

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
NOVEMBER 24, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:15 p.m. on Monday, the 24th day of November. The Council President called the meeting to order and the roll was called with the following results:

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

Absent: None

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

1. AGENDA

1. New name for Cahaba Park – Virginia Smith. (The general consensus of the group was that the park be renamed “Cahaba River Walk”. A resolution formally renaming the park will be considered at a later date.)
2. Proposed Request for Proposals (RFP) and Request for Qualifications (RFQ) for Parks and Recreation master plan – Shanda Williams. (Motion 2014-156 was added to the formal agenda.)
3. Cahaba Park pedestrian crossing signals and traffic improvements – Richard Caudle of Skipper Consulting, Inc. and Nimrod Long of Nimrod Long and Associates. (Resolution No. 2014-161 was added to the formal agenda.)
4. Traffic study proposal for Hastings Road and Laurel Lane – Richard Caudle of Skipper Consulting, Inc. (Resolution No. 2014-160 was added to the formal agenda.)
5. Agreement and Release between the City of Mountain Brook and Dr. Thomas A. S. Wilson, Jr. and Lynn F. Wilson for a right-of-way encroachment at 38 West Montcrest Drive. (Resolution No. 2014-159 was added to the formal agenda.)
6. Review and discussion of the 7 p.m. City Council formal meeting agenda topics.

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

Steven Boone, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA
NOVEMBER 24, 2014**

The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Monday, the 24th day of November, 2014. The Council President called the meeting to order and the roll was called with the following results:

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

Absent: None

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

The City Council President stated that a quorum was present and that the meeting was open for the transaction of business.

1. BOOK PRESENTATION

Council President Smith recognized Katherine Pittman Smith who presented her book, Memories of Mountain Brook, to the City.

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 November 10, 2014 regular meeting of the City Council

2014-156 Motion	Accept and authorize issuance of the Request for Qualifications followed by Request for Proposals by the Parks and Recreation Board Superintendent for the purpose of engaging a consultant to assist the City in the development of a Master Plan for the City's Parks and Recreation Board.	Appendix 1
2014-157	Authorize the execution of a subscription agreement between the City and ESO Solutions, Inc., with respect to their provision of software and electronic patient care reporting services to the City's Fire Department.	Exhibit 1 Appendix 2
2014-158	Approve a lunch operation conditional use application in a Local Business District (2724 Cahaba Road in Mountain Brook Village) with respect to a smoothie/sandwich shop.	Exhibit 2 Appendix 3
2014-159	Authorize the execution of an agreement and general release between the City and Dr. Thomas A. S. Wilson, Jr. and Lynn F. Wilson with respect to the right-of-way encroachment located at 38 West Montcrest Drive.	Exhibit 3 Appendix 4

- | | | |
|-----------------|--|-------------------------|
| 2014-160 | Authorize the execution of a professional services agreement between the City and Skipper Consulting, Inc. with respect to their traffic study of Hasting Road and Laurel Lane. | Exhibit 4
Appendix 5 |
| 2014-161 | Authorize the City Manager to accept the proposal submitted by Stone & Sons Electrical Contractors for the installation of pedestrian signals and traffic loop per the design drawings prepared by Skipper Consulting, Inc. dated October 22, 2014 in consideration of \$20,453 and to issue a purchase order and to execute such other documents that may be determined necessary with respect to said project. | Exhibit 5
Appendix 6 |

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

- Ayes: Virginia C. Smith, Council President
William S. Pritchard, III, Council President Pro Tempore
Jack D. Carl
Lloyd C. Shelton
Alice B. Womack
- Nays: None

Council President Smith thereupon declared that said minutes, motion (No. 2014-156) and Resolution Nos. 2014-157 through 2014-161 are adopted by a vote of 5—0.

3. PUBLIC HEARING: CONSIDERATION OF AN ORDINANCE REZONING CERTAIN PARCELS ON VINE STREET FROM PROFESSIONAL AND RESIDENCE D DISTRICTS TO LOCAL BUSINESS DISTRICT WITH RESPECT TO THE PROPOSED PIGGLY WIGGLY DEVELOPMENT (EXHIBIT 6 APPENDICES 6.1–11)

Council President Smith introduced the ordinance in writing. She then invited Jeffrey Brewer forward to describe the project.

Jeffrey Brewer with Goodwyn, Mills & Cawood of 94 Crestview Drive:

- Representing Nasim Aslani and Andy Vercigio (“developer(s)”)
- The task of relocating the Piggly Wiggly grocery store has been ongoing for almost one year
- After studying multiple sites, the location along Vine Street has been selected
- The development team has met with the City’s Planning Department, police and fire officials, and Villages Design Review Committee (changes recommended by the VDRC have been incorporated into the development plan)
- On November 3, 2014, the plan was presented to the City’s Planning Commission who recommended its approval (by a vote of 4—3) of the plan to the City Council under the condition that the Vine Street access be eliminated
- The developers took the Planning Commission’s recommendation concerning the removal of the Vine Street access seriously. After careful consideration and study, the developer’s traffic engineer (Skipper Consulting, Inc.) and the City’s traffic engineer (Sain Associates) both recommended leaving the Vine Street access open.
- The site was reviewed using a PowerPoint presentation (Appendix 7)
- Since the Planning Commission hearing, there has been a significant change in the plans. The service access, originally on Vine Street, has been relocated to the other side of the building along the alley

between the building and Church Street. This change eliminates [grocery store] delivery trucks traveling along West Jackson/Vine Street and exiting Vine Street.

- The parking lot has full circular access facilitating ingress and egress from the main entrance from Church Street
- Regarding traffic, there will be a “School Only Traffic” sign posted at the entrance to West Jackson leading into the school, West Jackson will be one way only from its entrance to the grocery store parking lot at all times, and Vine Street from the grocery store entrance to Dexter Avenue will be one way only between the hours of 7:20 a.m. — 4 p.m. during the school year.
- A crosswalk will be installed allowing pedestrian access to and from the grocery store to the playing field across Vine Street
- There will be 93 parking spaces on the site
- There will be a corner plaza near the crosswalk (as suggested by the VDRC)
- Developer is offering to install a new fence and hedge between the Vine Street sidewalk and the playing field to provide a buffer to the people on the field as well as the residents along Elm Street (should the Board of Education want it)
- The old store had a public area of 11,400 square feet and backroom storage of 3,600 square feet with 45 parking spaces. The proposed new store will have 18,000 square feet of retail floor area, 10,250 square feet of backroom storage area (which will reduce the number of truck deliveries to the store), and 93 parking spaces.
- A typical suburban grocery store is 40,000—50,000 square feet in area
- The site plan will provide 27 surplus parking spaces over the 66 required parking spaces (as illustrated in the PowerPoint presentation)
- A new sidewalk will be constructed along Vine Street in front of the store which will complement the existing sidewalk that runs from Dexter Avenue to West Jackson
- The plan complies with the Village Overlay Standards
- Turned the presentation over to Richard Caudle

Richard Caudle with Skipper Consulting, Inc. located at 3644 Vann Road, Suite 100:

- The study area is illustrated in the PowerPoint presentation
- Recommendations include:
 - 1) install a traffic signal at the intersection of Dexter Avenue and Church Street to alleviate congestion that currently exists (this light will likely result in the loss of some parking spaces along Church Street and may cause some backup along Church Street),
 - 2) assuming this intersection is signalized as described above, then a signalized pedestrian crossing signal can also be installed at this intersection,
 - 3) reverse the stop sign at the Dexter Avenue and Vine Street intersection (stop traffic on Dexter Avenue instead of Vine Street)—this plan could later be changed by installing a traffic signal if the desired outcome is not achieved by reversing the stop signs,
 - 4) leave the Vine Street access open to relieve pressure on the main Church Street entrance/exit to the store,
 - 5) make West Jackson and the first block of Vine Street (up to the grocery store access) one way all the time and leave the remainder of Vine Street one way between the hours of 7:20 a.m. — 4 p.m. during the school year, and
 - 6) install “Do Not Enter” signs at West Jackson (as this section will be one way)
- The Vine Street access is needed:
 - 1) as there will be certain times of the day where there are not sufficient gaps in traffic to allow motorists to exit onto Church Street thereby causing congestion back to the alley which will lead motorists to pursue other means of leaving the site (e.g., using the alley),
 - 2) as motorists will need a way to exit Vine when driving toward the school and encounter the “Do Not Enter” signs at West Jackson during two-way traffic flow times of the day,
 - 3) to facilitate emergency access to the site, and

- 4) to prevent residents that live north of the development from having to travel along Church Street to access the grocery store.
- In order to relocate the loading dock to the alley-side of the store, modifications to the site plan were required. The radii at the street corners will have to be cut back or made as mountable concrete to allow delivery trucks to make the turns and backing maneuvers into the loading area.
- Mr. Caudle sees no negative implications with respect to truck access or Church Street traffic as a result of moving the loading area to the alley-side of the store
- The development will result in some traffic delays (4–11 seconds per vehicle with no obvious solutions to remediate) at the intersection of Montevallo Road/Church Street/Montrose Road
- The development team considers the Vine Street access an important part of this development. If, however, the City Council elects to close this access, such closure will not “kill” this development but there will be some negative implications or trade-offs as a result

Jeffrey Brewer:

- Is a father of four, three of which attend Crestline Elementary School
- The developers met with school officials early on in the planning phase of this development
- Out of this meeting, the School Board outlined about ten (10) safety and other concerns
- The developer studied these concerns and has addressed each one to the School Board’s satisfaction with the exception of opening the CVS parking lot access. This matter is still in negotiation with the property owner and the developer is optimistic that this last issue may still be resolved (see also slide).
- Formal presentation was concluded

Council member Shelton asked Mr. Brewer to confirm that the Vine Street fence and bushes described earlier are ultimately to be decided by the Board of Education. Mr. Brewer confirmed that the developer will pay for and install the buffer as described provided the Board of Education requests such improvements.

Council member Shelton asked Mr. Brewer about the possibility of restricting the hours that deliveries will be received. Mr. Brewer replied that at this time, the developer is not proposing any formal restrictions on delivery hours as they believe that deliveries will self-regulate based on traffic patterns and inconvenience of accessibility during certain hours of the day.

Council President Smith had Mr. Brewer point out the various parcels that comprise this rezoning application (see slide). The two [gravel] parking lots and the Regions Bank parking lot [that will become the access road to the development] are currently zoned local business. The three remaining lots are the ones where rezoning is being requested.

Council President Smith asked that the developer tell the audience the square footage area of some of the other grocery stores located on Overton Road or River Run Road for comparison purposes. Nasim Aslani (developer) responded that the Piggly Wiggly located on River Run is approximately 22,700 square feet and that the Vine Street store [as proposed] is approximately 28,250 square feet.

In response to other questions by Council President Smith, Mr. Brewer responded:

- The proposed building height will be governed by the Village Overlay Standards (16 feet at the eave).
- Does not believe there will be any accesses to the building from the Vine Street side except possibly emergency exits.

In response to a question by Council member Shelton, Mr. Caudle responded:

- The traffic study takes into consideration both vehicular and pedestrian traffic volumes and patterns at each intersection and along the sidewalks
- The study was conducted over such time periods so as to include both morning and afternoon carpool drop-off/pick-up and pedestrian traffic
- The pedestrian traffic along Vine Street was not viewed as problematic (due to the sidewalk and further improved with the addition of the proposed crosswalk)

Regarding the sidewalk, Mr. Brewer stated that a 6-foot sidewalk will be constructed on Vine Street adjacent to the grocery store that will complement the existing sidewalk on Vine Street that runs from Dexter Avenue to the School.

In response to questions by Council member Womack, Mr. Caudle responded:

- With respect to traffic on Euclid Avenue, the traffic study does not project any real impact from the development
- The retail area of the proposed store is comparable to the old store which was accessed from Euclid Avenue
- Therefore, traffic on Euclid Avenue is projected to approximate that experienced before the old store closed
- This study focused on changes in traffic and traffic patterns projected to result from the proposed development
- With respect to reversing the stop sign at the intersection of Vine Street and Dexter Avenue, Vine Street through traffic to Euclid Avenue is not projected to increase significantly as the intersection at Vine Street and Euclid Avenue is not signalized and therefore may not be easy to exit onto Euclid Avenue
- Regarding the left turn operation from Church Street into the development, the left turn lane has room to store two cars which matches the maximum queue time. This maneuver is another reason the Vine Street access is desirable (to allow other means of accessing the development besides the main Church Street access).

Council President Smith:

- All of the elected officials attended the Planning Commission hearing on November 3, 2014
- So, all elected officials have heard about the previous proposal and now the revised proposal
- Requested that speakers be brief and not repeat themselves or comments made by others
- In the interest of time, asked that the audience not applaud speakers

Ralph Bishop of 15 Elm Street:

- Asked that the PowerPoint prepared by Chris Hellums that he presented at the Planning Commission be incorporated into the official record (Appendix 8)
- Complemented the City Council on its history of good decisions
- Pointed out the following issues that both sides of this issue agree on:
 - 1) Safety is a priority
 - 2) Everyone loves Piggly Wiggly
 - 3) The main reasons for bringing the grocery store back is the convenience of having a grocery store in Crestline and the revenue that it generates for the government
 - 4) The development team is comprised of good people
- The disturbing issues about this proposal that all agree on:
 - 1) This location is challenging with many problems that cannot be overcome
 - 2) This development is going to increase traffic in Crestline Village that will impact convenience for all and the surrounding businesses
 - 3) This store will cause lots of parking problems
 - 4) Has found no one who thinks locating a grocery store next to an elementary school and playing field is a good idea
 - 5) The resulting increased traffic will be more dangerous for the children
- The City Council (and all previous Council's) have consistently taken the position that locating a large commercial business next to the School and field is not a good idea
- The Planning Commission narrowly recommended approval of this development only with the caveat that the Vine Street access be eliminated

- Year after year the City has denied commercial uses in this area
- The City's own planning consultant who assisted in the development of the Master Plan stated that these lots should not be zoned for commercial uses
- The City's 2007 Master Plan prohibits large commercial uses in this area
- Within the past year, the City incorporated a new zoning district (The Vine Street Transitional (VST) District) into its zoning code
- The new VST zoning regulation is working as evidenced by a recent application submitted to the City
- Because both sides agree on most of the issues related to this proposal, the question boils down to: Is this proposal the right thing to do for the City?

Kirk Zinn of 100 Dexter Avenue:

- Moved to Crestline from another area of the City due to the child-friendly nature of the area
- Built their home on Dexter Avenue (and another adjacent thereto which is for sale) in 2013
- Before purchasing the property, consulted with the City's planning official who offered assurances that there would be no high density retail uses on these properties—only office buildings consistent with the then yet to be adopted VST regulations
- The VST regulations were very deliberate and took over a year to adopt
- His family is against this rezoning and planned development as it is inconsistent with assurances made by the City prior to their purchasing the property
- In July 2014, the Board of Education adopted a policy that prohibits sexual offenders from loitering on or within 500 feet of any Mountain Brook school or property
- This use will provide sexual offenders a legitimate use for violating this School Board policy
- Stated that he is “pro-Pig” but not at this Vine Street location

Council President Smith:

- The police will be asked to look into the “no legitimate purpose” issue with respect to sexual offenders just brought up by Mr. Zinn
- The VST is an optional zoning adopted a year ago that now allows a land owner to redevelop their property whereas before there was no such option due to the small non-conforming lots with respect to any of the zoning district options available prior to the adoption of the VST
- Currently, there are no properties zoned VST
- Yes, the VST was extended down Vine Street to include the subject properties. Had the grocery store not existed in its former location at the time the VST was adopted, Ms. Smith may not have agreed to extend the VST all the way down Vine Street.
- There are no properties zoned VST at this time and two of the subject properties are zoned local business and others are zoned professional with commercial uses currently in place
- These lots with businesses operating now can be grandfathered for continued commercial uses and the owner of the now gravel lot next to the Board of Education building can construct a grocery store, restaurant, or liquor store on his lot as long as he can meet the parking requirements

Jim Ward (attorney):

- He and another lawyer met with Mr. Brewer a week ago and were presented a plan with no Vine Street access from the store and questions whether the traffic study has been updated to reflect the changes included in the plan under consideration tonight

Richard Caudle:

- No (updated to the traffic study)
- The only difference between the plan in effect during the traffic study and the plan under consideration tonight is the relocation of the loading dock from the Vine Street-side to the alley-side of the building

- Both the plan presented to the Planning Commission and the plan under consideration tonight include a Vine Street access

Katherine Loveman of 16 Crestview Circle:

- We all want a grocery store in Crestline
- [Her] number one issue is the safety of the children and the Vine Street access seems to be the most problematic
- Appreciates the relocation of the loading dock
- Estimates [from the Mountain Brook Athletics (MBA) calendar that over a 37-week period] the total number of children using the playing fields to be 7,590 ranging in ages from 4–12 and does not include parents and siblings
- Presented a chart illustrating the usage from her estimates (Appendix 9)
- The fields are used Monday through Friday from 4 p.m. – 6:30 p.m., Saturday 8 a.m. – 4 p.m. and Sunday from 1p.m. – 4:30 p.m.
- Page 6 of the Skipper traffic study indicates that the study was conducted during a low field use weekdays (in between the spring and summer baseball seasons) and not over a weekend
- The proposed store is about 47% larger than the old store and questioned whether it could be reduced
- Urged the City Council to reconsider the Vine Street access

Council member Pritchard:

- Does not question Ms. Loveman’s head count statistics
- Based on his review of the MBA calendar, counted the following usage days (out of 52 weeks in a year): 8 Sundays, 14 Saturdays, 67 weekdays after school hours 16 of which occurred in June and July

Francis Goodhew of 316 Mountain Avenue:

- Misses the old Piggly Wiggly
- Wants to know if it is possible to make the store 5,000 square feet smaller in order to mitigate the parking and safety concerns
- Would like to see the Vine Street access eliminated

Council President Smith:

- Reminded the audience that truck deliveries will not travel along Vine Street due to the relocation of the loading dock
- Part of the reason for the larger store is the increased back room storage which will reduce the number of truck deliveries

Jeanne Monk of 28 Beechwood Road:

- Asked that there be no truck deliveries allowed during carpool pick-up (between the hours of 2:30 p.m. and 3:00 pm)

Council President Smith stated that she suspects the developer will consider this request and reminded Ms. Monk that she should be using the carpool line instead of parking along Vine Street.

Adria Graham of 19 Crestview Circle:

- Asked that her PowerPoint presentation (Appendix 10) be incorporated into the official record
- Stumbled upon this issue on October 23, 2014
- In June 2014, read about this proposal in the newspaper but discounted it “as this will never happen as it does not make sense” and did not think about it again until October 2014
- Expressed surprise that no announcement about this proposal was ever disseminated by School officials

- Has witnessed many children dart into the street and almost get hit by cars
- Understands that the City did issue proper notification and does not understand why the Board of Education did not feel it necessary to notify the parents
- Met with School Board officials after the November 3, 2014 Planning Commission meeting where she was told that the School officials do not know as much about this plan as assumed and that this is a City matter and that interested persons should contact City officials if they have questions or concerns
- As late as last week, [she] met with the City Manager and City Planner and there was no revised plan available for review to which Ms. Hazen responded that there is not prescribed time period that a proposed Local Business development plan must be available in advance of a public hearing before the City Council.
- Expressed concern that the Planning Commission voted on this matter when several members expressed that they would like more information or time to consider the proposal to which Council member Carl responded that a majority of the Planning Commission members believed they had sufficient information to call for a vote, a motion was made and seconded, a vote was called, and the matter passed by a vote of 4–3.
- Has a problem with the proposal with respect to traffic, feels sorry for the Zinn's, and the School Board's K5A sexual offender policy to which Council member Shelton expressed concern with the notion that the elected officials who may be in favor of this proposal are not concerned with the safety of the children—all of the elected officials are concerned about the safety aspects of this development

Julie Howell, co-owner of Lambs Ear located at 70 Church Street:

- Is the vote tonight to include the proposed traffic light at the intersection of Church Street and Dexter to which Council President Smith replied, “No”.

Katherine Corey of 4252 Sharpsburg Drive:

- What has not been said tonight is the time and effort the developers have devoted to this development and their commitment to its integrity
- Also of note, the developers are not only relocating the Girl Scout hut but also paying to have it remodeled
- The developers are not greedy but are trying to do what is best for this neighborhood and community

Elizabeth (Betsy) Hemby of 622 Dexter Avenue:

- No one loved the “Pig” more than she
- The new development should not receive an emotional pass but should be evaluated on its own merits
- If the development fails, we may be left with a “big box” store
- Urged the Council to move forward and carefully
- A brick and mortar change makes a rezoning irreversible

Council member Shelton:

- There have been several references to the 2007 Master Plan
- When that plan was adopted [by the Planning Commission], no one dreamed that the grocery store would no longer exist
- The Master Plan reads that the businesses in Crestline Village are primarily neighborhood oriented and anchored by a small full-service grocery store
- Betsy is correct, this is not the same Crestline Village that it was even a few years ago [without the grocery store]

Michael Odom of 22 Peachtree Street:

- Does not think this rezoning should be granted as it is inconsistent with the Master Plan

- If this rezoning is approved, thinks it should be done so without the Vine Street access as he views it is not really needed considering Mr. Caudle's earlier remarks that removing it will not "kill" the store
- A grocery store is not essential to Crestline Village as there are other grocery shopping opportunities within close proximity
- Regarding the loading dock that was just presented Friday or Monday, believes the traffic study should be updated
- Regarding Mr. Caudle's illustration of the trucks maneuvering through the development, it appears that they will be driving through parking spaces to which Council member Pritchard stated that these trucks will most likely be making their delivery runs in the early morning before these lots are being used and then invited Becky White forward to address this issue further

Becky White of Sain Associates located at 2 Perimeter Park South, Suite 500-E:

- Typically, a traffic impact study does not deal with on-site circulation
- Such studies are generally concerned with driveways to a site and adjacent intersections
- The traffic volumes with this site will not change as a result of the relocation of the loading dock so she sees no reason to update the traffic study
- If the Vine Street access is closed, the traffic study should be updated to study the effects of such closure
- She agrees with Mr. Caudle's assessment that closing the Vine Street access would put undue stress on the Church Street access

Michael Odom:

- Asks that the developer commit to restricting the hours of deliveries
- Asked Mr. Caudle to show his truck routes slides again for the audience

In response to a question by Council member Womack as to protecting the area in the event that the grocery store closes, Council member Pritchard responded that the City will own and therefore control the parking lot adjacent to the building so this matter can be addressed in the development agreement that will come before the City Council in near future.

Randall Pitts of 225 Beech Circle:

- What we have just heard tonight from both traffic consultants is that if the Vine Street access is closed, traffic on Church Street will be unduly impacted
- Put another way, the Vine Street access needs to be open to move the horrible traffic closer to the school-age children
- If Church Street cannot sustain this [extra] traffic, there is no way that Vine Street can
- Asked that the full transcript of the Planning Commission meeting be incorporated into the official record (Appendix 11)
- Reading [paraphrased] from this transcript, Mr. Murray recommended that this proposal be approved with the requirement that the Vine Street access be closed to which Council member Carl pointed out that the Planning Commission can only make recommendations to the Council and cannot impose conditions
- Has not heard any discussion about a contingency plan should Regions Bank cease to lease their lot for the access road to the grocery store
- What restrictions will be placed on this property to regulate what may be put there in the future should this store close? [Answered earlier]
- Expressed concern about the loss of parking spaces along Church Street should a traffic signal be installed at its intersection with Dexter Avenue to which it was pointed out that the signal suggested in the Skipper study was called for due to: 1) delivery trucks exiting Vine Street (which will no longer be the case), and 2) alleviate congestion that already exists without any consideration of the grocery

store. It was also pointed out that the City's traffic consultant (Sain Associates) does not recommend installing a traffic signal at this intersection.

- Wants to know why the City has not obtained an official statement of position from the Board of Education to which Council member Pritchard commented that it is the School Board's policy not to take a formal position on issues that affect City business. School Board officials have been consulted and they presented issues and concerns to the developer that have largely all been addressed (shown earlier in the slide presentation). [Only the CVS parking lot access and Vine Street access closure requested by the School Board have not been addressed to date.]
- Vine Street has always been viewed as a buffer. The daycare parcel is Professional, the stationary shop and Girl Scout hut are Residence D. All three of these parcels are eligible for VST should they wish to pursue such rezoning. So, no one has been deprived of an economically viable use for these lots. These viable uses are in keeping with the Master Plan.

Council President Smith responded:

- The VST was adopted to allow these property owners to one day redevelop these lots where, under the previous zoning regulations, they could not because these lots did not conform to any zoning classification that existed prior to VST
- The three businesses mentioned could continue to operate businesses without rezoning to VST

Randall Pitts:

- Then there are the Zinn's who spent an inordinate amount of money developing their lots at the intersection of Vine and Dexter who reasonably and detrimentally relied on representations from the City that the land uses on Vine Street would be consistent with the Master Plan. The lawyers on the Council know where this is going. This proposal substantially deviates from the Master Plan.

Council President Smith responded that it is not appropriate for Mr. Pitts to be speaking on behalf of the Zinn's about something that he is not a part of.

Council member Prichard stated that he takes issue with the veiled threat made by Mr. Pitts particularly as the City Council never made any representations to anyone about these properties and everyone knows that zoning classifications can change at any time.

Randall Pitts asked that the City Council makes its decision in accordance with what was recommended to it by the Planning Commission.

Superintendent Richard (Dicky) Barlow of the Mountain Brook City Schools:

- The Board of Education has not taken a position on this proposal nor does it plan to
- The Board has taken this matter seriously and focused on 1) the safety of the students, and 2) traffic along West Jackson and Vine Street
- From that perspective, the Board articulated ten concerns that were presented to the developer and City
- Some of these concerns have yet to be addressed
- One thing that has not been addressed tonight is the parking attendant (which the developer affirmed is still going to be provided)
- It is also the School Board's understanding that if there is a Vine Street access that it will be blocked off during carpool times
- The reason the School Board wants the CVS parking lot opened is to push the bulk of the traffic to exit onto Church Street, not Vine Street
- The School Board did not do a blast e-mail to its parents about this plan as it viewed the notice requirements of the City as sufficient

- Takes offense to the comment that the School Board is not concerned about the safety of the school children
- Again, the School Board is not for or against this proposal
- The School Board is happy about the proposed crosswalk as it should make Vine Street safer
- The School Board wants the store facing Church Street and to have a Church Street address so that GPS searches do not route motorists through West Jackson to access the store

Richard Caudle regarding the delivery truck slides:

- The sweep of the entire truck as illustrated in the slide show indicates that trucks can maneuver through the street and parking lot provided there are painted islands or mountable curbs instead of traditional curbs
- The traffic engineers think that truck traffic will self-regulate because what driver would want to traverse the tight radii during business hours?

Becky White expressed her satisfaction that the Skipper plan and layout (regarding the delivery route) represents a workable scheme.

Elizabeth Lyman of 416 Meadowbrook Lane:

- Addressed the City Council about a year ago about saving “the Pig” campaign and started off with “we all want to do the right thing”
- This is a hard decision
- Patrick Davis, Chairman of the Planning Commission, stated at the meeting a year ago that the U.S. considers a grocery store the most basic need of a community
- When tasked with attempting to rebuild Cordova, AL after a storm, their federal award was delayed because they had not secured a grocery store for the affected area
- The new crosswalk and double-sided sidewalk now provide safety to the area for the children
- Parking along Vine Street currently totals approximately 50 spaces. This plan will generate about 40 additional parking spaces for the area.
- Reconfiguring the parking spaces in front of the Girl Scout hut will also increase safety for kids and cyclists coming down the Peachtree alley
- Also, no one has mentioned the 80 cars that traveled down West Jackson and Vine to the daycare to pick-up children that will no long exist
- Regarding the 18-wheelers, they exist now throughout Crestline at all times of the day. This development will cause truck traffic but no more than existed before it closed.
- In response to those who argue that they purchased their property when there was no grocery store on Vine Street [Church Street], she purchased her house when a grocery store existed in the village and wants to see one here again.
- Many people, including the elderly and people with special needs kids, live in this community for the convenience and because they have walkable access to a grocery store

Council President Smith closed the public hearing:

- Stated that she likes this proposal better than the one presented at the November 3, 2014 Planning Commission meeting
- None of the concerns raised tonight are new (as compared to those raised at the Planning Commission meeting)
- Invited comments from the other members of the City Council

Council member Pritchard:

- For the benefit of the audience, in his 14 years on the City Council, has never heard a matter such as this where there was absolute unanimity of opinion

- A year ago, many residents approached members of the City Council and stated that they did not care what had to be done but they wanted the City Council to get “the Pig” back in Crestline
- Many opponents to this proposal say the same thing, they want “the Pig” back [in Crestline]
- Fortunately, there was a group of concerned residents who stepped forward; and thank goodness for Andy and Nasim for working to bring a grocery store back to this community
- A lot of people have spent a tremendous amount of time on this project
- The concerns raised in these public meetings have been the same concerns for the City and School officials from the beginning. To Andy and Nasim’s credit, they have listened to these concerns and addressed them as much as possible.
- This plan has changed a dozen times in an effort to improve the plan and address these concerns
- The plan may continue to change
- The Gould Evans report, that has been referred to on many occasions, stated that a grocery store was critical to each of the City’s village (only English Village was without a grocery store at the time of this study)
- Expressed his support for this proposal and wants to make a motion for passage but before doing so wants to ask of legal counsel whether it would be advisable to delay a vote considering the recent modification to the plan

Whit Colvin, City Attorney:

- The purpose of notice is to give the public time to review proposals to be considered by the City Council
- While not legally required to re-notice, it would probably be a good idea to start over and schedule a special meeting at a later date and have the [revised] plan available for public scrutiny

Council member Pritchard:

- Likes the idea of holding another public meeting but has no desire to re-hear the same concerns that have now been expressed at both the Planning Commission meeting and this City Council meeting

Council members Smith, Shelton, and Womack all expressed their agreement with scheduling and re-noticing a special meeting of the City Council at a later date to reconsider this proposal.

Council member Womack asked what effect, if any, the opening of the CVS parking lot would have should this change occur between now and the yet to be announced special meeting.

Council member Pritchard expressed his opinion that the service delivery change was one of the most significant issues expressed by the public and he does not view the CVS parking lot opening to be nearly as contentious.

Council President Smith also replied that under Local Business, the applicant may make modifications to the plans without necessitating re-noticing as is required for other zoning regulations.

Council member Carl agreed with Council President Smith’s characterization but urged the development team not to continue modifying the plans once notice is issued.

There being no motion, Council President Smith announced that this matter will not come to a vote at this time.

4. ANNOUNCEMENTS REGARDING THE NEXT REGULAR MEETING OF THE CITY COUNCIL

Council President Smith announced that the next meeting of the Mountain Brook City Council will be held on Monday, December 8, 2014 at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church

Street, Mountain Brook, AL 35213. Please visit the City's web site (www.mtnbrook.org) for more information.

5. ADJOURNMENT

There being no further business to come before the City Council, President Smith adjourned the meeting at approximately 9:30 p.m..

Steven Boone, City Clerk

EXHIBIT 1

RESOLUTION NO. 2014-157

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that either the Mayor or the City Manager of the City is hereby authorized and directed, for and on behalf of the City, to execute the Subscription Agreement, in the form as attached hereto as Exhibit A, subject to such minor changes as may be determined appropriate by the City Attorney with respect to the Fire Department's access to and use of ESO's software and electronic patient care reporting services.

APPENDIX 2

EXHIBIT 2

RESOLUTION NO. 2014-158

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 Graham Henderson for a conditional use (lunchtime smoothies and restaurant operation) at 2724 Cahaba Road in Mountain Brook Village.

APPENDIX 3

EXHIBIT 3

RESOLUTION NO. 2014-159

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of an agreement and general release between the City and Dr. Thomas A. S. Wilson, Jr. and Lynn F. Wilson, in the form as attached hereto as Exhibit A, with respect to the right-of-way encroachment located at 38 West Montcrest Drive.

APPENDIX 4

EXHIBIT 4

RESOLUTION NO. 2014-160

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of a professional services agreement between the City and Skipper Consulting, Inc., in the form as attached hereto as Exhibit A, with respect to their traffic study of Hasting Road and Laurel Lane.