

**MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

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

FEBRUARY 27, 2023, 7 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 02272023).

1. Approval of the minutes of the February 13, 2023, regular meeting of the City Council.
2. Consideration: Resolution authorizing the sale or disposal of certain surplus property.
3. Comments from residents and attendees
4. Announcement: Notice of public comment period for our annual Storm Water Management Program Plan submittal to ADEM that will be finalized prior to 03/31/23. Please contact Glen Merchant at 205-802-3812 or merchant@mtnbrook.org for questions, concerns, or comments.
5. Announcement: The next regular meeting of the City Council is March 13, 2023 at 7:00 p.m.
6. Adjourn

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
FEBRUARY 13, 2023**

[As a convenience, members of the public were invited to listen, observe and participate in the public meeting by Internet video conference.]

The City Council of the City of Mountain Brook, Alabama met informally in-person at 6:09 p.m. on the 13th day of February, 2023 (others were allowed to listen to the meeting by way of Internet video conference). 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
Graham L. Smith
Gerald A. Garner
Lloyd C. Shelton
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Whit Colvin, City Manager Sam Gaston, and City Clerk Heather Richards.

1. EXECUTIVE SESSION

Council President Pro Tempore Pritchard made a motion that the City Council convenes in executive session to discuss a pending litigation and that the City Council shall reconvene upon conclusion of the executive session. The City Attorney certified that the subject matters were allowed to be discussed in executive pursuant to Alabama Law. The motion was seconded by Council President Virginia Smith. 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
Gerald A. Garner
Graham L. Smith
Lloyd C. Shelton

Nays: None

2. AGENDA

1. Paving List for FY-2023

Ronnie Vaughn-Public Works Director

- Every year, roads in Mountain Brook are evaluated
- Lane Parke roads included on the list
- The paving will not impact the start of school

Billy Pritchard-Council President Pro Tempore

- Suggested holding off on Lane Parke roads until cost sharing with Birmingham has been determined

2. Drainage bids for Canterbury/Surrey project and Cherry/Lorena/Euclid project

Mark Simpson-Schoel Engineering

- Received two bids for Canterbury/Surrey project
- The lowest bid for the Canterbury/Surrey project was Gillespie Construction in the amount of \$317,375
- Recommend awarding the bid for the Canterbury/Surrey project Gillespie Construction
- Only received one bid from Gillespie Construction for the Cherry/Lorena/Euclid project in the amount of \$917,360.00
- Recommend awarding the bid to Gillespie Construction for the Cherry/Lorena/Euclid project

Billy Pritchard-Council President Pro Tempore

- Inquired if the amount was close to the estimated cost for the Cherry/Lorena/Euclid project

Mark Simpson

- The estimate was higher than their estimate which was \$700,000 for both projects
- Negotiations can be made with the single bidder for the Cherry/Lorena/Euclid project

Dick Shea

- Expressed his concerns regarding the Canterbury/Surrey project working
- Stated the Canterbury/Surrey project is a waste of money and requested the council to postpone this project to focus on the Cherry/Lorena/Euclid project

Virginia Smith-Council President

- The City's engineers studied this issue at length
- Comfortable moving forward with the Canterbury/Surrey project

Billy Pritchard-Council President Pro Tempore

- The project has been studied and looked at thoroughly
- The project is a "part" of the solution to the problem
- This project has been recommended to the City
- The project is worth pursuing to mediate the problem as much as possible

Virginia Smith

- Item added to the formal agenda (Resolution No. 2023-030)

3. Appointment for members of the 1st Responders Foundation

Vince Schilleci

- Submitted a draft of the certificate of formation along with attachment with a list of board members
- The bi-laws state 2 members will be appointed by the city council and 2 member will be appointed by the mayor
- The mayor's appointments are Tanya Cooper and Christopher Mournon
- The council's appointments are Steven Hydingner and David Faulkner
- The terms will be staggered at 2 and 3 years

Virginia Smith-Council President

- Items added to the formal agenda (Resolution No. 2023-032 and 2023-033)

4. Junior High Field Improvement Plans

Mike Culwell-Brasfield and Gorrie

- The bids are scheduled for March 7th
- Anticipate breaking ground around spring break (late March)
- The base bid is for the field, tennis court and parking lot
- There are three alternates (in order):
 - Sport lighting
 - Tennis court lighting
 - Restroom

5. Review of the other matters to be considered at the formal (7:00p.m.) meeting

2. ADJOURNMENT

There being no further matters for discussion Council President Virginia Smith adjourned the pre-meeting at approximately 7:21 pm.

3. CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the regular session of the City Council of the City of Mountain Brook, Alabama held at City Hall, Pre-Council Room (A-106) on February 13, 2023, 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 February 27, 2023

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
FEBRUARY 13, 2023**

[As a convenience, members of the public were invited to listen, observe and participate in the public meeting by Internet video conference.]

The City Council of the City of Mountain Brook, Alabama met in person at 7:00 p.m. on the 13th day of February, 2023 (others were allowed to listen to the meeting by way of Internet video conference). The Council President Virginia Smith 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
Graham L. Smith
Gerald A. Garner
Lloyd C. Shelton
Stewart Welch III, Mayor

Absent: None

Also present were City Attorney Steve Stine, City Manager Sam Gaston, and City Clerk Heather Richards.

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

1. ARBOR DAY PROCLAMATION

Stewart Welch-Mayor

- Presented the Arbor Day Proclamation to Tyler Slaten

2. CONSENT AGENDA

Council President Virginia 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 January 23, 2023, regular meeting of the City Council
Approval of the minutes of the January 30, 2023, special meeting of the City Council

2023-024	Arbor Week Proclamation	Exhibit 1, Appendix 1
2023-025	Approve the additional construction administration services with Gresham Smith with respect to Caldwell Mill Road Bridge project	Exhibit 2, Appendix 2
2023-026	Accept the rate adjustment addendum to the on-call engineering contract (Resolution No. 2022-103) as submitted by Sain Associates	Exhibit 3, Appendix 3

2023-027	Authorize the sale, donation, or disposal of certain surplus property (Bauer Compressor)	Exhibit 4, Appendix 4
2023-028	Amend Section VII, D “Business Travel Expenses” of the employee handbook with respect to the daily reimbursable limit for meals	Exhibit 5,
2023-029	Approve the Right-of-Way (ROW) purchase agreements with respect to the Old Brook Trail bridge project	Exhibit 6, Appendix 5
2023-030	Award the bid [B-20230109-836] for the Canterbury and Surrey Road Drainage Improvements project to Gillespie Construction LLC in the amount of \$317,375.00	Exhibit 7, Appendix 6
2023-032	Appoint David Faulkner to the First Responders Foundation	Exhibit 8
2023-033	Appoint Steven Hydinger to the First Responders Foundation	Exhibit 9

Thereupon, the foregoing minutes, proclamation and resolutions (Nos. 2023-025 through 2023-030 and 2023-032 and 2023-033), were introduced by Council President Virginia Smith and a motion for their immediate adoption made by Council Member Shelton. The minutes, proclamation and resolutions were then considered by the City Council. Council Member Graham Smith 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
 Graham L. Smith
 Gerald A. Garner
 Lloyd C. Shelton

Nays: None

Abstained: None

Council President Virginia Smith thereupon declared that said minutes, proclamation and resolutions (Nos. 2023-025 through 2023-030 and 2023-032 and 2023-033) were adopted by a vote of 5—0 and as evidence thereof she signed the same.

3. MAYORAL APPOINTMENTS TO THE 1ST RESPONDERS FOUNDATION

Stewart Welch-Mayor

- Appointed Tanya Cooper and Christopher Mouron to the 1st Responders Foundation

4. COMMENTS FROM RESIDENTS AND ATTENDEES

Jim Hicks-307 Overbrook Road (speaking on behalf of himself and the Kellers at 301 Overbrook Road)

- Presented powerpoint to Council Members (Appendix 7)
- Concerned with the landscape buffer around the field being removed (and new trees being 5-6 feet tall)
- Concerned with the landscape buffer being removed around the Keller’s house

- Expressed concerns regarding the lighting for the field – Inquired as to why the numbers from the photometric report changed drastically from the December meeting to the January meeting
- New field light poles point directly at the Hicks and Keller property and glare is a concern
- Mentioned there is not a municipal code that addresses field lighting with 60 foot poles in a residence A district
- Was told the field was for practices only and no spectators would be allowed; however scoreboards have been added
- Requests:
 - Keep the 1995-1996 agreed to landscape buffer in place (or replace with plantings that will substantially shield neighbors from light and noise spillage from day 1)
 - Neighborhood meetings with GMC and BOE to discuss and address questions and concerns
 - Engage a sports lighting expert for their review
 - Have own hydrologist review storm water plans

5. ANNOUNCEMENT

Council President Virginia Smith announced the next regular meeting of the City Council is February 27, 2023, 7:00p.m.

6. ADJOURNMENT

There being no further business to come before the City Council, Council President Virginia Smith adjourned the meeting at approximately 7:47 p.m.

7. CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct transcript of the regular meeting of the City Council of the City of Mountain Brook, Alabama held at City Hall, Council Chamber (Room A-108) on February 13, 2023, 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 February 27, 2023

EXHIBIT 1

PROCLAMATION NO. 2023-024

Whereas, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

RESOLUTION NO. 2023-035

**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 equipment owned by the City of Mountain Brook, Alabama is no longer needed for public or municipal purposes and is hereby declared surplus property:

<u>Item</u>	<u>Manufacturer</u>	<u>Model</u>	<u>Number</u>
Desk Chair	N/A	N/A	1
Stanchions (2 velvet ropes and 1 leather rope)	N/A	N/A	5
Laminator and adhesive applicator	Xyron Pro	1255	1

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 27th day of February, 2023.

Council President

APPROVED: This 27th day of February, 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 meeting held on February 27, 2023, as same appears in the minutes of record of said meeting.

City Clerk

Surplus

Desk Chair – Seat is about 21” tall, Pink

1

The library does not have a loading deck, and staff are not available to assist with moving/loading.



Stanchions – 38”H, different bases

5 – Posts

2 – Velvet Ropes

1 – Faux Leather Rope

The library does not have a loading deck, and staff are not available to assist with moving/loading.



XYRONPro1255 – No cartridge

1

The library does not have a loading deck, and staff are not available to assist with moving/loading.

