

**REGULAR MEETING AGENDA  
MOUNTAIN BROOK CITY COUNCIL**

**SEPTEMBER 14, 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 above, please join by way of the Zoom app (re: Meeting ID 801-559-1126, password 0914020).**

1. Constitution Week proclamation.
2. Approval of the minutes of the August 24, 2020, regular meeting of the City Council.
3. Approval of the minutes of the September 1, 2020, special meeting of the City Council.
4. Consideration: Resolution recommending the execution of a service agreement between the City and Birmingham-Jefferson County Transit Authority with respect to fiscal 2021 public transportation services.
5. Consideration: Resolution declaring certain property surplus and authorizing its sale at public Internet auction.
6. Consideration: Resolution authorizing the payment from the General Fund of \$200,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy (Resolution No. 2020-053).
7. Consideration: Resolution authorizing the payment of \$390,100 to the Retirement Systems of Alabama from the City's General Fund such payment representing an excess contribution to the City's pension trust fund to reduce the City's (Unit No. 2460 EMTB) unfunded actuarial accrued liability.
8. Consideration: Resolution appointing the City Clerk as the City's representative to act on behalf of the City and O/Neal Library with respect to unclaimed property retained by the State of Alabama.
9. Announcement: The next regular meeting of the City Council is September 28, 2020, at 7:00 p.m. (means and location to be announced).
10. Adjourn.

## PROCLAMATION

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

**WHEREAS**, September 17, 2020, marks the two hundred and thirty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention, providing a historic opportunity for all Americans to remember the achievements of our Founding Fathers and to reflect on the actions of Americans who for the past 233 years have defined the words of the Constitution by exercising their rights and responsibilities as citizens; and

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

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

**NOW, THEREFORE**, I, Stewart H. Welch III, by virtue of the authority vested in me as Mayor of the City of Mountain Brook, do hereby proclaim the week of September 17th through 23<sup>rd</sup>, 2020, as

### CONSTITUTION WEEK

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

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 14th day of September of the year of our Lord 2020 and of the Independence of the United States of America, the 244th.

---

Stewart H. Welch III, Mayor

2020-148

**MINUTES OF THE SPECIAL MEETING OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK, ALABAMA  
SEPTEMBER 1, 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 video or telephone conference and the public was invited to listen to, observe, or participate in the meeting by such means.]

The City Council of the City of Mountain Brook, Alabama met in special public session by way of Internet video conference on Tuesday, the 1st day of September 2020, at noon. The meeting was then called to order by the Council President 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

Absent: Stewart Welch III

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

**1. CONSIDERATION OF A RESOLUTION (NO. 2020-147) CANVASSING THE RESULTS OF THE AUGUST 25, 2020 GENERAL MUNICIPAL ELECTION (APPENDIX 1)**

The following resolution was introduced in writing by Council President Smith and considered by the City Council:

**RESOLUTION NO. 2020-147**

---

**RESOLUTION CANVASSING THE RESULTS OF THE AUGUST 25, 2020,  
CITY OF MOUNTAIN BROOK GENERAL MUNICIPAL ELECTION**

**WHEREAS**, the general election for the City of Mountain Brook was duly and legally held on Tuesday, August 25, 2020, as provided by law, and

**WHEREAS**, the municipal governing body of the City of Mountain Brook met on this 1st day of September 2020, a quorum thereof of being present, at noon, and has canvassed the returns, and has ascertained and determined the number of votes received by each candidate, and

**WHEREAS**, said municipal governing body has ascertained and determined the results of said election summarized as follows [Appendix 1]:

	St. Luke's Episcopal 01	City Hall 02	Brookwood Baptist Church 03	Mountain Brook Comm. Church 04	Canterbury UMC 05	Cherokee Bend Elem. 06	Absentee	Total
<b>City Council Place 2</b>								
Philip Black	284	366	283	264	138	189	42	1,567
Provisional	1	0	0	0	0	0	0	49.15%

Gerald Garner	245	464	343	240	100	219	8	1,619
Provisional	0	0	0	0	0	0	0	50.78%
Over votes	0	0	0	0	0	0	0	0
Under votes	0	2	0	0	0	0	0	2
	<b>530</b>	<b>832</b>	<b>626</b>	<b>504</b>	<b>238</b>	<b>408</b>	<b>50</b>	<b>3,188</b>
								<b>100%</b>
Registered voters	2,447	4,604	3,672	3,796	1,809	2,331	N/A	18,659
Voter turn-out	21.66%	18.07%	17.05%	13.28%	13.16%	17.50%	N/A	17.09%

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that:

1. Gerald Garner received a majority of the votes cast for the office of City Council Place No. 2 and is hereby declared duly elected to that office for the four (4) year term beginning on the first Monday in November 2020.

It was moved by Council member Black that the resolution canvassing the election results be passed. The motion for adoption of the resolution was seconded by Council President Pro Tempore Pritchard and upon the question the vote thereon was as follows:

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

Nays: None

Council President Smith thereupon declared that said resolution (no. 2020-147) is adopted by a vote of 5—0 and as evidence thereof she signed the same and the elected officials issued a certificate of election (Appendix 1).

## 2. EXECUTIVE SESSION AND ADJOURNMENT

There being no further business matters for discussion, Council President Pro Tempore Pritchard made a motion that the City Council convene in executive session to discuss a matter involving potential litigation. The City Attorney verbally certified that the subject matter to be discussed in executive session is allowed pursuant to the Open Meeting Act. The motion was then seconded by Council President Smith and upon the question the vote thereon was as follows:

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

Nays: None

Council President Smith thereupon declared that said motion passed by a vote of 5—0 and announced that the City Council shall not reconvene after the executive session. There being no further business to come before the City Council, Council President Smith adjourned the meeting at approximately 12:02 p.m.

3. CERTIFICATION

I, Steven Boone, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama by Internet teleconference on September 1, 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 September 14, 2020

\_\_\_\_\_

**MOUNTAIN BROOK CITY COUNCIL  
PRE-MEETING DISCUSSION  
AUGUST 24, 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 5:30 p.m. on the 24th day of August, 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 Steve Stine, City Manager Sam Gaston, and City Clerk Steven Boone.

**1. AGENDA**

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

Barlow:

- The schools closed on March 13, 2020, due to the pandemic
- In June or July, the State School Board Superintendent announced that schools across the state shall offer both traditional classroom and virtual instruction options
- There are approximately 300 students taking advantage of the virtual instruction option. (Approximately 4,100 are coming into the classrooms.)
- Classroom instruction resumed on Thursday, August 20
- This year's emphasis is hygiene, masking and distancing
- The School's plan was developed based on discussions with the Jefferson County Health Department and State School Board officials
- Because the 1,000 students at the high school and also at the junior high could not be adequately distanced, the School's upon the advice of Dr. Mark Wilson of the Jefferson County Health Department split the students into two groups. Group A attends classes Monday, Wednesday and Friday and Group B on Tuesday and Thursday. The groups switch days weekly.
- In the elementary schools, classrooms are being isolated from others to minimize the impact of quarantines should a student test positive for the virus
- All persons who come onto the School campuses must wear a mask. While this policy is controversial to some, if not required, anyone who comes into contact with someone who tests positive must be quarantined.
- The current plan will be followed until at least September 18, 2020, at which time it shall be re-evaluated.

- With contact tracing, it is conceivable that many multiples of the number of students testing positive could be quarantined which is the reason for the mask policy
  - Teachers may teach from home if quarantined if able and want to do so with a substitute present in the classroom
  - The School is using a testing lab in Cahaba Heights who assures results in 48-hours.
  - The School is recruiting a Mental Health Coordinator to address the emotional aspect of the pandemic
  - Substitute teachers are expected to be in high demand. The Schools is always looking for substitutes and uses the services of Kelly Subs for recruitment.
2. Junior High Detention Pond/Drainage Study—Mark Simpson of Schoel Engineering (Appendix 1)

Simpson:

- The detention pond was constructed about 20 years ago and the area has flooded several times since
- There is a 60 inch pipe draining the pond. The issue is the water cannot get through the inlet of the pipe to drain the pond quickly enough.
- Schoel recommends the top be cut off of the outlet structure to allow the water to access the drainage pipe faster and build a parapet wall at the maintenance ramp to give the pond more depth and capacity. These measures are projected to provide protection somewhere between 50 and 100-year flood events.
- The cost of these modifications is estimated to be between \$35,000 and \$45,000
- The drainage pipe was not inspected using cameras yet
- Regarding maintenance, a bobcat will have to be lifted over the parapet wall using a crane to clean out the silt approximately every 5 years
- The recommended modifications are not expected to result in any adverse effects downstream. The open channels below the school have enough capacity to dispel the increased runoff.

Regarding the cost, Council member Black stated that he is fine with the City paying the cost. Council President Pro Tempore Pritchard suggested the City be the contracting party and the City and Board of Education share the cost equally.

3. Fire Station No. 2 site and feasibility plan—Chief Mullins (Appendix 2)

Chris Eckroate with Caprine:

- Building on the site is feasible as well as sanitary sewer access
- Currently, there are approximately 10 parking spaces. The preliminary design yields 11 on-site parking spaces and 12 on-street public parking spaces along Locksley Drive.
- The parcel is currently zoned Residence A which includes fire stations as a permitted use

Adam Kent with Barrett Architecture Studios:

- The site plan was developed using the ladder truck and its turning radius as the starting point
- The entry is off Locksley Drive and Overton Road
- The public and private areas of the station will be separated
- The design includes an elevator for ADA-compliance purposes due to the public spaces [Council member Black suggested some modifications with respect to the proposed elevator design]

4. Recommendation from the Parks/Recreation Board on rebates for MBAA, MBSC and MBLAX for FY-2021—Shanda Williams (Resolution No. 2020-143 was added to the formal meeting agenda.)
5. Open retirement window for city employees—Steven Boone (Resolution No. 2020-142 was added to the formal meeting agenda.)
6. Review of a 2<sup>nd</sup> stop sign on Hampshire Drive—Richard Caudle of Skipper Consultants (Appendix 3)

Caudle:

- Last meeting Skipper was asked to review the intersection for another stop sign
- Skipper believes another stop sign will create a confusing situation and recommends against it
- Multiway stop signs should be reserved for where they are really needed

Council member Shelton expressed concern about the driveway located right at the intersection as motorists turn from Oak Dale. Mr. Caudle stated that there is a “hidden driveway” sign. The traffic making that turn is low. The vegetation does not pose a problem either. Skipper has no recommendation concerning this situation.

7. Conditional Use (Fitness) at 2008 Cahaba Road in English Village for MPower Pilates (former Grand Jete space)—Dana Hazen (Resolution No. 2020-140 was added to the formal meeting agenda.) [1:03:35]
8. Honor Guard training for Police and Fire Department personnel—Chief Cook and Chief Mullins (Resolution No. 2020-11 was added to the formal meeting agenda.)
9. Reappointment to the Village Design Review Committee (Brian Barrett)—Dana Hazen (Resolution No. 2020-137 was added to the formal meeting agenda.)
10. Reappointment to the Board of Zoning Adjustment (Rhett Loveman)—Dana Hazen (Resolution No. 2020-138 was added to the formal meeting agenda.)
11. Reappointment to the Parks and Recreation Board (Helen Drennen)—Shanda Williams (Resolution No. 2020-139 was added to the formal meeting agenda.)
12. Power transformer replacement at the Athletic Complex—Shanda Williams (Resolution No. 2020-144 was added to the formal meeting agenda.)
13. Change orders for the Fields 3-6 project at the Athletic Complex—Dale Brasher of Goodwyn, Mills and Cawood (Appendix 4) [1:22:33]

Dale Brasher:

- Turf is being installed on Field 7
- Field 6 turn installation is set to begin on August 26, 2020
- The contract includes a \$25,000 contingency
- There have been some conditions that used some of the contingency, however, the contractor has identified other things that were not needed and removed
- Currently, the City is \$7,000 below the contract value
- There are some water lines and drainage lines that need to be relocated
- The contractor has identified some other modifications that should be done while work is underway

Bill Shea with Morris-Shea Bridge Co., contractor:

- The contractual completion date is the middle of October
- The contractor hopes to finish by October 2 so fall leagues can use the fields
- The water line across Field 3 has been relocated as it was too shallow due to rock. This water line has been hit many times over the years. The cost of the change was \$14,000 applied to the \$25,000 contingency.
- The sewer/water line to the softball building needs to be moved
- A \$5,500 retaining wall behind Field 5 is suggested
- Other modifications recommended include
  - Removing about six trees some of which block the lighting from the fixtures installed last year (\$7,000)
  - 60,000 square feet of paving around the fields (\$300,000)
  - Suggests the paving and drainage be designed for the entire complex
  - Recommends the existing four commissioner boxes be razed and replaced with canopy-covered scorer tables
  - Wireless scoreboard for Field 7 (other fields too)
  - There are 19 suggestions totaling \$544,000 (more than the 10% change-order allowance provided in the bid law)
  - There is not time for most of the modifications to be completed before the fall season
  - Bleachers shades (could wait)

Council President Pritchard suggested prioritizing the modifications and completing those that make sense to while the crews are currently on site.

Council Member Black stated that the items of most importance right now are those that will protect the City's investment and enhancing safety.

Shea:

- The commissioner box removal will facilitate work to be done in the future
- Some shared light poles need to be replaced and relocated

Council President Smith suggested that Council member Black and Prichard, Bill Shea, Shanda Williams and Sam Gaston meet on-site to prioritize the suggested modifications.

Shea:

- Covering the batting cages should be considered in the upcoming budget
- Understands there are plans to improve the restrooms. Suggested thinking about razing the concession stand and restrooms and building one building that includes those amenities as well as equipment storage. The new facility should also include additional covered space for spectators to shelter from inclement weather.

14. Requests by athletic groups to open restrooms at the playing fields and amended the Safer at Home policy—Shanda Williams (Resolution No. 2020-146 was added to the formal meeting agenda.)

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

A resolution (No. 2020-145) authorizing the execution of a Community Infrastructure Agreement between the City and Jefferson County Commission with respect to ADA-compliant restroom upgrades at the Athletic Complex was added to the formal meeting agenda.

**2. ADJOURNMENT**

There being no further comments or discussion, Council President Smith adjourned the pre-meeting at approximately 7:25 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 August 24, 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 September 14, 2020

**MINUTES OF THE JOINT, REGULAR OF THE  
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK AND  
MOUNTAIN BROOK EMERGENCY COMMUNICATIONS DISTRICT  
AUGUST 24, 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 and Board of Directors of the Mountain Brook Emergency Communications District met by way of Internet video conference at 7:25 p.m. on the 24th 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  
Philip E. Black  
Lloyd C. Shelton  
Alice B. Womack  
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Steve Stine, 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. PRESENTATIONS

Mayor Welch read aloud Resolution No. 2020-131 (Exhibit 1) expressing the City's gratitude for William Hereford's service on the Board of Zoning Adjustment.

Council member Womack read aloud the Women's Equality Day proclamation (No. 2020-132, Exhibit 2) to Heather Kaiser (and Jessie Schnipper with another chapter of the Daughters' of the American Resolution).

## 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 10, 2020, regular meeting of the City Council

<b>2020-131</b>	Expression of gratitude to William Hereford for his service on the Board of Zoning Adjustment	Exhibit 1
<b>2020-132 Proclamation</b>	Women's Equality Day proclamation	Exhibit 2
<b>2020-133</b>	Authorize the execution of a Traffic Enforcement Agreement between the City and East Central Alabama Safety Office	Exhibit 3, Appendix 1
<b>2020-134</b>	Declare certain property [vehicles] surplus and authorizing their sale at public Internet auction	Exhibit 4

2020-135	Authorizing the execution of a professional services agreement between the City and Matrix Consulting Group with respect to an organizational study of the City's Emergency Communications District/Dispatch operations	Exhibit 5, Appendix 2
2020-136	Authorize the execution of professional service agreements as follows for design modifications of the traffic islands located at Village Circle in Mountain Brook Village conditioned upon securing donations to cover the estimated cost of design fees, plantings and improvements in excess of the City's pledged financial participation (\$16,500 Olin Studio design fee plus the cost of simply combing the two traffic islands into one): a. Olin Studio b. Landau Design + Technology c. Nimrod Long & Associates	Exhibit 6
2020-137	Reappoint Brian Barrett to the Village Design Review Committee, to serve without compensation; the term of which will end on August 28, 2023	Exhibit 7
2020-138	Reappoint Rhett Loveman to the Board of Zoning Adjustment, to serve without compensation; the term of which will end on September 22, 2023	Exhibit 8
2020-139	Reappoint Helen Drennen to the Park and Recreation Board, to serve without compensation; the term of which will end on August 24, 2025	Exhibit 9
2020-140	Approve the conditional use application submitted by MPower Pilates for 2008 Cahaba Road	Exhibit 10, Appendix 3
2020-141	Authorize the execution of a Drillmaster U. S. Certified Ceremonial Guardsman Academy Training Agreement	Exhibit 11, Appendix 4
2020-142	Authorize the City Manager to offer continuing medical coverage to eligible employees (namely a) 20 years of City service at any age or b) 10 years of City service who are eligible for normal retirement benefits and who elect to retire between October 1, 2020 through May 31, 2021	Exhibit 12, Appendix 5
2020-143	Authorize rebates due to diminished availability of fields due to the pandemic for Mountain Brook Athletics-\$6,276, Mountain Brook Lacrosse-\$723 and Mountain Brook Soccer-\$4,700	Exhibit 13, Appendix 6
2020-144	Approve the purchase and installation of a refurbished transformer at the Athletic Complex and authorize the execution of a contractor agreement with Stone & Sons Electrical Contractors, Inc. for same	Exhibit 14, Appendix 7
2020-145	Authorize the execution of a Community Infrastructure Agreement with Jefferson County Commission with respect to ADA-compliant restroom upgrades at the Athletic Complex improvements	Exhibit 15, Appendix 8

- 2020-146** Approve the plan to re-open public restrooms at the City's various public park facilities and authorize the Parks and Recreation Board Superintendent to close said public restrooms at her discretion in the interest of public safety should conditions warrant
- Exhibit 16,  
Appendix 9

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

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

Nays: None

Abstained: None

Council President Smith thereupon declared that said minutes, proclamation (No. 2020-132) and resolutions (Nos. 2020-131, 2020-133 through 2020-146) were adopted by a vote of 5—0 that and as evidence thereof were signed by the officers.

### 3. ANNOUNCEMENTS

2. The City Council shall hold a budget work session in the Council Chambers of City Hall, 56 Church Street, 35213 on Wednesday, August 26, 2020, starting at 8 a.m.
3. The City Council shall meet on Tuesday, September 1, 2020, at noon to canvass the results of the August 25, 2020, general municipal election (means and location to be announced)
4. The next regular meeting of the City Council is September 14, 2020, at 7:00 p.m. (means and location to be announced).

### 4. ADJOURNEMENT

There being no further business or matters for discussion, Council President Smith adjourned the meeting at approximately 7:30 p.m.

### 5. 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 24, 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 September 14, 2020

**RESOLUTION NO. 2020-149**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby formally requests the same level of public transportation services as received during fiscal 2020, as described in Exhibit A attached hereto, for the consideration of \$97,322; and

**BE IT FURTHER RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the execution the Birmingham-Jefferson County Transit Authority (BJCTA/MAX) fiscal 2021 Transit Service Agreement for said public transportation services.

**ADOPTED:** This 14th day of September, 2020.

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

**APPROVED:** This 14th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on September 14, 2020, as same appears in the minutes of record of said meeting.

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

Executive Director  
Frank T. Martin



Board Chair  
Theodore "Ted" Smith

September 4, 2020

Honorable Stewart H. Welch, III, Mayor  
City of Mountain Brook, Alabama  
56 Church Street, PO Box 130009  
Mountain Brook, Alabama 35213

**RE: FY21 REQUEST FOR TRANSIT SERVICE**

Dear Mayor Welch:

We trust that you, your staff and family are staying safe during this pandemic. We have taken note of the financial strain that most organizations are experiencing and write this letter, in part, to offer some financial assistance regarding your transit service cost for next Fiscal Year, which we explain below. This letter and attachments are also a continuation of our effort to improve the services we provide to our customers and participating municipalities, and to provide information to help you better understand transit and fully implement and follow the requirements outlined in House Bill 627.

In short — House Bill 627 (a.k.a. the Enabling Legislation), passed by the Alabama Legislature in May 2013, provides guidance for administrating certain functions and activities for the Birmingham-Jefferson County Transit Authority (BJCTA). In addition to prescribing the funding methodology for BJCTA, it specifies the process by which municipalities are to request service from BJCTA.

Section 26 of the legislation (see **EXHIBIT D** excerpt attached) requires municipalities to file written requests by March 1<sup>st</sup> for transit services desired for the upcoming Fiscal Year (starting October 1<sup>st</sup>). But of course, the March 1<sup>st</sup> date was not feasible with the COVID-19 pandemic outbreak which slowed or shutdown business operations.

With it now being one month before the start of Fiscal Year 2021, to expedite the requesting process we recommend maintaining your current level of service in terms of routes and frequencies, however, with 30% assistance toward the cost which we will cover using CARES Act funds allocated to us from FTA. Thus, we will provide service **valued at \$139,032 for \$97,322**. We offer this assistance in the true spirit of partnership and, as your partner, we are willing to share resources as a supplement to your operations and replace some of the losses your city has surely experienced during this economic downturn.

Please complete and sign the enclosed Service Request Form (**Exhibit A**). This form represents your official request for service for the upcoming Fiscal Year (**October 1, 2020 through September 30, 2021**) and should be signed by the appropriate City official to certify your request. The form shows:

- Service Request Form
  - FY20 currently provided routes, service hours and cost

- FY21 proposed routes, service hours and cost (**including the 30% assistance**)
- Certifying official's signature and title, and the date signed

Additionally, it is our goal to provide information to expand your knowledge of the Enabling Legislation and transit operations we have enclosed an appendix which includes the following:

- Listing of each route currently being provided to Mountain Brook (**EXHIBIT – B**).
  - Current and proposed routes, hours, service span and frequency (in minutes) of each route
  - Proposed annual cost of each route (with 30% assistance)
  - Cares Act Assistance being offered to Mountain Brook (30% from previous year's cost)
  - Maps of each route showing the stops in your City
- Highlights of sections from the Enabling Legislation (**EXHIBIT – C**)
- Except of Section 26 of the Enabling Legislation that requires municipalities to request service from BJCTA (**EXHIBIT – D**)
- Enabling Legislation timeline (**EXHIBIT – E**)
- Budget and rate development process flowcharts and explanations (**EXHIBIT – F**).

We are available to meet with your designated staff to discuss and fully understand your transit needs, your future goals, and how transit can help you achieve those goals. Those discussions will help us tailor routes and services to meet your specific needs.

Finally, we appreciate the opportunity to partner with you and serve your transit needs. It is our desire to become the **mobility manager** for the region and we invite any comments and feedback that will help us improve our service to fully meet your needs and the needs of your citizens.

Sincerely,



Frank T. Martin, Executive Director

cc: Sam Gaston, City Manager



**EXHIBIT B-1**

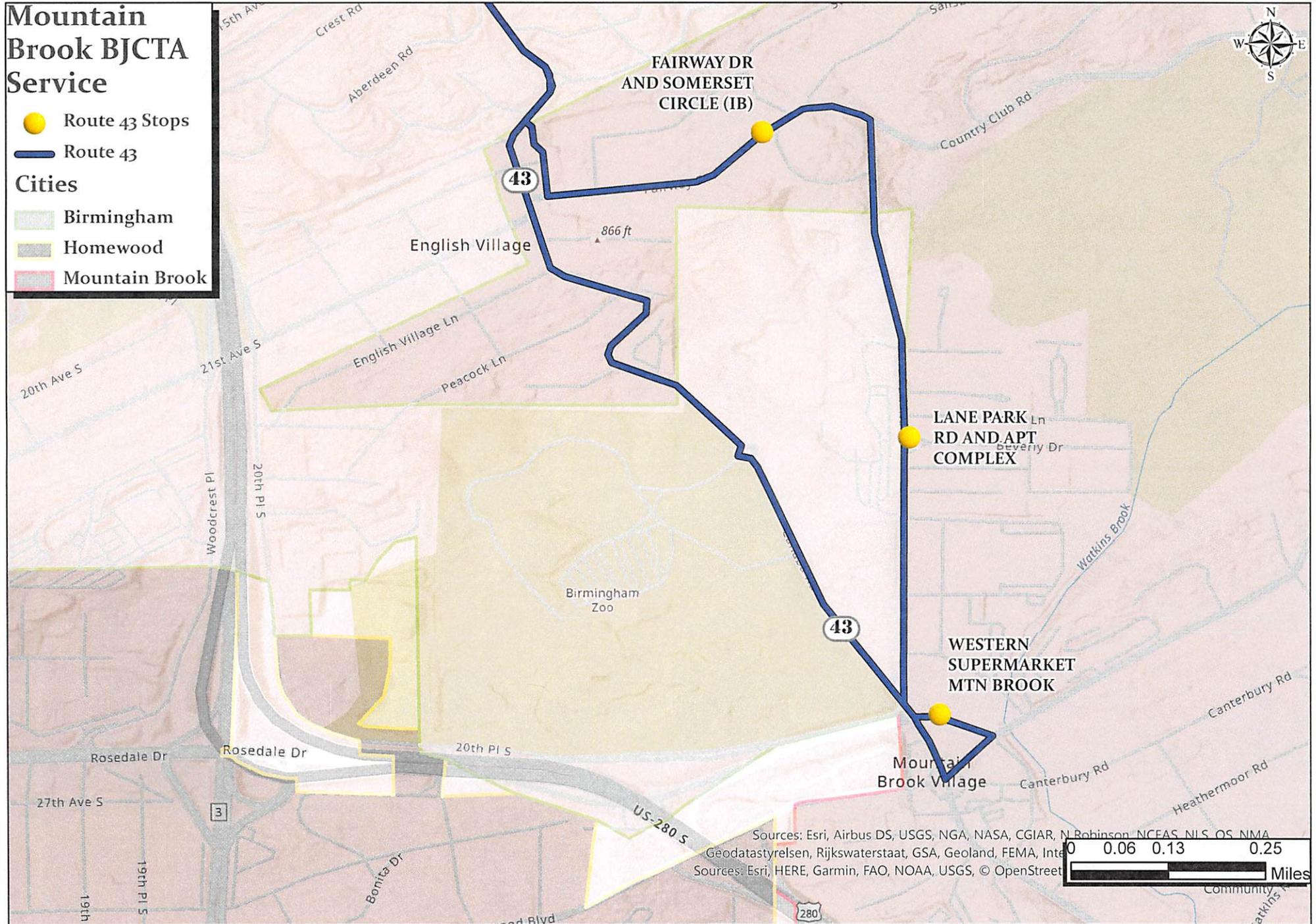
**ROUTE 43 – ZOO (THROUGH MOUNTAIN BROOK)**

Currently, the route 43 services UAB, 5 Points South, English Village, Zoo and Botanical Gardens, Mountain Brook Village and Lane Park.

<b>Current and Proposed Hours</b>	<b>923.10</b>
<b>Rate</b>	<b>\$82.36</b>
<b>Current and Proposed Service Span</b>	<b>7:00 AM – 5:45 PM (M-F)</b>
<b>Current Frequency</b>	<b>45 - 50</b>
<b>Annual Cost</b>	<b>\$76,027</b>
<b>Less: CARES Act Assistance</b>	<b>\$22,809</b>
<b>Adjusted Annual Cost</b>	<b>\$53,218</b>

# MOUNTAIN BROOK SERVICE PLAN MAP

EXHIBIT B-1.1



## EXHIBIT B-2

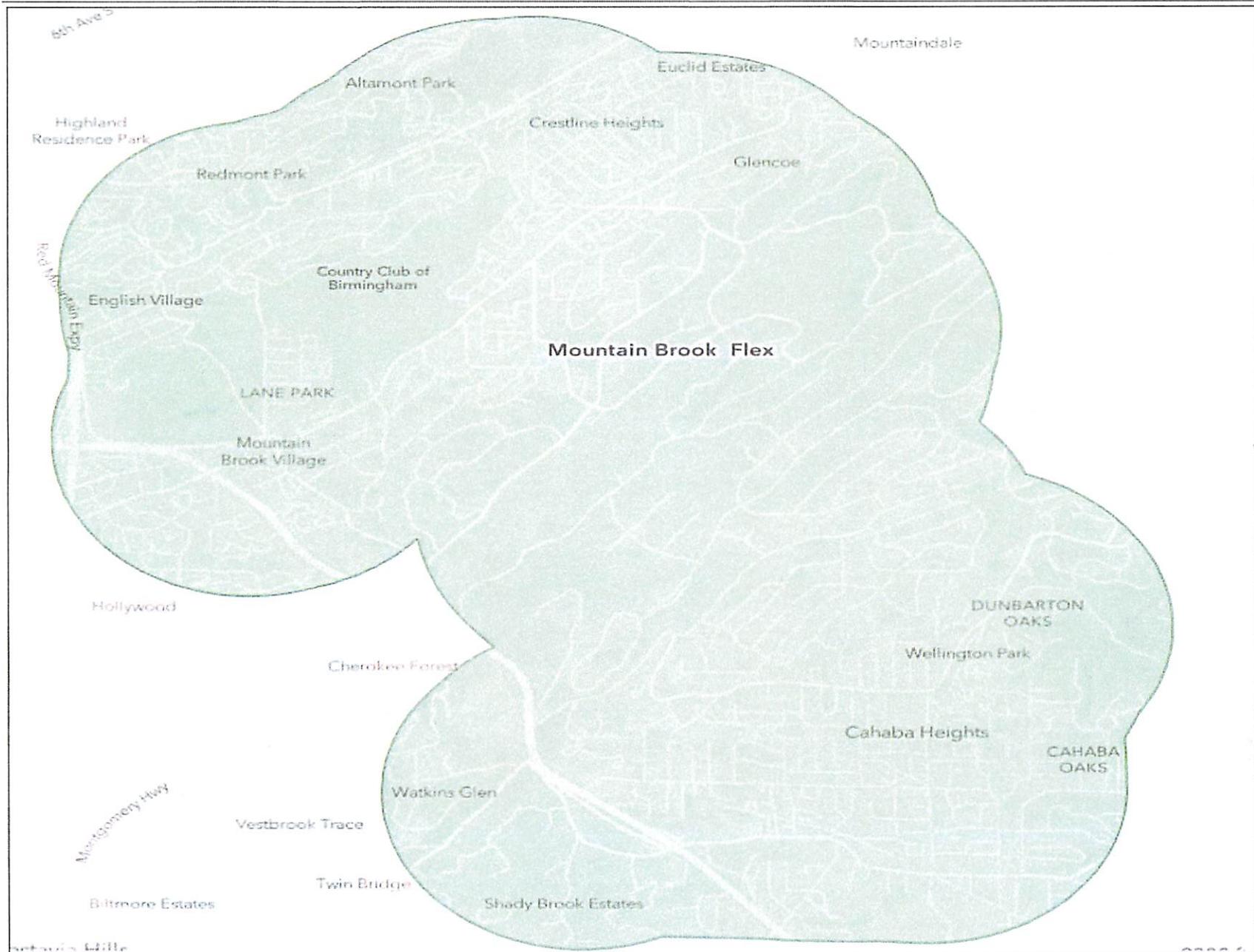
### MAX DIRECT – MOUNTAIN BROOK (THROUGH MOUNTAIN BROOK)

MAX Direct is a demand-response transit mode that originates in the City of Birmingham and operates within the city limits of Mountain Brook. The demand-response system permits walk-ons, scheduled trips, and serves point to point or origin and destination directly, rather than stop to stop.

Current and Proposed Hours	765.00
Rate	\$82.36
Current and Proposed Service Span	8:00 AM – 9:30 AM and 2:30 PM – 4:00 PM (M–F)
Current Frequency	Demand Response
Annual Cost	\$63,005
Less: CARES Act Assistance	\$18,901
Adjusted Annual Cost	\$44,104

# MOUNTAIN BROOK FLEX ZONE MAP

EXHIBIT B-2.1



# ENABLING LEGISLATION

SECTIONS	DESCRIPTION	DETAILS
Section 24	Annual amt to be paid to BJCTA by Jefferson Co.	<ol style="list-style-type: none"> <li>Determine the ad valorem taxes collected for the county within the city limits of each municipality served by BJCTA.</li> <li>County shall pay 5.5% of the 1<sup>st</sup> \$18,181,819 of taxes from 1 above, plus 2.5% of the taxes in excess of \$18,181,819.</li> <li>County shall determine the number of residents of the county residing in unincorporated areas having access (reasonable walking distance) to BJCTA services. County shall pay BJCTA from its general fund, \$1.00 per capita (per person) of the residents served.</li> </ol>
Section 25	Annual amt to be paid to BJCTA by Birmingham	<ol style="list-style-type: none"> <li>Determine the ad valorem tax collected by the county within the city limits of Birmingham.</li> <li>Pay BJCTA 10% of the amount determined in step 1 above.</li> </ol>
Section 26	Request for transit service by municipalities <b>(MARCH 1<sup>ST</sup>)</b>	Municipalities shall file a written request for service setting forth the routes and frequency of service requested.
Section 27	BJCTA Annual Budget <b>(MAY 1<sup>ST</sup>)</b>	<ol style="list-style-type: none"> <li>Submit a written budget to the county and each municipality that requested service in Section 26 above.</li> <li>Budget (for the forthcoming FY) shall set forth the number of hours of operation and anticipated cost per hour, exclusive of fare box revenues, federal operating subsidies, ad valorem and other taxes pursuant to Sections 24 and 25 above.</li> <li>Municipalities that request service that requires vehicles to travel through areas not served by BJCTA, are responsible for the operating time from the last scheduled pick-up until the vehicles reach the city limits of the requesting municipality.</li> <li>The governmental entity within the county which made the largest total payment during the preceding FY is authorized to review the budget</li> </ol>

# ENABLING LEGISLATION

(continued)

EXHIBIT - C.2

SECTIONS	DESCRIPTION	DETAILS
Section 27	Budget Review <b>(MAY 15TH)</b>	The governmental entity within the county which made the largest total payment during the preceding FY is authorized to review the budget and, by written request, reduce the budget in any area it deems to be excessive.
Section 28	Certify Routes <b>(JUNE 1ST)</b>	Each municipality shall certify in writing to BJCTA the routes to be operated during the forthcoming FY and agree to make payments to BJCTA as provided in Section 9 below. The routes are subject to equipment availability
Section 29	Cost Allocation	All of the municipalities served may by written agreement filed with BJCTA, agree to allocate costs of operation by any such route on a basis different than provided herein.
Section 30	Annual Amount to be Paid by Municipalities <b>(SEP 15TH)</b>	Annual amount to be paid to BJCTA by each municipality is to be ascertained by multiplying the hours of operation based on the routes certified in Section 28, by the cost per hour as set forth in Section 27.2 above.
Section 32	Payments	The required payments shall be made on a monthly basis or such other payment schedule as the County, Birmingham or municipality shall agree to with BJCTA.
Section 33	Audit	The County, Birminghamham and each participating municipality shall have the right to audit, at its own expense, the records of BJCTA.

HB627

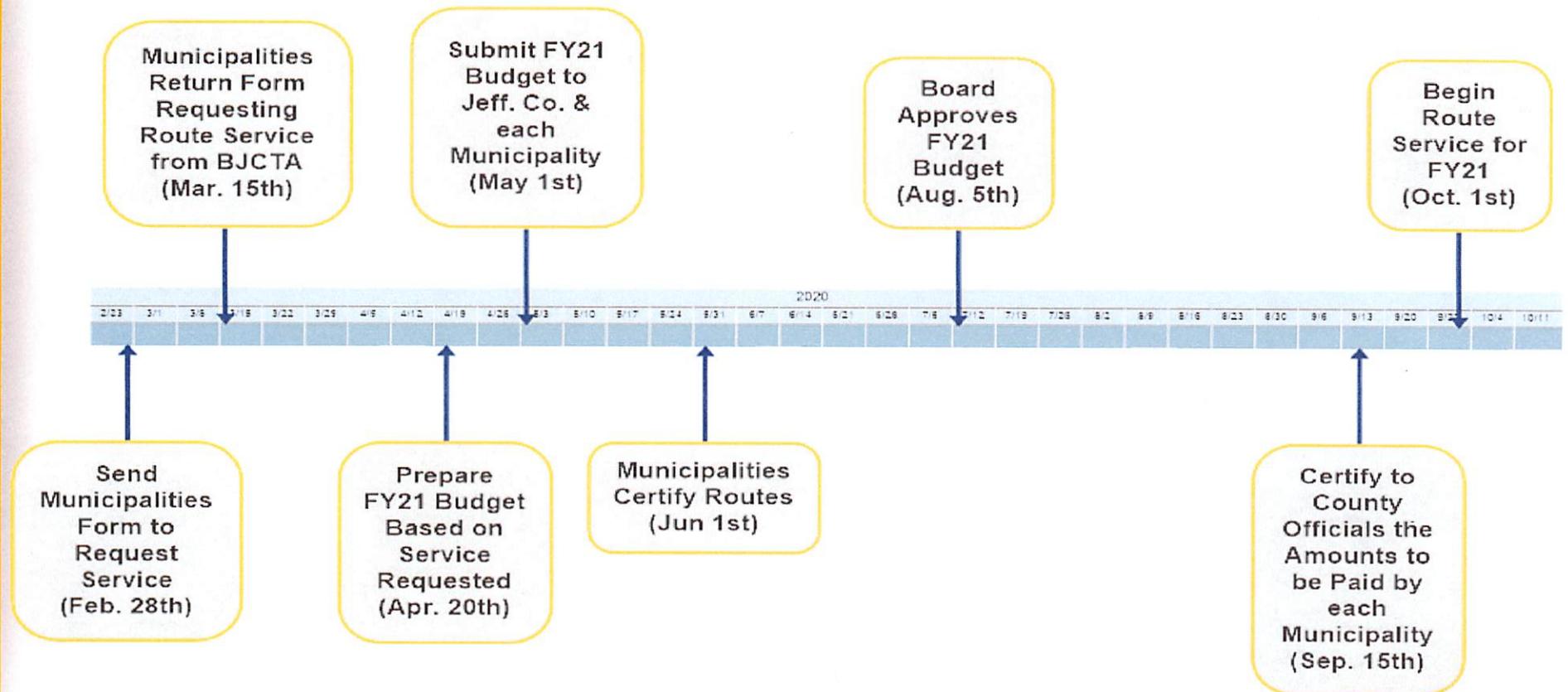
1 unincorporated area served by the authority by a municipality.  
2 Such residents shall be deemed to be served by the authority  
3 and there shall be paid annually out of the general funds of  
4 the authorizing county a sum equal to one dollar (\$1.00) per  
5 capita of the residents thus deemed to be served.

6 Section 25. The amount to be paid to the authority  
7 by the principal municipality during each fiscal year shall be  
8 ascertained by determining the amount of ad valorem tax  
9 collected for the authorizing county within the city limits of  
10 the principal municipality, in addition to the amount  
11 determined in Section 30. The principal municipality shall pay  
12 to the authority annually from its general funds an amount  
13 equal to 10 percent of the ad valorem tax collected by the  
14 authorizing county within the city limits of the principal  
15 municipality each year.

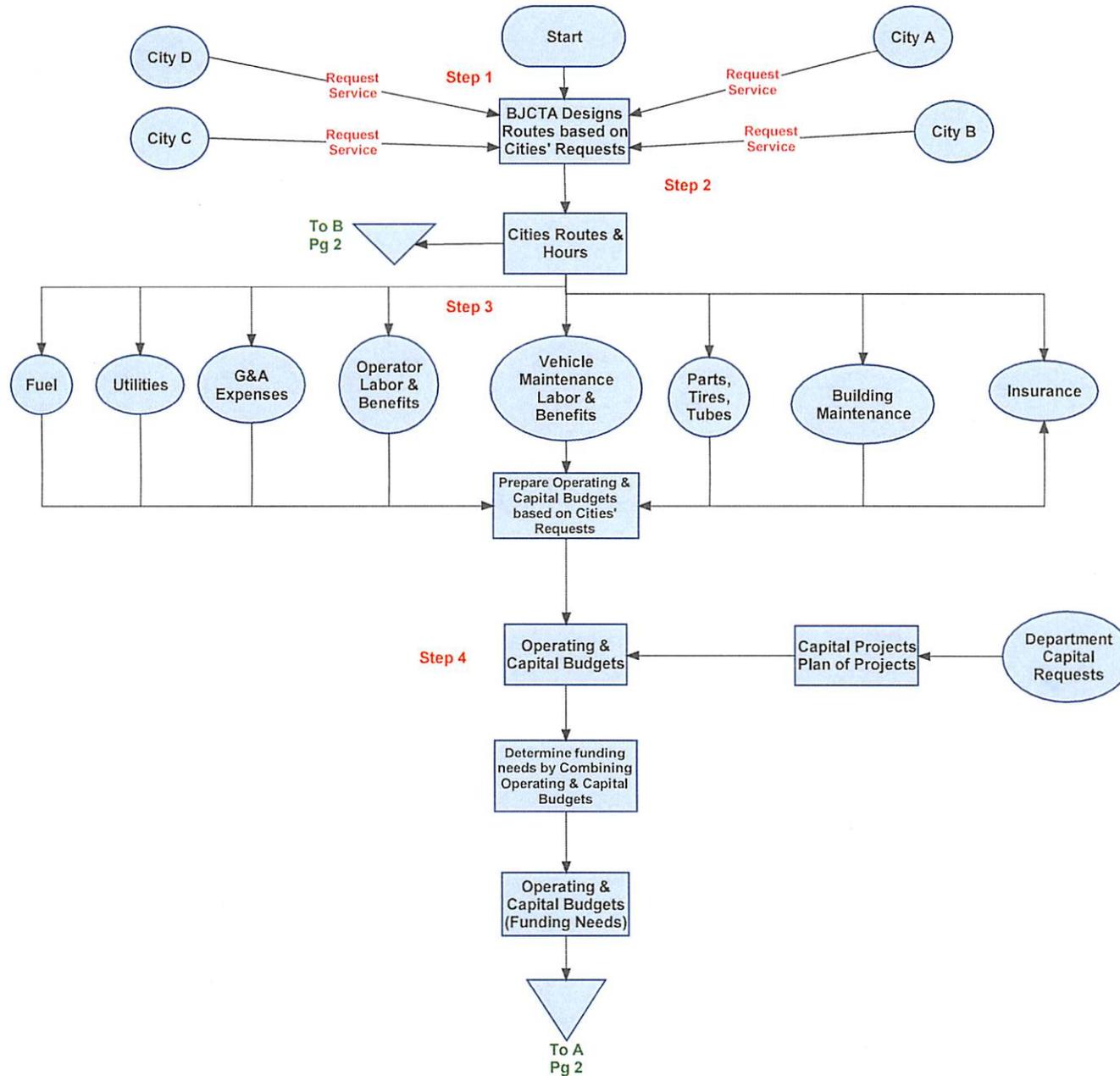
16 Section 26. On or prior to the beginning of the  
17 seventh month before the start of each fiscal year, the  
18 principal municipality and each municipality located in the  
19 authorizing county which desires to be served by the authority  
20 during the forthcoming fiscal year shall file a written  
21 request with the authority for the service, which request  
22 shall set forth the routes and frequency of service requested.

23 Section 27. On or prior to the beginning of the  
24 fifth month before the start of each fiscal year, the  
25 authority shall prepare and submit to the authorizing county,

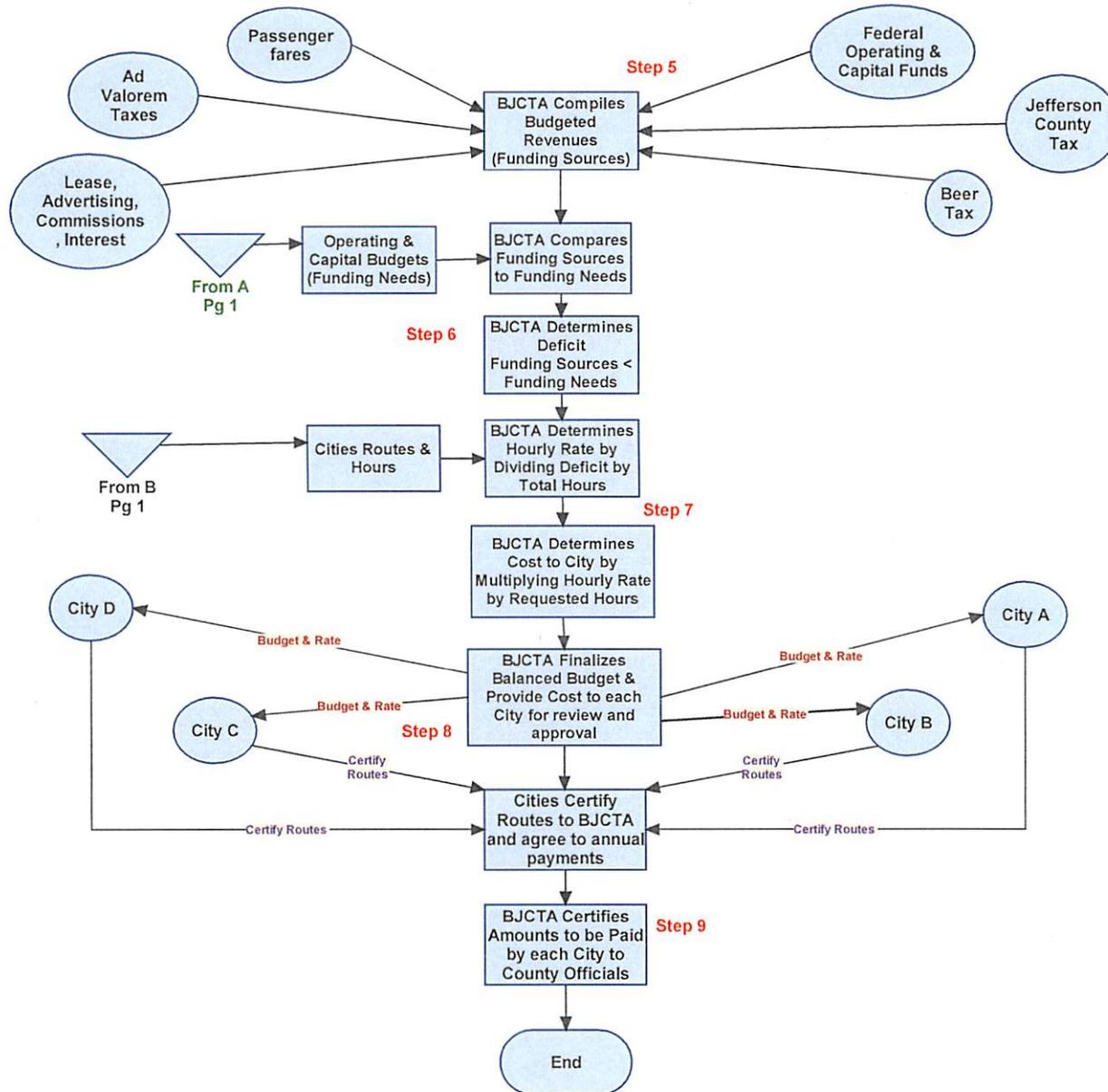
# ENABLING LEGISLATION TIMELINE



Budget & Rate Development Process  
Page 1 of 2



### Budget & Rate Development Process Pg 2 of 2



**BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY  
Budget and Rate Development Process Flow**

Step	Description	Process Details
1	<b>Cities request service</b>	As required by the Enabling Legislation, by March 1 <sup>st</sup> of each year, cities should request transit service (routes) from BJCTA for the upcoming fiscal year. Route request forms are sent to each city to use for submitting the request.
2	<b>BJCTA design routes</b>	Based on the cities' requests, BJCTA designs routes that will operate in each city. BJCTA will meet with each city to ensure the routes meet their needs.
3	<b>BJCTA determines hours and prepares budgets</b>	<p>The design of the routes will dictate the annual hours needed for the entire system, which will determine the operating and to some degree the capital budgets for BJCTA.</p> <p>These drivers will determine the following:</p> <ul style="list-style-type: none"> <li>• Number of operators and mechanics, which drives direct labor and benefit costs</li> <li>• Number of vehicles required and total miles, which drives fuel, parts, repairs, preventive maintenance and vehicle insurance costs</li> </ul> <p>Additionally, other general and administrative costs are determined</p> <ul style="list-style-type: none"> <li>• Administrative salaries and benefits</li> <li>• Overhead costs such as utilities, building maintenance, security, insurance, etc.</li> </ul>
4	<b>Operating &amp; Capital Budgets</b>	<p>The operating and capital costs will be included in the annual budget. The capital budget is determined, in part, by requests for service, but also has a is influenced by capital replacement and renewal plans in conjunction with long-term goals and directives.</p> <p>The combination of Operating and Capital costs for the budget will determine the funding needs for the organization.</p>
5	<b>Determine Budgeted Revenue</b>	<p>The next step is to determine where the funds to support the operating and capital budgets will come from. The primary components are:</p> <ul style="list-style-type: none"> <li>• Passenger fares – driven by routes and fare rates</li> <li>• Federal operating and capital grants – based on federal apportionments, grant applications and capital expenditure plans</li> <li>• Ad valorem taxes – from property taxes, with only slight variations in amount from year to year.</li> <li>• Jefferson County and Beer tax – based on local legislation</li> <li>• Lease, advertising, commissions and interest income – based on various agreements and the amount of funds on deposit in financial institutions.</li> </ul>
6	<b>Resultant funding deficit</b>	<p>Because there are no designated state funding requirements, and local funds fall short of covering operating and capital costs, there is always a gap between the operating and capital costs and the revenues available to cover those costs.</p> <p>Consequently, in accordance with the Enabling Legislation, the participating municipalities must fill the void.</p>

**Exhibit F-1.4**

**BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY  
Budget and Rate Development Process Flow**

7	<b>Determine Hourly Rate and Cost to Cities</b>	<p>Each city is charged a share of the unmet need in direct proportion to their share of the total hours requested as determined in Step 3 above.</p> <p>The process of charging the cities is to first compute the hourly rate which is the quotient of dividing the unmet need, by the total number of hours requested by all cities:</p> <ul style="list-style-type: none"><li>• E.g. <math>\text{Unmet Need } (\\$12,048,642) / \text{total hours Requested } (146,292) = \text{Hourly Rate } (\\$82.36)</math></li></ul> <p>The resultant rate of \$82.36 is then multiplied by the hours for a city (e.g. Birmingham's hours was 121,418) to arrive at the annual cost for the city \$10,000,000.</p> <p>Since Birmingham gets 83% of the total hours (121,418/146,292), they pay 83% of the unmet need (<math>\\$10,000,000 / \\$12,048,642</math>).</p>
8	<b>Finalize Budget and Provide Cost to Cities</b>	<p>By filling the unmet need with funding from each city, the budget is now balanced. This budget with each city's computed revenue apportionment is provided to each city for final review and approval.</p>
9	<b>Certify Amounts to be Paid by Cities to County Officials</b>	<p>On September 15<sup>th</sup>, BJCTA shall certify the amounts to be paid by the cities in Jefferson County electing to be served by BJCTA to the county tax collector, revenue commissioner or director of revenue.</p>

**RESOLUTION NO. 2020-150**

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

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

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

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

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

Wooden children's cubical workstations (eight bays)

Section 2. That the City Manager, or his designated representative, is hereby authorized and directed to sell said property by way of public Internet auction or to dispose of said items not sold.

**ADOPTED:** This 14th day of September, 2020.

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

**APPROVED:** This 14th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on September 14, 2020, as same appears in the minutes of record of said meeting.

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







**RESOLUTION NO. 2020-151**

**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 \$200,000 into the City of Mountain Brook Section 115 (retiree medical insurance) Trust for investment in accordance with the City's investment policy (Resolution No. 2020-053).

**ADOPTED:** This 14th day of September, 2020.

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

**APPROVED:** This 14th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on September 14, 2020, as same appears in the minutes of record of said meeting.

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

**RESOLUTION NO. 2020-052**

**WHEREAS**, pursuant to the provisions of Resolution No. 2017-009 adopted on January 10, 2017, the City has remitted a total of \$287,900 more than the actuarially determined annual required contribution for the fiscal year ending September 30, 2020; and

**WHEREAS**, due to uncertainty brought about by the Covid-19 pandemic and its potential impact on the City's budget, the City suspended excess pension contributions effective March 2020; and

**WHEREAS**, the City Council has determined that the City's fiscal 2020 General Fund operations are likely to exceed the originally budgeted surplus for the year; and

**WHEREAS**, the City Council desires to resume its excess pension funding strategy expressed in Resolution No. 2017-009; now, therefore,

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the payment of \$390,100 to the Retirement Systems of Alabama from the City's General Fund such payment representing an excess contribution to the City's pension trust fund to reduce the City's (Unit No. 2460 EMTB) unfunded actuarial accrued liability .

**ADOPTED:** This 14th day of September, 2020.

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

**APPROVED:** This 14th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on September 14, 2020, as same appears in the minutes of record of said meeting.

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

**Historical Excess Pension Contributions**

	<u>Life-to-date</u>	<u>2019-2020</u>	<u>2018-2019</u>	<u>2017-2018</u>	<u>2016-2017</u>	
Oct	\$ 141,700.00	\$ 49,100.00	\$ 46,900.00	\$ 45,700.00	\$ 0	
Nov	219,300.00	67,300.00	89,000.00	63,000.00	0	
Dec	191,500.00	74,800.00	48,200.00	68,500.00	0	
Jan	190,500.00	48,200.00	47,400.00	44,900.00	50,000.00	#102717, (2017-009 adopted 01/10/2017)
Feb	190,400.00	48,500.00	47,200.00	44,700.00	50,000.00	#102998, 2/9/2017
Mar	142,200.00	0	47,500.00	44,700.00	50,000.00	#103314, 3/6/2017
Apr	167,700.00	0	47,600.00	45,100.00	75,000.00	#103694, 3/31/2017
May	192,600.00	0	72,100.00	45,500.00	75,000.00	#104433, 6/01/2017
Jun	192,000.00	0	47,700.00	69,300.00	75,000.00	#104848, 7/06/2017
Jul	244,000.00	0	48,200.00	45,800.00	150,000.00	#105151, 7/31/2017
Aug	169,100.00	0	48,100.00	46,000.00	75,000.00	#103996, 04/27/2017
Sep	<u>485,000.00</u>	<u>390,100.00</u>	<u>48,100.00</u>	<u>46,800.00</u>	<u>0</u>	
	<u>\$ 2,526,000.00</u>	<u>\$ 678,000.00</u>	<u>\$ 638,000.00</u>	<u>\$ 610,000.00</u>	<u>\$ 600,000.00</u>	
					\$ 600,000.00	Authorized by 2017-009

**RESOLUTION NO. 2020-152**

**BE IT RESOLVED** by the City Council of the City of Mountain Brook, Alabama that Steven Boone, City Clerk, of the City of Mountain Brook, Alabama is hereby designated to act on behalf of the City with respect to unclaimed property retained by the State of Alabama including but not limited to the following claims:

<b>Claim ID</b>	<b>Payee</b>	<b>Address/Payer</b>
4123871	Emmet O'Neil Librarybrassfield	PO Box 2527 Birmingham, AL 35202 from Trane US, Inc.
4123872	Emmet O'Neil Librarybrassfield	PO Box 2527 Birmingham, AL 35202 from Trane US, Inc.

**ADOPTED:** This 14th day of September, 2020.

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

**APPROVED:** This 14th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on September 14 2020, as same appears in the minutes of record of said meeting.

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



Steve Boone &lt;boones@mtnbrook.org&gt;

---

**Re: unclaimed property**

1 message

---

**Lindsay Gardner** <lgardner@eolib.org>  
To: Steve Boone <boones@mtnbrook.org>, Steve Stine <sstine@bishopcolvin.com>

Thu, Jul 23, 2020 at 10:07 AM

Yes, I'm happy to contact Trane and see if I can't get some information.

Lindsay

---

**From:** Steve Boone <boones@mtnbrook.org>  
**Sent:** Thursday, July 23, 2020 9:11 AM  
**To:** Steve Stine <sstine@bishopcolvin.com>  
**Cc:** Lindsay Gardner <lgardner@eolib.org>  
**Subject:** Re: unclaimed property

Lindsay, I can go through the state to attempt recovery. This generally takes Council action naming a representative and proof of ownership (not always a slam dunk). We don't have a relationship with Trane. Can you contact Trane to inquire what exactly they turned over the state first?

On Thu, Jul 23, 2020 at 8:55 AM Steve Stine <sstine@bishopcolvin.com> wrote:

Lindsay, Mr O'Neil's information is news to me. I do not know anything about the history of any rebate that Trane may have made or tried to make on a past Library improvement project. Brass field has been the City's Consultant on some of these.

I suggest you and Steve B discuss this. As the Library Director I would think you are the right person to make a claim with the State for it and that the State would prefer to interact with the Library's officials on this.

Steve

On Wed, Jul 22, 2020 at 5:20 PM Lindsay Gardner <lgardner@eolib.org> wrote:

FYI. If I need to do anything about this, please let me know.

Thanks,  
Lindsay

---

**From:** Lindsay Gardner <lindsaygardner@yahoo.com>  
**Sent:** Wednesday, July 22, 2020 4:59 PM  
**To:** Lindsay Gardner <lgardner@eolib.org>  
**Subject:** Fw: From Frank O'Neil

----- Forwarded Message -----

**From:** Frank O'Neil <foneil@mac.com>  
**To:** Lindsay Gardner <lindsaygardner@yahoo.com>  
**Sent:** Wednesday, July 22, 2020, 03:42:56 PM CDT  
**Subject:** From Frank O'Neil

Hi Lindsay,

This will be an "out-of-the-ordinary" e-mail. I was doing a regular search of Alabama's Unclaimed Property records today and found that the Library has two items outstanding. Looks like whoever filled out some paperwork misspelled

the Library's name (used an "i" instead of an "a." Happens to me all the time in reverse.

	4123871	EMMETT ONEIL LIBRARYBRASSFIELD	PO BOX 2527	BIRMINGHAM AL	35202	TRANE US INC	OVER \$100
	4123872	EMMETT ONEIL LIBRARYBRASSFIELD	PO BOX 2527	BIRMINGHAM AL	35202	TRANE US INC	OVER \$100

From my former life, this looks like a rebate from Trane after work that might have been done by Brassfield & Gorrie (All I see is Brassfield).

I would guess the city attorney could pursue it for you using the claim number in the screen shot above. You can also look it up yourself at <https://alabama.findyourunclaimedproperty.com/app/claim-search>

Hope that helps,  
Frank O'Neil

--

## Steven Boone

City of Mountain Brook  
P. O. Box 130009  
Mountain Brook, AL 35213-0009  
Direct: (205) 802-3825  
Facsimile: (205) 874-0611

[www.mtnbrook.org](http://www.mtnbrook.org)

<http://mtnbrookcity.blogspot.com/>

Twitter®: @mountain\_brook