chance flood with average return of less than 1 year) or 0.1% annual chance flood area and is to be protected by levee from 15 annual chance flood and Zone "A" (Area subject to inundation by the 15 annual chance flood - Zone Flood elevation determined as shown on the National Flood Insurance Program "Flood Insurance Rate Map of Jefferson County, Alabama, according to FIRM 801 of The 100 Year Flood Map" dated September 3, 2014, as published by the Federal Emergency Management Agency.
2. No investigation into the existence or location of underground utilities has been performed for the purpose of this survey. The information shown herein is from visible surface indications only.
3. No title, easement or other matters of record for the purpose of this survey. Therefore, there may be easements and other matters of record of which the surveyor has no knowledge and are not shown on this survey.

**CONTROL POINTS:** Control Point at N 120007.9571 E 210010.7777 Elev. 665.54. (NCE20 Ref. Proj.)  
 Control Point at N 120070.9520 E 210000.8110 Elev. 662.26. (NCE20 Ref. Proj.)  
 (Not a part of this survey)



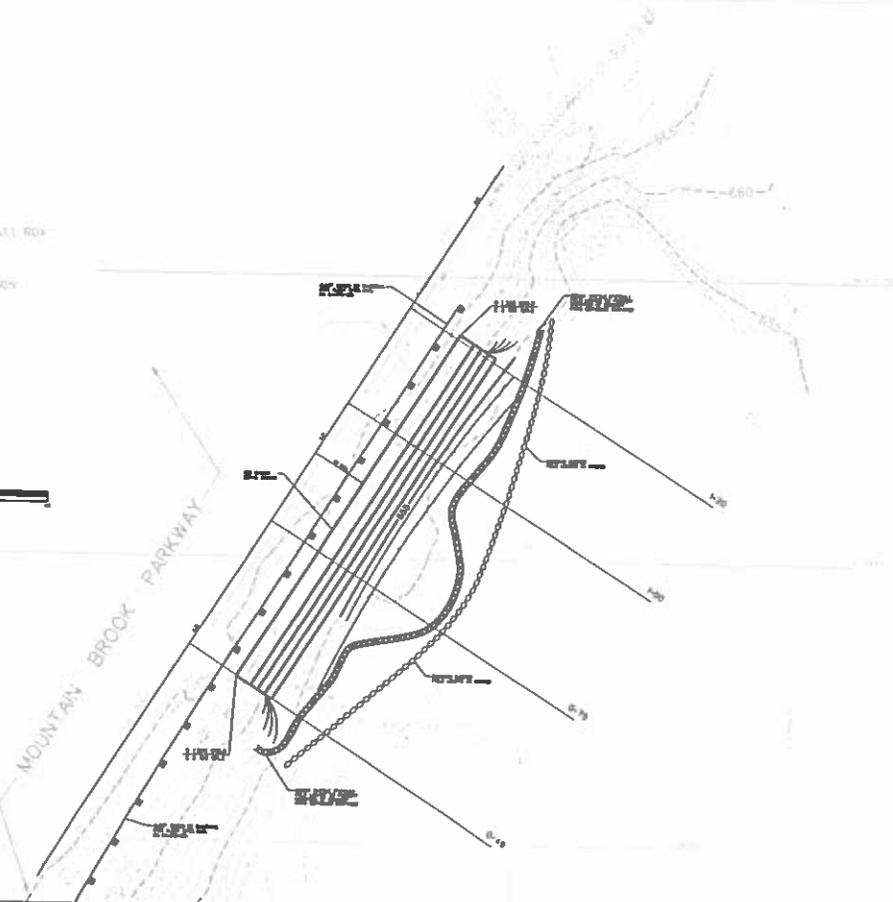
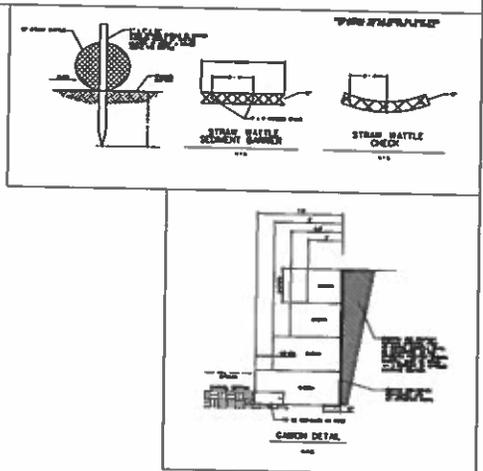
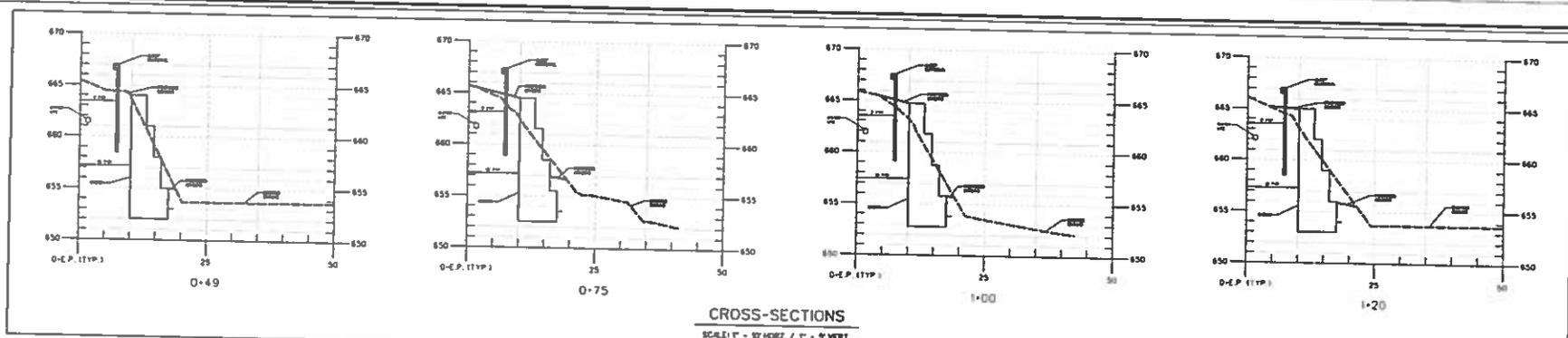
**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 801 2ND STREET SOUTH  
 BIRMINGHAM, ALABAMA 35205  
 (205) 372-8664

DATE	SCALE	TITLE
11/11/2015	1" = 100'	TOPOGRAPHIC SURVEY
DRAWN BY	DATE	PROJECT NO.
NEW	11/11/2015	150000000
CHECKED BY	DATE	PROJECT NAME
WPC	11/11/2015	A PORTION OF SHADES CREEK
FIELD CHECK	DATE	JEFFERSON COUNTY, ALABAMA
2	11/11/2015	SECTION 1, TOWNSHIP 18S, RANGE 1 WEST



**WALTER SCHOEL ENGINEERING CO., INC.**  
**CONSULTING ENGINEERS**  
 100 ZENO STREET SOUTH  
 BIRMINGHAM, ALABAMA 35203  
 (205) 322-5566

**CRADING & LAYOUT**  
**MOUNTAIN BROOK PARKWAY**  
**STREAM BANK STABILIZATION**  
 BIRMINGHAM, ALABAMA



- NOTES**
1. ANY EXISTING UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE FROM LOCAL UTILITY COMPANY RECORDS AND SHOULD BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
  2. JOB SAFETY IS NOT THE RESPONSIBILITY OF THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION SITE SAFETY.
  3. DURING CONSTRUCTION ALL TRAFFIC CONTROL SHALL BE IN ACCORDANCE WITH THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES, LATEST EDITION.
  4. CARE SHOULD BE TAKEN WHILE WORKING WITHIN STREAM COURSE. DISTURBANCE TO THE STREAM SUBSTRATE AND STREAM BANKS SHOULD BE MINIMIZED AND AVOIDED EXCEPT IN AREAS WHICH REQUIRE EXCAVATION. WORK IN STREAM SHOULD BE AVOIDED DURING PERIODS OF EXCESSIVE FLOWS.
  5. THE PROJECT INTENDS TO PROTECT AGAINST TURBIDITY AND SILTATION IN THE RECEIVING WATERS THROUGH THE USE OF BMPs. A COMBINATION OF SANDBAG FLOW DIVERSIONS AND STREAM BATTLE SEDIMENT BARRIERS ARE EXAMPLES OF BMPs PROPOSED FOR EROSION CONTROL. DO NOT DEPOSIT WASTE, LOOSE SOIL, OR OTHER MATERIALS IN LIVE STREAMS, SPALES, OR DRAINAGE WAYS.
  6. DO NOT ALLOW FUELS, OILS, GREASES OR OTHER GREASY OR CHEMICAL SUBSTANCES DRIPPING FROM CONSTRUCTION OPERATIONS TO ENTER OR BE PLACED WHERE THEY MAY ENTER A LIVE STREAM OR DRAINAGE WAY SERVICE AND REPAIR EQUIPMENT IN SELECTED AREAS AS FAR AS POSSIBLE FROM STREAMS AND DRAINAGE WAYS.
  7. INSTALL AND MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES AS A CONTINUING PROGRAM UNTIL THE SITE WORK IS COMPLETE. THIS INCLUDES REPAIRS, DAMAGE FROM STORMS, REGULAR MAINTENANCE, REMOVAL AND DISPOSAL OF SILT.
  8. FLOW WILL BE DIVERTED WHILE IMPROVEMENTS ARE MADE TO THE CHANNEL BANK. THE WORK WILL BE PERFORMED IN SECTIONS TO MINIMIZE THE AMOUNT OF ACTIVE DISTURBED AREA. ONCE THE IMPROVEMENTS ARE COMPLETE, DIVERSION MEASURES WILL BE REMOVED FROM THE CHANNEL AND THE AFFECTED AREA RETURNED TO PRE-CONSTRUCTION ELEVATIONS AND SUBSTRATE OR OTHER MATERIALS USED TO DIVERT FLOW ARE TO REMAIN IN CHANNEL UPON COMPLETION OF WORK.
  9. ALL NON-STORM WATER DISCHARGES WILL BE DIRECTED TO SEDIMENT CONTROL DEVICES PRIOR TO DISCHARGE.
  10. WATER LINE TO BE LOCATED AND VERIFIED PRIOR TO CONSTRUCTION. THE BARRIS TO BE NOTIFIED PRIOR TO CONSTRUCTION.
  11. IT IS THE CONTRACTOR'S RESPONSIBILITY TO SHOW AS APPROPRIATE FOR FACILITATING CONSTRUCTION AND TO COMPLY WITH APPLICABLE REGULATIONS.
  12. DE-WATERING, IF REQUIRED, IS THE CONTRACTOR'S RESPONSIBILITY.

DATE: 8/15/15  
 SCALE: 1" = 10'  
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 15173-01

**PRELIMINARY - NOT RELEASED FOR CONSTRUCTION**





Sam,

The budget estimates for the stream restoration project in Jemison Park are:

H,N. Donahoo           \$245,000

C.S. Beatty             \$ 393,000

Based on this pricing, I would not recommend proceeding. I am going to think about alternatives.

Walter Schoel, III  
313-1130

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WALTER SCHOEL ENGINEERING COMPANY, INC.  
1001 22nd Street South • Birmingham, Alabama 35205  
P 205-323-6166 • F 205-328-2252 • schoel.com

Walter,

We are providing a BUDGET ESTIMATE for the Slope Stabilization in Mountain Brook based upon the information provided in the below e-mail.

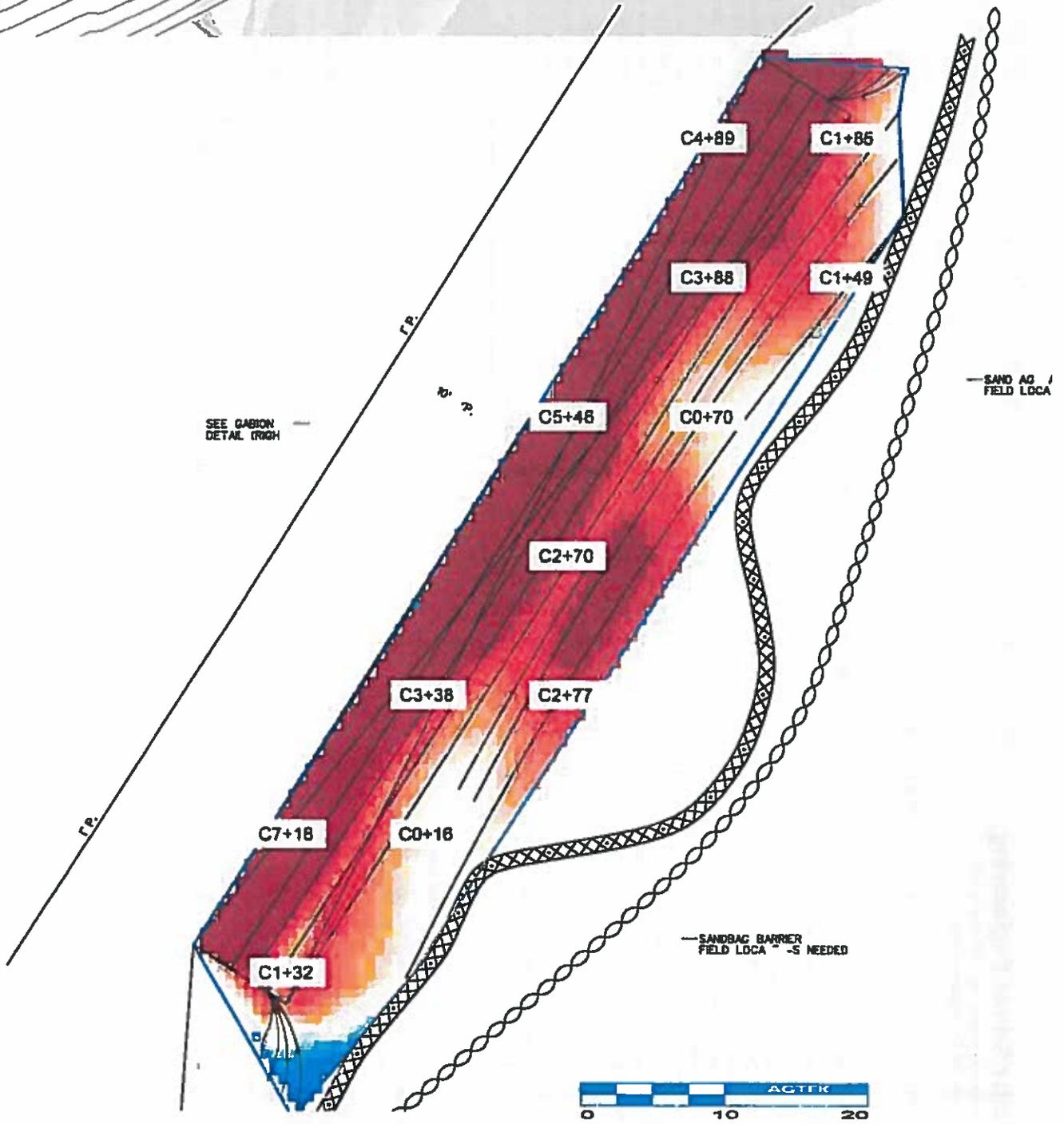
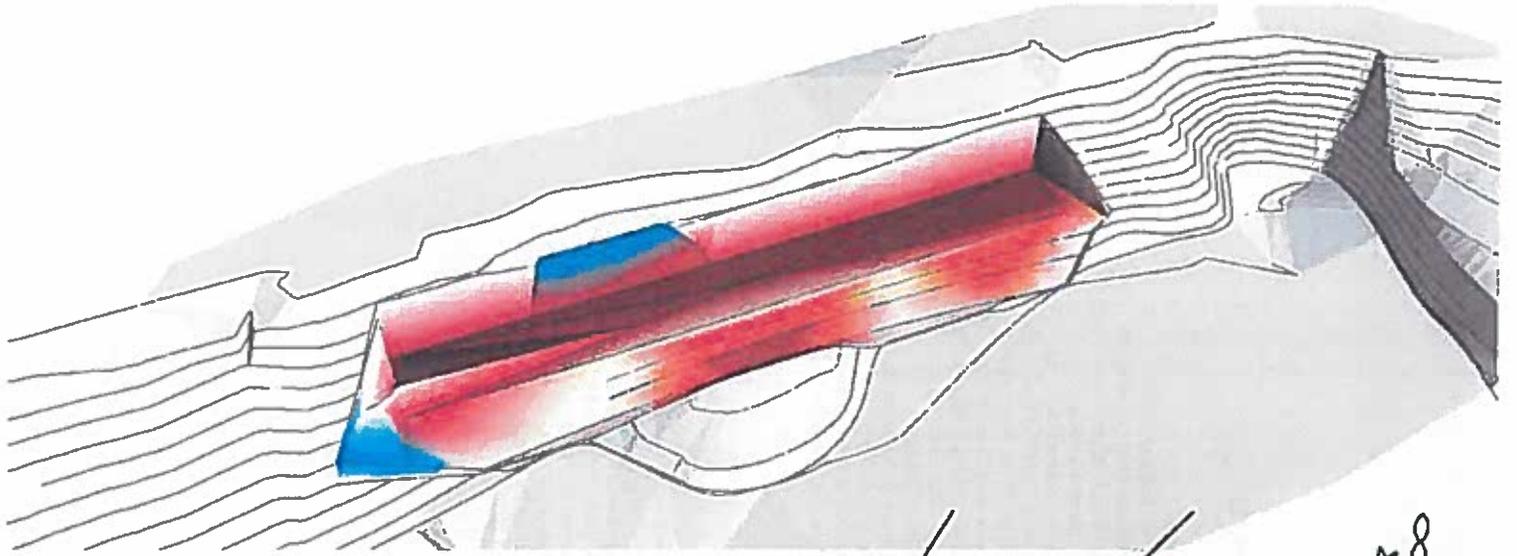
Boulder Wall Budget Estimate - \$245,000.00

Gabion Basket Wall Budget Estimate - \$265,000.00

This is a budget estimate only and not to be considered as a proposal to perform this work.

Thank you,

*Peter Lacy*  
*Estimator*  
*H.N. Donahoo Contracting Co., Inc.*  
*205-252-9246*  
*205-252-9249 Fax*



# Walter Schoel Engineering

C.S. Beatty Construction, Inc. - February 1, 2016  
Schematic Site Development Budget

## A. Mountain Brook Parkway Stream Bank Stabilization

<u>DESCRIPTION</u>	<u>QUANTITY</u>	<u>UNIT</u>	<u>UNIT PRICE</u>	<u>EXTENSION</u>	<u>SUBTOTAL</u>	<u>COMMENTS</u>
<b>Mass Grade Unsecured Area - Site Preparation</b>						
Mobilization	1	LS	\$5,500.00	\$5,500		Mobilization
Construction Staking / Layout	1	LS	\$9,500.00	\$9,500		Construction Staking / Layout
Clear, Grub, Grind and haul Off-Site	1.00	LS	\$7,000.00	\$7,000		Not Anticipated Due to Existing Site
300lf Mt. Brook Parkway Lane Closure	1	LS	\$18,500.00	\$18,500		300lf Mt. Brook Parkway Lane Closure
Erosion Control Allowance	1	LS	\$25,000.00	\$25,000		Erosion Control Allowance
Install Jersey Barriers along Creek	120	LF	\$125.00	\$15,000		Install Jersey Barriers along Creek
Protect Water Line with Permanent Sheet Piles (Assume 10vf to rock)	850	SF	\$125.00	\$106,250		Assume Rock at 10vf - Leave Shoring in Place
Build Rip Rap Bench For Equipment Access to Creek	1,000	TN	\$40.00	\$40,000		Build Rip Rap Bench For Equipment Access to Creek
Excavate Existing Slope for Gabian Wall and remove Off Site	225	CY	\$45.00	\$10,125		Excavate Existing Slope for Gabian Wall and remove Off Site
Hoe Ramming / Rock Excavation Allowance	1	LS	\$8,500.00	\$8,500		Hoe Ramming / Rock Excavation Allowance
Install Gabian Basket Wall	1,729	SF	\$62.00	\$107,198		River Stone not available - priced with Limestone Aggregate
Remove Jersey Barriers	1	LS	\$6,500.00	\$6,500		Remove Jersey Barriers
Remove Rip Rap Equipment Bench	1,000	TN	\$14.50	\$14,500		Remove Rip Rap Equipment Bench
Install ALDOT Guardrail Class A, Type 2	125	LF	\$74.75	\$9,344		Install ALDOT Guardrail Class A, Type 2
Install ALDOT End Anchors type 20 Series	2	EA	\$3,680.00	\$7,360		Install ALDOT End Anchors type 20 Series
Dress Slope, Temp Seed and Mulch	1	LS	\$2,500.00	\$2,500		Dress Slope, Temp Seed and Mulch
					<b>\$392,776.75</b>	
<b>Miscellaneous Items</b>						
Maintenance / Repair to Existing Roadway						NA
Creek Diversion						NIC - Assume able to work in Creek Bed
Landscape and Irrigation						NIC - By Others if Required
Off-Site Improvements						NIC - By others if Required
Underground and/or Overhead Utility Relocations						NIC - By others if Required
Permits, Testing, Engineering, Inspection						NIC - Carried By Owner
Asbuilts						NIC - Carried By Owner
ADEM / NPDES / Monitoring						NIC - Carried By Owner
Payment and Performance Bond						Not Anticipated
					<b>\$0</b>	
			<b>TOTAL BUDGET:</b>	<b>\$392,777</b>	<b>\$392,777</b>	

# MONTCLAIR RD. SIDEWALK QUOTE FROM MEMORY LN. TO MOUNTAIN BROOK PARK CONDOS

## OPTION # 1 GRAVEL

GRAVEL :	\$ 1,507.00
MISC MATERIALS :	\$ 2,000.00
4 POWER POLES RELOCATED :	\$ 16,000.00
1 WATER METER RELOCATED:	\$ 2,000.00
1 WATER SHUT OFF LOWERED :	\$2,000.00
EDGING MATERIAL:	\$1,885.00
SAFETY RAILING:	\$ 21,000.00
LANDSCAPING:	\$ 3,000.00
SURVEYING:	\$ 1,200.00

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TOTAL: \$ 53,121.60

THIS QUOTE HAS A 5% OVERAGE ADDED DUE TO THE CHANGING PRICES OF MATERIALS.

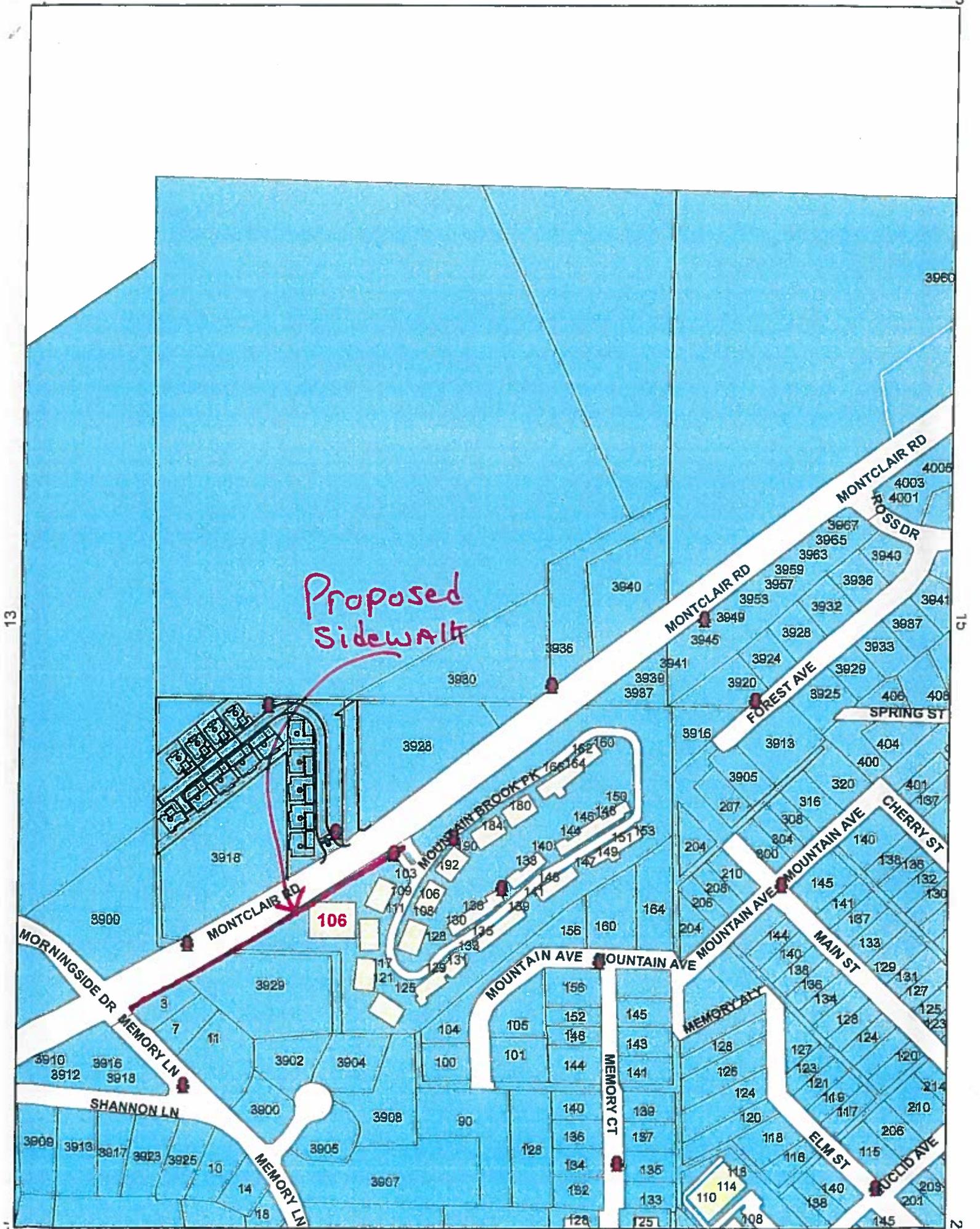
## OPTION # 2 CONCRETE

GRAVEL:	\$ 493.20
CONCRETE :	\$ 11,600.00
MISC. MATERIALS:	\$ 2,000.00
4 POWER POLES RELOCATED:	\$16,000.00
1 WATER METER RELOCATED:	\$ 2,000.00
1 WATER SHUT OFF LOWERED:	\$ 2,000.00
SAFETY RAILING:	\$ 21,000.00
LANDSCAPING:	\$ 3,000.00
SURVEYING:	\$ 1,200.00

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TOTAL: \$ 62,257.85

THIS QUOTE HAS A 5% OVERAGE ADDED DUE TO THE CHANGING PRICES OF MATERIALS.



Proposed Sidewalk

106

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## ARTICLE I. IN GENERAL

### Sec. 22-1. Sanitary permit a prerequisite to issuance of building permit for food establishment.

No business license shall be issued by the city clerk to a person to engage in the business of producing, handling, selling, serving or distributing any article of food, liquid or beverage used for or intended for human consumption in the city unless the applicant for such business license holds an unsuspended and unrevoked sanitary permit issued by the county board of health. (Code 1996, § 9-5; Ord. No. 107, Art. 1, § 29)

### Sec. 22-2. Burials.

It shall be unlawful to bury, inter or otherwise dispose of a human being on or about any lot, place or premises, except in a cemetery or public burial ground duly established and maintained for that purpose. (Code 1996, § 9-7; Ord. No. 50, § 4; Ord. No. 77, § 1)

### Sec. 22-3. Minimum standards for dwellings and business buildings.

It shall be unlawful for any person to rent, lease, let or permit the use of a dwelling or building for dwelling purposes or as a place of employment for human beings which is not weatherproof, adequately ventilated and lighted and provided with sanitary water and with heating facilities or water closet and which is not so constructed and maintained as to afford reasonable protection to occupants thereof against storm or other extremity of weather. (Code 1996, § 9-8; Ord. No. 50, § 48)

*State law reference*—City to regulate buildings to promote health, Code of Ala., 1975, § 11-53-2.

### Sec. 22-4. Fee for removal of large animals.

At the time of or prior to the removal by the city of any dead horse, mare, bull, cow or other large animal, there shall be paid to the city the cost of such removal. It shall be unlawful for the owner of any such dead animal to fail or refuse to pay such costs. (Code 1996, § 9-12; Ord. No. 50, § 12)

### Sec. 22-5. Smoking prohibited in government buildings, licensed businesses, and nonprofit organizations.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

*Government building* means any building operated or occupied by state, county or city government, or any agencies thereof, or any other separate corporate instrumentality or unit of state, county or city government.

*Licensed business* means an organization or entity required to obtain a license from the city in order to engage in business or conduct business in the city.

*Nonprofit organization* means an organization or entity that is recognized by the United States Internal Revenue Service as a tax-exempt, nonprofit organization under section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

*Private club* means a premises operated by an organization that is not available and not customarily used by the general public and whose entry and privileges thereto are established by regulations of that organization.

*Private function* means the rental of a ballroom, restaurant, private club, or other facility for the sole purpose of entertaining, private parties, events or other social functions.

*Retail tobacco store* means a retail store whose primary business is the sale of tobacco products and accessories and in which the sale of other products is merely incidental.

*Smoking* means the burning of a lighted cigarette, cigar, pipe, or any other matter or substance that contains tobacco.

(b) *Prohibition; exception.* Except as otherwise provided in this subsection, no person shall smoke in an enclosed area within a government building,

licensed business or nonprofit organization. This prohibition does not apply to any of the following:

- (1) Permanently designated smoking rooms in any hotel or motel that pays hotel or motel taxes;
- (2) Any establishment licensed by the city to sell alcoholic beverages for consumption by patrons on the premises, for which, in the usual course of business, alcoholic beverage sales constitute more than 40 percent of total revenues; provided, however, that said exemption shall only apply after 4:00 p.m. on any business day;
- (3) Retail tobacco stores;
- (4) Private functions; or
- (5) Private clubs.

(c) *Designated areas for smoking.* Notwithstanding any of the foregoing, nothing shall preclude any business establishment from designating an area in said establishment for smoking if said area is clearly identified, fully separated and apart from all nonsmoking areas, enclosed, and designed so as to ensure that all other areas of said business remain completely free of the byproducts of smoking.

(d) *Organizations subject to exception.* An organization or entity subject to an exception to this section may choose to become subject to the provisions of this section. Upon applying for a license from the city, an entity subject to an exception to this section shall indicate whether or not they choose to be subject to the provisions of this section.

(e) *Signs.* The owner, operator, manager, or other person in charge of a government building, licensed business or nonprofit organization shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol, which consists of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it, near all entrances where smoking is prohibited by this section. In any establishment where smoking is allowed under this section, signs indicated that smoking is permitted and the

particular circumstances in which it is permitted shall be clearly and conspicuously posted near each entrance used by the public.

(f) *Responsibility of persons in charge.* The person in charge of a government building, licensed business or nonprofit organization shall not knowingly permit, cause, suffer or allow any person to violate the provisions of this section in that place. It shall be an affirmative defense to an alleged violation of this subsection that the person having control of a place has asked that the lighted cigarette, cigar, pipe or other tobacco product be extinguished and asked the person to leave the establishment if that person has failed or refused to extinguish the lighted cigarette, cigar, pipe or other tobacco products.

(g) *Fines for persons smoking in prohibited areas.* A person who smokes in an area where smoking is prohibited by the provisions of this section shall be guilty of a violation, punishable by a fine of at least \$25.00, but not to exceed \$100.00.

(h) *Fines for owners, operators, managers, etc.* The owner, operator, manager, or other person in charge of a government building, licensed business or nonprofit organization who fails to comply with the provisions of this section shall be guilty of a violation, punishable by:

- (1) A fine not exceeding \$100.00 for a first violation;
- (2) A fine not exceeding \$200.00 for a second violation within a one-year period; and
- (3) A fine not exceeding \$500.00 for a third or subsequent violations within a one-year period.

(i) *Separate and distinct violations.* Each day on which a violation of this section occurs shall be a separate and distinct violation.

(j) *Jurisdiction for violations.* Jurisdiction for violations of this section shall be with the municipal court. A charge of a violation shall be treated in the same manner as a traffic citation. Any law enforcement officer may issue a citation pursuant to this section.

(Ord. No. 1693, §§ 1—11, 11-28-2005)

State law reference—Smoking in public, Code of Ala. 1975, § 22-15A-1 et seq.