

**MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

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

JULY 8, 2024, 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 831-8618-4803, password 07082024).

1. Approval of the minutes of the June 24, 2024, regular meeting of the City Council.
2. Consideration: Ordinance amending Chapter 38 of the City Code regarding public parks.
3. Comments from residents and attendees.
4. Announcement: The next regular meeting of the City Council is July 22, 2024 at 7:00 p.m.
5. Adjourn.

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
JUNE 24, 2024**

[Internet video conference capabilities were not available at this meeting due to technical issues]

The City Council of the City of Mountain Brook, Alabama met informally in-person at 6:15 p.m. on the 24th day of June, 2024 (due to technical issues there was no Internet video conference available at this meeting). Council President Virginia Smith called the pre-meeting to order and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Graham L. Smith
Gerald A. Garner
Lloyd C. Shelton
Stewart Welch III, Mayor

Absent: William S. Pritchard III, Council President Pro Tempore

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

1. AGENDA

1. Board of Equalization nominations due July 1

Sam Gaston-City Manager

- Reminding the council that the Board of Equalization nominations are due by July 1st

Virginia Smith-Council President

- The council will review potential nominations

2. Eagle Scout project to add ¼ mile markers along several city trails and parks

Shanda Williams-Parks and Recreation Superintendent

- Joseph Spencer is working on his Eagle Scout project
- Worked with the Fresh Water Land Trust and the Friends of Jemison for this project

Joseph Spencer

- The project entails placing ¼ mile markers starting at Mountain Brook Elementary field and ending at Irondale Furnace Trails (17 signs in total)
- The signs will be 72 inches in length with 2 feet below ground and 4 feet above ground
- The signs will be provided by Fresh Water Land Trust
- The top portion will have the mileage and the bottom will have a QR code that when scanned will display 3 words that will be displayed on the user screen
- These three words can be read to the Fire Department which will pinpoint location and decrease response times

Virginia Smith-Council President

- Item added to the formal agenda (Resolution 2024-099)

3. Conditional Use for pet grooming on Cahaba Road in Mountain Brook Village

Craig Martin-Village Pet Care

- Wants the village location to be grooming only
- There is parking in the rear for all employees
- Clients will use street parking; however it will be short term
- There will be no overnight boarding

Dana Hazen-Director of Planning, Building, and Sustainability

- Noted they will be closed Saturday and Sunday

Virginia Smith-Council President

- Item added to the formal agenda (Resolution 2024-100)

4. Irrigation and landscaping for City Hall's upper deck

Steve Boone-Finance Director/Assistant City Manager

- The proposal was to install planters
- If planters are installed, will need irrigation
- The cost is roughly \$10,000 (for planters and irrigation)

Virginia Smith-Council President

- Would like to have a growing vine for aesthetics

Lloyd Shelton

- Would like to hold off on this project for the time being

Virginia Smith

- Inquired as to the cost for planters for the vines and irrigation

Steve Boone

- Will gather more information with updated costs

5. Business License issue and possible amendments to the Home Occupation Ordinance

Whit Colvin-City Attorney

- Have received complaints regarding home occupations
- This prompted a discussion to change the home occupation
- The Home Occupation Ordinance was last changed 6 years ago
- The focus would be on the limitations on client based businesses (services to clients in homes)
- Currently this is limited by the number of cars on the property; however, there is no limitation to the number of people that can be served
- This is not to do away with home occupation licenses
- There is a big difference between a client based business where clients are coming to the home occupation location and a home occupation with no clients coming to the location
- A client based business means there could potentially be foot traffic in and out for full business days
- There are commercial spaces for a reason where several business operate successfully
- Inquired if the council would like to send to the Planning Commission for their recommendation

Virginia Smith-Council President

- Will ask the Planning Commission to review for their recommendation

6. Change Order for gutter repairs and replacements on the North Woodridge sidewalk project

Matt Stoops-Sain Associates

- Project is 25% completed
- The existing valley gutter is in need of repair
- As excavating behind it, some portions are crumbling away
- Recommendation is to set up \$50,000 which would replace 1,100 feet (out of the 1,300 remaining)

Lloyd Shelton-City Attorney

- Inquired if \$50,000 changes the bid

Whit Colvin-City Attorney

- There is a 10% buffer; however, can do more if the engineer can provide appropriate justification

Virginia Smith

- Item added to the formal agenda subject to \$50,000 limit and submission of appropriate materials (Resolution No. 2024-098)

7. Change order for new Fire Station #2

Steve Boone-Finance Director/Assistant City Manager

- Going into the project, was concerned about the budget
- One of the cuts was to not utilize the parking lot to prevent having to repave it
- All deliveries were directed to the Crosby side of the development
- The deliveries have to be loaded and unloaded on the road, this results in traffic being blocked
- The neighbors are complaining about the traffic
- The contractor is asking to use the parking lot to load and unload
- It is likely this will cause damage to the parking lot
- The proposal is for \$151,000 to resurface the parking lot (if needed) at the conclusion of the project
- It is also possible that the parking lot could be damaged by driving a fire truck over it
- Asked for another proposal with a heavy duty mix
- Could pave the entire parking lot (with heavy duty mix) for \$166,000
- The contractor needs to know if he has permission to use the parking lot for deliveries
- If the council is in favor of allowing the contractor to use the parking lot, a change order will be brought back at a later time for the resurfacing of the parking lot

(The council was in favor of allowing the contractors to use the parking lot for deliveries. They were also in favor of the heavy duty mix for the resurfacing of the parking lot)

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

2. EXECUTIVE SESSION AND ADJOURNMENT

Council President Virginia Smith made a motion that the City Council convenes in executive session to discuss matters of real estate and that the City Council shall reconvene upon conclusion of the executive session to the formal meeting. 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 Graham Smith. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith
Graham L. Smith
Lloyd C. Shelton
Gerald A. Garner

Nays: None

There being no further matters for discussion Council President Virginia Smith adjourned the pre-meeting at approximately 6:53 pm.

3. CERTIFICATION

I, Heather Richards, City Clerk of the City of Mountain Brook, Alabama, certify the above is a true and correct synopsis of the discussion from the regular session of the City Council of the City of Mountain Brook, Alabama held at City Hall, Pre-Council Room (A-106) on June 24, 2024, 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 July 8, 2024

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK**

JUNE 24, 2024

[Internet video conference capabilities were not available at this meeting due to technical issues]

The City Council of the City of Mountain Brook, Alabama met in person at 7:10 p.m. on the 24th day of June, 2024 (due to technical issues there was no Internet video conference available at this meeting). Council President Virginia Smith called the meeting to order, and the roll was called with the following results:

Present: Virginia C. Smith, Council President
Lloyd C. Shelton
Graham L. Smith
Gerald A. Garner
Stewart Welch III, Mayor

Absent: William S. Pritchard III, Council President Pro Tempore

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

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

1. INTRODUCTION OF SPECIAL GUESTS (BOY SCOUTS)

Suttyn Koretzky Troup 320 out of Mountain Brook Presbyterian Church

- Working on Citizenship in Community badge

Joseph Spencer Troup 53 out of St. Peters Anglican Church

- Working on Eagle Scout

2. CONSENT AGENDA

Council President Virginia Smith announced that the following matters will be considered at one time on the consent agenda provided no one in attendance objects:

Approval of the minutes of the May 28, 2024, regular meeting of the City Council

Approval of the minutes of the June 10, 2024, regular meeting of the City Council

| | | |
|-----------------|---|--------------------------|
| 2024-092 | Execute a contractor agreement with Father Nature of Birmingham for the planter installation on Cahaba Road | Exhibit 1, Appendix 1 |
| 2024-093 | Execute a social media and communications contract with Cotton State Media LLC (DBA Focus Creative Birmingham) for the social media management, communications consulting, videography, photography, and graphic design services for Mountain Brook | Exhibit 2, Appendix 2 |
| 2024-094 | Accept the proposal with Sain Associates for the survey of Overton Park | Exhibit 3, Appendix 3 |

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|-----------------|--|--------------------------|
| 2024-095 | Authorize the sale or disposal of certain surplus property | Exhibit 4, Appendix 4 |
| 2024-096 | Execute a contractor agreement with Birmingham Stone LLC for the Woodclift Park Stone sign | Exhibit 5, Appendix 5 |
| 2024-097 | Recommend to the State of Alabama, ABC Board the issuance of a 140-Special Events Retail license to TRO, inc., (trade name: Oteys Fest), 224 Country Club Park (parking lot) | Exhibit 6, Appendix 6 |
| 2024-098 | Approve the change order No. 1 (for approx.. \$50,000) for the North Woodridge Road sidewalk project (Resolution 2024-081, B-20240424-928) | Exhibit 7, Appendix 7 |
| 2024-099 | Approve the Eagle Scout project submitted by Joseph Spencer III regarding the installation of ¼ mile markers along trails and parks | Exhibit 8, Appendix 8 |
| 2024-100 | Approve the conditional use application submitted by Craig Martin for a pet grooming facility at 2921 Cahaba Road | Exhibit 9, Appendix 9 |

Thereupon, the foregoing minutes and resolutions (Nos. 2024-092 through 2024-100), were introduced by Council President Virginia Smith and a motion for their immediate adoption made by Council Member Lloyd Shelton. The minutes and resolutions were then considered by the City Council. Council Member Gerald Garner seconded the motion to adopt the foregoing minutes and resolutions. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith
Graham L. Smith
Lloyd C. Shelton
Gerald A. Garner

Nays: None

Abstained: None

Council President Virginia Smith thereupon declared that said minutes and resolutions (Nos. 2024-092 through 2024-100) were adopted by a vote of 4—0 and as evidence thereof he signed the same.

3. COMMENTS FROM RESIDENCES AND ATTENDEES

(There were no public comments)

4. ANNOUNCEMENT

Council President Virginia Smith announced the next regular meeting of the City Council is July 8, 2024, 7:00p.m.

5. ADJOURNMENT

There being no further matters for discussion Council President Virginia Smith adjourned the formal meeting at approximately 7:12 pm.

6. **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 24, 2024, 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 July 8, 2024

EXHIBIT 1

RESOLUTION NO. 2024-092

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that City Council hereby authorizes the execution of a contractor agreement between the City and Father Nature of Birmingham, in the form as attached hereto as Exhibit A, with respect to the planter installation on Cahaba Road.

APPENDIX 1

EXHIBIT 2

RESOLUTION NO. 2024-093

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that either the Mayor or the City Manager of the City is hereby authorized and directed, for and on behalf of the City, to execute a social media and communications contract between the City and Cotton State Media LLC (DBA Focus Creative Birmingham), in the form as attached hereto as Exhibit A, with respect to the social media management, communications consulting, videography, photography, and graphic design services for Mountain Brook.

APPENDIX 2

EXHIBIT 3

RESOLUTION NO. 2024-094

BE IT RESOLVED by the City Council of the City of Mountain Brook that the City Council hereby accepts the proposal submitted by Sain Associates, in the form as attached hereto as Exhibit A, with respect to the survey of Overton Park

APPENDIX 3

EXHIBIT 4

ORDINANCE NO. 2162

AN ORDINANCE AMENDING CHAPTER 38 OF THE CITY CODE

WHEREAS, the City of Mountain Brook, Alabama (the "City") operates certain public parks for recreational use by the public; and

WHEREAS, the Park and Recreation Board of the City of Mountain Brook promulgates rules and regulations for ordinary use of those parks; and

WHEREAS, the City Council of the City of Mountain Brook (the "City Council") has determined that it is in the public interest, and in the interest of the students, athletic participants and community members that use the City's parks that the parks should be closed for nighttime use, except as might be permitted in conjunction with authorized and approved events and overnight use of the parks should be prohibited altogether; and

WHEREAS, the adoption of the City's Park Use ordinance to establish a closing time for all parks, to prohibit post-closing activities in the parks, except as may be undertaken in conjunction with authorized events, and to prohibit any overnight use in the enumerated areas will promote the public safety, health and general welfare of its students, athletic participants and coaches, employees, community members and all other persons who use such areas.

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

Section 1. Chapter 38 of the City Code shall be amended as by adding the following section:

"Sec. 38-2 – Prohibited activities in public parks.

- (a) All Parks, as defined herein, shall close thirty minutes after sunset, except for events scheduled or authorized by the Recreation Board of the City of Mountain Brook or the Director of Parks and Recreation. No camping or overnight use of any Park shall be permitted at any time. It shall be unlawful for any individual to be in or upon the premises of any Park after the Park closes, unless the individual is participating in an event authorized as set forth above.
- (b) For the purposes of this Chapter, "Parks" shall be defined as follows: Alabama Veteran's Memorial Park, Cahaba River Walk, Canterbury Park, Crestline Tot Lot, Irondale Furnace, Jemison Park, Mountain Brook Athletic Complex, Mountain Brook Presbyterian Church Trails, Nature Trail (Overbrook Road), Overton Park, Rathmell Sports Park and Watkins Trace Trail, all public property surrounding such parks whether posted or designated as a Park or not, and any other public place in the City designated as a park by the City Council.
- (c) It shall be unlawful to violate any of the terms and provisions of this section. Any person, firm or corporation violating any of the said terms and provisions of this section shall,

upon conviction, be punished in accordance with Code of Ala. 1975, § 11-45-9 for a misdemeanor violation for each such offense. Each day any violation of this section shall continue shall constitute a separate offense.”

Section 2. 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 3. 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 4. 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 5. This ordinance shall be effective immediately after adoption and publication as provided by law.

ADOPTED: This 8th day of July, 2024.

Council President Pro Tempore

ADOPTED: This 8th day of July, 2024.

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 July 8, 2024, as same appears in the minutes of record of said meeting, and published by posting copies thereof on July 9, 2024, at the following public places, which copies remained posted for five (5) days as required by law.

City Hall, 56 Church Street

Overton Park, 3020 Overton Road

Gilchrist Pharmacy, 2850 Cahaba Road

Cahaba River Walk, 3503 Overton Road

City Clerk