

**MOUNTAIN BROOK CITY COUNCIL
ORGANIZATIONAL MEETING AGENDA**

**CITY HALL COUNCIL CHAMBER (ROOM A108)
56 CHURCH STREET
MOUNTAIN BROOK, AL 35213**

NOVEMBER 7, 2016 – 7:30 A.M.

1. Introduction: City Manager to introduce Turner Williams, municipal judge, who will administer the oaths of office
2. Inauguration of the Mayor and two members of the City Council elected to office
3. Motion: Election of the City Council President (Virginia C. Smith)
4. Motion: Election of the City Council President Pro Tempore (Williams S. Pritchard III)
5. Consent agenda:
 - a. Consideration: Motion for the adoption of the rules of order and procedure
 - b. Consideration: Resolution appointing the City Attorney(s) (Bishop, Colvin, Johnson & Kent and Starnes, Davis & Florie, LLP)
 - c. Consideration: Motion appointing Council representatives to the:

Planning Commission (voting member)	- Philip E. Black
Board of Zoning Adjustment (liaison)	- Virginia C. Smith
Parks and Recreation Board (liaison)	- Virginia C. Smith
Emmet O'Neal Library Board (liaison)	- Lloyd C. Shelton
Board of Education (liaison)	- William S. Pritchard III
Finance Committee (voting member)	- Lloyd C. Shelton
Villages Design Review Committee (liaison)	- Alice B. Womack
Editorial Board	- Virginia C. Smith
Tree Commission (liaison)	- Virginia C. Smith
Chamber of Commerce (liaison)	- Alice B. Womack
Parking Committee	- Philip E. Black
Municipal judges	- Stewart Welch III
Public safety departments	- Stewart Welch III
All In Committee (voting member)	- William S. Pritchard III
 - d. Consideration: Motion appointing the members of the Mountain Brook City Council as the Board of Commissioners of the Mountain Brook Emergency Communication District and nomination of the Chairman (Virginia C. Smith) of the Emergency Communication District Board
 - e. Consideration: Resolution authorizing the execution of signature authorizations adding the Mayor as a signatory on the City's various banking accounts
6. Consideration: Ordinance appointing the City Manager (Sam S. Gaston)
7. Consideration: Ordinance appointing the City Clerk (Steven Boone)
8. Consideration: Ordinance appointing the City Treasurer (William F. "Billy" Angell)
9. Consideration: Ordinance appointing the Assistant City Treasurer (John H. "Jack" Martin)
10. Inauguration of the City Manager, City Clerk, and City Treasurer
11. Announcement: Mayoral appointment (Mike Mouron) to the Planning Commission
12. Announcement: The next regular meeting of the City Council is Monday, November 14, 2016, at 7 p.m.
13. Other business
14. Comments from residents
15. Adjourn

DIVISION 2. - RULES OF ORDER AND PROCEDURE

Sec. 2-56. - Meetings.

(a) *Rules of procedure.* Meetings of the city council shall be conducted in accordance with the applicable statutes of the state, as implemented by the rules of procedure contained in this article.

(b) *Time and place of regular meetings; special meetings.* Meetings of the council shall be held at the city hall or such other places within the city limits as the council may determine.

(1) Regular meetings shall be at such times as determined by the council.

(2) Written or oral notice of the time of any special meeting of the council as authorized by Code of Ala. 1975, § 11-43-5 shall, unless such meeting is announced at a regular meeting of council, be given to the city manager and to each councilmember at least 12 hours in advance of the meeting. The failure of any of them to receive such notice shall not invalidate an action taken at such meetings if:

a. Such person is present at the meeting or, either before or after the meeting, waives notice thereof; or

b. Such action is ratified at a subsequent meeting of the council.

The business that may be transacted at a special meeting shall not be limited to the item indicated in the notice. To the extent practicable, notice of a special meeting shall also be given to the mayor and the clerk, but the failure of either or both of them to receive such notice shall not impair the validity and efficacy of the business transacted at the meeting.

(c) *Attendance and participation of mayor, city manager and other city officials; addressing council.*

(1) The mayor and the city manager shall have the privilege of participating in the council's discussions and deliberations, but the right to make motions and to vote is limited to councilmembers.

(2) Persons other than the councilmembers, mayor and city manager shall be allowed to address the council while in session only with the permission of and under the conditions and limitations prescribed by the council president. Any such person shall, when first recognized, state his name, address and, if applicable, the person or group represented; he shall identify himself again by name each subsequent time he is recognized.

(3) Meetings shall be attended by the city clerk, the city attorney and such other officers, agents or employees of the city as the council may from time to time determine.

(d) *Order of business.* The order of business shall be as directed by the council president, however, any councilmember may make additions to the agenda.

(Code 1996, §§ 2-8—2-11; Ord. No. 570, §§ 1—4; Ord. No. 890, § 1, 11-13-1984; Ord. No. 1564, 2-24-2003)

State Law reference— Provisions relative to meetings, Code of Ala. 1975, §§ 11-43-49, 11-43-50; city council authorized to enact rules of procedure, Code of Ala. 1975, § 11-43-52; attendance of the city clerk, Code of Ala. 1975, § 11-43-100.

RESOLUTION NO. 2016-177

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

The law firm of Bishop, Colvin, Johnson & Kent is hereby appointed as City Attorney for the City of Mountain Brook, Alabama, to serve at the pleasure of the City Council at a retainer fee of \$15,000 per month. Said fees are to compensate the City Attorney for the regular and customary legal services performed for said City, such as attendance at City Council meetings, advice to the Mayor, Council, and employees, and preparation of ordinances and resolutions; said salary not to operate as compensation for extraordinary or unusual services, such as handling municipal bond issues, public improvements, litigation, and the like for which said attorney shall be paid such additional compensation as may be fixed by the Council.

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the law firm of Starnes, Davis & Florie, LLP is hereby appointed as City Attorney for the City with respect to litigation services to be billed at their standard hourly rates, to serve at the pleasure of the City Council.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

Mayor

CERTIFICATION

I, Steven Boone, City Clerk of the City of the City of Mountain Brook, Alabama, hereby certify the above to be a true and correct copy of a resolution adopted by the City Council of the City of Mountain Brook at its special meeting held on November 7, 2016, as same appears in the minutes of record of said meeting.

City Clerk

Board, Committee, and Liaison Assignments effective November 7, 2016:

2016-178

Motion

Appoint Council representatives as follows:

Planning Commission (voting member)	- Philip E. Black
Board of Zoning Adjustment (liaison)	- Virginia C. Smith
Parks and Recreation Board (liaison)	- Virginia C. Smith
Emmet O'Neal Library Board (liaison)	- Lloyd C. Shelton
Board of Education (liaison)	- William S. Pritchard III
Finance Committee (voting member)	- Lloyd C. Shelton
Villages Design Review Committee (liaison)	- Alice B. Womack
Editorial Board	- Virginia C. Smith
Tree Commission (liaison)	- Virginia C. Smith
Chamber of Commerce (liaison)	- Alice B. Womack
Parking Committee	- Philip E. Black
Municipal judges	- Stewart H. Welch III
Public safety departments	- Stewart H. Welch III
All In Committee (voting member)	- William S. Pritchard III

2016-178

RESOLUTION NO. 2016-180

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized to execute and deliver, or cause to be executed and delivered, on behalf of the City such documents, certificates, instruments, and agreements that may be deemed necessary or appropriate to add the Mayor of the City as an authorized signatory on each of the City's checking accounts.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

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 a resolution adopted by the City Council of the City of Mountain Brook at its special meeting held on November 7, 2016, as same appears in the minutes of record of said meeting.

City Clerk

ORDINANCE NO. 1965

**ORDINANCE APPOINTING THE
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK**

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

1. Sam Gaston is hereby appointed and employed as City Manager of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.
2. His duties shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.
3. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of the City, the same to be conditioned as provided in Section 11-43-21(c), Code of Alabama, 1975.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

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, Alabama, as its meeting held on November 7, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2016, 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

City Clerk

ORDINANCE NO. 1966

**ORDINANCE APPOINTING THE
CITY CLERK OF THE CITY OF MOUNTAIN BROOK**

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

1. Steven Boone is hereby appointed as City Clerk of the City of Mountain Brook, Alabama, to serve at the pleasure of the Council or until his successor be duly appointed.
2. His duties as such City Clerk shall be as now or hereafter fixed by the laws of the State of Alabama and by the ordinances of the City of Mountain Brook, Alabama, and such other duties as may be delegated to him from time to time by the Council.
3. His duties as City Clerk shall be in addition to those incident to the position in the classified civil service in which he is or may hereafter be employed; and his compensation, both for such civil service position and as City Clerk, shall be that established for the civil service position under the schedules of the Personnel Board of Jefferson County as implemented by the City Council from time to time for classified employees of the City.
4. He shall give bond with sureties in the penal sum of \$20,000.00, the premiums for which shall be paid by, and be the expense of, the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

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, Alabama, as its meeting held on November 7, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2016, 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

City Clerk

ORDINANCE NO. 1967

**ORDINANCE APPOINTING THE
CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

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

1. William F. Angell is hereby appointed as City Treasurer of the City of Mountain Brook, to serve without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. He shall give bond with sureties in the penal sum of \$5,000.00, the premium for which shall be paid by, and be the expense of the City. The bond shall be subject to approval by the Mayor.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

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, Alabama, as its meeting held on November 7, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2016, 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

City Clerk

ORDINANCE NO. 1968

**ORDINANCE APPOINTING THE
ASSISTANT CITY TREASURER OF THE CITY OF MOUNTAIN BROOK**

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

1. John H. ("Jack") Martin is hereby appointed as Assistant City Treasurer of the City of Mountain Brook, Alabama, serve without compensation and at the pleasure of the Council or until his successor be duly appointed.

2. The Assistant Treasurer shall furnish a surety company bond in an amount approved by the City Council for the faithful performance of his duties in the safe custody of the funds of the City. Such bond shall be signed by good and sufficient sureties to be approved by the Mayor. The premium for such bond shall be paid by the City from its General Fund.

ADOPTED: This 7th day of November, 2016.

Council President

APPROVED: This 7th day of November, 2016.

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, Alabama, as its meeting held on November 7, 2016, as same appears in the minutes of record of said meeting, and published by posting copies thereof on November 8, 2016, 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

City Clerk

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Stewart H. Welch III, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Stewart H. Welch III

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Philip E. Black, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Philip E. Black

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Virginia C. Smith, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Virginia C. Smith

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Sam S. Gaston, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Sam S. Gaston

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, Steven Boone, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

Steven Boone

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, William F. Angell, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

William F. Angell

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF MOUNTAIN BROOK

I, John H. (Jack) Martin, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

John H. (Jack) Martin

Sworn to and subscribed before me this 7th day of November, 2016.

Turner Williams, Judge
Municipal Court of Mountain Brook