The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:15 p.m. on the 24th day of February, 2020. 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  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack  
Stewart Welch III, Mayor

Absent: None

Also present were City Attorneys Steve Stine and Tony Davis, City Manager Sam Gaston and City Clerk Steven Boone.

1. AGENDA

1. Overtime Policies-Steven Boone

Sergeant Chris Thompson inquired whether it was the intent of the City Council to exempt only the Fire Department personnel from the Fair Labor Standards Act on-premises rule (Sec. 8.4.2.2.a.5).

Mr. Boone responded that originally, the on-premises rule was applied across all departments (barring defined public safety events and emergencies). However, the Fire Chief provided documentation that the potential savings in the Fire Department by changing the policy approximated only about $5,000 annually. The committee agreed to recommend the exemption based on how well the Fire Department has managed its overtime and the potential savings were inconsequential. Mr. Boone also pointed out that the policy may be reviewed from time to time should there be unintended consequences or conditions warrant reconsideration and/or policy revisions.

Resolution No. 2020-032 was added for the formal meeting agenda.

2. Green equipment purchase and MOU with American Green Zone Alliance (AGZA) for Overton Park-Shanda Williams (Resolution No. 2020-031 was added to the formal meeting agenda.)

3. Street Light request behind Vogue Cleaners located at 2816 Cahaba Road in Mountain Brook Village-Officer Ro Burrow and Sam Gaston (Resolution No. 2020-033 was added to the formal meeting agenda.)

4. Use and access agreement between the City and Shades Parkway, LLC with respect to public parking in the private lot for Shades Creek Fest. (Resolution No. 2020-030 was added to the formal meeting agenda.)

5. Review of the other matters to be considered at the formal (7 p.m.) meeting
6. EXECUTIVE SESSION AND ADJOURNMENT

Council President Pro Tempore Pritchard made a motion that the City Council convene in executive session to discuss a matter that could lead to litigation. 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
     Philip E. Black
     Lloyd C. Shelton
     Alice B. Womack

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 5—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 6:40 p.m.

7. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct 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 February 24, 2020, 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.

City Clerk
Approved by City Council March 9, 2020
The City Council of the City of Mountain Brook, Alabama and met in public session in the City Hall Council Chamber at approximately 7:00 p.m. on the 24th day of February, 2020. 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
       Philip E. Black
       Lloyd C. Shelton
       Alice B. Womack
       Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Steve Stine, 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. **DEREK CHEN, FIELD REPRESENTATIVE FOR BRADLEY BYRNE, CANDIDATE FOR U. S. SENATE**

   Introduced himself and, on behalf of Mr. Byrne, asked for the support of the governing body and members of the audience at the upcoming March 3, 2020, republican primary.

2. **PRESENTATIONS**

   Mayor Welch presented the following proclamations and recognition:
   - Proclamation No. 2020-027, March 6, 2020 proclaimed “Go Blue” day for Colorectal Cancer Awareness in the City—presented to Ms. Libba Hardwick of the American Cancer Society
   - Proclamation No. 2020-028, April 19-26, 2020 proclaimed Arbor Week in the City—presented to Sim Johnson of the Board of Landscape Design
   - Resolution No. 2020-027, honoring Gloria Repolesk, of the Emmet O’Neal Library, for her service on the 2020 Caldecott Medal Selection Committee

3. **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 February 10, 2020, regular meeting of the City Council

   **2020-025** Authorize the installation of a street light in the vicinity of 3008 North Woodridge Road

   **2020-026** Resolution honoring Gloria Repolesk, of the Emmet O’Neal Library, for her service on the 2020 Caldecott Medal Selection Committee

   **2020-027** March 6, 2020, proclaimed “Go Blue” day for Colorectal Cancer, in the City of Mountain Brook, Alabama
MINUTE BOOK 91

2020-028 Proclamation
April 19-26, 2020 proclaimed Arbor Week in the City of Mountain Brook, Alabama

2020-029 Award bid for the Dunbarton Sidewalk Project to Southeastern Sealcoating and authorizing the execution of a contract for the same

2020-030 Authorize the execution of an Access & Use Agreement between the City and Shades Parkway, LLC with respect to off-site parking for Shades Creek Fest to be held April 25, 2020, in Jemison Park

2020-031 Authorize the execution of the American Green Zone Alliance (AGZA) Green Zone Certification Memorandum of Understanding

2020-032 Amend Sec. 8.4 of the “Internal Control Policies and Procedures” by adding Sec. 8.4.2 “Overtime policies”

2020-033 Authorize the installation of a street light in the vicinity of Cahaba Road in the alley near Vogue Cleaners

Thereupon, the foregoing minutes, resolutions and proclamations were introduced by Council President Smith and a motion for their immediate adoption made by Council President Pro Tempore Pritchard. The minutes, resolutions and proclamation were then considered by the City Council. Council member Black seconded the motion to adopt the foregoing minutes, resolutions and proclamations. 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
Philip E. Black
Lloyd C. Shelton
Alice B. Womack

Nays: None

Abstained: None

Council President Smith thereupon declared that said minutes, resolutions (Nos. 2020-025, 2020-026, 2020-029 through 2020-032) and proclamations (Nos. 2020-07 and 2020-028) were adopted by a vote of 5—0 that and as evidence thereof she signed the same.

Ms. Allison Morgan expressed her thanks for the installation of the street light in the vicinity of 3008 North Woodridge Road (Resolution No. 2020-025).

4. ANNOUNCEMENTS

The next regular meeting of the City Council will be March 9, 2020, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.

5. ADJOURNEMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 7:15 p.m.
6. 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 February 24, 2020, 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 March 9, 2020

EXHIBIT 1

RESOLUTION NO. 2020-025

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

1. That Alabama Power Company is requested to install one (1) 108 watt LED area, 4000K, gray – 8,500 to 14,000 lumens street light in the vicinity of 3008 North Woodridge Road as more fully described in Exhibit A attached hereto (Lighting Services NESC Lease Agreement (Governmental-S)).

2. That the City Manager is hereby authorized to execute and deliver, or cause to be executed and delivered, on behalf of the City such documents, instruments, and agreements that may be deemed necessary or appropriate with respect to said street light upgrades/installations.

3. That the City Clerk is directed to furnish the Alabama Power Company a certified copy of this resolution.

APPENDIX 1

EXHIBIT 2

PROCLAMATION NO. 2020-028

CITY OF MOUNTAIN BROOK

56 Church Street
Mountain Brook, Alabama 35213
Telephone: 205.802.3800
Facsimile: 205.879.6913
www.mtnbrook.org

ARBOR WEEK PROCLAMATION

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

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

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

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

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

Now, Therefore, I, Stewart H. Welch III, Mayor of the City of Mountain Brook, do hereby proclaim April 19 through April 26, 2020, as

ARBOR WEEK

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

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

Given under my hand and the City of Mountain Brook, Alabama, on this 24th day of February, in the year of our Lord, 2020, and of the Independence of the United States of America, 244th.

Stewart H. Welch III, Mayor

EXHIBIT 3

RESOLUTION NO. 2020-029

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby recommends that the Alabama Department of Transportation award the bid for the Dunbarton sidewalk construction project (No. TAPBH-TA18(931)) to Southeastern Sealcoating; and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of such other agreements as may be required by the Alabama Department of Transportation for same.

APPENDIX 4

EXHIBIT 4

RESOLUTION NO. 2020-030

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of an Access & Use Agreement between the City and Shades Parkway, LLC, the form attached hereto as Exhibit A, with respect to off-site parking for Shades Creek Fest to be held April 25, 2020, in Jemison Park.

APPENDIX 5
EXHIBIT 5

RESOLUTION NO. 2020-031

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of the American Green Zone Alliance (AGZA) Green Zone Certification Memorandum of Understanding, the form at attached hereto as Exhibit A.

APPENDIX 6

EXHIBIT 6

RESOLUTION NO. 2020-032

WHEREAS the City Council formally adopted its “Internal Control Policies and Procedures” upon its adoption of Resolution No. 2019-049 (April 8, 2019); and

WHEREAS the City Council wishes to amend such policies and procedures with respect to overtime; now, therefore,

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby amends Sec. 8.4 of the “Internal Control Policies and Procedures” by adding Sec. 8.4.2 “Overtime policies”, in the form as attached hereto as Exhibit A (said section shall be appended to the previously adopted “Internal Control Policies and Procedures”); and

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook that the City Council delegates authority to the Finance Director and/or City Manager to implement editorial, procedural and workflow revisions to said internal control policies and procedures as conditions change or otherwise determined warranted to improve and further enhance such controls and workflow.

APPENDIX 7

EXHIBIT 7

RESOLUTION NO. 2020-033

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

1. That Alabama Power Company is requested to install one (1) 87 watt LED area, 4000K, gray – 8,500 to 14,000 lumens street light in the vicinity of Cahaba Road in alley near Vogue Cleaners as more fully described in Exhibit A attached hereto (Lighting Services NESC Lease Agreement (Governmental-S)).

2. That the City Manager is hereby authorized to execute and deliver, or cause to be executed and delivered, on behalf of the City such documents, instruments, and agreements that may be deemed necessary or appropriate with respect to said street light upgrades/installations.

3. That the City Clerk is directed to furnish the Alabama Power Company a certified copy of this resolution.

APPENDIX 8
RESOLUTION

WHEREAS, Gloria Repolesk leads the Emmet O’Neal Library Children’s Department;

WHEREAS, Gloria is widely respected as an advocate for library service to children in Mountain Brook;

WHEREAS, Gloria’s peers have demonstrated this respect by electing her to several leadership roles in the Alabama Library Association and even in the American Library Association’s Association for Library Service to Children;

WHEREAS, Gloria was recently selected as one of 15 librarians in the United States to serve on the 2020 Caldecott Medal Selection Committee;

WHEREAS, Gloria read and evaluated over 600 children’s books as possible nominees for the Caldecott Medal;

WHEREAS, Gloria deliberated for over 22 hours with the Caldecott Medal Selection Committee before finally choosing, The Undefeated, an ode to great black Americans illustrated by Kadir Nelson and written by Kwame Alexander as the 2020 Caldecott Medal Winner;

WHEREAS, Gloria’s peers have demonstrated this respect by electing her to several leadership roles in the Alabama Library Association and even in the American Library Association’s Association for Library Service to Children;

WHEREAS, Gloria shared her experiences as a member of the Caldecott Medal Winner with the students at Cherokee Bend Elementary who conduct their own Caldecott Medal selection each year; now, therefore be it

RESOLVED, that the Emmet O’Neal Library Board and the Mountain Brook City Council recognize that Gloria Repolesk demonstrates an exemplary commitment to promoting children’s literature and her service on the Caldecott Medal Selection Committee is an honor for our library and our community.

Adopted by the Emmet O’Neal Library Board on February 18, 2020 and by the Mountain Brook City Council on February 24, 2020

[Signatures]

Lindsay Gardner
Director
Emmet O’Neal Library

Susan Elliott
President
Emmet O’Neal Library Board

Stewart Welch
Mayor
City of Mountain Brook

Adopted by the Emmet O’Neal Library Board on February 18, 2020 and by the Mountain Brook City Council on February 24, 2020
Colorectal Cancer Awareness Month Proclamation

WHEREAS, colorectal cancer is the second most common cause of cancer deaths for men and women in Alabama and the lifetime risk of being diagnosed with cancer of the colon or rectum is 4.4 percent for men and 4.1 percent for women in the United States;

WHEREAS, the vast majority of colon cancer deaths can be prevented through proper screening and early detection and if 80 percent of adults were screened for colon cancer, 203,000 fewer people will die by 2030;

WHEREAS, the survival rate of individuals who have colorectal cancer is 90 percent when detected in the early stages versus only a 10 percent survival rate when colorectal cancer is diagnosed after it has spread to other organs;

WHEREAS, the American Cancer Society estimates 2,460 cases of colorectal cancer will be diagnosed in Alabama this year and 960 people will die from the disease, and deaths from colorectal cancer occur disproportionately among those who are underserved or underinsured;

WHEREAS, when detected early the five-year survival rates for colon cancer is 90%; however, only 39% of colorectal cancers are diagnosed at this stage, mostly due to low rates of screening;

WHEREAS, greater awareness of colon cancer and the means to prevent it could save the lives hundreds of Alabamians every year because colorectal cancer is preventable, treatable, and beatable in most cases; and

WHEREAS, observing a “Go Blue Day” for Colorectal Cancer Awareness would provide a special opportunity to offer education on the importance of early detection and screening.

NOW, THEREFORE, I, Stewart Welch III, Mayor of the City of Mountain Brook, Alabama, recognize the importance of colorectal screenings and hereby proclaim March 2020 as “COLORECTAL CANCER AWARENESS MONTH” throughout the City and encourage all residents of Mountain Brook who are 45 and over to get a colorectal screening and recognize March 6, 2020 as “Go Blue Day” for Colorectal Cancer Awareness in Mountain Brook, Alabama.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 24th day of February of the year 2020.

Stewart H. Welch III, Mayor
MINUTE

February 18, 2020

TO: Art Sam Cotsen
City of Yuma
City, Arizona
February 18, 2020

SUBJECT: Durango Sidewalk Project

Bids due: 2:00 pm, February 18, 2020

Dear Mr. Cotsen,

Attached is a list of the bids submitted for the Durango Sidewalk Project. The bids were due on February 18, 2020. The contractors, their bids, and the city's review are as follows:

- **Bids: 1402, 2012, 1912, 1922**
- **Bidders:**
  - Johnson Construction
  - Doe Construction
  - Smith Construction
  - Evans Construction

The city's evaluation process included reviewing each bid to ensure compliance with the project specifications and the city's requirements.

The city is currently reviewing the bids and will make a decision on the中标 contractor shortly. We will keep you updated on the progress of the project.

Sincerely,

[Signature]

Matt Doyle, PE
Project Manager

City of Yuma

APPENDIX 4
American Green Zone Alliance (AGZA)

Green Zone Certification Memorandum of Understanding

This Memorandum of Understanding (MOU) made between the City of Mountain Brook, Alabama and The American Green Zone Alliance (AGZA), summarizes the certification program specifics and the roles and responsibilities of the parties for the City of Mountain Brook, Alabama and AGZA Green Zone Certification.

Program Summary:

Reductions in air pollution emissions will be achieved through “verified” implementation of commercial battery electric grounds maintenance equipment on the designated properties listed on this MOU managed by the City of Mountain Brook, Alabama. City of Mountain Brook, Alabama with AGZA support will verify the replacement of gasoline-powered mowers, trimmers, blowers, edgers, and saws with battery powered options and AGZA Green Zone Certify the following property.

- Overton Park, 3020 Overton Road, Mountain Brook Alabama

This project will greatly reduce ground ozone emissions, noise, solid and toxic waste associated with the use and maintenance of internal combustion grounds maintenance equipment. Additionally, any nearby schools will help students; teachers, staff, facilities workers, and park visitors enjoy healthier, quieter indoor and outdoor environments.

Project Responsibilities:

City of Mountain Brook, Alabama:
- Provide AGZA addresses location of designated Green Zone properties.
- Identify MB Green Zone liaison
- Adhere to the minimal requirements for AGZA Green Zone Certification status. The minimal certification requirements will be the complete elimination of two-stroke internal combustion equipment for “routine” maintenance in the Green Zone areas. Gas allowances include heavy chainsaw workloads, and seasonal workloads when necessary.
- Inform AGZA in writing within 30 days should Mountain Brook decide to dissolve Green Zone Certification

American Green Zone Alliance:
- Take gas fleet inventory, (with Quiet Communities)
- Generate environmental impact report. (with quiet communities)
- Verify with City of Mountain Brook, Alabama charging and storage facilities.
- Verify with City of Mountain Brook, Alabama battery-electric operation of crew.
- AGZA Green Zone Certification of properties.
- Listing on AGZA’s Green Zone Directory.

Executed by:
American Green Zone Alliance, Corp

Dan Maibe
President
City of Mountain Brook
Stewart Welch, III
Mayor

Date

Date

February 24, 2020
### Overtime Policies

**8.4.2 Overtime Policy**

Overtime is governed by the Fair Labor Standards Act (FLSA) as administered by the U.S. Department of Labor. The City's overtime policies are generally intended to achieve (at a minimum) in the provisions of the FLSA with some (more liberal) exceptions as may be legally described. Overtime from the time expressed herein must be approved in writing by the City Manager.

1. **Exempt Employees.** Under the FLSA, exempt employees are not due overtime. In those instances where the City has authorized limited overtime for certain exempt personnel, such action does not change the underlying exempt nature of the position. The City may discontinue such practice at any time at its sole discretion. The City Manager shall authorize any change to overtime compensation policies with respect to exempt positions.

   a. Certain Mountain View exempt employees (generally department heads and deputy or assistant department heads) are not compensated for overtime. Consistent with the FLSA, such employees may adjust their schedule as work responsibilities permit in balance work and personal time.

   b. Certain other Mountain View exempt employees (generally, but not limited to, finance employees) may be compensated for overtime generally for attendance at department staff/roll call meetings, after-hours public meetings and other assigned duties outside of the normal schedule. The nature of work for which straight-time overtime shall be granted for such exempt employees shall be determined by the City on a case-by-case basis. Such overtime may be either:

      i. **Paid at the employee's regular hourly rate of pay.**

      ii. **Paid at a rate of pay equal to one and one-half times the employee's regular hourly rate of pay.**

      iii. **Paid at a rate of pay equal to two and one-half times the employee's regular hourly rate of pay.**

   c. Overtime is calculated at 1.5 times regular pay for non-exempt employees, except for unionized non-exempt employees whose overtime is calculated at 2 times regular pay.

   d. Overtime is calculated at straight-time pay for exempt employees.

2. Department policies with respect to overtime calculations: Under the FLSA, the City may or may be required to pay its employees for 8 hours of straight-time pay for any day the employee is paid for 8 hours of the time worked. The City has established its own overtime policy for non-exempt employees. The overtime policy is designed to provide a balance between the City's financial interests and the needs of its employees. The policy must be implemented and administered in a manner that is consistent with the requirements of the FLSA and other applicable laws.

### Time and Attendance Policies

- **City Policies**
  - The City has not formally adopted time and attendance policies with respect to overtime.
  - In many instances, policies are inconsistent among departments and sometimes not applied consistently within departments.
  - The City has reviewed its time and attendance policies and is implementing the following:

<table>
<thead>
<tr>
<th><strong>City Policy</strong></th>
<th><strong>Fair Labor Standards Act</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy exceptions</td>
<td>Legal notice required for overtime.</td>
</tr>
</tbody>
</table>
| Credit time | Credit time exception:
  - Firefighter 28-day work period set at 195 hours for overtime purposes
| Law enforcement 14-day work period set at 90 hours for overtime purposes | Law enforcement 14-day work period set at 80 hours for overtime purposes
| Paid time off shall not be included in the total hours to be compared to the work period base for all other purposes except for 1) firefighters, and 2) non-law enforcement employees |

### City of Mountain Brook

**2020-032**

<table>
<thead>
<tr>
<th><strong>February 24, 2020</strong></th>
<th><strong>Minutes &amp; Agendas/Council 2020/20200224 Minutes.doc</strong></th>
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