

**SPECIAL MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

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

JANUARY 30, 2023, 5:00 P.M.

As a matter of convenience, members of the public are invited to listen, observe and participate in public meetings by Internet video conference. Presenters and others interested in a particular matter for discussion are encouraged to attend the meeting in-person. The City is not responsible for technical issues that may occur that interfere with the virtual meeting. The City Council, at its sole discretion, may proceed with its in-person business meeting regardless of whether virtual attendees can hear and/or observe the proceedings. The City intends to make the meeting available by way of the Zoom app (re: Meeting ID 801-559-1126, password 01302023).

1. Consideration: Resolution authorizing the execution of the “MWCF Deductible Addendum-2023” with respect to the \$300,000 deductible workers’ compensation insurance coverage and claims administration services for the policy year beginning February 1, 2023
2. Consideration: Resolution establishing the City’s employee performance evaluation scoring criteria for merit pay increase eligibility
3. Public Hearing- Request to rezone property from Residence B district to Planned Unit Development (PUD) district- 2305 Montevallo Road, Montevallo Road Partners, LLC
4. Comments from residents and attendees
5. Announcement: The next regular meeting of the City Council is February 13, 2023 at 7:00 p.m.
6. Adjourn

RESOLUTION NO. 2023-020

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the execution of the “MWCF Deductible Addendum-2023” with respect to the \$300,000 deductible workers’ compensation insurance coverage and claims administration services for the policy year beginning February 1, 2023.

ADOPTED: This 30th day of January, 2023.

Council President

APPROVED: This 30th day of January, 2023.

Mayor

CERTIFICATION

I, Heather Richards, 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 January 30, 2023, as same appears in the minutes of record of said meeting.

City Clerk

MWCF Deductible Addendum - 2023

Dear City of Mountain Brook:

On behalf of The Municipal Workers Compensation Fund (MWCF), we would like to thank you for purchasing workers comp coverage through MWCF for your entity.

This addendum to the MWCF Participation Agreement confirms your deductible program and your portion of each claim that City of Mountain Brook will pay under this program. City of Mountain Brook is on a \$300,000 deductible per claim per year program. MWCF will pay all expenses on each claim that exceeds \$300,000 and City of Mountain Brook will pay all expenses on each claim up to the first \$300,000 of each claim.

You agree by signing this addendum, that in the event you do not pay the deductible reimbursement expenses on this program within 30 Days of billing receipt, MWCF may offset any balance due to them, against un-earned premiums paid in by you, against any deposit paid in by you, any dividends due to you and may accelerate any un-paid premium payments under any financing agreement. You further agree, that in the event your entity does not reimburse deductible expenses back to MWCF, you understand that MWCF may cancel your existing workers compensation insurance coverage under state law for non-payment.

You also agree that as a condition of this deductible program, you will furnish MWCF ongoing quarterly financial statements, if requested. In the event of a significant change in the finances of your entity, determined in our sole discretion, then the fund may re-underwrite the risk of your entity based on this deductible program mid-year. Re-underwriting may include termination of coverage, change in deductible amount or even elimination of deductible amount for the current coverage term.

As part of our program MWCF will provide normal administrative services to your account, including claims below your \$300,000 deductible.

In addition to the standard MWCF services, it is important to note and understand that certain fees and expenses related to the administration of claims are included within the deductible portion of your policy. These expenses are called "allocated loss adjustment expenses" and are standard in the industry. City of Mountain Brook must pay these expenses for the first \$300,000 of all claims. MWCF will only pay these expenses after the \$300,000 deductible of any claim is met. The "allocated loss adjustment expenses" are listed below.

ALLOCATED LOSS ADJUSTMENT EXPENSE

1. The term "Allocated Loss Adjustment Expense" shall mean such of the following items of expense incurred or authorized by Service Company as may be reasonable and necessary in connection with its provision of the Basic Services. The below items are the claims cost items that are to be considered in determining self-insured retention levels as well as deductible levels:
 - A. Medical examination of claimants, including the reasonable and necessary transportation expenses of claimants.
 - B. Reports from attending or examining physicians.
 - C. Attorneys' fees, disbursements, and expenses.
 - D. Court reporter services and transcripts.

- E. Stenographic services and transcripts.
- F. Witness attendance fees.
- G. Court costs.
- H. Appeal bonds.
- I. Printing costs related to trials and appeals.
- J. Testimony, opinions, appraisals, reports, surveys and analyses of professionals and experts.
- K. Automobile and Property appraisals.
- L. Trial and hearing attendance fees.
- M. Reports from government agencies or branches.
- N. Credit bureau reports.
- O. Private investigators.
- P. Photographers.
- Q. Medical or vocational rehabilitation.
- R. Medical costs containment services, i.e., utilization review, pre-admission authorization, hospital bill audit, provider bill audit and medical case management incurred at the request of Client.
- S. Extraordinary Claim investigation and/or travel expense incurred at the request of Client.
- T. Any similar service related to the investigation and defense of a particular Claim, or the protection of and collection of the subrogation rights of Client.
- U. Indemnity Benefits and Medical provider payments and associated cost containment fees, such as but not limited to RX out of contract repricing costs, etc.
- V. Out of State TPA service fees.
- W. Out of contract in-state and out-of-state bill adjudication fees.
- X. Medicare Set-Aside program management fees.

On behalf of MWCF, thank you for your support of the Municipal Workers Compensation Program.

Please execute this addendum, acknowledging that you have a \$300,000 deductible per claim. Once executed please return a copy of this document back to:

MWCF, Inc.
P O Box 1270
Montgomery, AL 36102

Addendum Authorizing Signatures for the City of Mountain Brook:

By: _____ Date: _____
Authorized Municipal Official

Witness: _____ Date: _____

RESOLUTION NO. 2023-021

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby sets the criteria for awarding merit pay increases to be the Jefferson County Personnel Board Manager Evaluation Calculation of 2.75 or greater (on a scale of 5).

ADOPTED: This 30th day of January, 2023.

Council President

APPROVED: This 30th day of January, 2023.

Mayor

CERTIFICATION

I, Heather Richards, 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 January 30, 2023, as same appears in the minutes of record of said meeting.

City Clerk



Heather Richards <richardsh@mtnbrook.org>

Performance Reviews

1 message

Sam Gaston <gastons@mtnbrook.org>

Tue, Jan 24, 2023 at 4:10 PM

To: Jaye Loggins <logginsj@mtnbrook.org>, Jason Carmack <carmackj@mtnbrook.org>, Christopher Mullins <mullinsc@mtnbrook.org>, Stacey Cole <coles@mtnbrook.org>, Ronnie Vaughn <vaughnr@mtnbrook.org>, James Gay <gayj@mtnbrook.org>, Dana Hazen <hazend@mtnbrook.org>, Glen Merchant <merchantg@mtnbrook.org>, Heather Richards <richardsh@mtnbrook.org>, boones@mtnbrook.org, Shanda Williams <williamssh@mtnbrook.org>, Craig Fisher <fisherc@mtnbrook.org>, myerse@mtnbrook.org

Cc: forbesj@mtnbrook.org

As you should all be aware, the Personnel Board recently implemented a new performance evaluation program. The new procedure is initiated with the employee preparing a self-evaluation followed by the manager's evaluation. Employees are evaluated on 7 to 10 core competencies associated with their position and job duties. Like the old system, the ratings range from 1 through 5 where 3 represents meets expectation, 2-needs improvement, 1-below expectations, 4-commendable, and 5-exceeds expectations. However, unlike the former system where employees were not eligible for a merit increase if their evaluation included two or more ratings of 1-below expectations, the new system calculates a numeric score. Jurisdictions determine the minimum score eligible for an employee to receive a merit pay increase.

We are contemplating setting the minimum score of 2.75 in order for an employee to be eligible for a merit increase.

Following are some illustrations of the scoring system:

	Example						
Score	1	2	3	4	5	6	7
1		1		2	2		2
2			2		1	2	
3	8	6	4	6	5	6	5
4			1				
5		1	1				1
Total	24	24	25	20	19	18	22
Average	3	3	3.12	2.50	2.37	2.75	2.75

Example 4 illustrates a performance review that would not qualify for a merit increase under the old system due to the employee receiving 2 ratings of 1-below expectations. Example 7 also illustrates a performance review with 2 ratings of 1, however, because the employee received one rating of 5, their score is 2.75 making them eligible for a merit increase under the City's proposed scoring criteria.

“ZONING NOTICE

Notice is hereby given that at a special meeting of the City Council of the City of Mountain Brook to be held on Monday, January 30, 2023, at 5:00 p.m., in the Council Chamber of the Mountain Brook City Hall located at 56 Church Street, Mountain Brook, Alabama 35213, the City Council will hold a public hearing regarding a proposal that the City Council adopt an ordinance in words and figures substantially as follows:

“ORDINANCE NO.

AN ORDINANCE TO REZONE CERTAIN PARCELS OF LAND IN THE CITY OF MOUNTAIN BROOK, ALABAMA FROM RESIDENCE B DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) DISTRICT

WHEREAS, after due consideration, the City Council has determined that the zoning classification of the real estate owned by Montevallo Road Partners, LLC, which is located along Montevallo Road, as more particularly described below, should be zoned Planned Unit Development (PUD) District, such property being presently zoned Residence B District.

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

1. Amendment of Zoning Ordinance and Map. The zoning ordinance of the City of Mountain Brook and zoning map established under authority of Section 129-17 of the Mountain Brook City Code are hereby amended by rezoning the property described hereinbelow from its present Residence B District under Chapter 129, Article IV, of said Code to Planned Unit Development (PUD) District as described in Chapter 129, Article XVI. The zoning ordinance of the City of Mountain Brook shall further be amended to set forth that the development of the subject property shall be governed by the zoning standards set forth in the PUD Rezoning Application and Master Development Plan.

2. Development Standards. The Master Development Plan and the materials submitted by the applicant, as required by Section 129-265 of the Mountain Brook City Code, are made a part hereof and are specifically incorporated herein by reference, said plan and materials constituting regulatory standards for use of the affected property, subject to modification only as provided for in Article XVI, Chapter 129 of the Mountain Brook City Code

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

PARCEL I:

Lots 330 and 331, according to the Survey of Mountain Brook Estates, Chester Road, as recorded in Map Book 24, page 37, in the Probate Office of Jefferson County, Alabama.

+/- 17,256 Square Feet or 0.4 Acres

PARCEL II:

Begin at the center of the North boundary line of the NW 1/4 of the SW 1/4 of Section 8, Township 18, Range 2 West; thence run South along the center line of said NW 1/4 of SW 1/4 790 feet; thence East and parallel with the North boundary line of the said NW 1/4 of SW 1/4 234 feet; thence North 790 feet to the North boundary line of said 40 acre tract; thence West along the said North boundary line 234 feet to Point of Beginning.

LESS AND EXCEPT any portion of subject property lying in US Highway 280. Situated in Jefferson County, Alabama.

+/- 151,035.66 Square Feet or 3.5 Acres

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

6. Effective Date. This ordinance shall become effective when published by posting the same as required by law.”

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

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

A map of the property, a development plan proposed for the property, and other documents, information, and materials filed in conjunction with the application for rezoning may also be viewed on the City’s website by going to:

www.mtnbrook.org

- Calendar (upper right corner)
- City Council (January 30, 2023)
- Meeting Information (for agenda) and Supporting Documents (to view proposed plans and related materials select link associated with the case number P-22-16)

For inquiries, please contact Dana Hazen at 802-3816 (hazend@mtnbrook.org).

Heather Richards
City Clerk
802-3823
boones@mtnbrook.org

CERTIFICATION

I, Tammy Reid, Administrative Analyst for the City of Mountain Brook, Alabama, do hereby certify that I have caused notice of the proposed rezoning and of public meeting thereupon set forth above to be published and provided in the manner specified by Article XXV, Sec. 129-431, of the Mountain Brook City Code. I further certify that I have posted said notice in four conspicuous places within the City of Mountain Brook, in the manner and within the time permitted by law, said places being:

Mountain Brook City Hall, 56 Church Street
Cahaba River Walk, 3503 Overton Road

Gilchrist Pharmacy, 2850 Cahaba Road
Overton Park, 3020 Overton Road

Tammy Reid, Administrative Analyst

Due to file size, supporting documents for the public hearing
can be located online at the following address:

<https://www.mtnbrook.org/citycouncil/page/special-city-council-meeting-1>