

**PRE-MEETING AGENDA  
MOUNTAIN BROOK CITY COUNCIL**

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

**MAY 22, 2023, 6:00 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 05222023)**

1. Lindsay Gardner to provide an update on the restoration of the library building and alternates for continuing services.
2. CDBG Cooperation Agreement with Jefferson County-Sam Gaston (See attached information.)
3. Building Permit revisions for large residential projects-Whit Colvin (See attached information. This item may be added to the formal agenda.)
4. Conditional Use at 7 Office Park Circle for CB & S Bank-Dana Hazen (See attached information. This item may be added to the formal agenda.)
5. Executive Session

# JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS - PRESIDENT  
T. JOE KNIGHT- PRESIDENT PRO TEMPORE  
LASHUNDA SCALES  
SHEILA TYSON  
STEVE AMMONS

*Reporting Authority*  
**Daren Lanier**  
Deputy County Manager

**COMMISSIONER SHEILA TYSON**  
Chairman, Community Development & Human  
Resources Services Committee

**Department of Community Services**  
*Dr. Frederick L. Hamilton, CECD/EDFP, Director*  
SuiteA-430  
716 Richard Arrington, Jr. Blvd. North  
Birmingham, Alabama 35203-0115  
Telephone (205) 325-5761  
Fax (205) 325-5095

May 1, 2023

Mayor Stewart Welch, III  
City of Mountain Brook  
P.O. Box 130009  
Mountain Brook, AL 35213

RE: 2024-2026 Cooperation Agreements

Dear Mayor:

Jefferson County participates in the federal government's Community Development Block Grant (CDBG), the Home Investment Partnership Program, Emergency Solutions Grants (ESG) and other HUD programs. These funds are based on Jefferson County's status as an "Urban County" and are used for a variety of purposes designed to benefit low- and moderate-income communities and families. The Jefferson County Community Development Consortium (all of Jefferson County outside of the cities of Birmingham, Bessemer, Helena, and Sumiton) is the jurisdiction in which we can operate.

We appreciate the City's continued participation in the Jefferson County consortium for the CDBG Entitlement program, HOME Investment Partnership, and ESG programs for program years 2024-2026.

The U. S. Department of Housing and Urban Development (HUD) requires the county to notify the municipalities of the Jefferson County Community Development Consortium of the renewal of its Cooperation Agreement with participating communities every three (3) years. Your participation is essential to the county and the other cities and towns that combine demographics each year to achieve the highest level of federal funding for local projects.

Participation in the urban county requires a three (3)-year commitment and your community must remain in the program for the three (3) year duration. If your community chooses to remain with the urban county, it is ineligible to apply for grants under the State CDBG program while a part of the urban county.

Besides the annual CDBG allocation, participating communities also benefit from the County's federally funded HOME Investment Partnerships and ESG programs. HOME funds are used each year to improve local affordable housing stock for seniors. ESG funds are used to meet the

needs of the homeless through emergency shelters, rapid re-housing, and homeless prevention assistance.

As a current participant, there is a Cooperation Agreement between the city and Jefferson County. This three (3) year Cooperation Agreement is automatically renewed for each three (3) year cycle unless an amendment is required by HUD.

There is no action necessary on behalf of the city to continue to participate in the Jefferson County Consortium.

If you decide to opt out of the urban county program, a letter signed by the Chief Executive Officer is required. The letter should state that the community intends to opt out of the Jefferson County urban county program. Due to federal requirements, you must submit this letter to the county **and** to HUD. Please ensure receipt of the HUD's copy of the letter by **Friday, July 7, 2023** to:

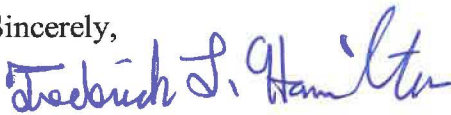
Mr. Kenneth Free  
Director, Birmingham Field Office  
U.S. Department of Housing and Urban Development  
417 20th Street North, Suite 700  
Birmingham, AL 35203

The county's copy of the letter should be received by **Friday, July 7, 2023** to:

ShaDel Nix, Grant Administrator  
Jefferson County  
Department of Community Service  
716 Richard Arrington Jr. Blvd N, Suite A430  
Birmingham, Al 35203

Should you have any questions pertaining to this matter, please contact ShaDel Nix at (205) 325-5761, ext. 1926.

Sincerely,



Frederick L. Hamilton

## Sam Gaston

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**From:** Whit Colvin <wcolvin@bishopcolvin.com> on behalf of Whit Colvin  
**Sent:** Thursday, May 18, 2023 4:55 PM  
**To:** Billy Pritchard; Virginia C Smith; Graham Smith; Gerald Garner; Lloyd Shelton, CPA; Sam Gaston; Dana Hazen  
**Subject:** Building Permit Revisions  
**Attachments:** Revision to Sec109-46 WC 05182023.docx; Sec 109-41 WC Rev 05182023.docx; Sec.109-44. WC Rev 05182023.docx

All,

I have attached three sections of our City Code, revised in an attempt to address the residential construction issue we have discussed. Glen and Dana edited two of the sections and then Billy and I worked on the third section. All three sections are attached with changes tracked for your review.

The changes are summarized as follows:

1. Section 109-41 deals with permit applications. There is some cleanup by Glen and Dana but the changes really don't do anything to address construction progress. The changes are more for administrative purposes.
2. Section 109-44 deals with permit issuance, suspensions and revocations. Glen and Dana made changes and I revised them a bit. The section calls for an initial permit period of 24 months and allows for successive one-year renewals after that. Each renewal requires another permit fee of double the amount of the original permit. The provisions requiring construction progress remain.
3. Section 109-46 requires that a bond be put up for certain projects in the city. The bond has to be provided at excavation and is designed as a "reclamation bond". If a project is abandoned, the bond will pay to tear out improvements and restore the site to as close to what it was before as possible. This process is already in place for certain projects but not for single-family homes. We added a residential category for homes with a permitted value of \$3M and over. The number could be more or less but we thought that was about right. This will prevent a half-completed project that is too expensive to finish and too expensive to be sold. Under the bond provisions, in a worst-case scenario, it can be torn down.

Hopefully, this is a good step to addressing the problem without overcomplicating matters.

I am available to discuss at your convenience. If we feel like we are close, I can put in ordinance format. But I wanted you all to have a first look at the drafts first.

Thanks!

**Sec. 109-41. Application for permits.**

- (a) A building permit may be obtained by submitting an appropriate application with the city. It shall be the duty of the owner of the site on which the building activity is proposed to be conducted, or his duly authorized agent, to file with the building official an application for a building permit under this article.
- (b) All permit applications shall include the following information:
  - (1) A description of the work to be performed in sufficient detail to allow the official to determine compliance with the permit, if issued, at all times;
  - (2) A description of the proposed use of the site in sufficient detail to allow the official to determine whether the proposed use of the property will comply with the provisions of the zoning ordinance of the city;
  - (3) The name, address, telephone number, cellular telephone number, pager number, **facsimile** number and e-mail address, if any, of each of the following:
    - a. The applicant;
    - b. The owner of the project;
    - c. The owner of the site on which the project is to be located;
    - d. The ground lessee of the site, if any, on which the building activity is to be conducted if such lessee is not one of the parties referred to in subsections (b)(3)a. through c. of this section;
    - e. A person, other than those referred to in subsections (b)(3)a. through d. of this section, who can furnish the information about the building activity ("contact person");
    - f. All contractors and subcontractors who shall perform work on the project for which a permit is sought; provided, however, that if the contractor and the subcontractors have not been selected when the application for a permit is filed, the applicant shall furnish **such information to the official within five days of the day on which the and prior to issuance, a schedule setting forth (providing the unlicensed contractors do not need such license at the time of permit issuance) for when these contractors and/or subcontractors are to be selected; and further provided that information shall be provided submitted immediately when known and in all cases** prior to any such contractor or subcontractor beginning work on the site;
  - (4) ~~Legal description and a~~Address, if any, of the site upon which the building activity is proposed to be conducted and a description of the size and specific location of the area on the site where the activity will be conducted;
  - (5) Each application for a permit must be accompanied by a **stamped survey, -or-GIS map,** or a plat of the site;
  - (6) A current legal survey of the property **within 2 years**, certified by a licensed surveyor or engineer shall be required, for any project which involves:
    - a. The expansion or modification of the footprint of any building or structure on the property; or
    - b. The construction or installation of any new building or structure on the property.
  - (7) Each application for a permit shall be accompanied by **one Construction Site Development Bond in the Amount of 1/2 of the signed Contract Estimate for any new single family development lot, one set and one PDF Copy** of building plans and specifications;
  - (8) The schedule of the projected starting and completion dates of the proposed activity;

Commented [w1]: Assume that one of the three women is excluded. That "woman" may not control the management center. If that is the case, it is needed.

Commented [w2]: What is that "one set and one PDF copy" of building plans and specifications? A performance bond? A security deposit? If the building is to be used for residential purposes, there should be a threshold for the amount of the bond.

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(9) A copy of the construction contract, estimate, or other items utilized to estimate the cost of construction or the value of construction to be authorized by the permit; and

(10) Such other information as reasonably may be required by the official to comply with the purposes and intent of this article.

(Ord. No. 1737, § 1(4-5.6), 6-25-2007; Ord. No. 1877, § 1, 9-10-2012)

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**Sec. 109-44. Issuance of permit; expiration, suspension or revocation.**

- (a) The purpose of permitting plans, **scope of work**, and specifications is to ensure compliance with this article. The official's review and permitting of plans and specifications is not intended as approval of the overall layout, structural design, situation control, **schedule**, or construction procedures. These responsibilities shall remain with, and be those of, the owner and/or his consultants.
- (b) The application, plans and specifications, reports, affidavits and other required documents shall be filed with the official as required by this article. Such plans may be reviewed by other departments of the city to assess compliance with the laws and ordinances under their jurisdiction. If the official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to the requirements of this article and other pertinent laws and ordinances, that all applicable fees have been paid and necessary surety obtained, he shall issue a permit to the owner.
- (c) One set of permitted plans **in a paper or site copy format; and one set in an approved digital format (PDF)**, specifications and other required documents shall be retained by the official **in an approved digital format** for a period of not less than one year from date of completion of the work covered therein. It shall be the responsibility of the owner to maintain one of the sets of permitted plans, specifications and other required documents on the site at all times during which the work authorized thereby is in progress.
- (d) The issuance or granting of a permit shall not allow, or be construed as approval of, violation of any of the provisions of this article or any other laws or regulations; and such permit shall not be valid, except insofar as the work or use which it authorizes is lawful.
- (e) The issuance of a permit shall not prevent the official from thereafter requiring that:
  - (1) Errors or inaccuracies in the approved application, including the related plans and specifications, be corrected;
  - (2) Changes due to unforeseen problems in the approved application, including the related plans and specifications, be made; or
  - (3) Other modifications be made to the permitted plans and specifications and in the conduct of operations at the site if significant problems occur which were not considered at the time the permit was issued.
- (f) The official may require that all work being performed at the site be suspended until corrections, changes or modifications have been made to the satisfaction of the official. In the event corrections, changes or modifications are not made to the satisfaction of the official within the time specified by the official, the official may:
  - (1) Revoke the related permit;
  - (2) Cause all work being performed at the site to be ceased; and
  - (3) Cause such additional work to be performed, at the expense of the applicant, as the official determines will eliminate any hazards or nuisances existing at the site.
- (g) All permits issued by the official under the provisions of this article shall expire by limitation and become null and void 24 months from the date of the issuance of the permit. In addition, all permits issued by the official under the provisions of this article shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 90 days **and if one documented inspection has not been performed from the date of issuance of the permit**; provided, that one or more **one-year** renewals of such permit may be granted, upon written request to the official for good cause shown and upon the payment of **a renewal fee in the amount of twice the original permit issuance fee for each such renewal a reasonable fee to cover the cost of the city in considering such request for renewal**, so long as the work shall comply with all of the

Commented [w1]: The language should read: "From the date of issuance of the permit to the date of completion of the work authorized by the permit." The current language is unclear.

Commented [w2]: revisiting the permit would only occur in the case of renewal. The current language is specific and time either. Perhaps we do one year renewal term and allow permit to be renewed for up to 24 months.

requirements of this chapter and other applicable laws and regulations in effect at the time application for renewal is made. The work authorized by such permit, ~~whether the original permit or a renewal thereof,~~ shall not be suspended or abandoned at any time after the work is commenced and shall be carried to completion or the permit shall be terminated by the official and become void. Work authorized by a permit shall be presumed suspended or abandoned if no such authorized work is conducted at the site for a period of ~~14~~ 1490 consecutive days ~~without an inspection record requested by the applicant,~~ as determined by the official. If an applicant shows, to the satisfaction of the official, good cause for not conducting work during such period, the official may, in the official's discretion, choose not to void or terminate such permit.

- (h) The official may suspend or revoke a permit issued under provisions of this article by giving notice in writing to the owner whenever the permit is issued in error, or on the basis of incorrect information supplied or in violation of any of the provisions of this article or any of the provisions of any regulation or any other ordinance.
- (i) The work or use authorized under the permit issued in accordance with the provisions of this article shall only be as expressly set forth in such permit and, to the extent expressly incorporated by the permit, the application submitted in connection with such permit, including, if applicable, the plans and other written documentation. Should the owner desire to significantly modify the scope and/or nature of the work to be conducted pursuant to a permit issued by the city, or if the cost of construction exceeds that which was submitted to or determined by the building official as the basis for the cost of the permit fees addressed in section 109-2, the owner must submit a revised application for such work in accordance with the provisions of this article. The official, at the option of the official, may amend the permit previously issued or issue a new permit; provided that such application meets the requirements of this article, that any additional fees are paid, and that all of the other requirements of this section have been satisfied. In the event that the cost of construction exceeds that originally submitted or determined to be the appropriate basis for the permit fee, the owner, contractor or other person submitting the original application shall be responsible for any additional fees due after calculating the permit fee upon the updated estimate or construction cost. A failure to revise or update said permit when costs exceed that originally made the basis of the permit within 30 days of the date upon which said basis is exceeded shall result in an administrative penalty equal to ~~double the original permit issuance fee~~ the cost of the revised permit in addition to ~~double the original permit issuance fee~~ to all other penalties which may be imposed for a violation of said ordinance.

(Ord. No. 1737, § 1(4-5.9), 6-25-2007; Ord. No. 1862, § 4, 9-26-2011)

Commented [w3]: Not sure what P... means about  
Implication not clear. Does it mean that it has to be 20  
The fee is without and...  
Approved: 10/26/2023



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**Sec. 109-46. Bonds, letter of credit or security.**

- (a) In addition to bonds or other security required by other provisions of this Code, local law or ordinance, or other applicable law, for each of the following construction projects for which a soil disturbance permit is sought, the owner or his agent shall be required to provide the additional security required by this section:
- (1) Any project within the boundaries of the Villages of Mountain Brook;
  - (2) Any project in any community shopping zoning district of the city;
  - (3) Any project or part of a project for which a development plan was submitted to the planning commission or the city council; ~~or~~
  - (4) Any project involving three or more lots for which subdivision approval was required and requested within the five years preceding the permit request; or
  - (5) Any project involving the construction of a Dwelling with an estimated cost of construction, as determined by the Building Official, with such estimated cost of construction to include the cost of all improvements to be made on the lot upon which the Dwelling is to be located, in excess of Three Million Dollars (\$3,000,000.00).
- (b) For any such project, the property owner or his agent must execute and deposit with the city clerk a reclamation bond, irrevocable letter of credit from a bank or other depository licensed to do business in the state, or other form of security approved by the city council which shall be in a sufficient amount to return the property being cleared, excavated, graded, developed or constructed upon to a reasonably similar condition as it existed before any such activities were undertaken in the event such project is abandoned, suspended or unreasonably delayed. The necessary amount of such bond, irrevocable letter of credit or other approved security shall be determined by the building official after review of the permit application, materials submitted for review, construction plans and documents, and other matters which will further that determination. Such bond, letter of credit, or other security may be called by the city when the city has determined that a project has been abandoned, suspended or unreasonably delayed and when the property owner has failed to reclaim the property after 30 days notice by the city.
- (c) For the purposes of this section, a project shall be deemed to have been abandoned, suspended or unreasonably delayed in the following circumstances:
- (1) For projects requiring a development plan containing completion times, when the project or a portion thereof is not completed in accordance with the completion schedule and the city has not granted an amendment or extension thereto;
  - (2) When continual, substantial and documentable progress toward completion on the project has not been observed by the city for a period of 90 days; or
  - (3) When work has not been performed for 30 days.
- (d) In such cases where property has been cleared, graded or excavated and the city has determined that reclamation is warranted, reclamation of the property shall, at a minimum, consist of removal of roads, infrastructure or other improvements, reestablishing grades and slopes where feasible and planting of trees, shrubs or other vegetation similar to that existing on the site before development. Reclamation shall also consist of planting of trees no less in number than previously existing and of at least 2½ inches in caliper for replacement of mature trees and those of similar size to the trees previously existing for trees smaller than 2½ inches in caliper. No invasive, non-native vegetation shall be used in said reclamation."

(Ord. No. 1737, § 1(4-5.11), 6-25-2007)

CITY OF MOUNTAIN BROOK



**Dana O. Hazen, AICP**  
**Director of Planning, Building & Sustainability**  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205/802-3816  
Fax: 205.879.6913  
hazend@mtnbrook.org  
www.mtnbrook.org

DATE: May 22, 2023

TO: Mayor, City Council & City Manager

FROM: Dana Hazen, City Planner

RE: CB&S Bank – 7 Office Park Circle

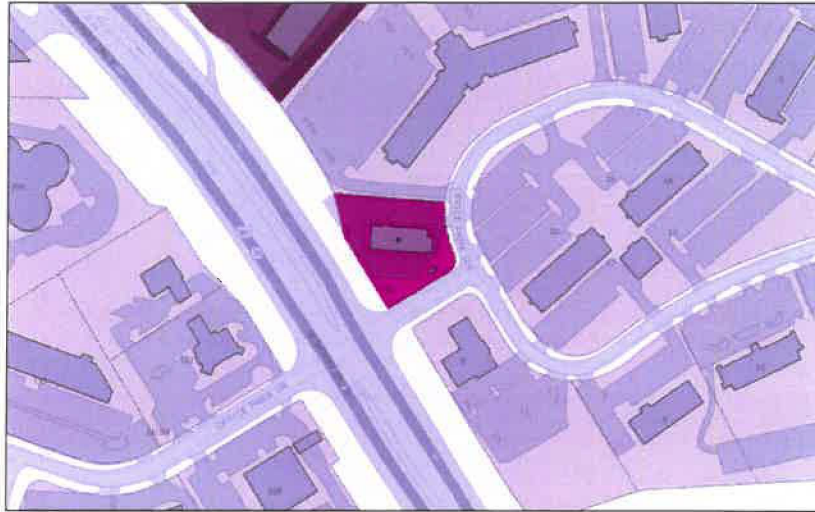
CB&S Bank seeks to locate in Office Park (corner of Hwy 280 and Office Park Circle). The proposed site is zoned Local Business, and is non-conforming with regard to on-site parking, in that the zoning code would require 40 parking spaces if built today, but the site contains 28. The previous use was Southern States Bank for several years, and the site contains a drive-thru.

Please see attached letter of introduction and operational characteristics. Note that the proposed number of employees at a peak hour is 15-20, with some on-site client activity anticipated.

The zoning ordinance requires council approval of service uses as a conditional use, and states that any proposed conditional use will be reviewed as to the following:

- Whether the use would disparately impact public parking in the area;
- Whether vehicular or pedestrian circulation would be impacted by the use;
- Whether the use is compatible with surrounding existing uses;
- Whether the hours of operation or peak traffic times would impact existing uses.

Zoning Map - 7 Office Park Circle



Aerial - 7 Office Park Circle





TO: City of Mountain Brook Alabama  
FROM: CB&S Bank  
DATE: May 10, 2023  
RE: New branch located at 7 Office Park Circle

CB&S Bank has entered into a lease agreement with MTB Office Park, LLC for the purpose of opening and operating a banking office located at 7 Office Park Circle, Mountain Brook, Alabama. Consequently, CB&S Bank is seeking approval for a conditional use business license pursuant to Article XII, Sec. 129-192 (b) (1) of the Mountain Brook Land Development Regulations.

7 Office Park Circle contains approximately 8,000 square feet of banking and office space located near the entrance to Mountain Brook Office Park. The property contains 28 parking spaces which is expected to be more than adequate for normal daily operations.

CB&S Bank expects to offer Retail and Commercial Banking, Financial Services as well as house executive and support staff for various areas of the bank. Total staff is expected to be 15 – 20 employees with expected hours of operation to be 8:00 a.m. – 5:00 p.m. Monday – Friday.

Your consideration and approval is very much appreciated and CB&S Bank looks forward to being a part of the Mountain Brook business community. Should you have questions or need additional information, you may reach me directly by calling (256) 331-8463 or via email at [tim.alford@cbsbank.net](mailto:tim.alford@cbsbank.net).

Tim Alford  
Senior Vice President

**P. O. Box 910 - Russellville, Alabama 35653 - 256-332-1710**

**Member FDIC**

