

**MEETING AGENDA
MOUNTAIN BROOK CITY COUNCIL**

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

SEPTEMBER 9, 2024, 7 P.M.

As a matter of convenience, members of the public are invited to listen and observe 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 09092024).

1. Constitution Week Proclamation.
2. Recognition of Matt Layne for receiving Librarian of the Year by the Jefferson County Public Library Association.
3. Approval of the minutes of the August 26, 2024, regular meeting of the City Council.
4. Consideration: Resolution authorizing the Transit Service Agreement with Birmingham-Jefferson County Transit Authority d/b/a MAX.
5. Public Comment: Revised Storm Water Management Program Plan for 2025-2026.
6. Comments from residents and attendees.
7. Announcement: The next regular meeting of the City Council is September 23, 2024 at 7:00 p.m.
8. Adjourn.

PROCLAMATION

WHEREAS, the Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS, September 17, 2024, marks the two hundred and thirty-seventh anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention, providing a historic opportunity for all Americans to remember the achievements of our Founding Fathers and to reflect on the actions of Americans who for the past 237 years have defined the words of the Constitution by exercising their rights and responsibilities as citizens; and

WHEREAS, it is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebration which will commemorate the occasion; and

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17th through 23rd as Constitution Week;

NOW, THEREFORE, I, Stewart H. Welch III, by virtue of the authority vested in me as Mayor of the City of Mountain Brook, do hereby proclaim the week of September 17th through 23rd, 2024, as

CONSTITUTION WEEK

and encourage all residents to recognize and appreciate the importance of this enduring document to our nation and reaffirm our commitment to the rights and responsibilities of citizenship in this great nation, study the Constitution, and reflect on the privilege of being an American with all the rights and responsibilities which that privilege involves.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Mountain Brook to be affixed the 9th day of September of the year of our Lord 2024 and of the Independence of the United States of America, the 248th.

Stewart H. Welch III, Mayor

Congratulations to Matt Layne for being honored as the Librarian of the Year by the Jefferson County Public Library Association. Matt served as President of the Alabama Library Association in 2024.

"In her nomination, Amanda Borden wrote -

Matt's exceptional leadership and unwavering dedication to the Alabama Library Association, particularly during his tenure as president, have left an indelible mark on our community and beyond. Through his articulate advocacy and tireless work, Matt not only elevated JCLC but also brought positive attention to the entire state....His leadership during challenging times has inspired us all and has set a standard of excellence for our profession."

Lindsay Gardner, O'Neal Library Director, added "I am so proud of Matt for shining brightly and keeping a positive focus on libraries during such a difficult year. Thank you, Matt."

The Jefferson County Public Library Association was founded by local library employees in 1974 to provide training and advocacy for library staff.

RESOLUTION NO. 2024-120

RECOGNITION OF MATT LAYNE-LIBRARIAN OF THE YEAR

WHEREAS, the Jefferson County Public Library Association (JCPLA) was founded in 1974 by dedicated local library employees to foster training, advocacy, and support for library staff; and

WHEREAS, Matt Layne has been recognized as Librarian of the Year by the Jefferson County Public Library Association for his exceptional contributions to the field of librarianship; and

WHEREAS, Matt Layne served with distinction as the President of the Alabama Library Association in 2024, demonstrating outstanding leadership and commitment to the advancement of libraries and the profession; and

WHEREAS, in her nomination, Amanda Borden highlighted Matt Layne's exceptional leadership and unwavering dedication, noting that his articulate advocacy and tireless efforts not only elevated the Jefferson County Library Cooperative (JCLC) but also brought positive recognition to the entire state; and

WHEREAS, Lindsay Gardner, Director of the O'Neal Library, commended Matt for his positive focus and resilience during a particularly challenging year, expressing pride and gratitude for his shining example and steadfast commitment; and

WHEREAS, Matt Layne's leadership has set a high standard of excellence and has inspired library professionals throughout our community and beyond;

NOW, THEREFORE, BE IT RESOLVED that the Jefferson County Public Library Association officially honors Matt Layne as Librarian of the Year for his remarkable contributions, visionary leadership, and dedication to enhancing the library profession.

BE IT FURTHER RESOLVED that we extend our heartfelt congratulations to Matt Layne for this well-deserved recognition and express our deepest appreciation for his continued efforts to advance the library community.

ADOPTED: This 9th day of September, 2024.

Council President

APPROVED: This 9th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its meeting held on September 9, 2024, as same appears in the minutes of record of said meeting.

City Clerk

**MOUNTAIN BROOK CITY COUNCIL
PRE-MEETING DISCUSSION
AUGUST 26, 2024**

[As a convenience, members of the public were invited to listen and observe in the public meeting by Internet video conference-0 virtual attendees.]

The City Council of the City of Mountain Brook, Alabama met informally in-person at 6:30 p.m. on the 26th day of August, 2024 (others were allowed to listen to the meeting by way of Internet video conference, no one did). 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
William S. Pritchard III, Council President Pro Tempore
Gerald A. Garner
Lloyd C. Shelton
Graham L. Smith
Stewart Welch III, Mayor

Absent: None

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

1. AGENDA

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

Dana Hazen-Director of Planning, Building, and Sustainability

- (In regards to the request to amend Section 129-557 of the City Code for property located at 3130 Overton Road is excluded from the Village Overlay District and the request to rezone a parcel of land in the City from Professional District to Residence-C Single Family District)
- The ad hoc committee met and was in favor of this requests
- The lot has been vacant for many years, it was originally in the county
- Over the years, there has been a handful of ideas on how to develop this lot but none have been successful

Lloyd Shelton-Council Member

- Inquired as to how the shared exit from the dentist office will be changed

Dana Hazen

- There is a shared driveway
- The Planning Commission approved changes the property line to carve out the driveway
- The driveway is now currently part of the dentist property
- The proposal is to rezone to residence C
- It is too small to be divided into two residence C lots
- It is understood that this is for the development of one single family dwelling
- The ingress/egress will be off Glass Drive
- If approved, the council will need to approve the new Village Overlay map and rezone parcel to Residence-C

- Noticed a 500 foot radius for the Planning Commission that met in July and only one person inquired about it
- Noticed another 500 foot radius for this meeting and have not received any comments

2. EXECUTIVE SESSION AND ADJOURNMENT

Council President Pro Tempore Pritchard made a motion that the City Council convenes in executive session to discuss matters of pending litigation 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 President Virginia Smith. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith
William S. Pritchard III
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 6:37 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 August 26, 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 September 9, 2024

**MINUTES OF THE REGULAR MEETING OF THE
CITY COUNCIL OF THE CITY OF MOUNTAIN BROOK
AUGUST 26, 2024**

[As a convenience, members of the public were invited to listen and observe in the public meeting by Internet video conference-0 virtual attendees.]

The City Council of the City of Mountain Brook, Alabama met in person at 7:03 p.m. on the 26th day of August, 2024 (others were allowed to listen to the meeting by way of Internet video conference, no one did). Council President Virginia Smith called the meeting to order, and the roll was called with the following results:

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

Absent: None

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

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

1. RECOGNIZED SPECIAL GUESTS (BOY SCOUT)

John Mackrell with Troup 320 out of Mountain Brook Presbyterian Church

- Working on Citizenship in Community Merit Badge

2. GYNECOLOGIC CANCER AWARENESS MONTH PROCLAMATION

Stewart Welch-Mayor

- Presented Proclamation to Wendy Cook, Allison Boone, and Betsy Betner

3. 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 August 6, 2024, special meeting of the City Council
Approval of the minutes of the August 12, 2024, special meeting of the City Council
Approval of the minutes of the August 12, 2024, regular meeting of the City Council

2024-117	Gynecologic Cancer Awareness Month Proclamation	Exhibit 1
2024-118	Execute a contractor agreement with The Pave Team for the Canterbury Park Sidewalk project	Exhibit 2, Appendix 1

Thereupon, the foregoing minutes, proclamation and resolution (Nos. 2024-118) were introduced by Council President Virginia Smith and a motion for their immediate adoption made by Council Member Shelton. The minutes, proclamation and resolution (Nos. 2024-118) were then considered by the City Council. Council President Pro Tempore Pritchard seconded the motion to adopt the foregoing minutes, proclamation and resolution. Then, upon the question being put and the roll called, the vote was recorded as follows:

Ayes: Virginia C. Smith
William S. Pritchard III
Lloyd C. Shelton
Gerald A. Garner
Graham L. Smith

Nays: None

Abstained: None

Council President Virginia Smith thereupon declared that said minutes, proclamation and resolution (2024-118) were adopted by a vote of 5—0 and as evidence thereof she signed the same.

4. PUBLIC HEARING: REQUEST TO AMEND SECTION 129-557 OF THE CITY CODE SUCH THAT PROPERTY LOCATED AT 3130 OVERTON ROAD IS EXCLUDED FROM THE VILLAGE OVERLAY DISTRICT (EXHIBIT 3)

Virginia Smith-Council President

- Opened the public hearing
- (There were no public comments)
- The public hearing was closed

Council President Virginia Smith introduced the ordinance in writing. It was then moved by Council President Pro Tempore Pritchard 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 Graham Smith and was unanimously carried, as follows:

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

Nays: None

Council President Virginia Smith declared the motion carried by a vote of 5-0.

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

Ayes: Virginia C. Smith

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

Nays: None

Council President Virginia Smith declared that the ordinance (No. 2164) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

5. PUBLIC HEARING-REQUEST TO REZONE A PARCEL OF LAND IN THE CITY OF MOUNTAIN BROOK FROM PROFESSIONAL DISTRICT TO RESIDENCE-C (SINGLE FAMILY) DISTRICT (EXHIBIT 4)

Virginia Smith-Council President

- Opened the public hearing
- (There were no public comments)
- The public hearing was closed

Council President Virginia Smith introduced the ordinance in writing. It was then moved by Council Member Shelton 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 President Virginia Smith and was unanimously carried, as follows:

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

Nays: None

Council President Virginia Smith declared the motion carried by a vote of 5-0.

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

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

Nays: None

Council President Virginia Smith declared that the ordinance (No. 2165) is hereby adopted by a vote of 5—0 and, as evidence thereof, she signed the same.

6. COMMENTS FROM RESIDENCES AND ATTENDEES

(There were no public comments)

7. ANNOUNCEMENT

Council President Virginia Smith announced the next regular meeting of the City Council is September 9, 2024, 7:00p.m.

8. ADJOURNMENT

There being no further matters for discussion Council President Virginia Smith adjourned the formal meeting at approximately 7:10 pm.

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 August 26, 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 September 9, 2024

RESOLUTION NO. 2024-121

BE IT RESOLVED by the City Council of the City of Mountain Brook, Alabama, that the City Council hereby authorizes the execution of a Transit Service Agreement FY2025 between the City and Birmingham-Jefferson County Transit Authority (BJCTA) (dba\ "MAX"), in the form as attached hereto as Exhibit A.

ADOPTED: This 9th day of September, 2024.

Council President

APPROVED: This 9th day of September, 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 a resolution adopted by the City Council of the City of Mountain Brook at its regular meeting held on September 9, 2024, as same appears in the minutes of record of said meeting.

City Clerk

**TRANSIT SERVICE AGREEMENT
FY 2025**

by and between

**BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY d/b/a MAX
(BJCTA)**

and

CITY OF MOUNTAIN BROOK

relating to providing Transit Service in Mountain Brook, Alabama

October 1, 2024

**BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY
TRANSIT SERVICES AGREEMENT**

This Transit Services Agreement (the Agreement) is by and between the **BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY** (the BJCTA), a public corporation organized under the laws of the state of Alabama and **the CITY OF BESSEMER, ALABAMA** (the City), a municipal corporation organized under the laws of the state of Alabama.

Recitals:

WHEREAS, the BJCTA was established by Alabama Legislative Act No. 1971-993 to provide mass public transportation services and repealed by Alabama Legislative Act No.2013-380 (the Act) to expand and improve mass public transportation services in Jefferson County, Alabama; and

WHEREAS, Alabama Legislative Act No.2013-380 (the Act) provides that the annual amount to be paid by each municipality which elects to be served by the BJCTA shall be ascertained by multiplying the total projected hours of operation in such municipality for the forthcoming fiscal year, times the cost per hour of operation set forth by the BJCTA, based upon the certified routes and times; and

WHEREAS, the Act provides that the annual amount to be paid by the City shall be certified by the BJCTA to the Jefferson County Tax Collector, its Revenue Commissioner or Director of Revenue; and

WHEREAS, the City elects and requests transit services from the BJCTA in accordance with the Act; and

WHEREAS, the BJCTA desires to provide such transit services to the City.

NOW, THEREFORE, in consideration of the premises, in accordance with Alabama Act 2013-380 and the foregoing recitals; and other good and valuable consideration contained herein, the City and the BJCTA (the Parties) agree as follows:

1. **DEFINITIONS.** For purposes of this Agreement, the following definitions shall apply, unless the context requires otherwise, or another definition is expressly provided in this Agreement:

<u>Agreement</u>	Shall mean this Transit Service Agreement, as the same may be amended from time to time.
<u>Transit Service</u>	Shall mean the revenue Transit Service to be provided by BJCTA in and to the Service Area as set forth in this Agreement.
<u>Cost of Transit Service</u>	Shall mean the cost incurred by BJCTA to provide the Transit Service, during the period October 1, 2024 through September 30, 2025.
<u>County</u>	Shall mean Jefferson County.
<u>ALDOT</u>	Shall mean the Alabama Department of Transportation.

- FTA** Shall mean the Federal Transit Administration.
- Service Area** Shall mean the area served by BJCTA.
- Service Schedule** Shall mean the frequency, times and stops for the Transit Service to be provided by BJCTA, as set forth and described in paragraph 5 below.

2. **PROVIDING OF TRANSIT SERVICE.** Pursuant to the terms and conditions of this Agreement and in consideration of the Payments, BJCTA agrees to provide the Transit Service in the Service Area. In regard to providing said Transit Service, the obligation of BJCTA is subject to the following:

- (a) Federal, state and local regulations applicable to BJCTA including, but not limited to, the rules and regulations promulgated from time to time by ALDOT and/or FTA as applicable to BJCTA;
- (b) All conditions beyond the reasonable control of BJCTA including but not limited to, Acts of God, hurricanes, matters of public safety, etc.;
- (c) The changing transportation needs of the City to the extent BJCTA can accommodate such needs; and

The times set forth in this Agreement and other matters regarding the providing of Transit Service are not guarantees; they are projected times for stops and starts and are subject to best efforts by BJCTA, including matters associated with traffic, accidents, etc.

3. **TERM.** This Agreement shall be effective as of the date hereof **October 1, 2024** (the "**Commencement Date**") and shall, except as otherwise set forth herein or unless terminated in writing by either party, be completed on or before **September 30, 2025** (the "**Expiration Date**"), which is the funding period for providing the Transit Service.

No later than March 1st of each year, the City shall file a written request for service setting forth the routes and frequency of service requested.

4. **TERMINATION.**

a. **Termination at Will.** This Agreement may be terminated by either party upon no less than thirty (30) calendar days' notice, without cause. Said notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Notice shall be effective upon receipt.

b. **Termination Due to Lack of Funds.** In the event funds from governmental sources relied upon to finance this Agreement become unavailable, the City or BJCTA may terminate this Agreement with no less than twenty-four (24) hours written notice to the other party and to the City. Notice shall be delivered by certified mail, return receipt requested, or in person with proof of delivery. Notice shall be effective upon receipt.

c. **Termination for Breach.** Unless breach is waived by the City or BJCTA in writing, either party shall, in order to terminate this Agreement for breach, give the other party and the City written notice of the breach. If the breach is not cured within thirty (30) calendar days, the non-breaching party may terminate this Agreement. Notice shall be delivered by certified mail, return receipt

requested, or in person with proof of delivery. Waiver by either party of breach of any provisions of this Agreement shall not be deemed to be a waiver of any other breach and shall not be construed to be a modification of the terms of this Agreement and shall not act as a waiver or estoppel to enforcement of any provision of this Agreement. The provisions herein do not limit the City or BJCTA right to remedies at law or to damages.

5. **SERVICE SCHEDULE.** During the term of this Agreement, BJCTA may adjust the service schedule to better accommodate the overall Transit Service to be provided under this Agreement, after discussion with the City. Thus, for example, if a particular Bus Stop provides a safety hazard, then BJCTA, in cooperation with the City, could move that Bus Stop to a safer location.

6. **PAYMENT FOR TRANSIT SERVICE.** The City agrees to pay the BJCTA **\$207,899.52** for providing transit services for the forthcoming fiscal year beginning October 1, 2024 through September 30, 2025. This sum represents Fixed Route transit services, as requested. Invoices shall be billed at the beginning of each month in advance of the service being rendered. Payments are due the first day of each month and are considered late after the 15th day of the month.

If the City fails to make any monthly payment by the 15th day of the month as outlined above, the payment shall be deemed past due. Interest at 1.5% per month shall accrue daily on the past due amount, from the past due date until the date paid.

In that regard, the parties do hereby agree as follows:

a. For the purpose of invoicing, BJCTA will send monthly invoices and related matters to the City at the following address:

Attention: City Clerk
City of Mountain Brook
56 Church Street
Mountain Brook, Alabama 35213

b. In any event, the obligation of BJCTA to provide the Transit Service is expressly contingent upon it receiving and only to the extent it receives the required Payments set forth above.

7. **SECURITY DEPOSIT.** No security deposit is required of the City under this Agreement.

8. **ADVERTISING.** The parties are aware and understand that BJCTA undertakes an advertising program on its buses and that BJCTA also does not specifically identify a specific bus on a specific route. From time to time, buses will be taken out of service for maintenance and repair and replacement, and future buses will also be used from time to time to provide the Transit Service. In addition, various rules (including FTA guidelines) provide for random assignment of buses with this background:

c. BJCTA will be entitled to place on the buses which it uses to provide the Transit Service, advertising from time to time.

d. BJCTA shall have the right in its reasonable discretion as to what buses and the type of the buses that will be used to provide the Transit Service.

The foregoing assignments and other matters regarding the buses in the Transit Service will be subject in all respects to all applicable laws including FTA and ALDOT requirements.

9. **BOND**. The City shall not be required to furnish BJCTA with any bond or other collateral conditions for the faithful performance of the duties and due accounting for all monies received from the City under this Agreement.

10. **NON-ASSIGNABILITY**. This Agreement is not assignable by either Party without the prior written consent of the other Party.

11. **RELATIONSHIP OF OTHER PARTIES**. The Parties are aware and agree that the relationship between BJCTA and the City under this Agreement shall be that of an independent contractor and not an agent.

12. **NO THIRD-PARTY BENEFICIARY**. This Agreement is solely between the parties hereto and no person or persons not a party hereto shall have any rights or privileges whatsoever either as a third-party beneficiary or otherwise.

13. **NOTICE**. Any notice permitted to be given to either party under this Agreement shall be in writing and shall be deemed to be given (i) in the case of delivery, when delivered to the other party at the address set forth below, (ii) in the case of mailing, three (3) days after said notice has been deposited, postage pre-paid, in the United States mail and sent by certified or return receipt requested to the other party at the address set forth below and (iii) in all other cases when such notice is actually received by the party to whom it has been sent. Notices shall be sent to the following:

BJCTA: Charlotte Shaw
Executive Director/CEO
Birmingham-Jefferson County Transit Authority
1801 Morris Avenue 2nd FL
Birmingham, AL 35203

Copy: Glenn Dickerson
Chief Financial Officer
Birmingham-Jefferson County Transit Authority
1801 Morris Avenue 2nd FL
Birmingham, AL 35203

CITY: The Honorable Stewart H. Welch III, Mayor
City of Mountain Brook
56 Church Street
Mountain Brook, AL 35213

Either party may change the address to which any notices are to be given by so notifying the other party to this Agreement as provided in this paragraph.

14. **GOVERNING LAW**. This Agreement shall be construed in accordance with and governed by the laws of the State of Alabama. The parties further agree that the exclusive venue and jurisdiction

over any action arising under this Agreement shall be in the courts of Jefferson County, Alabama. Each party expressly waives any right to a jury trial.

15. **MISCELLANEOUS CLAUSES.**

e. **Sovereign Immunity.** Each party hereto is a government agency entitled to sovereign immunity under the laws of the State of Alabama. Nothing contained in this Agreement, the relationship between the parties hereto, the providing of the Transit Service, or otherwise shall in any way whatsoever constitute any waiver by BJCTA or the City of its rights to invoke sovereign immunity as a governmental entity.

f. **Force Majeure.** The rights and obligations and duties of the parties hereunder shall be subject to any causes beyond their reasonable control including, but not limited to, Acts of God, hurricanes, storms, and, in the case of BJCTA, government regulations and directives applicable to it.

g. **Time of Essence.** The parties recognize that time is of the essence in the performance of the provisions of this Agreement provided, however, in regard to the providing of Transit Service, that is subject to the qualifications set forth in this Agreement.

h. **Legal Obligations.** This Agreement shall not relieve any party of any obligation or responsibility imposed upon it by law.

i. **No Waiver.** No term or provision of this Agreement shall be deemed waived and no breach excused unless such waiver or consent shall be in writing and signed by the party or parties claimed to have waived or consented. Waiver of any default of this Agreement shall not be deemed a waiver of any subsequent default. Waiver of breach of any provision of this Agreement shall not be deemed to be a waiver of any other or subsequent breach. Waiver of such default and waiver of such breach shall not be construed to be a modification of the terms of this Agreement unless stated to be such through written approval of all parties.

j. **Benefits of Service.** The Payments to be paid by the City to BJCTA are net, and shall not be reduced based upon any other funding or benefits that BJCTA may receive including, but not limited to, ad valorem taxes, other contributions by the City and any funding that BJCTA receives from the FTA as a part of its overall ridership total.

k. **No Oral Modification.** The parties agree that this Agreement is a complete expression of the terms herein and any oral or written representations or understandings not incorporated herein are excluded.

l. **Severability.** If any of the provisions of this Agreement are held to be invalid, illegal or unenforceable by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. To that end, the provisions of this Agreement are declared to be severable.

m. **Counterparts.** This Agreement may be executed in two (2) or more counterparts, each of which will be deemed an original, and it will not be necessary in making proof of this Agreement or the terms of this Agreement, to produce or account for more than one (1) of such counterparts.

n. **Adjustment of Bus Routes.** The parties are aware and understand that with respect to any adjustment or modification of Transit Service, BJCTA will be required to follow State and Federal guidelines relating to adjustments and modification of Transit Service. This will generally require a minimum of sixty (60) days in order to provide various required public notices.

i. **Capital Requirements (i.e., Buses).** BJCTA has generally planned for adequate buses to provide the Transit Service. If, at any time, BJCTA experiences a material shortfall or lack of buses to provide the Transit Service, BJCTA will immediately discuss with the City such situation and how it is to be resolved. The matter will also be brought to the attention of the Board of Directors of BJCTA and the Parties will seek to arrive at a solution to provide such additional bus capacity. In doing so, the parties are aware that any solution would not necessarily involve BJCTA moving buses from its other public routes. BJCTA, through its Board of Directors, will have in its reasonable discretion the ability to deal with such situation.

o. **Default/Notice/Procedure to Resolve Disputes.** The parties understand and are aware that this Agreement is between two entities who mutually desire for the beneficial providing of the Transit Service under this Agreement and wish to avoid any default or misunderstandings. Thus, in the event one Party hereto believes that the other Party is in default under this Agreement, the other Party through a senior representative shall contact a senior representative of the other Party in an effort to discuss and resolve any alleged default or nonperformance. Failing such resolution, said Party will then be required to give actual written notice to the other party of said alleged default before said Party may exercise any of the rights available to it under this Agreement. With this background, the City is aware and specifically understands that the scope and quantity of the Transit Service being made available to it, is based upon the amount received from the city. Thus, for example, if the City should fail to pay the requisite Payments, BJCTA could seek to enforce that payment but, at its option, could also reduce in its discretion the Transit Service specifically within the Service Area.

p. **Service Within and Outside the Service Area.** The Transit Service to be provided by BJCTA under this Agreement covers Bus Routes that are located within the Service Area, as more particularly set forth in **Exhibit "A"**. BJCTA is not obligated to provide the Transit Service outside the Service Area, unless otherwise agreed between the parties through an amendment to this Agreement.

q. **Independent Contract as To Employees of BJCTA.** BJCTA is an independent contractor and retains the right to exercise full control and supervision over its employees and their compensation and discharge. BJCTA will be solely responsible for all matters relating to payment of its employees, including but not limited to the withholding and payment of employee taxes, insurance contributions, placement of insurance and pension coverages and the like.

16. **BOARD APPROVAL.** This Agreement is subject to the approval by the BJCTA Board of Directors.

17. **COMPLETE AGREEMENT.** This Agreement constitutes the complete agreement between the parties hereto with respect to the management and distribution of the services contemplated herein and it may not be amended, changed or modified except by in writing and signed by the party to be charged by said amendment, change or modification subject to the following:

r. Modifications that are anticipated to result in no increase to BJCTA's operational cost per revenue hour (see Cost of Transit Service) require only the concurrence of the BJCTA's Executive Director and the approval of the City.

s. Modifications that are anticipated to result in an increase to BJCTA's operational cost per revenue hour (see Cost of Transit Service) require the approval of the BJCTA's Board of Directors and the City.

(THIS SECTION IS LEFT BLANK INTENTIONALLY)

IN WITNESS WHEREOF, the Parties have hereunto executed this Transit Service Agreement the day and year first above written.

Attest:

CITY OF MOUNTAIN BROOK

By CITY OF MOUNTAIN BROOK, MAYOR
OR AUTHORIZED OFFICIAL

By: _____
(Signature of Authorized Official)

Date: _____

**BIRMINGHAM-JEFFERSON COUNTY
TRANSIT AUTHORITY**

By: _____
CHARLOTTE SHAW
Executive Director/CEO

Date: _____

This Agreement has been reviewed as to form by legal counsel for BJCTA. This confirmation is not to be relied upon by any person other than BJCTA.

FUSTON, PETWAY & FRENCH

By: _____
G. Courtney French, Esq., Partner

CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

JANUARY 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



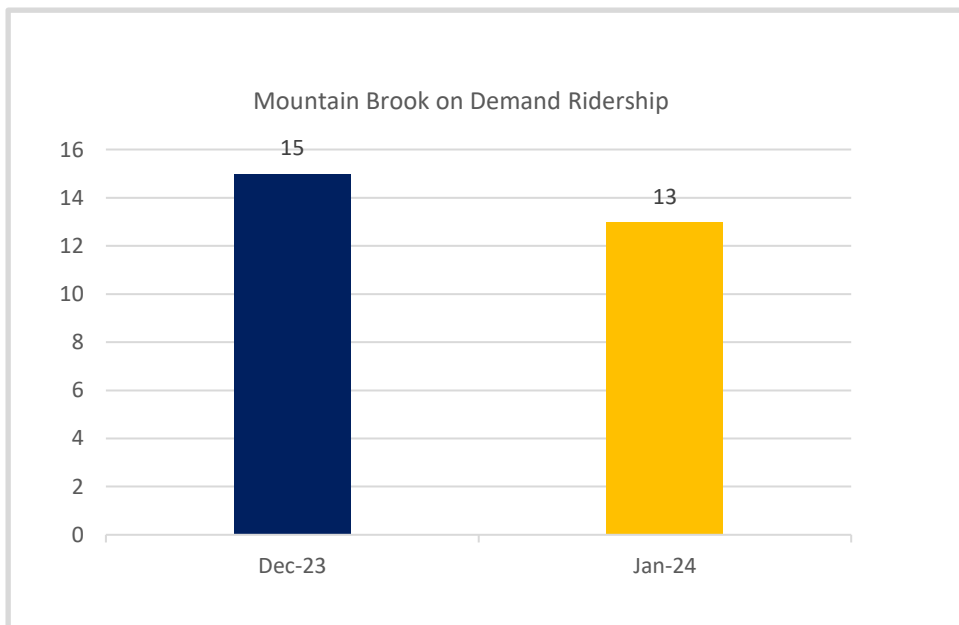
On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

15 ● Total Riders December 2023

13 ● Total Riders January 2024



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

FEBRUARY 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



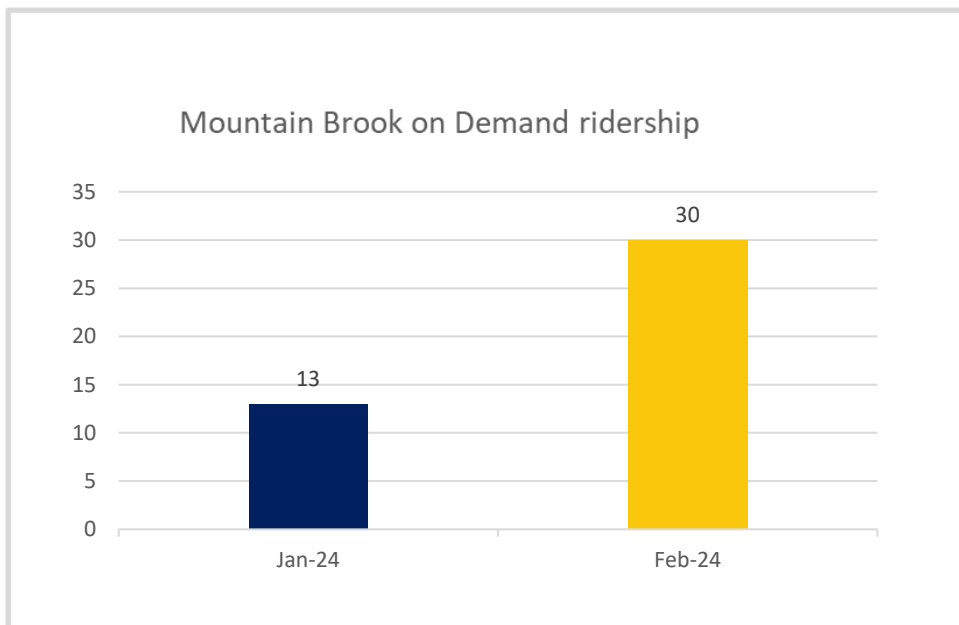
On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

13 ● Total Riders January 2024

30 ● Total Riders February 2024



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

MARCH 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



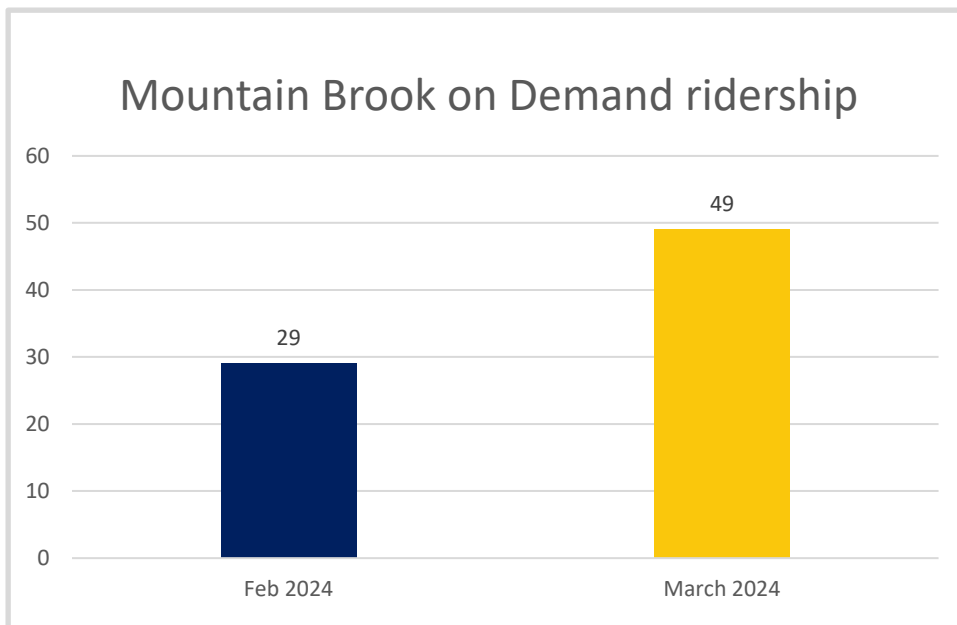
On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

29 ● Total Riders February 2024

49 ● Total Riders March 2024



City of Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

April 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



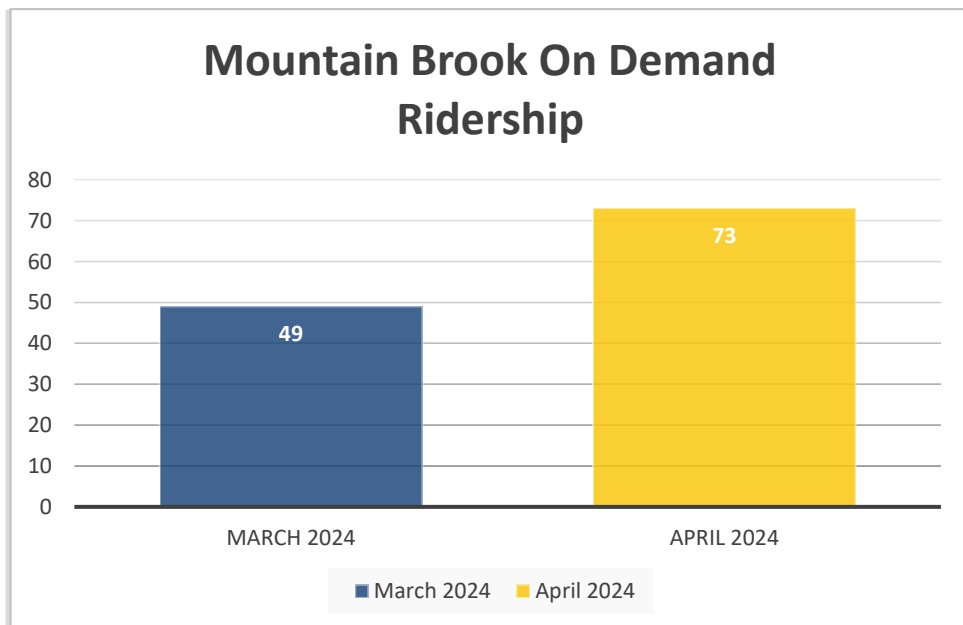
On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

49 ● Total Riders March 2024

73 ● Total Riders April 2024



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

MAY 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP

73 ● Total Riders April 2024

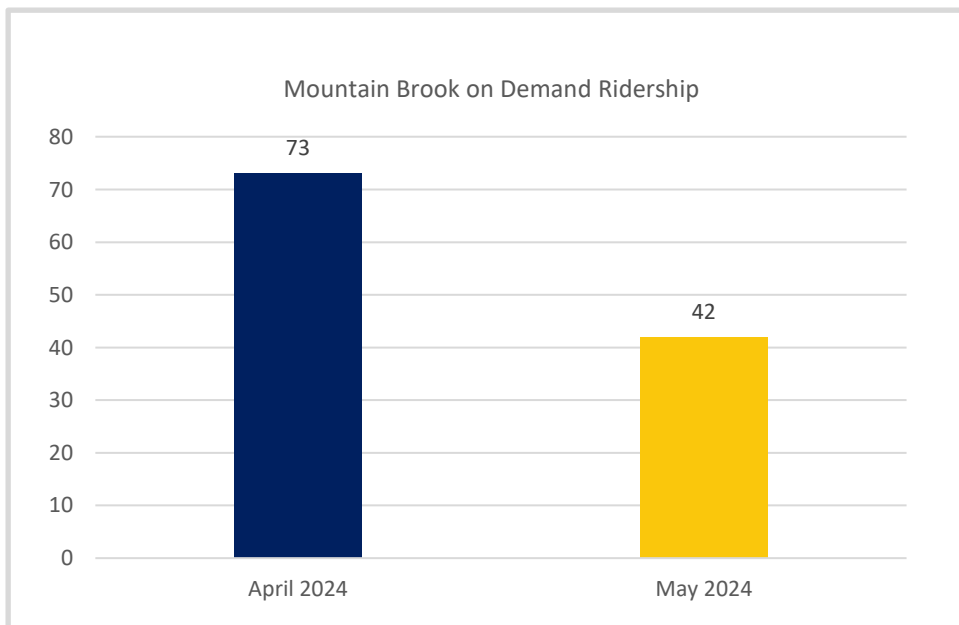
42 ● Total Riders May 2024



On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

JUNE 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP

42 ● Total Riders June 2024

20 ● Total Riders May 2024

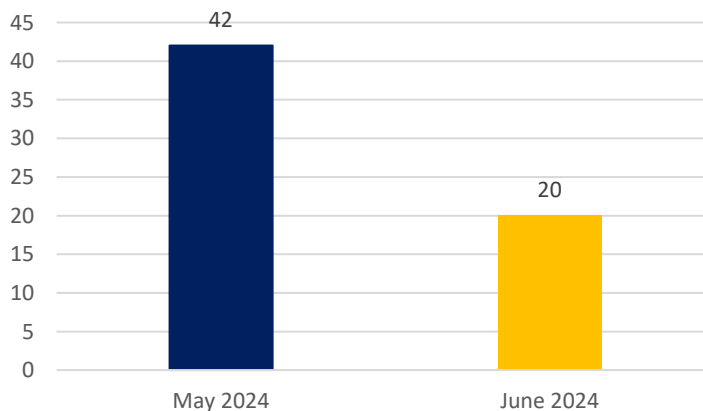


On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

Mountain Brook on Demand ridership



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

JULY 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



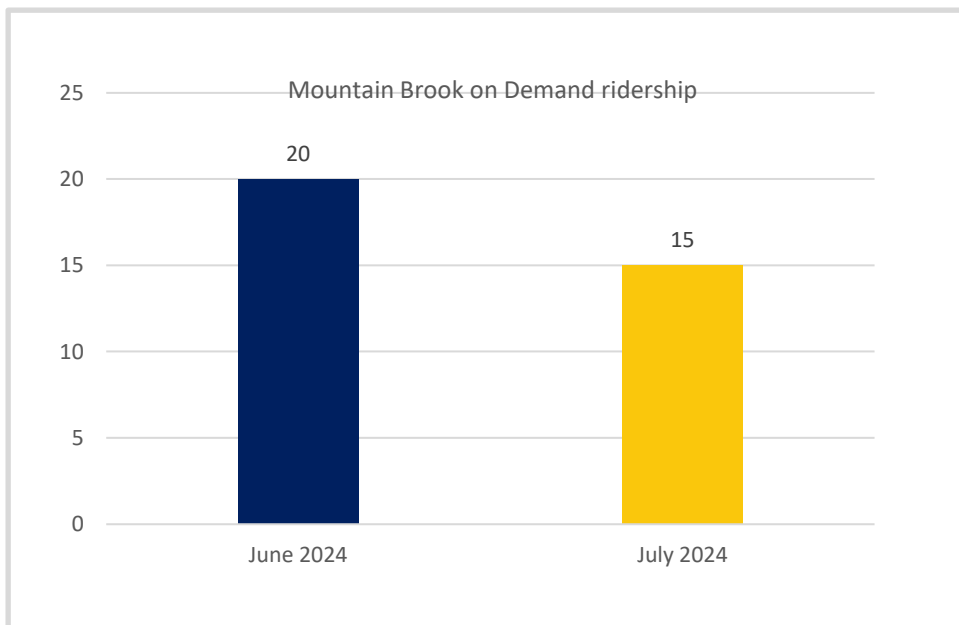
On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

20 ● Total Riders July 2024

15 ● Total Riders June 2024



CITY OF Mountain Brook

MONTHLY RIDERSHIP REPORT CARD

AUGUST 2024

7 hours **30** minutes

Estimated number of Service hours in Mountain Brook

12.9

Estimated zoned area square miles in Mountain Brook



ABOUT THIS REPORT

This report presents the metrics used to help gauge the effectiveness of public transportation in the City of Mountain Brook.



RIDERSHIP



On-Demand

Service Hours: Monday – Friday 8:00 am – 3:30 pm

- Saturday: NO SERVICE

15

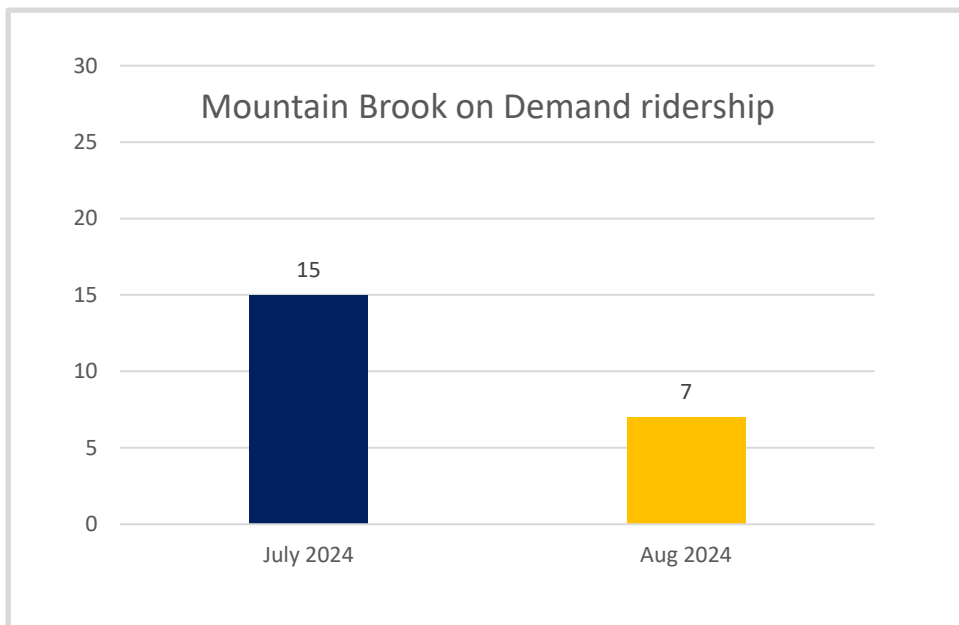


Total Riders August 2024

7



Total Riders July 2024





STORM WATER MANAGEMENT PROGRAM PLAN
August 2024

Prepared For
City of Mountain Brook
56 Church Street
Mountain Brook, Alabama 35213

Prepared by
Jefferson County Department of Health
1400 Sixth Avenue South
Birmingham, Alabama 35233
(205) 930-1230

Signatory and Certification Requirements:

I certify under the penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the persons who manage the system, or those persons directly responsible for gathering the information the information is to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Stewart H. Welch, III
Mayor, City of Mountain Brook

Date

Address: P.O. Box 130009
Mountain Brook, AL 35213

Phone: (205) 802-3800

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Appendix A – Storm Water Program Documents

Appendix B – Storm Water Collection Systems Operations

Appendix C – Illicit Discharge Detection and Elimination (IDDE)

Appendix D – Construction Site Storm Water Runoff Control

Appendix E – Spill Prevention and Response

Appendix F – Pollution Prevention/Good Housekeeping for Municipal Operations

Appendix G – Industrial Storm Water Runoff

INTRODUCTION

REGULATORY OVERVIEW

The City of Mountain Brook (City) was issued by the Alabama Department of Environmental Management (ADEM) a Municipal Separate Storm Sewer System (MS4) Individual Phase I Permit (ALS000018) on June 7, 2017. Previously, the City was included as a Co-Permittee under permit number ALS000001. The current permit was issued and became effective on July 11, 2022 (**Appendix A**).

As a condition of this permit, “The permittee is required to develop, revise, implement, maintain and enforce a storm water management program (SWMP) which shall include controls necessary to reduce the discharge of pollutants from its MS4 consistent with Section 402(p)(3)(B) of the Clean Water Act and 40 CFR Part 122.26. These requirements shall be met by the development and implementation of a storm water management program plan (SWMPP) which addresses the best management practices (BMPs), control techniques and systems, design and engineering methods, public participation and education, monitoring, and other appropriate provisions designed to reduce the discharge of pollutants from the MS4 to the Maximum Extent Practicable (MEP)”.

Per the requirements of NPDES Permit Number ALS000018, BMPs, measurable goals, and responsibility designations are provided for each of the following program elements:

- Storm Water Collection System Operations
- Public Education and Public Involvement on Storm Water Impacts
- Illicit Discharge Detection and Elimination
- Construction Site Storm Water Runoff Control
- Post-Construction Storm Water Management in New Development and Re- Development
- Spill Prevention and Response
- Pollution Prevention/Good Housekeeping for Municipal Operations
- Application of Pesticides, Herbicides, and Fertilizers
- Oils, Toxics, and Household Hazardous Waste Control
- Industrial Storm Water Runoff

ADEM defines the fiscal year as October 1st to September 30th. Annual reports are required to be submitted to ADEM no later than January 31st following the previous fiscal year.

MS4 JURISDICTIONAL BOUNDARY

The City of Mountain Brook's MS4 boundary is bound to the north by the city of Birmingham, to the south by the city of Vestavia Hills, to the east by Irondale, and to the west by Homewood. Approximately 26 square miles of residential, commercial, industrial, undeveloped lands and streams make up the MS4 boundary. See **Figure 1: MS4 Boundary**.

There are two water bodies, Cahaba River and Shades Creek, which are considered impaired by the U.S. Environmental Protection Agency and ADEM within the MS4 boundary. The designated use for Cahaba River within the MS4 is Outstanding Alabama Water and Public Water Supply (OAW/PWS). The designated use for Shades Creek within the MS4 is Fish and Wildlife (F&W). Cahaba River has a United States Environmental Protection Agency (USEPA) approved Total Maximum Daily Load (TMDL) for Siltation and Habitat Alteration as well as for Nutrients. Shades Creek has a USEPA approved TMDL for Siltation, Turbidity and Habitat Alteration as well as for Fecal Coliform.

LEGAL AUTHORITY AND ENFORCEMENT

Part II C of the permit requires the City to review and revise its ordinances and regulatory mechanisms as necessary to comply with the permit. Below is a summary of the current ordinances, municipal codes, and regulations related to the management of The City of Mountain Brook's MS4. These ordinances are found in **Appendix A**.

- **Ordinance 2024, Erosion and Sediment Control Ordinance:** Controls sedimentation leaving construction sites. The ordinance describes the fees, regulations, and the requirements surrounding a land disturbing permit issuance.
- **Ordinance 2092, Fee Schedule/Bond Requirements:** Requires a \$10000 per acre bond for Land Disturbance and escalating fee for noncompliance of \$100-\$500 and revocation or suspension of permits.
- **2013 Subdivision Regulations:** Approved by the Planning and Zoning Board and carry the force of a City Ordinance. They address design requirements for residential and commercial storm water infrastructure.
- **Ordinance 1351, Tree Commission:** Encourages the planting of trees and shrubs to aid in the prevention of erosion and sedimentation, reduce storm water runoff, help control drainage, and restore denuded soil subsequent to construction and grading.

- **Ordinance 2091, An Ordinance to regulate Storm Water Detention within the City of Mountain Brook, Alabama:** Requires a pre development submittal of a pre and post construction drainage plan. Encourages and requires a site plot plan showing improvement and impervious surface area to reduce and limit storm water run-off onto other property and the public storm water system.
- **Ordinance 1633, Flood Ordinance:** Promotes public health, safety and general welfare by controlling construction and construction practices in and around the floodplain as well as controlling the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters.
- **Ordinance 50 & 54, Litter, Waste, & Weed Ordinance:** Makes it unlawful to litter, leave waste or weed nuisance on private property or of a sidewalk or street in the city.
- **Ordinance 1112 Abandoned or Inoperable Motor Vehicle Ordinances:** Establishes a law against leaving abandoned and non-usable motor vehicles in the public right of way or within public view on private property.
- **Ordinance 536, Depositing of soil, construction debris, etc., by person engaged in grading or construction Ordinance:** Institutes a misdemeanor violation for leaving or depositing construction debris or materials in the public right of way yard trash and debris in the gutter line. It also controls siltation and construction materials to be contained.
- **Ordinance 2023 Illicit Discharge Ordinance:** Creates an enforcement capability and complaint system in place for illicit discharge of substances into the municipal storm water system.
- **Ordinance 2032 Regulating Nuisance on Private Property:** Establishes clear violation of public nuisance in amending sections of 50, 54 and 1112 regarding litter, waste, weeds, and vehicle nuisance on private property in relation to the public view or interest to protect the neighbor or general public from such public safety nuisance.
- **Ordinance 2019 Post Construction Ordinance:** Enacts the post construction regulations as set forth by the NPDES Permit issued to the city.

In 2011 the City of Mountain Brook also adopted a Standard Operating Procedure (SOP) Manual detailing guidelines for addressing many activities associated with the program elements. The SOP Manual is found in **Appendix A**.

Table 1: SWMPP Responsibilities Summary reflects which department is responsible for implementing or coordinating BMPs for each separate program element:

Table 1: SWMPP Responsibilities Summary

DEPARTMENT	RESPONSIBILITIES
Storm Water Collection Systems Operations	
Public Works/JCDH	Maintain map of city-owned/maintained structural controls
Public Works	Semi-annual inspection of new and existing structural controls
Inspections	Develop SOP, inspection checklist, and maintenance procedures
Public Works	Stabilize and re-vegetate eroded areas as needed
Public Works	Remove floatable, litter, sediment, and debris from structural controls
Public Education and Public Involvement on Storm Water Impacts	
Administration	Seek and consider public input in the development and implementation of the SWMPP
Administration	Identify targeted pollutant sources
Administration/Public Works	Post litter signage
Administration	Educate individuals and households on reducing storm water pollution
Administration	Encourage community involvement in the storm water program
Administration	Evaluate the effectiveness of the public education program
Administration	Organize annual cleanup
Illicit Discharge Detection and Elimination (IDDE)	
JCDH	Develop MS4 map of outfalls
Administration	Develop applicable ordinances and other regulatory mechanisms
JCDH	Screen at least 15% of the outfalls during dry weather conditions
City Personnel/JCDH	Identify illicit discharge source
Code Enforcement or JCDH	Eliminate illicit discharges
Administration	Notify ADEM of a suspected illicit discharge entering the MS4 from an adjacent MS4
Administration	Receive complaints and investigate illicit discharges reported by the public
Administration	Educate employees on detecting an IDDE, tracing the source of and eliminating illicit discharge
Administration	Make publicly available ordinances and regulatory mechanisms
Construction Site Storm Water Runoff Control	
Inspections	Develop applicable ordinances and other regulatory mechanisms
Engineering	Perform site plan reviews
Inspections/Engineering	Complete monthly qualifying site inspections
Inspections	Train inspection staff
Inspections	Provide construction site inspection checklist
Administration	Document Enforcement Response Plan (ERP) actions
Administration/Inspections	Provide construction site operator education

DEPARTMENT	RESPONSIBILITIES
Post-Construction Storm Water Management in New Development and Re-Development	
Administration	Develop applicable ordinances and other regulatory mechanisms
Administration	Encourage the application of LID/GI practices
Inspections	Inventory post-construction structural controls
Spill Prevention and Response	
Fire and Rescue	Follow City response protocol
Fire and Rescue	Follow spill prevention/spill response plan
Fire and Rescue/Administration	Educate employees on spill prevention/spill response
Pollution Prevention/Good Housekeeping for Municipal Operations	
All Departments	Inventory municipal facilities
All Departments	Evaluate strategy for trash removal
All Departments	Follow good housekeeping practices SOP
All Departments	Complete municipal inspections
Administration	Educate employees on good housekeeping
Application of Pesticides, Herbicides, and Fertilizers (PHFs)	
Park and Recreation/Public Works	Document application and storage of PHFs
Administration	Educate employees on PHFs usage and storage
Oils, Toxics, and Household Hazardous Waste Control	
Administration	Educate public on proper disposal
Administration	Educate employees on oils, toxics, and household hazardous waste
Industrial Storm Water Runoff	
Administration/JCDH	Inventory high-risk facilities
JCDH	Inspect high-risk facilities
Monitoring and Reporting	
JCDH	Monitor locations
JCDH	Review identified impaired waterways
JCDH	Monitor parameters and frequency
JCDH	Perform sampling and analysis
Other Requirements	
All Departments	Perform SWMPP plan review and modification
JCDH	Prepare annual report for submittal

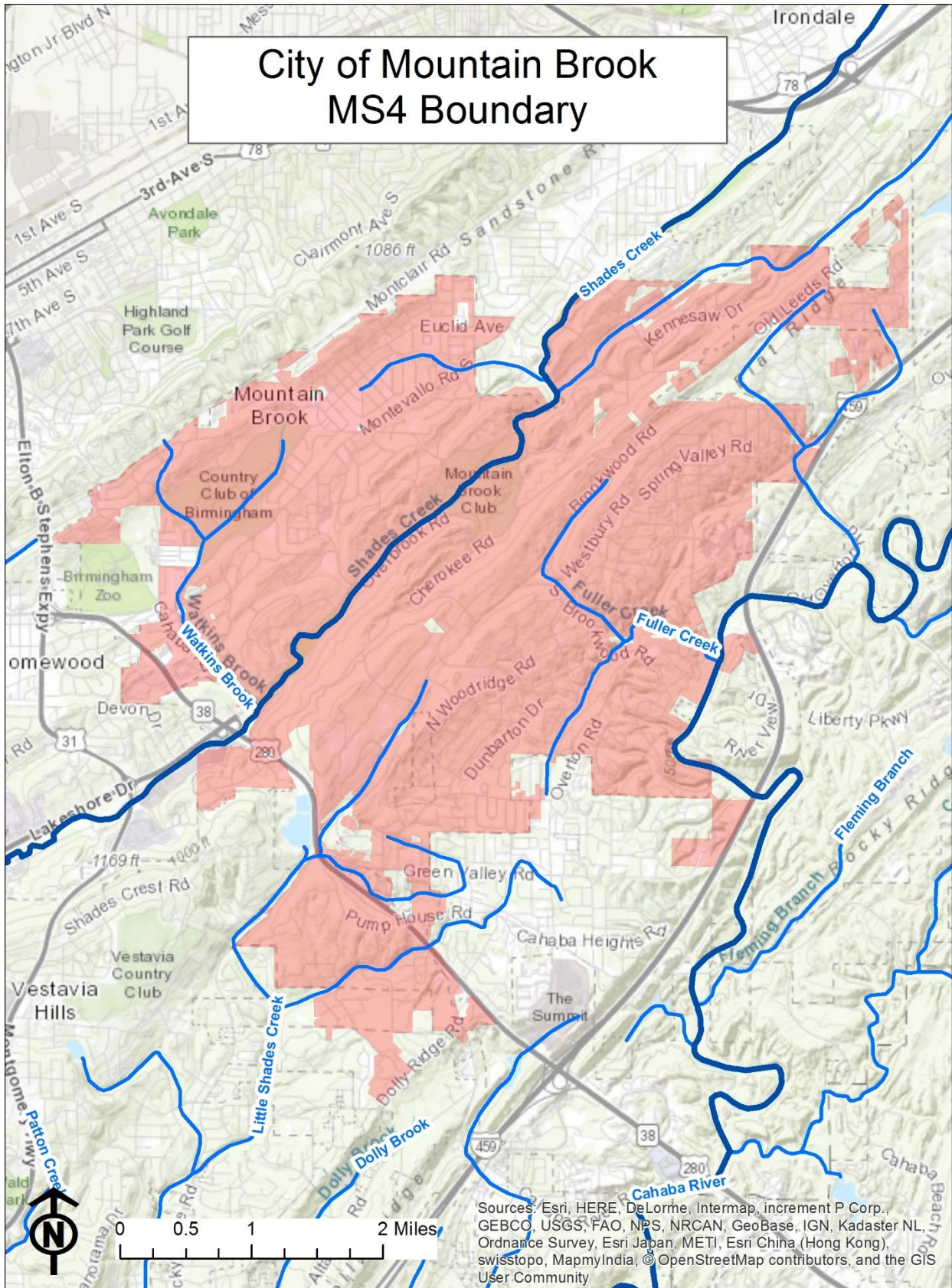


Figure 1: MS4 Boundary

STORM WATER COLLECTION SYSTEMS OPERATIONS

STRUCTURAL CONTROLS MAP

The City currently owns a structural control within the Public Works facility to mitigate volume flow off site onto the ALDOT ROW of I-459 but, maintains two private structural controls abutting the MS4 boundary limits (**Table 2: Structural Controls**). One structural control device is on the Birmingham Zoo property within the city limits of Birmingham and the other one is adjacent on Unincorporated Jefferson County property. The devices work collectively to help control flooding in Mountain Brook. The City will monitor the addition of any city-owned/maintained structural controls and include them in the annual report. A map of the structural controls can be found in **Figure 2: Structural Controls**.

Table 2: Structural Controls

Location	Site Name	Description	Latitude	Longitude
3579 East Street	Public Works	Detention	33.461387	-86.714364
2630 Cahaba Road	Zoo Pond	Detention	33.48514	-86.778245
2471 20 th Place S	Consortium Pond	Detention	33.48493	-86.78377

Responsible Department: Public Works/JCDH

STRUCTURAL CONTROLS INSPECTION

As stated in the permit, all existing and new structural controls owned/maintained by the Permittee shall be inspected using a standard inspection form found in **Appendix B** on a semi-annual basis, at a minimum. Maintenance activities will also be documented using the provided maintenance form found in **Appendix B**. The completed forms should be uploaded to the Storm Water Online Activity Record (SOAR) program. The City owns no structural controls currently. A city inspector and/or a contractor will perform inspections. Any deficiencies or maintenance recommendations listed on the inspection form in regards to the structural control will be addressed and documented by Public Works.

Responsible Department: Public Works

STANDARD OPERATING PROCEDURE (SOP) FOR STRUCTURAL CONTROL INSPECTION AND MAINTENANCE PROCEDURES

The standard operating procedure for structural control inspection and maintenance is found in **Appendix B**.

Responsible Department: Inspections

STABILIZATION AND RE-VEGETATION OF ERODED AREAS

During the inspection of the structural controls, areas of erosion will be documented. The Public Works Department will receive a copy of the inspection documentation noting the eroded areas and will stabilize and re-vegetate these areas. Activities are to be documented and submitted as described.

Responsible Department: Public Works

FLOATABLES, LITTER, SEDIMENT, AND DEBRIS REMOVAL

All floatables, litter, sediment, and/or debris found during the structural inspection will be documented. The Public Works Department will receive a copy of the inspected documentation and will address the noted items. Public Works will also complete documentation of the estimated amounts of floatables, litter, sediment and debris removed during maintenance activities and upload to SOAR.

Responsible Department: Public Works

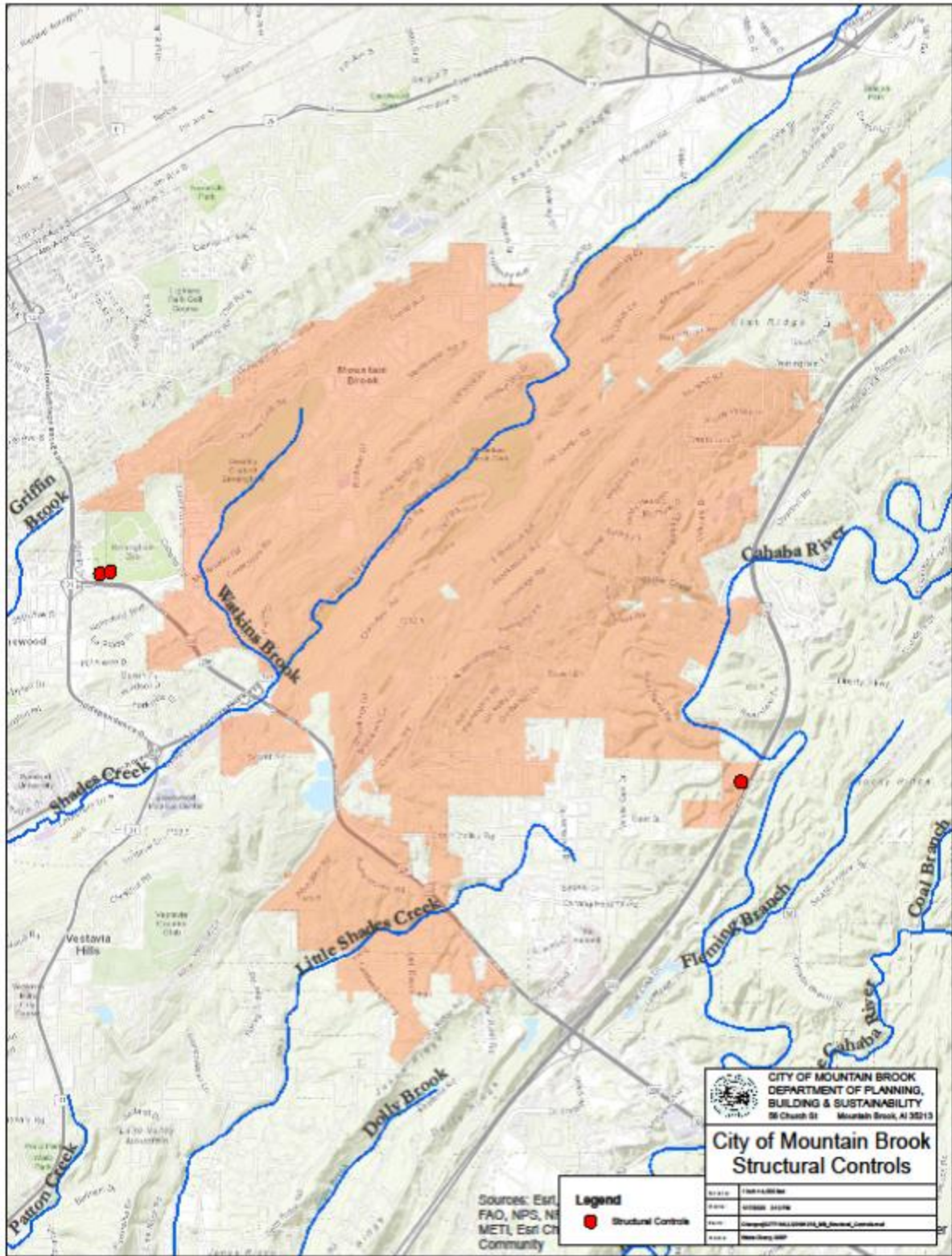


Figure 2: Structural Controls

PUBLIC EDUCATION AND PUBLIC INVOLVEMENT ON STORM WATER IMPACTS

PUBLIC EDUCATION AND PUBLIC INVOLVEMENT BMPS

PUBLIC EDUCATION

The City will provide public education information via its stormwater webpage and distribution of stormwater brochures.

PUBLIC INVOLVEMENT

The City activities for public involvement include a litter clean-up and a household hazardous waste collection event.

DEVELOPMENT AND IMPLEMENTATION OF THE SWMPP

The City seeks public input on the SWMPP annually. Notification of the public comment period will be made at council meetings. The SWMPP is available for review on the City's website. If revisions are approved, the updated SWMPP will be submitted to ADEM and posted on the website.

Responsible Department: Administration

TARGETED POLLUTANT SOURCES FOR PUBLIC EDUCATION

The City discusses targeted pollutant sources in the section of the SWMPP titled "Community Involvement with the Storm Water Program".

REDUCTION OF LITTER, FLOATABLES, AND DEBRIS

Litter signage is maintained throughout the City. Signage will be updated as necessary to properly address these issues. Administration approves of the messages and Public Works installs the signs and/or labels.

Responsible Departments: Administration/Public Works

EDUCATING INDIVIDUALS AND HOUSEHOLDS ON REDUCING STORM WATER POLLUTION

Information describing Mountain Brook's Storm Water Program is posted on the City's website. The information includes general information about the storm water permit with links and brochures about different ways to reduce storm water pollution in relation to the different community segments. These same brochures on storm water issues are placed at City Hall for public pickup. These materials will be updated as needed.

Responsible Department: Administration

COMMUNITY INVOLVEMENT WITH THE STORM WATER PROGRAM

GENERAL PUBLIC

The City has a storm water page on its website and placed brochures containing information in City facilities that inform the general public of:

- General impacts litter has on waterbodies and ways to reduce the litter.
- General impacts of storm water on surface water from impervious surfaces.
- Source control BMPs in areas of pet waste, home vehicle maintenance, landscaping and rainwater reuse.
- Impacts of illicit discharges and how to report them.

These materials will be updated as needed.

Responsible Department: Administration

GENERAL PUBLIC AND BUSINESSES, INCLUDING HOME-BASED AND MOBILE

The City has a storm water page on its website and placed in City facilities brochures containing information on the following business-related topics:

- Information on BMPs for use and storage of automotive chemicals, hazardous cleaning supplies, carwash soaps and other hazardous materials.
- Impacts of illicit discharges and how to report them.

These materials will be updated as needed.

Responsible Department: Administration

HOMEOWNERS, LANDSCAPERS, PROPERTY MANAGERS, AND CITY PERSONNEL

The City has a storm water page on its website and placed brochures containing educational information in City facilities that inform homeowners, landscapers, and property managers on the following topics:

- Landscape or yard care techniques that protect water quality.
- BMPs and storage of pesticides, herbicides, and fertilizers.
- BMPs for carpet cleaning and auto repair and maintenance.
- Detention/retention pond maintenance.
- General impacts of storm water from impervious surfaces into surface water.

These materials will be updated as needed.

Responsible Department: Administration

ENGINEERS, CITY PERSONNEL, REVIEW STAFF, LAND USE PLANNERS, CONTRACTORS, AND DEVELOPERS

The City has a storm water page on its website and also placed in City facilities brochures to inform engineers, contractors and developers on the following topics:

- Impacts of increased storm water flows into receiving waterbodies.
- Technical standards for construction site sediment and erosion control.
- Stormwater treatment and flow control BMPs.
- Run-off reduction techniques and low impact development (LID)/green infrastructure practices and maintenance. Specifically addressing site design, pervious pavement, alternative parking lot design, retention of forests and mature trees.

These materials will be updated as needed.

Responsible Department: Administration

EVALUATING THE EFFECTIVENESS OF THE PUBLIC EDUCATION PROGRAM

The City will on a continuing basis evaluate the effectiveness of the public education program by monitoring and reporting the number of visitors to the storm water page and the number of brochures that are picked up from City facilities on an annual basis.

Responsible Department: Administration

PUBLIC ACTIVITIES TARGETING LITTER, FLOATABLES, AND DEBRIS REMOVAL FROM AREA WATERWAYS

Currently the City is planning to host or participate in a cleanup annually. The tonnage collected by the City will be included in the annual report.

Responsible Department: Administration

ILLICIT DISCHARGE DETECTION AND ELIMINATION (IDDE)

MS4 MAP

Maps of the major outfalls and waters of the State within the MS4 boundary that receive discharge from the major outfalls can be found in **Appendix C**. Also, a list of the major outfalls' latitude and longitude coordinates can be found in **Appendix C**.

JCDH will update the MS4 map and provide a list of location coordinates annually on behalf of the City in the annual report.

Responsible Department: JCDH

ORDINANCE/REGULATORY MECHANISM

Ordinance 2023 and 2032 addresses illicit discharges as required by the City's Permit.

Responsible Department: Administration

DRY WEATHER SCREENING PROGRAM

Dry weather screening of at least 15% of the major outfalls will be performed annually with 100% of the major outfalls screened at least once per the five-year permit period. This work will be completed by JCDH. Currently there are no priority outfalls identified within the MS4 boundary, but if illicit discharges are identified during the dry weather inspections, those outfalls will be screened on an annual basis. JCDH shall use the EPA's guidance manual, *Illicit Discharge Detection and Elimination, A Guidance Manual for Program Development and Technical Assessments*, Center for Watershed Protection, October 2004, for the main source of investigative techniques and guidance for the dry weather screening process. Outfalls will be field inspected after a minimum of 72 hours of dry weather. Data sheets found in **Appendix C** will be filled out for each outfall inspected. The protocols for dry weather screening are in the Standard Operating Procedure Manual found in **Appendix A**.

Responsible Department: JCDH

SOURCE IDENTIFICATION

If during the dry weather screenings, Public Works' identification, or citizen complaint, an outfall is found to be discharging a liquid, the city inspector or JCDH personnel will traverse upstream of the discharge in an attempt to identify the source of the discharge. If the discharge source is unidentifiable, then a sample of the discharge shall be collected by JCDH and analyzed by a qualified lab. Based on the lab results, the outfall will be prioritized and scheduled for further investigation if needed.

Responsible Departments: City Personnel/JCDH

ILLCIT DISCHARGE ELIMINATION

Once the source and responsible party of an illicit discharge has been identified, either the City will take action through **Ordinance 2023** or JCDH will through its regulations.

Responsible Departments: Code Enforcement or JCDH

ADEM NOTIFICATION BY THE CITY

If a suspected illicit discharge enters the City's MS4 boundary from an adjacent MS4, the City will notify the adjacent MS4 and the ADEM Water Division within 48 hours of observing the suspected illicit discharge. The Standard Operating Procedure for this action is found in **Appendix C**.

Responsible Department: Administration

ILLCIT DISCHARGE REPORTING BY THE PUBLIC

The City receives calls for illicit discharges at the City Hall phone number 205-802-3800 or action center located on the home page of the web site. There is also a phone number, 205-802-3812 or email of merchant@mtnbrook.org, listed on the City's website to report illicit discharges.

Responsible Department: Administration

PERSONNEL TRAINING

City administrators, engineers, inspectors and laborers will be trained on IDDE identification and response annually.

Responsible Department: Administration

ORDINANCE/REGULATORY MECHANISM AVAILABILITY

The illicit discharge ordinance is found on the City's website at the link below:

<https://www.mtnbrook.org/pbs/page/storm-water-management>

Responsible Department: Administration

CONSTRUCTION SITE STORM WATER RUNOFF CONTROL

ORDINANCE/REGULATORY MECHANISM

Ordinance 2024 addresses Construction Site Regulations as required by the City's Permit. The ordinance is found on the City's website at the link below:

<https://www.mtnbrook.org/pbs/page/storm-water-management>

Responsible Department: Inspections

SITE PLAN REVIEWS

According to **Ordinance 2024**, a BMP plan must be submitted to the City along with the permit application before any land disturbance. The City must either approve or disapprove the BMP plan within 14 days. Reasons for disapproval must be submitted to the applicant in writing. All revisions have an additional 14-day response time. Land disturbing activity may not be commenced prior to the issuance of the permit by the City.

Responsible Department: Engineering

CONSTRUCTION SITE INSPECTION SCHEDULE

The City will perform a monthly inspection, at a minimum, on qualifying sites that have been issued land disturbance permits. Mountain Brook's sites are categorized as "Priority Construction Sites" due to the impaired status of Shades Creek and the Cahaba River. Erosion controls and best management practices will be inspected during these inspections. Deficiencies identified during an inspection will be subjected to enforcement procedures outlined in the Erosion Control Ordinance.

Responsible Department: Inspections/Engineering

TRAINING OF MS4 SITE INSPECTION STAFF

Personnel responsible for construction site inspections receive BMP training annually.

Responsible Department: Inspections

CONSTRUCTION SITE INSPECTION CHECKLIST

See **Appendix D** for the City's construction site inspection checklist.

Responsible Department: Inspections

ENFORCEMENT RESPONSE PLAN (ERP)

An Enforcement Response Plan is included in **Ordinance 2024**. Documentation of formal enforcement actions and ADEM referrals is available via the SOAR program.

Responsible Department: Administration

CONSTRUCTION SITE OPERATOR TRAINING

The City provides construction site operator's informational materials regarding appropriate application and maintenance of erosion and sediment controls when they receive their permits from the Inspections Department. The City has a storm water page on its website and brochures at City facilities that inform the engineers, contractors and developers on:

- Impacts of increased storm water flows into receiving waterbodies.
- Run-off reduction techniques and low impact development (LID)/green infrastructure practices. Specifically addressing site design, pervious pavement, alternative parking lot design, retention of forests and mature trees.

These materials will be updated as needed.

Responsible Departments: Administration/Inspections

POST-CONSTRUCTION STORM WATER MANAGEMENT IN NEW DEVELOPMENT AND RE-DEVELOPMENT

ORDINANCE/REGULATORY MECHANISM

Ordinance 2019 addresses storm water design requirements for post-construction storm water management.

The Ordinance addresses the following:

- Procedures to develop, implement and enforce systems of appropriate structural and/or non-structural BMPs.
- Procedures to develop, implement and enforce performance standards.
- Procedures for encouragement of the utilization of LID/green infrastructure practices.
- Procedures to ensure compliance including sanctions and enforcement mechanisms.
- Procedures for post-construction inspections to include tracking and enforcement.
- Procedures to ensure adequate long-term operation and maintenance of BMPs.

The post-construction ordinance is found on the City's website at the link below:

<https://www.mtnbrook.org/pbs/page/storm-water-management>

Responsible Department: Administration

LID/GI ENCOURAGEMENT PROCEDURES

Information detailing the importance of LID/GI is provided along with the City's land disturbance permit application. This also includes a statement acknowledging receipt of the information by the applicant.

Responsible Department: Administration/Inspections

INVENTORY OF POST-CONSTRUCTION STRUCTURAL CONTROLS

Currently there are no privately-owned structural controls within the City. The City will monitor the addition of any privately-owned structural controls and include them in the annual report.

Responsible Department: Inspections

SPILL PREVENTION AND RESPONSE

CITY RESPONSE PROTOCOL

Mountain Brook Fire and Rescue is responsible for investigating, responding, and conducting response actions for any spill within the City's boundaries. Jefferson County's Emergency Management Agency (EMA) will additionally respond at the request of the City. Mountain Brook's Fire and Rescue and EMA track the spills, the response, and the cleanup activities for all spills.

Responsible Department: Fire and Rescue

SPILL PREVENTION/SPILL RESPONSE PLAN

The City's SOP for spill response is found in **Appendix E**.

Responsible Department: Fire and Rescue

PERSONNEL SPILL PREVENTION/RESPONSE TRAINING

Mountain Brook Fire and Rescue is responsible for the training and certification of their personnel. An annual training will be provided to municipal personnel on spill prevention/response.

Responsible Departments: Fire and Rescue/Administration

POLLUTION PREVENTION/GOOD HOUSEKEEPING FOR MUNICIPAL OPERATIONS

MUNICIPAL FACILITIES INVENTORY

See **Table 3: Municipal Facilities** for a list of facilities. The list will be updated as needed in the annual report.

Responsible Departments: All Departments

STRATEGY EVALUATION

City personnel pick up trash prior to it entering the MS4 and remove trash from the MS4. Volunteer organizations assist with removal of trash from waterbodies and the MS4. Trash collected is assessed and documented. The City also participates in a household hazardous waste collection event. An SOP for special events is located in **Appendix F**. These activities have been successful in removing and preventing trash from entering the MS4.

Responsible Departments: All Departments

GOOD HOUSEKEEPING PRACTICES SOP

The SOP detailing good housekeeping practices is found in the 2011 SWMA SOP Manual (**Appendix A**).

Responsible Departments: All Departments

INSPECTION PLAN

Annual inspections will be conducted for municipal facilities that have the potential to discharge pollutants via stormwater runoff. See **Appendix F** for the inspection checklist.

Responsible Departments: All Departments

GOOD HOUSEKEEPING TRAINING PROGRAM

City staff will be educated annually on good housekeeping practices. The SOP manual (**Appendix A**) contains procedures related to Good Housekeeping.

Responsible Department: Administration

APPLICATION OF PESTICIDES, HERBICIDES, AND FERTILIZERS (PHFS)

APPLICATION AND STORAGE

The Parks and Recreation Department keeps annual records of applied pesticides, herbicides, and fertilizers (PHFs). Each chemical used is applied per the labeling instructions. Safety Data Sheets (SDS) on each product are found in the chemical storage areas. City staff responsible for application of PHFs receive annual training in safe use, storage, and disposal of PHFs. All contractors contracted to apply pesticides or herbicides to City property shall provide proper certification and licensing before performing work. Also, contractors contracted to apply fertilizer must provide qualification in utilizing proper nutrient management practices.

City facilities that store PHFs will be inspected annually to determine proper storage, product labeling, and SDS accessibility (**Table 3: Municipal Facilities**). The SOP manual (**Appendix A**) contains procedures related to usage and storage of PHFs.

Responsible Department: Parks and Recreation/Public Works

PHF TRAINING PROGRAM

Necessary staff will be educated annually on proper PHF practices.

Responsible Department: Administration

Table 3: Municipal Facilities

Name	Address	Inspection
Park Board	3664 Bethune Dr., Mountain Brook 35223	Yes. Vehicle Storage, Equipment Maintenance, PHF Storage
Public Works	3579 East Street, Mountain Brook, AL 35243	Yes. Fuel Station and Vehicle Maintenance
Police Administration	101 Tibbett St, Birmingham, AL 35213	Yes. Fuel Pump and Vehicle Storage
Fire Station #3	4277 Old Leeds Rd, Mountain Brook, AL 35213	Yes. Fuel Pump and Vehicle Storage
Fire Station #1	102 Tibbett St, Mountain Brook, AL 35213	No. No potential to discharge pollutants.
City Hall	56 Church Street Mountain Brook, AL 35213	No. No potential to discharge pollutants.
Fire Station #2	3785 Locksley Dr, Mountain Brook, AL 35223	No. No potential to discharge pollutants.

OILS, TOXICS, AND HOUSEHOLD HAZARDOUS WASTE

PUBLIC EDUCATION ON PROPER DISPOSAL

The City has contact information on its webpage regarding where to report spills, illicit discharges and improper disposals. The webpage also includes a link to the website Earth911_ <http://earth911.com/> which provides local sites for recycling of oils, toxics and household hazardous waste. Brochures on oils, toxics, and household hazardous waste are on the City storm water webpage as well as placed in City facilities for public pick-up.

Responsible Department: Administration

ANNUAL EMPLOYEE TRAINING

Annual training on spill prevention is provided to City personnel.

Responsible Department: Administration

INDUSTRIAL STORM WATER RUNOFF

INVENTORY OF HIGH-RISK FACILITIES

The City maintains a list of industrial and high-risk facilities within the city limits (**Appendix G**). The list of facilities will be reviewed annually for accuracy and included in the annual report.

Responsible Departments: Administration/JCDH

INSPECTION OF HIGH-RISK FACILITIES

JCDH will inspect these sites annually on behalf of the City. See **Appendix G** for the Industrial Inspection form.

Responsible Department: JCDH

MONITORING AND REPORTING

MONITORING LOCATIONS

JCDH will take grab samples annually on behalf of the City. See **Table 4: Sampling Sites** for a list of sampling sites.

Table 4: Sampling Sites

Water Body	Latitude, Longitude	Description
Fuller Creek	33.479676, -86.712698	Grab Sample
Shades Creek	33.48057, -86.759513	Grab Sample
Watkins Branch	33.476147, -86.763681	Grab Sample

Responsible Department: JCDH

IMPAIRED WATERWAYS

The City will review the waterbodies listed in the latest final §303(d) list, annually. If a waterbody becomes listed that falls within the MS4 boundary, the SWMPP will be updated as needed.

Responsible Department: JCDH

MONITORING PARAMETERS AND FREQUENCY

Grab samples will be analyzed for the following parameters:

- a. E. coli
- b. Total Nitrogen (TN) (mg/l)
- c. Total Phosphorus (mg/l)
- d. Total Suspended Solids (TSS) (mg/l)
- e. Temperature
- f. pH/ORP
- g. Turbidity (NTU)
- h. Conductivity
- i. Dissolved Oxygen (mg/l)
- j. Ammonia Nitrogen (NH₃-N) (mg/l)
- k. Biochemical Oxygen Demand (BOD) (mg/l)
- l. Chemical Oxygen Demand (COD) (mg/l)
- m. Hardness as CaCO₃ (mg/l)
- n. Nitrate plus Nitrite Nitrogen (NO₃+NO₂-N) (mg/l)
- o. Oil and Grease (mg/l)
- p. Total Dissolved Solids (TDS) (mg/l)
- q. Total Kjeldahl Nitrogen (TKN) (mg/l)

Responsible Department: JCDH

SAMPLE TYPE, COLLECTION, AND ANALYSIS

JCDH will collect grab samples and submit them to a certified laboratory for analysis.

Responsible Department: JCDH

OTHER REQUIREMENTS

SWMPP PLAN REVIEW AND MODIFICATION

This plan will be reviewed annually and updated as necessary.

Responsible Departments: All Departments

ANNUAL REPORT

The annual report will be compiled by JCDH for the City of Mountain Brook.

Responsible Department: JCDH