

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

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

**SEPTEMBER 11, 2023 6:00 pm**

**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 09112023).**

1. Discussion of days/times for construction in the City-Dana Hazen (See attached information.)
2. Discussion of funding request for The Vulcan Park to English Village sidewalk project-Sam Gaston (See attached information. This item may be added to the formal agenda.)
3. Beech Street/Sims Avenue drainage study-Mark Simpson of Schoel Engineering (See attached information.)
4. Library Board appointment-Lindsay Gardner (See attached information. This item may be added to the formal agenda.)
5. Villages Design Review Committee appointment-Tyler Slaten (See attached information. This item may be added to the formal agenda.)
6. Second Amendment to the garbage service contract with the CSWDA regarding fuel cost savings rebate-Steve Boone (See attached information. This item may be added to the formal agenda.)



**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:** September 11, 2023

**TO:** Mayor, City Council & City Manager

**FROM:** Dana Hazen, City Planner

**RE:** Construction Hours

Prior to receiving the comments from contractors, the ad hoc committee had recommended the changes to construction hours as noted on the attached comparison sheet; see Mountain Brook (existing and proposed) at the top, and neighboring cities following.

The committee recommended reducing the allowable hours on Sunday to conclude by 5:00 pm instead of 8:00 pm (reduction of 3 hours per week).

Below is a comparison of allowable hours of other cities; Mountain Brook ranks the second highest. However, if Mountain Brook's hours were to eliminate Sundays (as suggested by 2 of the 5 contractors who responded) then it would drop Mountain Brook's hours to 77 hours/week, which would better align with other OTM communities such as Homewood and Vestavia.

Hoover	98
Mountain Brook	89
Trussville	84
Vestavia	75
Homewood	67
Pelham	65

As to holidays, prior to receiving the comments from contractors the committee recommended that there be no work on those holidays recognized by the city (when city hall is closed); plus Easter Sunday, for a total of 13 holidays per year. For context, the 2023 city holiday schedule is attached.

The city sent the committee recommendations to 10 contractors who do regular work in the city; 5 of them have responded and their comments are attached. Most are amenable to the reduced hours on Sunday (or no hours on Sunday), but all have indicated that construction work should be allowed on those holidays when most small businesses are open, such as MLK Day, Veteran's Day, President's Day, Good Friday, Friday following Thanksgiving Day.

As such, an alternate holiday schedule is also attached for discussion, which allows work on those holidays when most small businesses are open (for a total of 8 holidays per year).

Should the city exclude Sundays, along with the 8 major holidays listed on the attached alternate holiday schedule, then the reduction would result in 60 days per year, which may be viewed as a significant relief to neighboring homeowners without an undue burden on the contractors.

## **Responses from Local Contractors**

---

Hey Glen,

Thank you for sending this to me. I have no issue with the Mon-Sun proposed regulations. My only issues are these particular holidays as most small businesses are not closed for these holidays: MLK Day, Presidents Day, and Veterans Day.

Thank You,

Mitch Bradford (Saunders Bradford)

---

Glen,

I think the weekday and Saturday work hours are fine as is and as projected. Personally, I don't see a need for Sunday work. Not from a religious standpoint but just one day of quiet where one doesn't hear construction noise and power tools.

Regarding workdays and holidays. We give our men off 5 paid holidays during the year. New Years Day; Memorial Day; Independence Day; Thanksgiving; and Christmas. Often we will give them Christmas Eve and the Friday after Thanksgiving. I do not think that we should be denied the ability to work on the other holidays just because the City Hall is closed.

I have a couple of pages of your attachments with some scribbled notes attached. I hope what I've said and suggested makes sense.

Thank you,

Stephen Dorsky (Daystar Construction)

---

Glen,

I'm good taking off on the major holidays but some of the holidays listed our customers and even the neighboring residents might not even be taking off work for. I think the Sunday work hours could be cut if we are trying to reduce the overall number of hours. I would be ok with Sunday being eliminated and only allowed by written permission.

Thanks,

Chris Franks (Franks Building Company)

---

Hey Glen,

Sorry for the delayed response but I too agree with Mitch about having concerns about not being able to work on some of the holidays that city hall is closed as he said other businesses are not closed during these days and I know we have worked on several of these holidays particularly in the past several years. The Sunday afternoon time sounds great, as living in the city myself, it is nice to not have to have that going on around us for at least one afternoon a week. I really appreciate you taking the time to ask our thoughts on this matter as most cities seem to just make the change regardless of what might work the best for all vs the few. Thanks again and please feel free to reach out if you have any further questions.

Robert Fry (Fry/Jones Construction)

---

Glen

The proposed changes will slow down construction which is the main complaint the city is trying to resolve. I think regulations should stay as they are and everyone should try to work together best they can. We have not worked on two of our jobs for 1-2 days over the last month as the neighbors called and ask us not to, due them having outdoor parties. This is something that you cannot regulate and the neighbors would be mad if we did not listen. I think Mountain Brook will be providing a disservice to the 99.5% of people that are happy if they change thinks to satisfy the few which are complaining.

We are happy working with you guys and will comply with whatever is decided upon.

Thanks,

Marbury McCullough (TCC General Contractors)

---

Alternative Holiday Limitations for Construction if we don't Use the City Hall Closing Schedule

New Year's Day

Easter Sunday

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Eve

Christmas Day

**Mountain Brook (Existing Regulations)**

Mon-Fri                7 am – 8 pm (13 hours per day)  
                             6:30 am – 8 pm during Daylight Savings (13.5 hours per day)  
Sat/Sun/Holidays   8 am – 8 pm (12 hours per day)

**89 hours per week**

**Mountain Brook (Proposed Regulations)**

Mon-Fri                7 am – 8 pm (13 hours per day)  
                             6:30 am – 8 pm during Daylight Savings (13.5 hours per day)  
Sat                      8 am – 8 pm (12 hours per day)  
Sun                      8 am – 5 pm (9 hours per day)  
Holidays When City Hall is Closed (see attached)      no work

**86 hours per week**

*A written request to the BO and City Manager is required to work outside of those listed; to be submitted at least 48 hours in advance.*

**Neighboring City Allowable Work Hours for Construction are:**

Hoover  
Mon – Sat            6 am – 9 pm (15 hours per day)  
Sunday               8 am - 5 pm (8 hours per day)

**98 hours per week**

*A written request to the City Manager and BO is required to work outside of those listed.*

Homewood  
Mon-Fri              7am-7pm (12 hours per day)  
Sat                     8am-3pm (7 hours per day)

**67 hours per week**

*A written request to BO, Mayor and Fire Chief for exceptions*

Pelham  
Mon-Fri              7am-8pm (13 hours per day)

**65 hours per week**

*A written request to the BO and Mayor are required for hours outside of those listed.*

Trussville

Mon-Sat            6am-8pm (14 hours per day)

84 hours per week

*Sun or Holiday or other hours by written request to the Mayor*

Hoover 98

Mon-Fri            7am-10pm (15 hours per day)

75 hours per week

*Sat or Sun by written request to City Manager Mayor and BO 48 hours prior to in writing*

**City of Mountain Brook**  
**HOLIDAYS**  
**2023**

**2023**

New Year's Day	Monday, January 2
Martin Luther King, Jr. Day	Monday, January 16
Presidents' Day	Monday, February 20
Good Friday	Friday, April 7
Memorial Day	Monday, May 29
Independence Day	Tuesday, July 4
Labor Day	Monday, September 4
Veterans Day	Friday, November 10
Thanksgiving Day	Thursday, November 23
Thanksgiving Holiday	Friday, November 24
Christmas Eve	Friday, December 22
Christmas	Monday, December 25

Neighboring City Allowable work hours for Construction are:

Mountain Brook (Existing Regulations)

Mon-Fri 7 am – 8 pm (13 hours per day) *OK*  
6:30 am – 8 pm during Daylight Savings (13.5 hours per day) *OK*  
Sat/Sun/Holidays 8 am – 8 pm (12 hours per day)

**89 hours per week**

*I think NO work on Sunday  
is appropriate but not  
a big deal to me/us.*

Mountain Brook (Proposed Regulations)

Mon-Fri 7 am – 8 pm (13 hours per day) ✓  
6:30 am – 8 pm during Daylight Savings (13.5 hours per day) ✓  
Sat 8 am – 8 pm (12 hours per day) ✓  
Sun 8 am – 5 pm (8 hours per day) *OK or no work*  
Holidays When City Hall is Closed (see attached) *no work Disagree - see attached  
for notes*

**85 hours per week**

*A written request to the BO and City Manager is required to work outside of those listed;  
to be submitted at least 48 hours in advance.*

Hoover

Mon – Sat 6 am – 9 pm (15 hours per day)  
Sunday 8 am - 5 pm (8 hours per day)

**98 hours per week**

*A written request to the City Manager and BO is required to work outside of those listed.*

Homewood

Mon-Fri 7am-7pm (12 hours per day)  
Sat 8am-3pm (7 hours per day)

**67 hours per week**

*A written request to BO, Mayor and Fire Chief for exceptions*

Pelham

Mon-Fri 7am-8pm (13 hours per day)

**65 hours per week**

*A written request to the BO and Mayor are required for hours outside of those listed.*

**City of Mountain Brook**  
**HOLIDAYS**  
**2023**

**2023**

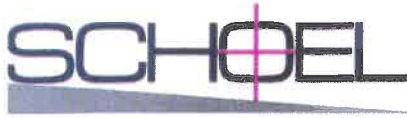
New Year's Day	Monday, January 2 <i>ok ✓</i>
Martin Luther King, Jr. Day	Monday, January 16 <i>X</i>
Presidents' Day	Monday, February 20 <i>X</i>
Good Friday	Friday, April 7 <i>X</i>
Memorial Day	Monday, May 29 <i>✓</i>
Independence Day	Tuesday, July 4 <i>✓</i>
Labor Day	Monday, September 4 <i>✓</i>
Veterans Day	Friday, November 10 <i>X</i>
Thanksgiving Day	Thursday, November 23 <i>✓</i>
Thanksgiving Holiday	Friday, November 24 <i>X</i>
Christmas Eve	Friday, December 22 <i>✓</i>
Christmas	Monday, December 25 <i>✓</i>

**SIDEWALK QUOTE**  
**21ST STREET S. at CAHABA ROAD**  
**(175 FT. X 5 FT.)**

- ADA Brick - \$2,000.00
- (4) Water Meter Relocation - \$10,000.00
- (2) Concrete Street Light Pole Relocation - \$3,200.00
- Gravel - \$1,100.00
- Landscaping - \$3,000.00
- Concrete - \$3,600.00
- Forming Materials - \$200.00
- TOTAL - \$23,100.00

**NOT INCLUDED IN THIS QUOTE**

- There are 3 Power Poles that will have to be relocated to install the sidewalk. I am waiting on a quote from Alabama Power for having these moved. Based on conversation with Schoel, and Sane an estimate to move these poles would be about \$15,000.00 per pole for a total of \$45,000.00
- There is one AT&T communication pedestal that will need to be moved. I am waiting to hear back from them for a quote to have that done. I haven't heard back but could possibly be in the \$7,000.00 to \$10,000.00 range.
- Crosswalk to be quoted separately. Stone & Sons quoted \$34,000.00 for the crosswalk.



## **Beech Street and Sims Street Drainage Evaluation and Recommendations**

August 30, 2023

A drainage problem exists in the vicinity of the intersection of Beech Street and Sims Avenue. The problem begins in Beech Street at the location of an inlet at 204 Beech Street. This location is a sag in the roadway and the intersection of Beech and Sims is several feet higher in elevation than the sag. During severe rains, the inlet is overwhelmed, and the stormwater jumps out of the gutter and flows west across Lot 8 (204 Beech) to the location of the major drainage swale that is located behind the lots that front on Beech. Note that this swale is the same drainage way that flows to Euclid and was the subject of previous work.

Evaluation of topography, drainage infrastructure locations, and field inspections have allowed the drainage basin limits to be established. Approximately 9 acres drain to this location, leading to their being around 38 cubic feet per second (cfs) peak flow for the 25-year return period storm. The existing 15-inch storm pipe that drains the sag can convey only around 5 cfs. It is evident that the stormwater infrastructure at this location is not adequate.

A secondary drainage problem is the capacity of the swale that runs along the rear of the lots that front on Beech. This swale runs south to Sims where it is collected by several storm pipes that eventually drain to Euclid. The drainage area of the swale at this location is approximately 17 acres and may produce a peak flow of around 65 cfs.

A CCTV inspection of the storm pipes in the study area was contracted by the city in November of 2021. The video showed the 2 of the 3 pipes crossing Sims Ave were clogged with sediment and infiltrated with roots. This finding would reduce the overall capacity of the drainage system in the area.

### **Recommendations**

It is recommended that the drainage in Beech Street be upgraded with new inlets and larger pipes. The drainage from the sag in Beech would be ultimately conveyed in a 30-inch pipe south to Sims and then west to the location of the pipes that drain across Sims toward Euclid. This drainage infrastructure would generally follow the path of the existing 15-inch pipe and would be totally located in City rights-of-way.

There is significant ponding north of Sims during severe rains. This ponding is a nuisance but is not believed to have flooded into the two adjacent residences (Lot 7 and Lot 8). Replacing the storm pipes that cross Sims would likely improve the local flooding but would increase downstream flows which flow through properties already impacted by high flow rates. It is not

Established 1888

**SCHOEL ENGINEERING COMPANY, INC.**  
1001 22nd Street South | Birmingham, AL 35205  
P 205-323-6166 | F 205-323-2252 | schoel.com

recommended that the pipes be upgraded, however power cleaning and clearing of the pipes crossing Sims Ave and continuing to each of their outfalls be performed. It is believed that the performance of the swale can be moderately improved by cleaning out the swale and deepening it somewhat and installing a 30-inch concrete flume. The amount that it can be deepened is governed by the elevation of the pipes that cross Sims.

**Engineer's Estimate of Probable Construction Costs:       \$310,000**

In conclusion, the severe problem of flows draining across residential properties from the sag in Beech Street can be largely mitigated by improving the drainage infrastructure in Beech and Sims from the sag in Beech to the crossing of Sims. The ponding in the swale above the Sims crossing can only be marginally improved. It is not believed that these improvements will adversely impact downstream properties.

SCHOEL ENGINEERING CO., INC.

Attachment: Schematic Design of Improvements



# BEECH STREET/SIMS AVENUE PROPOSED DRAINAGE IMPROVEMENTS SCHEMATIC DESIGN

DATE: AUGUST 2023  
SCALE: AS SHOWN

**SCHUEL**

1001 22nd Street South  
Birmingham, Alabama 35205  
205.393.6186

Civil  
Surveying  
Environmental  
Water Resources  
Laser Scanning + Modeling

**City of Mountain Brook**  
**Public Service Application**

Date: 4/26/23 Name: NORMAN JETMUNDSEN gmail.com  
Phone Number: (205) 482-5038 Email: NORMANJETMUNDSEN@  
Address: 2901 THORN HILL RD. MB, AL. 35213  
Street City State Zip Code

How long have you been a resident of Mountain Brook? 27 years

Which Board/Commission/Committee are you applying for? (check only one)

Planning Commission	Board of Zoning Adjustments	Board of Landscape Design
Village Design and Review	Board of Education	Parks and Recreation Board
Editorial Board	Finance Committee	<u>O'Neal Library Board</u>

**Previous Board Appointments**

Please list any current or previous board appointments you have held for the City of Mountain Brook.

Name of Board	Dates Served
<u>O'Neal Foundation</u>	

**Community Activities**

Please list any current or past experience you have with civic, fraternal, volunteer, non-profit organizations in which you are or have been active.

Name of organization	Dates Served	Title, Specific Projects, or Other Info.
<u>St. Luke's</u>	<u>2022</u>	<u>SR. WARDEN</u>
<u>SUNRISE ROTARY</u>	<u>2022-23</u>	<u>President</u>

**Appointment Interest**

Please provide a brief statement describing your interest in serving on the selected board.

I served as President of the O'Neal Foundation Board. During that time, I negotiated to purchase the property next door. I also initiated the Annual Newsletter. I think the library is a Crown Jewel of MB.

What specific objectives would you work towards as a member of the selected board?

To support the Library, to be a sounding board, and to offer suggestions where appropriate

Summarize your qualifications that you believe would benefit the selected board. Include education, experience, licenses, etc. You may attach a resume also.

B.A. University of the South  
J.D. University of Alabama  
M.Litt. Oxford University  
Member of Alabama State Bar  
Author of two published novels, and co-producer of a documentary film.

### Certification

By initialing here ( NA ), I certify the following:

I am a resident of Mountain Brook

I understand the commitment requirements for the board for which I am applying.

I understand that I will be serving without compensation.

I will report to the city if a conflict of interest arises or something changes that would affect my membership on the Board.

I will keep an open mind and consider all sides of issues presented to the board.

I understand that this application and appointment will become public record.

NORMAN JETMUNASCEN  
Printed Name of Applicant

Signature

Date

4/24/23

Note: If additional space is needed to complete the application, you may either write on the back of one of the pages or add additional pages. You may also attach any valid documentation you feel necessary to give us a better understanding of your qualifications. This includes a resume, copy of licenses or degrees, etc.

Submit the application to: [www.mtnbrook.org](http://www.mtnbrook.org) or Sam Gaston, City Manager at [gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)

Applications will be kept for three years from the date listed on the front page. You will need to re-apply periodically if you are still interested in serving on any of the boards. If your contact information changes within the three years, please submit a new application.

**Norman Jetmundsen, Jr.**  
2901 Thornhill Road  
Birmingham, Alabama 35213

(205) 871-6000 (Home)  
(205) 492-5038 (Cell)

[normanjetmundsen@gmail.com](mailto:normanjetmundsen@gmail.com)

#### PROFESSIONAL EXPERIENCE

##### **2002-2019**

Vice President and Associate General Counsel - Vulcan Materials Company

##### **1982- 2001**

Partner with law firm of Bradley Arant Rose & White LLP, Birmingham, Alabama

- Admitted to practice in Alabama State Courts, 5th and 11th Circuit Courts of Appeal.
- Law Practice: Civil litigation, defense oriented; arbitration and mediation

##### **1979- 1980**

Law Clerk for U.S. District Judge Sam C. Pointer, Jr.

#### EDUCATION

##### ***The University of the South, Sewanee, Tennessee***

- B.A. 1976 (*summa cum laude*)
- Phi Beta Kappa
- ODK
- Guerry Award: University Graduation Prize for Excellence in English
- Who's Who in American Colleges and Universities

##### ***The University of Alabama, Tuscaloosa, Alabama***

- J.D. 1979
- Order of the Coif
- *Alabama Law Review*, Associate Editor
- Bench and Bar Legal Honor Society
- Co-winner of the Outstanding Graduate Student for The University of Alabama in 1979

##### ***Oxford University (Magdalen College), Oxford, England***

- M. Litt. in Law, 1982
- Rotary International Scholar 1980-81

#### BOOKS AUTHORED

*The Soulbane Stratagem*, published by John Hunt Publishing, Fall 1999

*The Soulbane Illusion*, published by John Hunt Publishing, Spring 2004

Film: *Unrivaled: Sewanee 1899*

#### CURRENT ORGANIZATIONS

Alabama State Bar Association  
Birmingham Sunrise Rotary Club (Past President & current President)  
St. Luke's Episcopal Church (Past Senior Warden and Vestry Member)  
Order of St. John  
Monday Morning Quarterback Club, Board  
McWane Science Center Foundation Board



**CITY OF MOUNTAIN BROOK**

**Tyler Slaten**  
**Senior Planner**  
56 Church Street  
Mountain Brook, Alabama 35213  
Telephone: 205.802-3811  
Fax: 205.879.6913  
slaten@mtnbrook.org  
www.mtnbrook.org

**DATE:** September 11, 2023

**TO:** Mayor, City Council & City Manager

**FROM:** Tyler Slaten, City Planner

**RE:** Village Design Review Committee Term Appointment

Brian Barrett's term expired on August 28, 2023. Mr. Barrett has expressed a wish to continue to serve on VDR, and the members of VDR have unanimously recommended that he be reappointed for another 3 year term. Mr. Barrett has served two 3 year terms on VDR starting in 2017.

# Cleo Kathryn Gorman

3613 Mountain Lane, Birmingham, AL 35213  
[cgorman@trojb.design](mailto:cgorman@trojb.design) (e) | 205-317-3996 (c)

---

## EDUCATION

Winthrop University, Rock Hill, South Carolina | Bachelor of Arts, 1984  
Presidential Hostess, Sigma Sigma Sigma sorority vice president 1983, Young Alumnus of the Year 1988

## PROFESSIONAL/CIVIC ACTIVITY

American College of Healthcare Executives (ACHE) | since 2004, past president Alabama Chapter Society for Commercial Real Estate Women (CREW) | since 2019  
Marketing Professional Services (SMPS) | twice past president Alabama Chapter  
Associated Builders & Contractors (ABC) | task force to choose new ad firm  
Operation New Birmingham, hosted regional planning conference committee mtgs  
UAB Healthcare Symposium | conference committee  
Canterbury United Methodist Church | church council  
Junior League of Birmingham | sustainer

## EXPERIENCE

**TRO Jung|Brannen**, Birmingham, AL | August 1996 – Present | Partner/Dir. of Marketing & Business Development

Accomplishments include:

- Securing more than \$600M in healthcare construction, yielding more than \$6M in professional design fees
- Promoting southeastern growth strategy with new commissions in four states
- Diversifying and broadening firm's relationship base with healthcare clients, consultants, and contractors
- Leading the new leadership team through website and social media communications development
- Contributing to corporate rebranding exercise upon two-firms merger
- Strengthening internal communication with corporate representatives
- Raising the quality level of portfolio photography
- Conceiving and producing the firm's first ever video client testimonials and three subsequent marketing videos
- Publishing articles in Birmingham Business Journal, Portico, and Medical Construction & Design magazines

Responsibilities include:

- Marketing and business development across seven states region
- Marketing and business development for Tampa office
- Developing regional annual marketing budget and broad business development strategy
- Generating leads in appropriate target markets
- Networking with prospects, clients, contractors, engineers, strategic design partners, and others
- Representing the firm in trade shows, industry events, special presentations, and occasional public speaking
- Managing prospect, client, and project database
- Developing internal and external team building, proposal production, and presentation strategies
- Managing team-produced targeted quals packages, proposals, and presentations
- Producing design awards submissions
- Managing project photography
- Managing firm messaging across many platforms, including print, web, and social media
- Working with local and state news media for public relations
- Use of InDesign, Photoshop, Microsoft Office, Excel, Outlook, Adobe, PowerPoint, and Deltek software
- Past experience with Chamber of Commerce leadership and Economic Development activities

***City of Mountain Brook  
Public Service Application***

Date: 7/13/22 Name CleoKathryn Gorman

Phone Number: ( 205 ) 317 - 3996      Email: [cgorman@trojb.design](mailto:cgorman@trojb.design)

Address: 3613 Mountain Lane Mountain Brook, AL 35213

How long have you been a resident of Mountain Brook? 26 years

**Which Board/Commission/Committee are you applying for? (check only one)**

Planning Commission	Board of Zoning Adjustments	Board of Landscape Design
Village Design and Review x	Board of Education	Parks and Recreation Board
Editorial Board	Finance Committee	Emmet O'Neal Library Board

## Previous Board Appointments

**Please list any current or previous board appointments you have held for the City of Mountain Brook.**

Name of Board	Dates Served
NA	

## Community Activities

**Please list any current or past experience you have with civic, fraternal, volunteer, non-profit organizations in which you are or have been active.**

Name of organization	Dates Served	Title, Specific Projects, or Other Info.
Canterbury United Methodist	2000-present	Various – Church Council, VBS, etc.
Junior League of Birmingham	1996 - present	Chair, Corporate Sponsorships
Operation New Birmingham	1998 - 2004	Various community activities

## Appointment Interest

**Please provide a brief statement describing your interest in serving on the selected board.**

My interest in the Village Design Review Committee is related to my professional role as partner in a regional architectural firm. While my firm's niche is healthcare design, our strategies for our clients are more comprehensive, promoting full scale community planning for best outcomes in development. The details matter. The experience of a place can be made special or rather can become negative based on choices made (or left to chance) early in planning and construction. Exterior signage, color palettes, and maintenance are a few examples of those choices.

What specific objectives would you work towards as a member of the selected board?

The environments of the villages in Mountain Brook have undergone change over the last few years, most of which has been positive. Change continues in the completion of the project in Mountain Brook Village and with the school construction, now well underway. As a member of the Villages Design Review Committee, I would work to continue the progress made while maintaining the small town charm enjoyed by residents and visitors alike.

Summarize your qualifications that you believe would benefit the selected board. Include education, experience, licenses, etc. You may attach a resume also.

I am qualified to serve on this board, due to my thirty years of experience representing design firms, now serving as a partner for the past six years. I have worked with clients, partner consultants, and contractors to achieve best outcomes in projects, the details of which have included budget, schedule, codes, and design strategies. I am a respectful people person who cares about community. My two daughters have grown up in Mountain Brook and we continue to have pride in this place!

### **Certification**

By initialing here ( CKG ), I certify the following:

I am a resident of Mountain Brook

I understand the commitment requirements for the board for which I am applying.

I understand that I will be serving without compensation.

I will report to the city if a conflict of interest arises or something changes that would affect my membership on the Board.

I will keep an open mind and consider all sides of issues presented to the board.

I understand that this application and appointment will become public record.

**Cleo Kathryn Gorman**  
Printed Name of Applicant

*Cleo Kathryn Gorman*  
Signature

**7/13/22**  
Date

Note: If additional space is needed to complete the application, you may either write on the back of one of the pages or add additional pages. You may also attach any valid documentation you feel necessary to give us a better understanding of your qualifications. This includes a resume, copy of licenses or degrees, etc.

Submit the application to: [www.mtnbrook.org](http://www.mtnbrook.org) or Sam Gaston, City Manager at [gastons@mtnbrook.org](mailto:gastons@mtnbrook.org)

Applications will be kept for three years from the date listed on the front page. You will need to re-apply periodically if you are still interested in serving on any of the boards. If your contact information changes within the three years, please submit a new application.

# **COURTNEY JOHNSON**

**Graphic Designer**

(205) 746-2356  
courtney@design205.com  
www.design205.com

## **EDUCATION**

**MBA, Marketing**  
University of Alabama  
at Birmingham

**B.F.A. Visual Design**  
Auburn University

## **SKILLS**

Adobe Photoshop  
Adobe Illustrator  
Adobe InDesign  
Adobe Acrobat  
Facebook / Instagram  
Microsoft Word  
Microsoft PowerPoint  
Microsoft Excel

## **OBJECTIVE**

Graphic Designer with 20+ years experience, excited and willing to help the Village Design Review Committee maintain each village's aesthetic. My unwavering attention to detail and experience in maintaining a unique brand will prove to be a valuable addition to the collaborative team.

## **WORK EXPERIENCE**

### **Chester's Chicken, Birmingham AL**

**December 2009 – current**

*Graphic Designer*

- Designed promotional food advertisements for US, Canada & Puerto Rico markets
- Designed menu board layouts, custom billboards, truck wraps, postcards, pole signs and banners for the marketing of Chester's brand
- Partner with colleagues and external partners for product launches and promotions
- Work closely with Marketing team to design assets for branded packaging, social media assets, print and web advertising
- Web Design Consultant - generated proposal of needs for new site, interviewed prospective web design companies, liaison between Chester's & web designers, technical support on/off site, and managed completion of website
- Photo edit and retouch images for all quarterly promotional advertisements

### **Southern Progress Corporation, Birmingham AL**

**December 2003 – 2009**

*Graphic Design and Production Assistant for Southern Living*

- Tracked print jobs and kept production team informed of anticipated delivery dates; provided status reports on where jobs are in the production process
- Carried out proofing and approval processes
- Designed layouts for magazines, marketing materials and advertisements
- Photoshop color correction for print and web

## **VOLUNTEER COMMITMENTS**

### **Junior Women's Committee of 100, O'Neal Library**

**August 2019 – current**

*Fundraising Committee*

### **Volleyball Coach, Mountain Brook Athletics**

**Fall 2022 and Fall 2023**

*4<sup>th</sup> & 5<sup>th</sup> Grade Girls*

### **Children's Chapel Volunteer, St. Luke's Episcopal Church**

**December 2021 – current**

## **City of Mountain Brook**

### **Public Service Application**

Date: Aug 21, 2023 Name Courtney Johnson

Phone Number: (205) 746-2356 Email: courtney@design205.com

Address: 9 Woodhill Road Mountain Brook, AL 35213  
Street City State Zip Code

How long have you been a resident of Mountain Brook? 36 years

Which Board/Commission/Committee are you applying for? (check only one)

Planning Commission	Board of Zoning Adjustments	Board of Landscape Design
Village Design <input checked="" type="checkbox"/> and Review	Board of Education	Parks and Recreation Board
Editorial Board	Finance Committee	O'Neal Library Board
Environmental Sustainability (Bee City)		

### **Previous Board Appointments**

Please list any current or previous board appointments you have held for the City of Mountain Brook.

Name of Board	Dates Served

### **Community Activities**

Please list any current or past experience you have with civic, fraternal, volunteer, non-profit organizations in which you are or have been active.

Name of organization	Dates Served	Title, Specific Projects, or Other Info.
Junior Women's Committee 100, O'Neal Library	August 2019—current	Fundraising Committee for children's dept./Summer Reading kickoff
Mountain Brook Athletics	Fall 2022 and Fall 2023	4th & 5th grade girls rec volleyball coach
St. Luke's Episcopal Church	December 2021—current	Children's Chapel Volunteer

### **Appointment Interest**

Please provide a brief statement describing your interest in serving on the selected board.

I am a Graphic Designer with 20+ year's experience, excited and willing to help the VDR committee maintain each villages aesthetic. My unwavering attention to detail and experience in maintaining a unique brand will prove to be a valuable addition to the collaborative team. I have strong typography, layout and design production skills as well as excellent interpersonal and communication skills.

What specific objectives would you work towards as a member of the selected board?

As a member of the VDR board, I would really like to see signage from each individual store. I work in English Village, and some stores I have noticed have faded or peeling lettering or are even unmarked. With the turnover of stores, it is even more important for signage that gives a united front to each village.

Summarize your qualifications that you believe would benefit the selected board. Include education, experience, licenses, etc. You may attach a resume also.

My resume is attached and it shows my commitment to professional development over the last 20+ years. I take pride that I have been with the same company for the last 14 years, and they know that I am a dependable, creative and engaged employee. I have a strong background in graphic design and am able to create communication materials in both digital and printed media.

### **Certification**

By initialing here ( CJ ), I certify the following:

I am a resident of Mountain Brook

I understand the commitment requirements for the board for which I am applying.

I understand that I will be serving without compensation.

I will report to the city if a conflict of interest arises or something changes that would affect my membership on the Board.

I will keep an open mind and consider all sides of issues presented to the board.

I understand that this application and appointment will become public record.

Courtney Johnson Courtney Johnson 8/21/23

City of  
Mountain Brook

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

**RE: Cahaba Waste Authority Meeting - Cancelled and Rescheduled**

1 message

Rod Evans &lt;REvans@wallacejordan.com&gt;

Thu, Sep 7, 2023 at 10:02 PM

To: "Dickerson, Wendy" <wendy.dickerson@hooveralabama.gov>, Berkley Squires <berkley.squires@homewoodal.org>, Buddy Choat <bchoat@trussville.org>, "Counts, Elenie W." <elenie.counts@hooveralabama.gov>, Gretchen DiFante <gdifante@pelhamalabama.gov>, Jeff Downes <jdownes@vhal.org>, Jeff Mims <jeff.mims@att.net>, Jeff Zissette <jzissette@clantonal.gov>, JJ Bischoff <jj.bischoff@homewoodal.org>, Josh Bryant <jbryant@fultondaleal.gov>, Kim Freeman <kfreeman@fultondaleal.gov>, Larry Holcomb <lholcomb@fultondaleal.gov>, Rick Sweeney <rsweeney@amwasteusa.com>, Sam Gaston <gastons@mtnbrook.org>, Steve Boone <boones@mtnbrook.org>

All:

I hope everyone is well. Based on our discussion at the meeting today and requested revisions to the proposed resolutions, please see attached and reply to me only with redlines or revision requests.

Attached is the CSWDA Resolution which memorializes the annual consumer price index increase of 5%, fuel cost savings rebate, and other items discussed. Ⓐ

Also attached is a draft resolution for a city to pass the 2<sup>nd</sup> amended contract. Note the contract attached draft city resolution is the same contract as exhibit 1 in the CSWDA Resolution.

Lastly, there was a request to have some draft policies in place. We are still waiting on a confirmation from the fuel provider and about how the tank storage might work. In the interim, here is an initial draft of how it works and you might explain it to your finance department.

As always please let me know if you have any questions.

Take care,

Ⓐ The estimated rebate/savings for MB by opting in to the fuel cost savings rebate is \$50,817/yr.

Rod | Roderick J. Evans | MEMBER

**WALLACE JORDAN**

WALLACE JORDAN RATLIFF &amp; BRANDT LLC

800 Shades Creek Pkwy #400, Birmingham, AL 35209

Direct: 205.874.0349 / Email: revans@wallacejordan.com

Asst: Amanda Phillips: 205.874.0371 (aphillips@wallacejordan.com)

Paralegal: Adam Foster: 204.74.0738 (afoster@wallacejordan.com)

**CONFIDENTIALITY NOTICE:** This e-mail (including any file attachments) is for the sole use of the intended recipients - not necessarily the addressees - and may contain confidential and privileged information that by its privileged and confidential nature is exempt from disclosure under applicable law. You are hereby notified that dissemination, disclosure, distribution,

9/8/23, 7:53 AM

City of Mountain Brook Mail - RE: Cahaba Waste Authority Meeting - Cancelled and Rescheduled

duplication, or other use of this transmission by someone other than an intended recipient or an intended recipient's designated agent is strictly prohibited. If you are not an intended recipient or believe you have received this transmission in error, please notify the sender by calling 205.870.0555 (collect if necessary). In addition, please return this e-mail using a reply command and then delete all copies.

**CIRCULAR 230 NOTICE:** In compliance with requirements related to practice before the Internal Revenue Service, we are required to inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used by you, for the purposes of (i) avoiding penalties that may be imposed on you under the United States Internal Revenue Code or (ii) promoting, marketing, or recommending to another person any transaction or tax-related matter referenced herein. If you have received this communication and are not the original intended recipient and a client of the sender, you should seek advice based on your particular circumstances from an independent tax advisor.

**From:** Dickerson, Wendy <[wendy.dickerson@hooveralabama.gov](mailto:wendy.dickerson@hooveralabama.gov)>

**Sent:** Tuesday, August 29, 2023 9:01 AM

**To:** Berkley Squires <[berkley.squires@homewoodal.org](mailto:berkley.squires@homewoodal.org)>; Buddy Choat <[bchoat@trussville.org](mailto:bchoat@trussville.org)>; Counts, Elenie W. <[elenie.counts@hooveralabama.gov](mailto:elenie.counts@hooveralabama.gov)>; Gretchen DiFante <[gdifante@pelhamalabama.gov](mailto:gdifante@pelhamalabama.gov)>; Jeff Downes <[jdownes@vhal.org](mailto:jdownes@vhal.org)>; Jeff Mims <[jeff.mims@att.net](mailto:jeff.mims@att.net)>; Jeff Zissette <[jzissette@clanton.al.gov](mailto:jzissette@clanton.al.gov)>; JJ Bischoff <[jj.bischoff@homewoodal.org](mailto:jj.bischoff@homewoodal.org)>; Josh Bryant <[jbryant@fultondaleal.gov](mailto:jbryant@fultondaleal.gov)>; Kim Freeman <[kfreeman@fultondaleal.gov](mailto:kfreeman@fultondaleal.gov)>; Larry Holcomb <[lhcolcomb@fultondaleal.gov](mailto:lhcolcomb@fultondaleal.gov)>; Rick Sweeney <[rsweeney@amwasteusa.com](mailto:rsweeney@amwasteusa.com)>; Rod Evans <[REvans@wallacejordan.com](mailto:REvans@wallacejordan.com)>; Sam Gaston <[gastons@minbrook.org](mailto:gastons@minbrook.org)>; Steve Boone <[boones@mtnbrook.org](mailto:boones@mtnbrook.org)>; Counts, Elenie W. <[elenie.counts@hooveralabama.gov](mailto:elenie.counts@hooveralabama.gov)>

**Subject:** Cahaba Waste Authority Meeting - Cancelled and Rescheduled

Good morning,

Sorry for the inconvenience, but the Cahaba Solid Waste Disposal Authority meeting has been cancelled for August 31, 2023, at 9:00 am at the Hoover City Hall.

The meeting has been rescheduled to September 7, 2023, at 9:00 a.m. I have attached the notice for the posting of the meeting of the Cahaba Solid Waste Disposal Authority.

Per the by-laws, the notice of the meeting should be posted at the City Hall of determining subdivision(s) in the Cahaba Solid Waste Disposal Authority.

Thanks, Wendy



**Wendy Dickerson, CMC**

City Clerk

City of Hoover | 100 Municipal Lane | Hoover, AL 35216

Office: 205-444-7557

[www.hooveralabama.gov](http://www.hooveralabama.gov)

**3 attachments**



**Resolution 2023-01 Authorizing Fuel Cost Savings Rebate and Five Percent Annual Adjustment.docx**  
29K



**2023\_9-7 - Draft City Res. Auth. Fuel Rebate + 2nd Amendment to Solid Waste Contract.docx**  
22K



**2023\_9-7 - Fuel Rebate Process and Mechanism.docx**  
22K

**SECOND AMENDMENT TO  
SOLID WASTE COLLECTION AND DISPOSAL CONTRACT**

The CITY OF \_\_\_\_\_, ALABAMA, (hereinafter referred to as "City"), a municipal corporation does hereby enter into an amended solid waste collection and disposal contract by, between and with the CAHABA SOLID WASTE DISPOSAL AUTHORITY (hereinafter referred to as the "Authority" or "CSWDA") a public corporation under and pursuant to the provisions of Chapter 89A of Title 11 of the Code of Alabama (1975) (hereinafter referred to as the "Enabling Act"). The Parties agree as follows:

1. **Tiered Pricing Amended and Fuel Costs Revisited.** The pricing for services shall remain tiered and based upon the number of units serviced and services selected within the City and within the Authority's jurisdiction subject to increases pursuant to the CPI-U Annual Rate Adjustment, which shall increase by 5% percent, beginning October 1, 2023. The residential garbage and recycling pricing (including elective backdoor service, where applicable) shall continue to include the addition of an itemized fuel surcharge from August 1, 2022, until such time as the commercial adjusted fuel index for ultra-low sulfur diesel returns below the contract baseline fuel cost of \$3.05 (fuel index rate of ultra-low sulfur diesel as of July 15, 2021), known as the fuel surcharge.

2. **Fuel Cost Savings Rebate Overview.** The fuel cost savings rebate is an opt-in program that shall consist of a credit to a City of the pro-rata reduction of the percentage decrease of fuel for the dedicated service route within the municipality on a monthly basis, where the reduction will occur based on the number of gallons provided from City to the Authority.

3. **Fuel Cost Savings Rebate Explained.** The City desires to "opt in" to a fuel cost savings rebate with the Authority and provide to the Authority \_\_\_\_\_ gallons of fuel purchased by the City at its sole cost in exchange for a pro-rata reduction of solid waste disposal and collection costs within the City's corporate limits. The number of gallons authorized is based on a six-week average of actual mileage for the dedicated route within the municipality, which totals \_\_\_\_\_ weekly miles, considers level of service (number of unit visits per week) to City and assumes 4.6 miles per gallon. The rebate shall be credited on a monthly basis equal to monthly authorized gallons of fuel multiplied by a fuel factor of approximately 0.72 (number may fluctuate depending on fuel market pricing incurred and cost savings realized by the Authority) totaling a rebate of approximately \$ \_\_\_\_\_ per month with an estimated annual rebate of \$ \_\_\_\_\_.

4. **Provision of Fuel, Delivery, and Access to Fuel.** City shall provide fuel (ultra-low sulfur diesel only) to the Authority's Delivery Point located at 1400 Porter Rd Sylvan Springs, AL 35118 or make provision for the allotted gallons to be made available through a Fuelman card. The Authority or its designee will place orders/make payments on the City's behalf for its related gallons to be delivered/available on or before the last business day of each month. The City shall continue to receive one monthly billing for services through the Authority. Access to the Authority's Delivery Point will be restricted and have a limited access keypad entry specific to each driver and dedicated service route.

5. **Cancellation or Termination of this Agreement.** Either party may cancel or opt-out of the Fuel Cost Savings Rebate upon thirty (30) days' notice.

6. **Controlling Agreement.** All other provisions of the original authorization to administer solid waste collection on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Resolution No. \_\_\_\_\_ (as amended) shall remain in effect. To the extent any provisions contained herein are in conflict with this

Agreement or any other Agreements between Authority and City, oral or otherwise, the provisions contained herein shall supersede such conflicting provisions contained in the Agreement or other Agreements.

7. **No Further Modifications.** Except as set forth herein, all previous provisions remain unmodified and in full force and effect.

[Signatures on the following page.]

Done this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

IN WITNESS WHEREOF, the parties hereto, having obtained the full consent of their governing bodies, have caused this Agreement with the Cahaba Solid Waste Disposal Authority to administer solid waste disposal and collection on behalf of the City of \_\_\_\_\_ as provided herein, cause to be executed by their duly authorized officers on the day and year written above, as follows:

**CITY OF \_\_\_\_\_, ALABAMA,**  
a Municipal Corporation

\_\_\_\_\_  
Mayor

Attest:

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

**CAHABA SOLID WASTE DISPOSAL AUTHORITY, a**  
Public Corporation

\_\_\_\_\_  
Jeff Downes, its Vice-Chairman

Attest:

\_\_\_\_\_  
Elenie Counts, Secretary

**ACKNOWLEDGEMENT OF SERVICES BY PROVIDER**

**Acknowledged by Service Provider: AMWASTE LLC, by \_\_\_\_\_**  
**(print)**

**Its \_\_\_\_\_ (title). This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
**(Signature**

## **Resolution 2023 - 01**

### ***Resolution Authorizing Fuel Cost Savings Rebate and Annual Rate Increase of Five Percent***

**BE IT RESOLVED**, by the Board of Directors for the Cahaba Solid Waste Disposal Authority with a quorum present in a duly called special meeting on this 7<sup>th</sup> day of September, 2023, hereby resolves as follows:

1. **CPI-U ANNUAL ADJUSTMENT CAPPED AT FIVE (5%) PERCENT.** As of October 1, 2023, an annual rate of adjustment of five percent (5%) shall occur for all services offered by the Authority for all eligible entities. The Board recognizes that the CPI-U Index for Annual Rate Adjustment range is approximately 5.7 percent for water and sewer and trash collection services as of June 2023; however, understands that the maximum increase per contract with the Authority's preferred provider is capped at five (5%) percent and determines that five percent is the maximum rate increase authorized.
2. **FUEL COST SAVINGS REBATE AUTHORIZED.** That beginning October 1, 2023, the Authority shall offer an "opt in" only fuel cost savings rebate to all customers, where a monthly rebate shall be available to customers who "opt in" and provide the amount of fuel (ultra-low sulfur diesel) necessary to operate the dedicated service route within that municipality to the Authority. As a result, the Authority will provide for a pro-rata reduction of solid waste disposal and collection costs within the municipality's corporate limits based on the savings of fuel at a lower rate. The rebate mechanism shall be based on monthly gallons authorized by each municipality which will equal a six-week average of actual mileage for the dedicated route within the municipality and assumes 4.6 miles per gallon. The rebate shall be credited on a monthly basis equal to monthly authorized gallons of fuel multiplied by a fuel factor of approximately 0.72 (number may fluctuate depending on difference between market pricing and any cost savings afforded to the Authority), and is estimated as follows: *See Exhibit A.*
3. **FUEL TANK STORAGE AUTHORIZED.** That the Chairman or Vice Chairman is authorized to enter into such agreements necessary to facilitate the fuel cost saving rebate, including (i) such agreements as necessary with a fuel provider, McPherson Oil or such other provider, that is authorized under the State of Alabama contract to provide fuel at a tax-free rate and (ii) such agreements necessary for setting up a Fuelman card in the Authority's name. Further, the Chairman or Vice Chairman is authorized to enter into a lease agreement with AmWaste, in an amount not to exceed \$1.00 for a term of up to 5 years for the ownership and control of a fuel tank location to receive donated gallons and located where service equipment for the Authority is currently stored by AmWaste, subject to lease terms and provisions as approved by legal counsel, including, but not limited to, (i) a requirement that donated fuel is stored in a restricted access tank with keypad access limited to specific drivers and equipment for dedicated service routes, (ii)

a monthly tracking system is installed, and (iii) monthly reporting is provided to the Authority regarding distribution of fuel to the dedicated service routes.

4. **For the City of Clanton only.** Due to logistics and operation of the fleet used for the City of Clanton from site near Montgomery, the Chairman or Vice Chairman is authorized to negotiate a separate fuel cost savings rebate mechanism with the Authority's preferred provider, which may include a combination of leasing space for fuel tank storage or use of Fuelman cards.
5. That the Chairman or Vice Chairman, along with the Treasurer shall provide a policies and procedures statement to be transmitted to any municipality desiring to "opt in" to the fuel savings rebate.
6. That the Chairman or Vice Chairman is authorized to enter into periodic billing arrangements with any entity receiving service from the Authority that direct bills its residents and desires additional flexibility in its timing for phasing in the fuel cost savings rebate and annual rate adjustment to ensure their billing reflects these additional costs in a manner consistent with the terms herein.
7. That the Chairman or Vice Chairman shall be authorized to enter into a Second Amendment to the Solid Waste Collection & Disposal Provider Agreement with AmWaste LLC upon such terms and conditions set forth in Exhibit 1 and sign such documentation necessary to facilitate the aforementioned wishes of the Authority.
8. That the Chairman or Vice Chairman is authorized to execute any and all such documents as necessary to institute the Authority's fuel cost savings rebate.
9. This resolution shall take effect immediately and the Secretary is authorized to spread the same upon the minutes and certify a copy of this resolution to all entities utilizing the Authority's services for their concurrence.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED BY:

---

S. Blake Miller, its Chairman

ATTESTED BY:

---

Recording Secretary

**Exhibit A**

*Estimated Fuel Cost Savings  
Based on 4.6 miles per gallon*

<b>Municipality</b>	<b>Weekly Miles</b>	<b>Est. June Totals Miles</b>	<b>June Gallons</b>	<b>Monthly Rebate</b>	<b>Annual Rebate</b>
<b>Fultondale</b>	<b>621</b>	<b>2,732.40</b>	<b>594.00</b>	<b>\$ 427.68</b>	<b>\$ 5,132.16</b>
<b>Hoover</b>	<b>13171</b>	<b>57,952.40</b>	<b>12,598.35</b>	<b>\$ 9,070.81</b>	<b>\$ 108,849.73</b>
<b>Mountain Brook</b>	<b>6149</b>	<b>27,055.60</b>	<b>5,881.65</b>	<b>\$ 4,234.79</b>	<b>\$ 50,817.47</b>
<b>Pelham</b>	<b>6991</b>	<b>30,760.40</b>	<b>6,687.04</b>	<b>\$ 4,814.67</b>	<b>\$ 57,776.06</b>
<b>Trussville</b>	<b>2296</b>	<b>10,102.40</b>	<b>2,196.17</b>	<b>\$ 1,581.25</b>	<b>\$ 18,974.94</b>
<b>Vestavia Hills</b>	<b>7883</b>	<b>34,685.20</b>	<b>7,540.26</b>	<b>\$ 5,428.99</b>	<b>\$ 65,147.85</b>
<b>Est. Annual Rebate</b>					<b>\$ 306,698.21</b>

**Exhibit 1**

*Second Amendment to Solid Waste and Disposal Services Contract between AmWaste LLC,  
Municipality, and the Authority*

**SECOND AMENDMENT TO  
SOLID WASTE COLLECTION AND DISPOSAL CONTRACT**

The CITY OF \_\_\_\_\_, ALABAMA, (hereinafter referred to as "City"), a municipal corporation does hereby enter into an amended solid waste collection and disposal contract by, between and with the CAHABA SOLID WASTE DISPOSAL AUTHORITY (hereinafter referred to as the "Authority" or "CSWDA") a public corporation under and pursuant to the provisions of Chapter 89A of Title 11 of the Code of Alabama (1975) (hereinafter referred to as the "Enabling Act"). The Parties agree as follows:

1. **Tiered Pricing Amended and Fuel Costs Revisited.** The pricing for services shall remain tiered and based upon the number of units serviced and services selected within the City and within the Authority's jurisdiction subject to increases pursuant to the CPI-U Annual Rate Adjustment, which shall increase by 5% percent, beginning October 1, 2023. The residential garbage and recycling pricing (including elective backdoor service, where applicable) shall continue to include the addition of an itemized fuel surcharge from August 1, 2022, until such time as the commercial adjusted fuel index for ultra-low sulfur diesel returns below the contract baseline fuel cost of \$3.05 (fuel index rate of ultra-low sulfur diesel as of July 15, 2021), known as the fuel surcharge.

2. **Fuel Cost Savings Rebate Overview.** The fuel cost savings rebate is an opt-in program that shall consist of a credit to a City of the pro-rata reduction of the percentage decrease of fuel for the dedicated service route within the municipality on a monthly basis, where the reduction will occur based on the number of gallons provided from City to the Authority.

3. **Fuel Cost Savings Rebate Explained.** The City desires to "opt in" to a fuel cost savings rebate with the Authority and provide to the Authority \_\_\_\_\_ gallons of fuel purchased by the City at its sole cost in exchange for a pro-rata reduction of solid waste disposal and collection costs within the City's corporate limits. The number of gallons authorized is based on a six-week average of actual mileage for the dedicated route within the municipality, which totals \_\_\_\_\_ weekly miles, considers level of service (number of unit visits per week) to City and assumes 4.6 miles per gallon. The rebate shall be credited on a monthly basis equal to monthly authorized gallons of fuel multiplied by a fuel factor of approximately 0.72 (number may fluctuate depending on fuel market pricing incurred and cost savings realized by the Authority) totaling a rebate of approximately \$ \_\_\_\_\_ per month with an estimated annual rebate of \$ \_\_\_\_\_.

4. **Provision of Fuel, Delivery, and Access to Fuel.** City shall provide fuel (ultra-low sulfur diesel only) to the Authority's Delivery Point located at 1400 Porter Rd Sylvan Springs, AL 35118 or make provision for the allotted gallons to be made available through a Fuelman card. The Authority or its designee will place orders/make payments on the City's behalf for its related gallons to be delivered/available on or before the last business day of each month. The City shall continue to receive one monthly billing for services through the Authority. Access to the Authority's Delivery Point will be restricted and have a limited access keypad entry specific to each driver and dedicated service route.

5. **Cancellation or Termination of this Agreement.** Either party may cancel or opt-out of the Fuel Cost Savings Rebate upon thirty (30) days' notice.

6. **Controlling Agreement.** All other provisions of the original authorization to administer solid waste collection on \_\_\_\_ day of \_\_\_\_\_, 20\_\_, by Resolution No. \_\_\_\_\_ (as amended) shall remain in effect. To the extent any provisions contained herein are in conflict with this Agreement or any other Agreements between Authority and City, oral or otherwise, the provisions contained herein shall supersede such conflicting provisions contained in the Agreement or other Agreements.

7. **No Further Modifications.** Except as set forth herein, all previous provisions remain unmodified and in full force and effect.

[Signatures on the following page.]

Done this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_,

IN WITNESS WHEREOF, the parties hereto, having obtained the full consent of their governing bodies, have caused this Agreement with the Cahaba Solid Waste Disposal Authority to administer solid waste disposal and collection on behalf of the City of \_\_\_\_\_ as provided herein, cause to be executed by their duly authorized officers on the day and year written above, as follows:

CITY OF \_\_\_\_\_, ALABAMA,  
a Municipal Corporation

Attest: \_\_\_\_\_  
Mayor

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

**CAHABA SOLID WASTE DISPOSAL AUTHORITY, a  
Public Corporation**

\_\_\_\_\_  
Jeff Downes, its Vice-Chairman

Attest:

\_\_\_\_\_  
Elenie Counts, Secretary

**ACKNOWLEDGEMENT OF SERVICES BY PROVIDER**

**Acknowledged by Service Provider: AMWASTE LLC, by \_\_\_\_\_  
(print)**

**Its \_\_\_\_\_ (title). This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
**(Signature**

**RESOLUTION NUMBER \_\_\_\_\_**

**BE IT THEREFORE RESOLVED** on this \_\_\_\_ day of October, 2023, by the City Council of the City of \_\_\_\_\_, Alabama, in a regularly scheduled meeting with a quorum present as follows:

**Section 1.** That the Cahaba Solid Waste Authority has notified the City of \_\_\_\_\_, Alabama that a fuel cost savings rebate is now available to customers in order to maintain desired service levels and address rising fuel costs.

**Section 2.** That Council of the City of \_\_\_\_\_ finds that it is wise, expedient, and necessary to amend its contract for solid waste collection, disposal and treatment with the Cahaba Solid Waste Authority ("the Authority") to offset increased costs of service necessary for maintaining the desired service levels and hereby authorizes the City to "opt in" to the Authority's fuel cost savings rebate as provided in Exhibit 1.

**Section 2.** That the Mayor is authorized to execute such documentation necessary to facilitate this amendment and authorize payment thereof.

**Section 3.** This Resolution shall take effect immediately upon publication hereof as provided by law.

**APPROVED BY:**

\_\_\_\_\_  
Mayor

**ATTESTED BY:**

\_\_\_\_\_  
City Clerk  
Print Name:

**CERTIFICATION**

I, \_\_\_\_\_, the City Clerk and Custodian of Records for the City of \_\_\_\_\_, Alabama hereby certify that the foregoing Resolution is true and accurate authorization and record of the City of \_\_\_\_\_, Alabama.

This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

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

[SEAL]

**Exhibit 1**

*Second Amendment to Solid Waste and Disposal Services Contract between AmWaste LLC,  
Municipality, and the Authority*

**Fuel Rebate Process and Mechanism Explained.** The Authority shall promulgate certain policies and procedures as necessary to facilitate the fuel cost savings rebate and provides the following initial mechanism:

- a. Once a municipality determines to "opt in", a municipality must only certify in writing its desire to participate.
- b. Upon receiving this notification, the Authority will notify the Fuel Provider of the number of gallons needed on behalf of each customer.
- c. Rather than add an additional order/payment process for each municipality, the Authority or its designee will be responsible for ordering and payment of invoices for the authorized gallons.
- d. The municipality will still only receive one billing per month.
- e. The number of gallons will be tied to a Fuelman card and, where applicable, the Authority's delivery point, which is a location owned or leased by the Authority to house a fuel storage tank solely for holding authorized gallons until needed for their dedicated service route.
- f. The Authority will maintain records to ensure gallons authorized by each municipality are being used for its dedicated service route. Such reporting will be available upon request.

# **WALLACE JORDAN**

**WALLACE JORDAN RATLIFF & BRANDT LLC**

**ATTORNEYS & COUNSELORS**

R. Dale Wallace, Jr.  
J. Birch Bowdre  
Glenn E. Estess, Jr.  
Albert L. Jordan  
Oscar M. Price III  
Stephen W. Shaw  
William A. Ratliff  
Kimberly R. West  
Clark R. Hammond  
Robert L. Loftin, III  
Michael J. Brandt  
Cecil H. Macoy, Jr.  
William B. Stewart  
Jay H. Clark  
Larry S. Logsdon  
Michael L. Jackson  
Mark M. Hogewood  
Phillip D. Corley, Jr.  
Charles K. Hamilton  
April B. Danielson  
Sean C. Pierce  
Thomas A. McKnight, Jr.  
Laura M. Jackman  
Gary W. Lee

**July 28, 2023**

Wesley K. Winborn  
Samuel T. Sessions  
Roderick J. Evans  
Ben B. Robinson  
Matthew S. Hale  
J. Britton Funderburk  
Lauren G. Walker  
Sheena M. Hamilton  
Jonathan A. Griffith  
M. Alexandra Underwood  
Lauren C. Brasher  
Caroline D. McLeroy  
E. Amelia Heston

John R. Martin  
William N. Clark  
Sally S. Reilly  
Richard T. Davis  
Steven A. Benefield  
Counsel

Sender Direct Dial: 205.874.0349  
Sender Direct Fax: 205.871.7534  
revans@wallacejordan.com

## **VIA ELECTRONIC TRANSMISSION**

**To: Board of Directors  
Cahaba Solid Waste Disposal Authority (CSWDA)**

Place 1: vacant, City of Hoover, Alabama  
Place 2: Buddy Choat, City of Trussville, Alabama  
Place 3: Steve Boone, City of Mountain Brook, Alabama  
Place 4: Jeff Downes, City of Vestavia Hills, Alabama  
Place 5: Gretchen DiFante, City of Pelham, Alabama  
Place 6: Jeff Mims, City of Clanton, Alabama  
Place 7: J. J. Bischoff, City of Homewood, Alabama

**Cc: Larry Holcomb, City of Fultondale, Alabama  
Phillip D. Corley Jr, City Attorney for Hoover  
Jason Franklin, Director of Public Works for Hoover  
Jehad Al-Dakka, Chief Operations Officer for Hoover**

**Re: Fuel Cost Savings and Annual Rate Adjustment**

**Dear Members:**

I am writing in follow-up from our last Authority meeting where Board Members determined that a committee comprised of Jeff Downes, Steve Boone and I would meet with Amwaste leadership to (i) finalize a draft proposal for fuel savings in consideration of a revised approach to fuel procurement and distribution, and (ii) seek clarification of the contractually mandated annual CPI escalator clause. The contemplated meeting was held on July 26, 2023, and there are three items concerning solid waste administration that require your immediate attention and approval at a subsequent board meeting, as follows:

1. **Five (5%) percent CPI-U index increase to services beginning October 1, 2023.**

According to Article II, Section 7 entitled: "CPI-U INDEX FOR ANNUAL RATE ADJUSTMENT" of our original Contract with our preferred provider, Amwaste "may request an equitable adjustment in the Contract prices based upon the CPI-U in an amount not to exceed five (5%) percent per annum." Attached is the correspondence received from Rick Sweeney of Amwaste on July 25, 2023, requesting a 5% increase from 2022 rates. (See Exhibit 1.) The actual rate of inflation according to the CPI-U is 5.7% and due to our contractual cap of 5%, this amount is what each member or user of Authority services will have to pay. The adjustment will appear beginning October 1, 2023, on your monthly billing for solid waste collection with the exception of the City of Homewood and the City of Trussville as other contractual provisions are currently applicable to their accounts.

2. **Fuel Cost Savings Possible Through Donation of Gallons to Authority.** An opinion was previously rendered explaining the legal authority and permissibility of a municipality to "donate or sell" any of its property including fuel to the Authority, and there is no prohibition on the Authority from using any property received to leverage lower prices. With this in mind, our discussion with Amwaste centered on how to determine cost savings, and a proposal was submitted by Amwaste on July 26, 2023. In order to unpack the discussion, we need to revisit the original fuel surcharge.

- a. *Fuel Surcharge Revisited.* On September 27, 2022, the Authority authorized a fuel surcharge due to the retail rate of ultra-low sulfur diesel exceeding the original bid amount of \$3.05. The surcharge formula sought to account for the percentage change in fuel index (54%) from a baseline amount for ultra-low sulfur diesel of \$3.05 multiplied by a fuel factor of 0.263 and be added to the baseline service dollar amount for single family residential services and elective backdoor service for non-disabled customers. So as the retail rate of fuel increased, the surcharge would also fluctuate at this same rate. The surcharge was determined necessary to maintain desired levels of operation and service for members of the Authority. Currently, this surcharge is only applicable if retail pricing exceeds \$3.05.

Exhibit 2 – Original Fuel Adjustment Calculator

- b. *New Proposal.* Amwaste is proposing to keep the fuel surcharge in place as a part of the existing contract as it accounts for fuel and other expenses that are impacted by fuel related factors and supply chain challenges; however, they propose to provide monthly rebates in exchange for the receipt of ultra-low sulfur diesel from the Authority and is willing to pass on the entire derived savings from lower fuel cost back to its members. Amwaste agreed as an added benefit to the membership that if the retail rate of ultra-low sulfur diesel fuel falls below \$3.05 then it will provide additional savings and pass those along to the Authority and members in the form of a negotiated credit to monthly billing.

Exhibit 3 - New Proposal - Updated CSWDA Fuel Adjustment Calculator 06.2023

July 28, 2023

Page 3

---

For the purposes of our current discussion to implement the fuel cost savings program, if a member elects to purchase fuel at their governmental rate and donate those funds for use by the Authority, then the Authority is committed to provide a rate reduction to participating members. The proposed rate reduction would be in the form of a monthly rebate applied to each participating member billing. An excel spreadsheet (Exhibit 3) is attached with the proposed calculations, and the number of gallons donated to the authority is derived from a six-week average of actual miles for trucks used in your respective city and assumes 4.6 miles per gallon (which is an average of mileage received by those same trucks over a six-week period).

Upon consideration of the above and based upon the proposed timely (monthly) remittance of rebates representing actual fuel cost savings for each participating member and the further contractual concession to allow an additional account credit should the cost of fuel reach a level below the baseline retail rate of \$3.05, committee members Downes and Boone agreed to recommend approval of these changes to the entire Board. This will require an amendment to Amwaste's contract with the Authority, an amendment to each municipality solid waste disposal collection contract or subsequent authorization to donate property (fuel) to the Authority, and a mechanism to transfer the gallons from municipality to the Authority and the Authority to the preferred provider. Mechanisms such as using Fuelman cards, delivery of gallons, establishment of Authority only tanks for delivery, and the like. As such, I will work with Amwaste to finalize contract documents and secure a date for the Board to reconvene for consideration of formal approval to these new contract terms and conditions.

In the interim, please review Exhibits 1-3, and send any questions at your earliest convenience.

3. **Ownership of company and service change.** On July 26, 2023, Amwaste informed the committee that they are finalizing the sale of 51% of its company to a private equity company for the stated purposes of improved capital opportunities and are expecting a public announcement within the near future. No change in operations is expected, and we requested a letter of commitment honoring no service or operations change from the company, along with an overview of their financial strength and longevity. We were assured from Vice President Rick Sweeney that no services or leadership will change as a result of his transaction and that Amwaste remains a committed partner. Out of an abundance of caution, consent of Authority membership is recommended as this could be viewed as an unauthorized assignment under the original agreement and will be on the next meeting agenda for consideration.

If you have any questions or concerns please feel free to contact either Jeff Downes or myself for feedback.

Sincerely,

Roderick J. Evans  
Attorney for CSWDA