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 the 12th day of August, 2019. 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  
Lloyd C. Shelton  
Stewart Welch III, Mayor

Absent: Philip E. Black  
Alice B. Womack

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

1. The Mountain Brook Emergency Communications District (E911) District Board of Commissioners met privately pursuant to Alabama law with Cathy Cook, Department of Examiners of Public Accounts, concerning the recent biennial financial and compliance audit.

2. AGENDA

   1. Proposed bridge projects for Old Brook Trail and Canterbury Road—Blair Perry with Gresham Smith (the public involvement meeting is scheduled for August 15th from 5-7pm), Appendix 1
      
      - The design work is 60% complete  
      - The engineer is striving to request bids in July 2020  
      - The Caldwell Mill Road bridge may be bid later this year. Construction may take 6-months or less.  
      - Canterbury Road can be pushed back to fall in order to schedule construction (mostly under the bridge) during the summer to minimize traffic issues

   2. Set date for public involvement meeting on Caldwell Mill Road bridge replacement project—Blair Perry with Gresham Smith. This public involvement meeting can be set for mid to late September 2019. The Council requested a formal presentation followed by an opportunity for the public to offer questions. The date and time will be determined soon.

   3. Amend Council’s policies on board appointments—Virginia Smith (Resolution No. 2019-111 was added to the formal meeting agenda)

   4. Proposed ordinance prohibiting employee parking on certain streets in Mountain Brook Village—Chief Cook and Sam Gaston, Appendix 2. (The Chamber Director plans to obtain feedback from the Mountain Brook Village merchants. This matter will be brought back for formal consideration at a later date.)

   5. Review of the other matters to be considered at the formal (7 p.m.) meeting

3. EXECUTIVE SESSION AND ADJOURNMENT

There being no further matters for discussion, Council President Pro Tempore Pritchard made a motion that the City Council convene in executive session to discuss a matter involving good name and
character. The City Attorney verbally certified that the subject matter of the executive session is permissible under the Open Meetings Act. The motion was seconded by Council President Smith. There being no further discussion, the vote was called with the following results:

Ayes: Virginia C. Smith, Council President
       William S. Pritchard III, Council President Pro Tempore
       Lloyd C. Shelton

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 3—0. She then announced that the City Council shall reconvene upon conclusion of the executive session at approximately 7 p.m. in Room A108. The pre-meeting was then adjourned at approximately 6:20 p.m.

4. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the work session of the City Council of the City of Mountain Brook, Alabama held at City Hall, Pre-Council Room (A106) on August 12, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said work session.

[Signature]
City Clerk
Approved by City Council August 26, 2019
ALDOT Project No. STPBH-3716(

Bridge Replacement on Old Brook Trail over Little Shades Creek and
Bridge Rehabilitation on Canterbury Road over Watkins Creek
Mountain Brook, AL

Project Information and Update
August 12, 2019

General Project Information
1. Both bridges are federally funded (80% federal + 20% local match)
2. Both bridges are part of a single ALDOT project. Both bridges will be advertised and bid together and constructed as part of a single construction project.
3. Current schedule* (subject to change):
   a. Begin right of way acquisition – November 1, 2019
   b. Submit final plans to ALDOT – June 5, 2020
   c. ALDOT bid opening – July 31, 2020
   d. Begin construction – October 2020
   e. Construction duration – approximately one year

* Current Gresham Smith schedule. Dates in ALDOT’s system may differ but can be adjusted as the project progresses.

This schedule is dependent on:
- ALDOT scheduling and completing various plan reviews
- ALDOT and FHWA approval of environmental documents
- Time to acquire additional right of way – currently assuming 90 days
- Utility relocation work (currently unknown)

Bridge Replacement on Old Brook Trail over Little Shades Creek
1. We estimate that it will take the Contractor 7-8 months to remove the existing bridge and construct the new bridge. Old Brook Trail will be closed at the bridge site during this time; the remainder of Old Brook Trail will remain open to local traffic. Access will be maintained to the properties adjacent to the project at all times.

Bridge Rehabilitation on Canterbury Road over Watkins Creek
1. We estimate that it will take the Contractor 3 months to complete the rehabilitation work.
2. The majority of the work will be done under the bridge.
3. The work will require temporary (work day) lane closures on Canterbury Road, Culver Road and Petticoat Lane. The Contractor will provide traffic control and flaggers to maintain traffic flow. No long-term lane or road closures are planned at this time.
4. Gresham Smith and the City will need to determine location for Contractor to stage and park construction vehicles.

Genuino Ingenuity
3595 Grandview Parkway • Suite 300 • Birmingham, AL 35243 • 205.298.9200 • GreshamSmith.com
OORDINANCE NO. 1494, 2015

AN ORDINANCE TO PROHIBIT EMPLOYEES AND OTHERS ASSOCIATED WITH CERTAIN BUSINESSES FROM PARKING MOTOR VEHICLES IN CERTAIN LOCATIONS

WHEREAS, the City Council of the City of Mountain Brook has determined that it is essential to the well-being of the citizens of the City of Mountain Brook that the City maintain a strong commercial and professional core as a source of revenue by means of sales taxes, license fees and ad valorem taxes from commercial and professional enterprises (collectively, "Businesses"); and

WHEREAS, the City Council has determined that for the Businesses in the City to be successful and to continue to provide a tax base for the City, they must have adequate parking areas for their customers and employees; and

WHEREAS, the City Council has determined that it is essential to the economic growth of the City to maintain a sufficient number of parking spaces in Courville Village and Mountain Brook Village for the customers and employees of the Businesses located in Courville Village and Mountain Brook Village; and

WHEREAS, the City Council has determined that it is essential to the economic growth of the City to maintain a sufficient number of parking spaces in Courville Village and Mountain Brook Village for the customers and employees of the Businesses located in Courville Village and Mountain Brook Village; and

WHEREAS, the City Council has determined that it is essential to the economic growth of the City to maintain a sufficient number of parking spaces in Courville Village and Mountain Brook Village; and

WHEREAS, the City Council has determined that it is essential to the economic growth of the City to maintain a sufficient number of parking spaces in Courville Village and Mountain Brook Village for the customers and employees of the Businesses located in Courville Village and Mountain Brook Village; and

NOW, Therefore, Be It Ordained, by the City of Mountain Brook, Alabama, as follows:

1. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, owner, proprietor, partner or officer of, or associated with, any business located within the City of Mountain Brook, to operate, own, rent, or lease, any vehicle for the purpose of providing, directly or indirectly, any goods or services to customers or employees of the Businesses located within the City of Mountain Brook, without obtaining and maintaining a valid and current City of Mountain Brook Business License, issued by the City of Mountain Brook, for such purpose.

2. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, owner, proprietor, partner or officer of, or associated with, any business located within the City of Mountain Brook, to operate, own, rent, or lease, any vehicle for the purpose of providing, directly or indirectly, any goods or services to customers or employees of the Businesses located within the City of Mountain Brook, without obtaining and maintaining a valid and current City of Mountain Brook Business License, issued by the City of Mountain Brook, for such purpose.

3. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, owner, proprietor, partner or officer of, or associated with, any business located within the City of Mountain Brook, to operate, own, rent, or lease, any vehicle for the purpose of providing, directly or indirectly, any goods or services to customers or employees of the Businesses located within the City of Mountain Brook, without obtaining and maintaining a valid and current City of Mountain Brook Business License, issued by the City of Mountain Brook, for such purpose.

4. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, owner, proprietor, partner or officer of, or associated with, any business located within the City of Mountain Brook, to operate, own, rent, or lease, any vehicle for the purpose of providing, directly or indirectly, any goods or services to customers or employees of the Businesses located within the City of Mountain Brook, without obtaining and maintaining a valid and current City of Mountain Brook Business License, issued by the City of Mountain Brook, for such purpose.

5. It shall be unlawful for any person who is an employee, agent, representative, independent contractor, owner, proprietor, partner or officer of, or associated with, any business located within the City of Mountain Brook, to operate, own, rent, or lease, any vehicle for the purpose of providing, directly or indirectly, any goods or services to customers or employees of the Businesses located within the City of Mountain Brook, without obtaining and maintaining a valid and current City of Mountain Brook Business License, issued by the City of Mountain Brook, for such purpose.

6. This ordinance shall become effective immediately upon adoption.

ADOPTED this 14th day of February, 2015.

ALBERT CORRADO
Council President

APPROVED this 14th day of February, 2015.

DPU:\n
DATE: August 12, 2019

TO: Mayor, City Council & City Manager

FROM: Data Harris, City Planner

RE: Employee Parking - Mountain Brook Village

A survey was done by staff during the summer of 2019, regarding the number of employees in the traditional village (parts Lane Park and Village Demolition) at a peak hour, compared to the number of all-day employee parking (covered parking combined with private, on-site parking).

The results indicated that there is a small surplus (7 parking spaces) on all-day parking, when compared to the employee need.

CITY OF MOUNTAIN BROOK

DPU:\n
DATE: August 12, 2019

TO: Mayor, City Council & City Manager

FROM: Data Harris, City Planner

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A survey was done by staff during the summer of 2019, regarding the number of employees in the traditional village (parts Lane Park and Village Demolition) at a peak hour, compared to the number of all-day employee parking (covered parking combined with private, on-site parking).

The results indicated that there is a small surplus (7 parking spaces) on all-day parking, when compared to the employee need.
The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at approximately 7:00 p.m. on the 12th day of August, 2019. 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
        Lloyd C. Shelton
        Stewart Welch III, Mayor

Absent: Philip E. Black
        Alice B. Womack

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

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

1. RECOGNITION OF GUESTS

Council President Smith recognized three Boy Scouts from Troop 53 in attendance for their Communications merit badge.

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 July 22, 2019, regular meeting of the City Council

2019-105 Expression of gratitude to Jamie Gregory for his service on the Planning Commission  Exhibit 1

2019-106 Appoint Katie Wohlwend to the Villages Design Review Committee to serve without compensation through August 23, 2019 (filling the unexpired term of Sally Legg)  Exhibit 2, Appendix 1

2019-107 Appoint Ashley Spotswood to the Villages Design Review Committee to serve without compensation through August 12, 2022  Exhibit 3, Appendix 2

2019-108 Appoint poll workers for the September 24, 2019, special election  Exhibit 4

2019-109 Authorize the proposed Cove Drive traffic island improvements and City’s expenditure for same  Exhibit 5, Appendix 3

2019-110 Ratify the execution of a contractor agreement between the City and Reno Plumbing & Sewer Services, Inc., with respect to the installation of new water service at the Crestline Elementary School field  Exhibit 6, Appendix 4
Amend the “Significant Accounting and Management Policies” Exhibit 7 of the City Council with respect to its Board Appointment policies

Thereupon, the foregoing minutes and resolutions were introduced by Council member Shelton and a motion for their immediate adoption made by Council President Pro Tempore Pritchard. The minutes and resolutions were then considered by the City Council. Council President Pro Tempore Pritchard seconded the motion to adopt the foregoing minutes 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
Lloyd C. Shelton

Nays: None

Council President Smith thereupon declared that said minutes and resolutions (Nos. 2019-105 through 2019-111) are adopted by a vote of 3—0 and as evidence thereof she signed the same.

3. CONSIDERATION OF AN ORDINANCE (NO. 2051) PERMITTING AND REGULATING THE SALE OF [OFF-PREMISES] ALCOHOLIC BEVERAGES BY APPROPRIATELY LICENSED BUSINESSES ON SUNDAY STARTING AT 10 A.M. IN THE CITY (EXHIBIT 8, APPENDIX 5)

Council President Smith introduced the ordinance in writing. It was then moved by Council President Pro Tempore Pritchard that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton and was unanimously carried, as follows:

Ayes: Virginia C. Smith
William S. ("Billy") Pritchard III
Lloyd C. Shelton

Nays: None

Council President Smith declared the motion carried by a vote of 3—0.

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

Ayes: Virginia C. Smith
William S. ("Billy") Pritchard III
Lloyd C. Shelton

Nays: None

Council President Smith declared that the ordinance (No. 2051) is hereby adopted by a vote of 3—0 and, as evidence thereof, she signed the same.

4. PUBLIC HEARING: CONSIDERATION AN ORDINANCE AMENDING THE LANE PARKE PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT PLAN WITH RESPECT TO DRIVE-THROUGHS (EXHIBIT 9, APPENDICES 6 AND 7)

Council President Smith introduced the ordinance in writing and announced that the City Council does not intend to vote on the proposal at tonight’s meeting. She then invited opening comments from the developers’ representatives.
Mel McElroy of 1901 6th Avenue North, Suite 2400, representing the applicant:
- Developer requests amendments to the PUD that includes: 1) ability to add two additional drive-throughs in the “Regions” block and another in the “Treadwell’s” block, 2) relocation of an approved drive-through to an alternate location within the same block, 3) a change to the access plan to accommodate the requested drive-throughs and 4) an additional approval that requires a traffic study to be presented to the City Council for future drive-throughs.
- Drive-throughs are only permissible for banks, pharmacies, dry cleaners, coffee shop and certain [fast casual] restaurants.
- The developer has determined that prospective tenants are demanding a drive-through.
- Tonight, the request is only for a coffee shop with a drive-through in the middle of the “Regions” block.

Virginia Smith:
Understood the approved PUD included three drive-throughs. Mr. McElroy pointed out two areas of the master plan where there is a conflict. In one area, the PUD mentions three drive-throughs and in another only two. His interpretation is that the PUD includes two drive-throughs.

Richard Caudle, PE with Skipper Consulting, traffic engineer for the applicant (Appendix 6):
- Skipper was engaged to perform a queue study for the proposed coffee shop with drive-through.
- The drive-through entrance is on Jemison Lane and terminates onto Rele Street.
- Only one existing queue study could be found but was not be used as it did not include minute-to-minute data/statistics needed to estimate the queue time frames.
- Accordingly, Skipper selected two Star Bucks for study—one on U.S. Highway in Trussville and another on Montclair Road.
- The studies were done on May 16 and 17 (Trussville) and May 20 (Montclair Road).
- Based on these studies, Skipper estimates that the proposed coffee shop will have vehicles that exceed the 9-vehicle drive-through capacity for a total 6 minutes during the morning peak hours (6:45a.m.—8:40a.m.)
  - The excess is projected to be one vehicle for 3-minutes which will block the pedestrian crosswalk along Jemison Lane.
  - The excess is projected to be two vehicles for 1-minute which will block one lane of traffic on Jemison Lane.
  - The excess is projected to be three to four vehicles for 2-minutes which will block both lanes on Jemison Lane.
  - It is projected that there will be an excess of one vehicle for 3-minutes during the evening peak period (again, blocking only the pedestrian crosswalk).
- The ramifications of the blocked lane are 3-minutes in the late morning time (after school drop-off and outside the normal work commute).
- In response to a question by President Smith regarding the prohibition of left turn into the drive-through during the peak periods, Mr. Caudle questioned the enforceability of such an ordinance.

Victor Hanson III of 2328 Chester Road, 35223:
- Confirmed that this vote, whenever it takes place, will have no mention to the fast casual issue.
- The area has suffered mightily since this development was approved (referring to the loss of longstanding businesses).
- Questioned the need for another coffee shop in this area.
- The drive-through coffee shop experience is significantly different than what exists currently at the Star Buck’s.
- If approved, views this change will increase traffic in the area and change the nature of the existing Star Buck’s.
- This proposal is a high-volume drive-through.
- Questioned whether people that live outside of Mountain Brook Village truly understand the impact and implications of this change and the lost businesses over the past few years.
- Urged the Council to deny the requested changes to the PUD.
Patrick Darby 3115 Overhill Road, 35223:
- Views that there is no stated methodology for this queuing study
- Views the study as unsound and unreliable and should not be used for this decision
- Questions the statistical significance of the limited study periods and locations selected for study
- Even with the flaws, the study indicates there will be disruptions to traffic flow
- In his opinion, the study does not explain the magnitude of the traffic impact
- The timing of the excess queuing does not make sense being after the morning school drop-off and normal work commute
- Believes, the traffic delays and jams should be the Council’s starting point for this evaluation

Pamela Baugh of 2605 Canterbury Road, 35223:
- Retired 6th grade science teacher
- The study periods are too short and therefore not representative
- The periods and times are not representative
- The study does not take into account the impact of delivery trucks in the area
- The area in question is not currently pedestrian friendly and believes this proposal will only exacerbate the problem

Simeon Johnson of 9 Woodhill Road, 35213:
- Requested the landscape plan be displayed (Appendix 7)
- Pointed out the various green areas that will be removed to accommodate the requested drive-through
- Estimates there will be 10-15 trees removed
- Wants it noted for the record that the developer’s representative interprets the PUD to only include two drive-throughs

Warren Rhett of 2517 Canterbury Road, 35223:
- Did not realize the development might include any drive-throughs
- Thinks that all drive-throughs in the PUD should be re-evaluated
- The illustrations do not currently include any depictions of where the drive-throughs were contemplated to which President Smith responded that changes to the PUD were contemplated from the beginning and the drive-throughs where not illustrated because tenants were not known nor where they would ultimately be placed
- Feels further traffic study is warranted for such a decision

Dona Musgrave of 2620 Carriage Place, 35223:
- Drive-throughs encourage people not to get out of their cars
- Feels these businesses will cannibalize other businesses in the area
- Drive-throughs will impede traffic flow and pedestrian activity
- Too many restaurants have already been lost in the new development
- Urged council to wake-up as we do not need to replicate Trussville or Montclair Road in Mountain Brook Village

Patrick Adams of 3429 Brookwood Road, 35223:
- Has there been a follow-up traffic study to evaluate the merits of the pre-construction study?
- Such a study might give an indication as to the validity of the current queuing study

Richard Caudle:
- The only reasons to recommission a traffic study include: 1) significant change in square footage,
  2) significant change in access, and/or 3) significant change in land uses
- None of these conditions exist so another traffic study is not warranted
- The effect of a delay is difficult to express because the road network has not been completed

John Somerville of 3028 Overhill Road, 35223:
- Because the project has not been defined, how can the Council approve this request?
- Does not understand what a fast casual dining is
The request includes additional drive-through which he believes is tantamount approval of future applications regardless of conditions or traffic studies may be required for such future applications.

If we do not know the tenants or what green areas may be lost or altered, why not wait until we do know.

Elizabeth Outland of 2901 Southwood Road, 35223:
- Noise associated with the proposed drive-throughs has not been addressed or considered.

Norman Pless of 1 Clubview Drive:
- Questioned how many parking spaces may be lost [Ms. Hazen, there is currently a surplus of seven parking spaces and it is contemplated that 4-5 spaces may be lost if the plan is approved.]
- Can the Council require the developer to replace any lost green space?

Glenn Murdock of 2906 Canterbury Road, 35223:
- Apologized for unintentionally disrupting the meeting earlier.
- Does not understand why Mr. Hanson cannot ask for a show of hands to voice their support for various opinions.
- If the additional drive-throughs are approved, agrees with Mr. Somerville, that future applications and drive-throughs are facilitated once the applicant satisfies the Council's expressed criteria.
- This proposal takes a key tenant out of Mountain Brook Village and relocate it to the new development.
- From the beginning, many believed this development represented a lose-lose proposition. Pre-development, we had just what we needed. If Lane Parke was to be successful, a lot of inflow of traffic (not what the community wanted) would be required and the development would have to be destination shopping location. If the development proved not to generate the [unwanted] traffic, then it would become a blight on the community.
- Urged the Council to stick with the approved plan.

[Mr. Hanson's request for a show of hands was denied by President Smith .]

Brooks Sanders of 2637 Heathermoor Road, 35223:
- The traffic study did not address traffic exiting the drive-through and whether back-up would occur along Rele Street.

Richard Caudle:
- Cahaba Road will be widened facilitating traffic flow such that no congestion is contemplated along Rele Street as a result of the drive-through.

Faye Clark of 2915 Canterbury Road, 35223:
- We have not green space and areas where trucks can turn around.
- The village needs increased pedestrian traffic.
- The area needs a post office, a pharmacy, a variety store, etc.

Council President Pro Tempore Pritchard stated and asked Mr. McElroy to confirm that one of the primary motivations of this [drive-through] request is that pharmacies today require a drive-through in order to relocated to a new area.

Elisabeth Lyman of 416 Meadowbrook Lane, 35213:
- Mr. Pritchard's assertion that for a pharmacy to be successful in 2019 it must have a drive-through.
- Instead, for a pharmacy to be successful in 2019, it is all about customer service and relationships.
- Believes that if a tenant's request is approved, the next tenant will similarly seek additional concessions.

There being no further questions or comments, Council President Pro Tempore Pritchard moved that the public hearing be continued. The motion to continue was seconded by Council President Smith.

Thereupon, Council President Smith called for vote with the following results.
Ayes: Virginia C. Smith
         William S. ("Billy") Pritchard III
         Lloyd C. Shelton

Nays: None

Council President Smith declared that the motion carried by a vote of 3—0.

5. ANNOUNCEMENTS

The next regular meeting of the City Council will be August 26, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.

The City Council shall conduct an open work session concerning the proposed budget for the year ending September 30, 2020, on August 29, 2019, starting at 8:00 a.m. in the Room A106 of City Hall located at 56 Church Street, Mountain Brook, AL 35213

6. ADJOURNMENT

There being no further business to come before the City Council, Council President Smith adjourned the meeting at approximately 8:40 p.m.

7. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on August 12, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk
Approved by City Council August 26, 2019

EXHIBIT 1

RESOLUTION NO. 2019-105

WHEREAS, Jamie Gregory has served with distinction on the Mountain Brook Planning Commission from March 9, 2015, through June 24, 2019, having served as Secretary beginning in 2017; and

WHEREAS, Jamie Gregory brought invaluable insight to decisions regarding all of Mountain Brook and its various villages, giving thoughtful deliberation of all issues, with steadfast dedication to his community, and being instrumental in establishing a legacy of sound city planning for years to come; and

WHEREAS, While Jamie Gregory always approached each case with an open mind, he also possessed the fortitude to make tough recommendations, when necessary, to protect the community and to advance sound planning principles; and

WHEREAS, it is the desire of the residents of Mountain Brook to express their gratitude to Jamie Gregory for his unselfish service and tireless efforts while serving on the Planning Commission.
NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor, on behalf of the residents of Mountain Brook, do publicly thank Jamie Gregory for his exemplary service and wish him well in future endeavors.

EXHIBIT 2
RESOLUTION NO. 2019-106

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Katie Wohlwend is hereby appointed to the Village Design Review Committee, to serve without compensation, filling the unexpired term of Sally Legg through August 23, 2019.

APPENDIX 1

EXHIBIT 3
RESOLUTION NO. 2019-107

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that Ashley Spotswood is hereby appointed to the Village Design Review Committee to serve without compensation through August 12, 2022 (filling the seat formerly held by Bo Grisham).

APPENDIX 2

EXHIBIT 4
RESOLUTION NO. 2019-108

WHEREAS, a special municipal election has been called to be held on the 24th day of September 24, 2019, and a runoff election to be held, if necessary, on the 5th day of November, 2019, and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the municipal governing body shall appoint from the qualified electors, officers to conduct the election as follows:

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the election officers for said election shall be as follows:

Polling Location No. 1 - St. Luke’s Episcopal Church
William L. Irons Chief 3855 Cove Drive 35213 879-6988 bill_irons@hotmail.com
Lois J. Poe 3851 South Cove Drive 871-6286
Kimberly H. Carney 12 Montrose Circle 871-1100
Diane M. Fisher 3829 Cove Drive 35213 879-8011
Marguerite Costanzo 307 Morningside Circle 35213
John Costanzo 307 Morningside Circle 35213
Diane E. 3917 Montevallo Road 35213
Weatherford

Polling Location No. 2 - Mountain Brook City Hall
Stephanie Byrne Chief 605 Dexter Avenue 35213 907-8362 sbyrne@realtysouth.com
Sue Moore Abele 3767 Jackson Blvd 35213
James T Cobb, Jr. 121 Crestview Drive 35213
Judy H. Pittman 4301 Cross Keys Road 35213
Marjorie E. Breman 3774 Montevallo Rd S 35213 871-5541
Herbert S. Reese 37 Montcrest Drive 35213
Mayree Veona 3904 Montevallo S Rd 35213
Hembree King
BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk, Chief inspectors, and/or Assistant Chief Inspectors/Clerks are hereby authorized to engage replacement poll workers in the event persons appointed herein above fail to report for duty for any reason; and,

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized and directed to pay the following amounts to those persons appointed herein above, or any replacement poll workers engaged by the Chief inspectors or Assistant Chief Inspectors/Clerks:

<table>
<thead>
<tr>
<th>Position</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Inspectors</td>
<td>$225</td>
</tr>
<tr>
<td>Assistant Chief Inspectors/Clerks</td>
<td>$175</td>
</tr>
</tbody>
</table>
BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized and to provide refreshments on election day and at the poll worker training and to pay an additional $25 to all poll workers who attend the poll workers' training program to be held at Mountain Brook City Hall (council chambers), 56 Church Street, Mountain Brook, Alabama 35213, on dates yet to be determined, from 5:30 p.m. until 7:00 p.m. or otherwise complete such training at another location or by other means.

EXHIBIT 5

RESOLUTION NO. 2019-109

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes City Manager to pay, or cause to be paid for and on behalf of the City, up to $3,000 for materials and provide City labor and equipment to install beautification improvements at the Cove Drive traffic island as illustrated in Exhibit A attached hereto.

APPENDIX 3

EXHIBIT 6

RESOLUTION NO. 2019-110

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby ratifies the execution of a contractor agreement between the City and Reno Plumbing & Sewer Service, Inc., in the form as attached hereto as Exhibit A subject to such minor revisions recommended by legal counsel, with respect to the water line tap and installation to serve Crestline Elementary field.

APPENDIX 4

EXHIBIT 7

RESOLUTION NO. 2019-111

WHEREAS, the City Council of the City of Mountain Brook, Alabama desires to amend its “Significant Accounting and Management Policies” previously adopted in Resolution 99-168 and as amended and restated by Resolution Nos. 00-09, 09-51, 2017-007 and 2017-031;

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that effective upon the date of this resolution, the Council does hereby amend the “Significant Accounting and Management Policies” by amending the following section:

“Board Appointments
Under State law, the City Council is charged with the responsibility of appointing board members to The Board of Education of the City of Mountain Brook as well as the Parks and Recreation Board and The Emmet O’Neal Library Board. In addition, the City Council is responsible for appointing persons to the various local commissions and boards (e.g., Board of Zoning Adjustments, Board of Landscape Design, Design Review Committee, Fields Committee, Finance Committee, etc.). In conjunction with this responsibility, it shall be the general policy of the City Council that:

- The City shall generally solicit volunteers to serve on the various boards, commissions, and committees through appropriate advertisements. Respondents to such solicitations shall generally be required to provide to the City Manager written detailed professional and other biographical data to demonstrate their qualifications to serve in the desired position.
All outside boards, commissions, and committees are encouraged to submit to the City Council liaison for consideration two or more recommended nominations for the vacant position.

Nominations to fill a vacancy may be presented anonymously by members of a board or committee to the Council liaison for delivery to the City Council for consideration.

Generally, prior to appointing an applicant to a board, commission, or committee, the members of the Council shall meet with and interview the prospective applicants.

Out of respect for the applicants, the Mayor and Council agree to refrain from naming those applicants under consideration by the Council not appointed.

With the exception of ad hoc committees and assignments, persons shall not serve on more than one board or committee.

Reappointments of persons to a board or committee are at the sole discretion of the City Council and should not be considered automatic.

All board and committee appointments shall be considered during a pre-meeting discussion and shall not be placed on a formal agenda for consideration until the City Council is ready to vote on such appointment.

EXHIBIT 8

ORDINANCE NO. 2051

AN ORDINANCE PERMITTING AND REGULATING THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAY IN THE CITY

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama as follows:

Section 1. Sunday alcohol sales.

Amendment. Pursuant to the provisions of §28-3A-25 of the Code of Alabama (1975), as amended by Alabama Act 2019-100, it shall be lawful for businesses licensed to sell alcoholic beverages for on-premises consumption, off-premises consumption or both on and off premises consumption, to commence such sales starting at 10 a.m. on Sundays (formerly noon).

Penalty. Any violation of this ordinance shall be a misdemeanor punishable by a fine or imprisonment to be determined at the discretion of the court or judge as provided in §28-3A-25 of the Code of Alabama (1975), as amended.

Section 2. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

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

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

APPENDIX 5
BE IT ORDAINED by the City Council of the City of the City of Mountain Brook, Alabama, as follows:

1. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-265 of the Mountain Brook City Code, as approved upon the adoption of Ordinance 1871 dated May 21, 2012 are hereby amended to include the changes specified as attached hereto.

2. Description of Affected Property. The property that is the subject of the rezoning approved by this ordinance is described as follows:

A parcel of land being situated in the Northeast quarter of the Northwest quarter and the Southeast quarter of the Northwest Quarter of Section 8, Township 18 South, Range 2 West, more particularly described as follows:

Begin at the Southwest Corner of the Northeast Quarter of the Northwest Quarter of Section 8, Township 18 South, Range 2 West; being the Point of Beginning; thence run Northerly along the West line of said Quarter - Quarter a distance of 665.12 feet; thence right 91°-08'-04" a distance of 1325.11 feet; thence right 88°-58'-55" a distance of 74.22 feet; thence right 37°-49'-05" a distance of 736.41 feet; thence right 52°-46'-30" a distance of 62.37 feet; thence right 00°-14'-22" a distance of 179.92 feet; thence left 90°-58'-32" a distance of 355.39 feet; thence right 88°-43'-29" a distance of 24.53 feet; thence left 87°-29'-35" a distance of 139.13 feet; thence right 89°-27'-49" a distance of 14.61 feet; thence left 117°-30'-00" a distance of 175.92 feet; thence right 84°-32'-17" a distance of 46.85 feet; thence tangent to a curve to the left having a radius of 1243.26 feet and a central angle of 9°-20'-05" along the curve an arc distance of 202.55 feet; thence right 62°-49'-52" from the tangent of said curve a distance of 329.33 feet; thence tangent to a curve to the left having a central angle of 18°-00'-50" and a radius of 66.12 feet an arc distance of 20.79 feet; thence left 2°-03'-01" to the tangent of a curve to the left having a central angle of 34°-34'-36" and a radius of 60.77 feet, an arc distance of 36.67 feet; thence continue from the tangent of said curve a distance of 45.64 feet; thence right 90°-00'-00" a distance of 119.49 feet; thence right 33°-25'-36" a distance of 245.11 feet; thence right 0°-00'-42" a distance of 377.82 feet to the Point of Beginning.

Said Parcel contains 27.59 acres more or less.

3. Repealer. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

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

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

APPENDIX 6
Fwd: Vote for VDR Candidates

Dana Hazen <hazend@mtnbrook.org>

Mon, Jul 26, 2016 at 1:18 PM

To: Steve Boose <boose@mtnbrook.org>
Cc: Virginia Smith <vsmith@ghd.com>, Alice Womack <awomack14@gmail.com>, Sam Gaston <gaston@mtnbrook.org>

Steve,

For the August 12th formal agenda, we need to have the council vote on to install 2 new VDR members.

VDR ranked the three candidates in order of preference and the ranking is as follows:

1st - Kate Wattewend
2nd - Ashley Spotswood
3rd - Katrina Porter

Resumes are attached if you'd like to include in the council packet.

Bo Grisham and Sally Legg have stepped down.

Thanks.

---------- Forwarded message ----------

From: Tammy Reid <reid@mtnbrook.org>
Date: Mon, Jul 29, 2019 at 11:29 AM
Subject: Re: Vote for VDR Candidates
To: Dana Hazen <hazend@mtnbrook.org>

Resumes attached.

On Mon, Jul 29, 2019 at 11:27 AM Dana Hazen <hazend@mtnbrook.org> wrote:

Would you forward all of their resumes to me as well? Or can I see them on the website? I will need to send those to Sam as well as the vote results. Thanks.

On Mon, Jul 29, 2019 at 10:58 AM Tammy Reid <reid@mtnbrook.org> wrote:

The results of the vote for ranking of VDR candidates is as follows:

1st - Kate Wattewend
2nd - Ashley Spotswood
3rd - Katrina Porter

These results will be considered by the council at their August 12 meeting.

Thank you,

Tammy Reid
Administrative Analyst

http://portal.mtnbrook.org/ViewDocument/0d067a5f645c46c0b4f859a68f455f1/181754d9b2d8d29e5b3d5d57a53b79d9/10?site=.checkSelfPermission&isMinimized=true
Fwd: Vote for VDR Candidates

1 message

Mon, Jul 29, 2019 1:15 PM

Dana Hazen <dhazend@mnbrooke.org>

To: Steve <sboone@mnbrooke.org>
Cc: Virginia Smith <vsmith1979@comcast.net>, Alia Wensask <aiawensask14@gmail.com>, Sam Gaston <sogaston@mnbrooke.org>

Steve,

For the August 12th formal agenda, we need to have the council vote on to install 2 new VDR members.

VDR ranked the three candidates in order of preference and the ranking is as follows:
1st - Katie Wohlwend
2nd - Ashley Spotswood
3rd - Katrina Parker

Resumes are attached if you’d like to include in the council packet.

Bo Gilham and Saffe Egg have stepped down.

Thanks.

---------- Forwarded message ----------

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Date: Mon, Jul 29, 2019 11:29 AM
Subject: Re: Vote for VDR Candidates
To: Dana Hazen <dhazend@mnbrooke.org>

Resumes attached.

On Mon, Jul 29, 2019 11:27 AM Dana Hazen <dhazend@mnbrooke.org> wrote:

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> The results of the vote for ranking of VDR candidates is as follows:
1st - Katie Wohlwend
2nd - Ashley Spotswood
3rd - Katrina Parker

> These results will be considered by the council at their August 12 meeting.

Thank you.

---

Tammy Reid
Administrative Analyst

http://www.mountainbrook.com/
Traffic Island Policy Worksheet

Island Location: Cove Drive

<table>
<thead>
<tr>
<th>Area of Island</th>
<th>Max City Contribution</th>
</tr>
</thead>
<tbody>
<tr>
<td>10,504 sq ft</td>
<td>$3,000</td>
</tr>
</tbody>
</table>

Sketch of Design

- Dark Green – keep 2 existing trees
- Light Green – up to 6 new trees
- Red X – removing 3 trees/shrubs
- Gray/Black – stone patio

Other Details

We will go ahead and remove the undesirable trees and build the patio after council approval. The new trees will be planted this fall at the appropriate time of year. Public Works will help fix the curbs on the ends where the asphalt cut throughs are located.

Materials | Quantity | Cost
---|---|---
Oak Trees | 5-6 | $1,500
Stone patio | | $1,500

Total Cost: $3,000

Traffic Island Policy Worksheet

Resident Contact Information

Name: Jessica Thuston
Email: jsthuston@gmail.com

Partnership Agreement

The City will install the patio, plant the trees, and maintain it as part of our usual duties.

Island Committee Comments

Date: July 30, 2019
Helen Drennen and I met with Jessica and several other residents and discussed what they would like to see done. I then presented the plan to the remainder of the committee through email and everyone was in agreement.

Tree Commission Members: Ro Holman and Elizabeth Foynor
Park Board Members: Helen Drennen and Aimee Reese

Police Department Comments

Date: August 8, 2019
LT. Jason Carmack stated by email that he did not see any issues with the plan.

Council Comments:

Date: August 12, 2019

Amount approved:

Construction Issues/Comments/Adjustments

APPENDIX 3
CONTRACTORS AGREEMENT

Home Pressure & Power Services, Inc. ("Contractor") owns and is required to hand over the Contract Property ("the Property") to the City of Mountain View, California, a municipality in the City of Mountain View, California, in accordance with the terms of this Agreement ("the Agreement").

1. Purpose. The Parties agree to establish a written contract ("the Agreement") which is incorporated by reference. Contractor, as the entity that will perform the work, services, and operations (collectively, the "the Work") for the undersigned project (the "Project").

2. Scope of Work. The Project includes the following:

- Construction of all work required to complete the Project.
- Performance of all required inspections and testing.
- Payment of all required fees and taxes.

3. Payment. The City agrees to pay Contractor for the Work performed in accordance with the terms of this Agreement. The City shall make all payments to Contractor in accordance with the terms of this Agreement. The City shall pay Contractor within 30 days after receipt of an invoice from Contractor.

4. Termination. Either Party may terminate this Agreement at any time by giving written notice to the other Party. The termination shall become effective upon the expiration of 30 days from the date of written notice.

5. Indemnification. Each Party shall indemnify and hold harmless the other Party from and against any and all claims, damages, losses, costs, and expenses arising out of or related to the performance of the Work.

6. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

7. Entire Agreement. This Agreement constitutes the entire agreement between the Parties and supersedes all prior negotiations, understandings, and agreements with respect to the subject matter hereof.

8. Amendment. This Agreement may be amended by mutual written agreement of the Parties.

9. Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original.

10. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first written above.

[Signatures]

[Date]

[City of Mountain View, California]

[City of Mountain View, California]
APPENDIX 5

state as when the required taxes have not been paid or

ordered by law.

[13] For any person, vehicle, or the

store, agent, or employee of the same to sell, distribute,

deliver, or caused to be sold or distributed, alcohol,

within this state any alcoholic beverages unless they first

have been caused by the board's manufacturer's license in the

manufacture of the alcoholic beverages or the dispensed

representative or an importer's license to the importer of the

alcoholic beverages.

[15] For any person under the legal drinking age,

as defined in Section 28-1-5, to attempt to purchase, to

purchaser, consume, pass, or to transport any alcoholic

beverages within the state, however, it shall not be

unlawful for a person under the legal drinking age, as defined

in Section 25-1-5, to be as an employee of a wholesale

license or as off-premise retail licensees of the board to handle,

transport, or sell any beer or table wine if the person under

the legal drinking age is within the limits and scope of

his or her employment only as acting, there must be an adult

license, thece, agent, or employee of the same present at

all time a licensed establishment to prove for business.

[17] For any person, except where authorized by a

local act or general act of local application or pursuant to

Section 2 of this act, to buy, give away, sell, or serve for

consumption on or off the premises, or to drink or consume

alcoholic beverages in any cafe, luncheon, restaurant, hotel

dining room, or other public place on Sunday after the hour

of ten o'clock a.m.

[18] Except where authorized by a local act or

general act of local application or pursuant to Section 2 of

this Act, for the proprietor, tenant, or occupant of any cafe,

luncheon, restaurant, hotel dining room, or other public

place to knowingly permit any person to give away, sell,

serve for consumption on or off the premises, or to drink or

consume any alcoholic beverages on the premises of the cafe,

luncheon, restaurant, hotel dining room, or other public

place on Sunday after the hour of ten o'clock a.m.

[19] For a person under the use of 15 years to

knowingly use or attempt to use a false, forged, deceptive, or

otherwise deceptive driver's license to obtain or attempt to

obtain alcoholic beverages within this state.

(1) Any violation of subsections (1) through

(19) of this section (a) shall be a misdemeanor punishable by

five years less than one hundred dollars ($500) and more than

one thousand dollars ($1,000) in which, at the discretion of

the court or judge trying the case, may be imposed in

addition to the fine and costs of $100.00.

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Minutes & AgendaBills

APPENDIX 5
DRIVE-THROUGH QUEUE TRAFFIC STUDY

Lane Parke PUD
Mountain Brook, Alabama

Figure 1. Drive-Through Locations
Existing Literature Search

- One existing report
- Six coffee shops in Minnesota and Kansas
  - Average maximum queue – 10.3 vehicles
  - 85th percentile maximum queue – 13 vehicles
  - Absolute maximum queue – 16 vehicles
- Data was rejected because of lack of minute-by-minute detail needed for this study

New Data Collection

Coffee Shops

- Starbucks on U.S. Highway 11 in Trussville
  - Thursday-Friday, May 16-17, 2019
    - 6:55-7:55 AM
    - 11:35 AM – 12:35 PM
    - 4:25-5:30 PM
- Starbucks on Montclair Road in Birmingham
  - Monday, May 20, 2019
    - 6:05-8:40 AM
Coffee Shop Queue Analysis

Weekday
6:05 a.m. to 8:40 a.m.
Coffee Shop Queue Analysis
Weekday
11:35 a.m. to 12:35 p.m.

Coffee Shop Queue Analysis
Weekday
4:25 p.m. to 5:30 p.m.
Coffee Shop Queue Analysis - Summary

Longest queues are during the a.m. peak period

Queue will exceed storage for 6 minutes during the a.m. peak period

- Queue exceeds storage by 1 vehicle for 3 minutes
- This would block the crosswalk on the driveway
- Queue exceeds storage by 2 vehicles for 1 minute
- This would block one direction of traffic flow on Jemison Lane
- Queue exceeds storage by 3 vehicles for 1 minute
- Queue exceeds storage by 4 vehicles for 1 minute
- The later two could block both directions of traffic flow on Jemison Lane

Queue will also exceed storage by 1 vehicle for 3 minutes during the midday peak period
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