

**MOUNTAIN BROOK CITY COUNCIL
MEETING AGENDA**

**TEMPORARY CITY HALL
3928 MONTCLAIR ROAD, SUITE 230
MOUNTAIN BROOK, AL 35213**

FEBRUARY 25, 2013, 7:00 P.M.

1. Ann August, Director, and Joyce Brooks, Chairman of MAX, to address the Mayor and members of the City Council.
2. Approval of the minutes of the February 11, 2013 regular meeting of the City Council.
3. Approval of the minutes of the February 20, 2013 special meeting of the City Council.
4. Consideration: Resolution authorizing the City's participation in the Municipal Workers' Compensation Fund (MWCF).
5. Consideration: Resolution appointing the City's Fire Battalion Chief-Training & Safety Division to serve as the City's Safety Coordinator.
6. Consideration: Motion authorizing the adoption (and execution) of the "Municipal Workers' Compensation Fund 2013 Statement of Commitment" and related policies.
7. Consideration: Resolution appointing Ellen Elsas to serve as a supernumerary member to the Village Design Review Committee, to serve without compensation, with this term of office to end February 1, 2014.
8. Consideration: Resolution appointing James Ernest Grisham, III, as a regular member to the Village Design Review Committee, to serve without compensation, with the term of office to end April 13, 2015.
9. Arbor Week Proclamation.
10. Consideration: Resolution approving the conditional use application submitted by Village Dermatology for their operation of a medical office (service use) in the Union Carbide located at 2900 Cahaba Road.
11. Public hearing: Resolution approving and finalizing costs of demolition and abating public nuisance at 2210 Sterlingwood Drive, demanding payment of City's costs of abatement, and authorizing the City Manager to initiate proceedings to perfect a lien against said property described as Lot 8, Survey of Sterlingwood, as recorded in Map Book 173 at page 87 in the Probate Office of Jefferson County, Alabama.
12. Announcement: The next regular meeting of the City Council is Monday, March 11, 2013, at 7 p.m.
13. Other business.
14. Comments from residents.
15. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
FEBRUARY 11, 2013**

The City Council of the City of Mountain Brook, Alabama met in public session in the temporary City Hall at 5:45 p.m. on Monday, the 11th day of February, 2013. The President of the City Council 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 Attorneys Whit Colvin and James Griffin, City Manager Sam Gaston, and City Clerk Steven Boone.

1. AGENDA

1. School Superintendent Dicky Barlow to address the City Council regarding school security.

The Board of Education requests that the City provide a second School Resource Officer (SRO) to the school system. If approved, one SRO will be assigned to the High School, Brookwood Forest Elementary, and Cherokee Bend Elementary. The second SRO will be assigned to the Junior High, Crestline Elementary, and Mountain Brook Elementary. The City Council assigned Council members Carter and Pritchard to meet with the City Manager and Police Chief to consider the request and report back to the City Council if necessary.

2. Amendment and re-adoption of tree protection ordinance – Whit Colvin and Sam Gaston. (Ordinance No. 1884 was added to the formal agenda.)
3. Latent conditions costs for the municipal complex project – Brad Tew of Brasfield & Gorrie. (Motion 2013-025 was added to the formal agenda.)
4. Fountain costs for the municipal complex – Nimrod Long.

After updating the City Council on the fountain project, it was agreed that further study is necessary and Mr. Long will report back to the City Council at a later date.

5. Screening of roof equipment at the municipal complex – Brad Tew of Brasfield & Gorrie.

Brasfield & Gorrie along with the architects are finalizing the design and pricing of the contemplated screening and will report back to the City Council at a later date.

6. Safe- Routes-to-Schools sidewalk projects – James Griffin. (Motion 2013-024 was added to the formal agenda.)
7. Cherokee Forrest Neighborhood to address the City Council regarding the Highway 280 modifications by ALDOT.

Mr. Schlinkert on behalf of the neighborhood requested that the Mayor and City Council continue pressuring the Alabama Department of Transportation (ALDOT) to amend its planned modifications to U. S. Highway 280 with respect to the Cherokee Road and Mountain Brook Plaza intersections. He also requested that the City meet with the Governor as well.

Steven Boone, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
FEBRUARY 11, 2013**

The City Council of the City of Mountain Brook, Alabama met in public session in the temporary City Hall at 7:00 p.m. on Monday, the 11th day of February, 2013. The President of the City Council 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 Attorneys Whit Colvin and James Griffin, 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

President Smith recognized representatives of Boy Scout Troop 63 in attendance for their "Citizenship in the Community" merit badge requirement.

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 January 28, 2013 meeting of the City Council.

Approval of the minutes of the January 30, 2013 special meeting of the City Council.

2013-020	Authorize the execution of [two] contracts between the City and Allcomm Wireless for the 1) installation (and relocation) of communication antennae system and 2) a distributed antenna system for the municipal complex.	Exhibit 1, Appendix 1
2013-021	Authorize the execution of a letter of [conditional] approval to lease Crown Castle of an additional 831 square feet of space adjacent to the existing communications tower site located at the City's Public Works facility.	Exhibit 2, Appendix 2
2013-022	Set a public hearing for March 11, 2013 at 7 p.m. to consider an ordinance amending the PUD development plan for the Lane Parke development (Ordinance No. 1871 adopted May 21, 2012).	Exhibit 3
2013-023	Authorize the creation of the "City of Mountain Brook Flexible Benefit Plan" non-interest bearing checking account at Iberia Bank.	Exhibit 4, Appendix 3
2013-024 Motion	Motion authorizing Mayor to send letter to ALDOT requesting a delay in the construction of the Dexter Avenue sidewalk.	Appendix 4

The President of the Council declared that the ordinance (No. 1884) is hereby adopted by a vote of 5-0 and, as evidence thereof, she signed the same.

4. 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, February 25, 2013 at the [temporary] Mountain Brook City Hall located at 3928 Montclair Road, Suite 230, Mountain Brook, Alabama 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

5. EXECUTIVE SESSION AND ADJOURNMENT

There being no further business to come before the City Council, it was moved by Council member Pritchard that the City Council convene in executive session to discuss a matter involving pending litigation. The motion was seconded by Council member Vogtle. The City Attorney certified that the subject of said executive session was 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
Amy Carter, Council President Pro Tempore
Jack D. Carl
William S. Pritchard III
Jesse S. Vogtle, Jr.

Nays: None

President Smith declared that the motion carried by a vote of 5-0 and then asked that the members of the audience be excused. President Smith also announced that the City Council will adjourn upon conclusion of the executive session.

Steven Boone, City Clerk

EXHIBIT 1

RESOLUTION NO. 2013-020

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby accepts the proposal submitted by Allcomm Wireless, Inc. for the installation of public safety communication antenna and the relocation of related equipment from the leased space to the new municipal complex.

**Check
One**

Option 1 (8 antenna system)/relocation services—\$26,923.25
 Option 2 (3 antenna system with combiner)/relocation services—\$35,685.23

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of a contract for the aforementioned services, in the form as attached hereto as Exhibit A subject to review and such modifications that may be recommended by the City Attorney.

**MINUTES OF THE SPECIAL MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
FEBRUARY 20, 2013**

The City Council of the City of Mountain Brook, Alabama met in public session in the temporary City Hall at 5:30 p.m. on Wednesday, the 20th day of February, 2013. The President of the City Council 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

Absent: None

Also present were City Manager Sam Gaston and City Clerk Steven Boone.

President Smith announced that a quorum was present and that the meeting was open for the transaction of business.

1. DISCUSSION REGARDING THE CITY'S WORKERS' COMPENSATION EXCESS LIABILITY COVERAGE (APPENDIX 1)

Mr. Boone presented the members of the City Council with the options under consideration (Appendix 1). After consideration of the options, Council President Smith entered a motion authorizing the Finance Director to execute such documents (Appendix 2) that may be required with respect to the binding of excess loss workers' compensation insurance through the Municipal Workers' Compensation Fund (MWCF) effective February 1, 2012. The motion was seconded by Council member Vogtle. 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
Jesse S. Vogtle, Jr.

Nays: None

Council President Smith thereupon declared that said motion (no. 2013-027) is adopted by a vote of 5—0.

2. DISCUSSION REGARDING THE MEMORIALS AND FOUNTAIN FOR THE MUNICIPAL COMPLEX PROJECT

Bill Williams, architect, described the [10 foot, 1,200 pound, 16 inch H-beam] 911 Monument and the [bronze] base required for mounting and displaying the artwork (Appendix 3). Mr. Williams and Robert McElroy, construction superintendent, then described the work necessary to relocate, clean and align the police monument currently stored at Public Works (Appendix 4). Council member Carter informed the members of the City Council that a benefactor has pledged \$25,000 to be applied to these two monuments. After consideration of these matters, Council member Vogtle entered a motion authorizing the City Manager to execute such documents determined necessary with respect to the purchase and installation of the base for the 911 Memorial (\$44,312 estimate) and the relocation, cleaning and resetting of the Police Memorial at the new municipal complex (\$9,789 estimate). The motion was seconded by Council member Carter. 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
Jesse S. Vogtle, Jr.

Nays: None

Council President Smith thereupon declared that said motion (no. 2013-028) is adopted by a vote of 5—0.

Regarding the proposed fountain, the Building Committee members met with a benefactor just prior to the Council meeting to better determine his expectations. The benefactor confirmed his pledge of up to \$250,000 to be applied to the fountain and that he had no intention of designing it. His only stipulations were that it be surrounded with granite seating, a granite dedication stone to be approved by his sister, and lighted fountain. After their meeting with the benefactor, the Building Committee met with Nimrod Long to relay their findings. Mr. Long will prepare a fountain design for the City Council to review later. It was also stated that the fountain will not be completed by the April 25, 2013 move in date. The goal is to complete the fountain in May or June and present it during the planned building dedication event.

3. OTHER BUSINESS

Mr. Williams, architect, informed the members of the City Council that he had just learned that Crown Castle does not want the City to construct a fence at its leased Crestline tower site. Mr. Williams suggested that the City contact Crown Castle to provide it with City's adjacent fence design and specifications to determine whether Crown Castle can be enticed into following the City's fence specifications (or allow the City to construct the fence and Crown Castle reimburse the City for that portion around the tower site). Mr. Boone was instructed to contact Whit Colvin, City Attorney, to initiate contact with Crown Castle.

Mr. McElroy, construction superintendent, informed the members of the City Council that a defect in the foundation waterproofing has been discovered at the municipal complex site. The extent of the problem cannot be determined until a trench is dug to inspect the situation. There is approximately 400 linear feet of exterior foundation wall that may be affected. The members of the City Council expressed their general consensus that further investigation is justified and that Brasfield & Gorrie report back.

Steven Boone, City Clerk

Resolution to Participate in the Municipal Workers Comp Fund (MWCF)

Now Comes the City of Mountain Brook (entity name) and they desire to participate in the MWCF for the purpose of being insured for workers compensation risk. After due consideration with appropriate motion being made and seconded the following Resolution was adopted.

RESOLVED, the City of Mountain Brook Board of Directors hereby joins the MWCF for the purpose of obtaining workers compensation insurance coverage and authorizes its appropriate agent to sign such documents as necessary to complete said coverage. This resolution adopted this 20 day of Feb 2013.

Adopted:

(X)

By: _____ Title: Council President Pro Tempore

Printed Name: Amy G. Carter Printed Title: Council President Pro Tempore

Approved:

Witness: _____

Lawrence T. Oden, Mayor

Safety Resolution

Whereas, workers compensation costs have increased dramatically during the last few years, and Whereas, good safety practices can result in a reduction of on the job injuries, therefore, Be It Resolved by the Governing Body of the City of Mountain Brook (entity) as follows:

The Applicant to MWCF recognizes the importance of safety in the work place and is dedicated to its commitment to safety consciousness. (X) David G. Kennedy (Individual's Name) is hereby appointed as safety coordinator with the responsibility of implementing an effective safety program for all employees. Adopted and approved this 20 day Feb 2013.

Adopted:

(X)

By: _____ Title: Council President Pro Tempore

Printed Name: _____ Printed Title: Council President Pro Tempore

Approved:

Witness: _____

Lawrence T. Oden, Mayor



MUNICIPAL WORKERS COMPENSATION FUND

2013 STATEMENT OF COMMITMENT

Name of Municipality or Agency:

City of Mountain Brook

Fire Battalion Chief-Training & Safety

Name of Safety Coordinator: Currently: David G. Kennedy Email kennedyd@mtnbrook.org

Address: 56 Church Street P.O. Box 130009 Mountain Brook AL

Safety Coordinator Phone Number: (205) 802-3833 / (205) 438-2797 Fax Number: (205) 874-0653

The undersigned do hereby commit to the Municipal Workers Compensation Fund, Inc. to endeavor to implement the following safety standards in our municipality or municipal agency.

SAFETY POLICIES

1. Adopt and implement a written safety manual or a statement of safety standards.
2. Establish a Safety Committee to recommend new safety policies, review and update existing safety policies, review accidents and establish methods to help prevent accidents, injuries and damages to equipment.
3. Have quality safety meetings for all employees once a month. At least one of these meetings each year should be a training session on proper lifting techniques and back wellness. Consider integrating health & wellness topics such as smoking, diabetes, management of stress and weight into these meetings. Document attendance, date, time and issues covered. The MWCF video library is an excellent resource for training presentations. A wide array of resources including the complete video library catalog can be found at www.losscontrol.org.
4. Have the designated Safety Coordinator or City Clerk review quarterly reports that are mailed from Millennium Risk Managers. During this review, reports should be analyzed to make sure the records are correct. The Safety Coordinator or City Clerk should present a summary of the quarterly report to the Mayor or other Chief Executive Officer and all department heads.
5. Investigate all job related injuries regardless of the severity, determine the cause, maintain investigation records, and report all job related injuries immediately by completing a First Report of Injury Form at www.almwcf.org.
6. Counsel any employee who has filed two or more workers compensation claims within a 12 month period and document such consultation.
7. Counsel all new employees on how to do job tasks safely and document that this has been done.
8. Designate a doctor or medical group to be used by employees for non-emergency job-related injuries. It is highly recommended that a supervisor or manager accompany injured employees to the medical facility on the initial visit. In life threatening emergencies, employee should be taken to the nearest medical facility.

Our designated doctor or medical group is:
Bruce W. Romeo, MD MPH CIME, Alabama Comp

Alabama Center for Occupational Medicine & Prevention, PC

(Must be completed) 2018 Brookwood Medical Center Drive

POB Suite G-2

Birmingham, AL 35209

(205) 877-2686

9. Recognize those employees with accident-free work records.

TRAINING AND PROCEDURES

10. Issue safety equipment where necessary, and provide proper tools for a job to employees to help prevent accidents and require the use of such safety equipment through a written policy.

11. Adopt a written infectious disease policy and consider providing hepatitis B shots for all police, fire, emergency medical technician, sanitation personnel, or any employee who has a high possibility of exposure.

12. Consider providing CPR/AED and first aid training to employees.

13. Emphasize the significance of good maintenance and housekeeping of equipment, work areas, building and grounds. Documented inspections of all equipment, work areas, building and grounds for safety hazards, including electrical, fire and life safety hazards should be done at least quarterly. Any problems discovered should be corrected immediately and documented.

14. Evaluate all excavations to insure proper trenching and shoring procedures are in place and provide employee training on the proper use of excavating equipment.

15. All part-time, seasonal and temporary employees should comply with the same safety standards and policies as permanent employees.

16. As violence in the workplace is increasing annually, consider implementing a Workplace Violence policy.

MOTOR VEHICLES

17. Establish a written policy instructing operators of motor vehicles to be observant of any malfunction and seek immediate repair when such malfunction is apparent. A record of any action taken should be maintained.

18. Evaluate traffic safety programs using the DOT guidelines when working near roadways and insure conformance with safety guidelines. These guidelines can be obtained by calling the American Assc. of State Highway Officials 1-800-231-3475 and requesting the *Manual on Uniform Traffic Control Devices for Streets and Highways*. The cost is \$120.00 online at <https://bookstore.transportation.org/>.

19. Consider defensive driving courses for those employees who drive vehicles. It is recommended that all drivers attend a defensive driving course every two years. AMIC and MWCF provides a Skid Car Training Program for operators of all municipal vehicles.

20. Have a written vehicle operations policy that details the requirements and responsibilities of safely operating a municipal vehicle, mandates seat belt use for driver and all passengers, and prohibits the use of cell phones including text messaging while driving.

POLICE DEPARTMENTS (WHERE APPLICABLE)

21. Consider requiring that all Police Officers wear bullet resistant vests and wear reflective vests when involved in traffic control duty.

22. Implement a written police and jail procedure manual (where applicable) with rules and regulations updated periodically.

23. Consider utilizing available law enforcement training aids such as the Fire Arms Training System (FATS) available through MWCF.

24. Consider providing coverage for all volunteer firemen and reserve police officers through MWCF.

Number of non-elected paid employees 236

Lawrence T. Oden

Mayor or Chief Executive Officer (Please Print)

David G. Kennedy, Battalion Chief-Safety & Training

Safety Coordinator (Please Print)

Mayor or Chief Executive Officer (Signature)

City of Mountain Brook

Municipality or Agency

Safety Coordinator (Signature)

Date ~~2-21-13~~ 02/25/2013

A safety meeting to discuss this safety commitment should be held with all department heads as soon as possible after this Statement of Commitment is signed. Document the time, place and attendees at this meeting. MWCF should be notified immediately of any changes in the Safety Coordinator position by calling Donna Wagner at (334) 262-2566.

M E M O

Date: 02/19/13

To: City Council
City Manager
City Clerk

From: Carole Epstein

RE: Village Design Review Appointments

Ellen Elsas, having served on the Village Design Review Committee since 2002, has expressed a desire to step down as a full member to a supernumerary position on the Village Design Review Committee. She wants to continue to serve on the Committee as Chair of the Village Design Review Ordinance Committee and feels that by stepping down, she will have more time to devote to the process of revamping the VDR Ordinance.

Ellen has recommended that Bo Grisham be advanced to a full member position. In this position, Bo will be able to serve as Co-Chair of the VDR.

The VDR is in full agreement with this proposal and they hope that you, the Council, will agree.

RESOLUTION NO. 2013-032

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Ellen Elsas is hereby appointed to serve as a supernumerary member to the Design Review Committee, to serve without compensation, with this term of office to end February 1, 2014.

ADOPTED: This 25th day of February, 2013.

Council President

APPROVED: This 25th day of February, 2013.

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 February 25, 2013, as same appears in the minutes of record of said meeting.

City Clerk

2013-032

RESOLUTION NO. 2013-033

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that James Ernest Grisham, III, is hereby appointed as a full member to the Village Design Review Committee, to serve without compensation, with the term of office to end April 13, 2015.

ADOPTED: This 25th day of February, 2013.

Council President

APPROVED: This 25th day of February, 2013.

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 February 25, 2013, as same appears in the minutes of record of said meeting.

City Clerk

2013-033



CITY OF MOUNTAIN BROOK

P. O. Box 130009
Mountain Brook, Alabama 35213-0009
Telephone: 205.802.2400
Facsimile: 205.879.6913
www.mtnbrook.org

ARBOR WEEK PROCLAMATION

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Lawrence T. Oden, Mayor of the City of Mountain Brook, do hereby **proclaim** February 24, 2013 through March 2, 2013, as

ARBOR WEEK

in the City of Mountain Brook, and I urge all residents to celebrate the occasion and to support efforts to protect our trees and woodlands, and

Further, I urge all residents to plant trees to gladden the heart and promote the well-being of this and future generations.

Given under my hand and the City of Mountain Brook, Alabama, on this 25th day of February, in the year of our Lord, 2013, and of the Independence of the United States of America.

Lawrence T. Oden, Mayor

2013-034

RESOLUTION NO. 2013-035

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional use application submitted by Village Dermatology to relocate its medical office (service use) to 2900 Cahaba Road (Old Union Carbide building).

ADOPTED: This 25th day of February, 2013.

Council President

APPROVED: This 25th day of February, 2013.

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 February 25, 2013, as same appears in the minutes of record of said meeting.

City Clerk



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP
City Planner
3928 Montclair Road, Suite 230
Mountain Brook, Alabama 35213
Telephone: 205/802-3821
Fax: 205.879.6913
hazend@mtnbrook.org
www.mtnbrook.org

MEMO

DATE: February 20, 2013

TO: Mayor, City Council
City Manager
City Attorney

FROM: Dana Hazen, City Planner

RE: 2900 Cahaba Road (Union Carbide building in Mountain Brook Village)
Village Dermatology

Village Dermatology is currently located in Mountain Brook Village at 2901 Cahaba Road. The proposal is to relocate across the street (and “up the hill”) in the Union Carbide building.

As noted in the attached letter from the applicant, over the past five years Village Dermatology has outgrown its present location (now with 3 dermatologists and 30 employees), perhaps putting some strain on the street parking in the village. With the proposed relocation to the Union Carbide building the employee/patient parking demand would be more appropriately provided in the parking lot of the new location and would free up a portion of the on-street parking on the local streets below.

The Union Carbide office building is “to-code” with respect to parking, having 100 parking spaces for approximately 25,000 square feet. In a field survey conducted on February 20, 2013, it was noted that 61 of the 100 parking spaces were vacant (the building is partially occupied with other tenants). In addition to the existing on-site parking, the applicant notes in her letter to the Council that Village Dermatology intends to add more on-site parking to the site in order to provide additional patron parking closer to the entrance.

The zoning ordinance requires council approval of service uses as a conditional use, and states that any proposed conditional use will be reviewed as to the following:

- Whether the use would disparately impact public parking in the area;
- Whether vehicular or pedestrian circulation would be impacted by the use;
- Whether the use is compatible with surrounding existing uses;
- Whether the hours of operation or peak traffic times would impact existing uses.



Dear City Council,

Village Dermatology is about to celebrate our fifth anniversary! We began at 2901 Cahaba Road in the old Iron Art Building. What an awesome five years! Our practice started with just one dermatologist and only four other employees. We now have 3 dermatologists and just under thirty employees! We are proud to provide quality medical care to Mountain Brook families and patients from surrounding cities. We offer services including medical and surgical dermatology, cosmetic and laser procedures, and aesthetician services. We also sell physician grade skincare products. We are open from 7:30 am through 5:30 pm Monday through Friday. We are hoping to add Saturdays at some point. Because of our enormous growth, we will be relocating, with your permission, across the street to 2900 Cahaba Road, Suites 120 and 200. We are excited to renovate part of the first floor and all of the second floor of the building, with total square footage of just over 11,000 square feet. Advantages to patients will include much better parking, more exam rooms, a separate pediatric waiting room, and not to mention beautiful views of Mountain Brook Village! The improvements we are planning to make to this historic building will make our residents proud! We are already making plans with All Seasons Travel, a current tenant, to work together to make the lobby more "current" and aesthetically pleasing. The owners of the building have committed to improving the exterior of the building as well. We are even planning to add 10-15 parking spaces closer to the main entrance.

In our decision to relocate, the one "must have" was to stay in Mountain Brook Village. We know that the convenience to our patients has been and will continue to be vital to our success. I was so excited to learn about this incredible opportunity. And I ask you, the City Council, to join with me to allow Village Dermatology continued success in our great City of Mountain Brook.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Jenny Sobera", with a long horizontal line extending to the right.

Jenny Sobera, MD
Village Dermatology

Village Dermatology



Existing Location



Proposed Location



RESOLUTION NO. 2013-036

WHEREAS, on July 24, 2012, the City Manager of the City of Mountain Brook ("City Manager") mailed a Notice to Remedy under Ala. Code (1975) § 11-40-31 to the owner and interested parties of record of **2210 Sterlingwood Drive, Mountain Brook, AL 35243** informing them that the burned residential structure at said address constituted a public nuisance;

WHEREAS, said property is further described as **Lot 8, Survey of Sterlingwood, as recorded in Map Book 173, page 87, in the Probate Office of Jefferson County, Alabama**, and known by local tax officials as **Parcel ID 28-21-1-5-14.000-RR-0**;

WHEREAS, pursuant to Ala. Code (1975) § 11-40-32, the City Council of the City of Mountain Brook held a hearing on October 22, 2012 to consider the findings of the City Manager in his Notice to Remedy, affirmed those findings without modification, and authorized him to notify the owner and interested parties that such nuisance would need to be abated;

WHEREAS, neither the owner nor any interested party abated the public nuisance within thirty days after the City Council's determination, so the City, as authorized under Ala. Code (1975) § 11-40-32, contracted with a demolition company to have the damaged structures removed;

WHEREAS, pursuant to Ala. Code (1975) § 11-40-33, the City Manager has submitted a report to the City Council of the City's expenses in removing the public nuisance (the "Report"), and this Report is attached hereto as **Exhibit A** and incorporated to this resolution herein;

WHEREAS, pursuant to Ala. Code (1975) § 11-40-33, the City Clerk sent notice to the owner and all interested parties of record of a hearing this date to fix the costs of the abatement of the nuisance, and said hearing was held at the regularly scheduled meeting of the City Council on February 25, 2013 so that the owner or other interested party could object to the costs of abating the public nuisance;

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

1. The City Council hereby approves the City Manager's Report as submitted and fixes the reasonable costs of the demolition of damaged structures and abatement of the public nuisance at 2210 Sterlingwood Drive to be **\$12,881.68**.
2. These costs now fixed at \$12,881.68 constitute a special assessment and a lien against **Lot 8, Survey of Sterlingwood, as recorded in Map Book 173, page 87, in the Probate Office of Jefferson County, Alabama** in that amount.
3. Pursuant to Ala. Code (1975) § 11-40-33, the City's lien against said property shall be superior to all other liens on the property except liens for taxes and shall continue in force until paid.
4. The City Manager is directed to send an invoice with a copy of his Report via certified U.S. Mail to the owner of the property and to demand full payment of \$12,881.68 within thirty days of the mailing.
5. If the City's invoice is not paid in full within thirty days of its mailing, interest at a rate of eight percent per annum shall accrue on any balance unpaid pursuant to Mountain Brook Code of Ordinances § 109-266.

2012-036

6. If the City's invoice is not paid in full within thirty days of its mailing, a certified copy of this resolution shall be filed in the Probate Office of Jefferson County, Alabama so that the tax officials of Jefferson County can add the special assessment to the tax bill on the property.
7. The City Manager is authorized to take any other measures reasonably necessary to perfect the lien against said property.

ADOPTED: This 25th day of February, 2013.

Council President

APPROVED: This 25th day of February, 2013.

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 February 25, 2013, as same appears in the minutes of record of said meeting.

City Clerk

2012-036

MEMO

To: Mayor and City Council
From: Sam S. Gaston, City Manager 
Date: February 20, 2013
Subject: Demolition Costs for 2210 Sterlingwood Drive

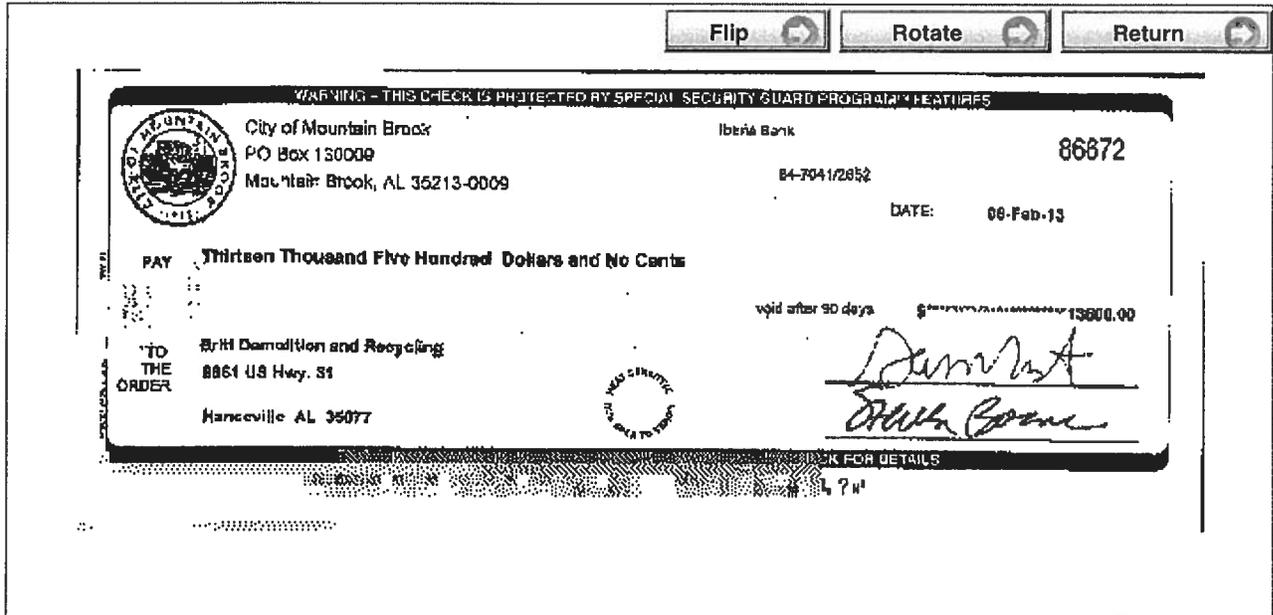
The City has incurred the following expenses to abate the nuisance at the above address

Britt Demolition and Recycling	\$12,500.00
Drainage Repairs by Public Works Dept.	<u>381.68</u>
	\$12,881.68 Total

A copy of the Britt invoice and check and an itemized summary of Public Works' expenses are attached to this memo.

IBERIABANK - (800) 682-32

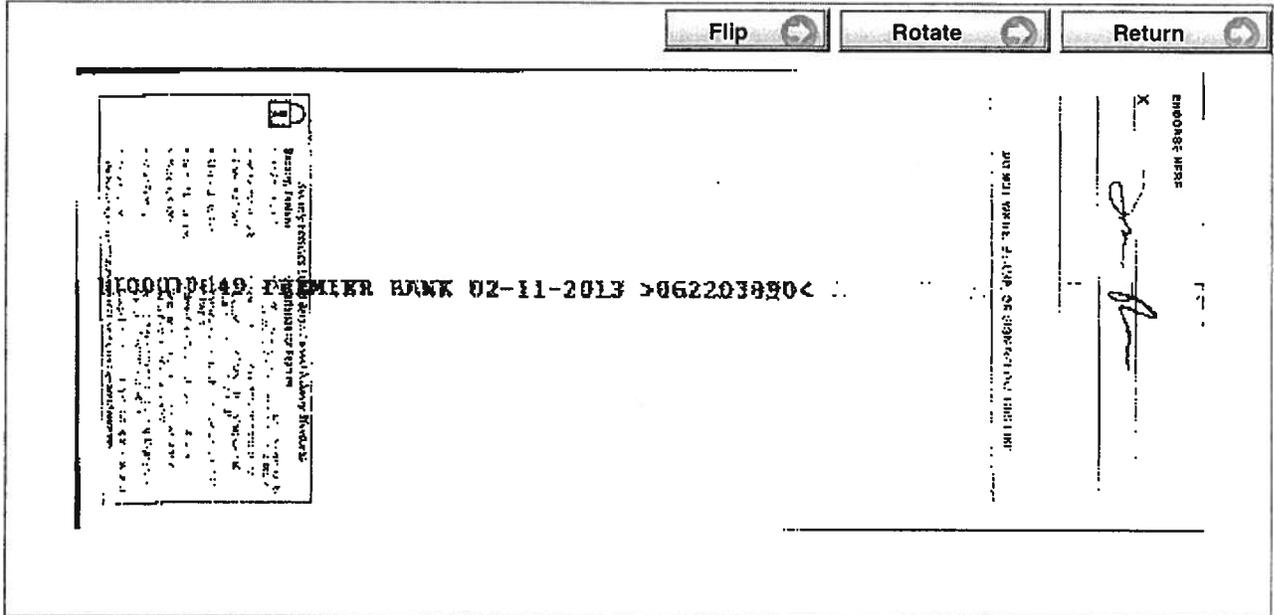
View Check Image



ck \$ 13500.00

IBERIABANK - (800) 682-32

View Check Image



Vendor Checks

Print

Exit

Capture

View

Help

Bank Identifier:

1

To:

9774

Britt Demolition and Recycling

Check No:

86672

Check Date:

08-Feb-2013

Recon Date:

Check Amt:

\$13,500.00

Check Type:

C

Status:

Positive Pay?

Seq	Accounting	C/D	Amount	InvoiceID	PaySeq
0	10011006399	D	\$12,500.00	1	0
				For:	0000 Demo Sterlingwood
1	10020020000	D	\$1,000.00	943247	0
				For:	0000 Demo Refund



INVOICE

Britt Demolition & Recycling

"Making Room to grow"

INVOICE # 1

DATE: FEBRUARY 1, 2013

8861 Us Highway 31
Hanceville, AL 35077
Phone 256 339 0332 Fax 256 739 5756
brittdemolition@gmail.com

LOCATION City of Mountain Brook
**2210 Sterlingwood Drive, Mountain Brook, AL
35243**

SALESPERSON	JOB	PAYMENT TERMS	DUE DATE
Taylor Britt	Emergency Demo	Due on receipt	February 1, 2013

	DESCRIPTION
	<p>Structures are to be demolished in place and leveled to the top of the house's footings unless otherwise noted.</p> <p>The mailbox and its collapsed masonry structure adjacent to Sterlingwood Drive are to be removed.</p> <p>The brick wall and landscaping facing Sterlingwood Drive on the southern face of the house should remain intact for aesthetic and erosion-control purposes.</p> <p>At the southern face of the house, the south garage is to be razed to its concrete slab. The southern, eastern, and northern walls of the house are to be razed to the tops of their footings.</p> <p>The western wall of the house is to be razed to the top of the brick wall or to the concrete slab of the west garage (where there is no brick wall). The brick walls (including the brick walls perpendicular to the weight-bearing wall) should remain intact.</p> <p>The brick stairs going up to the front door are to be removed.</p> <p>The wooden deck in the back of the house is to be removed. The gas grill on the back deck is to be removed.</p> <p>The existing wood and masonry fence enclosing the back yard should remain intact. Vendor shall clear parcel of all demolition debris including fixtures, furniture, appliances, and housewares. Grass is to be planted on any bare ground</p> <p>Anything on the property reasonably considered unsafe, unsanitary, or an attractive nuisance must be removed, or, in the alternative, a hazard not removed is to be secured by barriers or fencing.</p> <p>The shrubbery, and rose bushes on the western side of the house closet to the house might have debris that falls on them and might have to be removed</p> <p>Green colored safety Fencing will be placed from the existing wood and masonry fence to protect the property if needed</p> <p>Permits and sewer plug</p>
	<p>Total Price \$12,500.00</p>

Make all checks payable to Britt Demolition & Recycling

THANK YOU FOR YOUR BUSINESS!

Drainage Repairs

2210 Sterlingwood Drive

2/7/2013

Rehab drainage system at this address
on 02/07/2013.

LABOR:

Employee

	HOURLY	HOURS	Total
Harris, Johnny	RATE	WORKED	
Gay, James	\$ 27.55	1.75	\$ 48.21
Williams, Gary P	23.82	1.75	\$ 41.69
Jay, Mickey	22.7	1.75	\$ 39.73
Harrison, Adam	21.62	1.75	\$ 37.84
Bender, Thomas	20.57	1.75	\$ 36.00
	16.13	1.75	\$ 28.23

EQUIPMENT:

Pick-up Truck			
Crew-cab Truck F550	14	1	\$ 14.00
Crew-cab Truck F450	35	1	\$ 35.00
Sewer Truck	35	1	\$ 35.00
Cement Saw	52.5	1	\$ 52.50
	13.5	1	\$ 13.50
Total cost of Project			\$ 381.68



CITY OF MOUNTAIN BROOK

P. O. Box 130009
Mountain Brook, Alabama 35213-0009
Telephone: 205.802.2400
www.mtnbrook.org

VIA FIRST CLASS U.S. MAIL

February 5, 2013

Jacqueline Nuby
2210 Sterlingwood Drive
Mountain Brook, AL 35243

Jacqueline Nuby
2897 Crowne Ridge Drive
Birmingham, AL 35243

Jacqueline Nuby
P.O. Box 43606
Birmingham, AL 35243-0606

Lester Nuby, Jr.
2210 Sterlingwood Drive
Mountain Brook, AL 35243

Lester Nuby, Jr.
2897 Crowne Ridge Drive
Birmingham, AL 35243

Lester Nuby, Jr.
P.O. Box 43606
Birmingham, AL 35243-0606

Bank of New York Mellon
s/i/I to JPMorgan Chase Bank for
Registered Holder of Novastar Mortgage
Funding Trust, Series 2004-1 Novastar
Home Equity Loan Asset-Backed
Certificates

c/o Ocwen Loan Servicing, LLC
1675 Palm Beach Lakes Blvd., Suite 402
West Palm Beach, FL 33401

c/o Ocwen Loan Servicing, LLC
1661 Worthington Road, Suite 100
West Palm Beach, FL 33409

Ocwen Loan Servicing, LLC
c/o CSC Lawyers Incorporating Svc., Inc.
150 S. Perry Street
Montgomery, AL 36104

Plymouth Park Tax Services, LLC
P.O. Box 2288
Morristown, NJ 07962-2288

Equivest Financial
P.O. Box 980
East Lansing, MI 48826-0980

**RE: Costs of abating nuisance at 2210 Sterlingwood Drive, Mountain Brook, AL
Lot 8, Survey of Sterlingwood, as recorded in Map Book 173, page 87, in the
Probate Office of Jefferson County, Alabama, Par. ID 28-21-1-5-14.000-RR-0**

Dear Mrs. Nuby:

This letter constitutes Notice that the City Council at its regular meeting at 7 p.m.
on February 25, 2013, in the Temporary City Hall, 3928 Montclair Road, Suite 230,

Jacqueline Nuby
February 5, 2013
Page two

Mountain Brook, Alabama 35213, shall consider the report and records of the City Manager in order to determine by resolution the City's costs in abating the public nuisance at 2210 Sterlingwood Drive.

The City contracted the demolition of damaged structures on the property and the removal of the debris on December 10, 2012; the work is now completed. Pursuant to Ala. Code § 11-40-33, the fixing of costs of the abatement by the City Council shall constitute a special assessment against the above-described property. After determining the costs of abatement by resolution, the City shall demand payment from you for the amount. If you do not pay the amount within thirty days, the City shall record the resolution as a lien (for the fixed amount plus statutory interest) in the office of the Jefferson County Probate Court.

You, and any person or entity having interest in the property, have a right to attend this public hearing on February 25, 2013 and to object to the fixing of the costs or the amounts thereof.

Sincerely,

Steven Boone
City Clerk