MEETING AGENDA OF THE
MOUNTAIN BROOK CITY COUNCIL

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

SEPTEMBER 23, 2019, 7:00 P.M.

1. Superintendent Richard (Dicky) Barlow to address the governing body concerning the September 24, 2019 Special Election.

2. Representative David Faulkner: Presentation of a check in the amount of $11,200 to be used toward the purchase and installation of two water fountains in City parks.

3. Presentation: Mayor Welch to present Kevin Alexander, DMD with a key to the City in recognition of the 30th anniversary of his dental practice in the City.

4. Gynecological Cancer Awareness Month proclamation.


6. Consideration: Resolution expressing gratitude to Sally Legg for her service on the Village Design Review Committee.

7. Consideration: Resolution expressing gratitude to James Ernest ("Bo") Grisham, III for his service on the Village Design Review Committee.

8. Approval of the minutes of the September 9, 2019, regular, joint meeting of the Mountain Brook City Council and Mountain Brook Emergency Communications District.

9. Consideration: Resolution authorizing the execution of an agreement with ETC Institute with respect to the City’s resident survey.

10. Consideration: Resolution awarding the bid for portable target system for the City’s target range.

11. Public hearing to consider an ordinance amending the Lane Parke Planned Unit Development (PUD) master development plan with respect to drive-throughs.

12. Announcement: The next regular meeting of the City Council is October 14, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.

13. Comments from residents.

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 23rd day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243rd.

______________________________________________________________
Stewart H. Welch III, Mayor

2019-135
MAGIC MOMENTS DAY
PROCLAMATION

WHEREAS, the emotional and general well-being of children ages 4-18 in the state of Alabama diagnosed with chronic life-threatening diseases is enhanced by services provided by Magic Moments; and

WHEREAS, children in Alabama suffering with chronic life-threatening diseases are granted opportunities to live life without the trials of medical appointments and hospital stays for even for a moment; and

WHEREAS, the Magic Moments staff sets an annual goal of fulfilling 100 children’s requests throughout Alabama; and

WHEREAS, Alabama residents will be aware of Magic Moments, the mission and become involved as referring sources; and

WHEREAS, with awareness of services provided by Magic Moments, Alabama citizens in all 67 counties will come together to assist in the assurance that all qualifying children reap from deserving benefits and live their dreams magically and experience childhood normalcy to the fullest.

NOW, THEREFORE, I, Stewart Welch III, Mayor of the City of Mountain Brook, Alabama, do hereby proclaim October 21, 2019, as

MAGIC MOMENTS DAY

throughout the City and encourage all residents of Mountain Brook to work together to raise awareness of Magic Moments 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 23rd day of September of the year of our Lord 2019 and of the Independence of the United States of America, the 243rd.

Stewart H. Welch III, Mayor
EXPRESSION OF GRATITUDE TO SALLY LEGG
FOR HER DEDICATED SERVICE TO THE CITY ON THE
VILLAGE DESIGN REVIEW COMMITTEE

WHEREAS, Sally Legg served on the City of Mountain Brook Village Design Review Committee for twelve (12) years, beginning on August 13, 2007. This committee, especially in its early years, was instrumental in drafting and promoting the adoption of a strong sign ordinance which has served to preserve the integrity of the village streetscapes; and

WHEREAS, Sally Legg’s dedication to place-making has enhanced the visual aesthetic of the village storefronts and sidewalks. Her enthusiasm for pedestrian friendly environs has influenced the adoption of many design review guidelines used by the Village Design Review Committee today; and

WHEREAS, Sally Legg’s attention to detail and her artistic perspective were positive contributions to the Village Design Review Committee, as well as to many public projects throughout the city; and

WHEREAS, Sally Legg’s recommendations have always stemmed from a belief in the specialness of Mountain Brook and its villages; as she is passionately dedicated to improving the city’s public spaces; and

WHEREAS, it is the desire of the residents of Mountain Brook to express their appreciation to Sally Legg and recognize her service to our City.

NOW, THEREFORE, be it resolved that the Mayor and City Council, on behalf of all the residents of Mountain Brook, do publicly thank Sally Legg for her years of dedicated service and wish her well in her endeavors.

ADOPTED: The 23th day of September, 2019.

Virginia C. Smith, Council President

APPROVED: The 23th day of September, 2019.

Stewart H. Welch III, Mayor
EXPRESSION OF GRATITUDE TO JAMES E. ("BO") GRISHAM III FOR HIS DEDICATED SERVICE TO THE CITY ON THE VILLAGE DESIGN REVIEW COMMITTEE

WHEREAS, The Village Design Review Committee has been instrumental in drafting and promoting the adoption of a strong sign ordinance, serving to preserve the integrity of the village streetscapes; and

WHEREAS, Bo Grisham served on the Village Design Review Committee for seven (7) years, beginning in 2012, having served as Co-Chair 2015-2018 and Chair since March of 2018; and

WHEREAS, Bo Grisham has been a steady and dedicated member of the Village Design Review Committee, with fresh ideas and a passion for the city of Mountain Brook; and

WHEREAS, Bo Grisham embraced his leadership role with a renewed sense of pride in Mountain Brook’s environs, while leading the Village Design Review meetings with level-headedness in an otherwise very subjective environment; and

WHEREAS, Bo Grisham’s detail-oriented nature made him a natural in his role as Chairman, his demeanor promoting a sense of calm and organization to the meetings, always offering a “space” for all voices to be heard; and

WHEREAS, it is the desire of the residents of Mountain Brook to express their appreciation to Bo Grisham and recognize his service to our City.

NOW, THEREFORE, be it resolved that the Mayor and City Council, on behalf of all the residents of Mountain Brook, do publicly thank Bo Grisham for his years of dedicated service and wish him well in his endeavors.

ADOPTED: The 23th day of September, 2019.

Virginia C. Smith, Council President

APPROVED: The 23th day of September, 2019.

Stewart H. Welch III, Mayor
MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
SEPTEMBER 9, 2019

The City Council of the City of Mountain Brook, Alabama met in public session in the Pre-council Room (A106) of City Hall at 6:00 p.m. on the 9th day of September, 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
Stewart Welch III, Mayor

Absent: Alice B. Womack

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

1. AGENDA

1. Mountain Brook Village Parking: prohibit parking on Canterbury Road for village employees
   (Ordinance No. 2056 was added to the 7 p.m. meeting agenda. The council shall consider reducing the 4-hour parking restriction at a future meeting.)

2. Repeal 2015 Building Code and adopt 2018 version—Glen Merchant (This matter will be considered October 14 to allow time for drafting the amendments and publication.)

3. Feral cat ordinance amendment. (The Council expressed its willingness to call a special meeting to consider this ordinance once drafted by the City Attorney.)

4. Review of the other matters to be considered at the formal (7 p.m.) meeting. (Resolution No. 2019-133 was added to the formal meeting agenda.)

2. EXECUTIVE SESSION AND ADJOURNMENT

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

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

Nays: None

Council President Smith thereupon declared that said motion carried by a vote of 4—0. She then announced that the City Council shall reconvene upon conclusion of the executive session at approximately 7 p.m. in Room A108. The pre-meeting was then adjourned at approximately 6:50 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 September 9, 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.

________________________________________
City Clerk
Approved by City Council September 23, 2019
MINUTES OF THE JOINT REGULAR OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK AND THE
MOUNTAIN BROOK EMERGENCY COMMUNICATIONS (E911) DISTRICT
SEPTEMBER 9, 2019

The City Council of the City of Mountain Brook, Alabama and Board of Governors of the Mountain Brook Emergency Communications (E911) District met in public session in the City Hall Council Chamber at approximately 7:00 p.m. on the 9th day of September, 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
Stewart Welch III, Mayor

Absent: Alice B. Womack

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

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

1. PRESENTATION

Mayor Welch presented the Constitution Week Proclamation (No. 2019-130, Exhibit 9) to four ladies representing three different chapters of the Daughters of the American Revolution.

Mayor Welch then presented the Mountain Brook Baptist Church 75th Anniversary Proclamation (No. 2019-131, Exhibit 10) to a representative of the Church.

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 26, 2019, regular meeting of the City Council

2019-122 Create a Planner position (class no. 03084, grade 22) for the Planning, Building and Sustainability department

2019-123 Authorize 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

2019-124 Declare certain personal property surplus and authorizing is sale at public Internet auction

2019-125 Increase 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 increase 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

<table>
<thead>
<tr>
<th>Resolution</th>
<th>Description</th>
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<tbody>
<tr>
<td>2019-126</td>
<td>Adopt the budget of the Mountain Brook Emergency Communications (E911) District for the fiscal year beginning October 1, 2019 and ending September 30, 2020</td>
</tr>
<tr>
<td>2019-127</td>
<td>Establish 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</td>
</tr>
<tr>
<td>2019-128</td>
<td>Authorize the (professional) conditional use submitted by Tom Carruthers of LAH Real Estate, for the property located at 2 Dexter Avenue, 35213</td>
</tr>
<tr>
<td>2019-129</td>
<td>Authorize the (personal trainer) conditional use submitted by Matt Crane of Meta Fitness for the property located at 3150 Overton Road, 35223</td>
</tr>
<tr>
<td>2019-130</td>
<td>Constitution Week proclamation</td>
</tr>
<tr>
<td>2019-131</td>
<td>Recognize Mountain Brook Baptist Church’s 75th anniversary</td>
</tr>
<tr>
<td>2019-132</td>
<td>National Suicide Prevention Month proclamation</td>
</tr>
<tr>
<td>2019-133</td>
<td>Approve the conditional use application for lunchtime food service, submitted by Alverson Ireland Fresh Foods, for 2 Dexter Avenue, 35213</td>
</tr>
<tr>
<td>2019-134</td>
<td>Award the bid for target equipment to be used at the police firing range</td>
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</tbody>
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Thereupon, the foregoing minutes, resolutions and proclamations were introduced by Council President Smith and a motion for their immediate adoption made by Council President Pro Tempore Pritchard. The minutes, resolutions and proclamations were then considered by the City Council. Council member Shelton seconded the motion to adopt the foregoing minutes, resolutions and proclamations. Council President Smith announced that she shall abstain from voting on Resolution No. 2019-128. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith, Council President (except for Resolution No. 2019-128)  
William S. Pritchard III, Council President Pro Tempore  
Philip E. Black  
Lloyd C. Shelton

Nays: None

Council President Smith thereupon declared that said minutes, resolutions (Nos. 2019-122 through 2019-127, 2019-129, 2019-133 and 2019-134) and proclamations (Nos. 2019-130 through 2019-132) are adopted by a vote of 4—0 and that Resolution No. 2019-128 is adopted by a vote of 3—0 and as evidence thereof she signed the same.

3. CONSIDERATION OF AN ORDINANCE ADOPTING THE CITY’S BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2019 AND ENDING SEPTEMBER 30, 2020 (APPENDIX 7)

Council President Smith introduced the ordinance in writing and invited comments from Council member (and Finance Committee Chairman) Shelton.
Council member (and Finance Committee Chairman) Shelton:

- The operating budget reflects $40 million of revenue with a $346,000 surplus
- The General Fund budget (which includes the aforementioned operating budget) has a surplus of $378,000
- A $300,000 transfer to the Debt Service Fund for future projects
- The Capital Projects Fund deficit of $2.4 million is due to fiscal 2019 projects carried over to fiscal 2020 and other scheduled equipment and facilities improvements
- The City-wide deficit is $1.6 million
- The budget includes a 1-3/4% pay increase for the employees and a 6% increase in medical premiums
- The budget also includes an excess pension contribution of $640,000 and $300,000 deposited into the City’s retiree medical (IRC 115) trust
- Recommends adoption of the budget as presented

Council member Black made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council President Pro Tempore Pritchard. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The Council President Smith declared the motion passed by a vote of 4—0.

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

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

Nays: None

The Council President Smith declared that the said ordinance (No. 2052) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

4. CONSIDERATION OF AN ORDINANCE (NO. 2053) INCREASING THE SALARY OF THE CITY MANAGER BY ONE AND THREE QUARTERS OF ONE PERCENT (1-3/4%) EFFECTIVE OCTOBER 1, 2019, AND AMENDING THE RELATED EMPLOYMENT AGREEMENT (EXHIBIT 13, APPENDIX 8)

The ordinance was introduced in writing by Council President Smith who then invited comments and questions from the audience. There being none, Council President Smith called for a motion. Council member Shelton made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion
was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The Council President Smith declared the motion passed by a vote of 4—0.

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

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

Nays: None

The Council President Smith declared that the said ordinance (No. 2053) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

5. **CONSIDERATION OF AN ORDINANCE (NO. 2054) AMENDING THE ZONING CODE WITH RESPECT TO THE PROFESSIONAL DISTRICT (EXHIBIT 14, APPENDIX 9)**

The ordinance was introduced in writing by Council President Smith who then invited comments and questions from the audience. There being none, Council President Smith called for a motion. Council member Black made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The Council President Smith declared the motion passed by a vote of 4—0.

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

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

Nays: None
The Council President Smith declared that the said ordinance (No. 2054) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

6. CONSIDERATION OF AN ORDINANCE (NO. 2055) REZONING PROPERTY ALONG FAIRHAVEN DRIVE (RE: OVERTON VILLAGE CONDOS, LLC) FROM RESIDENCE-G TO RESIDENCE-F DISTRICT (EXHIBIT 15, APPENDIX 10)

The ordinance was introduced in writing by Council President Smith who then invited comments and questions from the applicant.

Ron Durham, managing members of Overtown Partners, LLC, developer/applicant:
- Months ago the City rezoned the subject property located behind Magic Muffin where there was planned a 23 condominium and 8 townhome development in Mountain Brook
- The developer secured only 6 or 7 pre-sales where at least 50% was necessary to move the project forward
- Eventually, the individuals who reserved units withdrew their reservations
- The plan has been revised to include 18 townhomes 13 of which will be located in Mountain Brook and 5 in Vestavia Hills
- Where the 23 townhomes were originally approved, there will now be 10 townhomes, if approved
- The community will be gated

Brian Barrett, architect:
- There will be 10 units constructed in 3 buildings with one driveway
- Parking will be in the rear of the units
- The master bedrooms will be on the main level with 2 bedrooms and 2 bathrooms upstairs
- The development is consistent with the overlay standards

Ron Durham:
- The smaller units are approximately 2,500 square feet and the larger ones 3,000 square feet
- Each unit has a 2-car garage in the rear
- The units are estimated to run in the $600,000s for the smaller units and low $700,000s for the larger units
- There will be a couple of guest parking spaces within the interior of the development
- Trash will be taken to the curb by the residents as there is no requirement for a dumpster

Andrew Phillips of Walter Schoel Engineering:
- Fairway Drive will be 27-feet wide with 5 curbside parking spaces
- The roads will be resurfaced upon completion of the project

There being no further comments from the applicant, President Smith invited questions and comments from the audience. There being none, Council President Smith closed the public hearing and called for a motion. Council member Shelton made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Black. Thereupon, Council President Smith called for vote with the following results:

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

**Nays:** None

The Council President Smith declared the motion passed by a vote of 4—0.
After said ordinance had been considered in full by the Council, Council member Black moved for the adoption of said ordinance. The motion was seconded by Council President Pro Tempore Pritchard. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The Council President Smith declared that the said ordinance (No. 2055) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

7. CONSIDERATION OF AN ORDINANCE (NO. 2056) PROHIBITING EMPLOYEES AND OTHER ASSOCIATED WITH CERTAIN BUSINESSES FROM PARKING MOTOR VEHICLES IN CERTAIN LOCATIONS (EXHIBIT 16, APPENDIX 11)

The ordinance was introduced in writing by Council President Smith who then invited comments and questions from the audience. There being none, Council President Smith called for a motion. Council member Black made a motion that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended, and that unanimous consent to the immediate consideration of said ordinance is given and that the reading of the ordinance at length be waived. The motion was seconded by Council member Shelton. Thereupon, Council President Smith called for vote with the following results:

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

Nays: None

The Council President Smith declared the motion passed by a vote of 4—0.

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

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

Nays: None

The Council President Smith declared that the said ordinance (No. 2056) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

8. ANNOUNCEMENTS

There will be a public involvement meeting from 6—8 p.m. on September 17, 2019, in the Council Chamber concerning the Caldwell Mill Road bridge replacement over Little Shades Creek.

The next regular meeting of the City Council will be September 23, 2019, at 7:00 p.m. in the Council Chamber of City Hall located at 56 Church Street, Mountain Brook, AL 35213.
9. ADJOURNMENT

There being no further business to come before the City Council, Council President Smith adjourned the meeting at approximately 7:20 p.m.

10. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A108) on September 9, 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 23, 2019

EXHIBIT 1

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.

EXHIBIT 2

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.

EXHIBIT 3

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:
RESOLUTION NO. 2019-138

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the execution of a contract for services between the City and ETC Institute, in the form as attached hereto as Exhibit A subject to such minor revisions as may be determined appropriate by the City Attorney, with respect to the design, administration and evaluation of a resident survey.

ADOPTED: This 23rd day of September, 2019.

______________________________
Council President

APPROVED: This 23rd 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 23, 2019, as same appears in the minutes of record of said meeting.

______________________________
City Clerk
Contract for Services and Scope of Work
Between ETC Institute and the City of Mountain Brook, AL

ARTICLE I: SCOPE OF SERVICES

1. **Overview of Services to Be Performed.** ETC Institute will design and administer a citizen survey for the City of Mountain Brook, AL. The survey will be designed and administered during the fall of 2019. ETC Institute will provide a draft report within 8 weeks of the time the survey is approved by the City. ETC Institute will provide a final report within 1 week of receiving feedback from the City on the draft report.

2. **Maximum fixed fee.** The total fee for the project is $16,500.

3. **ETC Institute's responsibilities.** The tasks that will be performed by ETC Institute as part of this agreement include the following:
   - finalizing the methodology for administering the survey based on input from the City.
   - designing a resident survey instrument that is up to 15 minutes in length (6-7 pages).
   - creating the online survey
   - selecting a random sample of households to be surveyed
   - setting up the database
   - conducting a pretest of the survey instrument
   - completing 400 surveys by a combination of mail, phone, and internet (ETC Institute's costs include all labor, postage and printing associated with the administration of the survey). The results of a random sample of 400 completed surveys will have a precision of at least +/-5% at the 95% level of confidence.
   - conducting data entry and quality control review for all completed surveys
   - providing complete printouts of the data
   - conducting benchmarking analysis that shows how the results for Mountain Brook compare to other communities regionally and nationally.
   - conducting importance-satisfaction analysis to identify the types of improvements that will have the most impact on satisfaction with city services.
✓ completing a final report that will include an executive summary, charts and graphs, GIS mapping, benchmarking analysis, importance-satisfaction analysis, tables showing the results to all questions on the survey, and a copy of the survey instrument.

✓ making one on-site presentation of the survey results to the City.

4. Responsibilities for the City of Mountain Brook will include the following:

✓ approving the survey instrument

✓ providing a cover letter for the mail version of resident surveys

✓ providing GIS shapefiles that show the boundaries of the City

ARTICLE II: PAYMENT FOR SERVICES

1. Invoices will be submitted throughout the duration of the project, for a total project fee of $16,500.

ARTICLE III: MISCELLANEOUS PROVISIONS

1. Change in Scope. The Scope of Services for this contract shall be subject to modification or supplement upon the written agreement of the contracting parties. Any such modification in the Scope of Services shall be incorporated in this agreement by supplemental agreement executed by the parties.

2. Termination of Contract. This agreement may be terminated by either party upon 14 days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. If the contract is terminated by the City, the City shall reimburse ETC Institute for the full value of any tasks that have been initiated, up to the total amount of the next scheduled invoice.

3. Rights to Use the Data. ETC Institute has the right to use the data as a component of ETC Institute’s DirectionFinder® benchmarks, but ETC Institute will not release specific results for the City of Mountain Brook without written approval from the City.
IN WITNESS WHEREOF, the parties hereto have caused this agreement to be signed by their duly authorized officers.

Sam Gaston, City Manager
City of Mountain Brook

---------------------------------------

Date

Greg Emas, CFO
ETC Institute

---------------------------------------

Date
RESOLUTION NO. 2019-139

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 Action Targets is hereby accepted having been the sole bid received and determined to meet specifications.

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 23rd day of September, 2019.

____________________________________________
Council President

APPROVED: This 23rd 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
From: Whit Colvin <wcolvin@bishopcolvin.com>
Date: Mon, Sep 16, 2019 at 5:52 PM
Subject: Re: Final Bid
To: Jason Carmack <carmackj@mtnbrook.org>
Cc: <wcolvin@bishopcolvin.com>

Jason,

Thank you for the information on the portable target bids. Action Target was the only bidder and I understood that they met all the requirements in the bid specifications.

I have reviewed the information presented and concur with your conclusion that there are no issues and that the bid can be awarded to Action. Accordingly, I believe you can forward the recommendation to them that the bid be awarded and I suspect they will concur.

Whit Colvin
Bishop, Colvin, Johnson & Kent, LLC
Phone: (205) 251-2881
Direct Line: (205) 224-4195
Mobile: (205) 222-6225
wcolvin@bishopcolvin.com
www.bishopcolvin.com

On 9/16/2019 2:26 PM, Jason Carmack wrote:
Attached is the spec sheet from Action Target in response to the portable target bid as well as my bid tabulation and recommendation memo. Action Target met all of the bid specs and was the only company to respond to the bid. I don't see any issues, but wanted to run it by you.

Lt. Jason Carmack
Patrol Division
Mountain Brook Police Department
101 Tibbett Street
Mountain Brook, AL 35213
(205) 802-3858
ORDINANCE NO. 2057

AN ORDINANCE AMENDING THE LANE PARKE
PUD MASTER DEVELOPMENT PLAN

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

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

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

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

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

Said Parcel contains 27.59 acres more or less.

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

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

ADOPTED: The 23rd day of September, 2019.

__________________________
Council President

APPROVED: The 23rd 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 23, 2019, as same appears in the minutes of record of said meeting, and published by posting copies thereof on September 24, 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
P-19-20

**Petition Summary**
Request for approval of an amendment to the Planned Unit Development (PUD) for Lane Parke.

**Recent Background**
At its meeting of August 26, 2019, the city council approved the applicant’s request to carry the case over to September 23, 2019 for revisions.

At its meeting of August 12, 2019, the city council held a public hearing on this case, announcing at the beginning of the meeting the no vote would be taken at that time, in the absence of two of its members. The applicant presented the case and public comment was taken.

**Analysis**
The proposed PUD amendment has 4 prongs:

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

**Planning Commission Recommendation**
At its meeting of July 1, 2019, the planning commission recommended approval of the proposed drive-thru amendment (P-19-20), with a condition that the language be made more restrictive with regard to specific proposed tenant types and specific locations within Lane Parke.

Language has been added to require a stacking/queue analysis and city council approval for each and every proposed drive-thru in the project; every time a new tenant drive-thru is proposed; and language has been added which further limits the uses that may contain a drive-thru in Block 8.

**Traffic Study of Drive-Through Queue**

**Analysis of Queue Lengths**
*Excerpt of Skipper Queue Study, Page 5 (Revised September 3, 2019):*

"The longest average queues (both in length and duration) for the Coffee Shop are during the morning peak period (between 6:05 and 8:40 a.m.). Based on the data collected, it is estimated that the queue
for the proposed Coffee Shop will exceed the available storage of nine (9) vehicles for four (4) minutes during the morning peak period.

More specifically:

- The queue will exceed storage by one vehicle for three (3) minutes, at dispersed times throughout the peak period.

- The queue will exceed storage by two vehicles for one (1) minute, likely to occur around 8:30 a.m.

During the midday and afternoon peak periods, it is projected that the queue will not exceed the storage.

A queue which exceeds the storage by one vehicle will block the crosswalk which crosses the entrance to the drive-through at Jemison Lane, but will not impede traffic flow on Jemison Lane. A queue which exceeds the storage by two vehicles will impede one direction of traffic flow on Jemison Lane. This situation is projected to occur for one (1) minute, at around 8:30 a.m.

** In the previous edition of this report, issued on June 10, 2019, the available queue storage would be exceeded for approximately nine (9) minutes on a typical weekday (six minutes during the morning peak period and three minutes during the afternoon peak period). The revised report indicates that the queue storage is anticipated to be exceeded for four (4) minutes, all during the morning peak period. The difference in the results is due to the addition of queue observations at a third site during the morning peak period (Starbucks on Cahaba Heights Road in Vestavia Hills). The additional data points reduced the average queue lengths calculated in the analysis.”

**Landscape Plan for Phase 2**

The PUD contains a list of approved plant species, and indicates that street trees and other landscaping along street frontages should resemble that of the traditional village and be compatible with it. The PUD also indicates that the landscape plan is subject to the Village Design Review process. This means that a proposed landscape plan should be presented to the VDR for review and approval prior to implementation. However, such an approved landscape plan does not, then, become part of the PUD; and as such, is not subject to city council review when changes are made to an approved landscape plan.

Likewise, the city council, in its review of any proposed PUD amendment, is not bound by any landscape plan previously approved by the VDR. This does not preclude the council from taking into consideration an approved landscape plan, during the course of its review of all factors of a PUD amendment.
Affected Regulation
Article XVI, Planned Unit Development District; Section 129-266, Additional Requirements and Provisions

Appends
LOCATION: 2655 Lane Parke Road

ZONING DISTRICT: Planned Unit Development

OWNER: Evson, Inc.
NOTICE OF PUBLIC HEARING

PROPOSED ZONING 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 23, 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 the Lane Parke PUD, as approved upon the adoption of Ordinance 1871 dated May 21, 2012.

Proposed PUD changes (with respect to the number of drive-thrus and their locations) are available for review during regular business hours at City Hall or by going to: www.mtnbrook.org – Calendar – September 23, 2019 – City Council - Supporting Documents – Lane Parke PUD Amendment.

ORDINANCE NO.

AN ORDINANCE AMENDING THE LANE PARKE PUD

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

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

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

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

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

Said Parcel contains 27.59 acres more or less.

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

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

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

**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 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
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### REQUIRED LOT WIDTH & MINIMUM LOT DEPTH

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<thead>
<tr>
<th>Type</th>
<th>Width</th>
<th>Minimum Lot Depth</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free-Standing</td>
<td>60'</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Street-Front</td>
<td>25'</td>
<td>Not Applicable</td>
</tr>
<tr>
<td>Residential</td>
<td>60' width; 100' depth</td>
<td>Not Applicable</td>
</tr>
</tbody>
</table>

### STREET WALL

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street-Front</td>
<td>Street wall to cover 90-100% of a lot</td>
</tr>
<tr>
<td>Residential</td>
<td>Street wall to cover 65-100% of a lot</td>
</tr>
</tbody>
</table>

### PRIMARY ENTRANCES

<table>
<thead>
<tr>
<th>Details</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Entrances</td>
<td>One (1) primary entrance to be located every 50 of street front on Primary Frontages</td>
</tr>
<tr>
<td>Exceptions permissive with respect to tenants occupying in excess of 4,000 square feet of space that require single point entry</td>
<td>To accommodate the requirements of larger tenants in the Lane Park Plan.</td>
</tr>
</tbody>
</table>

### FAÇADE PROJECTIONS

<table>
<thead>
<tr>
<th>Details</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Free-Standing</td>
<td>Bay windows and balconies may extend up to 5' from the facade, but may not extend over from building line</td>
</tr>
<tr>
<td>Secondary Frontages</td>
<td>Bay windows and balconies may extend up to 5' from the facade</td>
</tr>
<tr>
<td>To allow for more variation on buildings that possess a right angle edge</td>
<td>To accommodate the requirements of larger tenants in the Lane Park Plan.</td>
</tr>
</tbody>
</table>

### PARKING, VEHICLE AND PEDESTRIAN ACCESS STANDARDS

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>Parking quantity and access will be implemented in accordance with the Parking, Access and Traffic Plan included in Section 13 of this PUD application.</td>
</tr>
<tr>
<td>Design</td>
<td>Parking design for the Residential Use Area will be implemented in accordance with the Parking, Access and Traffic Plan included in Section 13 of this PUD application, which does not forbid parking in front or side yards.</td>
</tr>
<tr>
<td>Vehicle Access</td>
<td>The limitation on vehicle access to buildings for both Primary and Secondary Frontages shall not apply to drives and access points to any existing parking, as generally depicted in the Illustrative Master Plan.</td>
</tr>
<tr>
<td>Drive-through Facilities</td>
<td>Drive-through facilities may be permitted only when ingress and egress is provided from a Secondary or Access Street as identified in the Master Plan.</td>
</tr>
</tbody>
</table>

### SERVICE YARDS

<table>
<thead>
<tr>
<th>Details</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residence G Standards and Local Business District Standards require service yards to be located at the rear of the buildings and specify size and material requirements</td>
<td>Does not require service yards to be at the rear and does not specify size of yard to be screened from view (see Design Standards).</td>
</tr>
</tbody>
</table>

### MATERIAL SPECIFICATIONS

<table>
<thead>
<tr>
<th>Details</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>Standards</td>
<td>All buildings shall have one primary material covering at least 70% of building façade. The primary material for Residential Buildings may consist of less than 70% coverage of the building façade. To break up the scale of this larger (up to 4-story) building type.</td>
</tr>
<tr>
<td>Building Materials</td>
<td>Primary Materials and Secondary Materials do not include the use of painted brick. Allows for the use of painted brick. To provide greater variety without compromising the aesthetic of Mountain Brook Village.</td>
</tr>
</tbody>
</table>

### SIDEWALK WIDTH

<table>
<thead>
<tr>
<th>Details</th>
<th>Description</th>
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<tbody>
<tr>
<td>Sidewalk Width</td>
<td>The sidewalks on the section of Lane Park Road north of Park Lane Court South shall be 6' minimum. This sidewalk will not support retail traffic and will serve as a transition to residential areas north of Lane Park.</td>
</tr>
</tbody>
</table>
DRIVE THROUGH FACILITIES

Drive through facilities may be designed and constructed as amenities to first floor retail or commercial space in the following locations as shown in the Parking, Access and Traffic Plan or in the Alternate Drive Through and Access Plan: (i) two locations within parcel 10 and, (ii) one location within parcel 5 along Park Lane Court South, and (iii) one location within parcel 5; provided however, that such drive through facilities may only service the following uses: (each being referred to individually as a “Drive Through Use Category”): (i) banks/financial institutions, (ii) pharmacies (including pharmacies ancillary to another primary use), (iii) dry-cleaners, (iv) coffee shops (in parcels 5 and 10 only), and (v) specialty food related concepts (in parcels 5 and 10 only) not included within the fast-food restaurant category such as bakeries, delicatessens and stores offering the sale of ice cream, yogurt and/or smoothies. The drive through location within parcel 5 may not service a coffee shop or a specialty food related concept. Fast-food restaurant uses may not utilize drive through facilities.

Prior to constructing any drive-through facilities, the Project Owner shall submit to the City Council a study prepared by a reputable traffic engineer (a “Stacking Study”) concluding that the stacking of vehicles for a particular Drive Through Use Category in a particular location will not have a material adverse impact on traffic and circulation within the Project and on any adjacent public roads. The Project Owner shall be permitted to construct a drive-through facility with respect to a particular Drive Through Use Category and location upon receipt of written approval from the City Council based on the City Council’s reasonable approval of the Stacking Study for such particular Drive Through Use Category and location.

DESIGN REVIEW

In connection with the preparation of schematic design documents for any building(s), the Project Owner shall submit to the zoning officer (as defined in the City Code) schematic design drawings (site plan, floor plans and elevations of the buildings therein) ("Preliminary Plans") for review and comment relative to compliance with the Design Standards. The zoning officer shall have the right to consult with the Design Committee for guidance on whether the Preliminary Plans comply with the Design Standards. Upon written request of the zoning officer, the Project Owner shall present the Preliminary Plans to the Design Committee at a regularly scheduled meeting of the Design Committee and cooperate with any subsequent inquiries of the Design Committee. The zoning officer will notify the Project Owner in writing within 30 days of the last to occur of the submittal of the Preliminary Plans or the Project Owner's presentation to the Design Committee if said Preliminary Plans do not comply with the Design Standards, which written notice shall include a description of why the Preliminary Plans are not in compliance with the Design Standards.

Prior to commencing construction on any building within Lane Park, the Project Owner shall apply for a building permit in accordance with the requirements of Section 109-40 through Section 109-46 of the City Code. The zoning officer shall have the right to consult with the Design Committee to determine if the final plans for any building comply with the Design Standards.

The provisions of the foregoing two (2) paragraphs shall be referred to herein as the "Design Review Process".

DESIGN REVIEW — SIGNAGE AND AWNINGS

The Project Owner shall submit a final signage plan (based upon the Signage Plan included in Section 12 of this PUD Application) to the Design Committee for review and approval as a Master Sign Plan in accordance with the requirements of Section 121, Division 3, of the City Code and each business within Lane Park, prior to erecting any signs or awnings, shall submit an application for a sign permit in accordance with the requirements of Section 121, Division 2, of the City Code.
TRAFFIC AND ACCESS

The plan of traffic and access for Lane Parke shall be as more particularly set forth herein in this Section 13 (the "Traffic and Access Plan"). The traffic and access improvements constructed in connection with the Lane Parke Plan shall be in accordance with the Traffic and Access Plan or the Alternate Drive Through and Access Plan.

The Traffic and Access Plan has been prepared in accordance with the recommendations of a Traffic Impact Study prepared by Skipper Consulting, Inc., a leading regional traffic consultant, a copy of which has been submitted with this PUD Application as Appendix B (the "Traffic Impact Study").

The Traffic Impact Study recommends that the following improvements be constructed to better service the traffic demands resulting from the uses and improvements to be included within Lane Parke (collectively, the "Traffic Improvements"):  
- Widen Lane Park Road to a three lane cross section from the intersection of Cahaba Road/Culver Road/U.S. Hwy. 280 ramps for approximately 440 feet northward (including turn bay storage, turn bay taper, and transition taper).
- Widen of Culver Road to a three lane cross section.
- Restriping Montecillo Road to provide a left turn lane into the site access.
- Modifying the traffic signal at the intersection of Cahaba Road/Lane Park Road/Culver Road/U.S. 280 Ramps to provide a protected-permissive left turn arrow for traffic turning left from the U.S. 280 ramp northbound onto Cahaba Road and Lane Park Road.

In accordance with the recommendations of the Traffic Impact Study, the Traffic Improvements shall be constructed and/or implemented.
DRIVE-THROUGH QUEUE TRAFFIC STUDY

Lane Parke PUD
Mountain Brook, Alabama

Prepared for:
Evson, Inc.
2621 Lane Park Road
Mountain Brook, Alabama 35223

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

June 10, 2019
Revision 1: September 3, 2019
Introduction

This report documents a traffic analysis to support a change in the Lane Parke PUD in Mountain Brook, Alabama, in order to allow construction of a drive-through window for a proposed Coffee Shop. The proposed shop location within the PUD and orientation of the drive-through lane is shown in Figure 1.

Figure 1. Drive-Through Locations
**Drive-Through Storage**

The drive-through lane for the Coffee Shop has the capacity to store approximately nine (9) vehicles beginning at the window, before the queue blocks the crosswalk crossing the entrance to the drive-through lane. The length of available storage is 195 feet, and the assumed queue per stored vehicle is 22 feet, on average.

**Existing Queue Length Studies**

Existing studies for drive-through queues for Coffee Shops are limited to one report containing maximum queue lengths for six Coffee Shops located in Minnesota and Kansas. The data in the report is limited to reporting the maximum observed queue during a 24-hour period. A graphical depiction of the data is shown below.

![Graph of Drive-Through Coffee Shop Maximum Queue Frequency - MN + KS Data](image)

*Figure 3.3.2 – Drive-Through Coffee Shop Maximum Queue Frequency – MN + KS Data*

*Source: Drive-Through Queue Generation, Mike Spack, P.E., et al*

The data collected in Minnesota and Kansas was statistically analyzed in the Spack report to yield the following:

- Average Maximum Queue – 10.2 vehicles
- 85th Percentile Queue – 13 vehicles
- Maximum Queue – 16 vehicle
New Queue Length Data Collection

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

- Coffee Shops
  - Starbucks on U.S. Highway 11 in Trussville
  - Starbucks on Montclair Road in Birmingham
  - Starbucks on Cahaba Heights Road in Vestavia Hills

Data collection was performed by observing the queues during the morning, midday, and afternoon peak periods, with the queue data collected minute-by-minute. The results of the queue length data collection, including a calculation of the average queue, are depicted in the following graphs.

![Coffee Shop Queues Chart]
Analysis of Queue Lengths

The longest average queues (both in length and duration) for the Coffee Shop are during the morning peak period (between 6:05 and 8:40 a.m.). Based on the data collected, it is estimated that the queue for the proposed Coffee Shop will exceed the available storage of nine (9) vehicles for four (4) minutes during the morning peak period. More specifically,

- The queue will exceed storage by one vehicle for three (3) minutes, at dispersed times throughout the peak period
- The queue will exceed storage by two vehicles for one (1) minute, likely to occur around 8:30 a.m.

During the midday and afternoon peak periods, it is projected that the queue will not exceed the storage.

A queue which exceeds the storage by one vehicle will block the crosswalk which crosses the entrance to the drive-through at Jemison Lane, but will not impede traffic flow on Jemison Lane. A queue which exceeds the storage by two vehicles will impede one direction of traffic flow on Jemison Lane. This situation is projected to occur for one (1) minute, at around 8:30 a.m.

The previous edition of this report, issued on June 10, 2019, the available queue storage would be exceeded for approximately nine (9) minutes on a typical weekday (six minutes during the morning peak period and three minutes during the afternoon peak period). The revised report indicates that the queue storage is anticipated to be exceeded for four (4) minutes, all during the morning peak period. The difference in the results is due to the addition of queue observations at a third site during the morning peak period (Starbucks on Cahaba Heights Road in Vestavia Hills). The additional data points reduced the average queue lengths calculated in the analysis.

Impact to Traffic Flow on Jemison Lane

A 24 hour machine traffic count was performed on Jemison Lane near the point of intersection of the proposed Coffee-Shop drive-through lane on Wednesday to Thursday, August 28 to 29, 2019. The data is included in Appendix A. The count data for the morning peak period in five-minute intervals was extracted directly from the machine memory. The five-minute interval data retrieved from the count machine is shown in Table 1. Note: five-minute intervals are the shortest interval which is stored in the traffic counter memory.

The peak five-minute traffic flow on Jemison during the a.m. peak period is 15 vehicles, and occurs twice, once from 7:50 to 7:55 a.m. and once from 8:20 to 8:25 a.m. The second time period nearly corresponds (within four minutes) to the maximum calculated Coffee Shop queue, which is projected to be 10.4 vehicles (round to 11 vehicles) from 8:29 to 8:30 a.m. Impeding traffic flow in one direction on Jemison Lane for one minute between 8:20 and 8:25 a.m. would result in a queue of 1 to 2 vehicles behind the stopped vehicle waiting to enter the drive-through, if these vehicles were not able to go around the stopped vehicle; however, the magnitude of the traffic volume on Jemison Lane during the morning peak period should not inhibit an impeded vehicle from using the opposing lane to bypass a stopped vehicle.

The peak flow in the peak direction during the morning peak period occurs from 7:50 to 7:55 a.m. on Jemison Lane eastbound, with a flow of 13 vehicles over five minutes. If this flow were impeded for one minute, then the queue of vehicles behind the stopped vehicle would be 2-3 vehicles, if these vehicles were not able to bypass the stopped vehicle.
Table 1
Machine Traffic Count – Jemison Lane

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<th>Westbound</th>
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Appendix A

Traffic Count
Jemison Lane
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**24 Hour Volume**

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<tbody>
<tr>
<td>12:00 AM - 12:00 PM</td>
<td>993 (65.6%)</td>
<td>520 (34.4%)</td>
<td>1513</td>
</tr>
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<td>12:00 PM - 12:00 AM</td>
<td>936 (65.9%)</td>
<td>340 (34.1%)</td>
<td>997</td>
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</tbody>
</table>

**Traffic Data, LLC**
1409 Turnham Lane, Birmingham, AL 35216
205-824-0125

Date: 8/28/2019

**Traffic Data Specifications**
- Location: JEMISON Ln east of REEL ST
- City, State: MOUNTAIN BROOK, AL
- Speed Limit: 35 MPH

**Traffic Data Summary**
- **Total Volume:** 1513 vehicles
- **Peak Hour:** 11:00 AM
- **Volume:** 993 EB, 520 WB, 1513 Combined
- **Factor:** 0.98
- **Count:** 336 EB, 340 WB, 997 Combined
- **Peak Hour Volume:** 993 EB, 520 WB, 1513 Combined