

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

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

MAY 27, 2014 – 6:00 P.M.

1. Cam's Corner for Overton Park – Shanda Williams. (See attached information.)
2. Restroom for Brookwood Forest Elementary playing field – Shanda Williams. (See attached information.)
3. Library's Children Card – Sue Debrecht. (Information will be presented Monday night.)
4. New state law on expungement – Steve Shaw. (See attached information.)
5. International Residential Code (IRC) amendment to allow waivers by the Building Inspections Superintendent – Carl Johnson and Jerry Weems. (See attached information. This item may be added to the formal agenda.)
6. Noise Ordinance revisions – Whit Colvin. (See attached information.)
7. The Manning Condo project location on Cahaba Road, dedication of additional right-of-way – Whit Colvin. (See attached in information. This item may be added to the formal agenda.)

Cam's Corner

The Heide Family is heading up a memorial project for three year old Cam Cole that passed away suddenly last fall. They will be at the Council Meeting to present the project themselves and answer questions. The following is an overview.

They want to change out some of the older, unused play equipment at Overton Park and replace it with a fire truck playset, a dome climber, and a modern merry-go-round. If enough funds are raised, they want to also add a drinking fountain near the playground. They want to place a sign and name this area Cam's Corner. They have worked with Nimrod Long and the makers of the playground equipment that is already installed at Overton to make sure the new equipment coordinates with the existing pieces.

All of this project will be funded by donations except for the mulch under the playground. They would like to donate the money to the city and have the city oversee the installation. The Park and Recreation Department will remove the existing pieces and provide the mulch that goes under the equipment for safety. The entire project is expected to be under \$50,000.

They are hoping to have a grand opening/memorial service in September around Cam's birthday.

This project was presented at the last Park Board meeting and was given their approval.



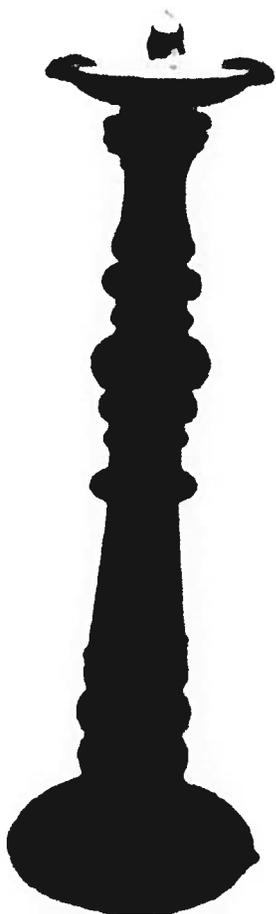
These are the existing pieces that are to be removed.







This is the same water fountain that is at Jemison Park and Mountain Brook Elementary.



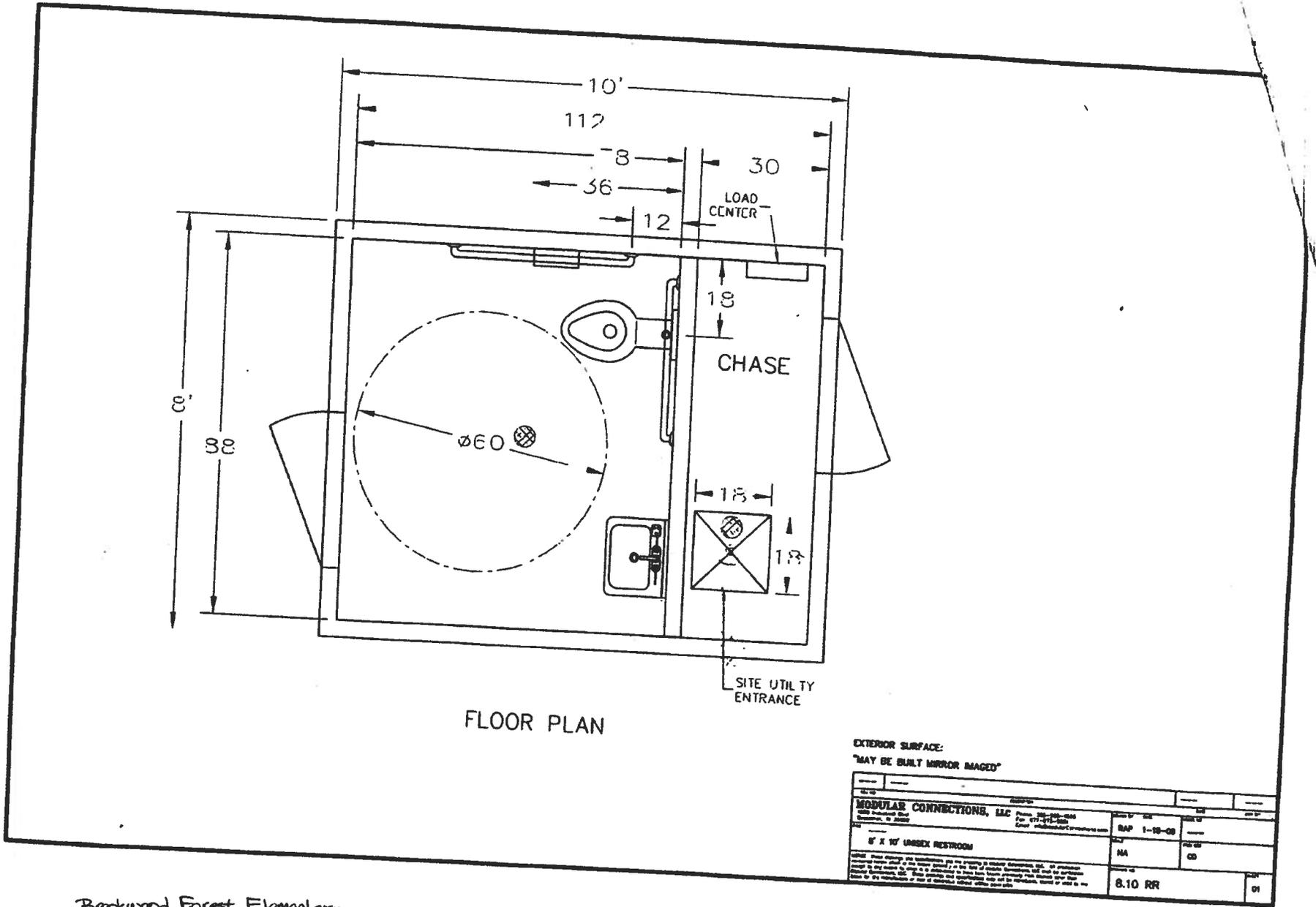
Brookwood Forest Elementary Restroom

This is the update on the modular restroom that has been budgeted to be placed at one of the elementary schools. This restroom will be identical to the one at Overton Park.

The Park Board agreed to place it at Brookwood Forest Elementary. I met with Tommy Prewitt and Danny Baughn and we agreed on a location near the entrance to the field. We also have a secondary location picked out about half way down the field. Tommy then presented it to Dicky Barlow and got his approval. Tommy asked that the corner of the fence be moved so the restroom can be placed as far back as it can be. Pictures have been provided to show these locations.

I am in the process of having the underground power lines located that run from the electrical box to the light poles. The location of these lines will be a big factor in the placement of the restroom and septic tank. Once we have these located and determine that there is clearance for the restroom and septic tank, we will do perc tests.

I will be presenting this information to the Planning Commission on June 2, 2014.

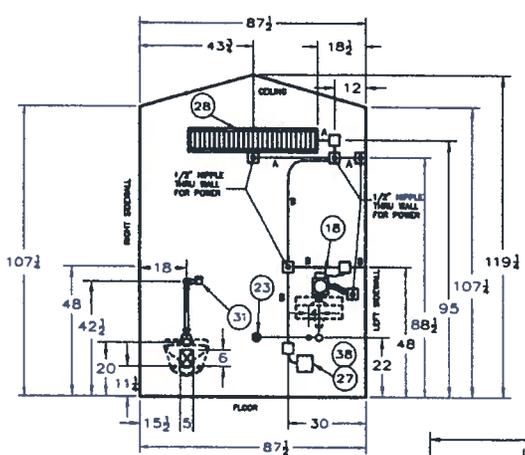


EXTERIOR SURFACE:
"MAY BE BUILT MIRROR IMAGED"

MODULAR CONNECTIONS, LLC <small>1000 Industrial Blvd Columbus, IN 47306</small>		Phone: 317-535-2500 Fax: 317-535-2500 Email: info@modularconnections.com	Date of Bid: _____ Bid No: RAP 1-10-08 Bid No: _____ Bid No: _____
8' X 10' UNISEX RESTROOM		Make: NA Model: CD	Price: 8.10 RR Unit: 01

Brackwood Forest Elementary
 3701 South Brackwood Rd

Floor plan of proposed restroom. It will be the same as the one at Overton Park.



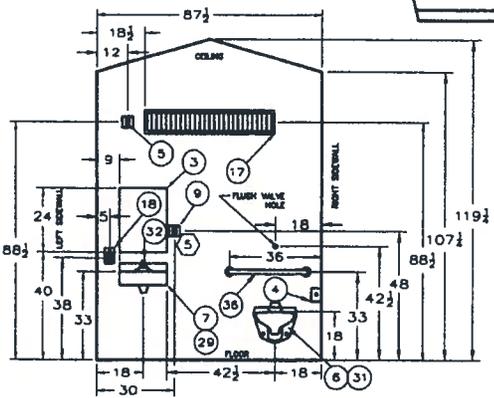
PARTITION WALL VIEW B
(CHASE WALL)

CONDUIT KEY

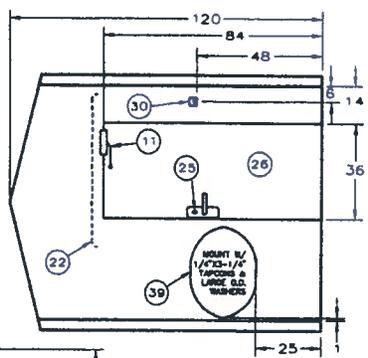
(0) A = 1/2" (L.V.) (0) G = 3" (L.V.)
 (0) B = 3/4" (L.V.) (0) H = 4" (L.V.)
 (0) C = 1" (L.V.)
 (0) D = 1-1/4" (L.V.)
 (0) E = 2" (L.V.)
 (0) F = 2-1/2" (L.V.)

NOTES:
 17LV DESIGNATES LOW VOLTAGE CONDUIT.
 27LV DESIGNATES RIGID CONDUIT.

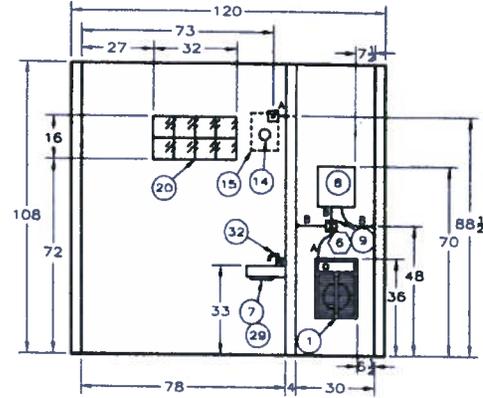
STANDARD CONDUIT FITTINGS AND BUSHINGS
 1/2" BUSHING TYPE BUT FITTINGS UNLESS
 SPECIFIED OTHERWISE ON DRAWING



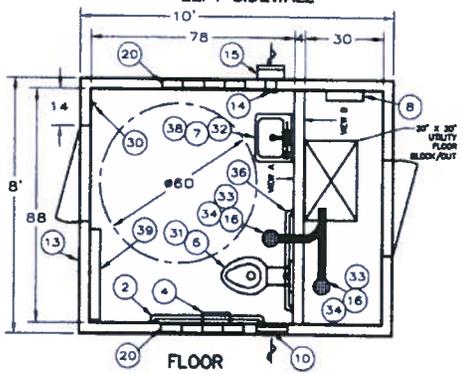
PARTITION WALL VIEW A
(INTERIOR WALL)



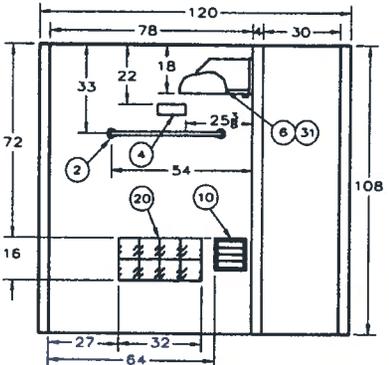
FRONT ENDWALL



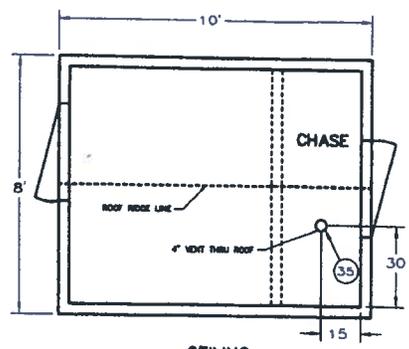
LEFT SIDEWALL



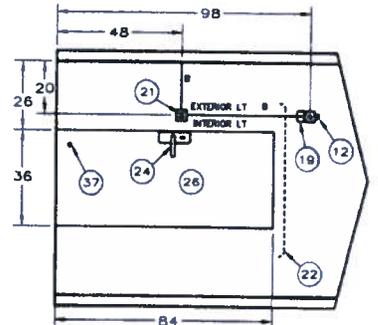
FLOOR



RIGHT SIDEWALL



CEILING
REFLECTED VIEW

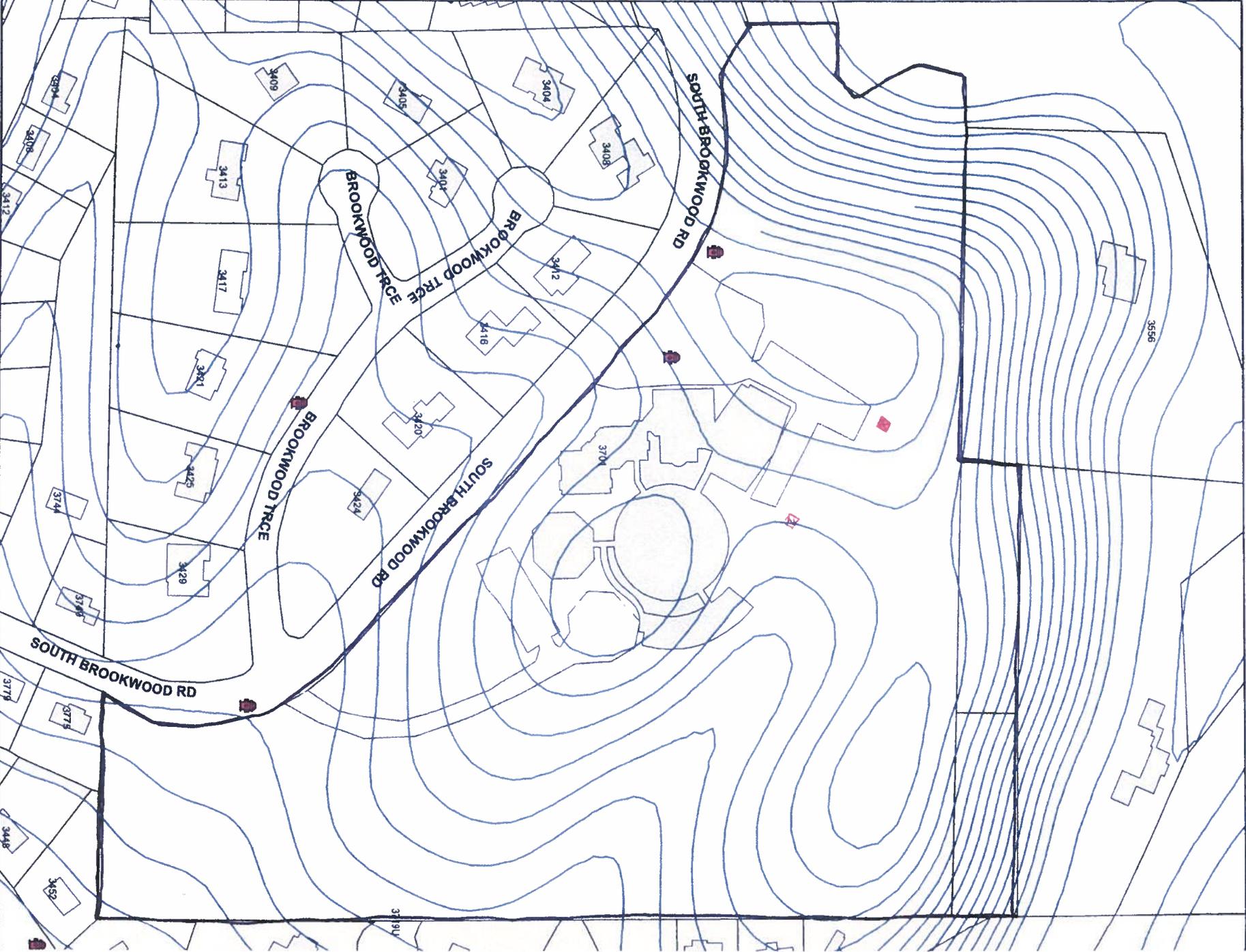


REAR ENDWALL

EXTERIOR SURFACE: SMOOTH CONCRETE FINE TEXTURE PAINTED (STONE CREEK 464-M)
 ROOF SURFACE: SMOOTH CONCRETE
 WALLS & CEILING: SMOOTH PAINTED - (WHITE)
 FLOOR: SMOOTH FINISH EPOXY PAINTED CONCRETE FLOOR- (GRAY)
 MAY BE BUILT MIRROR IMAGED

R1	GENERAL REVISION	11-4-10	JR
MODULAR CONNECTIONS, LLC 1000 Industrial Blvd Brentwood, TN 37027 Phone: 615-899-2025 Fax: 615-877-8888 Email: info@modularconnections.com			
PROJECT	MOUNTAIN BROOK PARK & RECREATION 8' X 10' X 6' SHED	DATE	11-4-10
DESIGNER	NA	PROJECT NO.	MDP408
DATE	11-4-10	SCALE	GLP
PROJECT NO.	D10130 R1	DATE	02

Brookwood Forest Elementary
 3701 South Brookwood Rd



Proposed Site

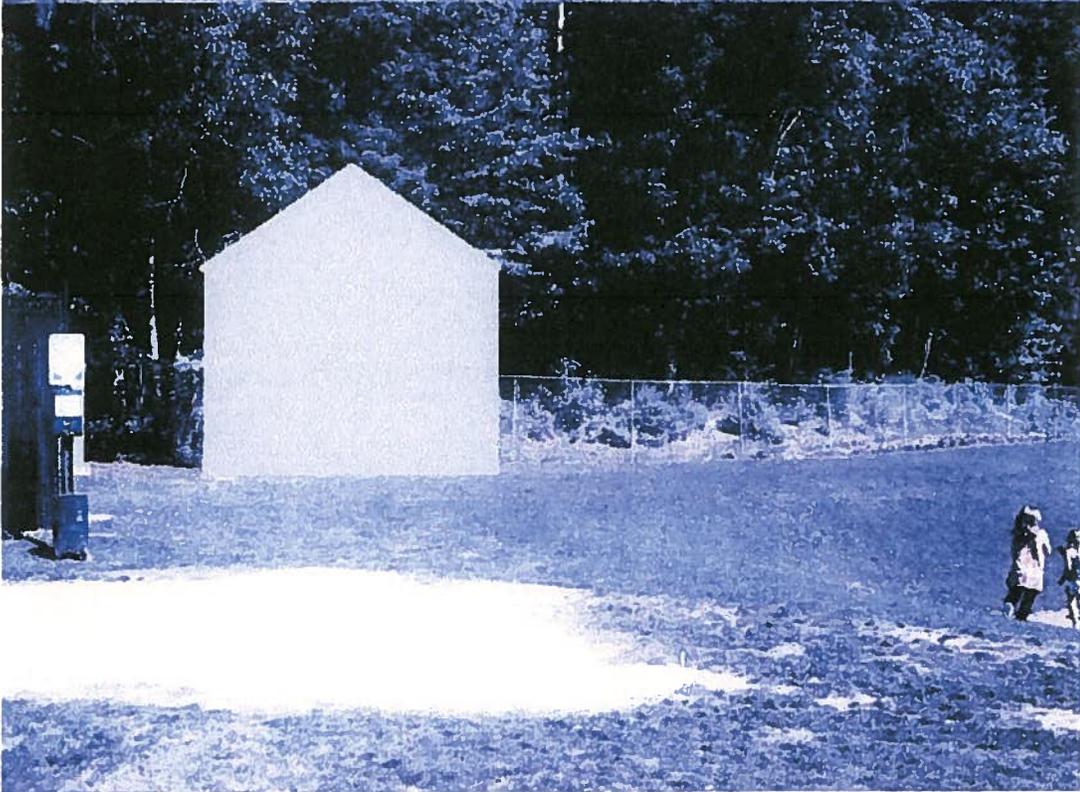
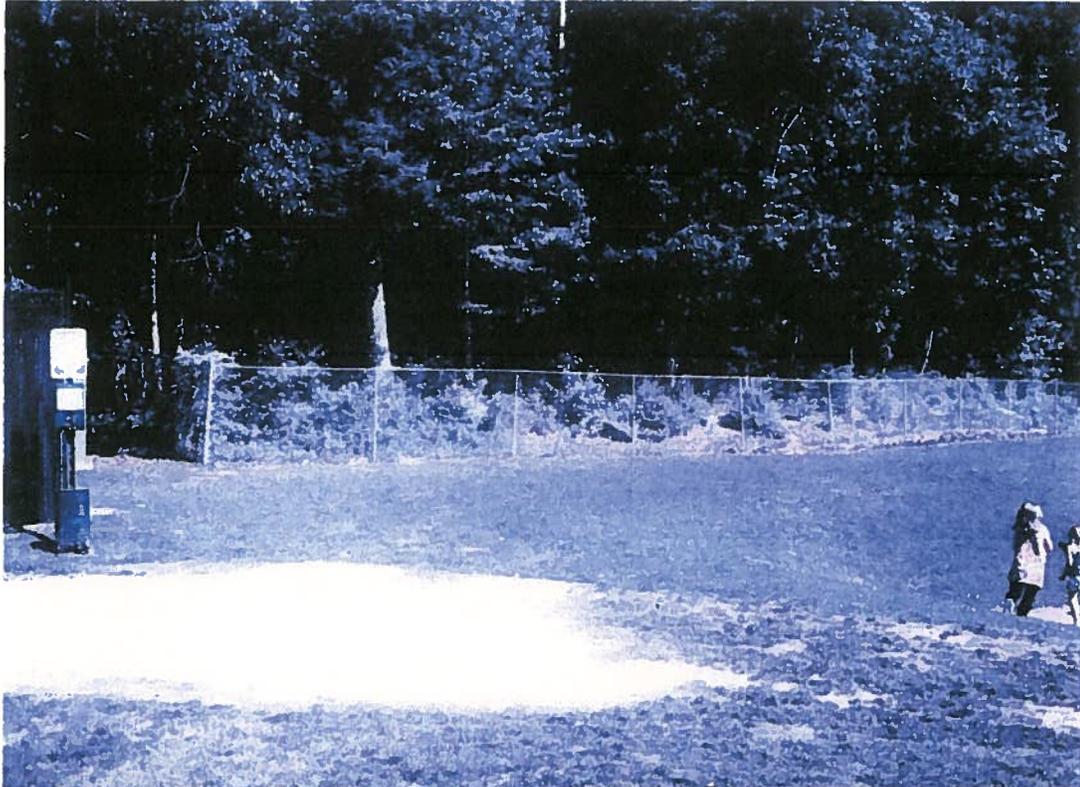
Alternate site

Brookwood Forest Elementary
4701 South Brookwood Rd



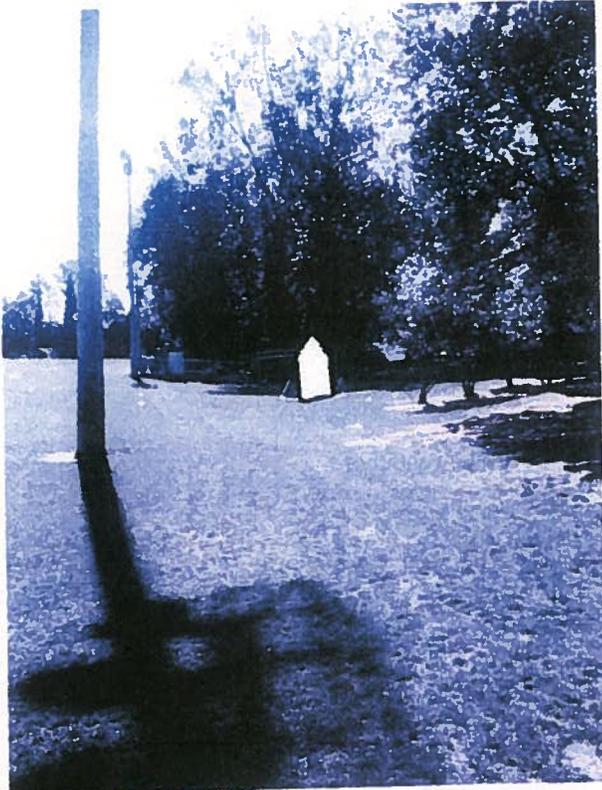
Brookwood Forest Elementary
3701 South Brookwood Rd

- ☒ Proposed site for 8' x 10' Modular Restroom building with septic tank
- ☐ 2 Alternate site if first site does not work.



Brookwood Forest Elementary
3701 South Brookwood Rd

We are looking at removing/moving back the chain link fence. We want to place the building as far back as we can without damaging any trees. The septic tank would then be placed in front of the building. The septic lines would be parallel to the fence.



Brookwood Forest Elementary
3701 South Brookwood Rd
Alternate Site : about the middle of field

- 4. Archival Record Search (closed cases): \$25.00
- Consideration of additional costs
- Restitution
- Local Administrative fees

Consideration of Additional Local Requirements

- Fees
- Community Service
- Rehabilitation Programs

Additional Request for Future Legislation or Administrative Needs

Overview of Expungement Law, Act 2014-292: Exhibit 1

Effective July 7, 2014

Applies only to charges and not convictions

Applies to municipalities as well as to state prosecutions

Applies to misdemeanors, violations, traffic violations, municipal ordinances and certain felonies.

Is not a matter of right

1. Section 1 (page 5) - Misdemeanor charges and not convictions

Filed in Circuit Court of Jefferson County

Petition may be filed when:

- A. Charges are dismissed with prejudice.
- B. When charges have been no billed by grand jury.
- C. When the person was found not guilty.
- D. When charges are dismissed without prejudice but more than two years have passed (subject to other restrictions).

2. Section 2 (page2) - Felony Charges except for violent offenses. Violent offenses under Ala. Code §12-25-32 are attached as Exhibit 2.

Petition may be filed when:

- A. Charges are dismissed with prejudice.
- B. Charges have been no billed by a grand jury.
- C. The person has been found not guilty of the charge.
- D. Successful completion of drug court program or other similar programs after one year from successful completion.
- E. Charge was dismissed without prejudice more than five years ago.
- F. Ninety days have passed from the date of dismissal with prejudice and charges have not been refiled.

3. Section 3 (page 3) - Contents of Petition

- A. A petition filed under the Act would include a sworn statement that the person has satisfied the requirements of the Act and whether they have previously applied for an expungement.
- B. Petition shall include a certified copy of arrest, disposition or case action summary and certified official criminal record from Alabama Criminal Justice Information Center. The nature of the criminal charges are to be included and law enforcement agencies involved.
- C. Serve prosecutor, law enforcement agency and clerk of court. District Attorney (Prosecutor) is to make reasonable efforts to notify victim.

D. District Attorney has forty-five days to file written objection or waived.

4. Section 4 (page 4) - Court Costs and Fees

In addition to costs of court or docket fee, an administrative fee of \$300.00 shall be paid. (6) "Fifty dollars, (\$50.00) to the general fund of the county where the arresting law enforcement agency is located if the arrest was made by the sheriff's office to be used for law enforcement purposes, or, if the arrest was made by another law enforcement agency, to the municipality or other entity or state agency funding the law enforcement activity."

5. Section 5 (page 6) - Hearing/Trial

If prosecuting authority or victim files an objection the Circuit Court will set a hearing date. The statute lists the considerations to be followed by the Circuit Court. The Alabama Rules of Evidence apply. Leave of court has to be obtained for taking of witness testimony.

"There is no right to expungement" and the request may be "denied at the sole discretion of the court." The Court shall grant the petition and if it is reasonable satisfied from the evidence that the petitioner has complied with and satisfied the requirements of the Act.

6. Section 6 (page 8) - Enforcement of Order

If the petition is granted, the Court shall order the expungement of "all records in the custody of the court and any records in the custody of any other agency or official,

including law enforcement records, except”

(b) “After the expungement of records... the proceedings regarding the charge shall be deemed never to have occurred.” (page 9) “Except as provided in this act, the court and other agencies shall reply to any inquire that no record exist on the matter.”

7. Section 7 (page 10) - Upon receipt of the order, a criminal justice agency in possession of records shall forward the records to the Alabama Criminal Justice Information Center.

8. Section 8 (page 10) - Once the records are expunged the records should be forwarded to the Alabama Criminal Justice Information Center for archiving.

9. Section 9 (page 11) - The term “record” includes

A. Arrest records

B. Booking or arrest photographs of the petitioner

C. Index references such as the State Judicial Information System or any other governmental index references for public records search (Alacourt)

D. Other data, whether in documentary or electronic form, related to the arrest or charge.

10. Section 10 (page 11) - Law enforcement agency or prosecutor may maintain an investigative file.

11. Section 11 (page 11) - Order of expungement may include identifying factors

of the petitioner.

12. Section 12 (page 12) - No order of expungement may be granted unless restitution, fines and court costs are paid.

13. Section 13 (page 12) - Administrative Office of Court will provide annual reports to Legislature.

14. Section 14 (page 12) - The Act does not apply to Alabama Securities Exchange Commission.

15. Section 15 (page 13) - Firearms

Does not allow possession of a firearm unless a pardon and restoration of a civil rights has been received.

16. Section 16 (page 13) - Prohibition on revealing certain information after expungement is granted.

17. Section 17 (page 14) - The decision to expunge may be reversed if the petition was based on false pretenses.

18. Section 18 (page 14) - Applicants for law enforcement shall disclose expunged records and law enforcement may have access to archived records.

19. Section 19 (page 15) - Alabama Criminal Justice Information Center Commission shall adopt rules for submission of data.

20. Section 20 (page 15) - The bill has a purpose of increased expenditure of local funds.

21. Section 21 (page 15and16) - Effective ninety days from approval by the Governor which occurred on April 7, 2014.

ACT #2014-292

1 SB108
2 160982-2
3 By Senator Bedford
4 RFD: Judiciary
5 First Read: 14-JAN-14
6 PFD: 01/13/2014



1 SB108

2
3
4 ENROLLED, An Act,

5 To authorize a person to petition a court to have
6 the record of certain felony or misdemeanor offenses,
7 violations, traffic violations, or municipal ordinance
8 violations expunged in certain instances; and in connection
9 therewith would have as its purpose or effect the requirement
10 of a new or increased expenditure of local funds within the
11 meaning of Amendment 621 of the Constitution of Alabama of
12 1901, now appearing as Section 111.05 of the Official
13 Recompilation of the Constitution of Alabama of 1901, as
14 amended.

15 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

16 Section 1. (a) A person who has been charged with a
17 misdemeanor criminal offense, a violation, a traffic
18 violation, or a municipal ordinance violation may file a
19 petition in the criminal division of the circuit court in the
20 county in which the charges were filed, to expunge records
21 relating to the charge in any of the following circumstances:

22 (1) When the charge is dismissed with prejudice.

23 (2) When the charge has been no billed by a grand
24 jury.

1 (3) When the person has been found not guilty of the
2 charge.

3 (4) When the charge was dismissed without prejudice
4 more than two years ago, has not been refiled, and the person
5 has not been convicted of any other felony or misdemeanor
6 crime, any violation, or any traffic violation, excluding
7 minor traffic violations, during the previous two years.

8 (b) The circuit court shall have exclusive
9 jurisdiction of a petition filed under subsection (a).

10 Section 2. (a) A person who has been charged with a
11 felony offense, except a violent offense as defined in Section
12 12-25-32(14), Code of Alabama 1975, may file a petition in the
13 criminal division of the circuit court in the county in which
14 the charges were filed, to expunge records relating to the
15 charge in any of the following circumstances:

16 (1) When the charge is dismissed with prejudice.

17 (2) When the charge has been no billed by a grand
18 jury.

19 (3) When the person has been found not guilty of the
20 charge.

21 (4)a. The charge was dismissed after successful
22 completion of a drug court program, mental health court
23 program, diversion program, veteran's court, or any
24 court-approved deferred prosecution program after one year
25 from successful completion of the program.

1 b. Expungement may be a court-ordered condition of a
2 program listed in paragraph a.

3 (5) The charge was dismissed without prejudice more
4 than five years ago, has not been refiled, and the person has
5 not been convicted of any other felony or misdemeanor crime,
6 any violation, or any traffic violation, excluding minor
7 traffic violations, during the previous five years.

8 (6) Ninety days have passed from the date of
9 dismissal with prejudice, no-bill, acquittal, or nolle
10 prosequi and the charge has not been refiled.

11 (b) The circuit court shall have exclusive
12 jurisdiction of a petition filed under subsection (a).

13 Section 3. (a) A petition filed under this act shall
14 include a sworn statement made by the person seeking
15 expungement under the penalty of perjury stating that the
16 person has satisfied the requirements set out in this act and
17 whether he or she has previously applied for an expungement in
18 any jurisdiction and whether an expungement has been
19 previously granted.

20 (b) The petitioner shall include a certified record
21 of arrest, disposition, or the case action summary from the
22 appropriate agency for the court record the petitioner seeks
23 to have expunged as well as a certified official criminal
24 record obtained from the Alabama Criminal Justice Information
25 Center. In addition to setting forth grounds for the court to

1 consider, the petitioner shall specify what criminal charges
2 from the record are to be considered, further specify the
3 agency or department that made the arrest and any agency or
4 department where the petitioner was booked or was incarcerated
5 or detained pursuant to the arrest or charge sought to be
6 expunged.

7 (c) A petitioner shall serve the district attorney,
8 the law enforcement agency, and clerk of court of the
9 jurisdiction for which the records are sought to be expunged,
10 a copy of the petition, and the sworn affidavit. The district
11 attorney shall review the petition and may make reasonable
12 efforts to notify the victim if the petition has been filed
13 seeking an expungement under circumstances enumerated in
14 paragraph a. of subdivision (4) of Section 2 involving a
15 victim that is not a governmental entity. The district
16 attorney and the victim shall have a period of 45 days to file
17 a written objection to the granting of the petition or the
18 district attorney shall be deemed to have waived the right to
19 object. The district attorney shall serve the petitioner or
20 the petitioner's counsel a copy of the written objection.

21 Section 4. (a) In addition to any cost of court or
22 docket fee for filing the petition in circuit court, an
23 administrative filing fee of three hundred dollars (\$300)
24 shall be paid at the time the petition is filed and is a
25 condition precedent to any ruling of the court pursuant to

1 this act. The administrative filing fee shall not be waived by
2 the court and shall be distributed as follows:

3 (1) Seventy-five dollars (\$75) to the State Judicial
4 Administrative Fund.

5 (2) Twenty-five dollars (\$25) to the Alabama
6 Department of Forensic Sciences.

7 (3) Fifty dollars (\$50) to the district attorney's
8 office.

9 (4) Fifty dollars (\$50) to the clerk's office of the
10 circuit court having jurisdiction over the matter, for the use
11 and benefit of the circuit court clerk.

12 (5) Fifty dollars (\$50) to the Public Safety Fund.

13 (6) Fifty dollars (\$50) to the general fund of the
14 county where the arresting law enforcement agency is located
15 if the arrest was made by the sheriff's office to be used for
16 law enforcement purposes, or, if the arrest was made by
17 another law enforcement agency, to the municipality or other
18 entity or state agency funding the law enforcement activity.

19 (b) Notwithstanding subsection (a), a person seeking
20 relief under this act may apply for indigent status by
21 completing an Affidavit of Substantial Hardship and Order
22 which shall be submitted with the petition. If the court finds
23 the petitioner is indigent, the court may set forth a payment
24 plan for the petitioner to satisfy the filing fee over a

1 period of time, which shall be paid in full, prior to any
2 order granting an expungement.

3 (c) If a petitioner seeks expungement of an arrest
4 record and the court in the original case made a clear and
5 unequivocal judicial finding on the record that the arrest had
6 no foundation of probable cause, the court, in the expungement
7 proceeding, shall waive all docket fees and court costs,
8 except for the filling fee in subsection (a).

9 Section 5. (a) If the prosecuting authority or
10 victim files an objection to the granting of a petition under
11 this act, the court having jurisdiction over the matter shall
12 set a date for a hearing no sooner than 14 days from the
13 filing of the objection. The court shall notify the
14 prosecuting authority and the petitioner of the hearing date.
15 In the discretion of the court, the court shall consider the
16 following factors:

- 17 (1) Nature and seriousness of the offense committed.
18 (2) Circumstances under which the offense occurred.
19 (3) Date of the offense.
20 (4) Age of the person when the offense was
21 committed.
22 (5) Whether the offense was an isolated or repeated
23 incident.
24 (6) Other conditions which may have contributed to
25 the offense.

1 (7) An available probation or parole record, report,
2 or recommendation.

3 (8) Whether the offense was dismissed or nolle
4 prossed as part of a negotiated plea agreement and the
5 petitioner plead guilty to another related or lesser offense.

6 (9) Evidence of rehabilitation, including good
7 conduct in prison or jail, in the community, counseling or
8 psychiatric treatment received, acquisition of additional
9 academic or vocational schooling, successful business or
10 employment history, and the recommendation of his or her
11 supervisors or other persons in the community.

12 (10) Any other matter the court deems relevant,
13 which may include, but is not limited to, a prior expungement
14 of the petitioner's records.

15 (b) A hearing under subsection (a) shall be
16 conducted in a manner prescribed by the trial judge and shall
17 include oral argument and review of relevant documentation in
18 support of, or in objection to, the granting of the petition.
19 The Alabama Rules of Evidence shall apply to the hearing.
20 Leave of the court shall be obtained for the taking of witness
21 testimony relating to any disputed fact.

22 (c) There is no right to the expungement of any
23 criminal record, and any request for expungement of a criminal
24 record may be denied at the sole discretion of the court. The
25 court shall grant the petition if it is reasonably satisfied

1 from the evidence that the petitioner has complied with and
2 satisfied the requirements of this act. The court shall have
3 discretion over the number of cases that may be expunged
4 pursuant to this act after the first case is expunged. The
5 ruling of the court shall be subject to certiorari review and
6 shall not be reversed absent a showing of an abuse of
7 discretion.

8 (d) If no objection to a petition is filed by the
9 prosecuting authority or victim, the court having jurisdiction
10 over the matter may rule on the merits of the petition without
11 setting the matter for hearing. In such cases, the court shall
12 grant the petition if it is reasonably satisfied from the
13 evidence that the petitioner has complied with and satisfied
14 the requirements of this act. The court shall have discretion
15 over the number of cases that may be expunged pursuant to this
16 act after the first case is expunged.

17 Section 6. (a) Except as provided in Section 10,
18 upon the granting of a petition pursuant to this act, the
19 court, pursuant to Section 9, shall order the expungement of
20 all records in the custody of the court and any records in the
21 custody of any other agency or official, including law
22 enforcement records, except privileged presentence or
23 postsentence investigation reports produced by the Alabama
24 Board of Pardons and Paroles and its officers, records,
25 documents, databases, and files of the district attorney and

1 the Office of Prosecution Services. On the effective date of
2 this act and for 18 months thereafter, every agency with
3 records relating to the arrest, charge, or other matters
4 arising out of the arrest or charge that is ordered to expunge
5 the records shall certify to the court within 180 days of the
6 entry of the expungement order that the required expungement
7 action has been completed.

8 (b) After the expungement of records pursuant to
9 subsection (a), the proceedings regarding the charge shall be
10 deemed never to have occurred. Except as provided in this act,
11 the court and other agencies shall reply to any inquiry that
12 no record exists on the matter. The petitioner whose record
13 was expunged shall not have to disclose the fact of the record
14 or any matter relating thereto on an application for
15 employment, credit, or other type of application. However, the
16 petitioner whose record was expunged shall have the duty to
17 disclose the fact of the record and any matter relating
18 thereto to any government regulatory or licensing agency, any
19 utility and its agents and affiliates, or any bank or other
20 financial institution. In these circumstances, the government
21 regulatory or licensing agency, utility and its agents and
22 affiliates, or the bank or other financial institution shall
23 have the right to inspect the expunged records after filing
24 notice with the court.

1 Section 7. (a) Upon receipt of the order of
2 expungement, a criminal justice agency in possession of
3 records subject to the order shall immediately forward the
4 records to the Alabama Criminal Justice Information Center.
5 The center shall digitally archive the records in a manner
6 prescribed by the Alabama Criminal Justice Information Center
7 Commission and designate the records as protected
8 notwithstanding any other provisions of this act. Such records
9 may not be used for any non-criminal justice purpose and may
10 only be made available to criminal justice agencies upon
11 acknowledgement of an investigation or other criminal matter
12 involving the person related to the expungement. Any expunged
13 records that were added to a federal database shall be
14 requested to be removed and not made available within any
15 interstate criminal database.

16 (b) Records expunged under this act may not be
17 transmitted to the Federal Bureau of Investigation national
18 criminal records repository. Any record subject to be expunged
19 under this act and transmitted to the Federal Bureau of
20 Investigation prior to the expungement of such record shall be
21 requested for withdrawal within the national system by the
22 Alabama Criminal Justice Information Center.

23 Section 8. Once the records are expunged pursuant to
24 this act, the records shall be forwarded to the Alabama
25 Criminal Justice Information Center in a manner prescribed by

1 the Alabama Criminal Justice Information Center Commission for
2 purposes of archiving, and the records shall be stored in a
3 manner prescribed by the Alabama Criminal Justice Information
4 Center Commission. The records shall be retained by the
5 Alabama Criminal Justice Information Center indefinitely.

6 Section 9. For purposes of this act, the term record
7 includes, but is not limited to, all of the following:

8 (1) Arrest records.

9 (2) Booking or arrest photographs of the petitioner.

10 (3) Index references such as the State Judicial
11 Information System or any other governmental index references
12 for public records search.

13 (4) Other data, whether in documentary or electronic
14 form, relating to the arrest or charge.

15 Section 10. Nothing in this act shall prohibit a law
16 enforcement agency or official, district attorney or a
17 prosecuting authority, the Alabama Department of Forensic
18 Sciences, or the Department of Human Resources from
19 maintaining an investigative file, report, case file, or log
20 which may include any evidence, biological evidence,
21 photographs, exhibits, or information in documentary or
22 electronic form.

23 Section 11. An order of expungement, pursuant to
24 this act may include, but is not limited to, the petitioner's
25 true name, all aliases, current physical address, date of

1 birth, Social Security number, or any other vital identifier
2 sufficient to notify the record keeper of the records to be
3 expunged.

4 Section 12. No order of expungement shall be granted
5 unless all terms and conditions, including court ordered
6 restitution, are satisfied and paid in full, including
7 interest, to any victim, or the Alabama Crime Victim's
8 Compensation Commission, as well as court costs, fines, or
9 statutory fees ordered by the sentencing court to have been
10 paid, absent a finding of indigency by the court.

11 Section 13. Upon request, the Administrative Office
12 of Courts shall provide an annual report to the Legislature
13 specifying the number of applicants requesting expungement,
14 the number of expungements granted, a list of the offenses
15 expunged, and a list of the offenses not expunged. The report
16 shall not include any case specific identifying information.

17 Section 14. Nothing in this act shall be applicable
18 to the Alabama Securities Commission, its statutes, rules,
19 regulations, policies, information repository, or records, nor
20 shall any expungement information, record, document, whether
21 printed, electronic, or otherwise, or file which is expunged
22 under this act be considered nondisclosable or nonreportable
23 to or by the Alabama Securities Commission. Any requirement
24 for licensing or registration which includes information that
25 has been otherwise expunged under this act shall remain

1 reportable as required by the Alabama Securities Commission,
2 applicable federal law, or adopted rules and regulations or as
3 required by any securities-related self-regulatory
4 organization rules, policies, or procedures.

5 Section 15. An expungement order shall not entitle
6 an individual to ship, transport, possess, or receive a
7 firearm. Any person whose record of conviction is expunged
8 pursuant to this act may have his or her right to ship,
9 transport, possess, or receive a firearm restored by a
10 Certificate of Pardon with Restoration of Civil and Political
11 Rights from the Alabama Board of Pardons and Paroles.

12 Section 16. (a) Notwithstanding any other provision
13 of this act, an individual who knows an expungement order was
14 granted pursuant to this act and who intentionally and
15 maliciously divulges, makes known, reveals, gives access to,
16 makes public, uses, or otherwise discloses the contents of an
17 expunged file without a court order, or pursuant to a
18 provision of this act, shall be guilty of a Class B
19 misdemeanor.

20 (b) In addition to any other immunity or other civil
21 protection or legal remedy available that an individual or
22 entity may rightfully claim, an agency, department, custodian
23 of records, corporation, business entity, or individual that
24 makes public or disseminates a record that has been judicially
25 expunged pursuant to this act shall be immune from civil

1 liability absent unreasonable, wanton, willful, or intentional
2 conduct.

3 (c) In addition to any other immunity or other civil
4 protection or legal remedy available that an individual or
5 entity may rightfully claim, an agency, department, custodian
6 of records, corporation, business entity, or individual that
7 employs, hires, contracts with, or holds any business or
8 contractual relationship with an individual and is unaware of
9 the existence of a criminal record due to an expungement
10 pursuant to this act shall be immune from civil liability for
11 damages caused by the person, absent unreasonable, wanton,
12 willful, or intentional conduct.

13 Section 17. Upon determination by the court that a
14 petition for expungement was filed under false pretenses and
15 was granted, the order of expungement shall be reversed and
16 the criminal history record shall be restored to reflect the
17 original charges.

18 Section 18. Notwithstanding any other provision of
19 this act, an applicant for a position in law enforcement or
20 corrections or a law enforcement or correctional officer shall
21 disclose and produce any expunged record pursuant to this act
22 or any other state law to the Alabama Peace Officers'
23 Standards and Training Commission, and the commission shall
24 have access to any expunged records sealed or archived
25 pursuant to this act for purposes of certification and

1 regulation of persons as correctional and law enforcement
2 officers.

3 Section 19. The Alabama Criminal Justice Information
4 Center Commission shall adopt rules for the submission of data
5 from criminal justice agencies necessary to complete the
6 criminal history record within the state criminal history
7 repository. Data within the repository shall include all
8 records allowed by federal regulation of state repositories.

9 Section 20. Although this bill would have as its
10 purpose or effect the requirement of a new or increased
11 expenditure of local funds, the bill is excluded from further
12 requirements and application under Amendment 62i, now
13 appearing as Section 111.05 of the Official Recompilation of
14 the Constitution of Alabama of 1901, as amended, because the
15 bill defines a new crime or amends the definition of an
16 existing crime.

17 Section 21. This act shall become effective 90 days
18 following its passage and approval by the Governor, or its
19 otherwise becoming law.

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Ray Ivey

President and Presiding Officer of the Senate

~~_____~~

Speaker of the House of Representatives

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SB108

Senate 23-JAN-14

I hereby certify that the within Act originated in and passed the Senate, as amended.

Senate 01-APR-14

I hereby certify that the within Act originated in and passed the Senate, as amended by Conference Committee Report.

Patrick Harris
Secretary

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House of Representatives
Passed: 20-MAR-14, as amended

House of Representatives
Passed: 01-APR-2014, as amended by Conference Committee Report.

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APPROVED *April 7, 2014*

TIME *5:15 p.m.*

By: Senator Bedford

Robert Bentley

GOVERNOR

Alabama Secretary Of State

Act Num....: 2014-292
Bill Num....: S-108

Recv'd 04/08/14 09:15awSLF

SPONSOR

1 Bedford

CO-SPONSORS

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SENATE ACTION

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB 108.

yeas 32 nays 2 abstain 0

PATRICK HARRIS,
Secretary

I hereby certify that the notice & proof is attached to the Bill, SB _____ as required in the General Acts of Alabama, 1975 Act No. 919.

PATRICK HARRIS,
Secretary

CONFERENCE COMMITTEE

Senate Conferees

Bedford
Ward
Singer

HOUSE ACTION

DATE: 1-30 2014

RD 1 RFD Judy

REPORT OF STANDING COMMITTEE

This bill having been referred by the House to its standing committee on Judy was acted upon by such committee in session, and returned therefrom to the House with the recommendation that it be Passed, w/amend(s) 1 w/sub 1. This 4 day of March, 2014.

Paul DeM, Chairperson

DATE: 34 2014

RF w/amend & sub RD 2 CA

DATE: _____ 20____

RE-REFERRED RE-COMMITTED

Committee _____

I hereby certify that the Resolution as required in Section C of Act No. 81-889 was adopted and is attached to the Bill, SB _____

YEAS 96 NAYS 1

JEFF WOODARD,
Clerk

(4) **FELONY OFFENSE.** A noncapital felony offense.

(5) **INITIAL VOLUNTARY STANDARDS.** The voluntary sentencing standards effective on October 1, 2006. These standards were based on statewide historic sentences imposed with normative adjustments designed to reflect current sentencing policies.

(6) **NONVIOLENT OFFENSE.** All offenses which are not violent offenses.

(7) **NONVIOLENT OFFENDER.** Any offender who does not qualify as a violent offender pursuant to subdivision (12).

(8) **OFFENDER.** A person convicted of a noncapital felony offense.

(9) **RELEASE AUTHORITY.** Any public official, agency, or other entity authorized by law to release a sentenced offender from incarceration or other conditions of a sentence.

(10) **RISK ASSESSMENT.** An instrument designed to assess an offender's relative risk for reoffending.

(11) **TRUTH-IN-SENTENCING STANDARDS.** The sentencing standards that are scheduled to become effective October 1, 2020. These standards shall be based on statewide historic time served for offenses with adjustments designed by the commission to reflect current sentencing policies.

(12) **UNDER SUPERVISION.** All offenders under the supervision of any criminal justice agency or program including, but not limited to, any of the following entities:

- a. The Alabama Department of Corrections.
- b. State or county probation offices.
- c. Community corrections programs pursuant to Alabama Community Corrections Act.
- d. Jails.
- e. State or local law enforcement agencies.
- f. Any court.

(13) **VIOLENT OFFENDER.** A violent offender is an offender who has been convicted of a violent offense, or who is determined by the trial court judge or a release authority to have demonstrated a propensity for violence, aggression, or weapons related behavior based on the criminal history or behavior of the offender while under supervision of any criminal justice system agency or entity.

(14) **VIOLENT OFFENSE.**

a. For the purposes of this article, a violent offense includes each of the following offenses, or any substantially similar offense to those listed in this subdivision created after June 20, 2003:

1. Capital murder pursuant to Section 13A-6-2 and 13A-5-40.
2. Murder pursuant to Section 13A-6-2.
3. Manslaughter pursuant to Section 13A-6-3.
4. Criminally negligent homicide pursuant to Section 13A-6-4.
5. Assault I pursuant to Section 13A-6-20.
6. Assault II pursuant to Section 13A-6-21.
7. Compelling street gang membership pursuant to Section 13A-6-26.
8. Kidnapping I pursuant to Section 13A-6-43.

9. Kidnapping II pursuant to Section 13A-6-44.
10. Rape I pursuant to Section 13A-6-61.
11. Rape II pursuant to Section 13A-6-62.
12. Sodomy I pursuant to Section 13A-6-63.
13. Sodomy II pursuant to Section 13A-6-64.
14. Sexual torture pursuant to Section 13A-6-65.1.
15. Sexual abuse I pursuant to Section 13A-6-66.
16. Enticing a child to enter a vehicle for immoral purposes pursuant to Section 13A-6-69.
17. Stalking pursuant to Section 13A-6-90.
18. Aggravated stalking pursuant to Section 13A-6-91.
19. Soliciting a child by computer pursuant to Section 13A-6-110.
20. Domestic violence I pursuant to Section 13A-6-130.
21. Domestic violence II pursuant to Section 13A-6-131.
22. Burglary I pursuant to Section 13A-7-5.
23. Burglary II pursuant to Section 13A-7-6.
24. Burglary III pursuant to Section 13A-7-7.
25. Arson I pursuant to Section 13A-7-41.
26. Criminal possession of explosives pursuant to Section 13A-7-44.
27. Extortion I pursuant to Section 13A-8-14.
28. Robbery I pursuant to Section 13A-8-41.
29. Robbery II pursuant to Section 13A-8-42.
30. Robbery III pursuant to Section 13A-8-43.
31. Pharmacy robbery pursuant to Section 13A-8-51.
32. Terrorist threats pursuant to Section 13A-10-15.
33. Escape I pursuant to Section 13A-10-31.
34. Promoting prison contraband I pursuant to Section 13A-10-36, involving a deadly weapon or dangerous instrument.
35. Intimidating a witness pursuant to Section 13A-10-123.
36. Intimidating a juror pursuant to Section 13A-10-127.
37. Treason pursuant to Section 13A-11-2.
38. Discharging a weapon into an occupied building, dwelling, automobile, etc., pursuant to Section 13A-11-61.
39. Promoting prostitution I pursuant to Section 13A-12-111.
40. Production of obscene matter involving a minor pursuant to Section 13A-12-197.
41. Trafficking pursuant to Section 13A-12-231.
42. Child abuse pursuant to Section 26-15-3.
43. Elder abuse pursuant to Section 38-9-7.
44. Terrorism pursuant to Section 13A-10-152.
45. Hindering prosecution for terrorism pursuant to Section 13A-10-154.
46. Any substantially similar offense for which an Alabama offender has been convicted under prior Alabama law or the law of any other state, the District of Columbia, the United States, or any of the territories of the United States.

b. The basis for defining these offenses as violent is that each offense meets at least one of the following criteria:

1. Has as an element, the use, attempted use, or threatened use of a deadly weapon or dangerous instrument or physical force against the person of another.

2. Involves a substantial risk of physical injury against the person of another.

3. Is a nonconsensual sex offense.

4. Is particularly reprehensible.

c. Any attempt, conspiracy, or solicitation to commit a violent offense shall be considered a violent offense for the purposes of this article.

d. Any criminal offense which meets the criteria provided in paragraph b. enacted after 2003.

History. Acts 2003, No. 03-354; Acts 2009, No. 09-742, § 1, May 22, 2009; Acts 2012, No. 12-473, § 1, May 15, 2012.

2009 amendments. The 2009 amendment, effective May 22, 2009, in (5), substituted "effective on October 1, 2006" for "that become effective on October 1, 2004" in the first sentence and substituted "were based on" for "shall be based on" in the second sentence; and substituted "are scheduled to become effective October 1, 2011" for "become effective October 1, 2006" in the first sentence of (10).

2012 amendments. The 2012 amendment added (6); redesignated former (6) through (13) as (7) through (14); in the first sentence of (11), deleted "voluntary" preceding "sentencing standards" and substituted "October 1, 2020" for

"October 1, 2011"; deleted "unless the offender enters the dwelling without a weapon or other dangerous instrument and does not use or threaten to use a weapon or dangerous instrument against another person during the commission of the offense" at the end of (14)a.22.; deleted "subsection (a) of" following "pursuant to" in (14)a.23.; deleted "if the intent is to commit a violent offense" at the end of (14)a.24.; and added (14)d.

Editor's notes. The Code Commissioner, in subdivision (2)b.2., substituted "program" for "programs"; and deleted "of 1991" following "Corrections Act" in subdivisions (2)b.2. and (11)c. to correct the language in Acts 2003, No. 03-354.

NOTES TO DECISIONS

Violent offense.

Court erred in ruling that as an inmate's first degree robbery conviction was defined as a "violent offense" by Ala. Code §§ 13A-11-70 and 12-25-32, he could not be a "nonviolent convicted offender," and thus, was not entitled to sentence reconsideration under Ala. Code § 13A-5-9.1. The court was obliged to consider all relevant facts presented to it in determining the inmate's status as a violent or non-violent offender. *Holt v. State*, — So. 2d —, 2005 Ala. Crim. App. LEXIS 259 (Crim. App. Dec. 23, 2005), op. withdrawn, substituted op., 960 So. 2d 726, 2006 Ala. Crim. App. LEXIS 39 (Crim. App. 2006).

Because committing a "violent offense" as defined in Ala. Code §§ 13A-11-70 and/or 12-

25-32 was not the equivalent of being a "violent offender" under Ala. Code § 13A-5-9.1, the trial court incorrectly concluded that defendant was not eligible for resentencing. *Calhoun v. State*, — So. 2d —, 2009 Ala. Crim. App. LEXIS 40 (May 1, 2009).

Trial court had no jurisdiction to resentence defendant under Ala. Code § 15-22-54.1(a) as defendant had been convicted of first-degree robbery, which was a violent offense under Ala. Code § 12-25-32(13)a.28.; the Alabama legislature was aware of the term "nonviolent convicted offender" as it had used the term in Ala. Code § 13A-5-9.1, but it did not use the term when it enacted § 15-22-54.1(a). *Lee v. State*, — So. 3d —, 2011 Ala. Crim. App. LEXIS 4 (Feb. 4, 2011).

§ 12-25-33. Duties of commission.

To achieve the goals recognized by the Legislature in Chapter 25 and Section 12-25-31, the commission shall:

Pre – Council Agenda -Item 5 – International Residential Code

Except as provided in Ordinance No. 1876, the City adopted the International Residential Code, 2012 Edition (IRC), in September 2012. Certain provisions in the IRC mandate that, when openings in existing one and two family residential structures are replaced, the owner must use windows, doors and other materials that satisfy the most current energy efficiency guidelines that are used for new structures. Practical and technical difficulties can arise when requiring that type of replacement fenestration in existing structures; further, citizens can incur costs that are disproportionate to the overall cost of renovating an existing residence if the fenestration provisions in the IRC are applied to those operations.

To address these matters, an amendment to Chapter 109 of the City Code is proposed to make fenestration replacement provisions in the IRC inapplicable to the repair, renovation alteration or reconstruction of existing residences. In the proposed ordinance, new language will be added to Subsection (f) to Section 109-32 of the Code to effect these changes; this new language is highlighted in **Bold** in the attachment. The enactment of the proposed ordinance will not affect the safety of our citizens or negatively impact the structural integrity of existing structures.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 109 OF THE CITY CODE

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

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

Sec. 109-32. Same---Amendments

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

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

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

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

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

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

"Section R112 Board of Appeals. Appeals regarding the application of the adopted building and fire codes may be presented to the city manager for consideration. The city manager may elect to render a decision on such appeal or remand the appeal to the board of zoning adjustment. In cases where the appeal is heard by the city manager and a decision is rendered, the appellant, if not satisfied with the decision, may then appeal to the board of zoning adjustment.

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

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

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

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

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

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

- a. The applicant must either confer with the Fire Marshal or his or her designee about the benefits of installing a residential fire sprinkler system or review presentation materials developed by the Fire Marshal concerning sprinkler systems; and

b. The applicant must certify that he or she has met the requirements in subsection (a) above, and fully understands and acknowledges the risks of opting not to install a residential fire sprinkler system.

Exception:

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

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

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

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

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

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

Section 4. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This day of , 2014.

Virginia C. Smith, Council President

APPROVED: This day of , 2014.

Lawrence T. Oden, 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 at its meeting held on _____, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on _____, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road

Steven Boone, City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 34 OF THE CITY CODE

BE IT ORDAINED by the City Council of the City of Mountain Brook that Chapter 34 of the Code of the City of Mountain Brook, Alabama ("City Code") shall be amended as follows:

Section 1. Section 34-7 of the City Code shall be amended by inserting two additional provisions as subsections (b) and (c) and by moving the former subsection (b) to subsection (d) so that the entire Section 34-7, as amended, shall be as follows:

Sec. 34-7. Noise.

- a) It shall be unlawful for any person to make, cause to be made or permit to be made, in or about a dwelling, church, hospital, public school, public building, public park, store, street or other public thoroughfare in the city, any noise, either by crying out, calling or shouting or by means of a whistle, siren, megaphone, bell, gong, drum, victrola, radio or other instrument or mechanical device, for the purpose of advertising any business or any article for sale or exchange or for the purpose of attracting attention or inviting the patronage of any person to any business whatsoever; or to make, cause or permit to be made in or about any of the aforesaid places any unnecessary or excessive noise, either by crying out, calling or shouting or by means of any instrument or mechanical device whatsoever.
- b) It shall be unlawful and a nuisance for any person to make, continue or cause to be made or continued any unreasonably loud or excessive noise which unreasonably annoys, disturbs, injures, endangers or interferes with the comfort, repose, health, peace or safety of others in the corporate limits of the City of Mountain Brook, Alabama. It shall also be unlawful and a nuisance for any person to permit any such noise to be made in or upon any house or premises owned, possessed, managed or controlled by such person.
- c) In addition to the general prohibition set forth above, the following acts or noises are declared to be in violation of this Code, provided however, that such enumeration shall not be deemed to be exhaustive or exclusive:

The operation or permitting the operation of any mechanically powered lawn equipment operated for commercial purposes within a Residential district, between the hours of 6:00 p.m. and 8:00 a.m. For the purposes of this subsection, lawn equipment includes, but is not limited to, leaf blowers, lawnmowers, tractors, stump grinders, chippers, string trimmers, clippers, edgers and any other mechanically powered garden tool, blower or device.

Deleted: loud,

Deleted: , disturbing, unnecessary

Deleted: designed or sold for commercial use or

d) Any person who shall violate any provision of this section shall, upon conviction thereof, be punished within the limits and as provided by section 1-9 of this Code.

Section 2. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

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

Section 4. This section shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This _____ day of _____, 2014.

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Deleted: May

Virginia C. Smith, Council President

APPROVED: This _____ day of _____, 2014.

Deleted: 12th
Deleted: May

Lawrence T. Oden, 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 at its meeting held on _____, 2014, as same appears in the minutes of record of said meeting, and published by posting copies thereof on _____, 2014, at the following public places, which copies remained posted for five (5) days as required by law.

Deleted: May
Deleted: 12
Deleted: May 13

City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

Overton Park, 3020 Overton Road
The Invitation Place, 3150 Overton Road

Steven Boone, City Clerk



CITY OF MOUNTAIN BROOK

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

MEMO

DATE: May 21, 2014

TO: Mayor, City Council
City Manager
City Attorney

FROM: Dana Hazen, City Planner

RE: The Manning – Right-of-Way Dedication

Attached is the proposed resurvey plat combining eight lots into one lot for The Manning development (zoning to Res-D approved by the Council on May 12, 2014).

As part of the proposed plat, additional right-of-way is proposed to be dedicated to the City, and is shown as the highlighted area along Cahaba Road at the north boundary of the subject property.

Before the Planning Commission hears this plat (June 2, 2014) it would be prudent for the council to offer some direction as to whether or not the City would be inclined to accept this additional right-of-way.

A representative for The Manning will be at council pre-meeting to explain the reasoning behind the right-of-way dedication and answer any questions the council might have.

No formal vote to accept the right-of-way is requested at this time; just direction as to how the P/C should proceed with the plat approval showing the dedication.

