

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
APRIL 27, 2015**

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The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:00 p.m. on Monday, the 27th day of April. 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 Carl Johnson, City Manager Sam Gaston, and City Clerk Steven Boone.

**1. AGENDA**

1. Hunter Simmons, GIS Manager, was introduced to the elected officials.
2. Selection of consultant for Parks & Recreation master plan (Appendix 1).

It was the general consensus of the members of the City Council that Lose & Associates will be considered for selection to perform the study. Members of the City Council expressed concern about the scope of the master plan study. The City Manager will distribute the request for proposal to the governing body which describes the intended scope (Lose & Associates option 3) of the project. The terms of the proposed agreement will be further studied by management and City Attorney. This matter will be considered again at the May 11, 2015 meeting of the City Council.

3. Ms. Kathy Thomson to address the City Council concerning leaf blowers (Appendix 2).

Ms. Thomson suggested that the Council consider tightening the restrictions on commercial operators in order to reduce the noise pollution from commercial lawn equipment (namely gasoline-powered leaf blowers). Suggestions include increasing the restricted time period (currently 6 p.m. until 7 a.m. weekdays and 6 p.m. until 8 a.m. on weekends pursuant to Ordinance No. 1906 adopted June 23, 2014) for commercial landscape service providers, requiring the use of newer, quieter power equipment, and restricting the number of simultaneous operators. It was the consensus of the members of the City Council that another mail-out be distributed to commercial operators informing them that the noise issue has not be resolved and that further restrictions are being considered. This matter will be reviewed again at a later date.

4. Fencing around equipment/cell tower area behind police station (Appendix 3). Further study of options intended to reduce the noise will be evaluated. This matter will be considered by the City Council again at a later date.
5. Change-order for Cahaba River Walk–Nimrod Long. Motion 2015-061 was added to the formal meeting agenda. A change-order will be delivered to the City Manager for execution upon its completion.
6. Fiscal year 2016 budget schedule and set date for Mayor and Council budget planning work session–Sam Gaston. The initial planning meeting was set for Wednesday, May 20, 2015 at 7:30 a.m. in Room A231 (Training Room).

7. Review of the formal [7 p.m.] agenda issues. [Note: The conditions of Resolution No. 2015-060 were discussed and formalized for incorporation in said resolution.]

## 2. EXECUTIVE SESSION AND ADJOURNMENT

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

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

Nays: None

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



City Clerk



## PUBLIC PARTICIPATION

### Steering Committee Formation:

Concurrent with the site inventory and analysis, we will finalize with the City the makeup of the Steering Committee to work with our master planning team. We strongly encourage that you empower a group of citizens representatives (who can be relied up to make compromises where necessary) to help manage larger citizen special interest group expectations and represent underserved groups who might not otherwise participate in other types of public input. If you decide to go this route, we will work with City staff to identify those to serve and will prepare a letter of invitation to potential members. The invitation will include an overview of the planning process and a list of members' requisite tasks and responsibilities. We will follow up with chosen committee members to ensure that they fully understand the tasks and are committed to attend the Steering Committee workshop, public meetings, the preliminary draft presentation (at your discretion) and the final presentation.

### Steering Committee Workshop:

We will then conduct a workshop with the Steering Committee. The workshop agenda will involve subdividing the group and giving each smaller group a list of questions to which each responds. The issues considered in this workshop will include developing a mission and vision for the department and a discussion on establishing local facility development standards or level-of-service standards. This will involve presenting existing National Recreation and Parks Association (NRPA) community park standards and modifying these standards to reflect the specific needs in Mountain Brook. We will also discuss the demographic trends in the area and how new expectations for park and recreation services may differ from the established understanding of park and recreation facilities. Also on the agenda will be the identification of dual service opportunities and partnerships that exist in the community. Projected areas of growth, which will require expanded parks and services in the future, will be identified and new developments planned within the community will be evaluated for the impact they will have on the parks system. The groups will then reassemble to hear presentations from each and subsequently build a consensus as a single body.

### Public Input Meetings:

In order to gauge public support and to understand fully the recreational needs of Mountain Brook, our team will facilitate an initial public meeting to inform citizens of the upcoming planning process and to take their input. Prior to the meeting, the team will assist in the preparation of a press release to be submitted by the City for advertisement about the upcoming input sessions. The goal of the meeting, like other venues for public input, is to gauge a list of needed facilities and programs. The meeting will also reflect the community's vision for parks within the overall scope of public services offered by the City. Input will be solicited about the development of the local park and recreation

standards specific to the City. During the meeting, the project team will also address citizens' questions about the master plan and will record opinions and ideas about the current delivery system.

The meeting will also provide opportunities for people to offer ideas for change and improvement. This first round of public input will occur on the second team site visit after the team has developed inventories and a basic understanding of the department. A presentation on initial findings, as well as recreation trends and opportunities, will be made to explain the planning process and to encourage the community to think of recreation opportunities outside of those that currently exist. We will solicit comments on recreation needs, open space and conservation needs, programming opportunities and issues of connectivity with greenways and sidewalks as part of the presentations. Comment cards will be distributed; the resulting submissions will be compiled with the verbal comments from the workshops for inclusion in the final report.

### Product of This Phase:

We will record all comments during interviews, meetings and presentations and assemble the material into a summary report illustrated with charts and graphs to indicate clearly the outcome of the process. This information will be evaluated and tabulated for use in the demand analysis and/or recommended program offerings. This information will also be used in subsequent evaluations and recommendations of the Department. All summaries, results, charts and graphs will be included in the final master plan document.

## DEMAND ANALYSIS AND EVALUATION/NEEDS INDEX/FACILITY ASSESSMENT/ACTION PLAN

This phase begins with previous phases, but continues after the initial phases are complete. The analysis phase of the project is a detailed process that identifies community characteristics and allows the project team to become familiar with previous and current planning efforts. At this stage of the process, we will consolidate and analyze all public input, demographics and existing planning documents. Existing parks and recreation goals will be analyzed and restructured in response to interviews, workshops, and public comment. We will review the goals and objectives of existing planning reports to determine the extent to which those goals have been achieved. We will utilize the consensus results of public input, personal interviews, workshops and steering committee meetings to shape demand analysis questions that are part of a Community Needs Assessment survey.

### Demand Analysis/Community Needs Assessment Survey:

We will use a technique we used on several recent plans, which is to post on the City's website the link to the community survey we will host on a separate web site. This will give people who were not able to attend public input meetings an opportunity to participate in the process. While these responses will not be fully statistically valid, they

do provide us with valuable preference data that can be used to shape programming and facility recommendations. We will work with staff to tailor the questions for the survey to focus on the most critical issues related to parks, open space, greenways and access to park programs and facilities.

Our staff will compile and analyze the survey results, looking for preferences and tendencies within the survey responses. Because we have completed multiple recreation surveys as part of our comprehensive planning process for other communities around the country, we will be able to compare Mountain Brook area responses to other communities and see if local trends are similar to regional and national trends. As part of the master plan report, the survey responses will be tabulated and documented with charts and graphs. A PowerPoint presentation of survey findings will also be provided in addition to the survey narrative in the master plan report.

### Demographic Research:

In order to fully reflect the community for which the plan is being developed, the project team will utilize current and projected demographic and sociological factor data, including population composition, population growth projection and trends, economic factors, and land-use patterns to prepare charts and graphs illustrating the City's actual growth between 2000 and 2010, as well as projected growth through the year 2030. Available data from the U.S. Bureau of the Census will be used to express the overall gender, age, education and economic health of the citizens served by Mountain Brook parks. General comparisons of these statistics will be made at state and national levels in order to understand community characteristics in a broader sense. We will prepare a detailed comparative analysis with the selected benchmark communities. We will look at the data both globally throughout the City and by census tract when evaluating service areas. We will also apply the demographics analysis to the service area of the parks to determine how each park is servicing the surrounding population, both currently and in the future.

### Park Distribution Mapping and Gap Analysis:

A critical element of the planning and evaluation service will be to develop level-of-service maps with service area boundaries for existing parks using GIS base information provided by the City. These maps will then be overlaid with other community data, such as location of libraries, schools and school playgrounds, colleges, large private recreation facilities and state or federal park facilities, to determine access to park facilities on a community-wide basis. These maps will allow the planning team to determine where service gaps are located and the relationship of facilities to major population centers within Mountain Brook. All of this data will be critical to developing recommendations for new park facilities and recommending open space. Completed maps will be formatted so that GIS staff can update them in the future.

As part of the park distribution gap analysis, we will review the impacts of the growth projections and land use guidelines outlined in the City's comprehensive plan. It will

include analysis of the impact of the desired growth patterns on existing parks and identify where new parks, greenways and open space will be needed to provide a well rounded system as growth and new development patterns develop. It will look at travel times and impediments to travel that limit access to existing and proposed facilities. Short term and long term recommendations will be made in order to minimize the gaps in service and create more connectivity through greenway and sidewalk development. This part of the analysis will also look at where potential passive open space may be needed to provide relief from development and to protect ecologically sensitive areas.

Using a combination of the demographics analysis and the park distribution analysis, we will develop a scoring strategy that outlines areas of the city based on how well they are served and how future demographic trends will affect these levels of service.

### Connectivity Analysis:

Team members will review any existing and planned greenway corridors in Mountain Brook, recommendations of the City's comprehensive transportation plan and projected land use plans to see if there are opportunities to expand greenway corridors. The team will assess the overall connectivity of the community in order to determine areas where connectivity is limited and where improved community access is needed. The team will also look at the potential to link City greenway corridors with those of surrounding communities in order to maximize overall connectivity within the region.

After the analysis of connectivity and environmental benefits has been completed, the team will prepare a greenway corridor map that details existing systems and recommended facilities. The team will develop a phasing plan and cost analysis for the recommendations.

### Program Analysis

The planning team will use the results of all the input methods and inventories to make recommendations for programs. Recommendations will identify new programs that will require new facilities, in addition to programming opportunities that have the potential to serve new user groups and program opportunities to expand revenue generation within the department.

An important part of this analysis will be to maximize the effective leadership groups that are already playing a role in programming, such as athletic associations or 501.c.3 organizations. Taking advantage of non-paid staff and volunteer groups is an effective tool that is utilized by parks and recreation departments across the country. The key is to establish clear policies and guidelines that these groups follow when operating on public property.

Working with the park staff and our stakeholder groups, we will develop a ranking strategy to determine which programs receive priority.

### Partnering Analysis/Public Private System Considerations

The goal of this assessment is to determine what agreements might be enacted to improve the overall recreation delivery system and make optimal use of facilities. The team will also review capital improvement projects/CIP and program costs to determine the effectiveness of existing policies and the viability of future policies.

This process will include an assessment of groups such as private youth associations, adult sports leagues, civic groups, 501 c.3 organizations, schools, and other secondary group agreements relative to maintenance and operating costs and revenue generated. The process will also include an evaluation of communitywide programming potential for the department. Particular attention will be paid to developing recommendations for continued and future coordination with youth associations and other groups; these recommendations will also focus on achieving the highest degree of efficiency and effectiveness possible. Our team will identify potential opportunities for revenue generation and funding in addition to those already in place, including sources for grants.

Additionally, we will identify opportunities for private providers to assume some department roles, where it makes sense. Part of that analysis involves consideration of situations where private providers may be able to provide services more efficiently, but must also consider which private providers may not be a good solution in cases where access to park and recreation activities are not as inclusive as at public facilities and programs.

**Budget Analysis, Fees and Charges**

We will look at the parks budget to determine the current level of per capita spending by the City, to determine percentage of total City budget and to compare these spending levels with other communities of similar size in the state and region. Those comparisons will provide the planning team with a better understanding of the level of funding for recreation programs and services. This assessment will also look at areas to increase internal revenue production based on the current fees and charges. The planning team will determine the best business practice for fees and charges. The planning team will evaluate your current fee determination process and make recommendations for development of a standardized approach to assessing resident and nonresident fees.

**Staffing Assessment and Operational Budget**

Working with City staff and elected officials, the team will evaluate and provide recommendations for the future department staff structure. Recommendations will be developed for staff organization, titles, new planning and programming divisions, and new staff needed to operate and maintain new park programs and facilities. These recommendations will be made to provide for the delivery of recreation services and programs. Budgeting projections for new staff and future staff at new facilities will be provided along with estimates for operational expenses for each basic park using per-acre cost and for all major facilities.

As part of this evaluation, the planning team will look at which staff positions will optimize service delivery by full time City staff and which positions can be contract positions. Many parks and recreation agencies today routinely utilize part-time staff and

The results of the survey data will identify strengths and weaknesses of how the public is made aware of the department's activities. From the survey questions, we will be able recommend ways to increase your presence in the community and identify which media resources, partnering community organizations, etc. are the best avenues for communication.

**PRESENTATION OF THE PRELIMINARY MASTER PLAN REPORT AND FINDINGS ALONG WITH THE PRELIMINARY MASTER PLAN, COST AND FUNDING RECOMMENDATIONS**

**Preliminary Recommendations Input Meetings and Web Posting:**

Our planning team will present the preliminary recommendations and findings for the park system and the individual park/connectivity master plans to the Steering Committee, Elected Officials and City staff to gain their feedback on the recommendations. We will also conduct communitywide public meeting to gather input and review comments on the proposed plan recommendations. We will provide the City with a .PDF copy of the preliminary master plan report to post on the City's website for a two-week comment period. This will give citizens who were unable to attend the public meetings an opportunity to comment on the plan.

Prioritization strategies will be prepared for implementation of recommended facilities. These strategies will include recommendations for improvements and renovations to existing facilities, as well as new facilities required to meet the identified public need. Vision statements along with short- and long-term goals and objectives will be provided to direct implementation of the master plan.

**Product of This Phase:**

The technical report from this phase will include:

- Summaries of data analysis
- Survey summaries and analysis
- Policy and Program summaries and recommendations
- Staffing summaries and recommendations
- Budget review and recommendations
- Individual park assessments and potential new land acquisition recommendations.
- New park facility cost estimates
- Distribution pattern maps
- Benchmarking comparisons
- Facility inventory charts
- Greenway and trails connectivity maps and cost estimates
- Land acquisition recommendations for future development or reserved open space
- Funding sources and recommendations
- Overall capital spending and phasing plans

contract staff to direct programs, oversee entire facilities and as part of the overall maintenance operation. We recently did a similar evaluation in a recent plan and recommended a combination of contract services and City staff to maximize delivery of service for a new department with challenges similar to those Mountain Brook faces.

**Park, Facility and Land Needs Assessment:**

The planning team will review existing facilities relative to expandability, existing design standards and levels of maintenance. In addition to site-based assessment, the distribution of facilities relative to travel times and population served will be developed. Facilities will also be categorized using established park standards (mini-park, neighborhood, community, open space, greenway) to analyze the makeup of the parks within the system relative to national standards for park facilities. Use and overuse of facilities based on program registrations and community input will be evaluated to aid in the development of recommendations. Strategies and policy recommendations will be made to enhance existing facilities and to maximize recreation opportunities. We will identify where additional focused studies may be needed in order to take the master plan recommendation and develop recommendations related to the operations and maintenance of parks and facilities. We will analyze these factors to determine their carrying capacity and if they have reached, or are near reaching, that capacity. We will review and rank major green space resources for applicability to overall park land needs and will recommend criteria for park land acquisition.

We will utilize national standards published by the National Recreation and Park Association (NRPA), staff and steering committee recommendations and benchmark communities to develop standards and recommendations specific to Mountain Brook. The proposed standards will be tailored to achieve the consensus goals, objectives and vision identified in the planning process; it is understood that local trends and desires are critical to this planning process and should take precedence over national planning standards.

**Capital Improvement Priorities:**

We will prepare a preliminary Capital Improvements Plan (CIP) for the City's park system. We will use information gathered throughout the process to create a short-term phasing recommendation (years 1-2,) a long-term phasing recommendation (years 3-5) and a future term (years 6-10). The plan will also include recommendations for implementing changes using partnering agencies (schools, private groups, community organizations, etc.) to carry some of the responsibility. Recommendations will be based on actionable, not theoretical methods of funding, and will consider possibilities such as fees, foundations, sales tax, millage increases, grants and endowments, etc. These will be presented to the City as well as to the Steering Committee for review and comment. Following review comments and recommended modifications, we will prepare the final capital recommendations and phasing report.

**Public Outreach Recommendations:**

**An executive summary**

After we have gathered all the comments, we will meet with staff, City Administration and Elected Officials to go over a comment summary. At this meeting, comments will be presented by topic area, and the team will ask for final input before the final master plan is prepared.

**Deliverables**

We will provide a digital copy in .PDF format on CD and a copy of our PowerPoint presentation to staff for distribution. We will also provide a full-size print of key maps. A master plan appendix will have copies of all meeting and planning session summaries. Other critical data that is felt to be important to explaining the master plan recommendations will also be included in the appendix.

**FINAL MASTER PLAN PREPARATION**

After a thorough evaluation of all comments on the Preliminary Master Plan, our team will prepare a Final Master Plan Report and will present it first to City staff as a draft, and then after revision, to the City Manager and City Council. This plan will include the following:

**Final Deliverables**

We will provide a digital copy in .pdf format on CD and a copy of our PowerPoint presentation to staff for distribution. We will also provide a full-size version of key maps. A master plan appendix will have copies of all meeting and planning session summaries. Other critical data that is felt to be important to explaining the master plan recommendations will also be included in the appendix.

**PROJECT TIMELINE AND MILESTONES**

We regularly perform comprehensive master plans for cities and counties in approximately 5-6 months. We feel that in order to perform the scope of work in a professional and meaningful manner, the amount of time we have dedicated to each step is appropriate, and includes sufficient time for City officials to review the recommendations at each step. If desired, we can condense the schedule as desired.

Project Initiation:	Weeks 1-3
Public Participation:	Weeks 4-5
Demand Analysis/Survey and Evaluation/Needs Index/ Facility Assessment/Action Plan & Creation of Preliminary Plan:	Weeks 1-14

Presentation of the Preliminary Master Plan  
Report and Findings & Associated Meetings:  
Creation of Final Master Plan  
Final Master Plan Presentation:

Weeks 13-16  
Weeks 16-20  
Week 21

APPENDIX 1

Sam Gaston

From: Tommy Thomson  
Sent: Friday, March 20, 2015 12:50 PM  
To: gastons@mtbrook.org

Attachments: Document1.doc; ATT01158.tbt



Document1.doc ATT01158.tbt (95  
(28 KB) 8)

Mr. Gaston,

Thank you so much for listening to my concerns this morning regarding the extreme noise resulting from leaf blowers in our community. As you advised, I have attached a brief outline of my concerns and possible solutions and I am certainly open to any other ideas. I hope you and your family have a good weekend. Thanks again - Kathy Thomson

Dear Mr. Gaston and Mountain Brook City Council Members,

Thank you for taking the time to listen to my concerns regarding the leafblower noise level in our community. I have read the current ordinances that limit the hours they can operate. My concern is the high level of noise that leaf blowers create and the length of time they are used. For example, I have been at home and hearing noise blowers consistently since 8:00 a.m. this morning until the time that I am writing this document, 1:00 p.m. There was perhaps twenty minutes in this five hour period that a leaf blower wasn't operating. I work from home and have tried using earplugs but the noise level is so great that it doesn't help, unfortunately. I have heard many other neighbors and Mountain Brook residents express concerns over the noise issue as well.

I am very "pro business" and do not wish to negatively affect the business of the landscape companies and their employees. My goal is to explore options that would enable residents to enjoy being in and outside our homes without hours and hours of constant noise pollution.

One thought I had was that all landscape companies could be required to use the newer, much quieter leafblowers that the market offers. I did a little research on this and found several options from Consumer Reports. There are definitely leafblowers that come with a sound muffling design; the Husqvarna 356BT is just one example. Electric leaf blowers are quieter than gas models. If newer leaf blowers were required, I have read that they are up to 75% quieter than ones manufactured a decade ago. Another thought is to require a minimum of two (preferably three) operators of the leafblowers at a time; that would at least cut in half the amount of time that the noise is going on. For example, our neighborhood has large lots and some are several acres; when there is only one leaf blower working, the noise can go on for hours and hours. The last thought I had was to further restrict the hours that leaf blowers can operate. Again, I am very aware of the priority of businesses being able to operate and the importance of that. However, if they were limited to the hours of between 10:00 and 4:00, this would enable residents to enjoy quite mornings and evenings, as well as outdoor time in the milder weather months. We have heard leaf blowers as early as 6:45 a.m. and as late as 7:45 p.m.

Thank you again for listening to my concerns. Leaf blowing has become a year round issue; it is no longer limited to the fall months when leaves are on the ground. They are used to clean outdoor areas and clear away grass clippings and twigs. I will be happy to do anything I can from my end to help improve this quality of life issue for myself and other residents.

Kathy Thomson  
3121 Brookwood Road  
Mountain Brook, AL 35223  
205-968-2219



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

City mechanical equipment noise and aesthetics complaints  
April 21, 2015  
Page two

To: Sam Gaston, City Manager  
From: Steven Boone  
Subject: City mechanical equipment noise and aesthetics complaints  
Date: April 21, 2015

As you are aware, 4-6 weeks ago Virginia received a complaint from Albert Tinsley about fan noise from the equipment yard behind the police department and about the unsightly appearance of the black-screened chain link fence around the equipment yard. I attended the on-site meeting with Virginia and Mr. Tinsley.

**NOISE**

During the meeting, we observed normal fan noise from the City's cooling tower and some metal-on-metal noise at start-up from one of the ATT mobile telephone equipment buildings. I contacted ATT about their fan motor. ATT stated that the noise was "normal" but agreed that the motor may have a bearing issue so they replaced it on March 26.

On April 10, the City's HVAC maintenance contractor reported to me that the one of the fan motors on the cooling tower is making a noise most likely due to a bearing issue. A part was ordered and repair was completed on April 21.

**AESTHETICS**

Mr. Tinsley stated that he is displeased with the appearance of the equipment/cell tower compound. He further stated that the City's architect told him during construction that if he was unhappy with the compound, the City would implement corrective measures. He suggested a wooden fence similar to the one constructed along Oak Street.

I have obtained verbal permission from Crown Castle to construct and maintain a wooden fence (to be built in front of the existing chain link fence). I have also obtained a quote in the amount of \$4,462 for the construction of a 28-foot fence 10 to 12 feet tall (equal to the chain link fence).

The area between the chain link fence and curb is very narrow. Within this area is a holly (?) tree and some low bushes. I think a fence can be installed within the area without adversely affecting these plantings but we may need an opinion from the Arborist to confirm should the Council decide to proceed.

**OBSERVATIONS/COMMENTS**

1. The ATT fan noise at start-up is better (no more metal-on-metal sound)
2. The cooling tower fan noise issue reported April 10 has been resolved.
3. Fan noise from the City's cooling tower is noticeable from Mr. Tinsley's house. I informed Mr. Tinsley that the fan noise sounded normal to me and that relocating the equipment was not possible.

4. I stated that I would research the possibility of constructing a fence for the Council to consider. The stained wooded fence will likely look better than the black-screened chain link. It is also possible that the fence could muffle the fan noise somewhat.
5. Mr. Tinsley's home is largely screened from the equipment yard by a privet hedge. One must strain to see through the hedge row. The density of the hedge row does change with the seasons and is subject to trimming by City and utility workers. The hedge row is denser now than it was 4-6 weeks ago at the initial meeting. I see little value of the fence from an aesthetics view. However, the fence may be worth pursuing in an effort to muffle the noise and as a sign of the City's good faith attempt to address their appearance and noise concerns.
6. I am also researching whether there are any mechanical or attachment options that can be added to the cooling tower to reduce noise.

Re: Cell tower site (BIR BRK BU#811735) located in Crestline Village / City of Mountain Brook municipal complex, police station

Steve Boone <boones@mtnbrook.org>

12:00 PM (1 minute ago)

to Jennifer, Sam, Whit, Vic, Jason, Mary

Thank you.

On Thu, Apr 16, 2015 at 10:26 AM, McCown, Jennifer <Jennifer.McCown@crowncastle.com> wrote: Hi, Mr. Boone...

Crown Castle has no problem with the City constructing and maintaining a facade fence around the compound. I will say, if we need to ever push the fence out to expand the compound, the replacement facade fence, would also be at the City's expense.

Thank you for checking with us and I apologize for my delay in getting back with you. Please feel free to contact me with any further questions.

Thanks so much,

JENNIFER MCCOWN Real Estate Specialist - ALMS T: (205) 899-2026 | M: (205) 640-8747 | F: (724) 418-8931

CROWN CASTLE Two Chase Corporate Drive, Suite 106, Birmingham, AL 35244 CrownCastle.com

On Apr 15, 2015, at 1:46 PM, Steve Boone <boones@mtnbrook.org> wrote:

As you recall, Crown Castle relocated a cell tower a few years ago to accommodate the City's construction of a new municipal complex. The leased area is enclosed with a 10' to 12' chain link fence. Within the fenced area are the cell tower communication facilities, the City's diesel tank, a (City) standby generator, and the City's cooling tower for the municipal complex air conditioning system.

The City has received complaints from adjoining property owners about the fan noise coming from the City's cooling tower and the aesthetics of the chain link fence. I am exploring the possibility of the City construction a wooden facade or fence in front of the chain link along that portion facing Oak Street and need to find out whether Crown Castle has any objections to (or who the City needs to obtain permission from for) this project. If permitted, the wooden fence would be as tall as the chain link fence and run along one end of the chain link. The vertical supports for the wooden fence may be attached to the metal poles of the chain link.

Can you help put me in touch with the appropriate person who can approve or deny this request? Once I gather all of the necessary information, I will present to the City Council who may elect to move forward with constructing the fence (assuming allowed by Crown Castle) or reject the proposal.

Thanks.

Steven Boone

Proposed/Submitted To <b>City of Mtn. Brook</b>	Job Name	Job #
Address <b>Police Dept.</b>	Job Description	
Phone #	Date <b>3-18-15</b>	Date of Plans
Class #	Architect <i>[Signature]</i>	

We hereby submit specifications and estimates for:

*Michael after talking to Mr. Boone, decided to figure cedar, lighter than treated wood will warp or twist as bad as treated. Also horizontal 2x8 will be ripped to a full 2" thickness x 28' not pieced on post, painted 2 coats with copper tops.*

*Thanks  
David E. Bealton  
cell 205-229-0625  
Fax 205-692-3213*

We propose hereby to furnish material and labor - complete in accordance with the above specifications for the sum of:

*Four Thousand Four Hundred Sixty Two* Dollars

with payments to be made as follows.

Any alteration or deviation from above specifications involving extra work will be estimated only upon written order and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control.

Respectfully submitted

Now - this proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**ACCEPTANCE OF PROPOSAL**

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payments will be made as outlined above.

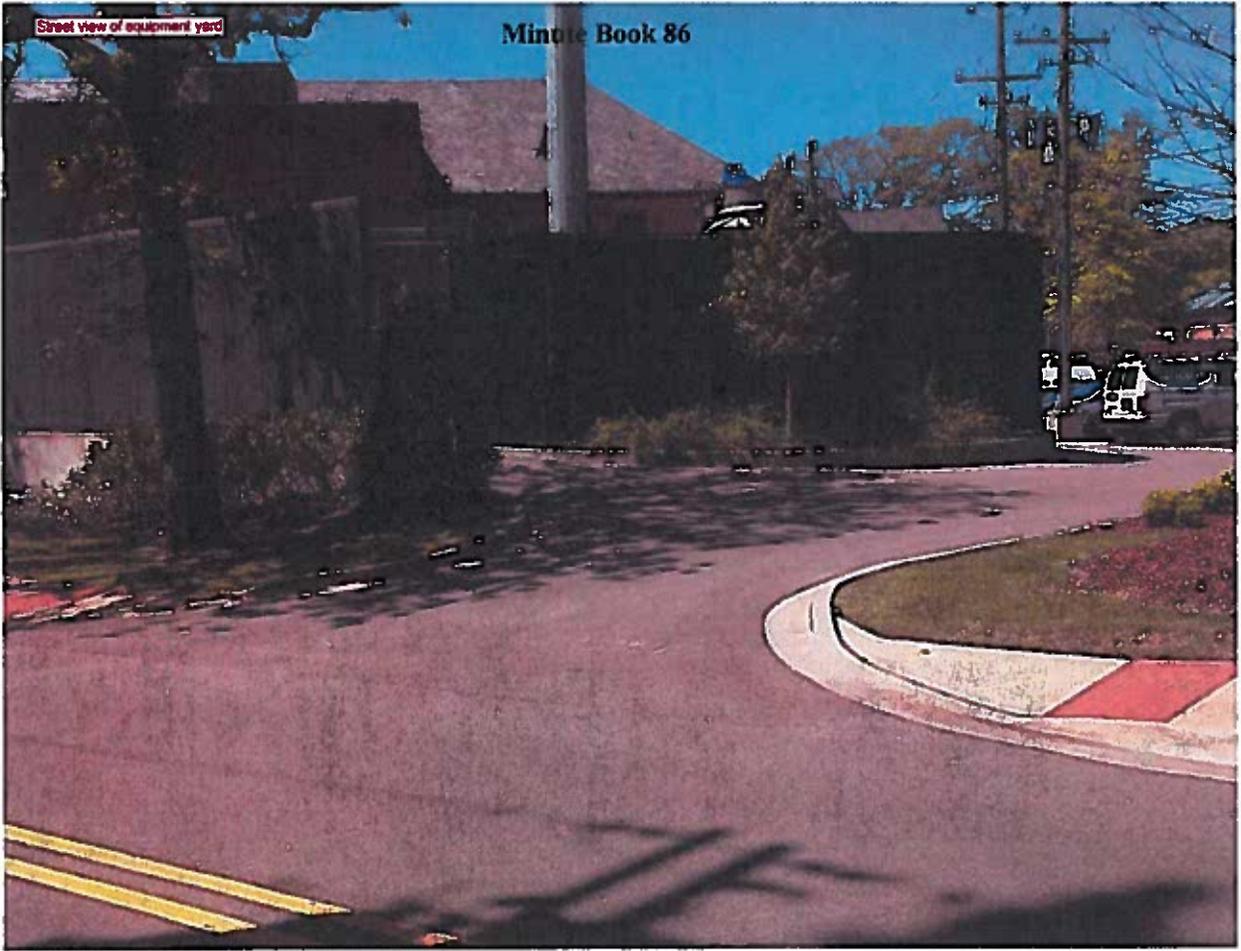
Date of Acceptance: \_\_\_\_\_ Signature: \_\_\_\_\_

A 9C1819 / T 1450

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Street view of equipment yard

Minute Book 86



APPENDIX 3

View of Mr. Tinsley's house from fence





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APPENDIX 3

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**MINUTES OF THE REGULAR MEETING OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA  
APRIL 27, 2015**

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The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at 7:00 p.m. on Monday, the 27th day of April, 2015. The Council President called the meetings 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 Carl Johnson, 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. 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 April 13, 2015 regular meeting of the City Council.

- |                            |  |                         |
|----------------------------|--|-------------------------|
| <b>2015-058</b>            | Authorize the City's participation in the 2015 "Back-to-School" Sales Tax Holiday, beginning at 12:01 a.m. on Friday, August 7, 2015, and ending at twelve midnight on Sunday, August 9, 2015, whereby the City of Mountain Brook will exempt certain school supplies, computers, and clothing from municipal sales or use tax in conformance with the time period, terms and conditions, and definitions as provided for the "State of Alabama Sales Tax Holiday" | Exhibit 1<br>Appendix 1 |
| <b>2015-059</b>            | 1) declare a 2008 model postage machine obsolete, declaring it surplus, and authorizing it trade-in , and 2) authorize the execution of a lease agreement between the City and Secap Financial (subsidiary of Pitney Bowes Global Financial Services, LLC) with respect to City's lease of a Pitney Bowes Connect +500W Mailing System   | Exhibit 2<br>Appendix 2 |
| <b>2015-060</b>            | Approve the conditional [service] use application submitted by James Lee to allow yoga classes (dba\ mountainbrook.yoga) at 2414 Canterbury Road in Mountain Brook Village [Local Business], subject to specified conditions.  | Exhibit 3<br>Appendix 3 |
| <b>2015-061<br/>Motion</b> | Approve Cahaba River Walk change-order   | Appendix 4              |

Thereupon, the foregoing minutes, resolutions, and motion were introduced by Council President Smith and their immediate adoption was moved by Council member Womack. The minutes, resolutions, and

motion were then considered by the City Council. Council President Pro-Tempore Pritchard seconded the motion to adopt the foregoing minutes, resolutions, and motion. Then, upon the question being put and the roll called, the vote was recorded as follows:

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

Nays: None

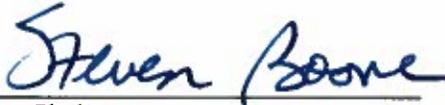
Council President Smith thereupon declared that said minutes, Resolution Nos. 2015-058 through 2015-060, and Motion No. 2015-061 are adopted by a vote of 5—0.

**2. 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, May 11, 2015 at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213. Please visit the City's web site ([www.mtnbrook.org](http://www.mtnbrook.org)) for more information.

**3. ADJOURNMENT**

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

  
City Clerk

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**EXHIBIT 1**

**RESOLUTION NO. 2015-058**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that pursuant to Act No. 2006-574, beginning at 12:01 a.m. on Friday, August 7, 2015, and ending at twelve midnight on Sunday, August 9, 2015, the City of Mountain Brook will exempt certain school supplies, computers, and clothing from municipal sales or use tax. Said sales and use tax exemption shall conform with respect to the time period, terms and conditions, and definitions as provided for the "State of Alabama Sales Tax Holiday".

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby instructed to send a certified copy of this resolution to the Alabama Department of Revenue, Attention: Wanda Robbins, Room 4311, Sales, Use & Business Tax Division, Post Office Box 327900, Montgomery, Alabama 36132-7900 as required by Sales Tax Holiday Rule 810-6-3-.65 and Code of Alabama 1975, §11-51-210(e).

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**APPENDIX 1**

**EXHIBIT 2**

**RESOLUTION NO. 2015-059**

**WHEREAS**, the City of Mountain Brook, Alabama, has certain items of personal property which are no longer needed for public or municipal purposes; and

**WHEREAS**, Section 11-43-56 of the Alabama Code of 1975 authorizes the municipal governing body to dispose of unneeded personal property.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook, as follows: It is hereby established and declared that the following property owned by the City of Mountain Brook, Alabama is not needed for public or municipal purposes and is hereby declared surplus property:

- Asset No. 13703 - IS460 Mailing Machine w/ Scale (Neopost 12673298, S/N DC0827039)

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Manager is hereby authorized and directed to trade-in said obsolete property in conjunction with the acquisition of a replacement asset.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook that the Mayor or the City Manager of the City is hereby authorized and directed, for and on behalf of the City, to enter into a lease agreement between the City and Secap Financial LLC, in the form as attached hereto as Exhibit A, with respect to the City's (60 month) lease of a Pitney Bowes Connect +500W Mailing System.

## APPENDIX 2

---

### EXHIBIT 3

#### RESOLUTION NO. 2015-060

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional service use application submitted by James Lee to allow yoga classes (dba"mountainbrook.yoga") at 2414 Canterbury Road, subject to the following conditions:

#### Monday through Saturday

Before 9 a.m.	<= 25 students
Between 9:30 a.m. – 10:30 a.m.	<= 15 students
Between 11 a.m. – 4 p.m.	1 – 2 students (private lessons)
Between 4 p.m. – 5 p.m.	<= 15 students
After 5 p.m.	<= 30 students

#### Sunday

<= 30 students (30 minutes between classes)

## APPENDIX 3

---



State of Alabama Department of Revenue

30 North Ripley Street Montgomery, Alabama 36132 April 6, 2015

MICHAEL E. MASON Alabama Commissioner ROY W. GARNETT, JR. Deputy Commissioner CURTIS E. STEWART Deputy Commissioner

IMPORTANT RESPONSE REQUIRED IMPORTANT

2015 "Back-to-School" Sales Tax Holiday August 7-9, 2015

Deadline to notify ADOR: July 7, 2015

The 2015 "Back-to-School" Sales Tax Holiday begins at 12:01 a.m. on Friday, August 7, 2015, and ends at twelve midnight on Sunday, August 9, 2015.

Your taxpayers need to know whether or not your locality will participate in the 2015 "Back-to-School" Sales Tax Holiday.

Please put it on your calendar to discuss and vote on this matter soon and notify the ADOR of the decision.

RESPONSE REQUIRED:

Participating? Send a certified copy of any resolution, ordinance, or amendment adopted by your locality

Not Participating? It is important that you inform us of that fact by email, fax or letter

Taxpayers and retailers rely on the list provided by the Department of Revenue and the Department cannot post a locality's participation status based on assumption, notification of nonparticipation or copies of resolution/ordinance from the locality is required.

Notification can be faxed, mailed or emailed:

FAX: 334-383-7888 MAIL: ALABAMA DEPARTMENT OF REVENUE ATTN: Wanda Robbins Sales & Use Tax Division Post Office Box 327800 Montgomery, Alabama 36132-7900 EMAIL: wanda.robbs@revenue.alabama.gov QUESTIONS: 334-383-8044

An Affirmative Action / Equal Opportunity Employer



www.revenue.alabama.gov

2015 SALES TAX HOLIDAY

Alabama will hold its tenth annual sales tax holiday, beginning Friday, August 7, 2015 at 12:01 a.m. and ending Sunday, August 9, 2015 at 12 midnight, giving shoppers the opportunity to purchase certain school supplies, computers and clothing free of state sales tax. Local sales tax may apply.

For more information, contact us 8:00 a.m. - 5:00 p.m., CST Monday through Friday 334-342-1498 or 866-576-6531

Table with columns: CLOTHING - \$100 or Less, per article of clothing; EXEMPT; Includes all human wearing apparel suitable for general use - Not an all-inclusive list; TABLET; Protective Equipment; Sport or Recreational Equipment

APPENDIX I

Table: COMPUTERS, COMPUTER SOFTWARE, & SCHOOL COMPUTER SUPPLIES - A single purchase with a sales price of \$750 or Less. Includes EXEMPT list and COMPUTER SOFTWARE details.

Table: SCHOOL SUPPLIES, SCHOOL ART SUPPLIES & SCHOOL INSTRUCTIONAL MATERIAL - Sales Price of \$50 or Less, per Item (Noncommercial Purchases). Includes EXEMPT list and SCHOOL SUPPLIES, SCHOOL ART SUPPLIES, and SCHOOL INSTRUCTIONAL MATERIAL details.

Table: BOOKS - Sales Price of \$30 or Less, per book (Noncommercial Purchases). Includes EXEMPT list and BOOKS definition.

ACT No. 2006-574

- 1 HB220
2 01835-5
3 By Representatives Gipson, Love, Vance, Martin, McClurkin,
4 Bentley, Hubbard, Spicer, Ball, Beck, Faust, Williams (H),
5 Salaam, Brewbaker, Major, Hinchaw, Hammon, Gaston, Ison, Ward,
6 Gelliher, Sanderford and Bridges
7 RFD: Education Finance and Appropriations
8 First Read: 10-JAN-06



HB228

HB228

1  
2 **ENROLLED, An Act,**  
3 To exempt certain covered items from the state sales  
4 and use tax during the first full weekend in August of each  
5 year, authorize any county or city to exempt certain covered  
6 items from local sales and use taxes, and prohibit a county or  
7 municipality from providing for a sales and use tax exemption  
8 during any period other than the first full weekend in August.  
9 **BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:**

10 Section 1. (a) As used in this section, the term  
11 "covered items" means the following:  
12 (1) Articles of clothing with a sales price of one  
13 hundred dollars (\$100), or less, per article of clothing.  
14 a. "Clothing" means all human wearing apparel  
15 suitable for general use including sandals, shoes and  
16 sneakers. Clothing shall not include:  
17 1. Belt buckles sold separately;  
18 2. Costume masks sold separately;  
19 3. Patches and emblems sold separately;  
20 4. Sewing equipment and supplies including, but not  
21 limited to, knitting needles, patterns, pins, scissors, sewing  
22 machines, sewing needles, tape measures, and thimbles;  
23 5. Sewing materials that become part of "clothing"  
24 including, but not limited to, buttons, fabric, lace, thread,  
25 yarn, and zippers;

Page 1

1 In addition, clothing shall not include clothing  
2 accessories or equipment, protective equipment, or sport or  
3 recreational equipment; as defined herein.  
4 b. "Clothing accessories or equipment" means  
5 incidental items worn on the person or in conjunction with  
6 "clothing." The following list contains examples and is not  
7 intended to be an all-inclusive list. "Clothing accessories or  
8 equipment" shall include:  
9 1. Briefcases;  
10 2. Cosmetics;  
11 3. Hair notions, including, but not limited to,  
12 barrettes, hair bows, and hair nets;  
13 4. Handbags;  
14 5. Handkerchiefs;  
15 6. Jewelry;  
16 7. Sun glasses, non-prescription;  
17 8. Umbrellas;  
18 9. Wallets;  
19 10. Watches; and  
20 11. Wigs and hair pieces.  
21 c. "Protective equipment" means items for human wear  
22 and designed as protection of the wearer against injury or  
23 disease or as protections against damage or injury of other  
24 persons or property but not suitable for general use. The

Page 2

APPENDIX 1

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1 following list contains examples and is not intended to be an  
2 all-inclusive list. "Protective equipment shall include:  
3 1. Breathing masks;  
4 2. Clean room apparel and equipment;  
5 3. Ear and hearing protectors;  
6 4. Face shields;  
7 5. Hard hats;  
8 6. Helmets;  
9 7. Paint or dust respirators;  
10 8. Protective gloves;  
11 9. Safety glasses and goggles;  
12 10. Safety belts;  
13 11. Tool belts; and  
14 12. Welders gloves and masks.  
15 d. "Sport or recreational equipment" means items  
16 designed for human use and worn in conjunction with an  
17 athletic or recreational activity that are not suitable for  
18 general use. The following list contains examples and is not  
19 intended to be an all-inclusive list. "Sport or recreational  
20 equipment" shall include:  
21 1. Ballet and tap shoes;  
22 2. Cleated or spiked athletic shoes;  
23 3. Gloves, including, but not limited to, baseball,  
24 bowling, boxing, hockey, and golf;  
25 4. Goggles;

Page 3

1 5. Hand and elbow guards;  
2 6. Life preservers and vests;  
3 7. Mouth guards;  
4 8. Roller and ice skates;  
5 9. Shin guards;  
6 10. Shoulder pads;  
7 11. Ski boots;  
8 12. Waders; and  
9 13. Wetsuits and fins.  
10 (2) A single purchase, with a sales price of seven  
11 hundred fifty dollars (\$750), or less, of computers, computer  
12 software, and school computer supplies.  
13 a. A "computer" means an electronic device that  
14 accepts information in digital or similar form and manipulates  
15 it for a result based on a sequence of instructions.  
16 b. "Computer software" means a set of coded  
17 instructions designed to cause a "computer" or automatic data  
18 processing equipment to perform a task.  
19 c. A "school computer supply" means an item commonly  
20 used by a student in a course of study in which a computer is  
21 used. The following is an all-inclusive list of school  
22 computer supplies:  
23 1. Computer storage media; diskettes, compact disks;  
24 2. Handheld electronic schedulers, except devices  
25 that are cellular phones;

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- 1 3. Personal digital assistants, except devices that
- 2 are cellular phones;
- 3 4. Computer printers; and
- 4 5. Printer supplies for computers; printer paper,
- 5 printer ink.
- 6 "Computer," "Computer software," and "School
- 7 computer supplies" shall not include furniture and any
- 8 systems, devices, software, peripherals designed or intended
- 9 primarily for recreational use, or video games of a
- 10 noneducational nature.
- 11 (3) Noncommercial purchases of school supplies,
- 12 school art supplies, and school instructional material, up to
- 13 a sales price of fifty dollars (\$50) per item.
- 14 a. "School supply" is an item commonly used by a
- 15 student in a course of study. The following is an
- 16 all-inclusive list:
- 17 1. Binders;
- 18 2. Book bags;
- 19 3. Calculators;
- 20 4. Cellophane tape;
- 21 5. Blackboard chalk;
- 22 6. Compasses;
- 23 7. Composition books;
- 24 8. Crayons;
- 25 9. Erasers;

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- 1 2. Paints; acrylic, tempera, and oil;
- 2 3. Paintbrushes for artwork;
- 3 4. Sketch and drawing pads; and
- 4 5. Watercolors.
- 5 ~~c. "School instructional material" is written~~
- 6 ~~material commonly used by a student in a course of study as a~~
- 7 ~~reference and to learn the subject being taught. The following~~
- 8 ~~is an all-inclusive list:~~
- 9 ~~1. Reference books;~~
- 10 ~~2. Reference maps and globes;~~
- 11 ~~3. Textbooks; and~~
- 12 ~~4. Workbooks;~~
- 13 ~~c. "School instructional material" is written~~
- 14 ~~material commonly used by a student in a course of study as a~~
- 15 ~~reference and to learn the subject being taught. The following~~
- 16 ~~is an all-inclusive list:~~
- 17 ~~1. Reference maps and globes.~~
- 18 ~~2. Required textbooks on an official school book~~
- 19 ~~list with a sales price of more than thirty dollars (\$30) and~~
- 20 ~~less than fifty dollars (\$50).~~
- 21 ~~(4) Noncommercial purchases of books with a sales~~
- 22 ~~price of not more than thirty dollars (\$30) per book. The term~~
- 23 ~~book shall mean a set of printed sheets bound together and~~
- 24 ~~published in a volume with an ISBN number, but does not~~

Page 7

- 1 10. Folders; expandable, pocket, plastic, and
- 2 manila;
- 3 11. Glue, paste, and paste sticks;
- 4 12. Highlighters;
- 5 13. Index cards;
- 6 14. Index card boxes;
- 7 15. Legal pads;
- 8 16. Lunch boxes;
- 9 17. Markers;
- 10 18. Notebooks;
- 11 19. Paper; loose leaf ruled notebook paper, copy
- 12 paper, graph paper, tracing paper, manila paper, colored
- 13 paper, poster board, and construction paper;
- 14 20. Pencil boxes and other school supply boxes;
- 15 21. Pencil sharpeners;
- 16 22. Pencils;
- 17 23. Pens;
- 18 24. Protractors;
- 19 25. Rulers;
- 20 26. Scissors; and
- 21 27. Writing tablets.
- 22 b. "School art supply" is an item commonly used by a
- 23 student in a course of study for artwork. The following is an
- 24 all-inclusive list:
- 25 1. Clay and glazes;

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1 ~~include magazines, newspapers, periodicals, or any other~~

2 ~~document printed or offered for sale in a non-bound form.~~

3 Section 2. Covered items, as defined herein, are

4 exempted from paying the state sales and use tax during the

5 period from 12:01 a.m. on the first Friday in August of each

6 year and ending at twelve midnight the following Sunday. Items

7 normally sold in pairs shall not be separated to qualify for

8 the exemption provided for in this act.

9 Section 3. The Commissioner of the Department of

10 Revenue shall promulgate any rules necessary to implement and

11 administer this section including, but not limited to, a list

12 of those articles and items qualifying for the exemption

13 pursuant to this act, that do not conflict with the

14 Streamlined Sales and Use Tax Agreement.

15 Section 4. Any county or municipality may, by

16 resolution or ordinance adopted at least 30 days prior to the

17 first full weekend of August, provide for the exemption of

18 covered items from paying county or municipal sales and use

19 taxes during a period commencing at 12:01 a.m. on the first

20 Friday in August of each year and ending at twelve midnight

21 the following Sunday under the same terms, conditions and

22 definitions as provided for the state sales tax holiday.

23 Notwithstanding the foregoing, a county or municipality is

24 prohibited from providing such an exemption during any other

25 period of the year.

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1 Section 5. This act shall become effective on the  
 2 first day of the third month following its passage and  
 3 approval by the Governor, or its otherwise becoming law.

4 Section 6. Notwithstanding Section 2 of this act,  
 5 this act shall be null and void and shall not become effective  
 6 unless and until, House Bill 321 of the 2006 Regular Session  
 7 is passed by both houses and signed into law by the Governor  
 8 or otherwise becomes law.

1  
2  
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6

*Art P. Smith*  
 \_\_\_\_\_  
 Speaker of the House of Representatives

*Lucy Buckley*  
 \_\_\_\_\_  
 President and Presiding Officer of the Senate

7  
8  
9  
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17

House of Representatives  
 I hereby certify that the within Act originated in  
 and was passed by the House 23-FEB-06, as amended.

Greg Pappas  
 Clerk

Senate	<u>17-APR-06</u>	Amended and Passed
House	<u>17-APR-06</u>	Concurred in Senate Amendment

APPROVED *April 25, 2006*  
 TIME *10:00 a.m.*  
*Art P. Smith*  
 CLERK

ALABAMA SECRETARY OF STATE  
 ACT NUM...18006-574  
 BILL NUM...1H-228

Page 10 REC'D 04/25/06 04:37PMJJB

Page 9

APPENDIX 1

**BCAP FINANCE LEASE AGREEMENT**  
**STATE & LOCAL FARM MARKET VALUE LEASE**  
**Contract Ending & Pricing Schedule**

Your Business Information  
 City of Mountain Brook 02-8891233  
 200 Stone of Flames  
 60 Church Street  
 Birmingham, AL 35217  
 City State ZIP+4  
 35202-3000  
 Billing Contact Name Billy Brown P  
 Billing Email B  
 Invoice Address if different from billing address Street City State ZIP+4  
 Attention Contact Name Mountain Creek Press II Mountain Creek II  
 Mountain Creek Press II  
 Attention P.O. Box 10000  
 Mountain Creek II  
 Birmingham, AL 35202

Your Payment Plan  
 Number of Months 60  
 Monthly Amount \$ 1,100.00  
 Total \$ 66,000.00  
 First Payment Due 04/15/15

Your Signature Below  
 Signature Billy Brown  
 Title Manager  
 Billing Contact Name Mountain Creek Press II  
 Attention P.O. Box 10000  
 Mountain Creek II  
 Birmingham, AL 35202

**1.1. DEFINITIONS**  
 1.1.1 "Agreement" shall mean this Agreement and all exhibits, amendments, and supplements thereto.  
 1.1.2 "City" shall mean the City of Mountain Brook.  
 1.1.3 "Equipment" shall mean the postage machine described in Exhibit A.  
 1.1.4 "Lease Term" shall mean the term of this Agreement as set forth in Article 2.  
 1.1.5 "Maintenance" shall mean the maintenance and repair of the Equipment as defined in Article 3.  
 1.1.6 "Rent" shall mean the amount payable by the City to the Lessor as set forth in Article 4.  
 1.1.7 "Standard Form Lease Agreement" shall mean the standard form lease agreement published by the International Franchise Association, Inc. (IFA) and used by the Lessor for its franchisees.  
 1.1.8 "Trade Dress" shall mean the distinctive appearance of the Equipment, including its color, shape, and design, which is the property of the Lessor.

**1.2. AGREEMENT TO LEASE**  
 1.2.1 The City hereby agrees to lease the Equipment from the Lessor on the terms and conditions set forth in this Agreement.  
 1.2.2 The City acknowledges that it is entering into this Agreement for its own use and not for resale.  
 1.2.3 The City agrees to pay the Rent to the Lessor on the dates and in the amounts set forth in Article 4.  
 1.2.4 The City agrees to maintain the Equipment in good working order and to pay for all maintenance and repair costs not covered by the Lessor's maintenance obligations.  
 1.2.5 The City agrees to use the Equipment only for the purposes set forth in Exhibit A and not for any other purpose.  
 1.2.6 The City agrees to return the Equipment to the Lessor at the end of the Lease Term in good working order and in the same condition as when it was received, except for normal wear and tear.  
 1.2.7 The City agrees to indemnify and hold the Lessor harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, arising from the use of the Equipment, whether or not such claims, damages, or expenses are caused in whole or in part by the negligence of the Lessor.



To: Sam Green, City Manager  
 From: Steven Brown, S. Brown  
 Date: April 6, 2015  
 CC: Mayor and members of the City Council  
 Subject: Replace existing postage machine

I propose that the postage machine be replaced. The existing postage machine was purchased in October 2008. The replacement was budgeted for fiscal 2015 in the amount of \$3,800. Rather than purchasing, I suggest the new postage machine be leased (60 months). Attached is my comparison of the lease and purchase options and rationale for leasing.

Also attached is the standard form lease agreement. I seriously doubt the City will prevail if modifications to the standard form are sought. If the terms of the lease are unacceptable for any particular reason, we can go with the purchase option.

Mail (Postage) Machine  
 City of Mountain Brook  
 6-Apr-15

	Lease	Purchase
Initial Lease Sale Cost		
Equipment	\$ 6,845	
Trade-In	\$ 11,200	
Net Cost After Trade	\$ 6,845	
Recurring Costs		
Lease (Includes trade-in)	\$ 2,100	
Maintenance	\$ 900	\$ 850
Motor Rental (M)	\$ 1,772	\$ 1,366
Annual Recurring Costs	\$ 4,772	\$ 2,256
Life of Lease (5 years)	\$ 21,000	\$ 11,200 (0)
Total (including supplies)	\$ 21,000	\$ 19,915
Finance Charge (3.5% APR)	\$ 1,051	

- (B) Vendor will provide motor rental at no charge for the first year as follows:
- (0) Does not reflect annual rate increases.
- Advantages of leasing:  
 1. Leaks in motor rental rate for duration of lease. Expect annual inflationary increases if purchased.  
 2. Leaks in maintenance rate for duration of the lease. Expiring maintenance agreement on current mail machine is \$3,380 annually. Increases will likely significantly outpace inflation.
- Disadvantages of leasing:  
 1. Leases is noncancelable (imposed by fact that City will likely always require a mail machine making early cancellation unlikely)  
 2. Finance charge (most likely offset by savings from leasing in maintenance cost)

# Covenant



## Proposal For



4/8/15

## Connect+ 500W



### Connect+ 500W keeps you productive by making your job simpler

Every day, you have critical deadlines for bill pays, statements and customer notifications. And you have to juggle different paper sizes, font sizes and colors. You need a postage machine that can handle it all. The Connect+ 500W does just that. It's a postage machine that can handle it all. It's a postage machine that can handle it all.

- Introducing Connect+ 500W  
 Connect+ 500W will help you meet your daily business and keep up with your changing print needs. Its advanced technology makes your work simpler - whether for your invoice maker or your list of mailing needs.
- Built-in handle slips with smart sheet. Return-to-sender and multiple address jobs or your staff having to stack or handle them manually.
  - Simplify your shipping by handling small and large parcels in the load tray.
  - An advanced level of technology that everyone can use with repeatable results at a cost you can afford.
  - Easy and simple to use. Customizable e-address only with your customer and meet your deadline.



Pitney Bowes



Single Use Air Mail	Mailbox, up to 50 per 2000
Processing Speed	Up to 1000 and 100 per minute
Envelope Feeding	Typically, but not limited to 100 envelopes per minute, up to 200 envelopes per minute, up to 300 envelopes per minute, up to 400 envelopes per minute, up to 500 envelopes per minute, up to 600 envelopes per minute, up to 700 envelopes per minute, up to 800 envelopes per minute, up to 900 envelopes per minute, up to 1000 envelopes per minute
Weighting & Sorting	100 envelopes per minute, up to 200 envelopes per minute, up to 300 envelopes per minute, up to 400 envelopes per minute, up to 500 envelopes per minute, up to 600 envelopes per minute, up to 700 envelopes per minute, up to 800 envelopes per minute, up to 900 envelopes per minute, up to 1000 envelopes per minute
Color Mailbox	Standard, up to 100 envelopes, up to 200 envelopes, up to 300 envelopes, up to 400 envelopes, up to 500 envelopes, up to 600 envelopes, up to 700 envelopes, up to 800 envelopes, up to 900 envelopes, up to 1000 envelopes
Envelope Addressing	Standard, up to 100 envelopes, up to 200 envelopes, up to 300 envelopes, up to 400 envelopes, up to 500 envelopes, up to 600 envelopes, up to 700 envelopes, up to 800 envelopes, up to 900 envelopes, up to 1000 envelopes
Postage Meter	Standard, up to 100 envelopes, up to 200 envelopes, up to 300 envelopes, up to 400 envelopes, up to 500 envelopes, up to 600 envelopes, up to 700 envelopes, up to 800 envelopes, up to 900 envelopes, up to 1000 envelopes
Postage Payment	Standard, up to 100 envelopes, up to 200 envelopes, up to 300 envelopes, up to 400 envelopes, up to 500 envelopes, up to 600 envelopes, up to 700 envelopes, up to 800 envelopes, up to 900 envelopes, up to 1000 envelopes
Label Printing	Standard, up to 100 envelopes, up to 200 envelopes, up to 300 envelopes, up to 400 envelopes, up to 500 envelopes, up to 600 envelopes, up to 700 envelopes, up to 800 envelopes, up to 900 envelopes, up to 1000 envelopes

Connect+500W will handle your most complex projects. It's performance is so fast you can depend on Connect+500W to meet your daily critical deadlines. It is fast enough for your biggest jobs, yet flexible enough to help you with complex work. It will load envelopes up to 500 while printing envelopes at up to 120 letters per minute.

Weight-based™ **POWER**™ Weight weight and speed are used to determine weight and Connect+500W. It's automatic weighing and sorting means you don't need to weigh and sort. You don't have to stop and calculate postage. Connect+500W does it for you, and you will never again be plagued or frustrated by mail.

Postage meter. Enter your shipping or meter with Connect+500W. Postage is printed and printed, with options to support Postal requirements for postage meter use.

Connect+500W makes your job easier. Easy to use. Connect+500W's color touch screen controls your daily work. Postal rules change frequently and we know that—so we've built Connect+500W meters that learn with an intuitive screen on the touch screen.

Manage business. The Connect+500W makes it easy to print postage. It will help you manage your cash flow, postage purchases and revenue statements by department or by job. The optional **POWER**™ dashboard provides tracking for one or multiple accounts.



**Pitney Bowes**  
**Covenant**

Printed | Postage | Mailboxes

**Pitney Bowes Connect+500W Mailing System**



**Straight Purchase**

Purchase Price @	\$ 9,845.00
Trade-in @	\$1,200.00
<b>Total Purchase Price @</b>	<b>\$ 8,645.00</b>

**Lease**

60 Month Lease @	\$179.00 per month
Meter Rental @	\$ 64.00 per month
Maintenance Agreement @	\$ 75.00 per month
<b>All Inclusive Monthly lease Total @</b>	<b>\$ 318.00 per month</b>

**INCLUDES:**

- Web Based Architecture for daily Rate & Updates
- Fully automatic feeding of 120 envelopes per minute
- POWER**™ Weigh On the Weigh dynamic inline scale
- 10 lb. Interfacial Scale with platform
- 10.2" Color Touch Screen Display
- Graphical User Interface
- Bulk-In roll tape dispenser
- Secure Envelope Sealing with pump fed pad
- Accounting of up to 50 accounts
- Unlimited Print Jobs
- Low Postage Alert
- High Value Postage Protection
- Support Staff (LOCAL)
- Installation & Training

*442 For E-Service  
360*

**Meter Rental, Maintenance & Supplies**

**Meter Rental:**

Meter Rental @ \$ 216.00 per quarter. All rate change software is included at no charge, and postal updates will be downloaded the day of the rate change via the WEB. The first web and app-based architecture mailing system. Easy-to-use and approachable. Add \$ 42.00 per month for E-Certified & E-Return Receipt

**EMA Customer Care Agreement:**

After your 90 day warranty, your EMA that includes all emergency service and preventative maintenance calls, including parts and labor would be @ \$ 990.00 per year.

**Supplies:**

- Red Ink Printer Cartridge 78ml @ \$ 134.99 each (Yields approx. 18,000 impressions)
- EZ Peel Self Adhesive Tape Rolls @ \$ 87.29 per box (3 rolls per box, yields approx. 2,100 meter tapes)

Continental U.S. Price List Effective February 1, 2015

Code	Description	Quantity	Price
5000	5000 Series Mailbox	1	100.00
5001	5001 Series Mailbox	1	100.00
5002	5002 Series Mailbox	1	100.00
5003	5003 Series Mailbox	1	100.00
5004	5004 Series Mailbox	1	100.00
5005	5005 Series Mailbox	1	100.00
5006	5006 Series Mailbox	1	100.00
5007	5007 Series Mailbox	1	100.00
5008	5008 Series Mailbox	1	100.00
5009	5009 Series Mailbox	1	100.00
5010	5010 Series Mailbox	1	100.00
5011	5011 Series Mailbox	1	100.00
5012	5012 Series Mailbox	1	100.00
5013	5013 Series Mailbox	1	100.00
5014	5014 Series Mailbox	1	100.00
5015	5015 Series Mailbox	1	100.00
5016	5016 Series Mailbox	1	100.00
5017	5017 Series Mailbox	1	100.00
5018	5018 Series Mailbox	1	100.00
5019	5019 Series Mailbox	1	100.00
5020	5020 Series Mailbox	1	100.00
5021	5021 Series Mailbox	1	100.00
5022	5022 Series Mailbox	1	100.00
5023	5023 Series Mailbox	1	100.00
5024	5024 Series Mailbox	1	100.00
5025	5025 Series Mailbox	1	100.00
5026	5026 Series Mailbox	1	100.00
5027	5027 Series Mailbox	1	100.00
5028	5028 Series Mailbox	1	100.00
5029	5029 Series Mailbox	1	100.00
5030	5030 Series Mailbox	1	100.00
5031	5031 Series Mailbox	1	100.00
5032	5032 Series Mailbox	1	100.00
5033	5033 Series Mailbox	1	100.00
5034	5034 Series Mailbox	1	100.00
5035	5035 Series Mailbox	1	100.00
5036	5036 Series Mailbox	1	100.00
5037	5037 Series Mailbox	1	100.00
5038	5038 Series Mailbox	1	100.00
5039	5039 Series Mailbox	1	100.00
5040	5040 Series Mailbox	1	100.00
5041	5041 Series Mailbox	1	100.00
5042	5042 Series Mailbox	1	100.00
5043	5043 Series Mailbox	1	100.00
5044	5044 Series Mailbox	1	100.00
5045	5045 Series Mailbox	1	100.00
5046	5046 Series Mailbox	1	100.00
5047	5047 Series Mailbox	1	100.00
5048	5048 Series Mailbox	1	100.00
5049	5049 Series Mailbox	1	100.00
5050	5050 Series Mailbox	1	100.00
5051	5051 Series Mailbox	1	100.00
5052	5052 Series Mailbox	1	100.00
5053	5053 Series Mailbox	1	100.00
5054	5054 Series Mailbox	1	100.00
5055	5055 Series Mailbox	1	100.00
5056	5056 Series Mailbox	1	100.00
5057	5057 Series Mailbox	1	100.00
5058	5058 Series Mailbox	1	100.00
5059	5059 Series Mailbox	1	100.00
5060	5060 Series Mailbox	1	100.00
5061	5061 Series Mailbox	1	100.00
5062	5062 Series Mailbox	1	100.00
5063	5063 Series Mailbox	1	100.00
5064	5064 Series Mailbox	1	100.00
5065	5065 Series Mailbox	1	100.00
5066	5066 Series Mailbox	1	100.00
5067	5067 Series Mailbox	1	100.00
5068	5068 Series Mailbox	1	100.00
5069	5069 Series Mailbox	1	100.00
5070	5070 Series Mailbox	1	100.00
5071	5071 Series Mailbox	1	100.00
5072	5072 Series Mailbox	1	100.00
5073	5073 Series Mailbox	1	100.00
5074	5074 Series Mailbox	1	100.00
5075	5075 Series Mailbox	1	100.00
5076	5076 Series Mailbox	1	100.00
5077	5077 Series Mailbox	1	100.00
5078	5078 Series Mailbox	1	100.00
5079	5079 Series Mailbox	1	100.00
5080	5080 Series Mailbox	1	100.00
5081	5081 Series Mailbox	1	100.00
5082	5082 Series Mailbox	1	100.00
5083	5083 Series Mailbox	1	100.00
5084	5084 Series Mailbox	1	100.00
5085	5085 Series Mailbox	1	100.00
5086	5086 Series Mailbox	1	100.00
5087	5087 Series Mailbox	1	100.00
5088	5088 Series Mailbox	1	100.00
5089	5089 Series Mailbox	1	100.00
5090	5090 Series Mailbox	1	100.00
5091	5091 Series Mailbox	1	100.00
5092	5092 Series Mailbox	1	100.00
5093	5093 Series Mailbox	1	100.00
5094	5094 Series Mailbox	1	100.00
5095	5095 Series Mailbox	1	100.00
5096	5096 Series Mailbox	1	100.00
5097	5097 Series Mailbox	1	100.00
5098	5098 Series Mailbox	1	100.00
5099	5099 Series Mailbox	1	100.00
5100	5100 Series Mailbox	1	100.00

Code	Description	Quantity	Price
5101	5101 Series Mailbox	1	100.00
5102	5102 Series Mailbox	1	100.00
5103	5103 Series Mailbox	1	100.00
5104	5104 Series Mailbox	1	100.00
5105	5105 Series Mailbox	1	100.00
5106	5106 Series Mailbox	1	100.00
5107	5107 Series Mailbox	1	100.00
5108	5108 Series Mailbox	1	100.00
5109	5109 Series Mailbox	1	100.00
5110	5110 Series Mailbox	1	100.00
5111	5111 Series Mailbox	1	100.00
5112	5112 Series Mailbox	1	100.00
5113	5113 Series Mailbox	1	100.00
5114	5114 Series Mailbox	1	100.00
5115	5115 Series Mailbox	1	100.00
5116	5116 Series Mailbox	1	100.00
5117	5117 Series Mailbox	1	100.00
5118	5118 Series Mailbox	1	100.00
5119	5119 Series Mailbox	1	100.00
5120	5120 Series Mailbox	1	100.00
5121	5121 Series Mailbox	1	100.00
5122	5122 Series Mailbox	1	100.00
5123	5123 Series Mailbox	1	100.00
5124	5124 Series Mailbox	1	100.00
5125	5125 Series Mailbox	1	100.00
5126	5126 Series Mailbox	1	100.00
5127	5127 Series Mailbox	1	100.00
5128	5128 Series Mailbox	1	100.00
5129	5129 Series Mailbox	1	100.00
5130	5130 Series Mailbox	1	100.00
5131	5131 Series Mailbox	1	100.00
5132	5132 Series Mailbox	1	100.00
5133	5133 Series Mailbox	1	100.00
5134	5134 Series Mailbox	1	100.00
5135	5135 Series Mailbox	1	100.00
5136	5136 Series Mailbox	1	100.00
5137	5137 Series Mailbox	1	100.00
5138	5138 Series Mailbox	1	100.00
5139	5139 Series Mailbox	1	100.00
5140	5140 Series Mailbox	1	100.00
5141	5141 Series Mailbox	1	100.00
5142	5142 Series Mailbox	1	100.00
5143	5143 Series Mailbox	1	100.00
5144	5144 Series Mailbox	1	100.00
5145	5145 Series Mailbox	1	100.00
5146	5146 Series Mailbox	1	100.00
5147	5147 Series Mailbox	1	100.00
5148	5148 Series Mailbox	1	100.00
5149	5149 Series Mailbox	1	100.00
5150	5150 Series Mailbox	1	100.00

*8106.50  
on lease*

- Pick up as  
- system  
- copies

Mountain Brook yoga  
Banks Ruff against  
Yoga Class Schedule

Mon-Friday ~~Sat/Sun~~  
Before 9:00 AM No more than 30 students  
9:30-10:30 No More Than 15 Students  
11:00-4:00 1 or 2 students for private lessons  
4:00-5:00 PM No More Than 15 Students  
After 5:00 PM No More Than 30 Students

\*30 Minutes changeover time between classes

Sat/Sun  
No More Than 30 Students with 30 minutes between classes

Mary v  
Charita  
Dall hours

Revised Letter of Operational Characteristics  
+ 3 versions of class Schedules

BEFORE THE CITY COUNCIL OF MOUNTAIN BROOK, ALABAMA  
APPLICATION FOR APPROVAL OF CONVENTIONAL USE BUSINESS  
UNDER MUNICIPAL CODE SECTION 128-130(b)(1)(h) - FITNESS CENTER  
KNOWN AS "MAYOGA" AT 2414-16 CANTERBURY ROAD

Business owners, James Lee and Linda West, respectfully request City Council approve our application to operate a Yoga Studio in the business currently occupied by the Dance Studio. Yoga is a discipline that enhances one's health and well-being by systematically stretching and strengthening muscles throughout the body, increasing circulation to internal organs and glands, opening the nervous system and increasing concentration. We hope to enhance and improve the lives of community members. Yoga allows students to progress at their own pace and is suitable for young people and seniors alike.

The site of the facility is believed to be approximately 2400 square feet in area. The lease is available to begin as of August 1, 2015. The landlord, Scotch Real Estate & M. Co. Inc., has the specifications.

The floor plan will remain open, similar to the Dance Studio. There will be the addition of a commercial washer & dryer for personal towel service. If feasible, 2 male and 2 female showers will be installed in the changing rooms. Any work undertaken would be done only by City approved contractors.

The street view will be of retail items of yoga clothing and accessories. No classes will be viewable. We also plan to sell bottled waters, juices and blended fruit and vegetable health drinks.

The usage will be for yoga and exercise classes for different age groups, and, the sale of the limited retail items described above. We will also offer individual instruction. We will apply for a consumption permit.

The hours will be from 6:00 a.m. until 9:00 p.m. We will not have classes from 10:00 through 4:00, only private lessons for 1 or 2 customers in order to accommodate parking for other businesses during these peak hours.

Classes will begin at 6:00 a.m. and end at 9:00 p.m., with no classes after 10:30 a.m. and none remaining until 4:00 p.m. in the afternoon. Classes will be one to one and one half hour long. There will be one instructor per class, who will park in an off-dry parking area above Starbucks. Class size is expected to be a maximum of 25 students.

Our intention is to always act responsibly and with the best interest of each student, as well as, with the solid community values and character of Mountain Brook Village in mind.

Jimi Yoga

Yoga Class Schedule v.1

Mon-Friday ~~SATURDAY~~  
6:00-7:00 No More Than 25 Students  
7:30-8:30 No More Than 25 Students  
9:00-10:30 No More Than 15 Students  
10:30-4:00 1 or 2 students for private lessons  
4:00-5:00 No More Than 20 Students  
5:30-6:30 No More Than 25 Students  
6:50-8:00 No More Than 25 Students

Sat/Sun  
8:00-9:30 No More Than 25 Students  
10:00-11:00 No More Than 25 Students  
11:30-12:30 No More Than 25 Students  
3:30-5:00 No More Than 25 Students  
5:30-7:00 No More Than 25 Students

Yoga Class Schedule v.2

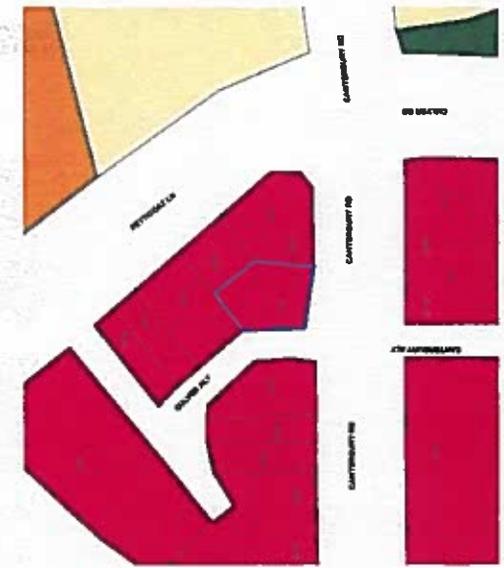
Mon-Friday  
6:00-7:00 No More Than 20 Students  
7:30-8:30 No More Than 20 Students  
9:00-10:30 No More Than 15 Students  
10:30-4:00 1 or 2 students for private lessons  
4:00-5:00 No More Than 20 Students  
5:30-6:30 No More Than 20 Students  
6:50-8:00 No More Than 20 Students

Sat/Sun  
8:00-9:30 No More Than 20 Students  
10:00-11:00 No More Than 20 Students  
11:30-12:30 No More Than 20 Students  
3:30-5:00 No More Than 20 Students  
5:30-7:00 No More Than 20 Students

Yoga Class Schedule v.3

Mon-Friday ~~SATURDAY~~  
Before 9:00 AM No more than 25 students with 30 minutes between classes  
9:30-11:00 No More Than 20 Students  
11:00-4:00 1 or 2 students max for private lessons  
After 4:00 PM No More Than 25 Students with 30 minutes between classes

Sat/Sun  
No More Than 25 Students with 30 minutes between classes



APPENDIX 3



CITY OF MOUNTAIN BROOK

Dana O. Hazen, ACP  
City Planner  
38 Church Street  
Mountain Brook, Alabama 35223  
Telephone: 205/988-3821  
Fax: 205/979-8943  
dhazen@mountainbrook.org  
www.mountainbrook.org

Previous Staff recommendation

DATE: April 9, 2015  
TO: Mayor, City Council & City Manager  
FROM: Dana Hazen, City Planner  
RE: Conditional Use - Final Yoga - 2414 Canterbury Road (anterior half of Linda Debbins Dance)

The proposed conditional use is a yoga studio. The attached letter from the applicant details the proposed class schedule and number of instructors/instructors for each session. The applicant has made an attempt to conduct heavier class volumes in the mornings and evenings in order to alleviate any parking conflicts with retailers in the immediate area. However, the volumes are still quite high when compared to the number of parking spaces available on surrounding public streets (see aerial).

Another problem is that some of the classes are back-to-back (particularly in the mornings) which could result in an army of 96 cars parked in the vicinity at a given time. And while the morning classes are to conclude prior to retail businesses opening (10:00), there is still the potential disruption (automobile noise and the slamming of car doors) of the neighboring residential uses on Canterbury and the potential for parking to spill into the residential neighborhood.

The applicant has contacted all of the Canterbury merchants to let them know the details of the proposal, and none of the merchants are opposed to this proposal, even with the heavier volumes of classes in the mornings and evenings.

Staff recommends that should any approval be granted for the proposed use that class sizes be comparable to those previously approved by the council for other fitness facilities in the Village (see below), that there be no classes concluding after 10:00 a.m. or remaining prior to 4:30 p.m. on any day of the week, and that there be a separation of class ending and beginning times of a minimum of 30 minutes.

Previously approved conditional uses for fitness centers:  
MB Village:  
MB Cresent - max of 8 clients at one time - Western shopping center - private parking (open morning and evening);  
Michael Meadows Fitness Center - max of 8 clients at one time during office hour - Mountain Brook Mall - private parking (open all day).

English Village:  
Grand Jete - max 12 students per class

Crestline Village:  
Total Fitness Commitments - max 6 clients at one time (Country Club Park shopping center - private parking)

previous letter & class schedule

BEFORE THE CITY COUNCIL OF MOUNTAIN BROOK, ALABAMA  
APPLICATION FOR APPROVAL OF CONDITIONAL USE BUSINESS  
UNDER MUNICIPAL CODE SECTION 128-1926(1)(b) - FITNESS CENTER  
KNOWN AS "BHWYOGA" AT 2414-18 CANTERBURY ROAD

Business owners, James Lee and Linda West, respectfully request City Council approve our application to operate a Yoga Studio in the business currently occupied by the Dance Studio. Yoga is a discipline that enhances one's health and well-being by systematically stretching and strengthening muscles throughout the body, increasing circulation to internal organs and glands, quieting the nervous system and improving concentration. We hope to enhance and improve the lives of community members. Yoga allows students to progress at their own pace and is suitable for young people and seniors alike.

The site of the facility is believed to be approximately 2000 square feet in area. The lease is available to begin as of August 1, 2015. The landlord, Scotch De al Estate & Inc. (SDE), has the specifications.

The floor plan will remain open, similar to the Dance Studio. There will be the addition of a commercial washer & dryer for personal towel service. If feasible, 2 male and 2 female showers will be installed in the changing rooms. Any work undertaken would be done only by City Council approved contractors.

The street view will be of retail boxes of yoga clothing and accessories. No classes will be viewable. We also plan to sell bottled waters, juices and blended fruit and vegetable health drinks.

The usage will be for yoga and exercise classes for different age groups, and, the sale of the blended retail items described above. We will also offer individual instruction. We will apply for a consumption permit.

The hours will be from 5:45 a.m. until 9:15 p.m.. We will be closed from 10:00 through 1:15 in order to accommodate parking for other businesses during these peak hours.

There will be an incentive program for generation students to earn points toward gift certificates to local businesses. All employees will be required to park in all day parking and walk to the studio.

Our intention is to always act responsibly and with the best interest of each student, as well as, with the solid community values and character of Mountain Brook Village in mind.

Classes: The class schedule is structured to maximize the use of parking at times when it is not in use by other area businesses and to minimize use of available parking during the times it is valuable to them. Classes will be one to one and one half hours long. There will be one instructor per class, who will park in an all-day parking area. Class size will be limited by the marshalled capacity at times when ample parking is available and limited to 20 or fewer students during any times closed to the prime hours of neighboring businesses.

Schedule

Mon-Friday

6:00-7:00 a.m. - 40 students (max limited by Fire Marshall Capacity)

7:15-8:30 a.m. - 40 students

8:30-10:00 a.m. - max 20 Students

in between 10:00 a.m. and 3:30 p.m. - will have no classes but may have no more than 2 students for private lessons.

3:30-5:00 p.m. - max 10 Students

5:30-6:30 p.m. - 40 students

7:00-8:00 p.m. - 40 students

Sat/Sun

8:00-9:00 a.m. - 40 students

9:30-11:00 a.m. - 40 students

2:00-3:30 p.m. - 40 students

4:30-6:00 p.m. - 40 students

NOTION NO. 2113-043



# Landscape Services, Inc.

(205) 991-0004

POST OFFICE BOX 4000  
BIRMINGHAM, AL 35202

20 April 2015

Nimrod Long and Associates  
2213 Morris Avenue, First Floor  
Birmingham, AL 35203

RE: Cahaba River Post-Overton Rd. Drainage

**ESTIMATE**

256	6' Sidewalk	sf	8.00	2,048.00
84	Curb & Gutter	lf	27.45	2,309.80
1	Asphalt Paving	Imp area	3,041.75	3,041.75
2	Trimmed Dunes @ HC Ramps	sq	760.43	1,520.90
1	18" RCP (6 in R)	Imp sum	3,478.15	3,478.15
1	3' Round Junction Box	sq	4,542.83	4,542.83
1	Slope Paved Headwall	sq	1,384.00	1,384.00
1	Concrete Coffer (ALDOT CC-510)	sq	3,802.19	3,802.19
1	Concrete Forms	sq	255.51	255.51
1	Erosion Control & Retention Control	Imp sum	3,802.19	3,802.19
1	Traffic Control	Imp sum	4,843.94	4,843.94
1	Landscape Repair w/ Sodding	Imp sum	1,200.00	1,200.00
1	Engineering Layout	Imp sum	925.00	925.00
<b>TOTAL</b>				<b>679,567.56</b>
Total Landscape Budget				44,628.80
Installed to Date including Permit				(28,371.30)
Table				
CC #1 Drainage Allowance				4,848.40
<b>Remaining In Contract</b>				<b>21,513.30</b>
Change Order Request for Overton Rd. Drainage				17855.84
Change Order Request for Electrical Timer & Windows				1288.00
<b>Total Change Order Request</b>				<b>21,513.30</b>

Price Excludes Permits, Utility Adjustments or Relocation, Tearing

(205) 870-3577 Fax

From: Nimrod Long [mailto:nimrod@nimrodlong.com]  
Sent: Monday, April 20, 2015 3:46 PM  
To: Sam Gaston; Joel Elison  
Subject: Pwd: Overton Rd. Drainage Price

Sam

Here is the price for the Intersection walkway and drainage improvements required by the county. The cost increase is significant. I would consider getting your crews to handle.

Let's discuss.

Nm

Nimrod W.E. Long III

FASLA, LEED AP

President

Nimrod Long and Associates

Land Planners | Landscape Architects | Urban Designers

2213 Morris Avenue, First Floor

Birmingham, AL 35203

205-323-6072 Voice

205-320-8730 Cell

205-324-6128 Fax

Begin forwarded message:

From: Will Newton <wnewton@jalabama.com>  
Date: April 20, 2015 at 3:02:16 PM CDT

APPENDIX 4

We have \$14,800 left in the account for pedestrian crossing signals since we are only installing 10 and that could be transferred to cover most of this change order if the City Council approves.

Sam S. Gaston  
City Manager  
City of Mountain Brook, AL  
58 Church Street  
P.O. Box 130000  
Mountain Brook AL, 35213  
(205) 802-3803 Phone  
(205) 870-3577 Fax

From: Ronald Vaughn [mailto:rv@mountainbrook.org]  
Sent: Tuesday, April 21, 2015 11:26 AM  
To: Sam Gaston  
Cc: Nimrod Long; Joel Elison; Will Newton  
Subject: Re: Overton Rd. Drainage Price

Thursday is good for me.

Ronnie Vaughn  
Public Works Director  
City of Mountain Brook AL  
3579 East Street  
Birmingham, Alabama 35243  
205.802.3865 Office  
205.967.2631 Fax  
rv@mountainbrook.org

On Tue, Apr 21, 2015 at 11:17 AM, Sam Gaston <sgaston@mountainbrook.org> wrote:

Why don't we all meet and discuss this? How does Thursday morning look?

Sam S. Gaston  
City Manager  
City of Mountain Brook, AL  
58 Church Street  
P.O. Box 130000  
Mountain Brook AL, 35213  
(205) 802-3803 Phone

To: Nimrod Long <nimrod@nimrodlong.com>  
Subject: Overton Rd. Drainage Price

Nm,

Attached is the price for the Drainage at Overton Rd.

Let me know if you have any questions.

Thanks,

Will

From: Cannon@5035@jalabama.com  
[mailto:Cannon@5035@jalabama.com]  
Sent: Monday, April 20, 2015 2:59 PM  
To: Will Newton  
Subject: Attached Image