

**JOINT MEETING AGENDA OF THE  
MOUNTAIN BROOK CITY COUNCIL AND  
MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT**

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

**SEPTEMBER 9, 2019, 7:00 P.M.**

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1. Constitution Week proclamation.
2. Proclamation recognizing Mountain Brook Baptist Church's 75<sup>th</sup> anniversary.
3. National Suicide Prevention Month proclamation.
4. Gynecological Cancer Awareness Week proclamation.
5. Approval of the minutes of the August 26, 2019, regular meeting of the Mountain Brook City Council.
6. Consideration: Resolution creating a Planner position (class no. 03084, grade 22) for the Planning, Building and Sustainability department.
7. Consideration: Resolution authorizing the [budgeted] payment from the General Fund of \$300,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy.
8. Consideration: Resolution declaring certain personal property surplus and authorizing its sale at public Internet auction.
9. Consideration: Resolution increasing the salary schedule for all classified, unclassified and part-time employees by one and three quarters percent (1-3/4%) effective October 1, 2019, and increasing the compensation for contract security services for the City's Public Works facilities (Resolution No. 2013-146) by one and three quarters percent (1-3/4%) effective October 1, 2019.
10. Consideration: Resolution of the Board of Commissioners of the E911 District adopting the budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020.
11. Consideration: Resolution establishing the employees' and retirees' monthly premiums for medical insurance effective for employee payroll checks dated October 4, 2019, and retiree premiums due on October 1, 2019.
12. Consideration: Resolution authorizing the (professional) conditional use submitted by Tom Carruthers of LAH Real Estate, for the property located at 2 Dexter Avenue.
13. Consideration: Resolution authorizing the (personal trainer) conditional use submitted by Matt Crane of Meta Fitness for the property located at 3150 Overton Road.
14. Consideration: Resolution awarding the bid for target equipment to be used at the police firing range.

15. Consideration: Ordinance adopting the City's budget for the fiscal year beginning October 1, 2019 and ending September 30, 2020.
16. Consideration: Ordinance increasing the salary of the City Manager by one and three quarters percent (1-3/4%) effective October 1, 2019, and amending the related employment agreement.
17. Consideration of an ordinance amending the zoning code with respect to the professional district.
18. Public hearing: Consideration of an ordinance rezoning property along Fairhaven Drive (re: Overton Village Townhomes).
19. Announcement: The City Council shall hold a public hearing to consider an ordinance amending the Lane Parke Planned Unit Development (PUD) master development plan with respect to drive-throughs on Monday, September 23, 2019 at 7 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
20. Announcement: The next regular meeting of the City Council is September 23, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
21. Comments from residents.
22. Adjourn.

## PROCLAMATION

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2019, marks the two hundred thirty-second anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention, providing a historic opportunity for all Americans to remember the achievements of our Founding Fathers and to reflect on the actions of Americans who for the past 232 years have defined the words of the Constitution by exercising their rights and responsibilities as citizens; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration that which will commemorate it; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week;

NOW, THEREFORE, I, Stewart H. Welch III, by virtue of the authority vested in me as Mayor of the City of Mountain Brook, do hereby proclaim the week of September 17th through 23<sup>rd</sup>, 2019, as

### CONSTITUTION WEEK

and encourage all residents to recognize and appreciate the importance of this enduring document to our nation and reaffirm our commitment to the rights and responsibilities of citizenship in this great nation, study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 9th day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243rd.

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Stewart H. Welch III, Mayor

2019-130

**PROCLAMATION  
IN RECOGNITION OF THE 75<sup>TH</sup> ANNIVERSARY OF  
MOUNTAIN BROOK BAPTIST CHURCH**

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**WHEREAS**, the City of Mountain Brook was incorporated in 1942 and shortly thereafter on September 3, 1944 Mountain Brook Baptist Church was chartered, originally worshipping in Crestline School and thereafter in a converted dwelling at the corner of Jackson and Vine where today the Mountain Brook Board of Education is located: and

**WHEREAS**, in 1946 the fellowship purchased 3 ½ acres of land on Montevallo Road for \$18,500 constructing the current chapel and holding their first service in that building on Christmas Eve, 1950; and

**WHEREAS**, the original structure is the oldest house of worship in continuous use in Mountain Brook; and

**WHEREAS**, the 58 charter members of Mountain Brook Baptist Church have welcomed others into the fellowship which today has over 2,000 members; and

**WHEREAS**, as followers of Christ, the fellowship that meets at Mountain Brook Baptist Church aspires to love God and to live with grace and generosity;

**NOW, THEREFORE**, I, Stewart H. Welch III, as Mayor issue this this proclamation as recognition of the long bond between the City of Mountain Brook and the fellowship at Mountain Brook Baptist Church and hereby congratulate the church upon the occasion of its 75<sup>th</sup> Anniversary.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 9th day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243<sup>rd</sup>.

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Stewart H. Welch III, Mayor

2019-131

## **September Proclaimed National Suicide Prevention Awareness Month**

**WHEREAS;** September is known around the United States as National Suicide Prevention Awareness Month and is intended to help promote awareness surrounding each of the Suicide Prevention resources available to us and our community. The simple goal is to learn how to help those around us and how to talk about suicide without increasing the risk of harm; and

**WHEREAS;** Suicidal thoughts can affect anyone regardless of age, gender, race, orientation, income level, religion, or background; and

**WHEREAS;** According to the CDC, each year more than 41,000 people die by suicide; and

**WHEREAS;** Suicide is the 10<sup>th</sup> leading cause of death among adults in the US, and the 2<sup>nd</sup> leading cause of death among people ages 10-24; and

**WHEREAS;** **Mountain Brook, Alabama** is no different than any other community in the country, but chooses to publicly state and place our full support behind local educators, mental health professionals, athletic coaches, pack leaders, police officers, and parents, as partners in supporting our community in simply being available to one another; and

**WHEREAS;** local organizations like Suicide Prevention Services (SPS) and national organizations like the National Alliance on Mental Illness (NAMI) are on the front lines of a battle that many still refuse to discuss in public, as suicide and mental illness remain too taboo a topic to speak on; and

**WHEREAS;** every member of our community should understand that throughout life's struggles we all need the occasional reminder that we are all silently fighting our own battles; and

**WHEREAS;** I encourage all residents to take the time to inquire as to the wellbeing of their family, friends, and neighbors over the next few days and to genuinely convey their appreciation for their existence by any gesture they deem appropriate. A simple phone call, message, handshake, or hug can go a long way towards helping someone realize that suicide is not the answer.

**NOW, THEREFORE, I, Stewart H. Welch III, by virtue of the authority vested in me as Mayor of the City of Mountain Brook, do hereby proclaim the month of September 2019, as National Suicide Prevention Awareness Month in the City of Mountain Brook, Alabama.**

**IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 9th day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243rd.**

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Stewart H. Welch III, Mayor

2019-132

## **GYNECOLOGIC CANCER AWARENESS MONTH**

**WHEREAS**, gynecologic (GYN) cancers are among the leading cancer killers of women in the United States, and more than 107,000 women will be diagnosed, and more than 31,000 women will die from these diseases this year and the absence they leave in our hearts will be deeply felt forever; and

**WHEREAS**, the Laura Crandall Brown Foundation and their “A State of Teal” initiative brings awareness of all GYN cancers to the people throughout the State of Alabama; and

**WHEREAS**, the good health and well-being of women in our state and the City of Mountain Brook are enhanced by increased awareness of GYN cancers and their symptoms and treatments; and

**WHEREAS**, it is also crucial that all women in our state and the City of Mountain Brook take an active role in learning the symptoms and risk factors associated with GYN cancers, developing healthy habits, and undergoing regular medical examinations so that any occurrence of these diseases may be detected in their early and treatable stages; and

**WHEREAS**, we reflect upon the memory of those lost to these diseases, the bravery of those currently battling these diagnoses, and the need for increased awareness, screening, and research so that the women of our state and the City of Mountain Brook might be spared from them in the future, and encourage all citizens to work together to raise awareness of GYN cancers; and

**NOW, THEREFORE**, I, Stewart Welch III, Mayor of the City of Mountain Brook, Alabama, do hereby proclaim September 2019, as

### **“GYNECOLOGIC CANCER AWARENESS MONTH”**

throughout the City and encourage all residents of Mountain Brook to work together to raise awareness of GYN cancers and do commend this observance to all our citizens.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 9th day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243<sup>rd</sup>.

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Stewart H. Welch III, Mayor

2019-133

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
AUGUST 12, 2019**

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The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:15 p.m. on the 26th day of August, 2019. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President  
William S. Pritchard III, Council President Pro Tempore  
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.

**1. AGENDA**

1. Feral cat issues in Crestline—John Allen Roberts of 704 Euclid Avenue (Appendix 1). Also present who were in attendance to express their concern about the feral cats were four neighbors including Jeremy Herskowitch and Alex Mattheyses of 120 Fairmont Drive. It was suggested that Council members Black and Shelton and Police Chief Cook meet to develop a plan to address the issues raised by the residents.
2. Transit system update—Richard Goldstein
3. Concerns about low hanging utility lines on Salisbury Road—Robert Walthall (Appendix 2). The City Manager shall continue to press the utility providers to clean-up the low hanging lines and other issues and make contact with the Public Service Commission to seek their assistance in the matter considering the City's has no authority over the easements or utility providers.
4. Review of the other matters to be considered at the formal (7 p.m.) meeting. Resolution No. 2019 and Motion Mo. 2019-121 were added to the formal meeting agenda.

**2. ADJOURNMENT**

There being no further matters for discussion, Council President Smith adjourned the meeting at approximately 7 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 at City Hall, Pre-Council Room (A106) on August 26, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said work session.

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City Clerk  
Approved by City Council September 9, 2019

**MINUTES OF THE REGULAR OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK  
AUGUST 26, 2019**

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The City Council of the City of Mountain Brook, Alabama met in public session in the City Hall Council Chamber at approximately 7:00 p.m. on the 26th day of August, 2019. The Council President called the meeting to order and the roll was called with the following results:

**Present:** Virginia C. Smith, Council President  
William S. Pritchard III, Council President Pro Tempore  
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. RECOGNITION OF GUEST**

Council President Smith recognized Elle Warren from Boy Scout from Troop 86 in attendance for the Communications merit badge.

**2. CONSENT AGENDA**

Council President Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the August 12, 2019, regular meeting of the City Council

<b>2019-112</b>	Reappoint Katie Wohlwend to the Villages Design Review Committee to service without compensation through August 23, 2022 (re: Resolution No. 2019-106)	Exhibit 1, Appendix 1
<b>2019-113</b>	Recommend to the ABC Board the issuance of a 020 – Restaurant Retail Liquor license to Bobby Carl's Table, 2031 Cahaba Road Suite A, Mountain Brook, AL 35223	Exhibit 2, Appendix 2
<b>2019-114</b>	Declare certain property surplus and authorizing its sale at public Internet auction	Exhibit 3
<b>2019-115</b>	Award the bid for the purchase of a storage building for use by the Police Department at the target range	Exhibit 4, Appendix 3
<b>2019-116</b>	Authorize the execution of an agreement between the City and Kadco, LLC with respect to public improvements to be constructed along Poe Drive	Exhibit 5, Appendix 4
<b>2019-117</b>	Authorize the display of a plant stand in the right-of-way by Leaf 'n Petal	Exhibit 6, Appendix 5



<b>2019-118</b>	Authorize the establishment of a checking account for the 10 cent state gasoline taxes	Exhibit 7
<b>2019-119</b>	Approve the tentative fiscal year 2020 street resurfacing list	Exhibit 8
<b>2019-120</b>	Award the bid for the purchase and maintenance of chest compression devices (B-20190724-536) submitted by Henry Schein Incorporated	Exhibit 9, Appendix 6
<b>2019-121 Motion</b>	Authorize the expenditure of \$1,250 payable to Walter Schoel Engineering to review the roundabout project drainage plans	

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

Council President Smith thereupon declared that said minutes, resolutions (Nos. 2019-112 through 2019-120) and motion (No. 2019-121) are adopted by a vote of 5—0 and as evidence thereof she signed the same.

**3. PUBLIC HEARING TO CONSIDER AN ORDINANCE REZONING THE PROPERTY ALONG FAIRHAVEN DRIVE REGARDING THE OVERTON VILLAGE TOWNHOMES (APPENDIX 7)**

Council President Smith introduced the ordinance in writing and invited comments from the applicant or representative thereof.

Tommy Brigham of 2548 Ashford Place, 35243 representing the applicant Ron Durham, stated that the applicant wishes to continue the public hearing until the September 9, 2019 meeting of the City Council.

There being no further comments or discussion, Council President Smith called for a motion. Council member Black moved that the public hearing be continued until September 9, 2019. The motion was seconded by Council President Smith and was unanimously carried, 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

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

**4. PUBLIC HEARING: CONSIDERATION AN ORDINANCE AMENDING THE LANE PARKE PLANNED UNIT DEVELOPMENT (PUD) MASTER DEVELOPMENT PLAN WITH RESPECT TO DRIVE-THROUGHS (EXHIBIT 10, APPENDIX 8)**

Council President Smith introduced the ordinance in writing and invited opening comments from the developers' representatives.

Mel McElroy of 1901 6th Avenue North, Suite 2400, representing the applicant, Evson, Inc.:

- After hearing the comments from the community, elected officials, City Attorney and City Planner Hazen at the August 12, 2019, public hearing, the applicant requests a continuance of the public hearing until September 23, 2019
- The applicants intends to amend the PUD language to clarify or amend the following:
  - 1) the proposed drive-through in the Treadwell block will not include either food or coffee shop as a permitted use (permitted uses shall include a bank, pharmacy or dry cleaners)
  - 2) Skipper Consulting is performing further traffic analysis the report of which will be available for the next public hearing

There being no further comments or discussion, Council President Smith called for a motion. Council member Black moved that the public hearing be continued until September 23, 2019. The motion was seconded by Council President Smith and was unanimously carried, 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

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

## 5. ANNOUNCEMENTS

The next regular meeting of the City Council will be September 9, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.

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

## 6. ADJOURNMENT

There being no further business to come before the City Council, Council President Smith adjourned the meeting at approximately 7:05 p.m.

## 7. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on August 26, 2019, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

\_\_\_\_\_  
 City Clerk  
 Approved by City Council September 9, 2019

**RESOLUTION NO. 2019-122**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the creation of one (1) Planner position (Class no. 03084, G22) for the Planning, Building and Sustainability Department to be filled at the discretion of the City Manager in accordance with the "Rules and Regulations" of the Personnel Board of Jefferson County.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** This 9th day of September, 2019.

\_\_\_\_\_  
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 regular meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2019-123**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the payment from the General Fund of \$300,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** This 9th day of September, 2019.

\_\_\_\_\_  
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 regular meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2019-124**

**A RESOLUTION AUTHORIZING THE SALE OR DISPOSAL  
OF CERTAIN SURPLUS PROPERTY**

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

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

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook, as follows:

Section 1. It is hereby established and declared that the following property owned by the City of Mountain Brook, Alabama is not needed for public or municipal purposes and is hereby declared surplus property:

<b>Description</b>
9 ACER V172 17" monitors: SN: 16885, 22785, 21385, 16085, 22285, 14185, 15185, 20285, 22985.
HP color printer 3005: SN: CNB1F00868
HP color printer 1600: SN: CNCC8DF0FZ
HP color printer 1518: SN: CNBC68HD63
HP printer Officejet 8600 SN: GN3CJFXGRR
HP printer 2035: SN: CNB9K78782
2 Office Depot cash drawers No SN
Triplite Portable AC SN: C88E000145
Vivitek Projector Model D6010: SN: WD60102380008
Crestron unit: Controller SN: 9588069, Changer SN: 8907198, Hand held SN: 7064462, Wireless SN: 8215488
Altona VGA video distribution system: SN: 52800014
Samsung 32" TV/monitor: SN: 05357L
2 NEC monitors SN: 34554, 74675
Sonic wall firewall model 3500: SN: 7794
8 HP desktop PC's SN: MXL94001F6, MXL8390K6Z, MXL839Dk74, 2UA81314VD, 2UA1271V2L, MXL94208JQ, MXL94208JN, MXL831OK75
2008 Dodge Durango, VIN 1D8HB48N08F124042

Section 2. That the City Manager, or his designated representative, is hereby authorized and directed to sell said property by way of public Internet auction.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** This 9th day of September, 2019.

\_\_\_\_\_  
Mayor

**RESOLUTION NO. 2019-125**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that effective October 1, 2019, the salaries of all employees (classified and unclassified/full-time and part-time) of the City of Mountain Brook, Alabama, including employees of The Emmet O’Neal Library Board, Parks and Recreation Board shall be increased by one and three-quarters of one percent (1.75%) over the current salary schedule.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that effective October 1, 2019, 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, shall also be increased by one and three-quarters of one percent (1.75%).

**ADOPTED:** The 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** The 9th day of September, 2019.

\_\_\_\_\_  
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 meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk

**RESOLUTION NO. 2019-126**

**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, 2018 AND ENDING SEPTEMBER 30, 2019**

**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, 2016, and ending September 30, 2020 (as adopted by the City Council of the City of Mountain Brook upon its adoption of Ordinance No. 2052 on September 9, 2019):

		(For Reference Only)	
<u>Ledger No.</u>	<u>Account Description</u>	<u>9/30/2020</u>	<u>9/30/2019</u>
		<u>Budget</u>	<u>Budget</u>
531-3305-4500	Fines & Forfeitures (Act 03-289)	\$ (2,000.00)	\$ (2,000.00)
531-3404-4050-3401	E-911 Surcharge (Mobile)	\$ (355,000.00)	\$ (355,000.00)
531-3407-4400	Other Investment Earnings	<u>\$ (1,200.00)</u>	<u>\$ (1,200.00)</u>
<b>E911 Revenue</b>		<b>\$ (358,200.00)</b>	<b>\$ (358,200.00)</b>
531-1213-6307	Bank Fees	\$ 300.00	\$ 300.00
531-3510-6210	Development-Training	\$ 25,000.00	\$ 25,000.00
531-3510-6300	Supplies/Exp-General	\$ 4,500.00	\$ 1,000.00
531-3510-6464	Service Contr-Comm Equip	\$ 24,000.00	\$ 24,000.00
531-3510-6610	Utilities-Telephone	\$ 46,400.00	\$ 82,000.00
531-3516-6910	Transfers-City General Fund	\$ 258,000.00	\$ 271,000.00
531-3516-6941	Transfers-Capital Projects Fnd	\$ 0.00	\$ 0.00
531-3590-6941	Transfers-Capital Projects Fnd	<u>\$ 0.00</u>	<u>\$ 0.00</u>
<b>E911 Expenses</b>		<b><u>\$ 358,200.00</u></b>	<b><u>\$ 403,300.00</u></b>
<b>Excess of (Revenue) Over</b>			
<b>Expenditures</b>		<b>\$ 0.00</b>	<b>\$ 45,100.00</b>
(Fund Balance), Beginning of Year		<u>\$ (184,731.00)</u>	<u>\$ (229,831.00)</u> <sup>(1)</sup>
<b>(Fund Balance), End of Year</b>		<b><u>\$ (184,731.00)</u></b>	<b><u>\$ (184,731.00)</u></b>

**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.

<sup>(1)</sup> As reported in the audited financial statements of the City of Mountain Brook as of and for the year ended September 30, 2018.

**ADOPTED AND APPROVED:** The 9th of September, 2019.

\_\_\_\_\_  
Virginia C. Smith, Chairman

**Resolution pending receipt of the 2020 medical premium notification from the Local Government Health Insurance Plan.**



**RESOLUTION NO. 2019-128**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional use application submitted by LAH Realty (professional office use) for 2 Dexter Avenue.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** This 9th day of September, 2019

\_\_\_\_\_  
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 regular meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk



**CITY OF MOUNTAIN BROOK**

**Dana O. Hazen, AICP**  
**Director of Planning,**  
**Building & Sustainability**  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3816  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

**DATE:** September 5, 2019

**TO:** Mayor, City Council, City Manager, City Attorney

**FROM:** Dana Hazen

**RE:** Conditional Use: Professional Office – 2 Dexter Avenue

The proposal is to utilize 1,500 sf of the former Mafiaozza's restaurant space for an LAH office. The applicant's letter does not describe the number of agents anticipated to utilize this site, but describes that realty offices are generally not used frequently, with agents utilizing mobile resources to conduct business. His letter does indicate that weekly sales meetings are to be held on Tuesday mornings between the hours of 9-10:30 am; a time when the on-site parking may not be utilized for any future restaurant or retail venture in the remainder of the main level space.

This site/building is nonconforming with respect to on-site parking, with 15 parking spaces serving the building, where 36 would be required today.

Based on the applicant's description of the existing basement use, it appears that only a few parking spaces are actually needed for that use. It is not known what the proposed parking impact might be for the remainder of the main level without knowing what is to become of the remainder <restaurant> use.

The village overlay standards require a parking ratio of 4/1000 for the 5000 sf office use in the basement (20 spaces). 4/1000 is required for proposed professional office use (6 spaces) and 5/1000 is required for the remainder of the main level (should it be used for retail or restaurant) (10 spaces).

It is possible that the shared on-site parking may be adequate for all proposed uses, should they have complimentary hours of operation.

Ms. Hazen,

Following up from our telephone call two or three days ago, please find attached a floor plan of the new LAH office space and how it will be separated from what most likely will become a new restaurant, mostly because of the existence of a kitchen. LAH will occupy the space on the left side of the building.

The residential real estate business has changed a lot in the last 10 years with the advent of smart devices. While it used to be common for agents to come to the office and do their work, it is far more common now for them to do almost of their work on the road and at home. The one exception is that it is common for our company (and others too) to have weekly sales meetings on Tuesday morning at 9:00 or 9:30 which generally last about an hour and is followed up by the weekly caravan and open houses.

Except for Tuesday morning our parking requirement is pretty light. Our normal business hours are M-F, 8-5.

Details on the building:

Upper floor is 4,470 total SF.

After construction will become:

LAH - 1,559 SF (requires 6 parking spaces at 4/1000)

Restaurant (TBD) - 2,591 SF (requires 12 parking spaces at 5/1000)

(Common bathrooms - 320 SF)

Lower level is approx 5,000 SF.(requires 20 parking spaces at 4/1000).

The entire lower level is leased to J Rock, which is the Black Jacket Symphony. They have two offices, rarely occupied, and the rest is all storage space for the band. This use is likely to remain for a while.

Tom Carruthers



**RESOLUTION NO. 2019-129**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that the City Council hereby approves the conditional use application submitted by Meta Fitness (personal fitness use) for 3150 Overton Road.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

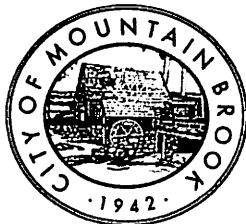
**APPROVED:** This 9th day of September, 2019

\_\_\_\_\_  
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 regular meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk



CITY OF MOUNTAIN BROOK

Dana O. Hazen, AICP  
Director of Planning,  
Building & Sustainability  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3816  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: September 5, 2019

TO: Mayor, City Council, City Manager, City Attorney

FROM: Dana Hazen

RE: Conditional Use: Personal Training in previous Villager Yoga - Overton Road Shopping Center

Meta Fitness is an existing council-approved conditional use in the Overton Road Shopping Center; it was approved in 2016 for the following use in a 1,200 sf suite:

“A fitness studio with one-on-one training (no group classes). The studio is approved to utilize five (5) trainers at one time. The approved hours of operation are M-F from 5am-8pm, Saturday 6am- 2pm, and Sunday by appointment only.”

The current proposal is to relocate the business into the adjoining 2,400sf suite (previous Villager Yoga). The number of trainers would increase to a total of 8 at one time. Proposed hours of operation have been reduced to: M-F 6am-7pm, Saturday: 7am-12pm, and closed on Sunday.

Villager Yoga was a council-approved conditional use in 2011, approved for group classes 7 days per week, morning through evening. Approximately 20 classes per week, each comprised of 8-15 clients. It would appear that the proposed personal trainer use in the previous Yoga suite would be a reduction in overall parking demand for that suite. *It has been reported that Villager Yoga seeks to down-size to the existing Meta Fitness suite (thereby “swapping suites”), but that proposal will need to come before the council for approval; nothing has been submitted in that regard.*

The village overlay standards require a parking ratio of 5/1000 for this type of service use. Since this shopping center was constructed before incorporation into the City of Mountain Brook, it is nonconforming with respect to parking, with fifty-three (53) on-site parking spaces where seventy-two (72) would be required for a retail parking ratio by today’s code.

In 2011, the council approved an off-site parking agreement for this property, binding the on-site shopping center (and specifically the nail salon) to the parking lot on the opposite side of Fairhaven Drive. Twenty-four (24) of the off-site parking spaces are credited to the nail salon in 2011, leaving (24) twenty-four surplus parking spaces for employees and patrons of the shopping center. Based on the overall square footage of the building (14,400) and the on-site parking of 53 (not including the off-site parking), the unit in question (2,400 sf) has a credit of 8 parking spaces.

The current parking requirement for personal fitness is one parking space for each 150 square feet, or 16 spaces (2400/150=16). Minus the 8-space credit for the Villager Yoga space, 8 additional spaces in the off-site parking lot must be credited to the Meta Fitness use, reducing the surplus to 16. As such it appears that adequate parking exists between the on-site and off-site parking for the subject use.



# META FITNESS STUDIO®

## **Use Of Space Description**

Meta Fitness Studio is a private, one-on-one personal training studio, specializing in creating customized training plans for our clients. We are seeking to move into the Villager Yoga space, which is 2400 sq. ft. We currently have 1200 sq. ft., 5 trainers (4 FT and 1 PT) and would aim to have 8 trainers in our new space continuing to serve our clients on a one-to-one basis. Our hours of operation are as follows:

Monday - Friday: 6am-7pm

Saturday: 7am - 12pm

Sunday: Closed

# Pending Bid Tabulation

## RESOLUTION NO. 2019-134

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the bid for the purchase of portable targets for the Police Department target range (B-20190627-524) submitted by \_\_\_\_\_ is hereby accepted having been determined to meet specifications and to represent the best and lowest bid.

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the Mayor or City Manager of the City is hereby authorized and directed to issue a purchase order and to execute such other documents that may be determined necessary with respect to said purchase.

**ADOPTED:** This 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** This 9th day of September, 2019.

\_\_\_\_\_  
Mayor

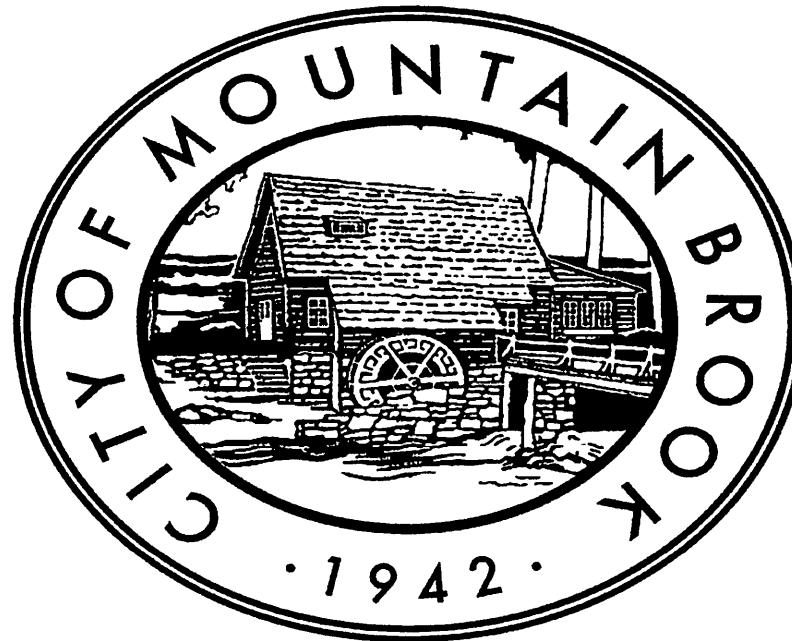
### CERTIFICATION

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 meeting held on September 9, 2019, as same appears in the minutes of record of said meeting.

\_\_\_\_\_  
City Clerk



**Official Budget**  
**City of Mountain Brook, Alabama**



**Fiscal Year Beginning**  
**October 1, 2019 Through**  
**September 30, 2020**

**Adopted on September 9, 2019 (Ordinance No. 2052)**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK,  
ALABAMA, AMENDING THE BUDGET FOR THE FISCAL YEAR BEGINNING  
OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020**

**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, 2019, and ending September 30, 2020:

	<b>General Operations</b>	<b>Park Board</b>	<b>Library Board</b>	<b>Capital Projects</b>	<b>Other Governmental</b>	<b>All Other</b>
	<u>(100)</u>	<u>(115)</u>	<u>(70X)</u>	<u>(417/428/441)</u>	<u>(5XX/600)</u>	<u>(132/14X/153)</u>
<b>Funds Available:</b>						
<b>Revenues:</b>						
Taxes	\$ 33,160,400	\$ 0	\$ 0	\$ 0	\$ 564,400	\$ 0
Licenses and permits	4,953,840	0	0	0	0	0
Intergovernmental	370,000	141,547	0	0	0	46,816
Charges for services	535,100	147,357	10,000	0	435,000	46,818
Fines and forfeitures	431,000	0	23,000	0	213,200	0
Grants	5,600	11,200	16,692	1,295,200	0	0
Investment Earnings	300,000	500	0	263,000	6,490	8,200
Miscellaneous	302,000	3,000	6,500	25,000	176,000	0
Proceeds from the issuance of debt	0	0	0	0	0	0
Proceeds from the sale of property	0	0	0	0	0	0
Intrafund transfers in:						
General Operations/Capital	0	0	0	3,151,773	654,623	0
Park Board	0	0	0	308,700	0	0
Library Board	0	0	0	33,000	0	0
Other (14X/153)	(46,818)	0	0	0	0	0
E-911	0	0	0	0	0	0
Operating transfers in-component unit	0	0	80,100	0	0	0
Donations	0	0	70,400	0	0	0
(Surplus) deficit	<u>(346,000)</u>	<u>0</u>	<u>735</u>	<u>2,394,852</u>	<u>(393,768)</u>	<u>(33,197)</u>
<b>Total Fund Available</b>	<u>\$ 39,665,122</u>	<u>\$ 303,604</u>	<u>\$ 207,427</u>	<u>\$ 7,471,525</u>	<u>\$ 1,655,945</u>	<u>\$ 68,637</u>
<b>Expenditures:</b>						
Legislation and management	\$ 2,654,235	\$ 0	\$ 0	\$ 5,000	\$ 0	\$ 0
Planning, Building & Sustainability	499,731	0	0	5,000	0	0
Intergovernmental	1,035,500	0	0	0	0	0
Unassigned benefits	1,415,200	0	0	0	0	0
Finance	1,685,547	0	0	445,250	374,066	0
Fire	7,981,870	0	0	937,500	0	0
Inspection Services	504,369	0	0	0	0	0
Police	8,476,840	0	0	1,453,790	495,679	0
Street and Sanitation	6,965,467	0	0	3,890,785	786,200	0
Parks and Recreation	0	1,249,251	0	618,200	0	140,455
Library	0	0	3,535,047	116,000	0	0
Debt service payments	0	0	0	0	0	0
Operating transfers-out:						
General Fund	0	0	0	0	0	(46,818)
Capital Projects	3,493,473	0	0	0	0	0
Special Revenue	270,275	0	0	0	0	0
Debt Service (Other)	384,348	0	0	0	0	0
Other funds (Other)	25,000	0	0	0	0	(25,000)
Park Board	945,647	(945,647)	0	0	0	0
Library Board	<u>3,327,620</u>	<u>0</u>	<u>(3,327,620)</u>	<u>0</u>	<u>0</u>	<u>0</u>
<b>Total Expenditures</b>	<u>\$ 39,665,122</u>	<u>\$ 303,604</u>	<u>\$ 207,427</u>	<u>\$ 7,471,525</u>	<u>\$ 1,655,945</u>	<u>\$ 68,637</u>

**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 9th of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** The 9th of September, 2019.

\_\_\_\_\_  
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 \_\_\_\_, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereon on September \_\_\_\_, 2019, 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

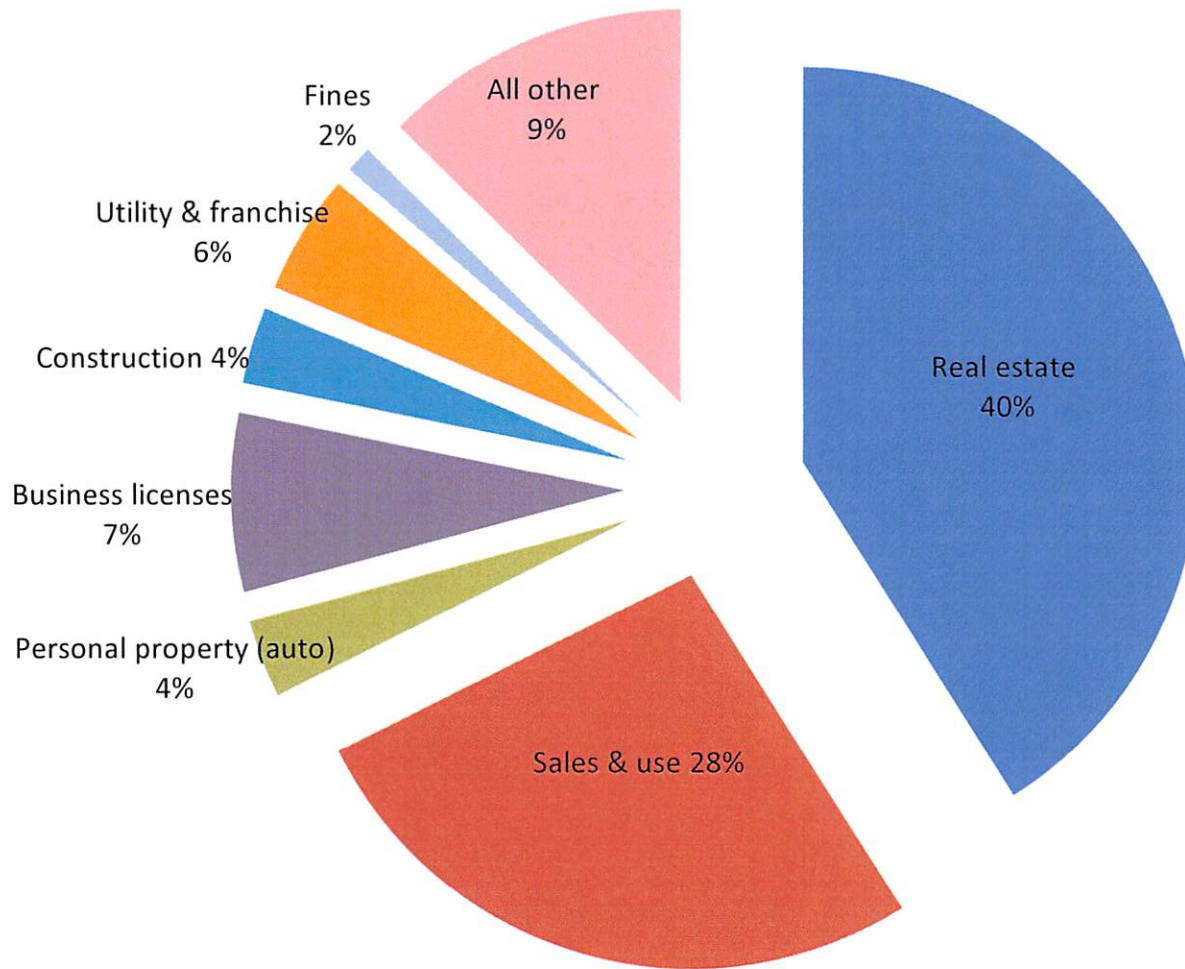
\_\_\_\_\_  
City Clerk

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

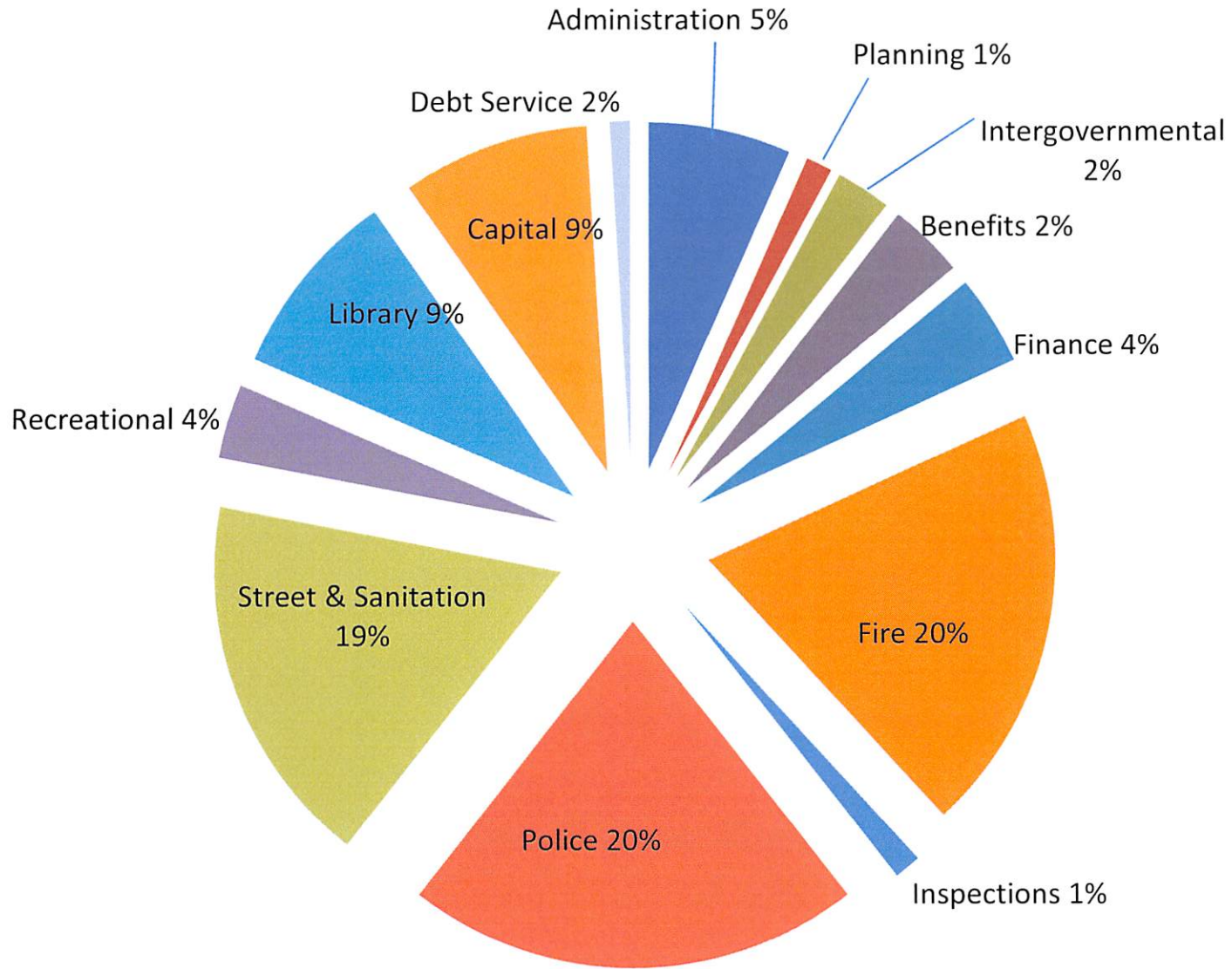
	2020						
	General Fund 1XX, 7XX	Capital Projects 4XX	Debt Service 6XX	Other Governmental Funds 5XX	Total Governmental Funds Budget 2020	Total Governmental Funds Budget 2019	Actual 2018
<b>Revenues:</b>							
Taxes	\$ 33,160,400	\$ 0	\$ 0	\$ 564,400	\$ 33,724,800	\$ 32,808,657	\$ 31,290,829
Licenses and permits	4,953,840	0	0	0	4,953,840	5,018,680	4,856,121
Intergovernmental	558,363	0	0	0	558,363	199,790	185,943
Charges for services	739,275	0	0	435,000	1,174,275	1,194,947	1,110,213
Fines and forfeitures	454,000	0	0	213,200	667,200	747,900	767,452
Grants	33,492	1,295,200	0	0	1,328,692	1,028,268	1,829,602
Investment Earnings	308,700	263,000	4,000	2,490	578,190	178,570	132,303
Miscellaneous	311,500	25,000	0	176,000	512,500	502,000	501,314
<b>Total Revenues</b>	<b>40,519,570</b>	<b>1,583,200</b>	<b>4,000</b>	<b>1,391,090</b>	<b>43,497,860</b>	<b>41,678,812</b>	<b>40,673,777</b>
<b>Expenditures:</b>							
General government	7,290,213	455,250	0	374,066	8,119,529	7,289,226	7,030,414
Public safety	16,963,079	2,391,290	0	495,679	19,850,048	18,806,215	17,379,525
Street & sanitation	6,965,467	3,890,785	0	786,200	11,642,452	10,344,534	11,436,859
Recreational	1,389,706	618,200	0	0	2,007,906	2,841,281	1,598,060
Library	3,535,047	116,000	0	0	3,651,047	3,530,698	3,322,493
<b>Total Expenditures</b>	<b>36,143,512</b>	<b>7,471,525</b>	<b>0</b>	<b>1,655,945</b>	<b>45,270,982</b>	<b>42,811,954</b>	<b>40,767,351</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>4,376,058</b>	<b>(5,888,325)</b>	<b>4,000</b>	<b>(264,855)</b>	<b>(1,773,122)</b>	<b>(1,133,142)</b>	<b>(93,574)</b>
<b>Other Financing Sources (Uses):</b>							
Proceeds from the issuance of debt	0	0	0	0	0	0	0
Operating transfers in	0	3,493,473	384,348	270,275	4,148,096	4,548,849	4,649,123
Operating transfers (out)	(4,148,096)	0	0	0	(4,148,096)	(4,548,849)	(4,649,123)
Operating transfers in-component unit	80,100	0	0	0	80,100	139,000	78,039
Donations	70,400	0	0	0	70,400	275,610	187,170
<b>Total Other Financing Sources</b>	<b>(3,997,596)</b>	<b>3,493,473</b>	<b>384,348</b>	<b>270,275</b>	<b>150,500</b>	<b>414,610</b>	<b>265,209</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>378,462</b>	<b>(2,394,852)</b>	<b>388,348</b>	<b>5,420</b>	<b>(1,622,622)</b>	<b>(718,532)</b>	<b>171,635</b>
Fund balance, beginning of year	17,641,866	14,838,211	1,708,984	557,018	34,746,079	(1) 32,120,586	33,311,995
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 18,020,328</b>	<b>\$ 12,443,359</b>	<b>\$ 2,097,332</b>	<b>\$ 562,438</b>	<b>\$ 33,123,457</b>	<b>\$ 31,402,054</b>	<b>\$ 33,483,630</b>

(1) 2020 beginning fund balance calculated using 2019 projected surpluses.

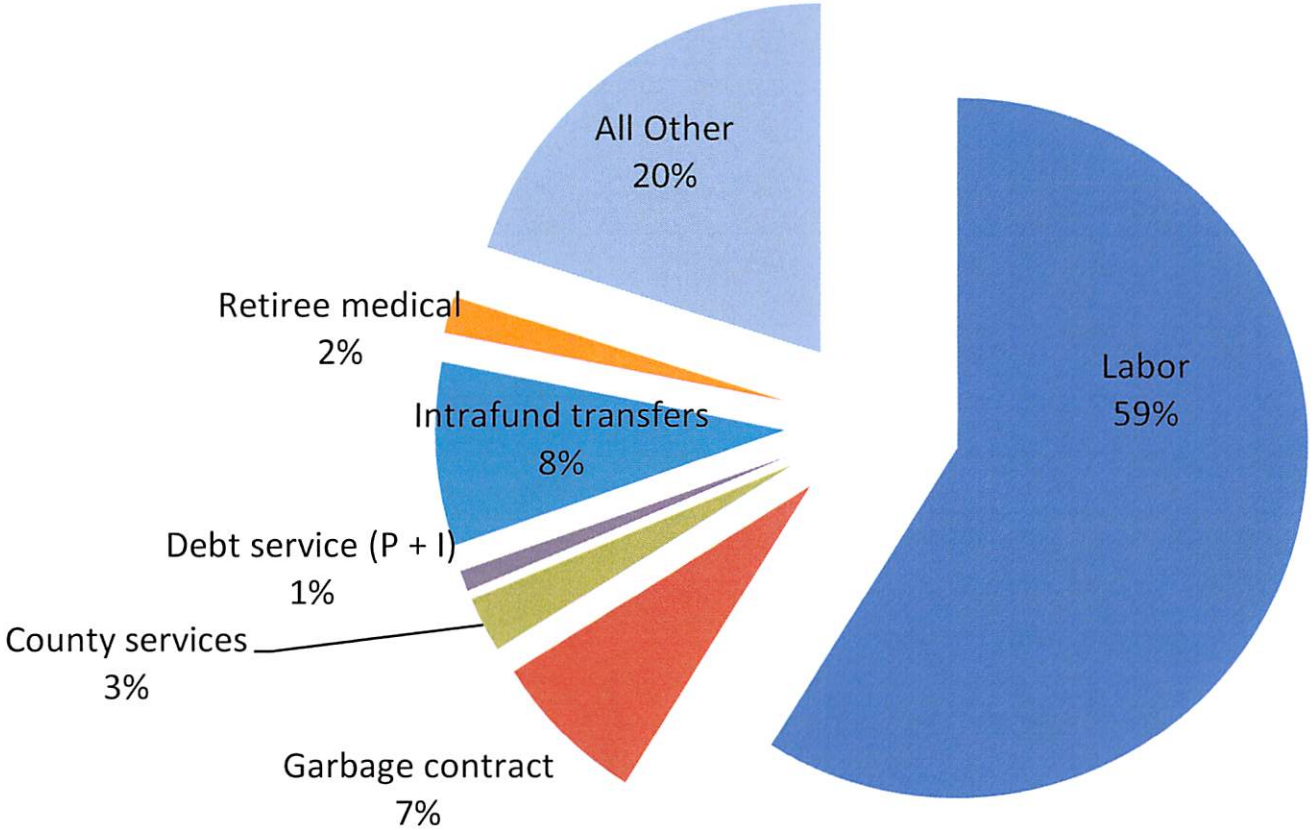
## 2020 General Fund Revenue Budget



# 2020 General Fund Expense Budget



# 2020 General Fund Expense Budget



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

	<b>Actual 2018</b>	<b>Budget 2019</b>	<b>Projected 2019</b>	<b>Budget 2020</b>
<b>Revenues</b>	<b>\$ 37,870,742</b>	<b>\$ 38,875,237</b>	<b>\$ 39,412,442</b>	<b>\$ 40,057,940</b>
<b>Expenses and Intrafund Transfers:</b>				
<b>General Government</b>	<b>13,924,430</b>	<b>13,566,359</b>	<b>13,094,685</b>	<b>13,638,394</b>
Legislation & Management	3,641,842	3,029,218	3,052,790	3,124,935
Planning	394,499	425,773	427,262	499,731
Intergovernmental	997,560	1,004,500	1,002,109	1,035,500
Benefits (Unassigned)	1,313,319	1,378,200	1,351,323	1,415,200
Intrafund Transfers-Park Board	1,098,685	1,174,398	1,078,098	1,254,347
Intrafund Transfers-Library Board	3,123,004	3,244,765	3,092,996	3,360,620
Intrafund Transfers-All Other	1,646,686	1,695,495	1,365,049	1,148,214
<b>Finance</b>	<b>1,708,835</b>	<b>1,614,010</b>	<b>1,725,058</b>	<b>1,799,847</b>
Administration	590,559	554,660	586,885	637,649
Revenue	425,082	311,967	382,102	356,120
Accounting	273,689	300,082	296,310	313,636
Network Administration	419,505	447,301	459,761	492,442
<b>Public Safety</b>	<b>16,357,164</b>	<b>17,719,666</b>	<b>17,508,338</b>	<b>18,646,679</b>
<b>Fire</b>	<b>7,806,568</b>	<b>8,264,972</b>	<b>8,263,631</b>	<b>8,535,670</b>
Administration	1,100,621	1,176,015	1,181,657	1,158,999
Training & Safety	177,515	185,004	187,574	190,604
Prevention	217,624	256,891	258,896	278,809
EMS Transportation	434,031	459,826	476,895	489,780
Suppression	5,876,777	6,187,236	6,158,609	6,417,478
<b>Inspections</b>	<b>447,481</b>	<b>489,953</b>	<b>502,874</b>	<b>518,169</b>
<b>Police</b>	<b>8,103,115</b>	<b>8,964,741</b>	<b>8,741,833</b>	<b>9,592,840</b>
Administration	2,586,461	2,815,926	2,841,352	3,133,613
Training	163,181	180,000	168,607	162,000
Patrol	4,130,323	4,333,822	4,218,420	4,555,777
Detectives	999,211	995,396	996,168	1,071,043
School Resource Officers	223,939	639,597	517,286	670,407
<b>Public Works</b>	<b>6,968,838</b>	<b>7,469,212</b>	<b>7,268,027</b>	<b>7,426,867</b>
Administration	1,285,580	1,376,105	1,334,627	1,294,098
Gargage & Trash Contract	2,870,506	2,844,000	2,870,795	2,917,000
Heavy Construction	1,108,586	1,118,424	1,076,818	1,176,564
Traffic & Right-of-Way	1,536,477	1,881,466	1,825,741	1,871,267
Fleet Maintenance	167,689	249,217	160,046	167,938
<b>Total Expenses and Transfers</b>	<b><u>37,250,432</u></b>	<b><u>38,755,237</u></b>	<b><u>37,871,050</u></b>	<b><u>39,711,940</u></b>
<b>Surplus (Deficit)</b>	<b><u>\$ 620,310</u></b>	<b><u>\$ 120,000</u></b>	<b><u>\$ 1,541,392</u></b>	<b><u>\$ 346,000</u></b>



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

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Budget 2019	2020
<b>Taxes</b>									Audited	Budget	Projected	Budget
Real property	\$ 14,322,580	\$ 13,890,843	\$ 13,873,635	\$ 13,512,485	\$ 13,867,794	\$ 13,994,315	\$ 14,443,548	\$ 15,155,623	\$ 15,570,510	\$ 15,927,000	\$ 16,149,000	\$ 16,629,000
Sales and use	7,854,903	8,476,522	9,112,494	9,578,337	9,808,223	10,158,557	10,285,530	10,656,090	10,703,490	11,023,000	10,716,000	10,781,000
Occupational	0	0	0	0	0	0	0	0	0	0	0	0
Utility	1,450,440	1,460,206	1,365,487	1,284,421	1,288,163	1,325,088	1,283,444	1,253,385	1,266,010	1,266,000	1,362,000	1,362,000
Personal property	1,047,869	1,079,079	1,152,424	1,208,485	1,217,199	1,306,732	1,392,583	1,382,497	1,286,922	1,376,957	1,281,000	1,294,000
Road and bridge	590,899	572,584	575,000	565,066	550,686	596,475	604,774	627,182	646,115	647,000	647,000	647,000
Other	1,016,068	903,688	1,030,681	1,038,515	1,127,178	1,238,322	1,506,051	1,810,442	2,069,422	2,154,300	2,494,931	2,447,400
<b>Total taxes</b>	<b>26,282,759</b>	<b>26,382,922</b>	<b>27,109,721</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>32,394,257</b>	<b>32,649,931</b>	<b>33,160,400</b>
<b>Licenses and permits</b>												
Business	2,130,822	2,165,612	2,223,912	2,492,623	2,531,307	2,679,512	2,815,615	3,046,371	2,991,535	3,138,000	2,963,000	2,967,000
Construction permits	624,309	753,444	800,820	1,100,204	1,347,583	1,143,394	1,119,259	1,076,879	1,160,304	1,197,000	1,280,000	1,280,000
Cable TV franchise fees	347,757	352,964	391,701	424,912	389,500	423,068	432,600	412,824	396,782	400,000	400,000	400,000
Waterworks Board	159,242	207,939	216,090	216,839	192,875	215,518	208,099	254,138	219,051	219,000	238,000	238,000
Other	64,720	60,310	61,928	62,115	65,154	63,674	65,373	65,909	66,127	64,680	68,840	68,840
<b>Total licenses and permits</b>	<b>3,326,850</b>	<b>3,540,269</b>	<b>3,694,451</b>	<b>4,296,693</b>	<b>4,526,419</b>	<b>4,525,166</b>	<b>4,640,946</b>	<b>4,856,121</b>	<b>4,833,799</b>	<b>5,018,680</b>	<b>4,949,840</b>	<b>4,953,840</b>
<b>Intergovernmental</b>	<b>82,826</b>	<b>84,874</b>	<b>85,613</b>	<b>84,547</b>	<b>85,443</b>	<b>92,199</b>	<b>92,199</b>	<b>185,943</b>	<b>189,926</b>	<b>199,790</b>	<b>236,069</b>	<b>558,363</b>
<b>Charges for services</b>												
Garbage fees	34,062	32,436	39,235	35,589	34,086	33,890	29,175	30,977	29,948	30,000	32,000	32,000
Other	591,636	619,716	714,561	693,408	730,347	695,790	688,534	678,795	628,736	729,947	723,829	707,275
<b>Total charges for services</b>	<b>625,698</b>	<b>652,152</b>	<b>753,796</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>759,947</b>	<b>755,829</b>	<b>739,275</b>
<b>Fines and forfeitures - court</b>	<b>514,542</b>	<b>529,522</b>	<b>446,682</b>	<b>559,465</b>	<b>577,844</b>	<b>643,492</b>	<b>575,406</b>	<b>586,293</b>	<b>514,978</b>	<b>534,700</b>	<b>454,800</b>	<b>454,000</b>
<b>Grants</b>	<b>19,708</b>	<b>282,423</b>	<b>12,062</b>	<b>15,755</b>	<b>100,187</b>	<b>53,653</b>	<b>18,438</b>	<b>111,679</b>	<b>29,486</b>	<b>13,068</b>	<b>92,272</b>	<b>33,492</b>
<b>Other operating revenue</b>												
Investment earnings	207,214	131,706	19,888	138,162	69,522	150,668	170,543	109,328	183,834	145,880	475,500	308,700
Other	254,173	300,657	458,142	439,492	311,374	296,044	316,717	269,692	363,255	301,000	311,500	311,500
<b>Total other operating revenue</b>	<b>461,387</b>	<b>432,363</b>	<b>478,030</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>446,880</b>	<b>787,000</b>	<b>620,200</b>
<b>Total Revenues</b>	<b>\$ 31,313,770</b>	<b>\$ 31,904,525</b>	<b>\$ 32,580,355</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>\$ 39,367,322</b>	<b>\$ 39,925,741</b>	<b>\$ 40,519,570</b>

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

	2020 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	\$ 33,160,400	\$ 33,160,400	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
Licenses and permits	4,953,840	4,953,840	0	0	0	0	0	0	0	0	0
Intergovernmental	558,363	370,000	141,547	0	0	0	46,816	0	0	0	0
Charges for services	739,275	535,100	147,357	0	0	0	46,818	0	10,000	0	0
Fines and forfeitures	454,000	431,000	0	0	0	0	0	0	17,000	6,000	0
Grants	33,492	5,600	11,200	0	0	0	0	0	16,692	0	0
Investment Earnings	308,700	300,000	500	0	0	8,200	0	0	0	0	0
Miscellaneous	311,500	302,000	3,000	0	0	0	0	0	6,500	0	0
<b>Total Revenues</b>	<b>40,519,570</b>	<b>40,057,940</b>	<b>303,604</b>	<b>0</b>	<b>0</b>	<b>8,200</b>	<b>93,634</b>	<b>0</b>	<b>50,192</b>	<b>6,000</b>	<b>0</b>
<b>Expenditures:</b>											
General government	7,290,213	7,290,213	0	0	0	0	0	0	0	0	0
Public safety	16,963,079	16,963,079	0	0	0	0	0	0	0	0	0
Street & sanitation	6,965,467	6,965,467	0	0	0	0	0	0	0	0	0
Recreational	1,389,706	0	1,249,251	0	0	0	140,455	0	0	0	0
Library	3,535,047	0	0	0	0	0	0	3,061,212	473,835	0	
Debt service	0	0	0	0	0	0	0	0	0	0	
<b>Total Expenditures</b>	<b>36,143,512</b>	<b>31,218,759</b>	<b>1,249,251</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>140,455</b>	<b>0</b>	<b>3,061,212</b>	<b>473,835</b>	<b>0</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>4,376,058</b>	<b>8,839,181</b>	<b>(945,647)</b>	<b>0</b>	<b>0</b>	<b>8,200</b>	<b>(46,821)</b>	<b>0</b>	<b>(3,011,020)</b>	<b>(467,835)</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)	(4,148,096)	(8,493,181)	945,647	0	0	25,000	46,818	0	3,011,020	316,600	0
Operating transfers in-component unit	80,100	0	0	0	0	0	0	0	0	80,100	0
Donations	70,400	0	0	0	0	0	0	0	0	70,400	0
<b>Total Other Financing Sources</b>	<b>(3,997,596)</b>	<b>(8,493,181)</b>	<b>945,647</b>	<b>0</b>	<b>0</b>	<b>25,000</b>	<b>46,818</b>	<b>0</b>	<b>3,011,020</b>	<b>467,100</b>	<b>0</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>378,462</b>	<b>346,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>33,200</b>	<b>(3)</b>	<b>0</b>	<b>0</b>	<b>(735)</b>	<b>0</b>
Fund balance, beginning of year	17,641,866	14,516,442	150,000	13,388	10,970	2,711,632	4	0	0	187,500	51,930
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 18,020,328</b>	<b>\$ 14,862,442</b>	<b>\$ 150,000</b>	<b>\$ 13,388</b>	<b>\$ 10,970</b>	<b>\$ 2,744,832</b>	<b>\$ 1</b>	<b>\$ 0</b>	<b>\$ 0</b>	<b>\$ 186,765</b>	<b>\$ 51,930</b>

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

2020 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	0	0	0	0	
Charges for services	0	0	0	0	
Fines and forfeitures	0	0	0	0	
Grants	1,295,200	115,200	1,180,000	0	
Investment Earnings	263,000	25,000	8,000	230,000	
Miscellaneous	25,000	0	0	25,000	
<b>Total Revenues</b>	<b>1,583,200</b>	<b>140,200</b>	<b>1,188,000</b>	<b>255,000</b>	
<b>Expenditures:</b>					
General government	455,250	0	0	455,250	
Public safety	2,391,290	0	0	2,391,290	
Street & sanitation	3,890,785	1,937,725	1,625,000	328,060	Pgs 155-157
Recreational	618,200	570,200	0	48,000	Pgs 172-173
Library	116,000	0	0	116,000	
Debt service	0	0	0	0	
<b>Total Expenditures</b>	<b>7,471,525</b>	<b>2,507,925</b>	<b>1,625,000</b>	<b>3,338,600</b>	
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(5,888,325)</b>	<b>(2,367,725)</b>	<b>(437,000)</b>	<b>(3,083,600)</b>	
<b>Other Financing Sources (Uses):</b>					
Proceeds from the issuance of debt	0	0	0	0	
Operating transfers in	3,493,473	102,073	437,000	2,954,400	
Operating transfers (out)	0	0	0	0	
Operating transfers in-component unit	0	0	0	0	
Donations	0	0	0	0	
<b>Total Other Financing Sources</b>	<b>3,493,473</b>	<b>102,073</b>	<b>437,000</b>	<b>2,954,400</b>	
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>(2,394,852)</b>	<b>(2,265,652)</b>	<b>0</b>	<b>(129,200)</b>	
Fund balance, beginning of year	14,838,211	2,384,494	888,006	11,565,711	
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 12,443,359</b>	<b>\$ 118,842</b>	<b>\$ 888,006</b>	<b>\$ 11,436,511</b>	

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

	2020 Budget								
	Other Governmental Funds	5¢	7¢	4¢	2¢	10¢	E-911 District	Corrections Fund	Debt Service
	Total	521	522	523	524	510	531	554	600
<b>Revenues:</b>									
Taxes	\$ 564,400	\$ 62,400	\$ 218,300	\$ 128,200	\$ 5,500	\$ 150,000	\$ 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	435,000	0	0	0	0	0	355,000	80,000	0
Fines and forfeitures	213,200	0	0	0	0	0	2,000	211,200	0
Grants	0	0	0	0	0	0	0	0	0
Investment Earnings	2,490	300	500	400	20	0	1,200	70	4,000
Miscellaneous	176,000	0	176,000	0	0	0	0	0	0
<b>Total Revenues</b>	<b>1,391,090</b>	<b>62,700</b>	<b>394,800</b>	<b>128,600</b>	<b>5,520</b>	<b>150,000</b>	<b>358,200</b>	<b>291,270</b>	<b>4,000</b>
	<b>Error</b>	<b>10%</b>	<b>69%</b>	<b>20%</b>	<b>1%</b>				
<b>Expenditures:</b>									
General government	374,066	0	0	0	0	0	0	374,066	0
Public safety	495,679	0	0	0	0	0	358,200	137,479	0
Street & sanitation	786,200	62,300	440,300	128,300	5,300	150,000	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>1,655,945</b>	<b>62,300</b>	<b>440,300</b>	<b>128,300</b>	<b>5,300</b>	<b>150,000</b>	<b>358,200</b>	<b>511,545</b>	<b>0</b>
<b>Excess (deficiency) of revenues over expenditures</b>	<b>(264,855)</b>	<b>400</b>	<b>(45,500)</b>	<b>300</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>(220,275)</b>	<b>4,000</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	270,275	0	50,000	0	0	0	0	220,275	384,348
Operating transfers (out)	0	0	0	0	0	0	0	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>270,275</b>	<b>0</b>	<b>50,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>220,275</b>	<b>384,348</b>
<b>Excess (Deficiency) of Revenues and Other Financing Sources Over Expenditures and other Financing Uses</b>	<b>5,420</b>	<b>400</b>	<b>4,500</b>	<b>300</b>	<b>220</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>388,348</b>
Fund balance, beginning of year	557,018	26,113	235,291	58,429	13,357	0	223,828	0	1,708,984
		<b>8%</b>	<b>71%</b>	<b>17%</b>	<b>4%</b>	<b>0%</b>			
<b>FUND BALANCES, END OF YEAR</b>	<b>\$ 562,438</b>	<b>\$ 26,513</b>	<b>\$ 239,791</b>	<b>\$ 58,729</b>	<b>\$ 13,577</b>	<b>\$ 0</b>	<b>\$ 223,828</b>	<b>\$ 0</b>	<b>\$ 2,097,332</b>

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

	<u>Actual 2018</u>	<u>Budget 2019</u>	<u>Projected 2019</u>	<u>Budget 2020</u>
<b>ADDITIONS</b>				
Contributions				
215-3408-4810 Employer	\$ 648,392	\$ 692,000	\$ 673,795	\$ 707,000
215-3407-4231 Plan members	127,956	132,000	133,000	140,000
215-3407-4400 Investment earnings	<u>(12,392)</u>	<u>20,000</u>	<u>22,439</u>	<u>20,000</u>
<b>TOTAL ADDITIONS</b>	<b>763,956</b>	<b>844,000</b>	<b>829,234</b>	<b>867,000</b>
<b>DEDUCTIONS</b>				
215-1115-6130 Benefits	471,348	519,000	484,000	542,000
215-1100-6*** Administrative expense	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>	<u>5,000</u>
<b>TOTAL DEDUCTIONS</b>	<b>476,348</b>	<b>524,000</b>	<b>489,000</b>	<b>547,000</b>
<b>NET INCREASE</b>	<b>287,608</b>	<b>320,000</b>	<b>340,234</b>	<b>320,000</b>
Net position held in trust for other post-employment benefits, beginning of year	<u>2,598,720</u>	<u>2,886,328</u>	<u>2,886,328</u>	<u>3,226,562</u>
<b>NET POSITION HELD IN TRUST FOR OTHER POST-EMPLOYMENT BENEFITS, END OF YEAR</b>	<b><u>\$ 2,886,328</u></b>	<b><u>\$ 3,206,328</u></b>	<b><u>\$ 3,226,562</u></b>	<b><u>\$ 3,546,562</u></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. 09-101) 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 :

	<b>September 30</b>						<b>Funded</b>
	<b>Trust Deposit</b>	<b>Net Premiums</b>	<b>Total Expense</b>	<b>Trust Balance</b>	<b>AAL</b>	<b>UAAL</b>	<b>%</b>
2020 Budgeted	\$ 300,000	\$ 407,000	\$ 707,000	\$ 3,546,562	\$ (7,164,000)	\$ (3,617,438)	49.5%
2019 Projected	300,000	373,795	673,795	3,226,562	(6,492,000)	(3,265,438)	49.7%
2018	300,000	348,392	648,392	2,886,328	(5,824,487)	(2,938,159)	49.6%
2017	300,000	332,140	632,140	2,598,720	(5,173,695)	(2,574,975)	50.2%
2016	300,000	311,433	611,433	2,301,227	(4,392,295)	(2,091,068)	52.4%
2015	300,000	358,063	658,063	1,900,232	(3,865,805)	(1,965,573)	49.2%
2014	300,000	359,756	659,756	1,571,336	(3,992,253)	(2,420,917)	39.4%
2013	320,000	350,923	670,923	1,260,448	(3,560,421)	(2,299,973)	35.4%
2012	300,000	354,828	654,828	925,335	(3,155,271)	(2,229,936)	29.3%
2011	200,000	364,016	564,016	613,573	(3,249,729)	(2,636,156)	18.9%
2010	200,000	322,671	522,671	403,024	(3,473,472)	(3,070,448)	11.6%
2009	180,000	35,118	215,118	196,320	(2,859,543)	(2,663,223)	6.9%
	<u>\$ 3,300,000</u>	<u>\$ 3,918,135</u>	<u>\$ 7,218,135</u>				

**ORDINANCE NO. 2053**

**AN ORDINANCE TO INCREASE THE SALARY OF THE  
CITY MANAGER OF THE CITY OF MOUNTAIN BROOK, ALABAMA**

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

Section 1. Effective October 1, 2019, the salary of the City Manager of the City of Mountain Brook shall be increased to six thousand eight hundred twenty and no/100 dollars (\$6,820.00) 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.

**ADOPTED:** The 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** The 9th day of September, 2019.

\_\_\_\_\_  
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 September 9, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 10, 2019, 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

## 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.
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.

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-seven thousand three hundred twenty and no/100 dollars (\$177,320.00) 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  
2028 Clearview Drive  
Birmingham, AL 35244

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.



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 9th day of September, 2019.

CITY MANAGER

CITY OF MOUNTAIN BROOK

\_\_\_\_\_  
Sam Gaston

By:

\_\_\_\_\_  
Stewart Welch III, Mayor

**ORDINANCE NO. 2054**

**AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE**

**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that Article X of the City Code is hereby amended to as follows:

**Section 1.**

**“ARTICLE X. - PROFESSIONAL DISTRICT**

Sec. 129-150. – Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices, business offices and service uses. The district may be applied to sites which can establish an effective transition to adjacent residential neighborhoods.

Sec. 129-151. – Permitted uses.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Business offices
3. Interior design/decorating studios;
4. Personal fitness (limited to one-on-one personal trainers)
5. Photography studios;
6. Travel agents.
7. Professional consulting services
8. Accessory structures customarily incidental to the uses permitted by this section 129-151.

(b) Conditions on Permitted Uses. All uses in the Professional district shall be conditional uses and shall only be permitted with prior written approval of the city council. Conditional uses are uses which may be acceptable within the Professional District, based on specific circumstances and mitigating site design provisions that would eliminate the potential for these uses to otherwise have negative impacts on adjacent property or other uses in the vicinity. Therefore, they require special review to better determine if the circumstances and design provisions for the proposed use, when applied to a specific site, are sufficient to mitigate any potential negative impacts. Proposed conditional uses will be reviewed as to the following.

- i. Whether the use would disparately impact public parking in the area;
- ii. Whether vehicular or pedestrian circulation would be adversely impacted by the use;
- iii. Whether the use would adversely impact surrounding existing uses;
- iv. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
- v. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
- vi. Whether existing or proposed exterior lighting is sufficiently designed so as not to spill onto adjoining properties.

(c) The city council may require the party applying for the approval of such conditional use to furnish to the city council any or all of the following information and documents and such additional

information and documents which the city council may consider necessary or helpful in deciding whether to approve such requested conditional use:

1. A survey of the property;
2. A topographical survey of the property;
3. A site plan for the property, showing the location, size, height and elevation of all existing and proposed improvements, the location, number and size of parking spaces and such other information about the existing and proposed improvements and the development plan for the property which the planning commission considers reasonably necessary for its consideration of the request for approval;
4. Plans for all proposed improvements;
5. The type of construction materials to be used in the proposed improvements;
6. A traffic study with respect to the traffic expected to be generated by the use;
7. Information concerning outdoor lighting;
8. The hours of operation of the activities proposed to be conducted on the property;
9. Information concerning the visibility of the proposed improvements from adjacent property, buildings and public streets;
10. Information concerning the proposed screening of the proposed improvements by fences, walls, berms, shrubs, trees or other means;
11. Whether any trees or other vegetation which would serve to screen the proposed improvements and the use thereof from adjacent property will be removed from the property; and
12. Information concerning vehicles, equipment and materials which may be stored on the property or within the improvements.

All materials and information required to be submitted must be submitted to the zoning officer at least 24 days prior to consideration of any application for such conditional use.

(d) The city council shall hold a public hearing for the consideration of any such conditional use, after giving at least ten days' notice thereof. For purposes of this section, written notice of public hearings held by the city council shall be sent, by United States mail, to all property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for conditional use consideration. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama. If a public hearing is continued or postponed during the meeting of the city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.

(e) Any use established and permitted by right in the Professional District prior to September 9, 2019 shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. However, should such use be expanded, such expansion shall require prior written approval of the city council per subsection (b) of this section.

(f) A professional office, business office or service use established on or after September 9, 2019 and permitted after city council review and approval under subsection (b) of this section may be replaced by another professional office, business office or service use if the zoning officer determines that there are non-material changes for the proposed professional use utilizing the criteria for review outlined in subsection (b). In the absence of such a determination, city council review of the replacement use shall be required under subsection (b)."

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

3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
4. **Effective Date.** This ordinance shall become effective immediately upon adoption and publication as provided by law.

**ADOPTED:** The 9th day of September, 2019.

\_\_\_\_\_  
Council President

**APPROVED:** The 9th day of September, 2019.

\_\_\_\_\_  
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 September 9, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 10, 2019, 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

# PROFESSIONAL DISTRICT AMENDMENT

## ***Recent Background***

On April 23, 2019, the city council approved ORD 2044, which amended the Professional District regulations. The permitted use category was “cleaned up” to eliminate some antiquated uses (such as an allowance for the assembling of frames and an allowance for private dance schools, etc.), leaving professional offices as the only permitted use. A new section was added to the professional district regulations that requires a conditional use approval for the establishment of any new professional use on any parcel approved for rezoning to the Professional District after April 23, 2019.

## ***Professional District***

Currently, the permitted uses in the Professional district are professional offices. Sites which were zoned Professional district prior to the adoption of the above-noted ordinance, and which contain professional offices are not affected by the ordinance as long as they are not expanded. Any site rezoned to the Professional district in future will be subject to city council approval of a conditional use for the establishment of a professional office use. A professional office is defined as follows:

*Office, professional.* Offices uses such as accountants, architects, attorneys, dentists, engineers, insurance agents, physicians, realtors, surgeons or persons conducting similar occupations or professions whose occupation or profession often requires professional licenses or certification.

At the planning commission meeting of August 5, 2019, the planning commission voted to recommend that business offices be added to the list of uses permitted by city council approval of a conditional use. Business Offices are defined as follows:

*Office, business.* Office uses that provide employment and space for the administrative affairs of businesses, but that do not generally involve frequent or intensive interactions by clients or general consumers on a daily basis, and where the delivery of the product or service does not necessarily need to occur on the premises.

The planning commission also recommended adding “soft,” or somewhat “benign” services uses to the list of uses permitted by city council approval of a conditional use; given that these types of uses are generally compatible with other uses in the professional district, and generally make good “transitional” uses in-between commercial and residential districts.

Sites which were zoned Professional district prior to the adoption of this proposed ordinance, and which contain legally-permitted business office or soft service uses are not proposed to be affected by this ordinance as long as they are not expanded. Any site rezoned to the Professional district in future will be subject to city council approval of a conditional use for the establishment of a business or soft service use; likewise, the conditional uses process will apply to any new business office or soft service use proposed in future on any site zoned Professional district at the time of this ordinance adoption.

The following soft services uses are proposed under this conditional use category:

- a. Interior design/decorating studios;
- b. Personal fitness (limited to one-on-one personal trainers)
- c. Photography studios;
- d. Travel agents.
- e. Professional consulting services

### ***Professional District Properties in City***

There are currently 14 lots in the city which are zoned Professional District (see attached maps for specific locations). All of these properties (with the exception of one) serve as transitional sites, between commercial and residential properties. Allowing the professional district sites on the periphery of the commercial areas is done "by design." As such any thought given to adding soft service uses to the professional district should be given in light of transitional nature of such sites.

### ***Local Business Service Uses***

For the sake of cross-reference and comparison, the following is a list of service uses from the local business district: (note that service uses are only allowed in LB with conditional use approval by the city council; **they are not permitted, outright, in any zoning district**):

- a. Banks;
- b. Barber shops;
- c. Beauty shops;
- d. Dancing academies;
- e. Daycare centers;
- f. Dry cleaning establishments;
- g. Electronic and electrical repair shops;
- h. Fitness centers;
- i. Gymnasiums;
- j. Interior design shops
- k. Nail Salons
- l. Neuromuscular therapists;
- m. Personal fitness trainers;
- n. Photography studios;
- o. Physical therapists;
- p. Self-service laundries;
- q. Shipping and wrapping of packages and sale of related items;
- r. Shoe repair shops;
- s. Tanning salons;
- t. Theaters for the performing arts;
- u. Travel agents.

**NOTICE OF PUBLIC HEARING  
PROPOSED ZONING CODE NOTICE**

Notice is hereby given that at a regular meeting of the City Council of the City of Mountain Brook to be held on Monday, September 9, 2019, at 7:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, Mountain Brook, Alabama 35213, the City Council will hold a public hearing to consider proposed amendments to Chapter 129 of the Code of the City of Mountain Brook as it pertains to Article X Professional District, a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

**ORDINANCE NO.**

**AN ORDINANCE AMENDING ARTICLE X OF THE CITY CODE**

---

**BE IT ORDAINED** by the City Council of the City of Mountain Brook, Alabama, that Article X of the City Code is hereby amended to as follows:

**Section 1.**

**“ARTICLE X. - PROFESSIONAL DISTRICT**

Sec. 129-150. – Intent and purpose.

The Professional District is intended to provide appropriate-scaled buildings for professional offices, business offices and service uses. The district may be applied to sites which can establish an effective transition to adjacent residential neighborhoods.

Sec. 129-151. – Permitted uses.

(a) The uses permitted in Professional Districts shall be as follows:

1. Professional offices
2. Business offices
3. Interior design/decorating studios;
4. Personal fitness (limited to one-on-one personal trainers)
5. Photography studios;
6. Travel agents.
7. Professional consulting services
8. Accessory structures customarily incidental to the uses permitted by this section 129-151.

(b) Conditions on Permitted Uses. All uses in the Professional district shall be conditional uses and shall only be permitted with prior written approval of the city council. Conditional uses are uses which may be acceptable within the Professional District, based on specific circumstances and mitigating site design provisions that would eliminate the potential for these uses to otherwise have negative impacts on adjacent property or other uses in the vicinity. Therefore, they require special review to better determine if the circumstances and design provisions for the proposed use, when applied to a specific site, are sufficient to

mitigate any potential negative impacts. Proposed conditional uses will be reviewed as to the following.

- i. Whether the use would disparately impact public parking in the area;
- ii. Whether vehicular or pedestrian circulation would be adversely impacted by the use;
- iii. Whether the use would adversely impact surrounding existing uses;
- iv. Whether the hours of operation or peak traffic times would adversely impact the surrounding properties and public streets.
- v. Whether sufficient landscape buffers exist or are proposed along any adjoining residential properties;
- vi. Whether existing or proposed exterior lighting is sufficiently designed so as not to spill onto adjoining properties.

(c) The city council may require the party applying for the approval of such conditional use to furnish to the city council any or all of the following information and documents and such additional information and documents which the city council may consider necessary or helpful in deciding whether to approve such requested conditional use:

1. A survey of the property;
2. A topographical survey of the property;
3. A site plan for the property, showing the location, size, height and elevation of all existing and proposed improvements, the location, number and size of parking spaces and such other information about the existing and proposed improvements and the development plan for the property which the planning commission considers reasonably necessary for its consideration of the request for approval;
4. Plans for all proposed improvements;
5. The type of construction materials to be used in the proposed improvements;
6. A traffic study with respect to the traffic expected to be generated by the use;
7. Information concerning outdoor lighting;
8. The hours of operation of the activities proposed to be conducted on the property;
9. Information concerning the visibility of the proposed improvements from adjacent property, buildings and public streets;
10. Information concerning the proposed screening of the proposed improvements by fences, walls, berms, shrubs, trees or other means;
11. Whether any trees or other vegetation which would serve to screen the proposed improvements and the use thereof from adjacent property will be removed from the property; and
12. Information concerning vehicles, equipment and materials which may be stored on the property or within the improvements.

All materials and information required to be submitted must be submitted to the zoning officer at least 24 days prior to consideration of any application for such conditional use.

(d) The city council shall hold a public hearing for the consideration of any such conditional use, after giving at least ten days' notice thereof. For purposes of this section, written notice of public hearings held by the city council shall be sent, by United States mail, to all



property owners, any portion of whose property lies within 500 feet of any portion of the parcel included in a request for conditional use consideration. For the purpose of such notice, the owner of a parcel shall be considered to be the person who is shown as the owner of such parcel according to the records of the tax assessor of Jefferson County, Alabama. If a public hearing is continued or postponed during the meeting of the city council during which such hearing was held or was scheduled to have been held, no notice of such continued or postponed hearing need be given.

(e) Any use established and permitted by right in the Professional District prior to September 9, 2019 shall be permitted to continue in the same location without regard to these provisions, provided that such use is not expanded. However, should such use be expanded, such expansion shall require prior written approval of the city council per subsection (b) of this section.

(f) A professional office, business office or service use established on or after September 9, 2019 and permitted after city council review and approval under subsection (b) of this section may be replaced by another professional office, business office or service use if the zoning officer determines that there are non-material changes for the proposed professional use utilizing the criteria for review outlined in subsection (b). In the absence of such a determination, city council review of the replacement use shall be required under subsection (b).”

2. **Repealer.** All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.
3. **Severability.** If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.
4. **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.

**For questions concerning the proposed zoning amendment, please contact:**

Dana Hazen, AICP, MPA  
Director of Planning, Building & Sustainability  
205/802-3816  
[hazend@mtnbrook.org](mailto:hazend@mtnbrook.org)

## **CERTIFICATION**

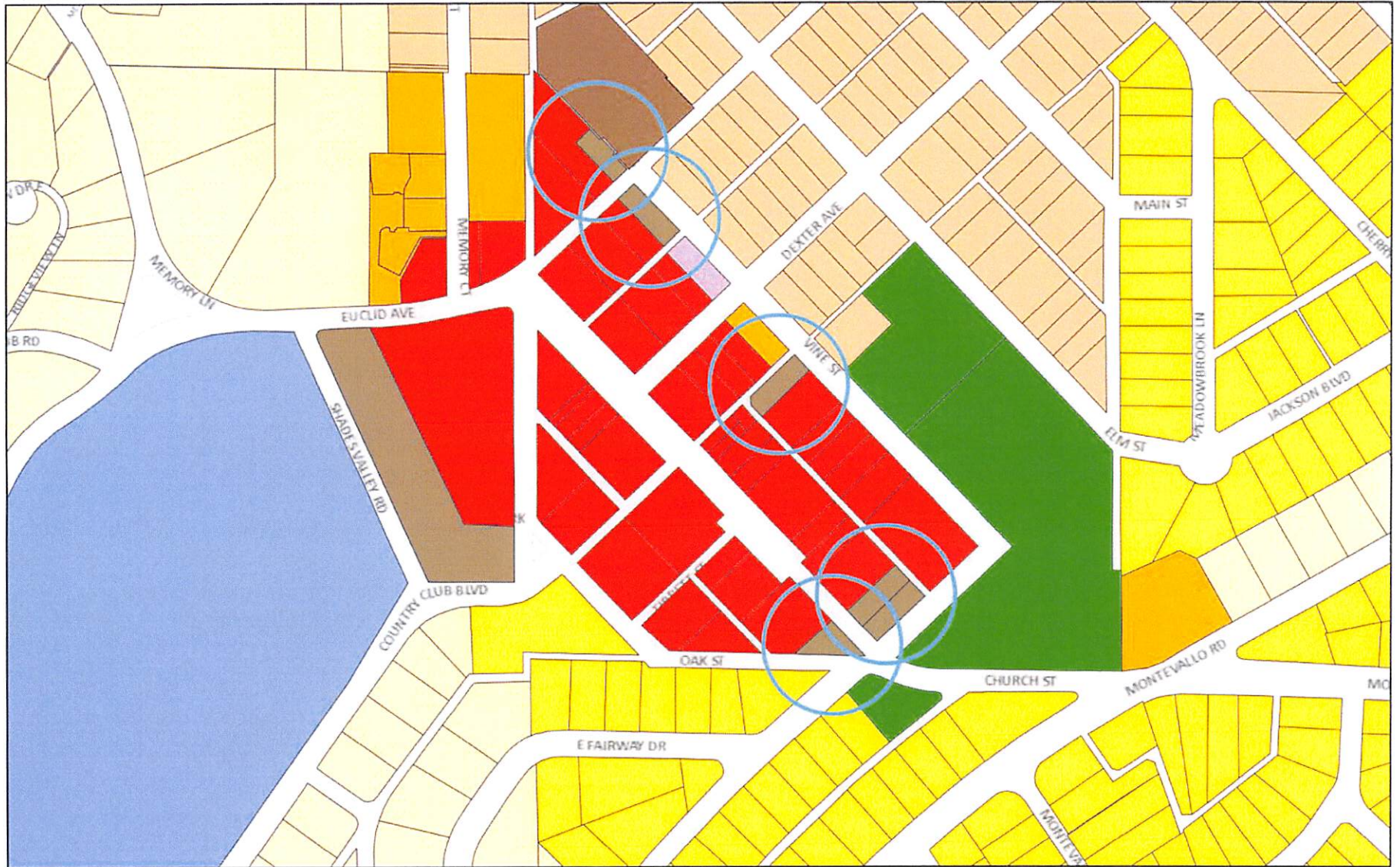
I, Tammy Reid, Administrative Analyst for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed amendment to the zoning ordinance and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 12-431, 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

---

Tammy Reid, Administrative Analyst

# Crestline Professional Lots



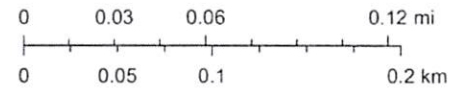
1/23/2019, 7:56:36 AM

Tax\_Parcel

0

- Professional District
- Residence A District
- Local Business District
- Residence B District
- Residence D District
- Residence E District
- Recreation District
- Rec-2
- Vine Street Transitional

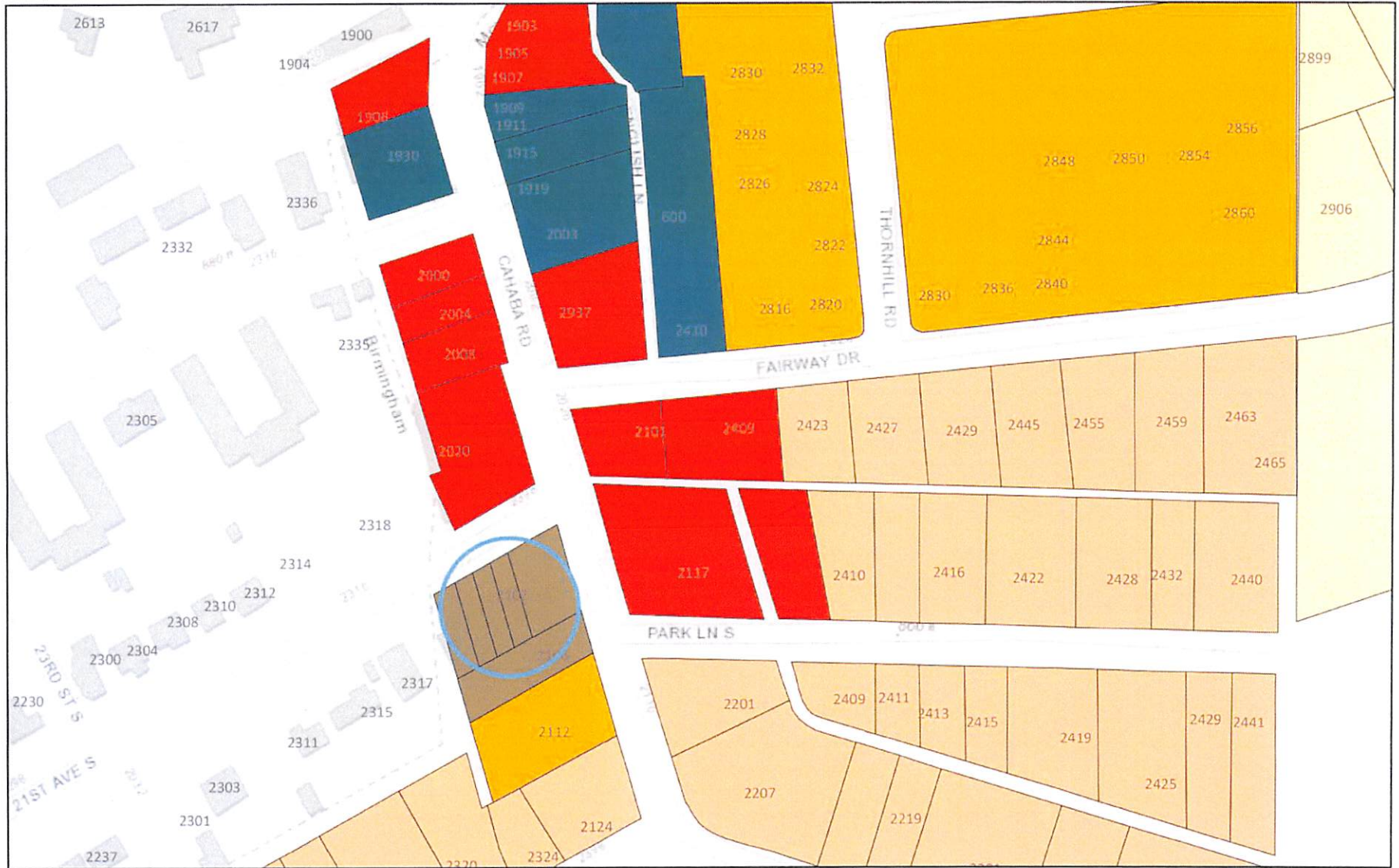
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Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

# English Village Professional Lots

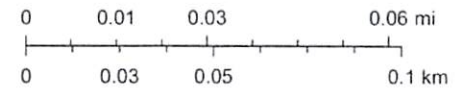


1/23/2019, 8:06:26 AM

SiteAddressPoints Tax\_Parcels

- 0
- Local Business District
- Professional District
- Residence A District
- MXD
- Residence C District
- Residence D District

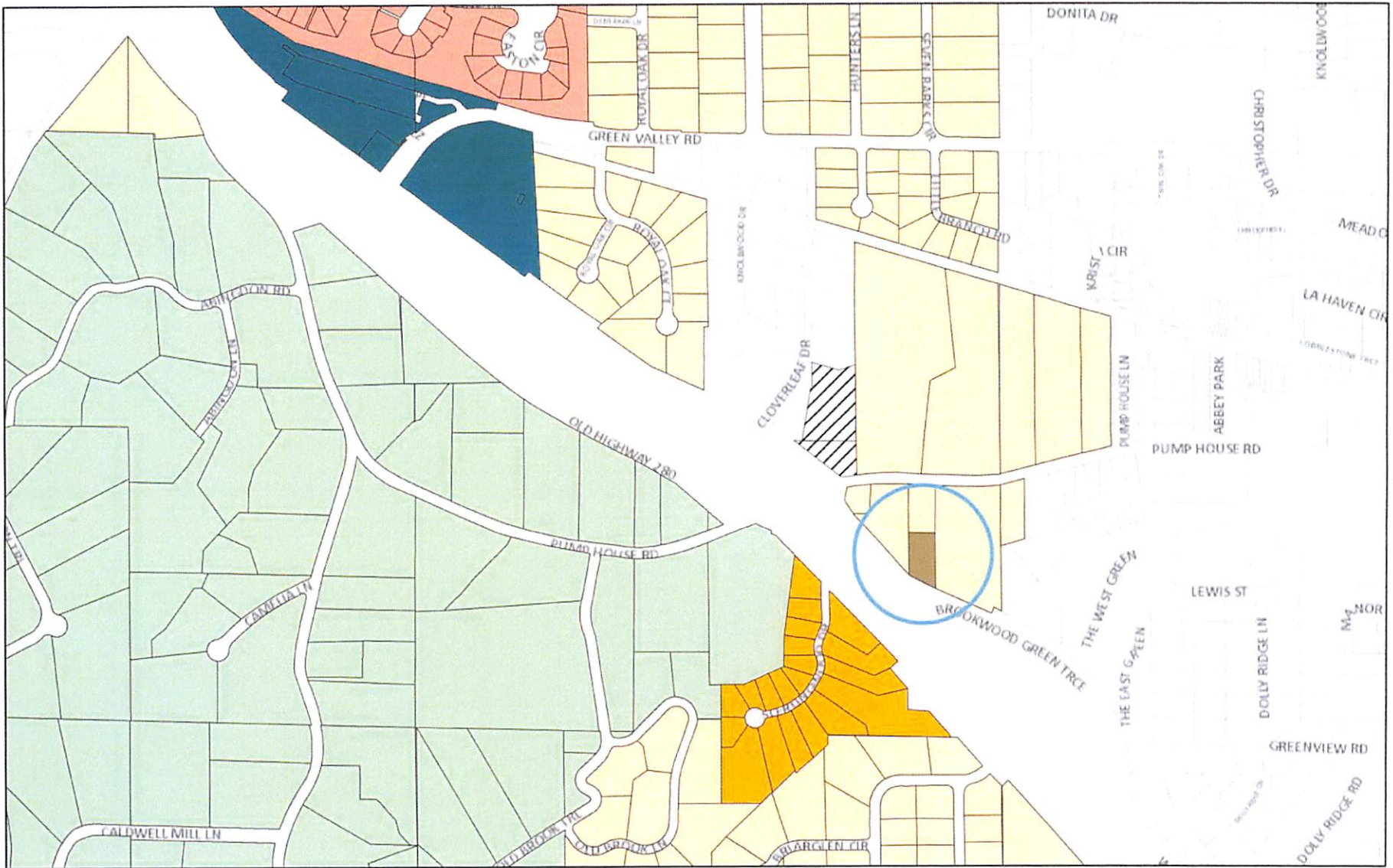
1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

# Hwy 280 Professional Lot



1/23/2019, 8:09:10 AM

1:9,028

Tax\_Parcels

0

Clustering Residential

Estate Residence District

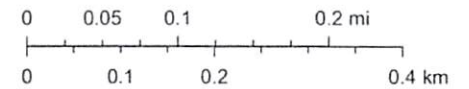
MXD

Professional District

PUD

Residence A District

Residence D District



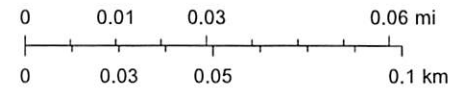
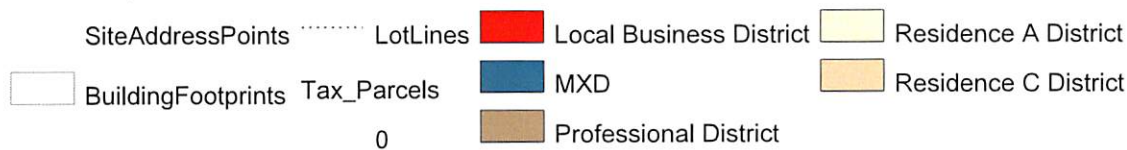
Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS.

# Overton Village Professional Lots



1/23/2019, 2:28:13 PM

1:2,257



Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS,

Web AppBuilder for ArcGIS  
Esri, HERE, Garmin, INCREMENT P, USGS, EPA, USDA | Hunter Simmons |

**ORDINANCE NO. 2055**

**AN ORDINANCE TO REZONE A PARCEL  
OF LAND IN THE CITY OF MOUNTAIN BROOK, ALABAMA  
FROM RESIDENCE-G DISTRICT TO RESIDENCE-F DISTRICT**

**WHEREAS**, after due consideration, the City Council has determined that the zoning classification of the real estate owned by Overton Village Condos, LLC, which is located along Fairhaven Drive, as more particularly described below, should be zoned Residence-F District, such property being presently zoned Residence-G District;

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

**Section 1.** The zoning map of the City of Mountain Brook, as referred to in Chapter 129, Article VII of the Mountain Brook City Code, as amended from time to time, is hereby further amended by zoning to Residence F District the following described real property, said property currently zoned Residence-G District:

3790 Fairhaven Drive:

A parcel of land situated in the corporate limits of the City of Mountain Brook, being a part of Lot I, Block 2, Overton Village as recorded in Map Book 227, Page 52 in the Probate Office of Jefferson County, Alabama and more particularly described as follows:

Begin at the Southeast corner of Lot 1, Block 2 Overton Village as recorded in Map Book 227, Page 52 in the Probate Office of Jefferson County, Alabama, said point also being on the Westerly right-of-way line of Fairhaven Drive; thence in a Northerly direction along the Easterly line of said Lot 1 and along the Westerly right-of-way line of Fairhaven Drive a distance of 359.94 feet to the Northeasterly corner of said Lot I; thence 88°20'43" to the left in a Westerly direction along the Northerly line of said Lot 1 a distance of 145.00 feet to a corner of said Lot 1; thence 91 °39'07" to the left in a Southerly direction along a line of said Lot 1 and its prolongation a distance of 359.93 feet to a point on the Southerly line of said Lot 1; thence 88°20' 43 to the left in an Easterly direction along the South line of said Lot I a distance of 144.99 feet to the Point of Beginning.

*Contains 52,165.3 square feet or 1.2 Acres.*

**Section 3.** The provisions of this ordinance are severable. If any provision of this ordinance is held by a court of competent jurisdiction to be invalid, such invalidity shall in no way affect the remaining provisions of this ordinance.

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

**ADOPTED:** The 9th day of September, 2019.

---

Council President

**APPROVED:** The 9th day of September, 2019.

\_\_\_\_\_  
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 September 9, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 10, 2019, 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