

**MEETING AGENDA  
MOUNTAIN BROOK CITY COUNCIL**

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

**JULY 11, 2016, 7:00 P.M.**

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1. Approval of the minutes of the June 27, 2016 regular meeting of the City Council.
2. Consideration: Resolution authorizing the [budgeted] payment from the General Fund of \$300,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy.
3. Consideration: Resolution approving the conditional [service] use application for a tutoring provider at 81 Church Street (Crestline Corners) Crestline Village [local business district].
4. Consideration: Resolution approving the conditional [service] use application for a tutoring provider at 2000 Cahaba Road in English Village [local business district].
5. Consideration: Resolution authorizing the extension of the cable franchise agreement between the City and Marcus Cable of Alabama, L.P. (dba\Charter Communications) under the same terms and conditions until July 21, 2018.
6. Public hearing: Consideration of an ordinance amending Sec. 129-295 of the City Code regarding open houses, home tours, and special events in residential zoning districts.
7. Public hearing: Consideration of an ordinance amending Articles I, X, XI, XII of the City Code regarding office uses and medical clinics.
8. Announcement: The next regular meeting of the City Council is July 25, 2016, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
9. Comments from residents.
10. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
JUNE 27, 2016**

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The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:00 p.m. on Monday, the 27th day of June, 2016. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice B. Womack

Absent: Lawrence T. Oden, Mayor

Also present were City Attorney Whit Colvin, City Manager Sam Gaston and City Clerk Steven Boone.

**1. AGENDA**

1. Ordinance designating “No Use of Wireless Telecommunication Devices while operating a motor vehicle in School Zones”–Richard Caudle of Skipper Consulting, Inc. (Appendix 1). This matter will be considered further. Questions raised include the size of the defined school zones including whether Highlands Day School should be included or not, enforceability, and effectiveness.
2. Sain Associates contract for the design of the roundabouts project in Mountain Brook Village–Alicia Bailey of Sain Associates (Appendix 2). Council members Pritchard and Carl expressed concern about the accuracy of the illustrations included in the proposed submittal. Both urged Sain Associates to meet with John Evans to determine what modifications may be necessary to the plans considering the Lane Parke developers’ modifications to the Lane Park Road. The consensus of those present were that the draft Sain agreement be sent to the Alabama Department of Transportation for review and Sain schedule a meeting with the Lane Parke developers to determine what modifications, if any, may be warranted.
3. Authorize Mayor or City Manager to apply for funding from the Metropolitan Planning Organization (MPO) for engineering design to replace one bridge and rehab another in the City–Sam Gaston. Motion 2016-085 was added to the formal meeting agenda.
4. Consultant’s report on the Library roof window leak/water damage study (Appendix 3).
5. Review of the matters to be considered at the formal [7 p.m.] meeting.
6. Executive session

There being no further business to come before the City Council, it was moved by Council President Smith that the City Council convene in executive session to discuss a matter involving a real estate transaction. The motion was seconded by Council President Pro Tempore Pritchard. The City Attorney certified that the subject of the executive session is allowed pursuant to the Open Meetings Act. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice B. Womack

Nays:           None

Council President Smith declared that the motion carried by a vote of 5—0 and then asked that the members of the audience be excused. She also announced that the City Council shall reconvene upon conclusion of the executive session at approximately 7 p.m. in the Council Chamber.

## **2.       CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Pre-Council Room (A106) on June 27, 2016, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said meeting.

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City Clerk

**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA  
JUNE 27, 2016**

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The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Monday, the 27th day of June, 2016. The Council President called the meeting to order and the roll was called with the following results:

**Present:** Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice B. Womack

**Absent:** Lawrence T. Oden, Mayor

Also present were City Attorney Whit Colvin, 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 A GUEST**

Council President Smith recognized Boy Scout David Krueger in attendance from Troop 320 (Mountain Brook Presbyterian) for the Communications merit badge.

**2. UPDATE ON LANE PARKE PROJECT BY JOHN EVANS OF EVSON, INC.**

John Evans of Evson, Inc.

- Phase 1 retail includes: Western, Revelator, Amano's, Betsy Prince, Village Gunnery, Kinnucan's, Char Bar 7, Platinum Pilates, M & S Furniture, Local Taco and Yeah Burger
- April 11, 2016 the developer turned over the space to the tenants
- Kinnucan's and Local Taco expect to open around the time school reconvenes, the restaurants will likely open in September, and Western is scheduled to open October 11, 2016
- Western can retain their current location for two months after they open in the new location
- Demolition and culvert work is expected to commence in January, 2017
- Once the culvert is started, Regions will be released to start their phase. Regions has 210 days to complete its building
- The culvert is expected to be completed in four months
- The bridge replacement at Lane Park Road will be the final improvement there. Lane Park Road will be widened in conjunction with the culvert work
- Western will be accessible from all directions during the bank construction
- The culvert will be much larger than exists today which should remove a lot of property from the 100-year flood area
- Once Regions has moved, the old building will be raised and Jemison Lane will be completed
- The developer is in negotiations with Rite Aid to provide them with 6,200 square feet with no drive through
- The culvert should be completed by July 2017
- Jemison Lane should be completed by Christmas 2017
- If Rite Aid can be relocated, their old building can be raised immediately
- The Phase 2 retail will have to be 50% pre-leased before construction commences which will take Retail Specialists about six months to complete

### 3. CONSENT AGENDA

Council President Smith then 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 13, 2016 regular meeting of the City Council.

<b>2016-079</b>	Recommend to the ABC Board the transfer of the 040 – Retail Beer (On or Off Premises) License and the 060 – Retail Table Wine (On or Off Premises) License of Western Supermarkets, Inc. in conjunction with its relocation from 2717 Culver Road 35223 to 1000 Jemison Lane 35223 effective early to mid-October 2016	Exhibit 1
<b>2016-080</b>	Authorize the purchase of two ambulances through the HGAC Cooperative Purchasing Agreement, declaring two 2009 model ambulances surplus, and authorizing their trade in conjunction with said ambulance purchase	Exhibit 2, Appendix 1
<b>2016-081</b>	Ratify 1) the bid award for the purchase and installation of two HVAC units for the Library and 2) the issuance of a purchase order for said purchase with expedited shipping and installation thereof	Exhibit 3, Appendix 2
<b>2016-082</b>	Establish the compensation for municipal court justices	Exhibit 4, Appendix 3
<b>2016-083</b>	Set a public hearing for July 25, 2016 at 7 p.m. to consider the adoption of a resolution approving the Petition for Vacation of a portion of South Cove Drive filed by St. Luke's Episcopal Church, for the vacation of a portion of the improved street (South Cove Drive)	Appendix 4
<b>2016-084</b>	Authorize the execution of three (3) service and facility use agreements between the City and 1) Mountain Brook Athletics, 2) Mountain Brook Soccer Association, and 3) Mountain Brook Lacrosse	Exhibit 5, Appendix 5
<b>2016-085 Motion</b>	Authorize the Mayor or City Manager to apply for funding from the Metropolitan Planning Organization (MPO) for preliminary engineering and design of the Old Brook Trace bridge and rehabilitation of the Canterbury Road bridge	Appendix 6

Thereupon, the foregoing minutes, resolutions and motion were introduced by Council President Smith and their immediate adoption was moved by Council member Shelton. The minutes, resolutions and motion were then considered by the City Council. Council member Womack seconded the motion to adopt the foregoing minutes, resolutions and motion. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice Womack

Nays: None

Council President Smith thereupon declared that said Council minutes and resolutions (Nos. 2016-078 through 2016-084) and notion (No. 2016-085) are adopted by a vote of 5—0 and as evidence thereof she signed the same.

**4. CONSIDERATION OF AN ORDINANCE (NO. 1954) AMENDING SECTION 30-3(a) OF THE CITY CODE WITH RESPECT TO THE TIME AND PLACE OF HOLDING COURT (EXHIBIT 6)**

The ordinance was introduced in writing by Council President Smith who then invited questions and comments from the audience.

There being no comments or discussion, Council President Smith called for a motion. Council President Pro Tempore 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 Womack and was carried, as follows:

Ayes: Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

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

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

Ayes: Virginia C. Smith, Council President  
William S. Pritchard, III, Council President Pro Tempore  
Jack D. Carl  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 1953) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**5. ANNOUNCEMENTS 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 11, 2016 at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site ([www.mtnbrook.org](http://www.mtnbrook.org)) for more information.

**6. ADJOURNMENT**

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

## 7. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on June 27, 2016, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

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

### EXHIBIT 1

#### RESOLUTION NO. 2016-079

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby recommends to the State of Alabama, Alcoholic Beverage Control Board, the transfer of the 040 – Retail Beer (On or Off Premises) License and the 060 – Retail Table Wine (On or Off Premises) License of Western Supermarkets, Inc. in conjunction with its relocation from 2717 Culver Road 35223 to 1000 Jemison Lane 35223 effective early to mid-October 2016.

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

### EXHIBIT 2

#### RESOLUTION NO. 2016-080

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, that the City Council hereby authorizes the purchase of two (2) Type 1, MXP150W Ford Diesel V8 P-up 4X4 F450 150"L x 95"W x 72"HR ambulances in consideration of \$398,200 (for both units combined after trade-in(s) as more fully described herein below); and

**WHEREAS**, the City of Mountain Brook, Alabama, has certain personal property that is 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 declares 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:

Item	Asset	Description	Notes
1	13853	2009 Chevrolet CC4500 Type III	1GBE4V1919F401608
2	13852	2009 Chevrolet CC4500 Type III	1GBE4V1959F401577

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the Fire Chief is hereby authorized to trade-in for consideration in the amount of \$38,000 (for both vehicles) the above vehicles in conjunction with the purchase of two replacement ambulances as described above.

### APPENDIX 1

**RESOLUTION NO. 2016-087**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the payment from the General Fund of \$300,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy.

**ADOPTED:** This 11th day of July, 2016.

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

**APPROVED:** This 11th day of July, 2016.

\_\_\_\_\_  
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 11, 2016, as same appears in the minutes of record of said meeting.

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

**Statement of Changes in Fiduciary Net Position  
Other Post-Employment Benefits Trust Fund  
Year Ended September 30**

	<u>Actual 2015</u>	<u>Budget 2016</u>	<u>Projected 2016</u>	<u>Budget 2017</u>
<b>ADDITIONS</b>				
Contributions				
215-3408-4810 Employer	\$ 658,063	\$ 701,000	\$ 635,000	\$ 654,000
215-3407-4231 Plan members	128,682	152,000	125,830	132,000
215-3407-4400 Investment earnings	31,151	18,000	22,439	20,000
<b>TOTAL ADDITIONS</b>	<b>817,896</b>	<b>871,000</b>	<b>783,269</b>	<b>806,000</b>
<b>DEDUCTIONS</b>				
215-1115-6130 Benefits	475,010	553,000	454,000	481,000
215-1100-6*** Administrative expense	13,990	0	0	5,000
<b>TOTAL DEDUCTIONS</b>	<b>489,000</b>	<b>553,000</b>	<b>454,000</b>	<b>486,000</b>
<b>NET INCREASE</b>	<b>328,896</b>	<b>318,000</b>	<b>329,269</b>	<b>320,000</b>
Net position held in trust for other post-employment benefits, beginning of year	1,571,336	1,900,232	1,900,232	2,229,501
<b>NET POSITION HELD IN TRUST FOR OTHER POST-EMPLOYMENT BENEFITS, END OF YEAR</b>	<b>\$ 1,900,232</b>	<b>\$ 2,218,232</b>	<b>\$ 2,229,501</b>	<b>\$ 2,549,501</b>

**Note:**

Effective October 1, 2006, GASB 45 required local governments to account for their other post-employment benefit plans (OPEB) similar to its method of accounting for its defined benefit pension plans. The City's OPEB plan includes retiree medical insurance. On July 27, 2009, the City Council authorized the creation of an Internal Revenue Code Section 115 trust (Resolution No. 09-101) and began depositing funds into the trust to offset its obligation for retiree medical benefits. Following is a summary of the City's deposits into the Sec. 115 trust since its creation, and trust balances, actuarial accrued liability (AAL) and unfunded actuarial accrued liability (UAAL) as of September 30 :

	<b>September 30</b>					
	<b>Trust Deposit</b>	<b>Net Premiums</b>	<b>Total Expense</b>	<b>Trust Balance</b>	<b>AAL</b>	<b>UAAL</b>
2017 Budgeted	\$ 300,000	\$ 354,000	\$ 654,000	\$ 2,549,501	\$ (3,463,260)	\$ (913,759)
2016 Projected	300,000	335,000	635,000	2,229,501	(3,686,855)	(1,457,354)
2015	300,000	358,063	658,063	1,900,232	(3,865,805)	(1,965,573)
2014	300,000	359,756	659,756	1,571,336	(3,992,253)	(2,420,917)
2013	320,000	350,923	670,923	1,260,448	(3,560,421)	(2,299,973)
2012	300,000	354,828	654,828	925,335	(3,155,271)	(2,229,936)
2011	200,000	364,016	564,016	613,573	(3,249,729)	(2,636,156)
2010	200,000	322,671	522,671	403,024	(3,473,472)	(3,070,448)
2009	180,000	35,118	215,118	196,320	(2,859,543)	(2,663,223)
	<u>\$ 2,400,000</u>	<u>\$ 2,834,375</u>	<u>\$ 5,234,375</u>			

**RESOLUTION NO. 2016-088**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional service use application submitted by Tony Mauro to allow Grade Power Learning at 81 Church Street (Crestline Corners).

**ADOPTED:** This 11th day of July, 2016.

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

**APPROVED:** This 11th day of July, 2016.

\_\_\_\_\_  
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 11, 2016, as same appears in the minutes of record of said meeting.

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



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP  
Director of Planning, Building &  
Sustainability  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3821  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: July 7, 2016  
TO: Mayor, City Council & City Manager  
FROM: Dana Hazen, City Planner  
RE: Conditional Use – Grade Power Learning, 81 Church Street (Crestline Corners)

The proposed conditional use is a tutoring service to be located in the interior corner “niche” of Crestline Corners, next to Church Street Coffee and Books (previous tenant was a BBQ restaurant). The proposed operational characteristics are as follows:

Hours of operation:  
M-Th: noon – 8pm  
Sat: 9am - 12 noon

Schedule of tutoring sessions:  
M-Th: 3:30 – 8pm  
Sat: 9am - noon

Number of employees at peak hour: 6

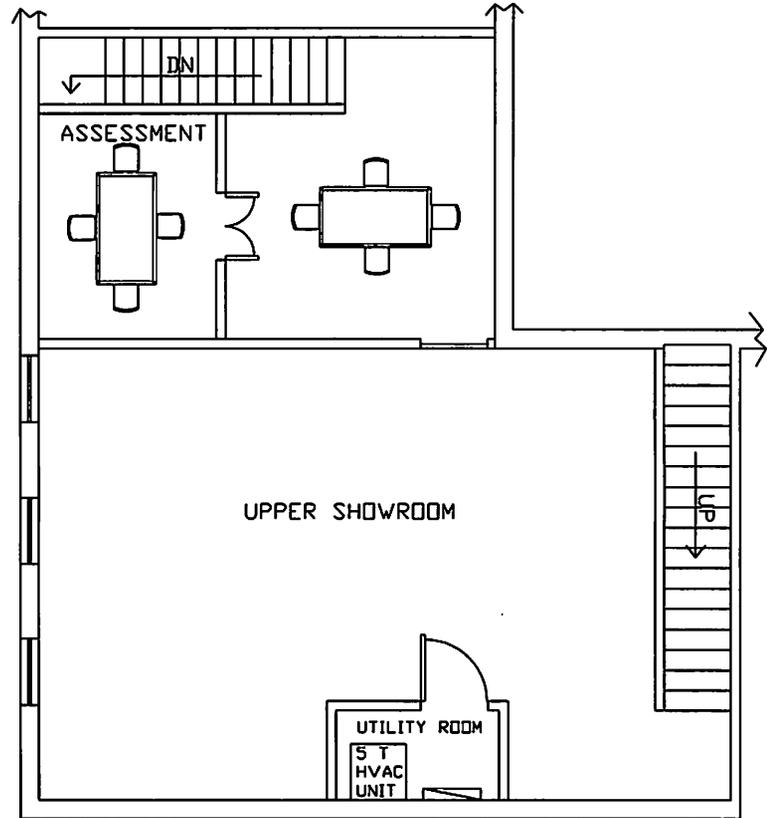
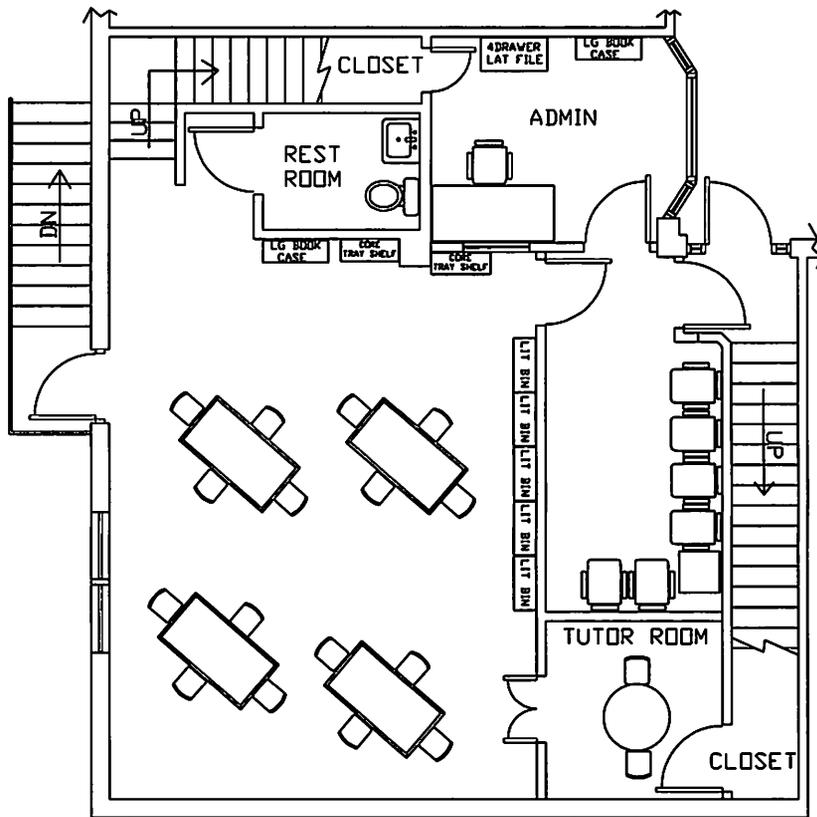
Number of students present at peak hour: 18

Employees are to park off-site.

Students age range: 5-19 years  
Children under 12 years are to be dropped off between 3:30 – 6:30pm. Those 13-18 years are to arrive between 5:30 – 7:00pm

The on-site parking is to-code/conforming. Given the existing tenant mix, the parking lot is heavily used (especially in the mornings). If employees utilize all-day street parking in the vicinity, and the majority of students are dropped off by parents, then the on-site parking may not be too heavily impacted by the proposed use. It is anticipated that weekday tutoring session times will not conflict with peak hour on-site parking demand; however Saturday morning sessions are likely to compete for on-site parking. Also, drop-off and pick up of students may prove problematic given the limited maneuverability and ingress/egress of the on-site parking lot.





## NOTES

- 1.) ALL TUTORING AND CLASSROOMS TO HAVE FRENCH DOORS.
- 2.) ALL NEW PARTITIONS TO BE INSULATED FOR SOUND ABSORPTION PURPOSES.
- 3.) ELECTRICAL OUTLET LOCATIONS ARE APPROXIMATE LOCATIONS AND MUST BE FIELD VERIFIED.
- 4.) EXISTING OUTLETS WITHIN 1' TO 2' OF A REQUESTED NEW OUTLET MAY BE UTILIZED.
- 5.) ALL CONTRACTORS MUST CONFORM TO ALL LOCAL, CITY, STATE AND FEDERAL CODES AND REQUIREMENTS.
- 6.) LANDLORD IS TO PROVIDE HANDICAP ACCESS AND COMPLY WITH REQUIREMENTS OF THE A.D.A. ACT.
- 7.) DATA LINES SHOULD BE AT LEAST CAT. 5e MINIMUM CONNECTED TO A BUSINESS CLASS INTERNET CONNECTION WITH STATIC IP ADDRESS.

<b>GRADE POWER LEARNING</b>		
SCALE: 3/16"=1'0"	APPROVED BY:	DRAWN BY: K.M.E.
DATE: 6-06-16		REVISED:
TITLE:		
		DRAWING NUMBER 100

**RESOLUTION NO. 2016-089**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional service use application to allow Lindamood-Bell Learning Processes at 2000 Cahaba Road (English Village).

**ADOPTED:** This 11th day of July, 2016.

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

**APPROVED:** This 11th day of July, 2016.

\_\_\_\_\_  
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 11, 2016, as same appears in the minutes of record of said meeting.

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



Dana O. Hazen, AICP  
Director of Planning, Building &  
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56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3821  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: July 7, 2016  
TO: Mayor, City Council & City Manager  
FROM: Dana Hazen, City Planner  
RE: Conditional Use – Lindamood-Bell Learning Processes  
2000 Cahaba Road, English Village (Barber Building)

The proposed conditional use is a tutoring service to be located on the second floor of the Barber building (Schaeffer is on ground level) at the corner of Cahaba Road and 20<sup>th</sup> Avenue South.

In 2000, the Planning Commission approved an exception to the parking requirement for the construction of this building, containing 7,000 square feet (3,500 per floor) with only 5 on-site parking spaces. At the time of the parking exception, the zoning code allowed the Planning Commission to waive parking with the caveat that no on-site or street parking would be eliminated in conjunction with a proposed development. The minutes of the Planning Commission meeting for the waiver of parking for this building reflect that the ground floor would be occupied by retail and the second floor would be a professional office use ("*architects, CPA or anything else*"). There was no limit placed on the number of second floor occupants. The most recent tenant for this space was one (1) Regions Executive occupying the entire 3,500 square foot space.

According to the applicant, 3 on-site parking spaces at the rear building are reserved for use by the second floor tenant. As may be seen in the attached letter of operational characteristics, the parking demand will vary, seasonally, with 8-15 staff members present from 8am-5pm, depending on the student level at any given time (the proposed student/tutor ratio is 1/1). Tutoring sessions are in 4-hour intervals (8-noon and 1-5pm). It is anticipated that younger students will be dropped off for tutoring sessions, so parking demand will not be aggravated; however, high school students may drive themselves and remain parked for 4 hours intervals.

It should be noted that the second floor was approved by the Planning Commission for professional offices uses; the anticipated demand was noted in the minutes of that meeting to be 1 space/250 square feet (or 14 parking spaces), even though most of these were waived. Today's proposed use is a service use, with a parking requirement of 1 space/200 square feet (or 17.5 spaces), thereby increasing the non-conformity with regard to parking, if approved.

While the majority of students may not pose a parking increase in English Village, there is a concern as to the proposed 8-15 staff members utilizing the long term parking lot in English Village, the demand for which often exceeds the capacity.

# EXHIBIT B

## BUSINESS / USE

This letter is intended to describe the services offered by Lindamood-Bell Learning Processes, as well as to explain our specific operational setup.

Lindamood-Bell Learning Processes offers services for the development of sensory-cognitive functions that underlie language and literacy skills. Our clients need daily intervention to remediate sensory-cognitive deficits. We do not simply offer tutoring for students who are doing poorly in school. We offer intensive instructional services to stimulate underlying weaknesses in language processing.

Our services are generally provided one-on-one, with highly trained clinicians working directly with clients. We also provide additional employee support through tiered management to uphold quality. Generally, our clients attend services in 4-hour blocks of time, from 8 am to 12 pm or from 1 pm to 5 pm. Because the client schedule is arranged in these blocks of time it is routine for them to be dropped off or arrive a few minutes prior to 8 am and leave at noon or arrive just before 1 and leave at 5. Our staff will generally be in the office from 8-5, with some variations depending on schedule.

For the off peak season, on average, we have about 8 staff members present. Due to the seasonal nature of our business, it is not possible for us to have a set number of staff year round. When our client load decreases, so does our staff. Additionally, at different times of the year, we may see clients for differing time periods. For instance, a client that attends four hours a day during summer may continue attending in the fall, but at only two hours a day due to their individual schedule. A wide range of the public, including some with special needs, utilizes our services but do not require greater access to handicapped parking than the general public.

The summer time is our busiest season. Therefore, only 2 ½ months of the year do we actually provide service to a maximum of 15 clients in the morning and 15 clients in the afternoon.







Grand Jete

Belleweather

Monkey's of Mountain Brock

Treuve

Cahaba Rd

20th Ave S

20th Ave S

20th Ave S

20

Ca

**RESOLUTION NO. 2016-090  
CHARTER FRANCHISE EXTENSION UNTIL JULY 18, 2018**

**WHEREAS**, the City Council of the City of Mountain Brook adopted Ordinance No. 1302 on March 23, 1998, granting to Marcus Cable of Alabama, L.P., a Delaware limited partnership (d/b/a Charter Communications, hereinafter “Charter”) the right to construct and operate a cable television system within the City of Mountain Brook, Alabama (the “Charter Franchise”); and

**WHEREAS**, specific understandings between the City of Mountain Brook (“City”) and Charter concerning the Charter Franchise were reflected in an Agreement dated March 18, 1998 (the “Charter Franchise Agreement”);

**WHEREAS**, since 1998 Charter has continually provided CATV service in the City pursuant to the Charter Franchise and the Charter Franchise Agreement;

**WHEREAS**, Charter is implementing a corporate merger and reorganization that consolidates certain CATV holdings and operations;

**WHEREAS**, Charter’s reorganization is not expected to negatively impact the provision of CATV services currently offered in the City by Charter and any of its affiliates; and

**WHEREAS**, the City and Charter desire to extend the terms and conditions of the Charter Franchise Agreement while the terms and conditions of a new franchise agreement are negotiated.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook that Charter Communications is hereby authorized to continue operating said cable system in the City under the same terms and conditions as specified in Charter Franchise and the Charter Franchise Agreement until July 18, 2018.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook that the City Attorney is hereby authorized and instructed to negotiate with appropriate Charter representatives the terms and conditions of a new franchise agreement that will supersede and replace the existing Charter Franchise Agreement effective in July 2018.

**BE IT FURTHER RESOLVED** that the Mayor or the City Manager is hereby authorized to execute an agreement in a form that is acceptable to the City Attorney that may be necessary or appropriate to memorialize the short term extension of the Charter Franchise that is hereby approved.

**ADOPTED:** This 11th day of July, 2016.

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

**APPROVED:** This 11th day of July, 2016.

\_\_\_\_\_  
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 11, 2016, as same appears in the minutes of record of said meeting.

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

**ORDINANCE NO. 1955**

**AN ORDINANCE AMENDING SECTION 129-295 OF THE CITY CODE  
REGARDING OPEN HOUSES, HOME TOURS AND SPECIAL EVENTS  
IN RESIDENTIAL ZONING DISTRICTS**

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**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that Section 129-295 of the City Code is hereby amended to include subsection (c) as follows:

1. **“(c) Open Houses, Home Tours and Special Events.** Open houses, home tours and other special events ("Special Events") advertised for ticket sales to the general public wherein a residence or part thereof is made open to the public for a fee, donation or other remuneration or otherwise for commercial or charitable purposes may be conducted in the residential districts of the city under the conditions specified herein below. Such uses shall also be subject to the same monitoring and enforcement procedures set forth in article XXIII of this chapter (applicable to home occupation).
  - (1) No more than one (1) such Special Event shall be conducted at any one residential premises during any one calendar year.
  - (2) Such Special Event shall be limited to a maximum of six (6) days in duration which days must be within a sixteen (16) day period beginning with the first day of the event.
  - (3) Goods sold at the Special Event shall be limited to inside the premises or the rear yard, and may not be visible from any public street.
  - (4) A permit shall be required for each Special Event for which a fee to help defray the cost of issuing the permit will be charged in accordance with article XXVII of this chapter. Application for such permit, in the form and with all information requested by the city, must be submitted to the City Manager at least thirty (30) days prior to the date upon which the Special Event is scheduled to begin.
  - (5) If, after review of the application, the City Manager determines that the parking or the public rights of way are insufficient to handle anticipated traffic volume for the Special Event, the City Manager may require the use of remote parking areas and shuttle buses or valet services, the engagement of law enforcement officers by the applicant to assist with vehicular traffic or other measures designed to reduce the impact on surrounding properties and the public rights of way in the area.
  - (6) For the purposes of this section, an open house or home tour conducted for the sole purpose of marketing or sale of the residential premises themselves and for which a fee, donation or other remuneration is not collected shall be permitted and shall not be subject to the conditions in this subsection.
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.

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.

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

**ADOPTED:** This \_\_\_\_ day of July, 2016.

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

**APPROVED:** This \_\_\_\_ day of July, 2016.

\_\_\_\_\_  
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 \_\_, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July \_\_, 2016, 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  
Cahaba River Walk, 3503 Overton Road

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

*Below is a copy of request to use the Mountain Brook Presbyterian Church's parking lot for shuttle service*

## **Decorators' ShowHouse 2016**

Date/time specific request to use parking lot for guests waiting for shuttle to the house.

We will be open:

Opening Day: 4/9

Closing Day: 4/24

1 hour before and after the below hours for our volunteer docents

3 Sundays from 2 to 5

3 Saturdays from 10 to 5

2 Tuesdays, Wednesdays, Thursdays, and Fridays from 10 to 3

Closed Mondays

**Preview Party** (invitation only): Thursday 4/7 6:30 to 9:00

**Closing Party** (invitation only): Sunday 4/24 5:00 to 8:00

**Benefactors Evenings** (invitation only): 2 dinners from 5:30 to 9 on April 11<sup>th</sup> and 12<sup>th</sup>

We would like to have a small tent in the furthest place on the parking lot or a place of your choice for our parking lot personnel

A restroom available for our parking lot personnel (2 men)

All proceeds benefit the Alabama Symphony Orchestra and its music education programs.

We hope you will approve our request. If you have any questions please contact:

Nancy Morrow: 870-8784

Cheree Carlton: 919-0559

### **Additional: Totals and information for City of Mountain Brook regarding Resolution No. 2016-071**

Please Note: Each year is different therefore there may be a change of plus or minus 2 days/events

#### **Total days open to public:**

6 weekend days

8 week days (closed on Mondays)

**14**

#### **Total private parties or tours**

1 to 3 benefactor's evenings

2 opening/closing evening parties (opening party is often on Friday eve.)

0 to 3 private daytime tours (Mondays only – 2 hours each)

**3 to 8**



1956

CITY OF MOUNTAIN BROOK

**Dana O. Hazen, AICP**  
**Director of Planning, Building & Sustainability**  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3821  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

**DATE:** July 7, 2016, 2016

**TO:** Mayor, City Council & City Manager

**FROM:** Dana Hazen, City Planner

**RE:** Zoning Amendment – Medical Clinics/Professional Offices

The intent of the proposed zoning amendment is to clean up existing zoning code language regarding office uses in the Local Business, Office Park and Professional Districts, and to distinguish professional and business offices from “medical clinics” (walk-in clinics). Definitions for professional and business offices have been refined, and a new definition for “medical clinic” has been added. Also, language has been added to the Office Park District to allow medical clinics in that zoning district alone.

**ORDINANCE NO. 1956**

**AN ORDINANCE AMENDING ARTICLES I, X, XI AND XII OF THE CITY CODE  
REGARDING OFFICE USES AND MEDICAL CLINICS**

**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that Articles I, X, XI and XII of the City Code are hereby amended to as follows:

**Section 1.**

**“Article I. - Definitions**

**Section 129-2. Definitions**

Clinic, medical and dental. A category of medical and dental care focused on the delivery of routine or ambulatory care, and the treatment of acute or chronic illness or injury requiring immediate care (those not warranting an emergency room visit). Often characterized by, but not limited to, one or more of the following: acceptance of patients on a walk-in basis with no appointment required, extended hours of operation on weekdays and/or weekends, and/or a pool of rotating medical or dental practitioners rather than the primary office of one or more permanent practitioners.

~~Office. A building, or a portion of a building, in which professional clerical, administrative and similar activities are conducted, without any sales.~~

Office, business. Office uses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.

Office, professional. Offices uses such as accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions whose occupation or profession often requires professional licenses or certification.

**Article X. – Professional District**

**Sec. 129-151. - Permitted uses.**

The uses permitted in Professional Districts shall be as follows:

- (1) Professional offices; ~~occupied by accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions;~~
- (2) Private schools for the teaching of dancing, music or other educational courses; and
- (3) The design and assembly of frames for paintings, pictures, photographs, posters, lithographs, shadow boxes and similar items; and
- (4) Accessory structures customarily incidental to the uses permitted by this section 129-151.

**Article XI. – Office Park District**

**Sec. 129-171. - Permitted uses.**

The uses permitted in Office Park Districts shall be as follows:

- (1) Professional offices;
- (2) Business offices;
- (3) Clinics, medical and dental;
- (4) Public buildings;
- (5) Gymnasiums and fitness centers;
- (6) Daycare centers;
- (7) Restaurants;
- (8) Dressmaking, millinery, sewing, tailoring, alterations, knitting and crocheting; provided, that any person engaged in dressmaking, millinery, sewing, tailoring or alterations may conduct trunk sales at his place of business, subject to the following conditions: (a) as used herein, "trunk sale" shall mean the sale of new clothes, clothing accessories and other consumer goods by means of the purchaser ordering the finished goods from samples and/or catalogs which are available for inspection at the place of business during the trunk sale; (b) no more than four trunk sales may be conducted at the place of business during any calendar year; and (c) no trunk sale may last for more than five days, which days must be consecutive.
- (9) Laboratories for the compounding and sale of prescription drugs;
- (10) Building and office cleaning services whose primary business is the cleaning of buildings and offices located in the same Office Park District in which the cleaning service is located;
- (11) Not more than ten percent of the rentable floor area in a building or buildings located on a parcel in an Office Park District may be used for retail establishments; provided, that: (a) all such retail businesses shall be designed and intended for the support of the other uses permitted under this section 129-171 and shall not be designed or intended to attract business or customers from without such Office Park District and provided, further, that such retail use shall be subject to the prior approval of the planning commission; and
- (12) Accessory structures customarily incidental to the uses permitted in an Office Park District.

## **Article XII. – Local Business**

### **Section 129-192 Permitted Uses**

#### **(b) Conditional Uses.**

- (1) **Service uses** shall be conditional uses in any area covered by a village master plan or the village overlay standards. The conditional review and approval process shall ensure that, in addition to the other factors of conditional review, sufficient parking exists so that the use will not negatively impact existing established businesses, and that the proposed service use, either in isolation or in conjunction with other service or office uses, will not have a detrimental impact on public parking in the villages. The service use category consists of businesses that offer customer services for the performance and delivery on premises, and may offer some limited products or merchandise associated with the service. The service use category includes the following uses:
  - a. Banks;
  - b. Barber shops;
  - c. Beauty shops;
  - d. Dancing academies;

- e. Daycare centers;
- f. Dry cleaning establishments;
- g. Electronic and electrical repair shops;
- h. Fitness centers;
- i. Gymnasiums;
- j. Interior Design Shops
- k. Nail Salons
- l. Neuromuscular therapists;
- m. Personal fitness trainers;
- n. Photography studios;
- o. Physical therapists;
- p. Self-service laundries;
- q. Shipping and wrapping of packages and sale of related items;
- r. Shoe repair shops;
- s. Tanning salons;
- t. Theaters for the performing arts;
- u. Travel agents.

(2) **Office uses** shall be conditional uses in any area covered by a village master plan or the village overlay standards. The conditional review and approval process shall ensure that, in addition to the other factors of conditional review, sufficient parking exists so that the use will not negatively impact existing established businesses, and that the proposed office use, either in isolation or in conjunction with other service or office uses, will not have a detrimental impact on public parking in the villages. ~~The office use category consists of businesses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.~~ The office use category includes the following uses:

- a. Business offices;
- ~~b. Interior design shops (added to Service Uses above)~~
- b. Professional offices.

Any office use established or permitted by right prior to May 15, 2009, shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. An office use so established or permitted may be replaced by another office use with the same or fewer required parking spaces, it being the intent of the council to permit the continued office use of properties where existing office uses are located without the need for specific approval if parking demand is not increased. However, should such office use be replaced with a retail use, then any future reestablishment of an office use in the same location will require prior written approval of city council per subsection (b) of this 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.

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

**ADOPTED:** This \_\_\_\_ day of July, 2016.

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

**APPROVED:** This \_\_\_\_ day of July, 2016.

\_\_\_\_\_  
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 \_\_, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July \_\_, 2016, at the following public places, which copies remained posted for five (5) days as required by law.

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