

**MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

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

JUNE 26, 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 06262023).

1. David Silverstein, Place 5 Jefferson County Commission candidate, to address council.
2. Mountain Brook SRO Proclamation
3. Presentation: Citizen Survey Results-Jason Morado with ETC Institute
4. Approval of the minutes of the June 12, 2023, regular meeting of the City Council.
5. Consideration: Resolution approving the additional services proposal with Gresham Smith with respect to the Old Brook Trail Bridge project
6. Consideration: Resolution authorizing the installation of a street light in the rear of 32-33 Country Club Boulevard.
7. Consideration: Resolution authorizing the last two parking spaces on the Northern side of Montevallo Road as "Compact Car" parking only pursuant to Section 50-113 of the Code of the City of Mountain Brook.
8. Consideration: Resolution ratifying the change order with Gillespie Construction with respect to the Fairway and Lorena Lane Drainage project.
9. Consideration: Resolution authorizing the creation of one additional police officer position to allow for the future deployment of School Resource Officer (SRO) in the Mountain Brook schools.
10. Consideration: 2nd reading of the amendments to the Storm Water Detention Ordinance.
11. Consideration: Ordinance amending Section 50-113 (a) of the Mountain Brook City Code (Parking of Oversized vehicles-Compact Car).
12. Comments from residents and attendees.
13. Announcement: The next regular meeting of the City Council is July 10, 2023 at 7:00 p.m.
14. Adjourn.

PROCLAMATION
SCHOOL RESOURCE OFFICER
RECOGNITION PROCLAMATION

WHEREAS, the City of Mountain Brook is dedicated to making schools safe for all students, faculty, staff, and the communities they serve; and

WHEREAS, School Resource Officers are critical members of the educational community who dedicate their lives to keeping students and schools safe; and

WHEREAS, School Resource Officers have a direct impact on the students, schools, and community by ensuring the physical safety of all, building relationships with students and staff, and educating the schools and community on safety topics and needs; and

WHEREAS, School Resource Officers are trained in school-based law enforcement and emergency response and risk their lives without hesitation to ensure a safe learning environment for students and staff; and

WHEREAS, School Resource Officers provide an important bridge between youth, law enforcement, and the community; and

WHEREAS, Mountain Brook began its School Resource Officer program in 2006 with 1 officer, and the program grew to 2 officers in 2013, then increased again to 6 officers in 2018; and

WHEREAS, Mountain Brook has exceptionally trained, dedicated men and women in law enforcement who serve as school resource officers in our elementary, junior high, and high schools providing support and encouragement, and serving as role models, law-enforcement officers, and educators; and

WHEREAS, On June 5th, 2023 the Mountain Brook Police Department School Resource Officers received the award for Best SRO Team for the 2022-2023 school year at the 24th Annual Safe Schools Conference, presented by The Alabama Association of School Resource Officers (TAASRO);

NOW, THEREFORE BE IT RESOLVED, I Mayor Stewart H. Welch III of the City of Mountain Brook, Alabama, do hereby recognize the Mountain Brook School Resource Officers for faithfully serving the needs of the Mountain Brook School system; for protecting the students, staff, and community; and for being an example of respect and Mountain Brook pride each day.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 26th day of June of the year of our Lord 2023 and of the Independence of the United States of America, the 247th.

Stewart H. Welch III, Mayor

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 12, 2023**

[As a convenience, members of the public were invited to listen and observe in the public meeting by Internet video conference. There were no virtual attendees at the meeting.]

The City Council of the City of Mountain Brook, Alabama met informally in-person at 6:00 p.m. on the 12th day of June, 2023 (others were allowed to listen to the meeting by way of Internet video conference-no one did). Council President Pro Tempore Pritchard called the pre-meeting to order and the roll was called with the following results:

Present: William S. Pritchard III, Council President Pro Tempore
Lloyd C. Shelton
Gerald A. Garner
Graham L. Smith
Stewart Welch III, Mayor

Absent: Virginia C. Smith, Council President

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

1. AGENDA

1. Small Car Only recommendations for parking spaces on Hollywood Boulevard west of Mountain Brook Village

Thomas Boulware- Police Department Lieutenant

- Recommend the two spaces before condominium as “Small Car” to improve sight distance for people exiting the complex onto Montevallo Road

Stewart Welch-Mayor

- Wants to consider changing “Small Car” to “Compact Car”

Billy Pritchard-Council President Pro Tempore

- Inquired if it can be changed administratively

Whit Colvin-City Attorney

- It can be done administratively, unless those spaces were designated by ordinance

Billy Pritchard

- Will move this item to the June 26th council session and will look into amending the Ordinance regarding “small car” parking

2. Change order for the Junior High drainage project with the Board of Education paying the entire amount

Sam Gaston-City Manager

- This is to pave the parking lot
- This is being paid entirely by the Board of Education

Billy Pritchard

- This is coming to the City because of the contract the city had for the exterior portion
- This was added as a change order as opposed to having a separate contract with the Board of Education

Michael Keller-301 Overbrook Road

- Inquired if the \$180,000 was already in the drainage project and is being reallocated to be paid by the Board of Education

Mike Culwell-Brasfield and Gorrie

- This was an add-on
- The Board discussed this project due to the construction the school has had completed over the 2 years
- This will clean up the lot at the conclusion of construction
- The Board of Education is prepared to reimburse the City for this project

Billy Pritchard

- Item added on the formal agenda (Resolution No. 2023-093)

3. Street Light request in the rear of 32-33 Country Club Boulevard

Sam Gaston-City Manager

- Received a request from homeowner located at 33 Country Club Boulevard
- There is an existing pole at edge of alley that is inside their fence
- The power company stated they could put a street light at that location
- With council approval, will send out letters to surrounding neighbors with location
- Will let residents know the council will consider this at the next council session, June 26th
- The cost ranges from \$8-\$11 a month for a street light

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

2. EXECUTIVE SESSION

Council President Pro Tempore Pritchard made a motion that the City Council convenes in executive session to discuss a matter of potential 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 Member Garner. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes:	William S. Pritchard III Gerald A. Garner Graham L. Smith Lloyd C. Shelton
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Nays:	None
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3. ADJOURNMENT

There being no further matters for discussion Council President Pro Tempore Pritchard adjourned the pre-meeting at approximately 6:37 pm.

4. 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 June 12, 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 June 26, 2023

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
JUNE 12, 2023**

[As a convenience, members of the public were invited to listen and observe in the public meeting by Internet video conference. There were no virtual attendees at the meeting.]

The City Council of the City of Mountain Brook, Alabama met in person at 7:00 p.m. on the 12th day of June, 2023 (others were allowed to listen to the meeting by way of Internet video conference- 4 attended virtually). Council President Pro Tempore Pritchard called the meeting to order and the roll was called with the following results:

Present: William S. Pritchard III, Council President Pro Tempore
Lloyd C. Shelton
Gerald A. Garner
Graham L. Smith
Stewart Welch III, Mayor

Absent: Virginia C. Smith, Council President

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

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

1. POLLINATOR WEEK PROCLAMATION

Stewart Welch-Mayor

- Presented the Pollinator week proclamation to Dana Hazen and Shanda Williams

2. FRIENDS OF JEMISON PARK TO PRESENT A CHECK FOR FUNDING THE JEMISON PARK RENOVATIONS

Sally Worthen-Friends of Jemison Park President

- Presented a 1 Million dollar check to the City for the Jemison Park renovations

3. CONSENT AGENDA

Council President Pro Tempore Pritchard 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 May 1, 2023, special meeting of the City Council
Approval of the minutes of the May 2, 2023, special meeting of the City Council
Approval of the minutes of the May 22, 2023, regular meeting of the City Council

2023-088	Pollinator Week Proclamation	Exhibit 1
2023-089	Award the bid [B-20230523-873] to Gillespie Construction for the Brookwood Road sidewalk project	Exhibit 2, Appendix 1

2023-090	Award the bid [B-20230515-866] to Video Industrial Services for the Canterbury United Methodist Church drainage improvement project	Exhibit 3, Appendix 2
2023-091	Recommend to the State of Alabama, Alcoholic Beverage Control Board, is issuance of a 020-Restaurant Retail Liquor license to Condado Tacos	Exhibit 4, Appendix 3
2023-092	Accept the professional services agreement with Skipper Consulting for the on-call traffic engineering services	Exhibit 5, Appendix 4
2023-093	Execute change order No.2 for the Junior High drainage project	Exhibit 6, Appendix 5

Thereupon, the foregoing minutes, proclamation, and resolutions (Nos. 2023-088 through 2023-093), were introduced by Council President Pro Tempore Pritchard 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: William S. Pritchard III
Lloyd C. Shelton
Gerald A. Garner
Graham L. Smith

Nays: None

Abstained: None

Council President Pro Tempore Pritchard thereupon declared that said minutes, proclamation, and resolutions (Nos. 2023-088 through 2023-093) were adopted by a vote of 4—0 and as evidence thereof he signed the same.

4. 1ST READING OF THE AMENDMENTS TO THE STORM WATER DETENTION ORDINANCE

Billy Pritchard-Council President Pro Tempore

- 1st reading of the amendments to the storm water detention ordinance
- This ordinance relates to modifications to the existing ordinance to deal with challenged areas in the community with further restrictions to additional and further buildings
- (There were no comments from the public)
- Will consider Ordinance at the next council session on July 26th

5. CONSIDERATION: ORDINANCE NO. 2142 AMENDING CHAPTER 109 OF THE MOUNTAIN BROOK CITY CODE (APPLICATION FOR PERMITS) (EXHIBIT 7, APPENDIX 6)

Council President Pro Tempore Pritchard introduced the ordinance in writing. It was then moved by Council Member Garner that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said ordinance be suspended and that unanimous consent to the immediate consideration of said ordinance be given and that the reading of the

ordinance at length be waived. The motion was seconded by Council Member Shelton and was unanimously carried, as follows:

Ayes: William S. ("Billy") Pritchard III
Gerald A. Garner
Lloyd C. Shelton
Graham L. Smith

Nays: None

Council President Pro Tempore Pritchard declared the motion carried by a vote of 4—0.

After said ordinance had been considered in full by the Council, Council Member Garner then moved for the adoption of said ordinance. The motion was seconded by Council Member Shelton. Thereupon, Council President Pro Tempore Pritchard called for vote with the following results:

Ayes: William S. ("Billy") Pritchard III
Gerald A. Garner
Lloyd C. Shelton
Graham L. Smith

Nays: None

Council President Pro Tempore Pritchard declared that the ordinance (No. 2142) is hereby adopted by a vote of 4—0 and, as evidence thereof, she signed the same.

6. COMMENTS FROM RESIDENCES AND ATTENDEES

(There were no public comments)

7. ANNOUNCEMENT

Council President Pro Tempore Pritchard announced the next regular meeting of the City Council is June 26, 2023, 7:00p.m.

8. ADJOURNMENT

There being no further business to come before the City Council, Council President Pro Tempore Pritchard adjourned the meeting at approximately 7:09 p.m.

9. 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 June 12, 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 June 26, 2023

RESOLUTION NO. 2023-096

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby accepts the additional services proposal submitted by Gresham, Smith, in the form as attached hereto as Exhibit A, with respect to the Bridge replacement on Old Brook Trail over Little Shades Creek and Bridge Rehabilitation on Canterbury Road over Watkins Creek.

ADOPTED: This 26th day of June, 2023.

Council President

APPROVED: This 26th day of June, 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 June 26, 2023, as same appears in the minutes of record of said meeting.

City Clerk



April 27 / May 8, 2023

Mr. Sam Gaston, City Manager
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Subject: Additional Services Proposal (Supplemental Agreement #1)
ALDOT Project No. STPBH-3716(256)
Bridge Replacement on Old Brook Trail Over Little Shades Creek and
Bridge Rehabilitation on Canterbury Road Over Watkins Creek
Mountain Brook, AL
Gresham Smith Project No. 43695.00

Dear Mr. Gaston:

Please find attached for your review a request for Supplemental Agreement No. 1 for updating the environmental document additional utility coordination, updating the geotechnical recommendations, and roadway and bridge plan revisions on the above referenced project. The tasks included in this Supplemental Agreement are:

Update Environmental Documents

Due to the delays in acquiring the needed right of way, securing utility relocation agreements, and design revisions that are needed to reduce construction costs, the approvals for the environmental documents for both bridges will expire before the project is authorized by ALDOT and FHWA for construction. ALDOT and FHWA require that both environmental documents be re-evaluated and re-approved before the project can be constructed. The environmental document for the Old Brook Trail site is a Categorical Exclusion (CE) with an approval date of 4/23/20. The environmental document for the Canterbury Road bridge site is a Type I Programmatic Categorical Exclusion (PCE-1) with an approval date of 11/15/19. Re-evaluation of the environmental documents is needed before utility relocation or construction can be authorized to begin. This authorization must be approved within 6 months of an approved re-evaluation.

Gresham Smith will provide to ALDOT a statement of any changes to the design/scope of work, and a narrative of modifications with annotated plans detailing all applicable changes that have occurred since the original environmental

Genuine Ingenuity

3595 Grandview Parkway
Suite 300
Birmingham, AL 35243
205.298.9200

GreshamSmith.com



documents were approved by ALDOT and FHWA. ALDOT's Environmental Technical Section (ETS) will submit for and obtain all required updated regulatory agency clearances needed for the re-approval of the environmental documents.

Bridge Redesign and Plans (Old Brook Trail over Little Shades Creek Bridge)

The bridge plans for the Old Brook Trail bridge are approximately 90% complete. The layout of the new bridge produced a **conflict with an existing 21" diameter** Jefferson County Environmental Services sanitary sewer trunk line that runs along the north side of Little Shades Creek. In coordination with Jefferson County, our engineers worked with the County to evaluate three sewer relocation alternatives. Due to the size of this sewer line and the complexity involved in the relocation of this main, Jefferson County and our engineers estimated that the cost for the design and construction of the sewer relocation would be approximately \$977,000 or more. After realizing the large and disproportionate (to the bridge) cost to relocate the sewer main, our engineers looked to see if there was a way that the bridge design could be modified to avoid the sewer relocation. Our team determined that by revising the layout and design of the northern abutment wingwalls and abutment slope, we could retain the existing sanitary sewer main. We propose to redesign the northern bridge abutment by **shortening the length of the wingwalls on both sides of the road by approximately 16' and steepening the slopes** adjacent to the bridge abutment wingwalls wall to 1.25H:1V. While this will require a re-design of the north bridge abutment, it will not only save the large cost of relocating the sewer main, but we believe that it may also reduce the construction cost of the bridge itself some as well due to the reduced quantity of concrete and reinforcing steel. Below is a summary of the estimated costs for relocating the sewer main vs. redesigning the bridge to avoid the sewer relocation

Option 1 – Relocate 21" Sanitary Sewer Main (continue with current bridge design)

Sanitary Sewer Design	\$127,000
Sanitary Sewer Construction	\$850,000
Total	\$977,000 (if additional federal funding can be obtained for this, the City's 20% cost share of this would be \$195,400)

Option 2 – Redesign Bridge to Avoid Relocation of Sanitary Sewer Main

Design \$55,483 (bridge and geotech fee, does not include Environmental updates and other items not associated with redesign)

Construction (\$109,000) (estimated cost reduction due to lower concrete and reinforcing steel quantities)

Sub-Total (\$53,517) (estimated cost reduction considering only bridge and geotech fee)

\$68,770 (add Environmental Update, Roadway Plans Update, and additional Utility Coordination)

Total \$15,253

For Option 2, the City can request additional Preliminary Engineering (PE) funding through the Birmingham MPO to cover 80% of the cost of the redesign work. We can assist the City with making that request to the MPO and providing additional information needed to support that request. With the currently proposed fee of \$124,253, the City's match of 20% would be \$24,851.

For Option 1, currently there is only \$100,000 in funding programmed for the utility relocation phase of this project. If additional federal funding could be secured through the Birmingham MPO for the **sewer relocation, the City's additional**



cost (20%) for the sewer relocation alternative would be approximately \$195,400. If additional federal funding could not be secured, the City would have to pay the entire amount of the sewer relocation, since Jefferson County is considered a reimbursable utility for federal/ALDOT funded transportation projects.

The new bridge will also require the relocation of an existing Birmingham Water Works Board (BWVB) water main that currently runs along the edge of the existing road and under the creek. Based on previous discussions, BWVB requested, and ALDOT and the City of Mountain Brook have approved, suspending the relocated water main underneath the new bridge, between two of the interior girders so that it cannot be seen by motorists along Old Brook Trail. Because the bridge plans were already developed to 90% before the decision was made to suspend the water main under the bridge, our bridge engineers will be required to make design and plan revisions to the bridge deck and abutment walls to accommodate the relocation of the water main under the bridge.

Additional Geotechnical Services

As part of the bridge redesign to avoid the sanitary sewer relocation described above, we will need to modify the slopes on the north side of the creek adjacent to the bridge abutment wingwalls by steepening the slopes to approximately 1.25H:1V. **Gresham Smith's Geotechnical subconsultant, United Consulting, will develop and provide a design for a mechanically stabilized abutment slope.** United Consulting will provide a report as well as design details for this mechanically stabilized slope that will be submitted to ALDOT for review and approval. **United Consulting's proposal for their additional geotechnical services is included in this proposal.** It is our understanding that ALDOT Bridge Bureau will approve the bridge redesign to avoid the sanitary sewer as described in this proposal after ALDOT Materials & Tests Bureau approves United Consulting's **recommendation for a steeper, mechanically stabilized slope.** It is our understanding that ALDOT Materials & Tests will approve the steeper, mechanically stabilized slope if the Factor of Safety for the slope stability is shown to be 1.3 or greater. From the ALDOT *Procedure for Conducting Subsurface Investigation and Foundation Reports*: ***"The factor of safety for stability of the embankment must be equal to or greater than 1.3 or 1.5 if a structure is involved."***

Update Roadway Plans

Gresham Smith will make the necessary revisions to the roadway plans resulting from the redesign of the bridge to avoid the sanitary sewer relocation and suspend the relocated water main under the new bridge. Gresham Smith will also update the roadway plans to ALDOT's current (2023) **Standard Drawings, Specifications and pay items.** **Roadway Plans updates** are anticipated to include:

- Updating title sheet, index sheet, listing of ALDOT Standard Drawings, and project notes
- Updating to most current ALDOT standard traffic control plan notes
- Revising typical section sheets to add a detail for the slopes adjacent to the shortened abutment wingwall.
- Revising plan profile sheet for steepened slopes on north side of Little Shades Creek
- Reviewing and updating all roadway pay items and quantities per current ALDOT Standard Specifications and pay items
- Updating roadway and bridge pay items and quantities based on bridge design revisions
- Updating plan sheets and erosion and sediment control plans to reflect revised bridge north abutment layout and other related revisions
- Update sequence of construction to address sequencing of installation of relocated water main



- Update utility sheets to show relocated water main and other relocated utilities as determined in utility coordination
- Update earthwork calculations and quantities based on re-designed north bridge abutment and slopes

Additional Utility Coordination

Our utility coordination efforts to date have been difficult and time consuming. Most of the utility companies have been unresponsive to our coordination efforts, and several have changed project managers or contacts one or more times, requiring us to make additional resubmittals and duplicate previous utility coordination. Due to these additional resubmittals and duplicate coordination, we have exceeded our original budget for utility coordination services (see Task A in the Utility Coordination section of the fee proposal). Additional utility coordination is needed to determine utility conflicts and to secure any needed utility relocation agreements from utility companies that must relocate their utilities to accommodate this project (see Task B in the Utility Coordination section of the fee proposal).

One of the more significant utility coordination efforts to date was with Jefferson County Environmental Services regarding a **large 21" diameter sanitary** sewer trunk line that was in conflict with the new bridge abutment. Our team coordinated extensively with Jefferson County to develop three sewer relocation alternatives and preliminary cost estimates. As stated above, when we discovered the extensive sewer relocation cost, we looked into bridge redesign alternatives that could eliminate the need to relocate the sewer main. We determined that by redesigning the north bridge abutment, we can avoid relocating the sewer main. Once the bridge abutment is redesigned, we will need to secure a no conflicts letter from Jefferson County.

Another significant coordination effort to date has been with Birmingham Water Works Board (BWVB). BWVB determined that their existing water main conflicts with the new bridge construction, and they requested that the relocated water main be suspended beneath the bridge. Gresham Smith coordinated with BWVB, ALDOT and the City to reach a consensus to suspend the relocated water main under the bridge, between two of the interior girders so that it cannot be seen by motorists on Old Brook Trail. It is our understanding that BWVB still needs to complete the engineering and design work for the water main relocation, and additional coordination is needed to determine how the water main relocation will be sequenced with the bridge construction and whether the water main relocation will be done by BWVB or included as part of the bridge construction project. Based on this additional coordination, BWVB will need to prepare and submit a utility agreement for review and approval by ALDOT and the City.

Additional coordination is needed with Alabama Power Company, AT&T and Spire as well to determine if their facilities will require relocation, and, if so, obtain utility agreements for those relocations.

We are requesting additional fee for the additional utility coordination work generally described above. More specifically, Gresham Smith will work to complete the following items:

1. Submit redesigned plans to Jefferson County Environmental Services and coordinate with them as needed to secure a no conflicts letter.
2. Continue to coordinate with BWVB on the water main relocation. The sequencing of the water main relocation work relative to the bridge construction work also needs to be worked out with BWVB and ALDOT. Gresham



Smith, BWWB and ALDOT need to determine the sequencing of the water main relocation and whether the work will be done by BWWB or included as part of the bridge construction project. Obtain, review and submit the appropriate utility agreement to ALDOT and the City for approval.

3. Complete coordination of needed underground power relocation with Alabama Power Company and obtain, review and submit the needed utility agreement to ALDOT and the City for approval.
4. Secure approval of utility relocation agreement for Spire.
5. Complete coordination of needed telecommunications pedestal relocation with AT&T and obtain, review and submit the needed utility agreement to ALDOT and the City for approval.
6. Submit redesign plans to Charter and coordinate with them as needed to secure a no conflicts letter.
7. Coordinate all needed utility relocations and utility agreements with ALDOT as needed.

Our utility coordination effort is largely controlled by the utility companies’ responsiveness to our coordination submittals and completing their relocation designs and relocation agreements in a timely manner. We have included our best estimate of our additional utility coordination effort needed to secure the required utility relocation agreements or no conflicts letters. If we experience continued delays with the utility coordination work that results in us reaching our estimated utility relocation fee amount, we will request additional funding to complete the utility coordination work at that time.

Exclusions

1. Performing additional environmental technical studies. These should not be required per ALDOT.
2. Requesting regulatory agency clearance letters. ALDOT will perform this work.
3. Coordination with Cahaba River Society or other organizations.
4. Public Involvement materials and meetings.
5. Additional re-evaluations of either environmental document due to project delays
6. Additional Bridge design and plans for the Canterbury Road bridge rehabilitation.
7. Additional design or coordination related to contractor site access.
8. Additional hydraulic studies or updates to the No Rise determination previously obtained.

Compensation

Below is a summary of the additional fees requested for the additional work described above. These fees are based on completing the scope of work by June 2025.

Scope Item	Additional Fee Amount
Update Environmental Documents	\$7,372
Bridge Redesign and Plans	\$45,009
Additional Geotechnical Recommendations	\$10,474
Update Roadway Plans	\$25,864
Additional Utility Coordination	\$35,534
Total	\$124,253

The above additional fees will continue to be invoiced on a cost-plus basis in accordance with our original agreement.



Mr. Sam Gaston
~~April 27, May 8,~~ 2023

Attached is a detailed fee proposal for the additional services. This will need to be submitted to and approved by ALDOT's East Central Region Office.

If you have any questions or would like to discuss this supplement request further, please don't hesitate to contact me at 205.298.9229 or by email at matt.williams@greshamsmith.com.

Sincerely,

Matt Williams, P.E.
Project Manager

Blair Perry, P.E.
Principal/Alabama State Transportation Leader

Attachments Fee Proposal

Copy Ronnie Vaughn - City of Mountain Brook

RESOLUTION NO. 2023-097

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

1. That Alabama Power Company is requested to install one (1) 35 watt Gray LED area, 4000K, – 3,500 to 5,000 lumens street light in the vicinity of 32-33 Country Club Boulevard as more fully described in Exhibit A attached hereto (Lighting Services NESC Lease Agreement (Governmental-S)).
2. That the City Manager is hereby authorized to execute and deliver, or cause to be executed and delivered, on behalf of the City such documents, instruments, and agreements that may be deemed necessary or appropriate with respect to said street light upgrades/installations.
3. That the City Clerk is directed to furnish the Alabama Power Company a certified copy of this resolution.

ADOPTED: This 26th day of June, 2023.

Council President

APPROVED: This 26th day of June, 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 June 26, 2023, as same appears in the minutes or record of said meeting.

City Clerk



CITY OF MOUNTAIN BROOK

56 Church Street
P.O. Box 130009
Mountain Brook, Alabama 35213
Telephone: 205.802.3803
Fax: 205.870.3577
gastons@mtnbrook.org

SAM S. GASTON
CITY MANAGER

June 14, 2023

Dear Resident,

The City of Mountain Brook has received a request to place a street light on an existing utility pole between 32-33 Country Club Blvd. (See attached map.) This light, if approved, will extend over the alley or parallel with the alley.

The Mountain Brook City Council will consider this street light request at its June 26th meeting which will begin at 7:00pm. You are invited to attend to provide your comments on this proposed street light. If you cannot attend on June 26th, but would like to have input, please feel free to contact me at (205) 802-3803 or gastons@mtnbrook.org.

Sincerely,

Sam S. Gaston
City Manager



Country Club Blvd

Fairway Dr

Pole 1-201629 - Install 35w Philips LED cobra on 2' bracket arm

RD0963
20A QA

H20641
50A

H20641
51
37.5B

H2663
25B

RCUN 12

5/4

62505

BA

Lighting Services NESC® Lease Agreement (Governmental - S)



Customer Legal Name City of Mountain Brook DBA 33 Country Club Blvd
 Service Address 0 STREETLIGHTS, UNREG NESC LIGHTS BIRMINGHAM AL 35213 County Jefferson
 Mailing Address P.O. Box 130009, Birmingham, AL 35213
 Email Gastons@mtnbrook.org Tel # 205-802-3803 Alt Tel _____
 Tax ID _____ Business Description Municipal

Existing Customer? Yes No If Yes (and if possible), does Customer want Equipment added to an existing account? Yes No Existing Account 36128-68008
For informational purposes only

Equipment											
	Qty	Watts	Type	Description			OH/UG	M/UM	Equipment Amount (\$)	Estimated Regulated Charge (\$)*	Estimated Monthly Charge (\$)*
(1)	1	35	Area	Gray LED	3500-5000 Lumens	4000K	OH	UM	\$6.69	\$0.78	\$7.47
(2)											
(3)											
(4)											
(5)											
(6)											
(7)											
(8)											
(9)											
(10)											
Monthly Total *											\$7.47

Project Notes: To add light to existing pole in alley behind 32 - 33 Country Club Blvd

Initial Term 36 months **Prepaid Amount** \$ 0.00

* The Regulated Charge is subject to change at any time as dictated by the Alabama Public Service Commission. The amount shown is an estimate based on the Unmetered Outdoor Lighting (ODL) rate in effect at time of Agreement proposal; actual charges may vary.

Customer agrees to lease the Equipment referenced above from Alabama Power Company on the attached terms and conditions and authorizes all actions noted above.

Customer Authorized Signature		Alabama Power Company	
Sign Here _____	Date _____	Sign Here _____	Date _____
Print Name _____		Print Name _____	
Print Title _____		Print Title _____	

APC Internal Use Only - APC Reference Number (if applicable): _____

TERMS and CONDITIONS

1. **Lighting Equipment Lease.** This Lease Agreement (“**Agreement**”) states the agreed terms and conditions upon which **Alabama Power Company (“APC”)** will: (i) lease to “**Customer**” (identified on Page 1) the “**Equipment**” referenced on Page 1 for use at the stated “**Service Address**” (the “**Premises**”); and (ii) provide electric service to operate the Equipment. The “**Equipment**” includes all poles, bases, wiring, conduit, fixtures, controls, and related items necessary to provide lighting service through the listed fixtures, unless expressly noted otherwise in “**Project Notes**.” Customer acknowledges that regulatory change during the Agreement term may require APC to modify or replace some Equipment.
2. **Intent and Title.** This Agreement is not a sale of the Equipment to Customer. **Customer expressly acknowledges that APC retains title to the Equipment and agrees that this Agreement only gives Customer the right to use the Equipment during the Agreement term, so long as Customer complies with all terms and conditions.** Customer acknowledges that the Equipment, although attached to real property, always will remain the exclusive personal property of APC and that APC may remove the Equipment when this Agreement ends. Customer authorizes APC, without further consent or action, to file any UCC financing statement or security agreement relating to the Equipment and agrees that APC may record those documents. **APC makes no representation or warranty regarding treatment of this transaction by the Internal Revenue Service or the status of this Agreement under any federal or state tax law; Customer enters into this Agreement in sole reliance upon Customer’s own advisors.**
3. **Term.** The initial Agreement term is stated on Page 1, calculated from the date of the first monthly bill. After the initial term, this Agreement automatically renews on a month-to-month basis until terminated by either party by providing written notice of intent to terminate to the other party at least 30 days before the desired termination date. APC’s address for notice is P.O. Box 2641, Birmingham, Alabama 35203; Customer’s mailing address is noted on Page 1.
4. **Payment.** APC will invoice Customer per the terms stated on Page 1, subject to any change in the electric service charge dictated by the Alabama Public Service Commission. Customer agrees to pay the amount billed by the due date (20 days after billing date). Applicable taxes included in the Equipment price are subject to change at any time. If a balance is outstanding past the due date, Customer agrees to pay the greater of 1.5% of the unpaid balance or \$2.00 and acknowledges that APC may require Customer to pay a deposit of up to two times the Estimated Monthly Charge in order to continue service. If applicable, Customer must provide a copy of its Alabama sales tax exemption certificate.
5. **Premises Activity.** Customer grants a license and right of access to APC, and its contractors and representatives, to enter the Premises with vehicles and equipment to: (i) install and connect the Equipment and, if applicable, remove or disconnect existing equipment (collectively, the “**Installation**”); (ii) inspect, maintain, test, replace, repair, or remove the Equipment; (iii) provide electric service for the Equipment; or (iv) conduct any other Agreement-related activity (items–(iv) collectively, the “**APC Activity**”). Customer will not cause or permit any obstruction that may interfere with APC’s access to the Equipment. Customer represents that the individual signing this Agreement on its behalf has authority to do so and that it has express authority from all Premises owners (and any other party with rights in the Premises) to enter into this Agreement and to authorize the APC Activity. **Customer is solely responsible for safety of the Premises and agrees that APC has no obligation to ensure the safety of the Premises or persons or property entering onto Customer’s Premises.**
6. **Installation.** Customer represents that: (i) the Premises’ final grade will vary no more than 6 inches from the grade existing at the time of Installation; and (ii) if applicable and required for proper Installation, Premises property lines will be clearly marked before Installation.
 - A. **Customer Work.** If APC, upon Customer’s request, allows Customer to perform any part of the Installation (including trenching) itself or through a third party, Customer warrants that the work will meet APC’s installation specifications (which APC will provide to Customer and are incorporated by this reference). Customer is responsible for all reasonable additional costs arising from Customer’s non-compliance with APC’s specifications or lack of timely (i.e., 10 days’) notice to APC that APC’s Installation activity can commence.
 - B. **Underground Facility/Obstruction Not Subject to Dig Law.** Because APC Activity may require excavation not subject to the Alabama’s Underground Prevention Legislation (Ala. Code §§ 37-15-1 - 37-15-11) (“**Dig Law**”), **Customer must mark any private utility or facility (e.g., gas/ water/sewer line; irrigation facility; low voltage data/communication line) or other underground obstruction at the Premises that is not subject to the Dig Law.** If APC causes or incurs damage due to Customer’s failure to mark a private facility or obstruction before APC commences Installation, Customer is responsible for all damages and any resulting delay.
 - C. **Unforeseen Condition.** The estimated charges shown on Page 1 include no allowance for any subsurface rock, wetland, underground stream, buried waste, unsuitable soil, underground obstruction, archeological artifact, burial ground, threatened or endangered species, hazardous substance, etc. not properly marked or identified (“**Unforeseen Condition**”). If APC encounters an Unforeseen Condition, APC, in its sole discretion, may stop all APC Activity until Customer either remedies the condition or agrees to reimburse all APC costs arising from the condition. Customer is responsible for all costs of Equipment modification or change requested by Customer or dictated by an Unforeseen Condition or circumstance outside APC’s control.
7. **Equipment Protection and Damage.** After Installation and throughout this Agreement’s term, in the event of any work or digging near the Equipment, Customer (or any person or entity working on Customer’s behalf) must: (i) provide notices and locate requests by calling Alabama 811 or 1-800-292-8525; and (ii) provide notices to other utilities or operators as required by the Dig Law.. As between Customer and APC, Customer is responsible for all damages arising from failure to comply with applicable law or for Equipment damage caused by anyone other than APC (or an APC contractor or representative).
8. **Maintenance.** During this Agreement’s term, APC will maintain the Equipment and will bear the cost of routine repair or replacement. **Customer must notify APC of any need for Equipment repair by calling the Business Service Center at 1-888-430-5787.**
9. **Disclaimer: Damages.** **APC makes no covenant, warranty, or representation of any kind (including warranty of fitness for a particular purpose or of merchantability) regarding the Equipment or any APC Activity.** Customer also acknowledges that, due to the unique characteristics of the Premises, Customer’s needs, or Equipment choice, the Equipment may not follow IESNA guidelines. **Customer waives any right to consequential, special, indirect, treble, exemplary, incidental, punitive, loss of business reputation, or loss of use (including loss of revenue, profits, or capital costs) damages in connection with the Equipment or this Agreement, or arising from damage, hindrance, or delay involving the Equipment or this Agreement, whether or not reasonable, foreseeable, contemplated, or avoidable.**
10. **Indemnity.** To the fullest extent allowed by law, Customer agrees to indemnify, release, hold harmless, and, at APC’s request, defend APC and its affiliates and contractors (and their officers, directors, employees, representatives, and agents) from or against any loss, damage, cost, expense, or liability (including actual attorneys’ fees reasonably incurred and all expenses of investigation and defense) for any damage or claim for personal or bodily injury (including death), property damage (including loss of use), monetary damage, or equitable relief caused by or arising out of any misrepresentation or act or omission of Customer involving this Agreement, the Equipment, or the Premises, whether or not caused by or arising out of the joint, concurrent, or contributory (but not sole) negligence of APC.
11. **Default.** Customer is in default if Customer does not pay the entire amount owed within 45 days of billing. APC’s waiver of any past default will not waive any other default. If default occurs, APC, at its discretion, may immediately terminate this Agreement, collect all past due amounts (including late fees) and all amounts due for the Equipment during the remaining Agreement term, remove the Equipment from the Premises, and seek any other available remedy.
12. **Miscellaneous.** This Agreement contains the parties’ entire agreement relating to the Equipment and replaces any prior agreement, written or oral. Only a written amendment signed by each party can modify this Agreement, except that either party may update administrative or contact information (e.g., address, phone, website) at any time by written notice to the other party. Customer will not assign, in whole or in part, this Agreement or its Agreement rights or obligations without APC’s prior written consent. No assignment, whether with or without consent, relieves Customer of its Agreement obligations. Customer must provide advance notice of a change in control of all, or substantially all, of Customer’s ownership or interest in the Premises. In this Agreement, “**including**” means “including, but not limited to.” Alabama law governs this Agreement. If a court rules an Agreement provision unenforceable to any extent, the rest of that provision and all other provisions remain effective.

Sam Gaston

From: Richardson, Robert Edward <ROBERICH@SOUTHERNCO.COM> on behalf of Richardson, Robert Edward
Sent: Wednesday, June 14, 2023 12:43 PM
To: Sam Gaston; Rocker, Telra Shanae; Jackson, Kimberly L.
Cc: Janet Forbes
Subject: RE: 32-33 Country Club Blvd
Attachments: FIELD NOTES.png

Here is the map I made.

Price for a standard open bottom (if they have any in stock) - 100 w HPS open bottom - \$11.72 per month.
My group only handles the LED lights but Telra can help get an order issued if you decide to go this route.

Thanks.

From: Sam Gaston <gastons@mtnbrook.org>
Sent: Wednesday, June 14, 2023 9:48 AM
To: Richardson, Robert Edward <ROBERICH@SOUTHERNCO.COM>; Rocker, Telra Shanae <TSROCKER@southernco.com>; Jackson, Kimberly L. <KIJACKSO@southernco.com>
Cc: Janet Forbes <forbesj@mtnbrook.org>
Subject: RE: 32-33 Country Club Blvd

EXTERNAL MAIL: Caution Opening Links or Files

Can you send me back a revised map today?

Sam S.Gaston
City Manager
City of Mountain Brook, AL.
56 Church Street
P.O. Box 130009
Mountain Brook AL. 35213
(205) 802-3803 Phone
www.mtnbrook.org [mtnbrook.org]

RESOLUTION NO. 2023-098

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the last two (2) parking spaces on the Northern side of Montevallo Road leaving the city limits of Mountain Brook at/near Hollywood Boulevard, in the map as attached hereto as Exhibit A, as “Small Car Only” pursuant to Section 50-113 (Parking of oversized vehicles) of the Code of the City of Mountain Brook, Alabama.

ADOPTED: This 26th day of June. 2023.

Council President

APPROVED: This 26th day of June. 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 June 26, 2023, as same appears in the minutes of record of said meeting.

City Clerk



Mountain Brook Police Department

Chief Jaye Loggins

101 Tibbett Street

Mountain Brook, Alabama 35213

Phone: 205.879.0486

Fax: 205.802-2415

May 30, 2023

Mountain Brook City Council
City Manager Mr. Sam Gaston
56 Church Street
Mountain Brook, AL 35213

Greetings,

As Chief of Police, I am submitting this letter as a recommendation and authorization to declare the last two parking spaces on the Northern side of Montevallo Road leaving the city limits of Mountain Brook at/near Hollywood Blvd as "Small Car Only". It has been determined that the vision of persons exiting Brookhill Condominiums is obstructed when larger types of vehicles are parked in the two spaces. It is believed that the "Small Car Only" designation of the two parking spaces will allow those exiting from Brookhill Condominiums to have greater sight distance of Montevallo Road in order to enter the intersection to complete a turn onto Montevallo Road. I request that proper signage be authorized to properly mark the two identified spaces as "Small Car Only". The recommendation and authorization is based off of Mountain Brook City Ordinance Sec. 50-113. I have included the city ordinance with this letter for your convenience. I have also included a map of the intersection indicating the spaces to be changed marked with a red colored "x". Thank you in advance for your attention to this matter.

Sincerely,

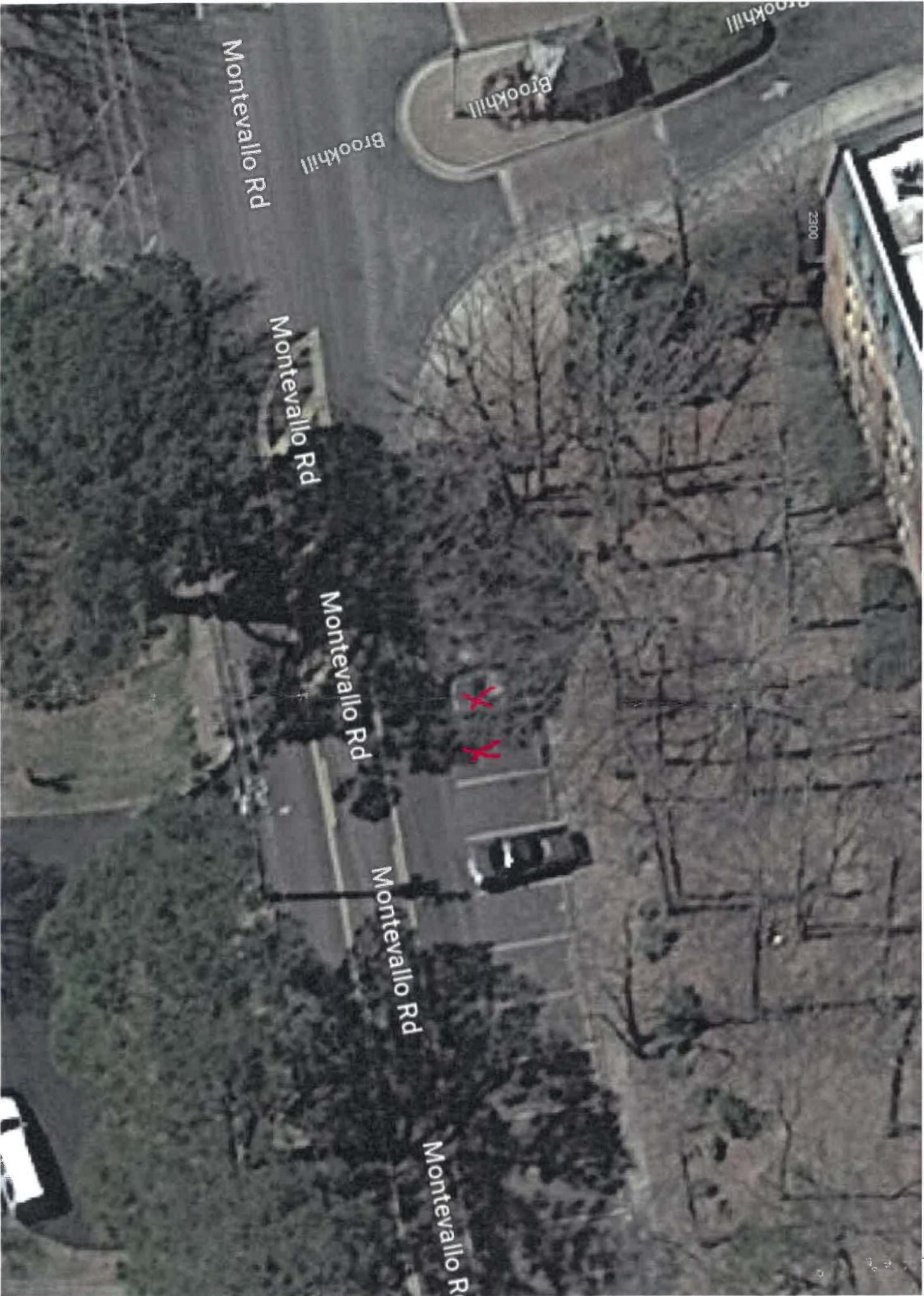
Jaye Loggins
Chief of Police

Sec. 50-113. - Parking of oversized vehicles.

(a) Parking restrictions authorized. The chief of police of the city or his designee shall be and hereby is authorized to limit, restrict, or regulate the type of vehicle that is authorized to use public parking places, spaces, or lanes if the chief of police or his designee shall determine that the size, configuration, angle, or location of the public parking lane, space, or place cannot accommodate vehicles of certain types, sizes, or dimensions without impairing or adversely affecting public safety or convenience. Upon identifying said public parking places, spaces, or lanes, the chief of police shall be and hereby is authorized to mark or indicate by appropriate signage, lettering, painting, striping, or other customary means of providing such notice of the restriction, limitation, or prohibition that shall apply to the parking place, space, or lane.

(b) Violations. It shall be a violation of the terms of this section for an operator of a motor vehicle to park, stop, or stand a vehicle that does not conform to the restrictions, limitations, or prohibitions in a public parking place, space, or lane designated and marked as heretofore described.

(Code 1996, § 12-65.7; Ord. No. 1544, §§ 1—3, 8-12-2002)



RESOLUTION NO. 2023-099

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby ratifying change order No. 1 (additional clearing, 2 junction boxes, and adding valley gutter) with respect to the Cherry Street, Euclid Avenue, Lorena Lane and Fairmont Drive drainage improvement project (Resolution No. 2023-036) (Project # B-20230109-838) in the amount of \$18,500.00 (Eighteen Thousand Five Hundred Dollars).

ADOPTED: This 26th day of June, 2023.

Council President

APPROVED: This 26th day of June, 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 June 26, 2023, as same appears in the minutes of record of said meeting.

City Clerk



June 16, 2023

City of Mountain Brook
56 Church Steet
Mountain Brook, AL 35213-3700

Attn: Mr. Sam Gaston, City Manager

Project Reference: Cherry St, Euclid Ave, Lorena Ln and Fairmont Drive
Drainage Improvements
No. B-20230109-838
Bid Date: February 3, 2023
Change Order No.1

Mr. Gaston:

We are in receipt of a change order request from the prime contractor, Gillespie Construction, for work in the Lorena Ln and Fairmont Dr. area. The change order is to alter the alignment of the proposed storm pipe on Fairmont Dr.

During construction, the contractor field located a sanitary sewer line and a water line that conflict with proposed storm pipe. The reason for this conflict is due to the sanitary sewer manholes being buried in the asphalt and not able to be accurately marked by the field locators. This shift in the actual location of the sanitary sewer line resulted in a conflict with the existing water line.

The change order includes the addition of two storm water junction boxes that will realign the pipe to avoid the existing utilities. This will also require the removal and replacement of approximately 65' of valley gutter and some vegetation clearing within the right-of-way. The contractor believes that realigning the storm pipe will be less costly and much faster than relocating either of the existing utilities. Schoel agrees with this assessment.

At this time, Schoel recommends consideration of a change order in the amount of \$ 18,500.

Feel free to reach out to me with any questions related to the request.

SCHOEL ENGINEERING CO., INC.

A handwritten signature in black ink, appearing to read "Mark Simpson".

Mark Simpson, P.E., CFM

Cc: Mr. Ronald Vaughn, Public Works Director
Mr. Steven Boone, Finance Director

Attachment:

Change Order Request Dated June 16,2023- Gillespie Construction, LLC

Established 188E

SCHOEL ENGINEERING COMPANY, INC.
1001 22nd Street South | Birmingham, AL 3520E
P 205-323-6166 | F 205-323-2252 | schoel.com



PROPOSAL

QUANTITY	UNITS	DESCRIPTION	UNIT PRICE	AMOUNT
		ADDITIONAL CLEARING		
		ADD 2 JUNCTION BOX		
		ADD APPROX 65 LF OF VALLEY GUTTER		
DATE :				
6 . 16 . 23				
LOCATION AND CONTACT :				
EMAIL : MGILLESPIE@GILLESPIECONSTRUCTIONNET				
Fairmont Drive - Change Order Request				
ATTN : Mark Simpson			TOTAL =	\$18,500.00

RESOLUTION NO. 2023-100

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama that the City Council hereby authorizes the creation of one (1) Police Officer position (Class no. 06031, G17/10) for the Police Department to be filled at the discretion of the City Manager in accordance with the “Rules and Regulations” of the Personnel Board of Jefferson County for the purpose of back-filling positions to be assigned as School Resource Officers (SROs) for the Mountain Brook Board of Education.

ADOPTED: This 26th day of June, 2023.

Council President

APPROVED: This 26th day of June, 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 June 26, 2023, as same appears in the minutes of record of said meeting.

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 113 OF THE CITY CODE

WHEREAS, the City Council of the City of Mountain Brook, Alabama (the "City Council") heretofore has adopted an ordinance ("Stormwater Detention Ordinance") regulating development that will have an impact on the amount or rate of discharge of stormwater runoff, in the City of Mountain Brook ("City"); and

WHEREAS, within the City there are several watersheds or drainage basins with aging infrastructure where efficient and effective conveyance of stormwater runoff during large rainfall events proves difficult and where continued re-development pressure and additions to existing structures further tax these already strained stormwater drainage systems and exacerbate the infrastructure problems; and

WHEREAS, as part of developments, the City has seen natural permeable areas covered by impermeable surfaces, such as rooftops, driveways, and parking lots, resulting in more of the rain becoming runoff and leaving sites at a faster rate; and,

WHEREAS, to mitigate the adverse effects of development to the existing storm drainage systems and downstream properties, a comprehensive review of city watersheds, existing development, city drainage infrastructure, and best practices with respect to stormwater control was conducted to identify and develop new stormwater regulations; and

WHEREAS, such comprehensive review has led to the identification of watersheds or basins in the City that have been determined to have existing stormwater infrastructure problems and/or elevated re-development pressures ("Critical Basins") and which merit special regulations to help mitigate against those problems and pressures; and

WHEREAS, the Critical Basins are identified on the Mountain Brook Drainage Basin Report adopted by the City as a part hereof and depicted on the Critical Basins Exhibit, which is made a part of this Ordinance and approved as the official Critical Basin designation of the City; and

WHEREAS, the special regulations for Critical Basins in the City require site-specific stormwater designs that will manage increases in stormwater runoff rates and volume due to proposed developments to pre-development runoff rates and volumes for specified design storm events, which, in turn, will result in post-construction hydrology mimicking pre-development hydrology within each such Critical Basin; and

WHEREAS, after receiving public commentary and input from the community about stormwater management in the City, the City Council has determined that it is in the public interest and in the interest of its residents, property owners and community members that

additional development controls in Critical Basins are necessary and appropriate for stormwater control; and

WHEREAS, the amendment of the City's Stormwater Detention ordinance to provide for special regulations in the enumerated Critical Basins of the City will promote the public safety, health and general welfare of its residents, property owners, and community members.

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

Section 1. Section 113-224(c) of the City Code shall be amended by adding the following definitions:

(3) Critical Basin - Watersheds determined by the City to have existing stormwater infrastructure problems and/or subject to re-development pressure are deemed critical watersheds or critical basins.

(4) Water Quality Volume (WQ_v) – The volume of runoff produced by the 1.1-inch rain event. The WQ_v can be calculated as shown in the equation below.

$$WQ_v = 1.1 \text{ inches} \times \text{Additional Impervious Area}''$$

Section 2. Chapter 113, Article III of the City Code shall be amended by adding the following as Section 113-231:

“Section 113-231 -Requirements applicable to development in Critical Basins.

(a) *Applicability.* All development occurring within a Critical Basin is subject to the provisions set forth in this section in addition to the other provisions of this Article.

(b) *Management of Runoff.* Development in Critical Basins are required to manage increases in runoff rate and runoff volume due to a proposed development such that post-development drainage conditions mimic the pre-development (or existing) conditions of the site. Runoff volume controls are required to capture the runoff from the 1.1-inch rain event onsite and infiltrate or manage with extended detention. The runoff volume from the 1.1-inch rainfall event is termed the Water Quality Volume (WQ_v). For sites with soils that have low infiltration rates or other site constraints that inhibit the use of infiltration measures, extended detention may be used. The WQ_v must be released over a 24 to 36-hour period when using extending detention to manage runoff volume.

(c) *Acceptable Measures to Control Runoff Volume.* Acceptable measures to control runoff volume include the following:

1. Bioretention, rain gardens, infiltration swales, or other practices designed to capture and infiltrate runoff

Comment [WT1]: No threshold as currently written. We had originally stated that development occurring within a critical basin is subject to the following provisions set forth in this article unless the impervious area is not increased by more than 5% or 150 square feet, whichever is less. It may be a burden to regulate with no threshold (Glen Merchant mentioned this). Also, the expense of hiring an engineer/landscape architect for small projects may make minor improvements cost prohibitive for the public.

2. Permeable Pavement or paver systems
3. Discharge of impervious surfaces onto pervious areas
4. Other systems or practices intended to infiltrate rainfall may be considered if supported in the Low Impact Development Handbook for the State of Alabama or similar reference and agreed to by the City of Mountain Brook.
5. Extended Detention designed to store and release the WQ_v over a 24 to 36-hour period.

The WQ_v from any additional impervious area (or an equivalent area of existing impervious area) must be controlled by directing it to an acceptable stormwater control measure as listed above. A combination of measures may be used to meet the requirements of this article. The stormwater management design shall demonstrate that a runoff volume equal or greater than the WQ_v is managed onsite by stormwater control measures, or alternately that the runoff volume is not increased.

- (d) *Peak Runoff Rate Controls.* The stormwater management design must also ensure post-development peak runoff rates shall be less than or equal to pre-development values for the 2-year through the 100-year, 24-hour rainfall events.
- (e) *Non-conforming Properties.* For existing properties that exceed the maximum allowable impervious area (maximum building area plus an additional (5) percent of the parcel area), any new development or improvement on the property will require a stormwater management design to mitigate the entire impervious area that is above such maximum allowable impervious area.
- (f) *Stormwater Management Design.* The stormwater management design shall be performed by a registered architect, landscape architect, or engineer. A written analysis or drainage report supported with design calculations shall be submitted to the City along with plans and details to verify the adequacy of the stormwater management design for the property and demonstrate compliance with the requirements of this article.”

Section 3. The Mountain Brook Drainage Basin Report and the map titled Critical Basins Exhibit are hereby approved as the official Critical Basin designation of the City and the areas designated as Critical Basins thereby shall be subject to the special regulations set forth in this Ordinance.

Section 4. This ordinance is cumulative in nature and is in addition to any power and authority which the City of Mountain Brook may have under any other ordinance or law.

Section 5. If any part, section, or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect, notwithstanding such holding.

Section 6. All other ordinances or parts of ordinances heretofore adopted by the City Council of the City of Mountain Brook, Alabama which are inconsistent with the provisions of this ordinance are hereby expressly repealed.

Section 7. This ordinance shall be effective immediately after adoption and publication as provided by law.

ADOPTED: This ____ day of _____, 2023.

Virginia C. Smith, Council President

ADOPTED: This ____ day of _____, 2023.

Stewart Welch, Mayor

ORDINANCE NO. 2144

AN ORDINANCE AMENDING CHAPTER 50 OF THE CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
as follows:

Section 1. Section 50-113 of the Mountain Brook City Code shall be amended by repealing the current section and substituting the following section in its place:

“Sec. 50-113. Parking of oversized vehicles.

(a) Parking restrictions authorized. The chief of police of the city or his designee shall be and hereby is authorized to limit, restrict, or regulate the type of vehicle that is authorized to use public parking places, spaces, or lanes if the chief of police or his designee shall determine that the size, configuration, angle, or location of the public parking lane, space, or place cannot accommodate vehicles of certain types, sizes, or dimensions without impairing or adversely affecting public safety or convenience. Upon identifying said public parking places, spaces, or lanes, the chief of police shall be and hereby is authorized to mark or indicate by appropriate signage, lettering, painting, striping, or other customary means of providing such notice of restriction, limitation, or prohibition that shall apply to the parking place, space, or lane. **Such parking place, space, or lane shall be labeled as “Compact Car Only”.**

(b) Defined Term. Compact Car shall meet the following:

- **Is between 161 inches and 187 inches long**

(c) Violations. It shall be a violation of the terms of this ordinance for an operator of a motor vehicle to park, stop, or stand a vehicle that does not conform to the restrictions, limitations, or prohibitions in a public parking place, space, or lane designated and marked as heretofore described.

(d) Penalties. Violations of this ordinance shall be punishable by payment of a fine in accordance with Section 12-65.3(a) of the Mountain Brook City Code, as amended (parking in prohibited zone) or as otherwise may be authorized by law.

(e) Repealer. All ordinance or parts of ordinance heretofore adopted by the City Council of the City of Mountain Brook, Alabama, which are inconsistent with the provisions of this ordinance, are hereby expressly repealed.

(f) Severability. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance, which shall continue in full force and effect notwithstanding such holding.

(g) Effective Date. This ordinance shall become effective immediately upon adoption and publication as provided by law.

ADOPTED: This 26th day of June, 2023.

Council President

ADOPTED: This 26th day of June, 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 an ordinance adopted by the City Council of the City of Mountain Brook, Alabama, as its meeting held on June 26, 2023, as same appears in the minutes of record of said meeting, and published by posting copies thereof on June 27, 2023, at the following public places, which copies remained posted for five (5) days as required by law.

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

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

City Clerk

**Heather Richards** <richardsh@mtnbrook.org>

Proposed Ord. changes "Compact Car"

2 messages

Heather Richards <richardsh@mtnbrook.org>

Thu, Jun 22, 2023 at 1:43 PM

To: Whit Colvin <wcolvin@bishopcolvin.com>, Jaye Loggins <logginsj@mtnbrook.org>Cc: Steven Boone <boones@mtnbrook.org>, "Jeffrey D. Bramer" <jeff@bramerlaw.com>

Whit and Jaye

Please see attached the ordinance changes regarding parking of oversized vehicles. The items in red are what have changed from the original ordinance. I included all the terms for "compact car" that were given to me by Whit. I spoke with Boone and our Prosecutor, Jeff Bramer (both CC'd) regarding the definition of "Compact Car".

Boone's suggestions:

Remove the interior volume requirement

Jeff's suggestions:

Remove the passenger requirement and the interior volume requirement

Please let me know your thoughts.

Heather Richards

City Clerk

City of Mountain Brook

P.O. Box 130009

Mountain Brook, AL 35213

Direct - 205-802-3823**Facsimile** - 205-874-0611**2144 Compact Car Ordinance.docx**

21K

Jay Loggins <logginsj@mtnbrook.org>

Thu, Jun 22, 2023 at 5:05 PM

To: Heather Richards <richardsh@mtnbrook.org>Cc: Whit Colvin <wcolvin@bishopcolvin.com>, Steven Boone <boones@mtnbrook.org>, "Jeffrey D. Bramer"<jeff@bramerlaw.com>

I'm good with both of their suggestions. The length of vehicle I think is needed, but I can only hope that officers aren't out measuring vehicles. Hopefully they will use common sense

Sent from my iPhone

On Jun 22, 2023, at 13:43, Heather Richards <richardsh@mtnbrook.org> wrote:

[Quoted text hidden]

<2144 Compact Car Ordinance.docx>