

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
SEPTEMBER 28, 2020**

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[Pursuant to a proclamation issued by Governor Kay Ivey on March 18, 2020, elected officials are allowed to meet remotely by means of Internet video or telephone conference and the public was invited to listen to, observe, or participate in the meeting by such means. The elected officials met by way of Internet video conference and allowed the public to listen, observe and participate by the same means.]

The City Council of the City of Mountain Brook, Alabama met informally by way of Internet video conference at 5:30 p.m. on the 28th day of September, 2020. The Council President called the pre-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 Whit Colvin and Steve Stine, City Manager Sam Gaston, and City Clerk Steven Boone.

**1. AGENDA**

1. Update on School's COVID-19 preparations/plans—Richard Barlow, School Superintendent

Barlow:

- The School System is relying heavily on the Jefferson County Health Department Officer, Alabama Department of Public Health and the State Department of Education (to a lesser degree) as it develops its pandemic policies and practices
- Teachers are conducting both the virtual and traditional instruction which requires a lot of work
- Mitigating strategies have been implemented and seem to be having a positive impact
- Covid-19 numbers have been extremely low which he attributes to distancing, masking and hygiene
- Some students are thriving while others are struggling
- Those that are struggling are encouraged to have their parents contact the teacher for support
- Struggling students are often asked to come into the school on their virtual days for more individualized attention
- A Mental Health Services Coordinator was hired about 3-weeks ago who is working with teachers and administrators to identify issues and plans of action to address those issues
- The Schools are already working on plans for when traditional classes resume system-wide
- Every system in the schools has been modified due to the pandemic. These modifications continue to be a work-in-progress.
- In response to Pritchard's question as to what else the City can do to assist, Barlow thanked the City for its support and asked that City officials continue to reassure callers that the School System is doing the best it can and continues to explore opportunities for improvement. Also, remind the community to support the educators.

- Regarding PPE, sanitizers, etc., the School System continues to purchase what it needs and is working on a CARES Act reimbursement request offered to the Schools by the City for costs already incurred
  - In response to a question by Mayor Welch, the 6-15 rule was established by the CDC which stipulates that if anyone comes within 6 feet of someone testing positive for COVID-19 for a period of 15 minutes they must quarantine for 14-days. During quarantine, students are attending classes virtually. Contact tracing can be challenging but can be effective in stemming the spread of the virus.
  - In response to a question by Council member Shelton, Jefferson County-specific infection rate statistics have not been readily available. Friday afternoon was the first time such statistics were provided by the Jefferson County Health Department.
  - The PTOs are being encouraged to support the teachers
2. Library Board appointment—Lindsay Gardner (Resolution No 2020-165 was added to the formal meeting agenda.) Kirk Forrester will fill the seat vacated by Penny Paige.
  3. Beech Circle closure traffic study—Richard Caudle of Skipper Consultants (Appendix 1).

Caudle:

- The traffic counts indicate that 355 cars/trips daily have been diverted to side streets since the pre-closure counts
- Beech Circle travel speeds were measured most recently in August 2020. Traffic volume is still lighter than usual due to the pandemic. Traffic counts did not increase significantly within the surrounding network.
- Only 1-2% of vehicles were observed traveling more than 30 miles per hour
- Two additional 25 mile per hour speed limit signs are recommended
- It does not appear that motorists driving over the bollards have been a big issue. The City is attempting to locate one UPS driver that reportedly drives over the bollards routinely.
- Caudle does not believe another traffic count later will yield significantly different results (maybe a reversion back to pre-pandemic volumes)

The members of the City Council agreed with Skipper's recommendation to install two additional 25 mile per hour speed limit signs along Beech Circle to reinforce the existing speed limit.

4. Request for another review of the crosswalk at Overbrook Road and Pine Crest Road—Sam Gaston (Appendix 2).

Caudle:

- In August 2015, this area was studied. From the crosswalk northward, the sight visibility is limited.
- Pedestrians (generally children) routinely cross the street diagonally which is against the law
- There is not enough pedestrian volume to warrant a signal
- There is not an immediate need for change
- The Trotters would like the City to install some type of additional control
- To that end, a pair of push buttons to activate flashing lights could be installed.
- The school zone could be expanded although it already exceeds the recommended area. Favors a flashing signal [when needed] over an extended 15 mile per hour school zone.

Chief Cook is reluctant to extend the school zone.

Richard Caudle shall present a professional services agreement/proposal for the Council's consideration on October 12, 2020, along with the Montevallo Road at Canterbury Road crosswalk scope of work.

5. HVAC Purification System Bids—Steven Boone and Steve Stine (Appendix 3). Council member Black expressed his reservations that such a comprehensive installation across a variety of equipment types and manufacturers has the potential for numerous technical failings that only a professional engineer could predict, anticipate, and design. Often, a design professional may recommend NOT doing something the owner desires to do because of their understating of the technical issues and the value (or lack thereof) of spending money on a given project. Black acknowledged this project is potentially funded by CARES Act, and the deadline involved, but having spent a lot of time around commercial mechanical systems and their design professionals, has reservations about proceeding within such a limited time span and without proper design considerations. This project may be more complex than can be handled by a one-page performance specification. Also, equipment delivery lead times may impact the ability to finish this on time.

Black suggested delaying the bid opening one week and issuing an addendum requiring the bidders have a mechanical engineer provide a stamp that the systems will function as intended. Boone is to continue researching the matter and a subcommittee comprised of Council member Black, City Attorney Stine, Steven Boone and Sam Gaston will work to address the concerns raised in a timely manner.

[Note: The invitation to bid was cancelled on September 29, 2020.]

6. Live Fire Training facility at the Fire Training Tower area—Chief Mullins (Appendix 4). The units will be purchased and installed by Fire Department personnel. These units will help the City retain its current Class 2 ISO rating. During recruit classes, the City must utilize the facilities of Hoover to conduct live burn training exercises. This proposal is scheduled to be considered at the next Planning Commission meeting. The Fire Chief will request a purchase order to proceed provided the Planning Commission approves the proposal.
7. Review of the other matters to be considered at the formal (7 p.m.) meeting.
  - a. Also added to the formal meeting agenda was Resolution No. 2020-166, awarding the bid for the low slope roof replacement at the O'Neal Library

## 2. EXECUTIVE SESSION AND ADJOURNMENT

There being no further business or matters for discussion, Council President Smith made a motion that the City Council convene in executive session to discuss a real estate matter and that the City Council shall not reconvene upon conclusion of the executive session. The City Attorney then certified that the subject matter of the executive session is permissible under the Open Meetings Act. The motion was seconded by Council President Pro Tempore Pritchard. 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 then adjourned the meeting at approximately 6:30 p.m.

### 3. 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 by way of Internet teleconference on September 28, 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.



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City Clerk Approved by  
City Council October 12, 2020



- >> Good morning Sam!
- >> No, this isn't about sidewalks, even though I'm still really
- >> concerned about our kids waiting every morning for a bus. This
- >> is about our daughter's safety at the crosswalk at Carlebury Church
- >> week after school at the crosswalk at Carlebury Church.
- >>
- >> There are approximately 75 +/- kids that walk home from the Junior
- >> High to Carlebury Church parkway. Most of our neighbors that live
- >> in the neighborhood are parents of these kids. The school bus
- >> leaves at 7:30 AM. There are a lot of kids waiting for the bus. I'd
- >> like to see a car that stopped and motioned my 7th grade daughter
- >> across. As she was crossing, a car from the opposite direction came
- >> through while she was in the middle. She had to sprint across to
- >> get to the other side. The car never even let up. It was very frightening to my
- >> daughter and of course to us when she told us about it. I'm not sure
- >> what the solution is, but I think at the very least, a flashing sign
- >> there would be very beneficial and possibly even an officer nearby
- >> happens. My daughter is an extremely fast runner. But had she been
- >> looking down at her phone or not realized the car wasn't stopping, the outcome could've been very different.
- >>
- >> I tried calling you directly this morning, but was told to email you.
- >> I'll be glad to call you.
- >> Blake if need be at (205)920-3329 or (205)368-2116.
- >>
- >> Sincerely,
- >> Chrissy Trotter
- >>
- >> Sent from my iPhone

**Sam Gaston**  
 From: Blake Trotter <blaketrotter@carleburychurch.com>  
 Sent: Monday, September 21, 2020 10:18 AM  
 To: Sam Gaston  
 Subject: Re: Crosswalk at Carlebury Church

Sam,  
 I'm going to ask that this be re-evaluated with the scenario that Chrissy has laid out. As you know we have had accidents involving individuals hitting cyclists with a lot clearer sight lines than this section of roadway. The fact that this is a spot where children cross the street, and could potentially get hit makes this a no brainer decision to put lights here. I would like for it to get lit because the City made the incorrect assessment, and did not fully consider all scenarios.

Blake Trotter  
 On Sep 21, 2020, at 9:56 AM, Chrissy Trotter <blaketrotter@gmail.com> wrote:  
 I agree, it has adequate sight from the pedestrian point of view, but if a car is stopped and a child under 5 feet tall (which my daughter happens to be) is crossing, the car driving in the opposite direction can't necessarily see the child in the crosswalk.

- >> Sent from my iPhone
- >> On Sep 21, 2020, at 9:50 AM, Sam Gaston <sgaston@mtmbrn.org> wrote:
- >> Thank you. We looked at flashing lights at this location, but the
- >> City Manager and I decided that it was not the best answer. I
- >> Let me ask our police dept and Traffic Consultant to look at it again
- >> and get back with us.
- >>
- >> Sam S Gaston
- >> City Manager
- >> City of Mountain Brook, AL
- >> 56 Church Street
- >> P.O. Box 130009
- >> Mountain Brook AL 35213
- >> (205) 820-3803 Phone
- >> (205) 870-3577 Fax
- >> Official Message—
- >> From: Chrissy Trotter <blaketrotter@gmail.com>
- >> Sent: Monday, September 21, 2020 9:49 AM
- >> To: sgaston@mtmbrn.org; Blake Trotter
- >> Subject: Crosswalk at Carlebury Church

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**Sam Gaston**  
 From: Richard Caudle <richardcaudle@slipper.com> on behalf of Richard Caudle  
 Sent: Monday, September 22, 2020 7:53 AM  
 To: Sam Gaston  
 Subject: Pedestrian crosswalk - Overbrook Road at Pine Crest Road

I reviewed the information with the consultants crossing Overbrook Road at Pine Crest Road this afternoon from 3:00-4:45 p.m. here are my findings:

1. The City fully implemented the recommendations made in our August 7, 2015 report for the point in time when the crosswalk was proposed.
2. There has been no significant change in the sight distance situation as presented in the August 7, 2015 report.
3. The volume of pedestrian traffic crossing Overbrook Road from 3:00-4:00 p.m. (28 total pedestrians) is significantly less than the minimum traffic volume required to warrant signalization (at least 132 pedestrians in one hour is required).
4. My observations were that drivers observe the State of Alabama code regarding pedestrian crosswalks. This is not to say that no driver has ever violated this code, but during my observations at this site, no driver violated this code.
5. (a) When traffic control signals are not in place or not in operation the driver of a vehicle shall yield the right-of-way, slowing down or stopping if need be to so yield, to a pedestrian crossing the roadway within a crosswalk when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger.
6. My observations were that pedestrians usually waited for either a safe gap in traffic or waited for a vehicle to stop to let them cross. However, when a vehicle traveling in one direction would stop to allow pedestrians to cross, vehicles in the opposite direction would not stop to allow pedestrians to cross. Pedestrians should only leave the curb when there are no vehicles approaching the crosswalk. However, it is recognized that motorists will stop to allow pedestrians to cross. It is incumbent on the pedestrian to ensure they are not placing themselves in a hazardous situation from vehicles traveling in both directions when they leave the curb.
7. (b) No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute an immediate hazard.
8. I observed several pedestrians who crossed Overbrook Road by walking diagonally across the intersection of Pine Crest Road instead of using the marked crosswalk. This action is both hazardous and illegal as per Alabama State Code.
9. (d) No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices, and, when authorized to cross diagonally, pedestrians shall cross only in accordance with the official traffic-control devices pertaining to such crossing movements.

Richard L. Caudle, P.E. (Registered in AL and MS) Slipper Consulting, Inc.  
 504 Vann Road Suite 100  
 Birmingham, AL 35205  
 richard@slipper.com  
 (205) 655-8855 fax (205) 655-8825  
 Cell (205) 790-3307 home (205) 594-4708

MINUTE BOOK 91



Figure 1. Intersection Sight Distance for Pedestrians

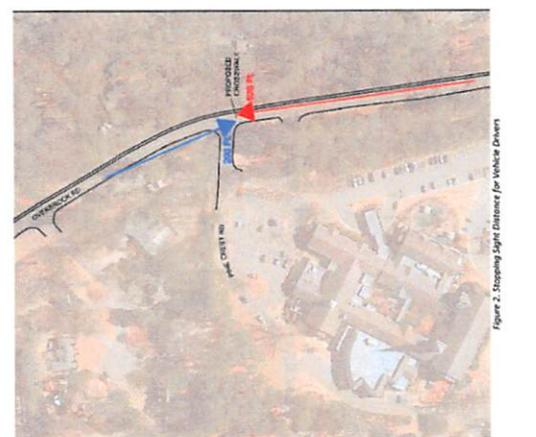


Figure 2. Stopping Sight Distance for Vehicle Drivers

**Overbrook Road at Pine Crest Road**  
 The City of Mountain Brook, in conjunction with Carlebury United Methodist Church, is proposing the construction of a sidewalk along Pine Crest Road and a pedestrian crossing of Overbrook Road at the intersection of Pine Crest Road and Overbrook Road. The City is currently reviewing the proposed distance measurements and sight distance requirements for the proposed crosswalks, and recommends special considerations for lighting and stopping the proposed crosswalk based on the sight distance measurements.

**DESIGN SPEED**  
 As part of a previous project, Slipper Consulting, Inc. performed a post speed study on Overbrook Road from Pine Crest Road to the intersection of Overbrook Road. The design speed was determined to be 35 miles per hour. For the purposes of this study, a design speed of 35 miles per hour was used for Overbrook Road.

**SIGHT DISTANCE MEASUREMENTS**  
 Slipper Consulting, Inc. performed sight distance measurements at the intersection of Overbrook Road at Pine Crest Road on Friday, August 07, 2015. The sight distance components which were measured included the following:

- Sight distance for a pedestrian standing on the curb of Overbrook Road, looking to the north and south on Overbrook Road. This is referred to as intersection sight distance. These measurements are depicted in Figure 1.
- Stopping sight distance for a vehicle on Overbrook Road, looking north and south on Overbrook Road. This is referred to as stopping sight distance. These measurements are depicted in Figure 2.

APPENDIX 2

Slipper Consulting, Inc.

Page 1

Slipper Consulting, Inc.

Page 3

Slam Question

From: Christy Trotter [christytrotter@carver.org](mailto:christytrotter@carver.org) on behalf of Christy Trotter  
Sent: Monday, September 21, 2020 6:49 AM  
To: [slam@carver.org](mailto:slam@carver.org); [Debra Trotter](mailto:Debra Trotter)  
Subject: Crosswalk at Canterbury Church

Good morning Sam!

No, this isn't about sidewalks, even though I'm still really concerned about our kids walking every morning and afternoon! This actually has to do with something that happened to my daughter last week after school at the crosswalk at Canterbury Church.

There are approximately 75-140 kids that walk home from the Junior High to Canterbury Church parking lot or our neighborhood after school and utilize that crosswalk. Taking into account that only 1/2 the school goes each day, there are/will be a large number of kids using this particular crosswalk. Last week a car had stopped and mobbed my 7th grade daughter across. As she was crossing, a car from the opposite direction came through while she was in the middle. She had to spring across to avoid being hit. The car that had stopped cut off the horn, at the corner car corner solution is, but I think at the very least, a flashing sign there would be very beneficial and possibly even an officer nearby from 3-3:20? It's just not worth waiting until an accident actually happens. My daughter is an extremely fast runner, but had she been looking down at her phone or not realized the car wasn't stopping, the outcome could've been very different.

I tried calling you directly this morning, but was told to email you, so I apologize for the lengthy email. Please feel free to call me or Blake if need be at (205)902-3239 or (205)368-9115.

Sincerely,

Christy Trotter

Sent from my iPhone

3. W11-2 warning signs should be installed on Overbrook Road northbound and southbound on Overbrook Road, along with a W13-1P 25 MPH advisory speed sign and a minimum of 565 feet in advance of the crossing. W11-2 warning signs should also be posted on Overbrook Road northbound and southbound at the crosswalk with W16-7P signed downward pointing arrow.



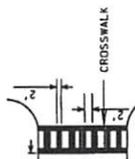
4. Signalization of the crosswalk is not recommended unless and until traffic and traffic control devices. The City should actively control the vegetation within the right of way along the frontage of 235 Overbrook Road in order to maximize sign distance limitations.

Slam Question  
Intersection Sign: Overbrook for Pedestrians. The minimum required intersection sign distance for pedestrians is based on pedestrian walking speed (3.5 feet per second), crossing distance, vehicle speed, and sight distance. The minimum required sign distance for pedestrians on Overbrook Road, pedestrians who are standing on the curb need to be able to see oncoming traffic for a minimum of 250 feet in order to be able to react to the oncoming vehicle and not enter the roadway or move at least 14 feet to avoid being struck by approaching traffic. As demonstrated in Figure 1, the minimum required sign distance for pedestrians is based on the sight distance for a pedestrian looking northward up Overbrook Road exceeds the minimum required sign distance by only 30 feet. Stopping Sight Distance for Vehicle Drivers. In order for a driver to see a pedestrian in or crossing the roadway, the driver must be able to see the pedestrian in time to stop. The minimum required sign distance based on a design speed of 35 miles per hour is 320 feet. As demonstrated in Figure 2, the stopping sight distance for vehicle drivers exceeds the minimum required sign distance in all cases. It should be noted that the stopping sight distance for a vehicle driver southbound on Overbrook Road exceeds the minimum required sign distance by only 40 feet.

Recommendations

Based on the findings of this report, it has been demonstrated that a pedestrian crossing of Overbrook Road at the intersection of Pine Crest Road can be accommodated in a safe manner. This report has also demonstrated that, while sight distance related to Overbrook Road to the north of Pine Crest Road is adequate, it is also limited such that minimums are exceeded by only 30-40 feet. Vehicles traveling southbound on Overbrook Road in excess of 35 miles per hour will be unable to stop in time to avoid the pedestrian. Based on the findings of this report, the following recommendations are presented to the City of Mountain Brook:

- 1. The proposed pedestrian crossing should be located on the south side of the
- 2. The crossing should be marked with high-visibility crosswalk lines.





CITY OF MOUNTAIN BROOK

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

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To: Sam Gaston, City Manager  
 From: Steven Boone  
 Subject: HVAC air purification system invitation to bid  
 Date: September 25, 2020

On September 18, the City issued an invitation to bid for the installation of air purification systems to be installed in the HVAC units of six (6) municipal buildings (all that are not already equipped). The bids will be opened October 8 with an anticipated bid award on October 12. It is specified in the invitation to bid that the units shall be rated to kill up to 95% of mold, bacteria and viruses including Covid-19.

The invitation to bid included language that the contractor must complete the installation prior to December 31, 2020, and that notice to proceed will not be issued until the City is notified that the project costs will be reimbursable under the CARES Act being administered by Jefferson County. To date, it appears that the CARES Act approval process could take up to one month or longer based on prior submissions. Obviously, the timeline will be very tight.

I see no reason this project would not be approved for CARES Act funding, however, there is always that chance. This project cost is not included in the 2021 budget. If the Council is agreeable to assume the risk that the CARES Act funding will be denied and therefore responsible for 100% of the cost of the systems, I suggest the contractor be released to place the order and start the installation immediately after the bid award in order to ensure the project can be completed by the December 31 CARES Act expiration date. I would hate to see the project approved for CARES Act funding but the contractor delayed so that completion by the deadline is not possible thereby exposing the City to the possibility of being required to refund the money.

Obviously, we will know more about the timeline once the bids are received and we can discuss with the contractor 1) the lead time for delivery of the units and 2) the estimated time required to install all of the units. No decision is necessary at this time but the Council should be prepared to at the October 12 meeting.

APPENDIX 3



To: Mountain Brook Planning Commission
From: David Kennedy, Battalion Chief-Safety and Training
Date: September 18, 2020
Subject: Live Fire Training Building

Dear Commission Members:

The Mountain Brook Fire Department is excited to present for your consideration - and hopefully affirmation - a drill field project that we have planned and discussed for a few years and now are wanting to make happen.

In closing I want to say that we look forward to a training building of this nature and that we are looking forward to presenting our project to you at the Planning Commission meeting.

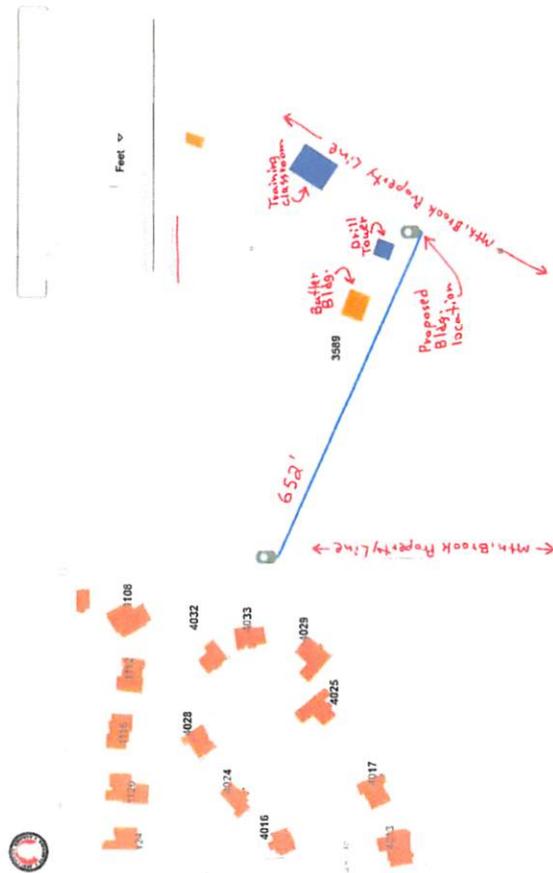
Respectfully Submitted.

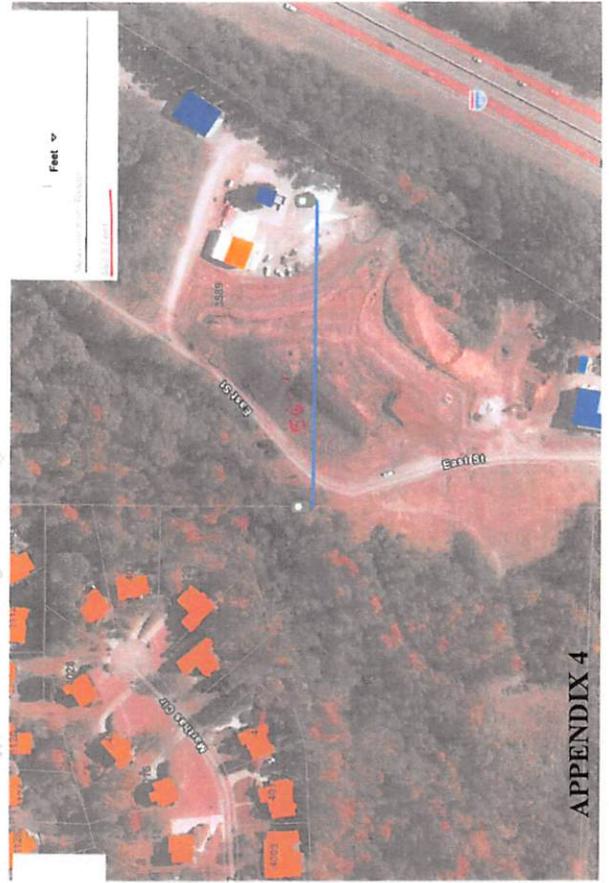
David Kennedy, Battalion Chief-Safety and Training

Planning Commission Application PART I
Project Data
Address of Subject Property 3601 East Street
Zoning Classification Residence A
Name of Property Owner(s) City of Mountain Brook
Phone Number 205-802-3838 Email kennedyd@mtbbrook.org
Name of Representative Agent (if applicable) David Kennedy
Phone Number 205-802-3838 Email kennedyd@mtbbrook.org
Name of Engineer or Surveyor N/A
Phone Number Email
Property owner or representative agent must be present at hearing
Plans
See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application.

APPENDIX 4

Planning Commission PART II
Check type of approval/recommendation requested
Conditional use permit in Residence-A. Sec. 129-31 (d)-(o) & 129-32
Private Streets in the Estate Residential District. Sec. 129-73
Fence, wall or landscaping in conjunction with reduced rear setback in Res-D. Sec. 192-94
Parking between building frontage and r-o-w line in Local Business. Sec. 129-194 (a)
Automobile ingress in front of building in Local Business. Sec. 129-194 (c) (1)
Buffer design for parking spaces in front of buildings in Local Business. Sec. 129-194 (c) (6)
Drive-up or drive-through facilities. Sec. 129-194 (d)
Development plan for rezoning to Mixed Use. Sec. 129-234
Development plan for parcel in Recreational District. Sec. 129-252
Recreational-2 District reduced setback of less than 200 feet. Sec. 129-259
Master development plan for rezoning to PUD. Sec. 129-265
Deviation from approved development plan for PUD. Sec. 129-266
Use exemption for installation of utility structures and/or equipment. Sec. 129-292
Exception to height limitation for fences in multi-family residential districts. Sec. 129-335
Screening of parking areas. Sec. 129-357
Home occupations not specifically listed in Sec. 129-392
Rezoning. Sec. 129-432
Master Development Plan Residential Infill District (RID). Sec. 129-497 & 129-498
Development plan Residence-F District. Sec. 129-515 (c)
Development plan Residence-G District. Sec. 129-535 (d)
Building materials (equal, better or alternate). Sec. 129-556 (4) and (5)
Master Development Plan for Vine Street Transitional (VST) District. Sec. 129-576
Subdivision - Preliminary Plat. Sec. 3.3 of the Subdivision Regulations
Subdivision - Final Plat. Sec. 3.6 of the Subdivision Regulations
Resurvey (small subdivisions and "clean-up" resurveys). Sec. 3.7 of the Subdivision Regulations
Other (fill in)



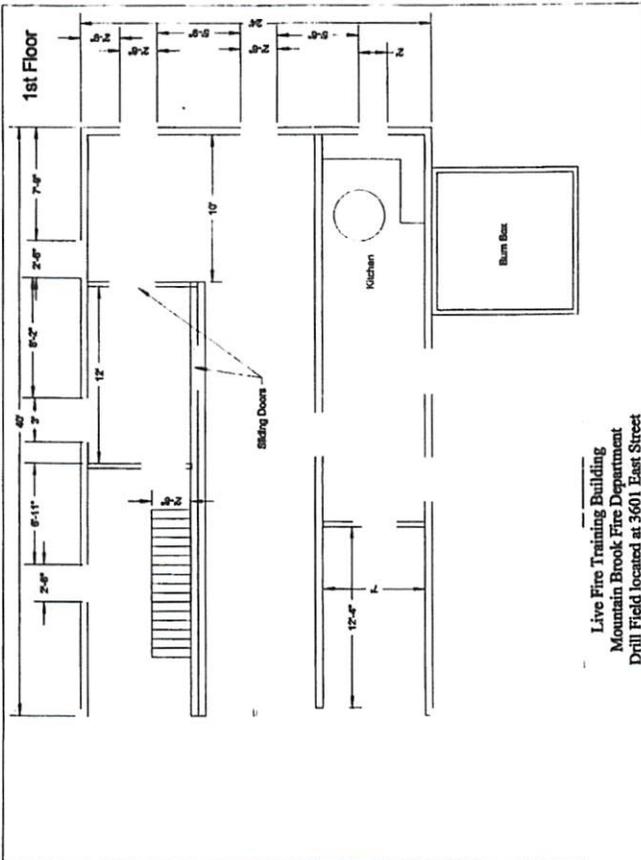
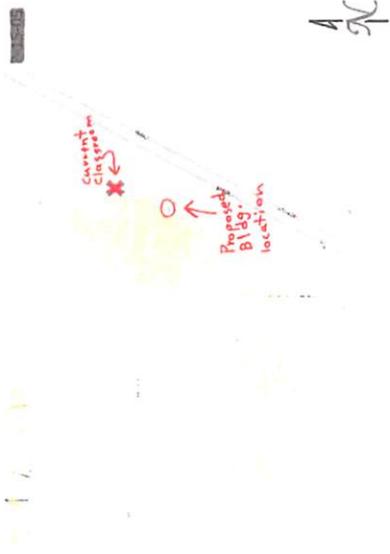


APPENDIX 4

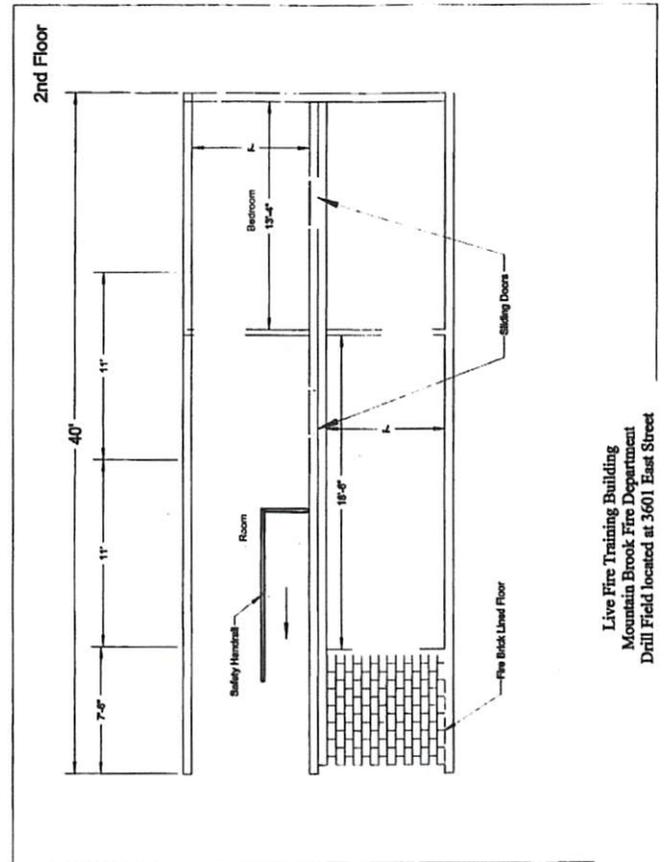


Images ©2020 Maxar Technologies, U.S. Geological Survey, Map data ©2022 - 2011

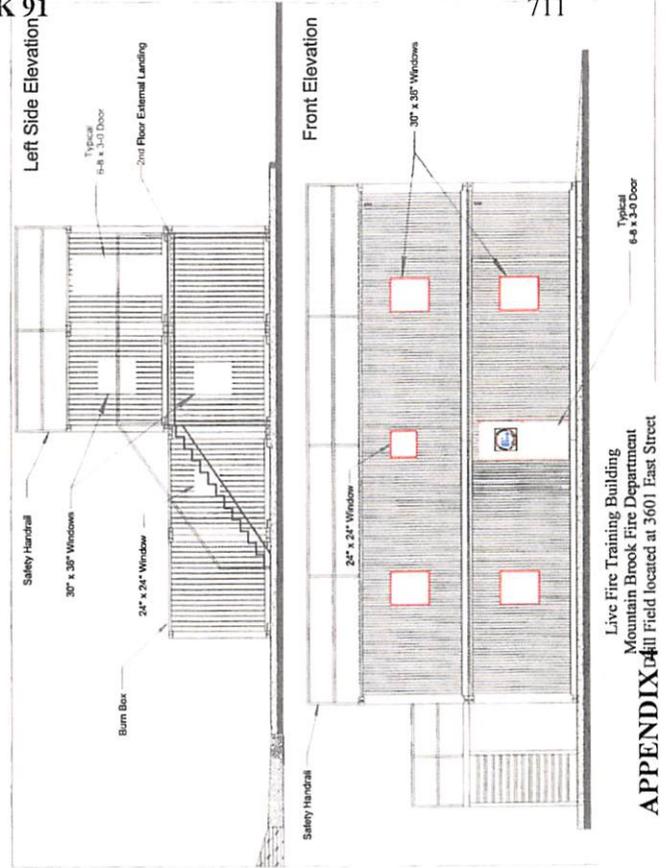




Live Fire Training Building  
Mountain Brook Fire Department  
Drill Field located at 3601 East Street

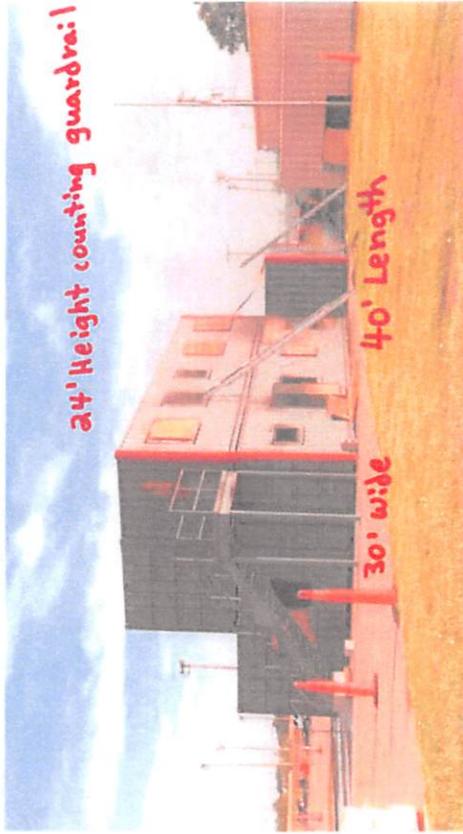


Live Fire Training Building  
Mountain Brook Fire Department  
Drill Field located at 3601 East Street



Live Fire Training Building  
Mountain Brook Fire Department  
Drill Field located at 3601 East Street

Proposed Live Five Training Bldg.



**MINUTES OF THE JOINT, REGULAR OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK AND THE  
MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT  
SEPTEMBER 28, 2020**

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[Pursuant to a proclamation issued by Governor Kay Ivey on March 18, 2020, elected officials are allowed to meet remotely by means of Internet or telephone conference and the public was invited to listen to, observe, or participate in the meeting by such means. The elected officials met by way of Internet video conference and allowed the public to listen, observe and participate by the same means.]

The City Council of the City of Mountain Brook, Alabama and Board of Directors of the Mountain Brook Emergency Communications District met by way of Internet video conference at 7:00 p.m. on the 28th day of September, 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 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. PRESENTATION**

Mayor Welch read aloud the Downs Syndrome Awareness proclamation (No. 2020-160, Exhibit 1) to Ms. Anna Ruth McCalley and daughter, Francis.

**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 September 14, 2020, regular meeting of the City Council

Approval of the minutes of the September 21, 2020, special meeting of the City Council

<b>2020-160</b>	Downs Syndrome Awareness proclamation	Exhibit 1
<b>2020-161</b>	Establish the employees' and retirees' monthly premiums for medical insurance effective for employee payroll checks dated December 11, 2020, and retiree premiums due on January 1, 2021	Exhibit 2, Appendix 1
<b>2020-162</b>	Increase the salary schedule for all classified, unclassified and part-time employees by one-half of one percent (1/2%) effective October 13, 2020, and increase the compensation for contract security services for the City's Public Works facilities (Resolution No. 2013-146), the City Prosecutor, and Municipal	Exhibit 3

Judges by one half of one percent (1/2%) effective October 1, 2020

<b>2020-163</b>	Resolution of the Board of Commissioners of the E911 District adopting the budget for the fiscal year beginning October 1, 2020 and ending September 30, 2021	Appendix 2
<b>2020-165</b>	Appoint Kirk Forrester to The O'Neal Library Board, to serve without compensation, her term to end September 28, 2024	Exhibit 4, Appendix 3
<b>2020-166</b>	Award the bid in the amount of \$119,000.00 to Alabama Roofing & Sheet Metal, Inc., for the installation of a low slope roof at the O'Neal Library building (#B-20200825-673) being the lowest and best bid and determined to be in compliance with the bid specifications, and authorize the execution of a contract and/or such other documents that may be determined necessary related thereto	Exhibit 5, Appendix 4

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

Nays: None

Abstained: None

Council President Smith thereupon declared that said minutes, proclamation (No. 2020-160) and resolutions (Nos. 2020-161 through 2020-163, 2020-165 and 2020-166) were adopted by a vote of 5—0 that and as evidence thereof she signed the same.

### **3. CONSIDERATION OF A RESOLUTION (NO. 2020-164) APPROVING THE STACKING STUDY FOR A BANK DRIVE-THROUGH IN BLOCK 8 OF LANE PARKE (EXHIBIT 6, APPENDIX 5)**

The resolution was introduced in writing by Council President Smith who then invited comments.

Mel McElroy, 1901 6th Avenue North, representing Evson, Inc. and Lane Park Retail, LLC:

- The applicant is presenting and requesting approval of a stacking study that will allow a bank drive-through in Block 8 of the Lane Parke development
- Last year, the City approved an additional drive-through under the condition that anytime a drive through was requested, a traffic and stacking study be presented for the Council's consideration and approval
- A prospective banking tenant has prompted the current request

Richard Caudle of Skipper Consulting:

- The proposed drive-through is a single lane/window and will also contain the overnight drop box and ATM machine
- The current proposal will allow the stacking of two vehicles within the actual drive-through. Additionally, seven vehicles could be stacked before obstructing Culver Road.

- Over the years, bank drive-through queuing requirements have decreased
- Skipper observed similar bank drive-throughs in the metropolitan area and performed studies. These studies indicated that during the lunch rush the two vehicle que would be exceeded by one vehicle for about two minutes. The same is expected to occur just prior to closing time.
- The que may back into the [employee] parking area for about seven minutes during the day but never get close to obstructing Culver Road
- The data was collected in the second week of March just prior to the pandemic shutdowns

Mary Beyer of Crawford Square Real Estate Advisors:

- The proposed bank is about 2,200 square feet (about the size of Reliant Bank in Crestline Village)
- The teller window location is intentionally positioned for the stacking to work
- There are a total of four drive-throughs allowed in the PUD (Regions Bank, a coffee shop, the current proposed bank and one other in Block 5); however, no others are contemplated at this time.

There being no comments or questions, President Smith called for a motion. Council member Black made a motion for the adoption of said resolution. The motion was seconded by Council member Womack. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said resolution (No. 2020-164) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**4. CONSIDERATION OF AN ORDINANCE (NO. 2078) AMENDING THE LANE PARKE PUD MASTER DEVELOPMENT PLAN TO ALLOW SERVICE USES (EXHIBIT 7, APPENDIX 6)**

The ordinance was introduced in writing by Council President Smith who then invited comments.

Mel McElroy:

- Applicant seeks to add five additional potential conditional uses to the PUD (barber shops, beauty shops/hair salons, interior design studios, nail salons and neuromuscular therapists—all listed in the Local Business District standards)
- Interest from a couple of tenants within these categories has been shown but because they are not permitted, they have been turned away
- The PUD was originally approved using a shared parking model based on certain assumptions about the types and mix of uses and arrives at a parking requirement based on an expressed formula.
- The PUD provides that if uses differ from the initial parking study then an updated parking study is required to be submitted along with the conditional use application
- Everyone wants to see Lane Parke move forward and this change will facilitate that goal

Dana Hazen, City Planner:

- If the PUD modification is approved and the developer brings a conditional use application before the Council with a parking study that satisfies the requirements, the City should follow the model outlined in the Local Business District section and approve the conditional use application for consistency
- If a conditionally approved tenant changes, as long as the subsequent tenant is of the same type of business, then another conditional use application will not be necessary. If, however, suppose a

hair salon changed to another hair salon but with a different number of chairs, a conditional use application would be required.

Council member Black:

- Views this as necessary for the City to help the developer with its leasing in order to get the Phase 2 development built. Once built, the City will be in a better position to pursue the desired mix of businesses.

Council members Shelton and Womack:

- Expressed their concerns that the City will end up with a village with a lot of service businesses

Mary Beyer:

- Crawford wants to market this property appropriately but before they can do that they must get it out of the ground. This change will facilitate that happening.
- Views the current state of Phase 2 area as much less desirable for the community than the services proposal being considered
- There is no desire to stuff this development with a bunch of service uses
- Business operators must see something to pique their interest

Black:

- It is unlikely the development could lease up with these service uses

Hazen:

- Does not think there is enough parking to allow these types of higher-parking demand uses

Caudle (26:40):

- Skipper did not conduct the initial Lane Parke parking study
- Service tenants do generally require more parking than retailers
- The shared use parking model recognizes that certain uses hit their peak parking demand at different times during the day. Therefore, it would be difficult to make a blanket statement that service uses will require more parking than retail without a detailed parking study.

Council President Pro Tempore:

- Does not like this proposal but thinks it is necessary in order for the development to move forward
- Thinks the developer and business recruiters understand that overloading the space with service uses will be self-defeating

Mayor Welch

- Thinks the City must do whatever it takes to get this development moving forward

President Smith

- Does not like this proposal at all
- Once complete, this is supposed to be part of Mountain Brook Village. Some of the uses proposed are already available in the area.

Sam Heidi with Crawford Square:

- Some of these conditional uses are complimentary to the other uses already in the area as well as hotel guests and others are unique
- The owner has the power to tell employees where to park
- The service businesses will allow the developer to construct and lease the remaining 45,000 square feet
- Does not view this request as anything out of the ordinary

Council member Womack:

- This development was so controversial and so well vetted making these changes more concerning

Mel McElroy:

- Neuromuscular therapy is like a massage muscular therapy clinic for patients

Mary Beyer interprets this more like a Massage Envy.

Dana Hazen agrees—like a Massage Envy or like what is offered at the Grand Bohemian.

There being no comments or questions, President Smith called for a motion. Council member President Pro Tempore Pritchard made a motion 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 is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

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

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black

Nays: Lloyd C. Shelton  
Alice B. Womack

The Council President Smith declared that the said ordinance (No. 2078) is hereby adopted by a vote of 3—2 and, as evidence thereof, she signed the same.

**5. CONSIDERATION OF AN ORDINANCE (NO. 2079) AUTHORIZING THE PLACEMENT OF A STOP SIGN ON BRIAR OAK CIRCLE (NORTHBOUND) AT ITS INTERSECTION WITH BRIAR OAK CIRCLE (EXHIBIT 8, APPENDIX 7)**

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council member President Pro Tempore Pritchard made a motion 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 is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

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

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2079) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**6. CONSIDERATION OF AN ORDINANCE (NO. 2080) ADOPTING THE CITY'S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021 (APPENDIX 8)**

The ordinance was introduced in writing by Council President Smith who then Council member Shelton to make some comments.

Shelton:

- The budget started out with a \$1.4 million deficit
- The budget being considered shows a \$205,000 General Fund surplus thanks to the efforts of the department heads
- Total revenues are \$40.4 million compared to total expenses and transfers of \$40.2 million
- In the Capital Projects Fund shows a deficit of \$2.9 million due largely to significant investments in bridges and ball fields
- The budget includes a 5.5% increase in medical insurance and a 1/2% pay increase for employees
- The City will continue to over fund the pension plan in the amount of \$350,000

There being no comments or questions, President Smith called for a motion. Council member Black made a motion 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 is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
William S. Pritchard, III  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

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

Ayes: Virginia C. Smith  
 William S. Pritchard, III  
 Philip E. Black  
 Lloyd C. Shelton  
 Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2080) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**7. CONSIDERATION OF AN ORDINANCE (NO. 2081) INCREASING THE SALARY OF THE CITY MANAGER BY ONE-HALF OF ONE PERCENT (1/2%) EFFECTIVE OCTOBER 13, 2020, AND AMENDING THE RELATED EMPLOYMENT AGREEMENT (EXHIBIT 9, APPENDIX 9)**

The ordinance was introduced in writing by Council President Smith who then invited comments. There being no comments or questions, President Smith called for a motion. Council member Shelton made a motion 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 is given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Pro Tempore Pritchard. Thereupon, Council President Smith called for vote with the following results:

Ayes: Virginia C. Smith  
 William S. Pritchard, III  
 Philip E. Black  
 Lloyd C. Shelton  
 Alice B. Womack

Nays: None

The Council President Smith declared the motion passed by a vote of 5—0.

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

Ayes: Virginia C. Smith  
 William S. Pritchard, III  
 Philip E. Black  
 Lloyd C. Shelton  
 Alice B. Womack

Nays: None

The Council President Smith declared that the said ordinance (No. 2081) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

**8. ANNOUNCEMENT**

The next regular meeting of the City Council is September 28, 2020, at 7:00 p.m. (means and location to be announced).

## 9. ADJOURNMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 7:45 p.m.

## 10. 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 by Internet teleconference on September 28, 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 October 12, 2020

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### EXHIBIT 1

#### PROCLAMATION NO. 2020-160 DOWN SYNDROME AWARENESS

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**WHEREAS**, Down syndrome is the most frequently occurring chromosomal disorder and is the leading cause of intellectual and developmental delay in the United States; people with Down syndrome deserve fundamental human and civil rights; and

**WHEREAS**, approximately one in every 691 children are born with Down syndrome, representing an estimated 5,000 births per year in the United States with approximately 85 of those annual births occurring here in Alabama, there are approximately 250,000 individual citizens with Down syndrome in the United States; and

**WHEREAS**, today through the efforts of parents, activists, advocacy organizations, and self-advocates; people with Down syndrome are offered early intervention services, attend school, procure appropriate health care, choose to live at home or independently; receive transition services and vocational training; have meaningful relationships, volunteer opportunities, maintain a job, experience a life of inclusion and rewarding maturity; and

**WHEREAS**, yet despite significant increases in lifespan and intellectual opportunities over the past decade, there is still much work to be done regarding the rights to equality, inclusion, education, medical care, research, employment and support for people with Down syndrome; and

**WHEREAS**, through public awareness, the City of Mountain Brook supports the initiatives of organizations working to ensure people with Down syndrome have adequate services, are valued by society, and can lead fulfilling and productive lives in our community;

**NOW, THEREFORE**, I Stewart H. Welch III, Mayor of the City of Mountain Brook, Alabama, do hereby proclaim

**October 1st as DOWN SYNDROME AWARENESS DAY and  
October as DOWN SYNDROME AWARENESS MONTH**

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**EXHIBIT 2**

**RESOLUTION NO. 2020-161**

**WHEREAS**, the City’s monthly Local Government Health Insurance Plan (LGHIP) medical/dental insurance premiums as established by the State Employees’ Insurance Board (SEIB) effective January 1, 2021, are as follows:

	<b>BCBS of Alabama</b>
Active employee – 5.5% increase	
Single (dental)	\$521
Family (dental)	\$1,272
Retiree (without Medicare coverage) – 5.5% increase	
Single (dental)	\$1,078
Family (dental)	\$1,986
Family (dental) (spouse w/ Medicare)	\$1,276

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that (notwithstanding the provisions enumerated in Resolution No. 2014-084 adopted on July 14, 2014) the monthly medical/dental insurance premiums will be shared by the City, employees, and retirees as follows effective a) for employees with the payroll period ending December 7, 2020 (payroll checks dated December 11, 2020) and b) January 1, 2021 for retirees:

	<b>Monthly Premiums – BCBS of Alabama</b>		
	<b>Employee / Retiree</b>	<b>City</b>	<b>Total</b>
Employee (single coverage)	\$-0-	\$521	\$521
Employee (family coverage)	\$370	\$902	\$1,272
Retiree (single/no Medicare coverage)	\$185	\$893	\$1,078
Retiree (family/no Medicare coverage)	\$590	\$1,396	\$1,986
Retiree (family/dependent with Medicare)	\$590	\$686	\$1,276

**APPENDIX 1**

**EXHIBIT 3**

**RESOLUTION NO. 2020-162**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that effective October 13, 2020, the salaries of all employees (classified and unclassified/full-time and part-time) of the City of Mountain Brook, Alabama, including employees of The O’Neal Library Board, Parks and Recreation Board shall be increased by one-half of one percent (0.5%) over the current salary schedule.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that effective October 1, 2020, the following shall also be increased by one-half of one percent (0.5%):

- 1) The compensation for contract security services for the City’s Public Works facilities, as previously authorized upon the adoption of Resolution No. 2013-146 on October 14, 2013.
- 2) The compensation rate of the City Prosecutor shall be \$140.70 per hour (plus out-of-pocket expenses). (Last updated June 10, 2019, Resolution No. 2019-081, \$140.00/hour).
- 3) The compensation rate of the Municipal Judges shall be \$1,155.75. (Last updated June 10, 2019, Resolution No. 2019-081, \$1,150/month).

## MINUTE BOOK 91

## EXHIBIT 4

## RESOLUTION NO. 2020-165

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that Kirk Forrester is hereby appointed to The O'Neal Library Board, to serve without compensation, her term to end September 28, 2024.

## APPENDIX 3

## EXHIBIT 5

## RESOLUTION NO. 2020-166

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby awards the bid in the amount of \$119,000.00 to Alabama Roofing & Sheet Metal, Inc., for the installation of a low slope roof at the O'Neal Library building (#B-20200825-673) being the lowest and best bid and determined to be in compliance with the bid specifications; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama that either the Mayor or City Manager are hereby authorized and directed, for and on behalf of the City, to execute a contract and/or such other documents that may be determined necessary related thereto subject to review and approval by the City Attorney.

## APPENDIX 4

## EXHIBIT 6

## RESOLUTION NO. 2020-164

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the stacking study for a bank drive through in Block 8 of Lane Parke.

## APPENDIX 5

## EXHIBIT 7

## ORDINANCE NO. 2078

## AN ORDINANCE AMENDING THE LANE PARKE PUD

**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

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#### EXHIBIT 8

#### ORDINANCE NO. 2079

#### AN ORDINANCE TO PROVIDE FOR STOP SIGN ON BRIAR OAK CIRCLE (NORTHBOUND) AT ITS INTERSECTION WITH BRIAR OAK CIRCLE AND TO PROVIDE FOR PUNISHMENT THEREOF

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

**Section 1.** It shall be unlawful for the driver of any vehicle to cause or allow such vehicle traveling in a northerly direction on Briar Oak Circle to enter its intersection with Briar Oak Circle when there is standing at such intersection a "Stop" sign facing in the direction of such driver without having first brought such vehicle to a complete stop within ten (10) feet of said intersection.

**Section 2.** Any person violating the provisions of this ordinance shall be punished by a fine not to exceed \$500.00, or by imprisonment not to exceed 180 days, or both.

**Section 3.** All ordinances or portions of ordinances conflicting with this ordinance are hereby repealed.

**Section 4.** If a court or competent authority finds that any provision of this ordinance is invalid, illegal, or unenforceable, that provision or part-provision shall, to the extent required, be deemed to be deleted, and the validity and enforceability if the other provisions of this ordinance shall not be affected.

**Section 5.** This ordinance shall become effective when published as required by law.

#### APPENDIX 7

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**EXHIBIT 9****ORDINANCE NO. 2081****AN ORDINANCE TO INCREASE THE SALARY OF THE  
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

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

Section 1. Effective October 13, 2020, the salary of the City Manager of the City of Mountain Brook shall be increased to sixty-eight hundred fifty-four and 10/100 dollars (\$6,854.10) bi-weekly.

Section 2. The Mayor is hereby authorized to execute an [amended] employment agreement to reflect the revised base salary described in Section 1 above, in the form as attached hereto as Exhibit A, between the City and City Manager.

Section 3. All ordinances and resolutions concerning the salary and employment agreement of the City Manager which have been adopted previously are hereby repealed.

Section 4. This ordinance shall become effective when published by posting the same as required by law.

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**APPENDIX 9**

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RESOLUTION NO. 2020-163

A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT ADOPTING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021

BE IT RESOLVED by the Board of Commissioners of the Mountain Brook Emergency Communication District ("District"), that the following is the adopted budget for the District for the fiscal year beginning October 1, 2020, and ending September 30, 2021 (as adopted by the City Council of the City of Mountain Brook upon its adoption of Ordinance No. 2080 on September 28, 2020):

Table with columns: Ledger No., Account Description, 9/30/2021 Budget, 9/30/2020 Budget. Rows include E911 Revenue, Bank Fees, Insurance and Bonding, Development-Training, Supplies/Exp-General, Service Contrs-Comm Equip, Utilities-Telephone, Transfers-City General Fund, Transfers-Capital Projects Fund, Transfers-Capital Projects Fund.

Summary table for E911 Expenses: E911 Expenses \$ 368,412.00 \$ 358,200.00. Excess of (Revenue) Over Expenditures \$ 15,712.00 \$ 0.00. (Fund Balance), Beginning of Year \$ (237,711.00) \$ (237,711.00) (1). (Fund Balance), End of Year \$ (221,999.00) \$ (237,711.00)

BE IT FURTHER RESOLVED by the Board of Commissioners of the Mountain Brook Emergency Communications District that the District Administrator is hereby authorized and directed, for and on behalf of the District, to disburse funds for the payment of budgeted expenditures including and not limited to salaries and benefits, payroll taxes, service and other contracts, debt service, utilities, supplies and such other obligations incurred by the District in the normal course of public safety operations.

(1) As reported in the audited financial statements of the City of Mountain Brook as of and for the year ended September 30, 2019.

ADOPTED AND APPROVED: The 28th of September, 2020.

Virginia C. Smith, Chairman

CERTIFICATION

I, Steven Boone, District Clerk of the Mountain Brook Emergency Communications District certify the above to be a true and correct copy of a resolution adopted by the Board of Commissioners of the Mountain Brook Emergency Communications District at its meeting held on September 28, 2020, as same appears in the minutes of record of said meeting.

District Clerk

4/14/2020

Microsoft Forms

4/14/2020

Microsoft Forms

205-542-3723

Responder Respondent 3 78:02 Time to complete

1. Application Date \*

4/7/2020

2. First & Last Name \*

Kirk Forrester

3. Address \*

12 Montrest Drive

4. City, State and Zip Code \*

Birmingham, AL 35213

5. Email \*

kirkz.forrester@gmail.com

6. Mobile \*

https://forms.office.com/Pages/DesignPage.aspx?PageId=018e0c0d-2e0e-428a-b90a-15814718a440&id=1b2...

7. Preferred Method of Communication \*

- Email
Phone

8. Describe your educational background and professional experience. \*

I have a BS in English from Vanderbilt University and a Masters in English from Georgetown University. Following graduate school, I worked in the book publishing industry, first for Penguin at their imprint Overhead Books and later at Random House for the imprint Spiegel & Grau, where I was an editor, working on fiction and narrative nonfiction titles. I later transitioned to the magazine world where I wrote author features for Kirkus Reviews, served as books editor for the travel magazine Virtuoso Life and a book reviewer for the Texas Observer. Since 2005 I have been a contributor to Flower magazine, where I currently serve on staff as Associate Editor.

9. Describe any experience working with elected, appointed, or volunteer Boards. \*

I currently serve on the board of directors for the Friends of the Birmingham Botanical Gardens and Preschool Partners School. I am on the Tocqueville recruiting committee for the United Way and am an active member at my church, Highlands United Methodist Church where I serve on the children's committee and teach Sunday School.

10. What do you see as the Emmet O'Neal Library's role in the community? \*

I believe the Emmet O'Neal Library illustrates what an exceptional library can be for a community—not just a place to check out books but a hub for all kinds of learning for all ages. Its robust programming, informed staff, technological flexibility, and creative approach has made it a pillar for our city, a vital partner for our schools, a favorite place to gather for ages 1 to 91 and a model for other libraries.

11. Why do you want to be a Trustee for the Emmet O'Neal Library? \*

https://forms.office.com/Pages/DesignPage.aspx?PageId=018e0c0d-2e0e-428a-b90a-15814718a440&id=1b2...

APPENDIX 3

4/14/2020

Microsoft Forms

As a mother of four young children ages ten to two, our family has benefited deeply from the library's offerings. My toddler and I are regular attendees of Mother Goose storytime, my kindergartener loves the weekly Library Out Loud meetings and we all get excited about the Summer Reading kickoff and Halloween festival, not to mention the regular visits to check out new books. Additionally, as a person who works from home but often finds home to be a place too chaotic to actually work, I have logged many hours in the library carrels, thankful to have a quiet place (with good WiFi) to work. As a "book person"—a former book editor, book reviewer, and current magazine writer/editor—I believe strong libraries are vital to communities as places that champion life-long learning, showcase books and authors and celebrate the exchange of ideas. Finally, as a member of the O'Neal family, I'm grateful for the contribution made by my great-grandfather who seeded the resources for this wonderful institution and feel invested in its continued success. It would be an honor to serve.

https://forms.office.com/Pages/DesignPage.aspx?PageId=018e0c0d-2e0e-428a-b90a-15814718a440&id=1b2...

9/28/2020

City of Mountain Brook Mail - Re: Roofer Follow-up



Steve Boone <boones@mtnbrook.org>

**Re: Roofer Follow-up**

1 message

Lindsay Gardner <lgardner@oneallibrary.org>

Mon, Sep 28, 2020 at 3:48 PM

To: Joe Morgalis <j-morgalis@williamsonassoc.com>, Steve Boone <boones@mtnbrook.org>

Cc: Mike Allen <m-allen@williamsonassoc.com>

Joe,

Thanks so much for the recommendation. When I spoke to Steve earlier this afternoon, he said that he should be able to add this to the council agenda tonight.

Lindsay

From: Joe Morgalis <j-morgalis@williamsonassoc.com>

Sent: Monday, September 28, 2020 3:45 PM

To: Lindsay Gardner <lgardner@oneallibrary.org>; Steve Boone <boones@mtnbrook.org>

Cc: Mike Allen <m-allen@williamsonassoc.com>

Subject: Roofer Follow-up

Lindsay, I spoke with Tony Saunders of Alabama Roofing & Sheet Metal today about his bid. We reviewed what he would be installing, per the specs, and what we discussed on the roof and in the addendum, and it appears that he has all items covered in his price.

Based on that discussion, I feel comfortable in recommending that you proceed with the award to the low bidding contractor, Alabama Roofing & Sheet Metal.

Please contact me with any questions you have.

Joe Morgalis

Williamson & Associates, Inc.

6100 Lake Forrest Drive, Suite 375

Atlanta, GA 30328

404-256-2388 - Office

404-256-1457 - Fax

404-861-1065 - Cell

https://mail.google.com/mail/u/0?ik=01587315a1&view=pt&search=all&permthid=thred-f%3A1679111912504767582%7Cmsg-f%3A16791121280154... 1/1

Bid Tabulation  
Low Slope Roofing Replacement Project  
O'Neal Library  
B-20200825-673

9/24/2020 10:00 am

Tecta America \$140,875.<sup>00</sup>

Alabama Roofing \$119,000.<sup>00</sup>

2020-166

DRIVE-THROUGH BANK STACKING STUDY  
BLOCK 8 LANE PARKE

**Petition Summary**

Request approval of a stacking study for a drive-through relating to a proposed bank in Block 8 of Lane Parke.

**Recent Background**

At its meeting of September 23, 2019, the city council approved Ordinance 2057 to amend the Lane Parke PUD as follows:

1. To amend the Traffic & Access Plan to add Block 8 to the list of blocks that may contain a drive-through.
2. To exclude coffee shops and specialty food related concepts from the list of permitted drive-through uses for proposed Block 8.
3. To amend the Base Zoning Standards to allow 4 drive-throughs.
4. To add language to require a stacking/queue analysis and city council approval for each and every proposed drive-through in the project; every time a new tenant drive-through is proposed.

Excerpt from Page 16 of Amended Lane Parke PUD:

**\*DRIVE-THROUGH FACILITIES**

Drive-through facilities may be designed and constructed as amenities to first floor retail or commercial space in the following locations as shown in the Parking, Access and Traffic Plan or in the Alternate Drive-Through and Access Plan: (i) two locations within parcel 10 and, (ii) one location within parcel 5 along Park Lane Court South 8, and (iii) one location within parcel 5; provided however, that such drive through facilities may only service the following uses: (each being referred to individually as a "Drive-Through Use Category"): (i) banks/financial institutions, (ii) pharmacies (including pharmacies ancillary to another primary use), (iii) dry-cleaners, (iv) coffee shops (in parcels 5 and 10 only), and (v) specialty food related concepts (in parcels 5 and 10 only) not included within the fast-food restaurant category such as bakeries, delicatessens and stores offering the sale of ice cream, yogurt and/or smoothies. The drive-through location within parcel 8 may not service a coffee shop or a specialty food related concept. Fast-food restaurant uses may not utilize drive through facilities. Prior to constructing any drive-through facilities, the Project Owner shall submit to the City Council a study prepared by a reputable traffic engineer (a "Stacking Study") concluding that the stacking of vehicles for a particular Drive-Through Use Category in a particular location will not have a material adverse impact on traffic and circulation within the Project and on any adjacent public roads. The Project Owner shall be permitted to construct a drive-through facility with respect to a particular Drive-Through Use Category and location upon receipt of written approval from the City Council based on the City Council's reasonable approval of the Stacking Study for such particular Drive-Through Use Category and location."

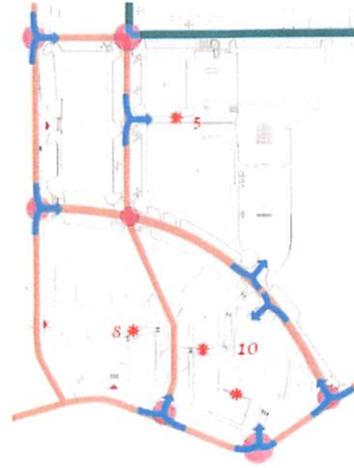
**Analysis of Proposed Drive-Through Queue**

✓ Graphs on Pages 4-5 of the Stacking Study appear to most relevant.

Excerpt from Page 5 of Skipper Stacking Study:

**\*Analysis of Queue Length**

The longest queue for the bank drive-through is projected to be three vehicles. Based on the data collected, it is estimated that the queue for the proposed bank drive-through will exceed the available primary storage of two vehicles for a maximum of five minutes during the midday period and two to three minutes during the afternoon period. Or, in other words, the vehicle queue would extend into the parking area behind Shop D3 for approximately seven to eight minutes on a typical weekday. The anticipated queue for the proposed drive-through bank is not projected to exceed 7 vehicles, and thus is not projected to impact traffic flow on Culver Road."



APPENDIX 5

**BANK DRIVE-THROUGH QUEUE TRAFFIC STUDY**

**Lane Parke PUD**  
Mountain Brook, Alabama

Prepared for:

Evson, Inc.  
107 Poinciana Drive  
Homewood, Alabama 35209

Prepared by:

Skipper Consulting, Inc.  
3644 Vann Road, Suite 100  
Birmingham, Alabama 35235



SIGN: [Signature]  
DATE: 8/14/20

August 14, 2020

Lane Parke PUD Bank Drive-Through Analysis

Mountain Brook, Alabama

**Introduction**

This report documents a traffic analysis to support the use of a drive-through site in the Lane Parke PUD in Mountain Brook, Alabama, in order to allow for the construction of a bank with a drive-through window. The bank is proposed to have a single drive-through lane which would serve the window and an ATM. The proposed bank location within the PUD and orientation of the drive-through lane is shown in Figure 1.



Figure 1. Bank Drive-Through Location

Drive-Through Storage

The drive-through lane for the Bank has the ability to store two (2) vehicles beginning at the window. Another five (5) vehicles can be stored in the parking area along the rear of shops D1, D2, and D3 before the queue begins to block traffic flow on Culver Road.

Existing Queue Length Studies

Existing studies for drive-through queues for banks were located through a literature search. Three studies were identified. The first study was performed for six banks in Minnesota and an undetermined number of banks in Kansas by Spack Consulting in 2011 and 2012. All sites had between two and seven drive-through windows and a drive-through ATM. The data in the report is limited to reporting the maximum observed queue during a 24-hour period. A graphical depiction of the data is shown below.

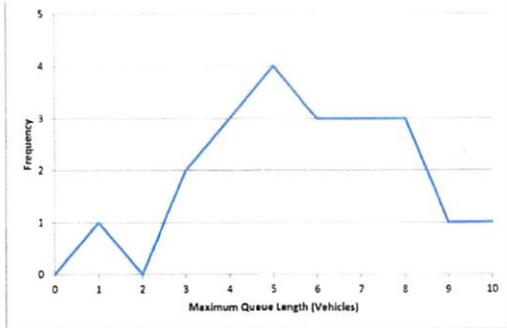


Figure 3.1.2 – Drive-Through Bank Maximum Queue Frequency – Minnesota + Kansas Data  
Source: Drive-Through Queue Generation, Mike Spack, P.E., et al

The data collected in Minnesota and Kansas was analyzed to yield the following design parameters:

- Average Maximum Queue – 5.76 vehicles
- 85<sup>th</sup> Percentile Queue – 8 vehicles
- Maximum Queue – 10 vehicles

In May, 1995, an article was published in the Institute of Transportation Engineers' ITE Journal entitled "Queuing Areas for Drive-Through Facilities", authored by J. L. Gattis. This study reported the distribution of occurrences of the number of vehicles queued per drive-through lane. The maximum queue reported was eight.

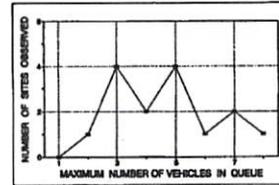
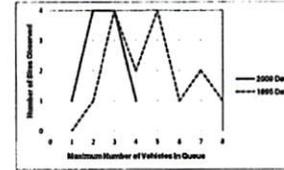


Figure 4. Maximum queue length per lane at bank.  
Source: ITE Journal, May, 1995.

The May, 1995 ITE Journal study was updated in 2008 and 2009 by Mark Stuechell, PTP for a presentation made to the ITE Annual Meeting in 2009. The new data indicated that the maximum stack for a bank drive-through lane was four vehicles

Figure 1 – Drive-In Bank 1995 And 2009 Maximum Queue Length Per Lane Data Plot



Source: Mark Stuechell, PTP, August, 2009.

In attempting to reconcile the results of the 1995 study to the 2009 study, the author makes the following statement:

"...It is reasonable to assume that the differences are associated with changes in customers' banking habits. The one incidence of a four car per lane maximum stack was a single occurrence that lasted for only a few minutes. Based on that information, it is reasonable to consider the practical maximum required queue length to be three vehicles."

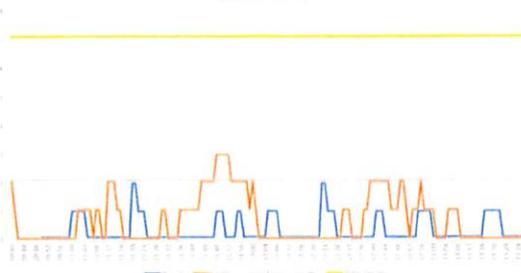
New Queue Length Data Collection

Existing queue length studies available were determined to be insufficient for the purposes of this report. In order to provide a complete picture of the queues, not only the length of the maximum queues must be determined, but also the duration (in minutes) of any queues which exceed the storage available needs to be known in order to make sound decisions regarding the proposal. Therefore, in order to provide a complete picture of queue lengths, Skipper Consulting, Inc. undertook new research to determine queue lengths for bank drive-throughs. The sites selected for detailed data collection were selected based on the number of drive-through windows. Two sites for new queue length research were selected:

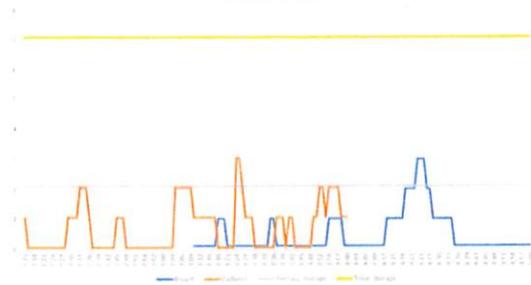
- Bryant Bank, located on 28<sup>th</sup> Avenue South in Homewood. The drive-through has one lane, which provides access to a teller window, ATM machine, and night deposit. Data was collected on Wednesday, March 18, 2020 from 10:50 a.m. to 1:30 p.m., and then from 3:10 p.m. to 5:00 p.m. The drive-through teller window closed at 5:00 p.m.
- Cadence Bank, located on State Route 119 in Meadowbrook. The drive-through has two lanes. The left lane provides access to a teller window and night deposit. The right lane provides access to a pneumatic delivery tube to the teller window and an ATM machine. Data was collected on Thursday, March 19, 2020 from 10:40 a.m. to 1:30 p.m., and then from 2:15 p.m. to 4:00 p.m. The drive-through teller window closed at 4:00 p.m.

Data collection was performed by observing the queues during the periods identified above, with the queue data collected minute-by-minute. The results of the queue length data collection are depicted in the following graphs.

Bank Drive Through Queue  
Weekday  
10:40 AM - 1:30 PM



Bank Drive Through Queue  
Weekday  
2:15 PM - 5:00 PM



Analysis of Queue Length

The longest queue for the bank drive-through is projected to be three vehicles. Based on the data collected, it is estimated that the queue for the proposed bank drive-through will exceed the available primary storage of two vehicles for a maximum of five minutes during the midday period and two to three minutes during the afternoon period. Or, in other words, the vehicle queue would extend into the parking area behind Shop D3 for approximately seven to eight minutes on a typical weekday. The anticipated queue for the proposed drive-through bank is not projected to exceed 7 vehicles, and thus is not projected to impact traffic flow on Culver Road.

2078



Planning Commission Application PART I

Project Data

Address of Subject Property 2655 Lane Parke Road, 000 Jamison Lane, 1000 Jamison Lane
Zoning Classification Lane Parke PUD
Name of Property Owner(s) Evson, Inc. et al.
Phone Number Evson, Inc. et al. Email john@evsoninc.com
Name of Representative Agent (if applicable)
Mel McElroy, Maynard, Cooper & Gale, P.C.
Phone Number Email
Name of Engineer or Surveyor Jeff Slaton, Goodwyn, Mills & Cawood, Inc.
Phone Number (205) 879 - 4462 Email jslaton@gmcnetwork.com

Property owner or representative agent must be present at hearing

Plans

See applicable Section of the Zoning Ordinance for submittal requirements pertaining to your particular application. Applicable Code Section may be found in Part II, list of application types. Contact City Planner with any specific questions as to required plans submittal.

LANE PARKE Mountain Brook Village

PUD AMENDMENT APPLICATION

The Project Owner previously submitted an application for the re-zoning of the Property from Local Business District and Residence D District to a Planned Unit Development District in accordance with Article XVI of the City Code, which application was, following public hearings, approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time, the "Approved PUD"). All capitalized terms not otherwise defined herein shall have the meanings given to them in the Approved PUD.

The current owners of the Property subject to the Approved PUD are hereby submitting an application to the Planning Commission and the City Council (the "PUD Amendment Application") for the approval of certain amendments to the Approved PUD, which will revise the permitted conditional uses in the Retail Use Area of the Property which may be approved by the City Council. Specifically, the owners request that the Approved PUD be amended by replacing page 10 of the Approved PUD with the changed page as set forth in Exhibit "A" attached hereto. The names and addresses of all property owners whose property lies within 500 feet of the Property, as certified by Jefferson County Tax Assessor's Office, are listed on Exhibit "B" attached hereto.

Accordingly, the owners hereby submit the information included herein to the City pursuant to the application requirements of Article XVI of the City Code in order to amend the Approved PUD.

APPENDIX 6

The undersigned owners of the Property subject to the Planned Unit Development District approved by the City Council upon the adoption of Ordinance 1871 dated May 21, 2012 (as amended from time to time) hereby consent and join in the Lane Parke, Mountain Brook Village, PUD Amendment Application submitted on or about the dates set forth under each of the signatures below.

EVSON, INC., an Alabama corporation
By: John T. Evans, President
Date: August 9th, 2020
Address: 2655 Springsville Ave, Asheville, NC 28607

LANE PARKE RETAIL, LLC, an Alabama limited liability company
By: John T. Evans, President
Date: August 9th, 2020
Address: 1677 Princeton Drive, Homewood, AL 35889

P-20-20

Petition Summary

Request for approval of an amendment to the approved Lane Parke PUD, specifically to amend the uses permitted [by conditional use, city council approval] to include the following: barber shops, beauty shops, hair salons; interior design shops, nail salons, and neuromuscular therapists.

Recent Background

On September 8, 2020, the planning commission recommended approval of this request to the city council.

Analysis

Lane Parke has a very specific set of development standards and permitted uses. These standards are set forth in the PUD document. Page 10 of the PUD document has a specific list of uses that are permitted (by right) and some that are permitted at the discretion of the city council, via the conditional use process.

The request at this time is to amend page 10 of the PUD document to add personal service uses (6-10 below) to the list of uses that may be permitted on a cases-by-case basis, at the discretion of the city council (conditional use process).

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

- 1. Day care center
2. Physical therapist
3. Salon repair shop
4. The area for the performing arts
5. Business offices and professional offices
6. Barber shop for children (under 14 permitted by right)
7. Beauty shop and hair salon
8. Interior design shop (other than retail interior design services)
9. Nail salon
10. Neuromuscular therapist

Context

It has been the experience of the city that personal service establishments such as hair and nail salons erode the availability of street parking in the villages. In 2008 the city had 21 personal service salons in the three villages. A door-to-door study of these salons revealed as many as 30 people at a time occupying salons as small as 2,000-3,000 square feet; each of these people presumably parked on the street. A retail establishment of similar size was found to have between 2-7 occupants at any given time. It was apparent that these salons disproportionately affected the parking availability in the villages when compared to their retail counterparts.

This led to the council adopting an ordinance in 2008 that amended the parking requirement for personal service establishments, increasing the on-site parking requirement from one parking space/200 square feet to 2 parking spaces per chair or station (one for each patron and one for each stylist/technician).

At the time of this parking amendment, the city council was adamant that villages properties with non-conforming on-site parking would not be further saturated with salons, whose contribution to revenue was minimal, and whose presence led to the erosion of viable retail establishments due to increasing parking scarcity.

On the heels of these 2008 ordinance changes the Lane Parke PUD was submitted; the original version included personal service salons as a permitted use. The council purposely struck these uses from the approved version PUD for the reasons noted above.

Current Request for Change to PUD

The application is now to amend the PUD to add personal service salons back into the list of uses allowed by conditional use approval of city council. By comparison to the Local Business district, it should be noted that Section 129-192 for the Local Business district states that the council may only consider a conditional for a salon if all on-site parking is to code; it cannot waive required on-site parking through the conditional use process. So it may be concluded that the council takes the matter of parking and salons seriously.

Given the fact that the parking demand for salons is much greater than that of retail, the parking study for the PUD will need to be reevaluated to include salons into the shared parking analysis on a case-by-case basis. To this end it is understood by the applicant that any use not covered by the approved parking assumptions would require an update to the parking study for each and every request for conditional approval of a service use.

Affected Regulation

Article XVI, Planned Unit Development District; Section 129-266, Additional Requirements and Provisions

Appendix

LOCATION: 2655 Lane Parke Road

ZONING DISTRICT: Planned Unit Development

OWNER: Evvon, Inc.

PERMITTED LAND USES

PERMITTED USES

Multiple uses shall be permitted within Lane Parke including retail, hospitality, office, service, residential, green space, parking and municipal uses - as more particularly set forth below.

Lane Parke is divided into each of the following Use Areas, the location and boundaries of which are shown in Section 3 on Page 9. All uses are permitted by right unless (a) expressly limited or conditioned herein or (b) the specific location of any specific use would exceed the Shared Parking Assumption for such specific use, as outlined in Section 13. In which case such specific use shall be conditioned upon the delivery by District Officer of a Shared Parking Option in accordance with Section 13, confirming that the parking demand created by such specific use shall not exceed the total Parking Supply.

- 1. Amusements
2. Appliances and electronic goods and equipment
3. Auto and auto stores
4. Bakeries selling bread from the premises
5. Banks and financial services, banks
6. Barber shops (limited to men)
7. Bar, pubs and other establishments primarily engaged in the sale of alcoholic beverages for on-site consumption
8. Book stores
9. Boutiques
10. Cafes
11. Clothing stores
12. Coffee shops
13. Computer and electronics stores
14. Dry cleaning establishments where no laundering or cleaning is done on the premises
15. Electronic and electrical repair shops
16. Furniture stores
17. Gift shops
18. Grocery stores
19. Hardware stores
20. Home design shops that include the on-site exchange of merchandise for general contractors
21. Jewelry stores
22. Liquor, wine, and beer shops
23. Men's and women's apparel and fabric stores
24. Petal delivery and packaging stores
25. Personal fitness studios and studios, health clubs, spas, dance, yoga, and other fitness facilities
26. Photo shops
27. Pharmacies
28. Photography studios
29. Not used

- 30. Rental and sale of electronic media and related items
31. Restaurants, cafes, bistros and delis, provided however that the Shared Parking Assumption shall not apply to restaurants, cafes or bistros more than one building or a primary use within the In-Corridor Use Area or the Retail Use Area (each as a de facto use within a primary store)
32. Shipping and wrapping of packages and sale of related items
33. Not used
34. Shoe stores
35. Sporting goods stores
36. Not used
37. Travel agencies
38. United States Post Office
39. Variety stores
40. Services, other than service marks, repair and drive auto (both private and public)
41. Side-walk and pedestrian passage ways
42. Drive-through facilities, if implemented in accordance with the Design Standards
43. Services not consistently incidental to the uses permitted in the Retail Use Area
44. Any other business that provides for the display and on-site exchange of merchandise for general contractors that is not otherwise prohibited under the City Code
45. Not used
46. Not used

The following conditional uses may be permitted within Lane Parke, but only with the prior written approval of the city council:

- 1. Dry-cleaning services
2. Physical therapists
3. Music repair shops
4. Hair care for the performing arts
5. Business offices and professional offices
6. Barber shops (for children only), hair barbers (permitted by right), beauty shops and hair salons
7. Antique shops (but do not include the on-site exchange of merchandise)
8. Gift baskets
9. Non-musical therapeutic

Off-Corridor Use Area

Within areas designated Off-Corridor Use Area the following uses are permitted by right:

- 1. Any use permitted in the Retail Use Area
2. Any conditional use permitted within the Retail Use Area only with the prior written approval of the City Council
3. Not used
4. Public and private parking structures
5. Structures or use auxiliary to the operation of a parking structure such as administrative space for parking structure management and other services, on-site retail, municipal service and storage space

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 79°-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, which 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.

At the aforesaid time and place, all interested parties will be heard in relation to the changes proposed by said ordinance.

CERTIFICATION

I, Steve Boone, City Clerk for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road
Cahaba River Walk, 3503 Overton Road
Overton Park, 3020 Overton Road
Steve Boone, City Clerk

NOTICE OF PUBLIC HEARING
PROPOSED ZONING NOTICE

MEETING TO BE HELD VIRTUALLY USING ZOOM VIDEO CONFERENCING.
ACCESS INSTRUCTIONS ON CITY WEBSITE AT:
MOUNTAINBROOK.ORG - CALENDAR (UPPER RIGHT CORNER) -
CITY COUNCIL (SEPTEMBER 28, 2020)

NOTICE OF PUBLIC HEARING

Notice is hereby given that, at its meeting of Monday, September 28, 2020, the city council of the City of Mountain Brook, Alabama, will consider the application of Evvon Inc., a request for approval of an amendment to the approved Lane Parke PUD, specifically to amend the uses permitted [by conditional use, city council approval] to include the following: barber shops, beauty shops, hair salons; interior design shops, nail salons, and neuromuscular therapists.

Proposed PUD changes (with respect to the permitted conditional uses) are available for review during regular business hours at City Hall or by going to: www.mountainbrook.org - Calendar - September 28, 2020 - City Council - Supporting Documents - Lane Parke PUD Amendment.

The city council will hold a public hearing in connection with its consideration of the application, at which time interested members of the public will be afforded an opportunity to speak or make inquiries regarding the application (see website instruction to join the zoom meeting).

ORDINANCE NO. AN ORDINANCE AMENDING THE LANE PARKE PUD
BE IT ORDAINED by the City Council 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'-



City of Mountain Brook contact information

SAM S. GASTON CITY MANAGER

CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, at its meeting held on this 28th day of September, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 29, 2018, at the following public places, which copies remained posted for five (5) days as required by law.

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

Overton Park, 3020 Overton Road  
Cahaba River Walk, 3503 Overton Road

Signature of Steven Boone, City Clerk

September 16, 2020

Dear Resident,

The City of Mountain Brook has received a request for a stop sign on Briar Oak Circle at the intersection of this section of the street from Overton Road with the dual cul-de-sacs. (See attached map.)

The City Council will consider this request at it September 28, 2020 meeting which will start at 7:00pm. Due to the COVID-19, City Council meetings are held by Zoom. Please check our website at [www.mtnbrook.org](http://www.mtnbrook.org) > Government > Agendas & Minutes > Agenda packet (9/28/20) on Friday afternoon, September 25<sup>th</sup>, for information on the log-in for the Zoom meeting if you would like to comment on this proposed stop sign request during the Council meeting on September 28<sup>th</sup>.

If you cannot participate on September 28<sup>th</sup>, but would like to offer your comments in advance of this meeting, please feel free to contact me at 802-3803 or [gastons@mtbrook.org](mailto:gastons@mtbrook.org).

Sincerely,

Signature of Sam S. Gaston, City Manager

APPENDIX 7

September 16, 2020

Dear Resident,

The City of Mountain Brook has received a request for a stop sign on Briar Oak Circle at the intersection of this section of the street from Overton Road with the dual cul-de-sacs. (See attached map.)

The City Council will consider this request at it September 28, 2020 meeting which will start at 7:00pm. Due to the COVID-19, City Council meetings are held by Zoom. Please check our website at [www.mtnbrook.org](http://www.mtnbrook.org) > Government > Agendas & Minutes > Agenda packet (9/28/20) on Friday afternoon, September 25<sup>th</sup>, for information on the log-in for the Zoom meeting if you would like to comment on this proposed stop sign request during the Council meeting on September 28<sup>th</sup>.

If you cannot participate on September 28<sup>th</sup>, but would like to offer your comments in advance of this meeting, please feel free to contact me at 802-3803 or [gastons@mtbrook.org](mailto:gastons@mtbrook.org).

Sincerely,

Sam S. Gaston  
City Manager



Sam Gaston

From: Dee Brightwell <DBrightwell@ArbourValley.com> on behalf of Dee Brightwell  
 Sent: Wednesday, September 09, 2020 11:13 AM  
 To: gastons@minbrook.org  
 Cc: forbesj@minbrook.org  
 Subject: Petition for Reduced speed limit and stop sign - Briar Oak Circle  
 Attachments: Petition to City of Mountain Brook - Speed limit and stop sign.pdf

Sam,

I have attached a petition signed by everyone on Briar Oak Circle to have the speed limit lowered from 30 to 15 miles per hour and add a stop sign before the street T's into the cul-de-sacs off Briar Oak Circle. See picture for placement of stop sign.

Everyone is in agreement about the lowering of the speed limit and the adding of the stop sign.

I hope this item can be brought up and approved at the next council meeting. Since we are all in agreement, we hope this can be done quickly.

Please let me know the person I need to drop off the original petition.

This is a life and safety issue for the parents of kids on this street, teenagers use our street every week to hang out even though they are not visiting anyone who lives on the street and also have run over two slow down watch for children signs as well since June in the location of the requested stop sign.

Thank you,

Dee Brightwell  
 Director of Development  
 242 Inverness Center Drive  
 Birmingham, Alabama 35242  
 T: 205-909-0060  
 C: 205-777-9132  
[www.arbourvalley.com](http://www.arbourvalley.com)



Please let me know the person I need to drop off the original petition.

This is a life and safety issue for the parents of kids on this street, teenagers use our street every week to hang out even though they are not visiting anyone who lives on the street and also have run over two slow down watch for children signs as well since June in the location of the requested stop sign.

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1

2

To: City Mountain Brook Council  
 Mountain Brook, Alabama

From:  
 Residents of Briar Oak Circle  
 Mountain Brook, Alabama 35223

Re: Request to reduce posted speed limit to 15 miles per hour and add a stop sign on Briar Oak Circle.

The residents who reside on Briar Oak Circle request the City of Mountain Brook lower the recently posted speed limit from 30 MPH to 15 MPH. In addition to the reduced speed limit, we request the City install a stop sign on Briar Oak Circle (see picture below) in order to slow the traffic coming around the corners to the cul-de-sacs.

Sincerely,  
Residents of Briar Oak Circle

Briar Oak Circle Map:



Attached are the resident addresses and signatures:

Sam Gaston

From: Richard Caudle <richard@skipperinc.com> on behalf of Richard Caudle  
 Sent: Wednesday, September 09, 2020 1:24 PM  
 To: Sam Gaston; Ted Cook; Ronald Vaughn  
 Subject: RE: Petition for Reduced speed limit and stop sign - Briar Oak Circle

Yes, in addition to reducing the speed limit to 25 miles per hour and replacing the existing speed limit sign, I think adding a stop sign in the location shown below would also be appropriate.



Richard L. Caudle, P.E. (registered in AL and MS)  
 Skipper Consulting, Inc.  
 3544 Vann Road Suite 100  
 Birmingham, Alabama 35235  
[richard@skipperinc.com](mailto:richard@skipperinc.com)  
 (205) 655-8855 fax (205) 655-8825  
 Cell (205) 790-4307 home (205) 594-4708

From: Sam Gaston <gastons@minbrook.org>  
 Sent: Wednesday, September 9, 2020 1:14 PM  
 To: Richard Caudle <richard@skipperinc.com>; Ted Cook <cookt@minbrook.org>  
 Subject: RE: Petition for Reduced speed limit and stop sign - Briar Oak Circle

You recommend a stop sign as well?

Sam S Gaston  
 City Manager  
 City of Mountain Brook, AL  
 56 Church Street

1

ORDINANCE NO. 2080

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020 AND ENDING SEPTEMBER 30, 2021**

BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, that the following is the adopted budget for all major funds of the City for the fiscal year beginning October 1, 2020, and ending September 30, 2021:

Funds Available:	General Operations (100)	Park Board (115)	Library Board (70X)	Capital Projects (417-428-441)	Other Governmental (53X/600)	All Other (132-14X-153)
<b>Revenues:</b>						
Taxes	\$ 33,918,300	\$ 0	\$ 0	\$ 0	\$ 494,000	\$ 0
Licenses and permits	4,332,990	0	0	0	0	0
Intergovernmental	338,000	141,547	0	1,721,638	0	47,528
Charges for services	511,900	147,357	4,000	0	461,500	47,528
Fines and forfeitures	404,000	0	19,000	0	78,900	0
Grants	0	0	16,692	2,208,000	0	0
Investment Earnings	200,000	500	0	263,000	29,300	8,200
Miscellaneous	272,000	3,000	6,500	0	199,000	0
Proceeds from the issuance of debt	0	0	0	0	0	0
Proceeds from the sale of property	0	0	0	25,000	0	0
Intrafund transfers in:						
General Operations/Capital	0	0	0	3,774,754	724,690	0
Park Board	0	0	0	309,900	0	0
Library Board	0	0	0	108,000	0	0
Other (14X/153)	(47,528)	0	0	0	0	0
E-911	0	0	0	32,000	0	0
Operating transfers in-component unit	0	0	69,000	0	0	0
Donations	0	0	40,400	0	0	0
(Surplus) deficit	(241,000)	0	44,100	2,922,994	(302,810)	(8,200)
<b>Total Fund Available</b>	<b>\$ 39,688,662</b>	<b>\$ 292,404</b>	<b>\$ 199,692</b>	<b>\$ 11,365,286</b>	<b>\$ 1,684,580</b>	<b>\$ 95,056</b>

<b>Expenditures:</b>						
Legislation and management	\$ 2,646,924	\$ 0	\$ 0	\$ 3,000	\$ 0	\$ 0
Planning, Building & Sustainability	524,127	0	0	5,000	0	0
Intergovernmental	992,500	0	0	0	0	0
Unassigned benefits	913,200	0	0	0	0	0
Finance	1,700,765	0	0	137,436	368,464	0
Fire	8,197,251	0	0	525,500	0	0
Inspection Services	508,123	0	0	0	0	0
Police	8,204,962	0	0	1,448,867	506,648	0
Street and Sanitation	6,885,444	0	0	4,714,608	777,468	0
Parks and Recreation	0	1,235,329	0	4,420,875	0	142,584
Library	0	0	3,454,789	110,000	0	0
Debt service payments	0	0	0	0	0	0
Operating transfers-out:						
General Fund	0	0	0	0	0	(47,528)
Capital Projects	4,192,654	0	0	0	32,000	0
Special Revenue	349,690	0	0	0	0	0
Debt Service (Other)	375,000	0	0	0	0	0
Other funds (Other)	0	0	0	0	0	0
Park Board	942,925	(942,925)	0	0	0	0
Library Board	3,255,097	0	(3,255,097)	0	0	0
<b>Total Expenditures</b>	<b>\$ 39,688,662</b>	<b>\$ 292,404</b>	<b>\$ 199,692</b>	<b>\$ 11,365,286</b>	<b>\$ 1,684,580</b>	<b>\$ 95,056</b>

2080

BE IT FURTHER ORDAINED by the City Council of the City of Mountain Brook, Alabama that the City Manager of the City is hereby authorized and directed, for and on behalf of the City, to disburse funds for the payment of budgeted expenditures including and not limited to salaries and benefits, payroll taxes, service and other contracts, debt service, utilities, supplies and such other obligations incurred by the City in the normal course of municipal, public safety, and recreational operations.

ADOPTED: The 28th of September, 2020.

*Virginia C. Smith*  
Council President

APPROVED: The 28th of September, 2020.

*Samuel White*  
Mayor

**CERTIFICATION**

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of an ordinance adopted by the City Council of the City of Mountain Brook at its meeting held on September 28, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereon on September 29, 2020, at the following public places as required by law:

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

Overton Park, 3020 Overton Road  
Cahaba River Walk, 3503 Overton Road

*Steven Boone*  
City Clerk

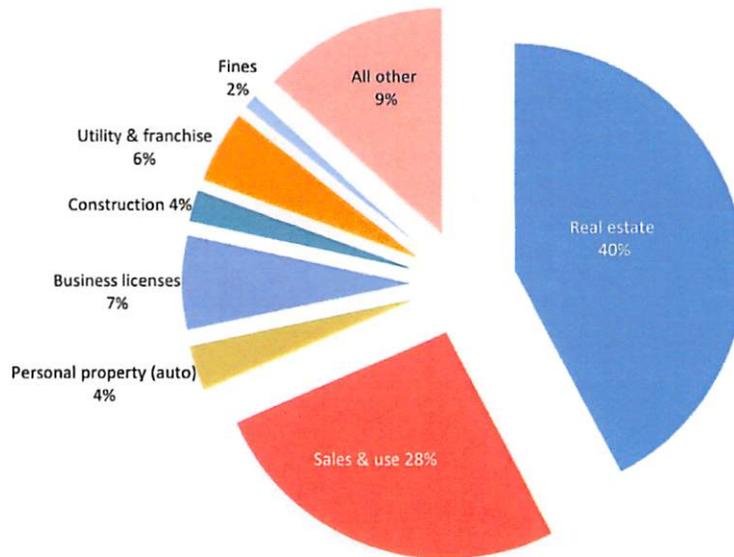
Statement of Budgeted Revenues, Expenditures, and Changes in Fund Balance (Fund Financial Statements)  
 City of Mountain Brook, Alabama  
 Year Ended

	2021					Total Governmental Funds	
	General Fund 1XX, 7XX	Capital Projects 4XX	Debt Service 6XX	Other Governmental Funds 5XX	Budget 2021	Budget 2020	Actual 2019
<b>Revenues:</b>							
Taxes	\$ 33,918,300	\$ 0	\$ 0	\$ 494,000	\$ 34,412,300	\$ 33,724,800	\$ 33,552,915
Licenses and permits	4,332,990	0	0	0	4,332,990	4,953,840	5,196,898
Intergovernmental	527,075	1,721,638	0	0	2,248,713	558,383	160,291
Charges for services	710,785	0	0	461,500	1,172,285	1,174,275	1,199,338
Fines and forfeitures	423,000	0	0	78,900	501,900	657,200	587,864
Grants	16,692	2,208,000	0	0	2,224,692	1,328,692	404,581
Investment Earnings	208,700	263,000	24,800	4,500	501,000	578,190	1,266,381
Miscellaneous	281,500	0	0	109,000	490,500	487,500	524,267
<b>Total Revenues</b>	<b>40,419,042</b>	<b>4,192,638</b>	<b>24,800</b>	<b>1,237,900</b>	<b>45,874,380</b>	<b>43,472,860</b>	<b>42,892,535</b>
<b>Expenditures:</b>							
General government	6,777,516	145,436	0	368,464	7,291,416	7,975,529	7,448,058
Public safety	16,910,339	1,974,367	0	506,648	19,391,351	19,850,048	17,322,281
Street & sanitation	6,855,444	4,714,608	0	777,468	12,377,520	11,642,452	8,954,860
Recreational	1,377,913	4,420,875	0	0	5,798,788	2,048,906	1,906,907
Library	3,454,789	110,000	0	0	3,564,789	3,649,047	3,366,691
Debt service	0	0	0	0	0	0	0
<b>Total Expenditures</b>	<b>35,405,998</b>	<b>11,365,286</b>	<b>0</b>	<b>1,652,580</b>	<b>48,423,864</b>	<b>45,165,982</b>	<b>38,998,797</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>5,013,044</b>	<b>(7,172,648)</b>	<b>24,800</b>	<b>(414,680)</b>	<b>(2,549,484)</b>	<b>(1,693,122)</b>	<b>3,893,738</b>
<b>Other Financing Sources (Uses):</b>							
Proceeds from the issuance of debt	0	0	0	0	0	0	0
Operating transfers in	0	4,224,654	375,000	349,690	4,949,344	4,148,096	5,997,275
Operating transfers (out)	(4,917,344)	0	0	(32,000)	(4,949,344)	(4,148,096)	(5,997,275)
Operating transfers in-component unit	69,000	0	0	0	69,000	80,100	70,841
Proceeds from the sales of assets	0	25,000	0	0	25,000	31,000	85,921
Donations	40,400	0	0	0	40,400	111,400	663,444
<b>Total Other Financing Sources</b>	<b>(4,807,944)</b>	<b>4,249,654</b>	<b>375,000</b>	<b>317,690</b>	<b>134,400</b>	<b>222,600</b>	<b>820,206</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>205,100</b>	<b>(2,922,994)</b>	<b>399,800</b>	<b>(96,990)</b>	<b>(2,415,084)</b>	<b>(1,470,622)</b>	<b>4,713,944</b>
Fund balance, beginning of year	18,906,892	16,848,163	2,471,792	835,959	39,062,806 (1)	36,834,526	32,120,588
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 19,111,992</b>	<b>\$ 13,925,169</b>	<b>\$ 2,871,592</b>	<b>\$ 738,969</b>	<b>\$ 36,647,722</b>	<b>\$ 35,363,906</b>	<b>\$ 36,834,532</b>

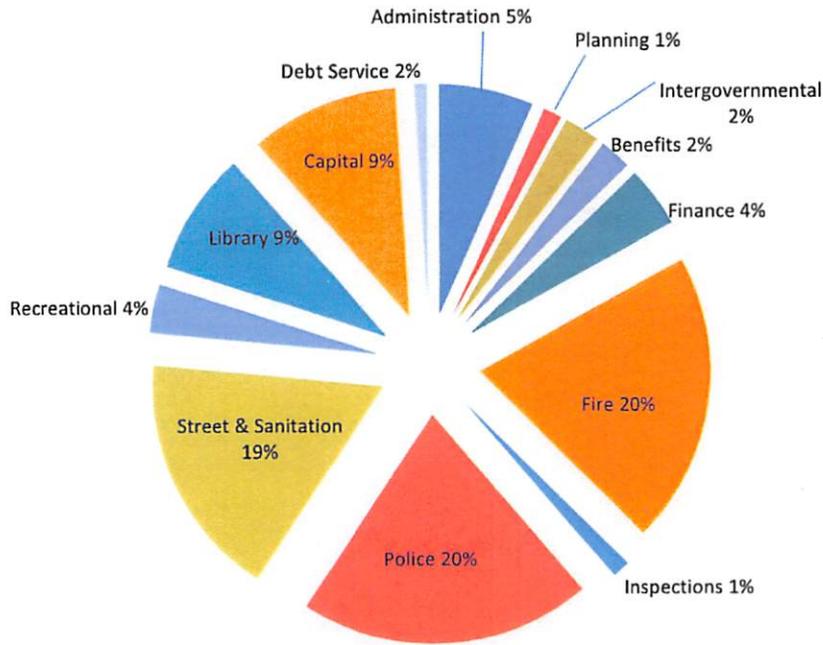
(1) 2021 beginning fund balance calculated using 2020 projected surpluses.

APPENDIX 8

2021 General Fund Revenue Budget

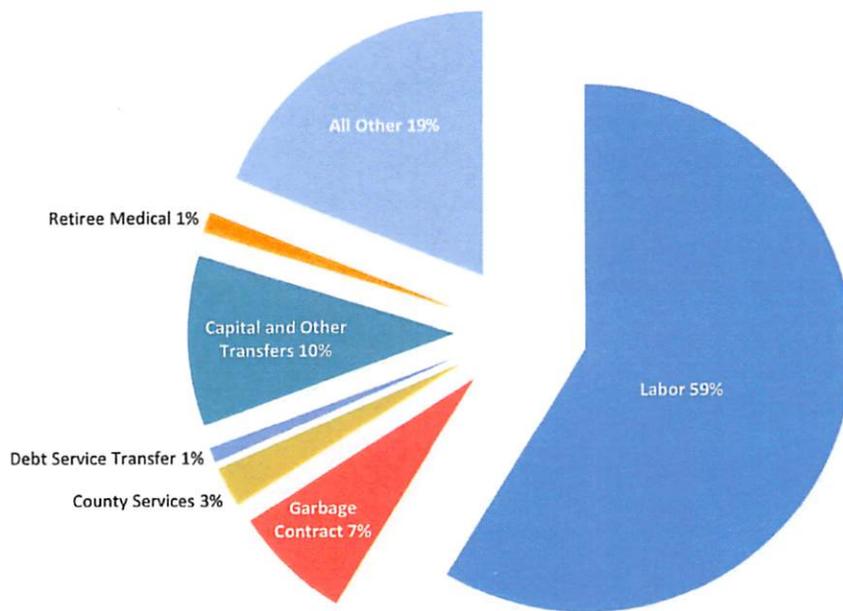


### 2021 General Fund Expense Budget



APPENDIX 8

### 2021 General Fund Expense Budget



General Operations (Fund 100) Budget Summary  
City of Mountain Brook, Alabama  
Year Ended

	Actual 2019	Budget 2020	Projected 2020	Budget 2021
<b>Revenues</b>	<b>\$ 40,218,361</b>	<b>\$ 40,057,940</b>	<b>\$ 40,166,342</b>	<b>\$ 39,977,190</b>
<b>Expenses and Intrafund Transfers:</b>				
<b>General Government</b>	<b>14,701,604</b>	<b>13,638,394</b>	<b>12,804,431</b>	<b>13,701,010</b>
Legislation & Management	2,875,918	3,124,935	2,935,864	3,102,924
Planning	397,823	499,731	477,538	524,127
Intergovernmental	973,990	1,035,500	1,002,109	992,500
Benefits (Unassigned)	1,333,070	1,415,200	1,275,958	913,200
Intrafund Transfers-Park Board	1,137,769	1,254,347	1,140,983	1,252,825
Intrafund Transfers-Library Board	3,094,089	3,360,620	3,234,137	3,363,097
Intrafund Transfers-All Other	3,146,044	1,148,214	950,522	1,766,772
<b>Finance</b>	<b>1,742,801</b>	<b>1,799,847</b>	<b>1,787,322</b>	<b>1,783,565</b>
Administration	576,083	637,649	620,940	572,656
Revenue	441,758	356,120	399,355	421,390
Accounting	294,980	313,636	296,943	281,106
Network Administration	429,980	492,442	470,084	508,413
<b>Public Safety</b>	<b>17,332,532</b>	<b>18,646,679</b>	<b>18,045,414</b>	<b>18,668,536</b>
<b>Fire</b>	<b>8,157,168</b>	<b>8,535,670</b>	<b>8,461,845</b>	<b>8,797,251</b>
Administration	1,196,356	1,158,999	1,167,684	1,232,281
Training & Safety	191,925	190,604	193,337	192,703
Prevention	256,951	278,809	277,974	305,677
EMS Transportation	464,280	489,780	413,195	509,896
Suppression	6,047,654	6,417,478	6,409,655	6,556,714
<b>Inspections</b>	<b>493,419</b>	<b>518,169</b>	<b>518,031</b>	<b>521,923</b>
<b>Police</b>	<b>8,681,947</b>	<b>9,592,840</b>	<b>9,065,538</b>	<b>9,349,382</b>
Administration	2,847,801	3,133,613	3,049,659	3,155,300
Training	136,811	162,000	156,500	131,000
Patrol	4,137,656	4,555,777	4,235,754	4,442,565
Detectives	1,011,200	1,071,043	980,385	987,149
School Resource Officers	548,479	670,407	643,240	633,348
<b>Public Works</b>	<b>7,295,279</b>	<b>7,426,667</b>	<b>7,396,288</b>	<b>7,366,644</b>
Administration	1,328,531	1,294,098	1,270,690	1,294,251
Garbage & Trash Contract	2,870,694	2,917,000	2,900,364	2,924,000
Heavy Construction	1,078,280	1,176,564	1,106,579	1,120,772
Traffic & Right-of-Way	1,847,840	1,871,267	1,870,715	1,799,470
Fleet Maintenance	169,934	167,938	247,938	228,151
<b>Total Expenses and Transfers</b>	<b>39,329,416</b>	<b>39,711,940</b>	<b>38,246,131</b>	<b>39,736,190</b>
<b>Surplus (Deficit)</b>	<b>\$ 888,946</b>	<b>\$ 346,000</b>	<b>\$ 1,920,211</b>	<b>\$ 241,000</b>

APPENDIX 8

Schedule of Historical General Fund Revenues by Source  
City of Mountain Brook, Alabama  
Year Ended September 30,

	2013	2014	2015	2016	2017	2018	2019	2020	Budget 2020	2021
<b>Taxes</b>							Audited	Budget	Projected	Budget
Real property	\$ 13,512,485	\$ 13,867,794	\$ 13,994,315	\$ 14,443,548	\$ 15,155,623	\$ 15,570,510	\$ 16,179,118	\$ 16,629,000	\$ 16,777,000	\$ 17,129,000
Sales and use	9,578,337	9,808,223	10,158,557	10,285,530	10,656,090	10,703,490	11,041,853	10,781,000	10,760,912	10,545,000
Occupational	0	0	0	0	0	0	0	0	0	0
Utility	1,284,421	1,288,163	1,325,088	1,283,444	1,253,385	1,266,010	1,362,195	1,362,000	1,411,000	1,432,000
Personal property	1,208,485	1,217,199	1,306,732	1,392,583	1,382,497	1,286,922	1,269,323	1,294,000	1,286,000	1,299,000
Road and bridge	565,066	550,696	596,475	604,774	627,182	646,115	671,896	647,000	677,000	697,000
Other	1,038,515	1,127,178	1,238,322	1,506,051	1,810,442	2,069,422	2,615,515	2,447,400	2,706,996	2,818,300
<b>Total taxes</b>	<b>27,187,309</b>	<b>27,859,243</b>	<b>28,619,489</b>	<b>29,515,930</b>	<b>30,885,219</b>	<b>31,542,469</b>	<b>33,139,900</b>	<b>33,160,400</b>	<b>33,618,908</b>	<b>33,918,300</b>
<b>Licenses and permits</b>										
Business	2,492,623	2,531,307	2,679,512	2,815,615	3,046,371	2,991,535	2,995,790	2,967,000	2,863,644	2,720,000
Construction permits	1,100,204	1,347,583	1,143,394	1,119,259	1,076,879	1,160,304	1,501,218	1,280,000	1,132,000	906,000
Cable TV franchise fees	424,912	389,500	423,068	432,600	412,624	396,782	392,537	400,000	380,000	380,000
Waterworks Board	216,839	192,875	215,518	208,099	254,138	219,051	237,503	238,000	260,000	264,000
Other	62,115	65,154	63,674	65,373	65,909	66,127	69,850	68,840	62,990	62,990
<b>Total licenses and permits</b>	<b>4,296,693</b>	<b>4,526,419</b>	<b>4,525,166</b>	<b>4,640,946</b>	<b>4,858,121</b>	<b>4,833,799</b>	<b>5,196,898</b>	<b>4,953,840</b>	<b>4,698,634</b>	<b>4,332,990</b>
<b>Intergovernmental</b>	84,547	85,443	92,199	92,199	185,943	189,926	160,291	558,363	519,173	527,075
<b>Charges for services</b>										
Garbage fees	35,589	34,086	33,890	29,175	30,977	29,948	32,395	32,000	30,000	30,000
Other	693,408	730,347	695,790	688,534	678,795	628,736	735,008	707,275	670,425	680,785
<b>Total charges for services</b>	<b>728,997</b>	<b>764,433</b>	<b>729,680</b>	<b>717,709</b>	<b>709,772</b>	<b>658,684</b>	<b>767,403</b>	<b>739,275</b>	<b>700,425</b>	<b>710,785</b>
<b>Fines and forfeitures - court</b>	559,465	577,844	643,492	575,406	588,293	514,978	461,595	454,000	348,831	423,000
<b>Grants</b>	15,755	100,187	53,653	18,438	111,679	29,486	96,860	33,492	34,592	16,692
<b>Other operating revenue</b>										
Investment earnings	138,162	69,522	150,668	170,543	109,328	183,834	575,961	308,700	386,500	208,700
Other	439,492	311,374	296,044	316,717	269,692	363,255	294,378	311,500	283,753	281,500
<b>Total other operating revenue</b>	<b>577,654</b>	<b>380,896</b>	<b>446,712</b>	<b>487,260</b>	<b>379,020</b>	<b>547,089</b>	<b>870,339</b>	<b>620,200</b>	<b>670,253</b>	<b>490,200</b>
<b>Total Revenues</b>	<b>\$ 33,450,420</b>	<b>\$ 34,294,465</b>	<b>\$ 35,110,391</b>	<b>\$ 36,047,888</b>	<b>\$ 37,714,047</b>	<b>\$ 38,316,431</b>	<b>\$ 40,693,306</b>	<b>\$ 40,519,570</b>	<b>\$ 40,590,816</b>	<b>\$ 40,419,042</b>

Combining Statement of Budgeted General Fund Revenues, Expenditures, and Changes in Fund Balance  
City of Mountain Brook, Alabama  
Year Ended

	2021 Budget										
	General Fund Total	General Operations 100	Park Board 115	Drug Asset Forfeitures 132	Community Fund 142	Emergency Reserves 146	Phase 3 Fields 149	Court Cash Bonds 153	Operating 701	Library Books 702	Endowment 703
<b>Revenues:</b>											
Taxes	\$ 33,918,300	\$ 33,918,300	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Licenses and permits	4,332,990	4,332,990	0	0	0	0	0	0	0	0	0
Intergovernmental	527,075	338,000	141,547	0	0	0	47,528	0	0	0	0
Charges for services	710,785	511,900	147,357	0	0	0	47,528	0	4,000	0	0
Fines and forfeitures	423,000	404,000	0	0	0	0	0	0	15,000	4,000	0
Grants	16,692	0	0	0	0	0	0	0	16,692	0	0
Investment Earnings	208,700	200,000	500	0	0	8,200	0	0	0	0	0
Miscellaneous	281,500	272,000	3,000	0	0	0	0	0	6,500	0	0
<b>Total Revenues</b>	<b>40,418,042</b>	<b>39,977,190</b>	<b>292,404</b>	<b>0</b>	<b>0</b>	<b>8,200</b>	<b>95,056</b>	<b>0</b>	<b>42,192</b>	<b>4,000</b>	<b>0</b>
	-0.25%										
<b>Expenditures:</b>											
General government	8,777,516	6,777,516	0	0	0	0	0	0	0	0	0
Public safety	16,910,336	16,910,336	0	0	0	0	0	0	0	0	0
Street & sanitation	6,885,444	6,885,444	0	0	0	0	0	0	0	0	0
Recreational	1,377,913	0	1,235,329	0	0	0	142,584	0	0	0	0
Library	3,454,789	0	0	0	0	0	0	2,980,689	474,100	0	0
Debt service	0	0	0	0	0	0	0	0	0	0	0
<b>Total Expenditures</b>	<b>35,405,988</b>	<b>30,573,296</b>	<b>1,235,329</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>142,584</b>	<b>0</b>	<b>2,980,689</b>	<b>474,100</b>	<b>0</b>
	-2.94%										
<b>Excess (deficiency) of revenues over expenditures</b>	<b>5,012,054</b>	<b>9,403,894</b>	<b>(942,925)</b>	<b>0</b>	<b>0</b>	<b>8,200</b>	<b>(47,528)</b>	<b>0</b>	<b>(2,938,497)</b>	<b>(470,100)</b>	<b>0</b>
<b>Other Financing Sources (Uses):</b>											
Proceeds from the issuance of debt	0	0	0	0	0	0	0	0	0	0	0
Operating transfers in	0	0	0	0	0	0	0	0	0	0	0
Operating transfers (out)	(4,917,344)	(9,162,894)	942,925	0	0	0	47,528	0	2,938,497	318,600	0
Operating transfers in-component unit	69,000	0	0	0	0	0	0	0	0	69,000	0
Donations	40,400	0	0	0	0	0	0	0	0	40,400	0
<b>Total Other Financing Sources</b>	<b>(4,807,944)</b>	<b>(9,162,894)</b>	<b>942,925</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>47,528</b>	<b>0</b>	<b>2,938,497</b>	<b>428,000</b>	<b>0</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>205,100</b>	<b>241,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8,200</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(44,100)</b>	<b>0</b>
Fund balance, beginning of year	18,906,892	15,784,212	125,000	9,201	10,970	2,790,817	0	0	0	134,762	51,930
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 19,111,992</b>	<b>\$ 16,025,212</b>	<b>\$ 125,000</b>	<b>\$ 9,201</b>	<b>\$ 10,970</b>	<b>\$ 2,799,017</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 90,662</b>	<b>\$ 51,930</b>

APPENDIX 8

Combining Statement of Budgeted Capital Project Funds Revenues, Expenditures, and Changes in Fund Balance  
City of Mountain Brook, Alabama  
Year Ended

	2021 Budget			
	Capital Projects Total	Infrastructure Projects 417	Grant Funded 428	Capital 441
<b>Revenues:</b>				
Taxes	\$ 0	\$ 0	\$ 0	\$ 0
Licenses and permits	0	0	0	0
Intergovernmental	1,721,638	1,721,638	0	0
Charges for services	0	0	0	0
Fines and forfeitures	0	0	0	0
Grants	2,208,000	216,000	1,992,000	0
Investment Earnings	263,000	25,000	8,000	230,000
Miscellaneous	0	0	0	0
<b>Total Revenues</b>	<b>4,192,638</b>	<b>1,962,638</b>	<b>2,000,000</b>	<b>230,000</b>
<b>Expenditures:</b>				
General government	145,436	0	0	145,436
Public safety	1,974,367	0	0	1,974,367
Street & sanitation	4,714,608	1,608,000	2,470,000	638,608
Recreational	4,420,875	4,400,875	0	20,000
Library	110,000	0	0	110,000
Debt service	0	0	0	0
<b>Total Expenditures</b>	<b>11,365,286</b>	<b>6,008,875</b>	<b>2,470,000</b>	<b>2,888,411</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(7,172,648)</b>	<b>(4,046,237)</b>	<b>(470,000)</b>	<b>(2,658,411)</b>
<b>Other Financing Sources (Uses):</b>				
Proceeds from the issuance of debt	0	0	0	0
Operating transfers in	4,224,654	3,864,494	470,000	(109,840)
Operating transfers (out)	0	0	0	0
Operating transfers in-component unit	0	0	0	0
Proceeds from the sale of assets	25,000	0	0	25,000
Donations	0	0	0	0
<b>Total Other Financing Sources</b>	<b>4,249,654</b>	<b>3,864,494</b>	<b>470,000</b>	<b>(84,840)</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>(2,922,994)</b>	<b>(179,743)</b>	<b>0</b>	<b>(2,743,251)</b>
Fund balance, beginning of year	16,848,163	2,163,114	193,160	14,491,889
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 13,925,169</b>	<b>\$ 1,983,371</b>	<b>\$ 193,160</b>	<b>\$ 11,748,638</b>

Combining Statement of Budgeted Other Governmental Funds Revenues, Expenditures, and Changes in Fund Balance  
City of Mountain Brook, Alabama  
Year Ended

	2021 Budget								
	Other Governmental Funds Total	104 510	54 521	74 522	44 523	24 524	E-911 District 531	Corrections Fund 654	Debt Service 600
<b>Revenues:</b>									
Taxes	\$ 494,000	\$ 82,000	\$ 62,000	\$ 217,000	\$ 129,000	\$ 5,000	\$ 0	\$ 0	\$ 0
Licenses and permits	0	0	0	0	0	0	0	0	0
Intergovernmental	0	0	0	0	0	0	0	0	0
Charges for services	481,500	0	0	0	0	0	361,500	60,000	0
Fines and forfeitures	78,900	0	0	0	0	0	1,900	77,000	0
Grants	0	0	0	0	0	0	0	0	0
Investment Earnings	4,500	200	1,100	800	1,200	90	1,300	10	24,600
Miscellaneous	199,000	0	0	199,000	0	0	0	0	0
<b>Total Revenues</b>	<b>1,237,900</b>	<b>82,200</b>	<b>63,100</b>	<b>418,600</b>	<b>129,200</b>	<b>5,090</b>	<b>394,700</b>	<b>197,010</b>	<b>24,600</b>
<b>Expenditures:</b>									
General government	368,464	0	0	0	0	0	0	368,464	0
Public safety	506,648	0	0	0	0	0	368,412	138,236	0
Street & sanitation	777,468	58,010	59,718	510,300	145,100	4,340	0	0	0
Recreational	0	0	0	0	0	0	0	0	0
Library	0	0	0	0	0	0	0	0	0
Debt service	0	0	0	0	0	0	0	0	0
<b>Total Expenditures</b>	<b>1,652,580</b>	<b>58,010</b>	<b>59,718</b>	<b>510,300</b>	<b>145,100</b>	<b>4,340</b>	<b>368,412</b>	<b>506,700</b>	<b>0</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(414,680)</b>	<b>24,190</b>	<b>3,382</b>	<b>(93,700)</b>	<b>(15,900)</b>	<b>750</b>	<b>16,288</b>	<b>(349,690)</b>	<b>24,600</b>
<b>Other Financing Sources (Uses):</b>									
Proceeds from the issuance of debt	0	0	0	0	0	0	0	0	0
Operating transfers in	349,690	0	0	0	0	0	0	349,690	375,000
Operating transfers (out)	(32,000)	0	0	0	0	0	(32,000)	0	0
Operating transfers in-component unit	0	0	0	0	0	0	0	0	0
Donations	0	0	0	0	0	0	0	0	0
<b>Total Other Financing Sources</b>	<b>317,690</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>(32,000)</b>	<b>349,690</b>	<b>375,000</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>(96,990)</b>	<b>24,190</b>	<b>3,382</b>	<b>(93,700)</b>	<b>(15,900)</b>	<b>750</b>	<b>(15,712)</b>	<b>0</b>	<b>399,600</b>
Fund balance, beginning of year	635,659	42,206	176,357	129,682	167,225	14,448	306,001	0	2,471,792
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 738,669</b>	<b>\$ 66,396</b>	<b>\$ 179,739</b>	<b>\$ 35,982</b>	<b>\$ 151,325</b>	<b>\$ 15,198</b>	<b>\$ 290,289</b>	<b>\$ 0</b>	<b>\$ 2,871,392</b>

APPENDIX 8

Statement of Changes in Fiduciary Net Position  
Other Post-Employment Benefits Trust Fund  
Year Ended September 30

	Actual 2019	Budget 2020	Projected 2020	Budget 2021
<b>ADDITIONS</b>				
Contributions				
215-3406-4810 Employer	\$ 654,303	\$ 707,000	\$ 534,163	\$ 508,000
215-3407-4231 Plan members	132,677	140,000	133,000	140,000
215-3407-4400 Investment earnings	186,117	20,000	22,439	20,000
<b>TOTAL ADDITIONS</b>	<b>973,097</b>	<b>867,000</b>	<b>689,602</b>	<b>668,000</b>
<b>DEDUCTIONS</b>				
215-1115-6130 Benefits	483,980	542,000	582,000	640,000
215-1100-6*** Administrative expense	3,000	5,000	5,000	5,000
<b>TOTAL DEDUCTIONS</b>	<b>486,980</b>	<b>547,000</b>	<b>587,000</b>	<b>645,000</b>
<b>NET INCREASE</b>	<b>486,117</b>	<b>320,000</b>	<b>102,602</b>	<b>20,000</b>
Net position held in trust for other post-employment benefits, beginning of year	2,686,328	3,352,445	3,352,445	3,455,047
<b>NET POSITION HELD IN TRUST FOR OTHER POST-EMPLOYMENT BENEFITS, END OF YEAR</b>	<b>\$ 3,352,445</b>	<b>\$ 3,672,445</b>	<b>\$ 3,455,047</b>	<b>\$ 3,475,047</b>

Note:  
Effective October 1, 2006, GASB 45 required local governments to account for their other post-employment benefit plans (OPEB) similar to its method of accounting for its defined benefit pension plans. The City's OPEB plan includes retiree medical insurance. On July 27, 2009, the City Council authorized the creation of an Internal Revenue Code Section 115 trust (Resolution No. 08-101) and began depositing funds into the trust to offset its obligation for retiree medical benefits. Following is a summary of the City's deposits into the Sec. 115 trust since its creation, and trust balances, actuarial accrued liability (AAL) and unfunded actuarial accrued liability (UAAL) as of September 30:

	Trust Deposit	Net Premiums	Total Expense	Trust Balance	AAL	UAAL	Funded %
2021 Budgeted	\$ 0	\$ 505,000	\$ 505,000	\$ 3,475,047	\$ (7,008,000)	\$ (3,630,953)	49.6%
2020 Projected	0	354,303	534,163	3,455,047	(6,954,000)	(2,904,202)	53.6%
2019	300,000	354,303	654,303	3,352,445	(6,259,647)	(2,904,202)	53.6%
2018	300,000	348,392	648,392	2,686,328	(5,824,487)	(2,938,159)	49.6%
2017	300,000	332,140	632,140	2,598,720	(5,173,695)	(2,674,975)	50.2%
2016	300,000	311,433	611,433	2,301,227	(4,392,295)	(2,091,055)	62.4%
2015	300,000	358,063	658,063	1,900,232	(3,953,905)	(1,993,573)	49.2%
2014	300,000	358,756	658,756	1,571,536	(3,692,253)	(2,420,917)	39.4%
2013	320,000	350,923	670,923	1,280,448	(3,590,421)	(2,298,973)	35.4%
2012	300,000	354,828	654,828	925,335	(3,155,271)	(2,229,936)	29.3%
2011	200,000	384,016	584,016	613,573	(3,248,729)	(2,638,159)	18.9%
2010	200,000	322,571	522,571	403,024	(3,473,472)	(3,070,442)	11.5%
2009	180,000	35,118	215,118	196,320	(2,569,543)	(2,663,223)	6.9%
	<b>\$ 3,000,000</b>	<b>\$ 4,350,948</b>	<b>\$ 7,530,896</b>				

EMPLOYMENT AGREEMENT

THIS EMPLOYMENT AGREEMENT made by and between SAM GASTON ("Gaston") and the CITY OF MOUNTAIN BROOK, ALABAMA ("City").

WHEREAS, Gaston has satisfactorily served as City Manager for the City since June 1993; and

WHEREAS, Gaston and the City have agreed that the terms and conditions of Gaston's continued employment should be memorialized and set forth in a formal contract of employment in order to promote clarity and avoid misunderstanding;

PREMISES CONSIDERED, Gaston and the City agree to the following terms and conditions:

1. Appointment as City Manager. Duties. Gaston shall serve as City Manager of the City of Mountain Brook, Alabama, and, in such capacity, shall perform such tasks and duties as may be prescribed and/or directed by the governing body or by applicable ordinance or statute. Gaston shall devote all of his productive time, ability and attention to the business of the City during the term of his appointment and shall not engage in any other employment or pursuit that would conflict or interfere with his duties and responsibilities as City Manager, without Council approval.

2. Term of Appointment. The term of Gaston's appointment shall be as provided by law.

3. Cancellation: Notice. Gaston's appointment and the City's obligations hereunder may be terminated by (i) operation of law; (ii) termination thereof by the governing body without cause during his term of appointment; (iii) termination thereof by the governing body for cause during his term of appointment; and (iv) Gaston's voluntary resignation.

The City may at its option terminate Gaston's appointment at any time for cause. For purposes of this Agreement, termination "for cause" shall include, but not be limited to, viz: (i) any act of theft, embezzlement, immoral conduct, sexual harassment, use of illicit drugs, or intoxication while acting as an employee of the City; (ii) the conviction for any crime involving moral turpitude; (iii) the willful neglect by Gaston of his duties hereunder; or (iv) the continued breach of any material term or condition of this Agreement by Gaston after written notice. Upon any such termination by the City for cause, Gaston shall only be entitled to the compensation and benefits provided in this Agreement (including accrued but unused vacation and sick leave) computed on a prorated basis up to and including the date of such termination, and shall be entitled to no further compensation subsequent to said date except as may be required by law. Any termination for cause by the City shall not prejudice its rights to seek any other redress or remedy to which it may be entitled under the law.

The City may also, at its option, terminate this Agreement at any time without cause. In the event of any termination by the City of this Agreement without cause prior to the expiration of Gaston's term as provided by law, the City shall be fully obligated to pay to Gaston his full salary and fringe benefits, including but not limited to any accrued but unused vacation and sick leave, only for the four (4) month period immediately following said date of termination. In exchange for said payments by the City, Gaston agrees to make himself available to provide consulting services to the City as may be reasonably requested during said four (4) month period.

9. Controlling Law. In the event of a conflict between the terms of this Agreement and applicable state or federal law, said law(s) shall control, and this Agreement shall be construed with reference to and in accordance with applicable law.

10. Effective Date. This Agreement shall be effective upon approval of an ordinance adopting or ratifying same.

DATED this 28th day of September, 2020.

CITY MANAGER

Sam Gaston

CITY OF MOUNTAIN BROOK

By: Stewart Welch III, Mayor

Gaston shall provide the City at least sixty (60) days' advance written notice of his resignation. Upon termination of his employment, Gaston shall be paid for any accrued but unused sick leave and/or unused vacation days in accordance with generally applicable city policy.

4. Compensation and Benefits: Evaluation. Gaston shall receive as base compensation the sum of one hundred seventy-eight thousand two hundred six and 60/100 dollars (\$178,206.60) per annum, which shall be paid in regular increments according to the payroll system and schedule then in effect for the City. Gaston shall also receive and be eligible for the same across-the-board raises and fringe benefits (including but not limited to health, dental, disability, and life insurance, longevity pay, vacation, and sick leave) as are accorded or made available to city employees generally; provided, however, that nothing herein shall be construed to confer merit or civil service status on Gaston. Gaston's job performance shall be evaluated periodically at the discretion of the City Council. Upon receipt of a satisfactory performance evaluation, Gaston shall be entitled to such increase in basic compensation for the duration of the term of his appointment as the governing body may deem appropriate.

In addition to the foregoing, and in keeping with past practice, the City shall furnish to Gaston an automobile that may be used by Gaston for city-related functions, activities, and purposes, and for transportation between work location(s) and his personal residence. The City shall pay or provide for all gasoline, oil, maintenance, and insurance expenses associated with operation of the automobile. The City shall also pay for or reimburse Gaston for all actual and reasonable out-of-pocket expenses, dues, or fees incurred by Gaston in performing or attending city-related functions and activities, including but not limited to membership in and attendance at annual or semi-annual conferences sponsored by the ACCMA, the APA, and the ICMA.

5. Notice. All notices, consents, requests, approvals, and other communications provided for herein shall be validly given, made, or served if in writing and delivered personally or sent by registered or certified mail, postage prepaid, as follows, viz:

TO GASTON: Sam S. Gaston, 5312 Mountain Park Circle, Indian Springs, AL 35124
TO CITY: City of Mountain Brook, c/o The Mayor, P. O. Box 130009, Mountain Brook, AL 35213-0009

6. Modification. This Agreement cannot be changed, modified, or amended in any respect except by a written instrument signed by both parties.

7. Entire Agreement. This Agreement supersedes all other agreements previously made between the parties relating to its subject matter. There are no other understandings or agreements, as all prior agreements are hereby merged into this Agreement.

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

APPENDIX 9

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