

**REGULAR MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

AUGUST 10, 2020, 7:00 P.M.

As authorized by the Governor of the State of Alabama on March 18, 2020, elected officials may deliberate by means of telephone conference, video conference or other similar means of communication. Members of the public are also invited to listen, observe and participate in public meetings by such means as well.

Due to COVID-19, public gatherings of 10 or more are generally not permitted without adequate social distancing. Should anyone wish to listen, observe or participate in the City Council meeting of August 10, 2020 at 7:00 p.m., please join by way of the Zoom app (re: Meeting ID 801-559-1126, password 08102020).

1. Consideration: Resolution expressing gratitude to Patrick Higginbotham for his service on the Board of Zoning Adjustment.
2. Proclamation recognizing Arrelia Callins upon the occasion of her retirement from Piggly Wiggly in Crestline Village
3. Approval of the minutes of the July 27, 2020, regular meeting of the City Council.
4. Approval of the minutes of the August 3, 2020, special meeting of the City Council.
5. Consideration: Resolution appointing poll workers for the August 25, 2020, general municipal election to decide City Council Place No. 2 between candidates Philip Black and Gerald Garner.
6. Consideration: Ordinance extending for 90-days the temporary modification of the temporary restaurant sidewalk dining regulations first implemented upon the adoption of Ordinance No. 2067 on May 11, 2020.
7. Consideration: Ordinance extending for 90-days the time restrictions for the on-street public parking located in Mountain Brook, Crestline and English Village first implemented upon the adoption of Ordinance No. 2068 on May 13, 2020.
8. Consideration: Resolution amending Chapter 14 of the City Code with respect to fees for utility, street cut repairs in the City.
9. Consideration: Ordinance authorizing the placement of a stop sign on Hampshire Drive (exiting the cul de sac) at its intersection with Hampshire Drive.
10. Announcement: The next regular meeting of the City Council is August 24, 2020, at 7:00 p.m. (means and location to be announced).
11. Adjourn.

EXPRESSION OF GRATITUDE TO PATRICK HIGGINBOTHAM
FOR HIS DEDICATED SERVICE TO THE CITY ON THE
BOARD OF ZONING ADJUSTMENT

WHEREAS, Patrick Higginbotham has served with distinction on the Board of Zoning Adjustment of the City of Mountain Brook from March, 14, 2005 to June 15, 2020; and

WHEREAS, Patrick Higginbotham has served as Chairman to the Board of Zoning Adjustment from October 8, 2012 to June 15, 2020; and

WHEREAS, In Patrick Higginbotham's tenure on the Board of Zoning Adjustment he consistently exhibited a dedication to the integrity of the city's zoning ordinance, and by extension, a dedication to the physical integrity and developmental composition of the residential neighborhoods of the city of Mountain Brook, and;

WHEREAS, Patrick Higginbotham unfailingly led the Board of Zoning Adjustment by example, through his exemplary work ethic; always arriving to the meetings having read all supporting material, and being prepared for the meetings with insightful questions and points of view, and;

WHEREAS, Patrick Higginbotham, as chairman of the Board of Zoning Adjustment, exhibited professionalism in his leading of the meetings, ensuring that the spirit of the zoning ordinance was held intact; but at the same time, exhibiting kindheartedness to those seeking a variance; and

WHEREAS, Patrick Higginbotham's detailed analysis of variance cases, and his judicious methodology in arriving at sound conclusions, served as an example to junior members of Board of Zoning Adjustment for 15 years; and

WHEREAS, it is the desire of the City of Mountain Brook to express its gratitude to Patrick Higginbotham for his unselfish service and tireless efforts while serving on the Board of Zoning Adjustment and;

NOW, THEREFORE, BE IT RESOLVED that the City Council and Mayor, on behalf of the residents of Mountain Brook, do publicly thank Patrick Higginbotham for his exemplary service.

ADOPTED: The 10th day of August, 2020.

Virginia C. Smith, President

APPROVED: The 10th day of August, 2020.

Stewart H. Welch III, Mayor

2020-127

PROCLAMATION

WHEREAS, Arrelia Callins started working at the Piggly Wiggly in Crestline in July of 1989; and

WHEREAS, Arrelia in 30 years has never missed a day of work for any reason other than illness and most importantly, every day when she comes in, she always has a smile and brings out the best in everyone; and

WHEREAS, Arrelia Callins was chosen by Maranathan Academy, a nonprofit alternative school specializing in critically at-risk youth and adults, to be the Honoree of Focused & Fabulous 2020 Fashion Show for a multitude of reasons; and

WHEREAS, Arrelia Callins is the living embodiment of all of the character traits that Maranathan strives to instill in its' students – faith in God, determination to live an integrity filled life, love for mankind, a strong work ethic and the ability to treat all people kindly and with respect; and

WHEREAS, Arrelia Callins has encountered, befriended and loved multiple generations and all walks of life in and beyond the Mountain Brook community during her 30+ year career at the Crestline Piggly Wiggly store. Each of these individuals considers themselves to be one of Ms. Arrelia's favorites; a treasure known to be true for all who hold it. Her friendship is everlasting and has made the greater Mountain Brook community a better place because she has been among us. Ms. Arrelia is loved by us all and we know her love in return.

NOW, THEREFORE, I, Stewart Welch III, the Mayor of the City of Mountain Brook, along with the City Councilors, on behalf of the residents of the City do hereby proclaim the City's appreciation for the great work and positive impact Arrelia Callins has provided to the residents, along with our sincere congratulations and best wishes for many more happy, and productive years.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 5th day of August of the year of our Lord 2020 and of the Independence of the United States of America, the 244th.

Stewart H. Welch III, Mayor

2020-126

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JULY 27, 2020**

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

The City Council of the City of Mountain Brook, Alabama met informally by way of Internet video conference at 6:15 p.m. on the 27th day of July, 2020. The Council President called the pre-meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack
Stewart Welch III, Mayor

Absent: None

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

1. AGENDA

1. Corporal positions in the Police Department—Chief Cook (Resolution No. 2020-124 was added to the formal meeting agenda.)
2. Stop sign request on Hampshire Drive—Sam Gaston (Notices will be mailed to residents in the immediate area and the matter will be considered again on August 10, 2020.)
3. Appointment to the Editorial Board—Sam Gaston (Resolution No. 2020-124 was added to the formal meeting agenda.)
4. Traffic studies for the following areas—Richard Caudle of Skipper Consultants (Resolution No. 2020-114 was added to the formal meeting agenda.)
 - a. Three-way stop Brookwood Road at South Brookwood Road
 - b. Four-way stop on River Bend Road at Briar Oak Drive
 - c. Three-way stop on Briar Oak Drive at River Oaks Road
 - d. Speed reduction on Briar Oak Drive

The traffic studies will not commence before August 24, 2020, to allow traffic patterns to acclimate after school starts on August 11, 2020. The consultant shall stay in contact with school officials to be sure there are no anomalies with respect to enrollment due to the pandemic that may distort the traffic counts.

5. Review of the other matters to be considered at the formal (7 p.m.) meeting.

Mayor Welch read aloud Resolution No. 2020-113 to Doris Young of the O’Neal Library who is retiring Friday, July 31 after 44+ years of service to the City.

A resolution expressing gratitude to Patrick Higginbotham for his service on the Board of Zoning Adjustment was continued until August 10 due to his absence.

2. ADJOURNMENT

There being no further comments or discussion, Council President Smith adjourned the pre-meeting 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 by way of Internet teleconference on July 27, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that no formal action or votes were conducted at said work session.

City Clerk Approved by
City Council August 10, 2020

**MINUTES OF THE REGULAR OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
JULY 27, 2020**

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

The City Council of the City of Mountain Brook, Alabama met by way of Internet video conference at 7 p.m. on the 27th day of July, 2020. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Philip E. Black
Lloyd C. Shelton
Alice B. Womack
Stewart Welch III, Mayor

Absent: None

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

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

1. 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 July 13, 2020, regular meeting of the City Council

2020-113	Resolution recognizing Doris Young upon her retirement from the O'Neal Library with 44+ years of service to the City	Exhibit 1
2020-114	Accept the professional services proposal submitted by Skipper Consulting with respect to the following traffic studies: 1. 3-way stop Brookwood Road at South Brookwood Road 2. 4-way stop Briar Oak Drive at River Bend Road 3. 3-way stop Briar Oak Drive at River Oaks Road Speed limit reduction Briar Oak Drive 4. Speed reduction on Briar Oak Drive	Exhibit 2, Appendix 1
2020-115	Ratify the execution of a Municipal Election Services Agreement between the City and Jefferson County Commission with respect to the August 25, 2020, general municipal election	Exhibit 3, Appendix 2
2020-116	Accept the professional services proposal submitted by Schoel Engineering for a drainage problem study at Northcoat Road and preliminary design services	Exhibit 4, Appendix 3
2020-117	Extend the professional on-call/on-demand professional services agreement between the City and Sain Associations	Exhibit 5, Appendix 4

(Resolution No. 2018-096)

2020-118	Award the bid for utility street-cut patching services to Glen Contracting and Paving Co., Inc. and authorize the execution of a 3-year contract for same	Exhibit 6, Appendix 5
2020-119	Award the bid for street striping services to Highway Management Systems, Inc. and authorize the execution of a 3-year contract for same	Exhibit 7, Appendix 6
2020-120	Certificate of election (without opposition) deeming Stewart H. Welch III the Mayor of the City of Mountain Brook, Alabama for the 4-year term of office commencing on the first Monday of November, 2020	Exhibit 8
2020-121	Certificate of election (without opposition) deeming Virginia Carruthers Smith City Councilor (Place No. 4) of the City of Mountain Brook, Alabama for the 4-year term of office commencing on the first Monday of November, 2020	Exhibit 9
2020-122	Recommending to the ABC Board the issuance of a 020 – Restaurant Retail Liquor license to Alverson and Ireland Fresh Foods, LLC (trade name Porch), 2 Dexter Avenue, 35213	Exhibit 10, Appendix 7
2020-123	Reappoint Vince Schilleci to the Editorial Board of the City of Mountain Brook, to serve without compensation, with the term of office to end August 8, 2024	Exhibit 11
2020-124	Authorize the Police Chief to designate qualifying Lead Workers (e.g., Field Training Officers and Technical Services patrol officers) to the position of Corporal	Exhibit 12, Appendix 8

Thereupon, the foregoing minutes and resolutions were introduced by Council President Smith and a motion for their immediate adoption made by Council member Black. The minutes and resolutions were then considered by the City Council. Council member Shelton seconded the motion to adopt the foregoing minutes and resolutions. Then, upon the question being put and the roll called, the vote was recorded as follows:

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

Nays: None

Abstained: None

Council President Smith thereupon declared that said minutes and resolutions (Nos. 2020-113 through 2020-124) were adopted by a vote of 5—0 that and as evidence thereof she signed the same.

2. ANNOUNCEMENTS

The next regular meeting of the City Council will be August 10, 2020, at 7:00 p.m. with the location and means to be determined and announced at a later date.

3. EXECUTIVE SESSION ADJOURNEMENT

There being no further business or matters for discussion, Council President Smith announced that the City Council shall convene in executive session. Council President Pro Tempore Pritchard made a motion that the City Council convene in executive session to discuss a matter involving potential litigation and another involving real estate. The City Attorney verbally certified that the topics to be discussed in executive session are permissible under the Open Meetings Act. The motion was seconded by Council member Womack. Then, upon the question being put and the roll called, the vote was recorded as follows:

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

Nays: None

Abstained: None

Council President Smith thereupon declared that said motion was adopted by a vote of 5—0. She then announced that the City Council shall not reconvene upon conclusion of the executive session and adjourned the meeting at approximately 7:05 p.m.

4. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama by Internet teleconference on July 27, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk
Approved by City Council August 10, 2020

EXHIBIT 1

**RESOLUTION NO. 2020-113
EXPRESSION OF GRATITUDE TO DORIS YOUNG
FOR HER DEDICATED SERVICE TO THE O'NEAL LIBRARY**

WHEREAS, Doris Young began work at the O'Neal Library on April 1, 1976; and

WHEREAS, Doris Young worked her way up from a page to the Circulation Department Manager;
and

WHEREAS, Doris Young has welcomed thousands of people to the Library; and

WHEREAS, Doris Young served as a staff representative on the Building Committee for the O'Neal Library; and

WHEREAS, Doris Young has taken pride in maintaining the current building, inside and out; and

WHEREAS, Doris Young has shared her time and talents by serving as the Chair of the Jefferson County Library Cooperative Circulation Roundtable; and

**MINUTES OF THE SPECIAL OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
AUGUST 3, 2020**

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

The City Council of the City of Mountain Brook, Alabama met by way of Internet video conference at 8:05 a.m. on the 3rd day of August, 2020. The Council President called the meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
William S. Pritchard III, Council President Pro Tempore
Lloyd C. Shelton
Alice B. Womack

Absent: Philip E. Black
Stewart Welch III, Mayor

Also present were 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. CONSIDERATION OF A RESOLUTION (NO. 2020-125) RECOMMENDING TO THE ALCOHOL BEVERAGE CONTROL BOARD THE ISSUANCE OF A 020 – RESTAURANT RETAIL LIQUOR LICENSE TO POP MOUNTAIN BROOK, LLC (TRADE NAME POST OFFICE PIES MOUNTAIN BROOK), 270 RELE STREET, 35223 (EXHIBIT 1, APPENDIX 1)

Council President Smith introduced the resolution in writing and invited questions and comments. There being none and the elected officials having determined that the application appeared to be in order; Council President Smith called for a motion. Council President Pro Tempore Pritchard made a motion to adopt the resolution. The motion was seconded by Council member Womack. 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
Lloyd C. Shelton
Alice B. Womack

Nays: None

Abstained: None

Council President Smith thereupon declared that said and resolution (No. 2020-125) is adopted by a vote of 4—0 that and as evidence thereof she signed the same.

2. ANNOUNCEMENTS

The next regular meeting of the City Council will be August 10, 2020, at 7:00 p.m. with the location and means to be determined and announced at a later date.

3. ADJOURNEMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 8:06 a.m.

4. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama by Internet teleconference on August 3, 2020, and that the meeting was duly called and held in all respects in accordance with the laws of the State of Alabama and bylaws of the City and that a quorum was present.

City Clerk
Approved by City Council August 10, 2020

EXHIBIT 1

RESOLUTION NO. 2020-125

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby recommends to the State of Alabama, Alcoholic Beverage Control Board, the issuance of a 020 – Restaurant Retail Liquor license to Pop Mountain Brook, LLC (trade name: Post Office Pies Mountain Brook), 270 Rele Street, Mountain Brook, AL 35223.

BE IT FURTHER RESOLVED that the City Clerk is hereby instructed to forward a copy of this resolution to the State of Alabama, Alcoholic Beverage Control Board.

APPENDIX 1

RESOLUTION NO. 2020-128

WHEREAS, a special municipal election has been called to be held on the 25th day of August, 2020, ~~and a runoff election to be held, if necessary, on the 9th day of October, 2020,~~ and

WHEREAS, Section 11-46-27 of the Alabama Code of 1975, as amended, provides, in part, that the municipal governing body shall appoint from the qualified electors, officers to conduct the election,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the election officers for said election shall be as follows:

Polling Location No. 1 - St. Luke's Episcopal Church

Diane M. Fisher	Chief	3829 Cove Drive 35213	879-8011	dianefisher@charter.net
Kimberly H. Carney		12 Montrose Circle	871-1100	
Don Beville				
Diane E. Weatherford		3917 Montevallo Road 35213		

Winn Crockard (6:30 a.m.-1:00 p.m.)
Katherine Garzon (1:00 p.m. -7:30 p.m.)
Carmen Echols (6:30 a.m.-1:00 p.m.)

Polling Location No. 2 - Mountain Brook City Hall

Stephanie Byrne	Chief	605 Dexter Avenue 35213	907-8362	sbyrne@realtysouth.com
Sue Moore Abele		3767 Jackson Blvd 35213		
James T Cobb, Jr.		121 Crestview Drive 35213		
Judy H. Pittman		4301 Cross Keys Road 35213		
Patricia P Pugh		4162 Appomattox Lane 35213		
Caroline M. Daniel		123 Greenbriar Lane 35213		
Laura Ann Stacy		2716 Southview Ter, 35216		
Naomi Cunningham		3621 Country Club Rd 35213		

Absentee Ballot Counters - Mountain Brook City Hall

Steven Boone	Chief	3721 Forest Run Road 35223	937-5662
Janet Forbes	Clerk		
Suzan Doidge	Clerk		

Polling Location No. 3 - Brookwood Baptist Church

Ronald B. Cohen	Chief	3267 Hillard Drive 35243	969-2340	avieron@bellsouth.net
Kathryn H. Horton	Asst	3270 Hillard Drive 35243	401-8654	
David M. Cohen		3267 Hilliard Drive, 35243	773-724-0907	
Avrin O. Cohen		3267 Hillard Drive 35243	969-2340	
William H. May Jr.		4117 Shiloh Drive, 35213	572-9559	
Andrea M. May		4117 Shiloh Drive, 35213	994-5323	
Phillip L. Teninbaum		3201 Stoningham Drive 35243	967-5577	
Eva L. Wilensky		3340 Stoneridge Lane 35243	967-3340	

Polling Location No. 4 - Mountain Brook Community Church

Carole C. Pitard	Chief	3327 Woodridge Road, 35223	968-6670
William F Martin III		2933 Green Valley Rd 35243	612-3649
Martha L. Phillippi		3344 Eaton Road 35223-2835	967-0889
Helen Martin		2933 Green Valley Rd 35243	612-3649
Evan R. Roberts		4414 Briar Glen Circle, 35243	913-3143
Betsy Faucette		2516 Ashford Place, 35243	
Kelly Higgins		3325 Springhill Rd, 35223	
Scot Cardwell		3364 Farring Road, 35223	223-2990

Polling Location No. 5 - Canterbury United Methodist Church

Camille S. Butrus	Chief	2724 Old Mill Lane, 35223	803-4197	camillebutrus@gmail.com
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Martha Green Isom	Asst	2300 Highland Crescent, 35205	777-3543	marthagisom@gmail.com
Lynn McPeters Smith		2308 River Grand Dr, 35243	335-0173	
Francis L. Hogg		2617 Lanark Road, 35223	999-5223	

Polling Location No. 6 - Cherokee Bend Elementary School

Russell B. Tyler	Chief		999-8202	trussell10369@gmail.com
Elizabeth Compton		4320 Corinth Drive 35213	871-3730	
Tiffany Young			334-327-9414	
Jayda Marble			200-5610	
Tracey Marble			586-9274	
Nakkia Battle			853-3871	

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk, Chief inspectors, and/or Assistant Chief Inspectors/Clerks are hereby authorized to engage additional and replacement poll workers in the event persons appointed herein above fail to report for duty for any reason; and,

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized and directed to pay the following amounts to those persons appointed herein above, or any replacement poll workers engaged by the Chief inspectors or Assistant Chief Inspectors/Clerks:

Chief Inspectors	\$250
Assistant Chief Inspectors/Clerks	\$200
Absentee Clerks	\$ 55

BE IT FURTHER RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Clerk is hereby authorized and to provide refreshments on election day and at the poll worker training and to pay an additional \$25 to all poll workers for any poll workers training sessions hosted by the City.

ADOPTED: This 10th day of August, 2020.

Council President

APPROVED: This 10th day of August, 2020.

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 August 10, 2020, as same appears in the minutes of record of said meeting.

City Clerk

ORDINANCE NO. 2073

**90-DAY EXTENSION OF THE TEMPORARY MODIFICATION OF
RESTAURANT SIDEWALK DINING REGULATIONS**

WHEREAS, many small businesses and have suffered financially due to the business disruptions caused by government and business restrictions imposed to curtail the spread of the COVID-19 virus; and

WHEREAS, restaurants are among those small businesses facing economic challenges as those restrictions required them to cease on-premises dining; and

WHEREAS, the State of Alabama has now passed new guidelines which will permit restaurants to resume on-premises dining, albeit with appropriate safeguards; and

WHEREAS, the City, its small business community, restaurants and residents understand the importance of keeping appropriate safeguards in place so as maintain the progress that has been achieved through social distancing; and

WHEREAS, the City understands that continued productivity and economic activities are necessary to the welfare of business owners, employees, families and the entire Mountain Brook community and is committed to protecting both the economic health of its business owners and the health of the community; and

WHEREAS, one of the ways that the City believes on-premise dining can be made safer and compliant with State Health requirements is by use of outdoor dining areas, including those on sidewalks in front of dining establishments; and

WHEREAS, the City has detailed regulations and standards in place concerning the use of public sidewalks for dining operations and those regulations are designed to protect the character of the City's historic villages; and

WHEREAS, during these unprecedented times, the City finds that temporary modification of some of those standards and regulations to be appropriate and necessary to permit business operations and the economic vitality of the community to continue, as well as to protect the health and safety of patrons.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mountain Brook, Alabama, pursuant to relevant provisions of the Emergency Management Agency Act of 1955, as amended, Governor Kay Ivey's State of Emergency Proclamations and the Alabama State Health Officer's Orders as follows:

1. For a period of time beginning on the date of passage of this Ordinance and ending 90 days thereafter (the "Restaurant Relief Period"), Section 46-6 of the City Code containing Sidewalk Café Regulations shall be temporarily modified so as to facilitate and expedite the ability of restaurants to utilize sidewalks for dining operations. Such modifications are as follows:
 - a) Village Design Review Committee review and approval provided for in Section 46-6 (b)(2) & (3) shall not be required.
 - b) City Council review and approval required by Section 46-6 (b)(4) shall not be required; provided, however, that city clerk shall not issue a Sidewalk Café Permit until such time as the owners of both the restaurant and the property have executed the City's Hold Harmless & Release Agreement in the form attached hereto.

- c) New sidewalk cafés permitted pursuant to these temporary modifications and expansion of existing sidewalk cafes shall also be subject to the following in lieu of those regulations found in Sections 46-6 (c)(1) & (2):
 - a. Limitations on the area permitted to be used by a sidewalk café during the Restaurant Relief Period shall be temporarily modified so as to allow the area to be expanded beyond the area directly in front of the building in which the restaurant is located, as may be approved by the City Clerk, provided that sufficient clearance for pedestrian passage is maintained pursuant to ADA requirements.
 - b. Operation of outdoor areas approved under these temporary standards shall be restricted to evening hours from 5:00 p.m. until close of business.
 - c. Tables and chairs shall be removed from the sidewalk and stored during the hours in which operation is not permitted.
 - d) Sidewalk cafes approved prior to the passage of these modification and under the existing Code provisions shall be permitted to continue to operate pursuant to and within the scope of the City Council approval for such café.
2. All other provisions of City Code Section 46-6 that are not specifically modified hereby shall remain in full force and effect.
 3. The Administrative Processing Fee imposed pursuant to Section 46-6(b)(1) is hereby waived for all applications submitted pursuant to this Ordinance.
 4. 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.
 5. 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.
 6. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law. The provisions of this ordinance shall expire ninety (90) days from the date of passage unless otherwise extended or made permanent by the City Council.

ADOPTED: This 10th day of August, 2020.

Council President

APPROVED: This 10th day of August, 2020.

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 August 10, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on August 11, 2020, at the following public places, which copies remained posted for five (5) days as required by law.

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

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

City Clerk

ORDINANCE NO. 2074

AN ORDINANCE EXTENDING FOR 90-DAYS THE TIME RESTRICTIONS FOR THE ON-STREET PUBLIC PARKING LOCATED IN MOUNTAIN BROOK, CRESTLINE AND ENGLISH VILLAGES FIRST IMPLEMENTED UPON THE ADOPTION OF ORDINANCE 2068 ON MAY 13, 2020

WHEREAS, the City of Mountain Brook has been operating under a State of Emergency issued by the Governor of the State of Alabama and the City of Mountain Brook due to the COVID-19 pandemic; and

WHEREAS, COVID-19 is a highly contagious communicable disease spread by contact between people and activities of residents and patrons of City businesses have been restricted so as to minimize such contact through “social distancing”; and

WHEREAS, while COVID-19 impacts people of all ages, from children to the elderly, the greatest impact, in terms of severity, has been to the elderly and those with underlying medical conditions; and

WHEREAS, on this date, by order of the Governor and State Health Officials, the restrictions that were in place are being eased to permit the operation of most commercial establishments, including restaurants which, prior to today, had been restricted to “take out only” operation; and

WHEREAS, while most establishments may resume operation under careful social distancing guidelines, contactless commercial transactions remain the safest and most effective way to effectuate the social distancing, which is still believed to be necessary to manage the spread of COVID-19; and

WHEREAS, most of the City’s commercial enterprises in its historic villages are without dedicated private parking and rely on shared public parking to support operations; and

WHEREAS, in order to facilitate the use of “take out” services for restaurants and contactless “pick up” of other commercial goods, the City wishes to provide a parking zone on each block in Mountain Brook Village and Crestline Village for contactless delivery of services so those who want to utilize the services of commercial operations in those areas but want to maintain social distancing through contactless delivery will have a place to do so; and

WHEREAS, the City understands that continued productivity and economic activities are necessary to the welfare of business owners, employees, families and the entire Mountain Brook community and is committed to the economic health of its business owners and the health of the community; and

WHEREAS, during these unprecedented times, the City finds that temporary identification of “take out parking” and regulation of the use of spaces in those areas to be appropriate and necessary to allow the economic vitality of the community to continue, as well as to protect the health and safety of patrons.

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

Section 1. The parking spaces located on the following streets and identified as “Take Out Zones” on the attached parking maps shall be designated as “Take Out Only” and shall be used only for the delivery of food or other commercial goods directly to the automobiles parked therein:

CHURCH STREET
OAK STREET
CULVER ROAD

CAHABA ROAD
MONTEVALLO ROAD
JEMISON LANE

Section 2. Vehicles parked in any "Take Out Zone" must be occupied and the occupants thereof must be waiting on the delivery of commercial services. Vehicles that are unoccupied or are parked in such areas for any other reason shall be in violation of this ordinance.

Section 3. Any person violating the provisions of Section 1 or 2 of this ordinance shall, upon conviction thereof, be punished within the limits and as provided by Section 50-107 of the Code of the City of Mountain Brook.

Section 4. 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.

Section 5. 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.

Section 5. Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law. The provisions of this ordinance shall expire ninety (90) days from the date of passage unless otherwise extended or made permanent by the City Council.

ADOPTED: This 10th day of August, 2020.

Council President

APPROVED: This 10th day of August, 2020.

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 August 10, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on August 11, 2020, at the following public places, which copies remained posted for five (5) days as required by law.

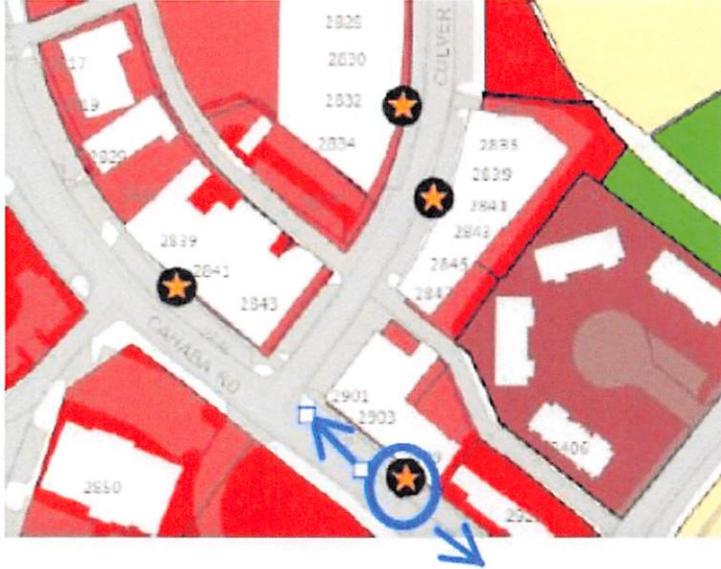
City Hall, 56 Church Street
Gilchrist Pharmacy, 2850 Cahaba Road

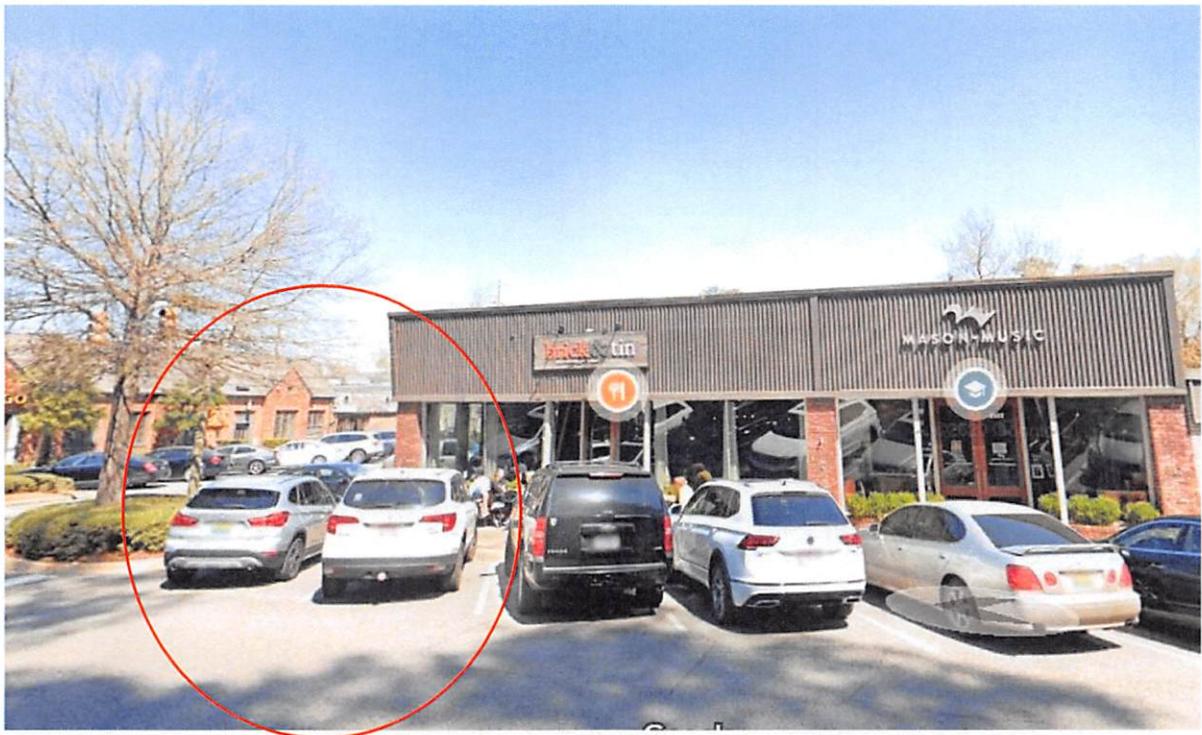
Overton Park, 3020 Overton Road
Cahaba River Walk, 3503 Overton Road

City Clerk

Mountain Brook Village

- **Action for this block: Relocate 3 spaces near Mason Music; 2 to the northwest end of the block in front of Brick and Tin, and 2 to the southwest, to be in front of Village Pet's window (where the black and white cars are in the picture).**





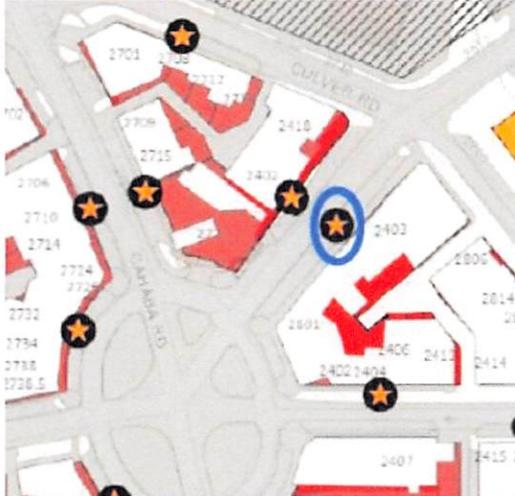
- **Action for this block: Relocate 2 spots from middle of block to be in front of Davenport's.**



- **Action for this block: Relocate 1-2 spaces from middle of curve to the end in front of Ousler; there is one (two?) 15-minute space at the end, so the 2 curbside spaces would be the 2nd and 3rd spaces from the end of the curve (or just one in the third slot?)**



- **Action for this block (east side of Montevallo: Eliminate all 3 spots on the east side of Montevallo.**



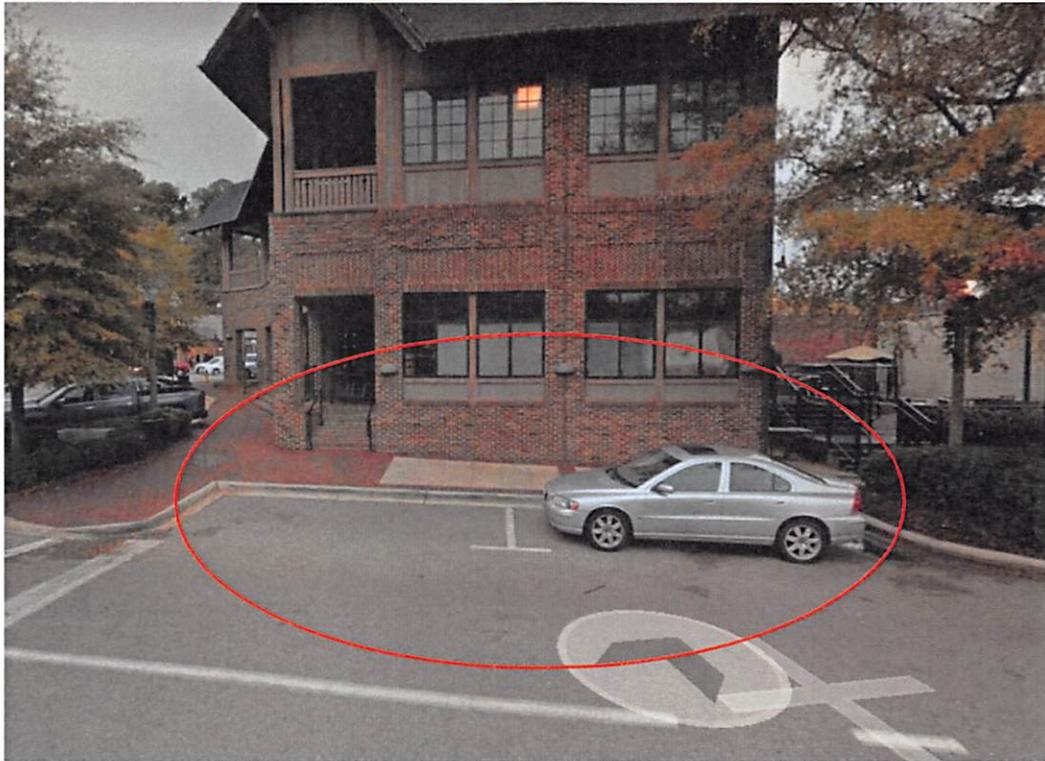
- **Action for this block (west side of Montevallo):**



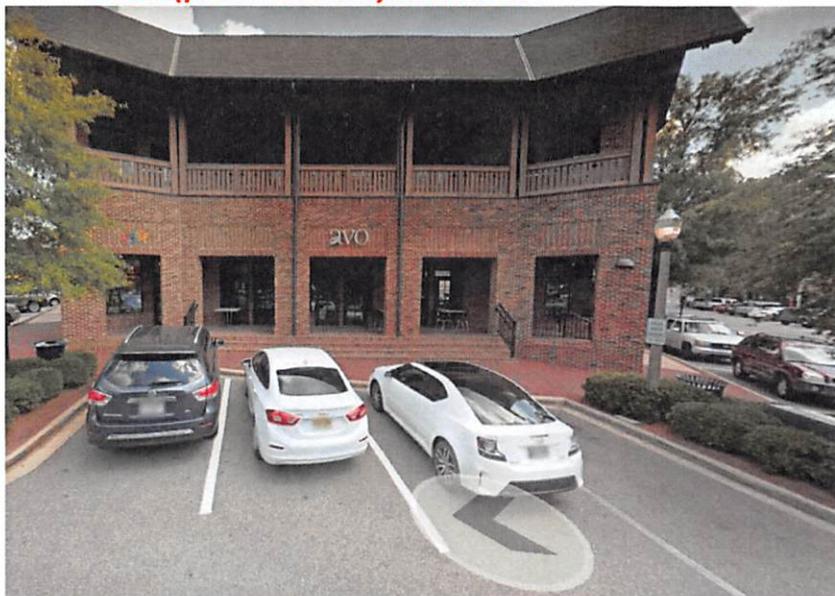
- **Remove the spot closest to Table Matters (leaving the spot closest to Another Broken Egg),**



- *stripe 2 new spots in the parallel spaces on the west side of Montevallo*



- *add 2 spots in curve on Cahaba - put them on whichever end is nearest the Abhi (previous Avo) entrance.*



Crestline Village

- **Action for this block: Reduce 2 spots to 1 spot, eliminating spot closest to Renasant Bank.**



ORDINANCE NO. 2075

**AN ORDINANCE AMENDING SEC. 14-1 OF THE CITY CODE
REGARDING SEC. 46-81(a), (c) FEES FOR THE RESTORATION OF PAVED SURFACES**

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

Section 1. **Amendment**. Section 14-1 Building Permit Fees:

“Sec. 46-81(a), (c) Cost of restoration of asphalt or concrete pavement
(per square yard) ~~\$75.00~~ \$225.00”

Section 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.

Section 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.

Section 4. **Effective Date**. This ordinance shall become effective immediately upon publication as provided by law.

ADOPTED: This 10th day of August, 2020.

Council President

APPROVED: This 10th day of August, 2020.

Mayor

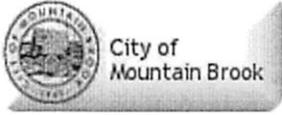
CERTIFICATION

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 August 10, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on August 11, 2020, 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



Steve Boone <boones@mtnbrook.org>

Utility Cut Repairs

1 message

Ronald Vaughn <vaughnr@mtnbrook.org>
To: Steve Boone <boones@mtnbrook.org>
Cc: Sam Gaston <gastons@mtnbrook.org>

Mon, Aug 3, 2020 at 12:00 PM

The new rates for utility cut repairs will be \$275.00 per square yard for asphalt and \$1,150.00 per square yard for concrete.

No changes in the excavation fee which will remain at \$3.00 and minimum permit fee of \$25.00.

Ronnie Vaughn
Public Works Director
City of Mountain Brook AL
3579 East Street
Birmingham , Alabama 35243
205.802.3865 Office
205.967.2631 Fax
vaughnr@mtnbrook.org

CITY OF MOUNTAIN BROOK, ALABAMA

INSPECTION DEPARTMENT

REQUIREMENT FOR EXCAVATING AND BACKFILLING OF STREET CUTS

*****All Street Cuts Have To Be Approved By *****

Hunter Johnston
205.802.3875

1. A permit shall be required from the City Clerk and approved by the City Manager for each excavation in a public street or alley before the work is connected.
2. There shall be no more than one-half of any street or alley opened or obstructed at any one time.
3. Remove all broken or cracked asphalt.
4. Backfill with crushed fine stone (thoroughly tamp in lifts).
5. Clean surrounding area thoroughly, both horizontal and vertical.
6. Install temporary patch (4" of cold mix asphalt).
7. All permanent repairs will be made by the City of Mountain Brook.
8. **Charge for Cutting:**

A. First 12 months after completion	500.00
B. Second 12 months after completion	400.00
C. Third 12 months after completion	300.00
D. Fourth 12 months after completion	200.00
E. Fifth 12 months after completion	100.00

9. Cost of Repairs:

- | | |
|---|--------|
| A. Excavation permit fee | 3.00 |
| B. Cost of restoration for asphalt or concrete pavement (per sq yd) | 275.00 |
| C. Minimum charge | 25.00 |

Ronald Vaughn

1:58 PM
(1 hour
ago)

to Sam, me

Just got off the phone with Steve Stine and he said it is okay to proceed with our crews doing the concrete. He and I reviewed the contract together and agreed that we will be fine. Chris Glenn is also okay with our staff doing the concrete work.

Ronnie Vaughn

Public Works Director

On Thu, Aug 6, 2020 at 1:31 PM Sam Gaston <gastons@mtnbrook.org> wrote:
Does this mean we can still use Glen when needed? Don't we use Public Works some now for concrete repairs when we had Rocky Smith as our contractor.
Do you mind speaking with Steve Stine about this plan?

Sam S.Gaston
City Manager

From: Ronald Vaughn [mailto:vaughnr@mtnbrook.org]

Sent: Thursday, August 06, 2020 1:27 PM

To: Steve Boone; Sam Gaston

Subject: Utility Cut Pricing

Please find attached for the council agenda the new pricing for utility cut repairs.

[Street Cut Requirements](#)

Ronnie Vaughn

Public Works Director

ORDINANCE NO. 2076

**AN ORDINANCE TO PROVIDE FOR STOP SIGN ON HAMPSHIRE DRIVE
AT ITS INTERSECTION WITH HAMPSHIRE DRIVE AND
TO PROVIDE FOR PUNISHMENT THEREOF**

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

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

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

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

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

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

ADOPTED: This 10th day of August, 2020.

Council President

APPROVED: This 10th day of August, 2020.

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, at its meeting held on this 10th day of August, 2020, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 24, 2018, at the following public places, which copies remained posted for five (5) days as required by law.

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

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

City Clerk



1-1/2" Book
- FT/IN

STOP
SIGN R-1
36" x 36"

OAKDALE DR

HAMPSHIRE DR

HAMPSHIRE DR HAMPSHIRE DR



Steve Boone <boones@mtnbrook.org>

FW: Proposed stop sign at bottom of hill on Hampshire Drive

1 message

Sam Gaston <gastons@mtnbrook.org>

Mon, Aug 3, 2020 at 5:00 PM

To: Virginia Smith <wood967@icloud.com>, Billy Pritchard <BillyP@pm-j.com>, stewart@welchgroup.com, Alice Womack <alicewomack14@gmail.com>, Lloyd Shelton <lcs@borlandcpa.com>, Phil Black <Phil@bgrouparch.com>

Cc: Steve Boone <boones@mtnbrook.org>

FYI. I have not seen the petition for a speed bump and speed limit signs yet. Only item we have on the agenda for Hampshire on August 10th is the stop sign.

Sam S.Gaston

City Manager

City of Mountain Brook, AL.

56 Church Street

P.O. Box 130009

Mountain Brook AL. 35213

(205) 802-3803 Phone

(205) 870-3577 Fax

From: Robert Plumb [mailto:bobbyplumb21@gmail.com]**Sent:** Monday, August 03, 2020 4:11 PM**To:** gastons@mtnbrook.org**Subject:** Proposed stop sign at bottom of hill on Hampshire Drive

Dear Mr. Gaston,

I appreciate your time over the phone today regarding the captioned. As we discussed, my wife and I do not oppose the installation of the proposed stop sign. This along with the pruning of obstructing vegetation should improve traffic conditions at the intersection.

I also mentioned to you that a petition is now circulating in the neighborhood to add a speed bump and speed limit signs to the petition. These my wife and I oppose and consider excessive where traffic volume and speed are naturally limited by a hilly, short (approx. quarter mile), dead end street with twenty-one (21) houses. It also does not make sense to us to have all these traffic management devices installed on such a street where no known traffic accidents have occurred over the twenty plus years we have lived on the street.

Thanks again again for your time and the consideration of our comments.

Respectfully,

*Jill & Bobby
Plumb
3549 Hampshire Drive*

From: jwilsonpiano@att.net [mailto:jwilsonpiano@att.net]
Sent: Sunday, August 02, 2020 9:36 PM
To: gastons@mtnbrook.org
Subject: Request for stop sign on Hampshire Drive

Dear Mr. Gaston,

Thank you for your quick response to the petition you received signed by the Mountain Brook residents on Hampshire Drive requesting a stop sign on the cul-de-sac coming down the hill as well as a speed bump just before the intersection as you come into the neighborhood from Oakdale Drive. Several speed limit signs along the street would be most helpful. I will be out of town when the City Council meets on August 10th to consider this request.

I do feel that the lack of a stop sign, speed limit signs, and speed bumps presents a potential for a tragedy. I know that the council members will give our petition careful consideration.

Thanks to you and the other council members for all that you do to make Mountain Brook a wonderful community.

Sincerely,

Judy Wilson
3556 Hampshire Drive

Sam Gaston

From: Margaret Karpeles <karpeles_margaret@hotmail.com> on behalf of Margaret Karpeles
Sent: Wednesday, July 08, 2020 2:15 PM
To: gastons@mtnbrook.org
Subject: Need of a stop sign

My name is Margaret Clements. I live at 3563 Hampshire Drive, off Oakdale by the high school. This road consists of 2 cul de sacs. When turning onto Hampshire you can continue straight to one circle, where I live or you can turn right and continue up the hill to another circle. There is no yield or stop sign at that junction. We have numerous kids that ride their bikes and play on the street and they are aware of traffic, however the cars are not. As a neighborhood we would appreciate a stop sign coming down the hill for cars continuing left towards Oakdale. Thank you for your consideration!

Sincerely,

Margaret Clements
205-470-2529

Sent from my iPhone