

**Vestavia Hills  
City Council Agenda  
October 10, 2016  
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation –David Harwell
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Approval of Minutes –September 26, 2016 (Regular Meeting), September 28, 29 and 30 (Special Meetings)

**Old Business**

**New Business**

9. Resolution Number 4884 – A Resolution Authorizing The City Manager To Settle Case No. 2:15-Cv-01372-LSC, Eric Irons
10. Resolution Number 4885 – A Resolution Authorizing The City Manager To Execute An Agreement Granting An Easement At Sicard Hollow

**New Business (Unanimous Consent Requested)**

**First Reading (No Action Taken At This Meeting)**

11. Resolution Number 4886 – A Resolution Authorizing The Mayor And City Manager To Execute Any And All Documents And Approve A Cash Commitment In An Amount Of \$190,000 For A Pedestrian Bridge Across Montgomery Highway
12. Ordinance Number 2686 – Rezoning – 3200 Ridgely Drive, and 4104, 4105, 4109, 4117 and 4101 Crosshaven Drive; Lots 1-6, Holiday’s 1<sup>st</sup> Addition to Cahaba Heights; James T. Purcell, III; Philip Michael, Faye Bragg, Sharon Snyder, Joseph and Jacques Abou-Jaoude and Doug Allen, Owners

13. Ordinance Number 2331B – An Ordinance Amending Ordinance Numbers 2331 and 2331A, Section 4.5 entitled “Fences”
14. Citizens Comments
15. Motion For Adjournment

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**SEPTEMBER 26, 2016**

The City Council of Vestavia Hills met in regular session on this date at 5:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons, Mayor Pro-Tem  
George Pierce  
John Henley  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Kevin York, Police Captain  
Jim St. John, Fire Chief  
Marvin Green, Deputy Fire Chief  
Terry Ray, Deputy Fire Chief  
Ryan Farrell, Fire Department  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer  
Melvin Turner, Finance Director  
George Sawaya, Asst. City Treasurer  
Bo Seagrist, Business License Analyst

Invocation was given by Logan Creasy, Associate Worship Pastor, Shades Mountain Baptist Church, followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES**

- Mr. Pierce welcomed Scott Perry representing the Vestavia Hills Chamber of Commerce.
- Mr. Ammons stated that October 11, 2016 is “Community Night Out” featuring High Notes and the Alabama Symphony Orchestra. Everyone is invited. October

- 4, 2016, the changing of the lights at Sibyl Temple will turn blue during a ceremony.
- Chief St. John made a presentation to recognize the achievements of Ryan Farrell for completing the EFOP which is designed to take fire professionals from reactive to proactive through a series of education at upper curriculum levels. Graduate level research papers are completed and accepted by officials of the program and only after all 4 of the classes and 4 research papers. Only 4 who have completed this program are from Vestavia Hills. Mr. Farrell has completed the program and was presented a Certificate of Recognition and his metal of completion.
    - Lt. Farrell introduced his family including, wife Mary Beth, son Wyatt, and his in-laws, dad and mom. He also thanked the support of the Council and his Department for allowing the specialized training.

### **CITY MANAGER'S REPORT**

- None.

### **COUNCILORS' REPORTS**

- The Mayor announced two special meetings on September 28 and 29 at 5 PM for the Berry High School annexation.
- The Mayor stated that on November 8, 2016, the Country will be voting on candidates and on a separate ballot will vote on amendments. He encouraged everyone to vote his conscious and to vote "yes" on the Amendment 14 on the back of the ballot which, if not passed, could invalidate several local legislative changes, including the 1% sales tax passed by Jefferson County. He stated that this will affect cities, counties, school systems and many other entities.
- Mr. Pierce stated that this could impact legislation as far back as the 1980's. He also encouraged everyone to consider voting for this amendment.

### **FINANCIAL REPORTS**

Mr. Turner presented the financial reports for the month ending August 2016. He read and explained the balances.

### **APPROVAL OF MINUTES**

The minutes of the following meetings were presented for approval: September 12, 2016 (Regular Meeting).

**MOTION** Motion to dispense with the reading of the minutes of September 12, 2016 (Regular Meeting) and approve them as presented was by Mr. Henley and second by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – abstain
Mayor Zaragoza – yes	Motion carried.

## **OLD BUSINESS**

### **ORDINANCE NUMBER 2678**

**Ordinance Number 2678 – An Ordinance Granting A Conditional Use Approval For The Intended Purpose Of Raising And Housing Urban Hens At 724 Paden Drive. The Property Is Vestavia Hills R-2 And Is Owned By Malcolm McLeod (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2678 was by Mr. Sharp and second was by Mr. Ammons.

Mr. Sharp stated that the Planning and Zoning Commission considered this request and unanimously recommended approval.

Mr. McLeod stated that he wishes to raise two urban hens and use the compost for his garden. He doesn't want any commercial use at all and limits this request to two urban hens.

The Mayor indicated there were seven conditions that were included in the ordinance.

Discussion ensued as to the accessibility of the animals to predators, no existing covenants, maximum of two birds, etc.

The Mayor opened the floor for a public hearing. There being no one else present to address the Council on this matter, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

### **ORDINANCE NUMBER 2679**

**Ordinance Number 2679 – Rezoning – 3017 And 3029 Cahaba Heights Road; Rezone From Vestavia Hills B-3 (Business District) And Vestavia Hills O-1**

**(Office District) To Vestavia Hills B-1.2; Cahaba Heights Corner LLC And Bob Armstrong, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2679 was by Mr. Ammons and second was by Mr. Henley.

Scott Carlisle showed drawings of a proposed restaurant with a secondary smaller place for a coffee shop. He noted the location of the adjacent streets and indicated the primary tenant will be a Martin's Barbeque establishment.

Discussion ensued as to contaminants in the soil because of previous uses, drainage, creek location, compliance with the Cahaba Heights Community Plan, accesses to the property and peak business times.

Mr. Sharp stated that the Commission also considered this and unanimously approved it.

The Mayor opened the floor for a public hearing.

Paul Erwin, 3029 Pumphouse Road, stated that he lives across the road and indicated there are two other barbeque restaurants in the area and this would be over saturation of barbeque.

The Mayor stated that would be a business plan of the owners. Miss Myra's is there and she does an excellent business, but this is a different concept.

Mr. Carlisle stated that this is a "whole hog" concept and a larger community space and atmosphere. There are no other locations in this area or in the state.

Kellyn Erwin, 3029 Pumphouse Road, asked about smells from a barbeque and how it will permeate the area.

The Mayor stated that smells generally will permeate from a restaurant.

Robert DeBuys, 3467 Moss Brook Lane, stated that the Cahaba Heights Community Foundation is very much in favor of this development.

There being no one else present to address the Council on this matter, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Mr. Henley – yes

Mr. Ammons – yes

Motion carried.

**NEW BUSINESS**

**RESOLUTION NUMBER 4881**

**Resolution Number 4881 - Appointing a member to the Design Review Board**

**MOTION** Motion to approve Resolution Number 4881 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor explained that separate appointments are made at various times and David Blackmon has resigned from the Design Review Board because he was relocating his residence out of the City. He stated that he contacted Robert Thompson who is currently the chairman and he indicated the current makeup of the Board. The Mayor recommended Jeff Slaton, an architect with Goodwyn Mills and Cawood to take this appointment and Mr. Thompson has concurred.

Jeff Slaton was present and introduced himself. He thanked the Mayor for the recommendation and stated that he is excited to be serving on this Board.

Mr. Ammons stated that Jeff took a keen interest in the Wald Park study and helped them a lot.

There being no one to address the Council on this issue, the Mayor called for the question:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4882**

**Resolution Number 4882 – A Resolution Amending Resolution Number 4871 And Approving Financing Terms For City Vehicles Through Branch Banking And Trust Company**

**MOTION** Motion to approve Resolution Number 4882 was by Mr. Sharp and second was by Mr. Henley.

Mr. Turner explained this Resolution to finance various capital items that were approved in this fiscal year budget for 2017.

Matt Williams, BB&T Bank, explained the terms of their proposal and the interest rate which was approved within the Resolution. He explained that a scribe error was in a date on the last Resolution and the FDIC requires this to be redone. He asked that the Council consider approval of this Resolution.

Mr. Boone stated that he reviewed the documents and found no problems with them.

The Mayor called for the question:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

The Mayor opened the floor for unanimous consent of the immediate consideration and action on Resolution Number 4880, Ordinance Number 2682 and Resolution Number 4883.

**MOTION** Motion for unanimous consent of the immediate consideration and action on Resolution Number 4880, Ordinance Number 2682 and Resolution Number 4883 was by Mr. Henley. Second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4880**

**Resolution Number 4880 – Annexation – 90-Day – Former Campus Of Berry High School; Hoover City Board Of Education, Owner (public hearing)**

**MOTION** Motion to approve Resolution Number 4880 was by Mr. Sharp and second was by Mr. Henley.

Mr. Boone explained the process of annexation. He described both methods of annexation approved by Alabama law. This Resolution calls for a public hearing 90 days forward in order to allow annexation of the entire piece of property. There are also some Ordinances on this agenda and two others that'll be heard on a different night to allow overnight annexations to an area 50% of the distance to the Hoover city limit line. Therefore, phased annexations must be done in order to annex most of the property by the overnight method.

The Mayor opened the floor for a public hearing. There being no one present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.



**ORDINANCE NUMBER 2682**

**Ordinance Number 2682 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2682 was by Mr. Pierce and second was by Mr. Henley.

The Mayor stated that Mr. Boone has already described the overnight method.

Mr. Boone reminded the audience of the two special meetings on September 28 and 29, 2016 at 5 PM to annex more of the Berry campus under 11/42/21 overnight method.

The Mayor opened the floor for a public hearing. There being no one present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**RESOLUTION NUMBER 4883**

**Resolution Number 4883 – A Resolution Authorizing The City Manager To Issue A Refund To Charter Cable In The Amount Of \$98,746.95 (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4883 was by Mr. Henley and second was by Mr. Sharp.

Mr. Turner stated that he received a request from the City’s agent for sales tax collection requesting that Charter Cable, on behalf of its subsidiaries, be refunded an overpayment spanning several years. He stated that he has reviewed the documentation and determined that the refund should be given to the vendor.

Christopher Wills, RDS, stated that the vendor charged a standard rate versus the manufacturing rate over a couple of years. He stated that the vendor was issued a larger refund a few years ago and this is a continuation of this same issue. He stated that the issue has been resolved and shouldn’t happen again but this finishes the previous issues over the different vendors.

Discussion ensued concerning if Vestavia Hills is the only city being requested to refund money, whether or not the refund requests will cease and the issues have been resolved, remittances can be multiple vendors when submitted and RDS has no way of knowing what vendors were charged, etc.

Mr. Boone stated that the statute of limitations is 3 years and he has been assured by Mr. Turner that the City owes the refund. RDS is the City's agent and Mr. Wills has stated that the City does owe the refund. Alabama law requires that the taxpayer jointly files petitions for the refunds to show what happened.

Mr. Henley stated that this was filed in 2014 and it took 2 years to make it to this Council.

Mr. Wills stated that it took a while to bring in all the information and then to bring it to Council. The time begins when the petition is received, not when reviewed by the City Council.

Mr. Henley indicated that the dates was incorrect in the 2<sup>nd</sup> "Whereas." The Mayor opened up the floor for a motion for amendment.

**MOTION** Motion to amend Resolution Number 4883 to change the date to 2016 was by Mr. Henley and second was by Mr. Ammons. Roll call vote as follows.

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

The Mayor reiterated that it is the vendor's responsibility to ensure they are paying the correct rates. Mr. Wills stated that that is true.

The Mayor opened the floor for a public hearing.

Donald Harwell, 1357 Willoughby Road, stated that as a former business owner, if the shoe was on the other foot, he would have gotten a bill from the government. If you go through the government, you have to put in a public hearing, but when an auditor goes out and states that a business owes money, it has to pay upon demand.

There being no one else present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

**FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)**

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next special meetings on September 28 & 29, 2016 at 5 PM.

- Ordinance Number 2683 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*Public Hearing*) \*To Be Considered At A Special Meeting, September 28, 2016 At 5:00 PM
- Ordinance Number 2684 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*) \*To Be Considered At A Special Meeting, September 29, 2016 At 5:00 PM

**CITIZEN COMMENTS**

None.

At 6:04 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Ammons. Meeting adjourned at 6:05 PM.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**SEPTEMBER 28, 2016**

The City Council of Vestavia Hills met in special session on this date at 5:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
Steve Ammons, Mayor Pro-Tem  
George Pierce  
John Henley  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Kevin York, Police Captain  
Terry Ray, Deputy Fire Chief

Invocation was given by Jim Sharp, followed by the Pledge of Allegiance.

**OLD BUSINESS**

**ORDINANCE NUMBER 2683**

**Ordinance Number 2683 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2683 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Boone explained that this ordinance continues the phased annexation of the former Berry High School property, this is the 2<sup>nd</sup> phase going an additional 50% toward the Hoover city limit line.

The Mayor opened the floor for a public hearing. There being no one present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – yes	Mr. Ammons – yes
Mayor Zaragoza – yes	Motion carried.

The Mayor announced another special meeting tomorrow, September 29, 2016 beginning at 5 PM for the third phase of annexation.

**FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)**

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next special meeting on September 29, 2016 at 5 PM.

- Ordinance Number 2684 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*) *\*To Be Considered At A Special Meeting, September 29, 2016 At 5:00 PM*

**CITIZEN COMMENTS**

None.

At 5:05 PM, Mr. Henley made a motion to adjourn; seconded by Mr. Ammons. Meeting adjourned at 5:06 PM.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**SEPTEMBER 29, 2016**

The City Council of Vestavia Hills met in special session on this date at 5:00 PM. The Mayor Pro-Tem called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:** Steve Ammons, Mayor Pro-Tem  
George Pierce  
John Henley  
Jim Sharp

**MEMBERS ABSENT:** Mayor Alberto C. Zaragoza, Jr.

**OTHER OFFICIALS PRESENT:** Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Kevin York, Police Captain

Invocation was given by Mr. Henley, followed by the Pledge of Allegiance.

**OLD BUSINESS**

**ORDINANCE NUMBER 2684**

**Ordinance Number 2684 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2684 was by Mr. Pierce and second was by Mr. Henley.

Mr. Boone explained that this ordinance continues the phased annexation of the former Berry High School property; this is the 3<sup>rd</sup> phase going an additional 50% toward the Hoover city limit line.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes  
Mr. Sharp – yes

Mr. Henley – yes  
Mr. Ammons – yes

Motion carried.

The Mayor Pro-Tem announced another special meeting tomorrow, September 30, 2016 beginning at 7 AM for the final phase of annexation.

**FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)**

- None.

**CITIZEN COMMENTS**

None.

At 5:05 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Henley. Meeting adjourned at 5:06 PM.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**SEPTEMBER 30, 2016**

The City Council of Vestavia Hills met in special session on this date at 7:00 AM. The Mayor Pro-Tem called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:** Steve Ammons, Mayor Pro-Tem  
George Pierce  
John Henley  
Jim Sharp

**MEMBERS ABSENT:** Mayor Alberto C. Zaragoza, Jr.

**OTHER OFFICIALS PRESENT:** Patrick H. Boone, City Attorney  
Jeff Downes, City Manager  
Rebecca Leavings, City Clerk

Invocation was given by Mr. Sharp, followed by the Pledge of Allegiance.

**NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)**

The Mayor Pro-Tem opened the floor for unanimous consent for the immediate consideration and action on Ordinance 2685.

**MOTION** Motion for unanimous consent on Ordinance Number 2685 was by Mr. Henley.

**ORDINANCE NUMBER 2685**

**Ordinance Number 2685 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (public hearing)**



**MOTION** Motion to approve Ordinance Number 2685 was by Mr. Henley and second was by Mr. Pierce.

Mr. Boone explained that this ordinance continues the phased annexation of the former Berry High School property; this is the final phase going an additional 50% toward the Hoover city limit line. Since the interstate lies south of this property, there's some additional territory before the Hoover limit line so the final portion of the property can be annexed.

Discussion ensued as to the proposed closing of the property, maintenance, etc.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one present to address the City Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

### **CITIZEN COMMENTS**

None.

At 7:06 AM, Mr. Pierce made a motion to adjourn; seconded by Mr. Sharp. Meeting adjourned at 7:07 AM.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4884**

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF  
THE ERIC IRONS LAWSUIT**

**WHEREAS**, the City of Vestavia Hills was sued in federal court by Eric Irons, bearing Case No. 2:15-cv-01372-LSC, concerning the reduction in force of the City's E-911 personnel; and,

**WHEREAS**, the parties were ordered to mediation by the United States District Judge, which resulted in a compromise settlement intended to eliminate the costs of further litigation; and,

**WHEREAS**, Irons has agreed to dismiss his lawsuit with prejudice against the City and to execute a Settlement Agreement which, *inter alia*, releases the City from any further claims or causes of action arising out of all matters that were or could have been litigated in the federal lawsuit.

**NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The City of Vestavia Hills shall pay to Eric Irons and Cynthia Wilkinson, his Attorney, the sum of Eleven Thousand Dollars (\$11,000.00) as a full and final settlement of the federal lawsuit; and

2. The Vestavia Hills City Council authorizes the City Manager, City Clerk and Finance Director to execute the required documents and fund transfers in an amount not to exceed \$11,000.00 with said settlement to be paid from the City of Vestavia Hills General Fund; and

3. This Resolution shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 10<sup>th</sup> day of October, 2016.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4885**

**A RESOLUTION GRANTING ALABAMA POWER COMPANY A  
UTILITY EASEMENT FOR CONNECTION OF ELECTRICAL  
SERVICE**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF  
VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. The City Manager is hereby authorized to sign an agreement with Alabama Power Company to grant an easement, right and privilege as described in said agreement (copy attached); and
2. Resolution Number 4885 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 10<sup>th</sup> day of October, 2016.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**EASEMENT – DISTRIBUTION FACILITIES**

STATE OF ALABAMA

COUNTY OF JEFFERSON

W.E. No. A6173-06-B816

APCO Parcel No. \_\_\_\_\_

Transformer No. S19173

This instrument prepared by: Dean Fritz

Alabama Power Company  
2 Industrial Park Drive  
Pelham, AL 35124

KNOW ALL MEN BY THESE PRESENTS, That City of Vestavia Hills, Alabama, an Alabama municipal corporation as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantor in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges below.

**Overhead and/or Underground.** The right from time to time to construct, install, operate and maintain, upon, over, under and across the Property described below, all poles, towers, wires, conduits, fiber optics, cables, communication lines, translosures, transformers, anchors, guy wires and other facilities useful or necessary in connection therewith (collectively, "Facilities"), for the overhead and/or underground transmission and distribution of electric power and communications, along a route selected by the Company, as generally shown on the Company's drawing attached hereto and made a part hereof, but which is to be determined by the actual location(s) in which the Company's facilities are installed. The width of the Company's easement will depend on whether the Facilities are underground or overhead: for underground, the easement will extend five (5) feet on each side of said Facilities as and where installed; for overhead Facilities, the easement will extend fifteen (15) feet on each side of the centerline of said Facilities as and where installed. The Company is granted the right to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending five (5) feet from each side of said underground Facilities, and to clear, and keep clear, all trees, undergrowth and other obstructions on a strip of land extending fifteen (15) feet from each side of the centerline of said overhead Facilities and the right in the future to install intermediate poles and facilities on said strip. Further, with respect to overhead Facilities, the Company is also granted the right to trim and cut, and keep trimmed and cut, all dead, weak, leaning or dangerous trees or limbs outside of the thirty (30) foot strip that, in the sole opinion of the Company, may now or hereafter endanger, interfere with, or fall upon any of said overhead Facilities.

Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from said Facilities, as applicable, and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under and above said Facilities, as applicable.

The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following described real property situated in Jefferson County, Alabama (the "Property"): a portion of two parcels of land, one located in the NE¼ of the NW¼ and in the NW¼ of the NW¼ of Section 17, Township 18 South, Range 1 West and one in the SE¼ of the SW¼ of Section 8, Township 18 South, Range 1 West, more particularly described in that certain instrument recorded in Deed Book 200616, page 16634, in the office of the Judge of Probate of said County.

In the event it becomes necessary or desirable for the Company from time to time to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate said Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by \_\_\_\_\_,  
its authorized representative, as of the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

ATTEST (if required) or WITNESS: City of Vestavia Hills Alabama, an Alabama municipal corporation  
(Grantor - Name of Corporation/Partnership/LLC)

By: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Its: \_\_\_\_\_

Its: \_\_\_\_\_  
[indicate: President, General Partner, Member, etc.]

All facilities on Grantor: Station to Station: \_\_\_\_\_

**CORPORATION NOTARY**

STATE OF ALABAMA

COUNTY OF \_\_\_\_\_

I, \_\_\_\_\_, a Notary Public, in and for said County in said State, hereby certify that \_\_\_\_\_, whose name as \_\_\_\_\_ of City of Vestavia Hills, Alabama, an Alabama municipal corporation, is signed to the foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument, he/ she, as such \_\_\_\_\_ and with full authority, executed the same voluntarily for and as the act of said corporation

Given under my hand and official seal, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[SEAL]

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

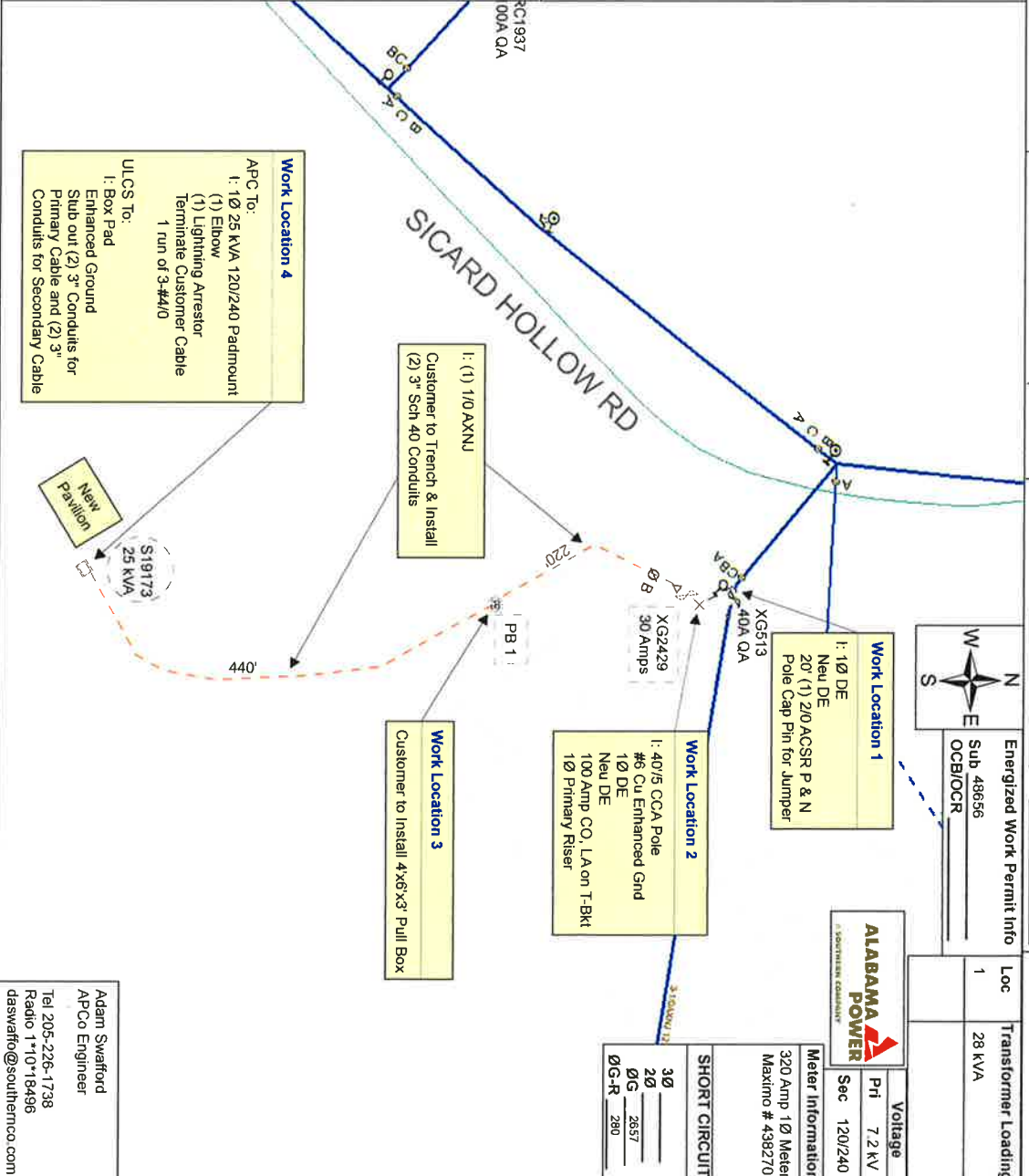
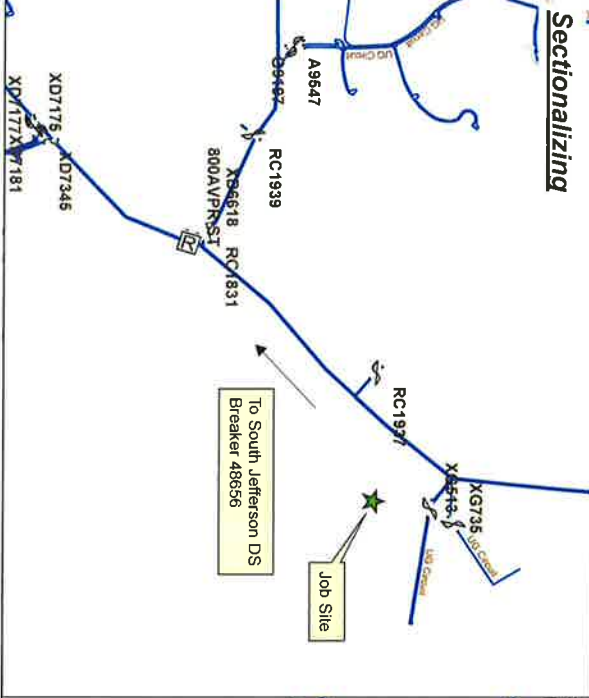
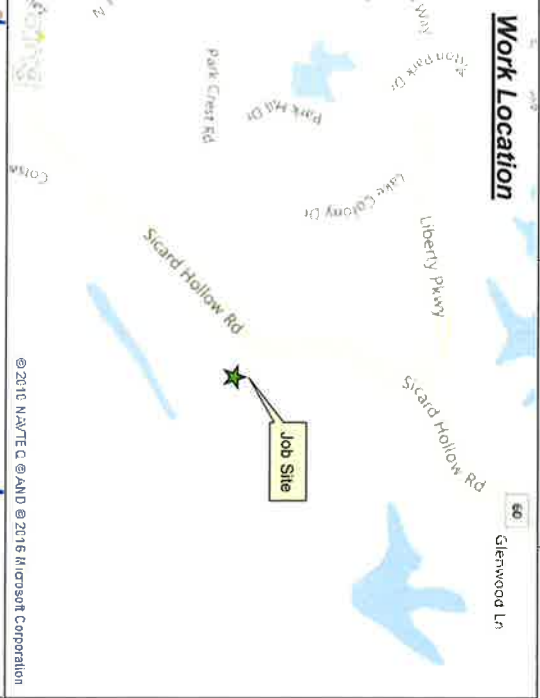
**SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.**

Map Center UTM: 1740754 12152094

Map Center Latlon: 33.474728 -86.670843

1 inch = 100 feet

Customer	City of Vestavia	Location	4851 Sicard Hollow Rd	Created Svc Date	11/30/2016	County	Jefferson	Section	8 17	Township	1SS	Range	01W	Add'l Info.	Estimate No.	<b>A6173-06-B816</b>											
Division	PD Birmingham	District	Metro South	Town	Vestavia	UserID	daswafro	Created:	9/29/2016	Substation	X-48656	Y-XG2429	Energized Work Permit Info	1	Transformer Loading	28 kVA											
<table border="1"> <tr> <td>ALABAMA POWER</td> <td>120/240</td> </tr> <tr> <td>Voltage</td> <td>7.2 kV</td> </tr> <tr> <td>Pri</td> <td>7.2 kV</td> </tr> <tr> <td>Sec</td> <td>120/240</td> </tr> <tr> <td>Meter Information</td> <td>320 Amp 1Ø Meter Maximo # 438270</td> </tr> <tr> <td>SHORT CIRCUIT</td> <td>3Ø 2Ø 1Ø DE 2657 ØG-R 280</td> </tr> </table>																ALABAMA POWER	120/240	Voltage	7.2 kV	Pri	7.2 kV	Sec	120/240	Meter Information	320 Amp 1Ø Meter Maximo # 438270	SHORT CIRCUIT	3Ø 2Ø 1Ø DE 2657 ØG-R 280
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Meter Information	320 Amp 1Ø Meter Maximo # 438270																										
SHORT CIRCUIT	3Ø 2Ø 1Ø DE 2657 ØG-R 280																										



**Work Location 4**

APC To:

- 1: 1Ø 25 KVA 120/240 Padmount
- (1) Elbow
- (1) Lighting Arrestor
- Terminate Customer Cable
- 1 run of 3-#4/0

ULCS To:

- 1: Box Pad
- Enhanced Ground
- Stub out (2) 3" Conduits for Primary Cable and (2) 3" Conduits for Secondary Cable

1: (1) 1/0 AXXNU

Customer to Trench & Install (2) 3" Sch 40 Conduits

**Work Location 3**

Customer to Install 4'x6'x3" Pull Box

**Work Location 2**

1: 40/5 CCA Pole

- #6 Cu Enhanced Gnd
- 1Ø DE
- Neu DE
- 100 Amp CO, LA on T-BK1
- 1Ø Primary Fuser

**Work Location 1**

- 1: 1Ø DE
- Neu DE
- 20' (1) 2/0 ACSR P & N
- Pole Cap Pin for Jumper

Adam Swafford  
APCo Engineer  
Tel 205-226-1738  
Radio 1\*10\*18496  
daswafro@southemco.com

## **RESOLUTION NUMBER 4886**

### **A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE ANY AND ALL DOCUMENTS AND APPROVE A CASH COMMITMENT IN AN AMOUNT OF \$190,000 FOR A PEDESTRIAN BRIDGE ACROSS MONTGOMERY HIGHWAY**

**BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. That the City has been requested by the Alabama Department of Transportation to determine its intent as to the potential construction of a pedestrian bridge that would span the entire distance of US Highway 31 from the general area of Wald Park to the Library in the Forest.
2. That the estimated cost of the pedestrian bridge is \$1,200,000, the estimated cost of the construction engineering and inspection (CEI) service is \$150,000, and a design/construction contingency of \$50,000 is requested.
3. That the City of Vestavia Hills has a commitment of earmarked federal funds of \$700,000 that can be utilized for construction of said pedestrian bridge.
4. That the City of Vestavia Hills has received a communication from the Regional Planning Commission of Greater Birmingham that, pending approval of regulatory authorities, an additional Transportation Alternatives Program (TAP) allocation of \$700,000 is available on an 80%-20% cost share to fund a portion of the excess costs above the earmarked funds.
5. That, pending approval of the additional funds, the City of Vestavia Hills' cash commitment on the project would be a net total of \$190,000. (20% of \$700,000 plus \$50,000 contingency)
6. That previous City Council Resolutions authorized the preliminary work associated with the construction of the proposed pedestrian bridge as outlined in exhibit one to this resolution.
7. That, conditioned upon receipt of TAP funding, the City Council of the City of Vestavia Hills authorizes the Mayor and City Manager to execute any and all documents associated with said project and expend up to \$190,000 of Capital Project Funds to complete the design, construction and CEI services associated with said project.



8. That this Resolution Number 4886 shall become effective immediately upon adoption and approval.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of October, 2016.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESED BY:

Rebecca Leavings  
City Clerk

PATRICK H. BOONE  
ATTORNEY AND COUNSELOR AT LAW  
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705  
215 RICHARD ARRINGTON, JR BOULEVARD NORTH  
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

December 10, 2012

By Hand Delivery  
and Electronic Mail

City Manager Randy Robertson  
Vestavia Hills Municipal Center  
P. O. Box 660854  
Vestavia Hills, Alabama 35266-0854

In Re: Pedestrian Crossover Bridge

Dear Mr. Robertson:

In recent years, three separate grants have been approved for the City of Vestavia Hills, Alabama for the design, construction and inspection of a pedestrian crossover bridge over U.S. Highway 31 South at Round Hill Road connecting Wald Park to the Vestavia Hills Library in the Forest. The grants provide, among other things, that the City will receive federal funding in the amount of \$960,000.00. The City's share to be paid from local funds amounts to \$140,000.00.

On August 6, 2007, the City Council approved and adopted Resolution Number 3755 authorizing the execution and delivery of a contract regarding Grant DE-AL104. That Agreement was signed by Governor Bob Riley on April 18, 2008.

On November 19, 2007, the City Council approved and adopted Resolution Number 3797 authorizing the execution and delivery of a contract regarding Grant HPP-A124, which was signed by Governor Bob Riley on February 8, 2008.

On July 25, 2011, the City Council approved and adopted Resolution Number 4214 authorizing and directing the execution and delivery of an Agreement with Gresham, Smith & Partners ("GSP"), which provides, among other things that GSP will design the pedestrian crossover bridge for and in consideration of \$208,341.00.

On July 25, 2011, the City Council approved and adopted Resolution Number 4213, which authorized and directed the execution and delivery of an Agreement with University of Alabama at Birmingham ("UAB"). UAB will provide innovative design services for and in consideration of \$200,000.00.

December 10, 2012

Page 2

On January 25, 2012, Alabama Department of Transportation ("ALDOT") wrote to the City requesting the execution and delivery of a Supplementary Agreement to Grant Agreement HPP-A124. On February 15, 2012, Alabama Department of Transportation wrote to the City requesting the execution and delivery of a Supplementary Agreement to Grant Agreement DE-AL104.

On March 15, 2012, I prepared and submitted to Mayor Alberto C. Zaragoza, Jr. my legal opinion regarding the two proposed Supplemental Agreements. In the meantime, I have been in contact with ALDOT General Counsel Jim R. Ippolito, Jr. regarding the two Supplemental Agreements. We both mutually agreed to the language of the two documents.

On Friday, December 7, 2012, Krystal H. McDade in the Legal Department of ALDOT sent me via electronic mail the two Supplemental Agreements. I immediately forwarded both documents to City Clerk Becky Leavings.

I have reviewed both Supplemental Agreements and recommend that the City Council enact a resolution tonight authorizing and directing the Mayor and City Council to execute both Supplemental Agreements for and on behalf of the City of Vestavia Hills, Alabama. I also recommend that City Clerk Rebecca Leavings send the duly signed Supplemental Agreements to Krystal H. McDade on December 11, 2012. If ALDOT doesn't receive those documents prior to December 31, 2012, the grants will expire.

I will be happy to discuss this matter upon your request.

Sincerely,



Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp

Enclosures

cc: City Clerk Rebecca Leavings

**ORDINANCE NUMBER 2686**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-4 TO VESTAVIA HILLS B-1.2**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (residential district) to Vestavia Hills B-1.2 (business district):

3200 Ridgely Drive, 4104, 4105, 4109, 4117 and 4101 Crosshaven Drive  
Lots 1-6 Holiday's 1<sup>st</sup> Addition to Cahaba Heights  
James T. Purcell, III, Philip Michael, Faye Bragg, Sharon Snyder, Joseph and Jacques  
Abou-Jaoude and Doug Allen, Owner(s)

**BE IT FURTHER ORDAINED**, that said rezoning is contingent upon the following conditions: (1) site must be developed substantially as in plans presented and attached to this Ordinance 2686; (2) architectural stylings must be similar to those presented in application; lots must be re-platted and recorded.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of October, 2016.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

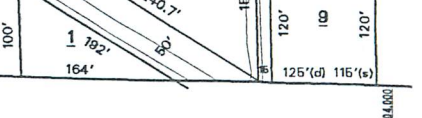
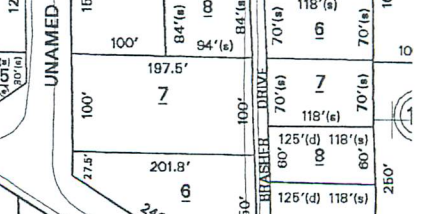
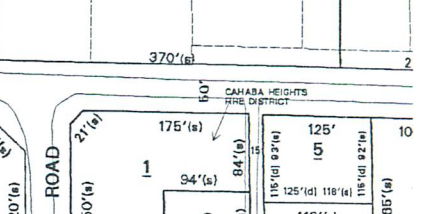
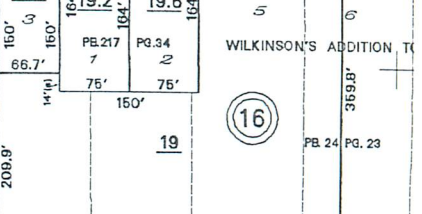
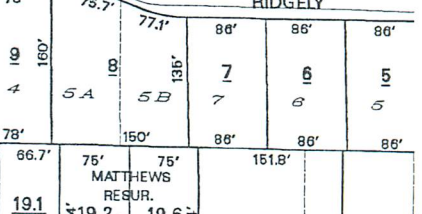
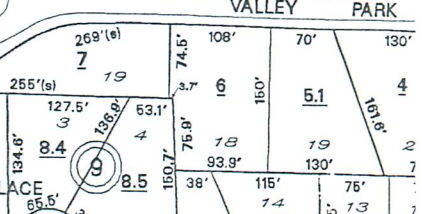
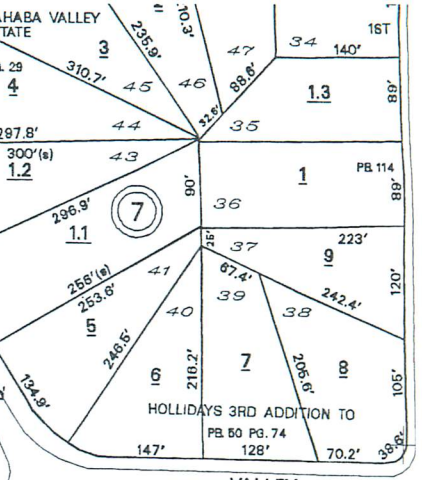
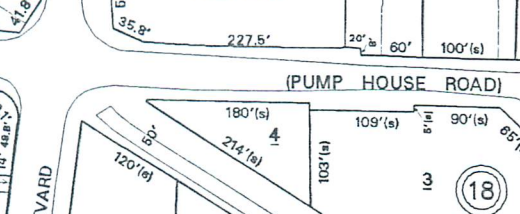
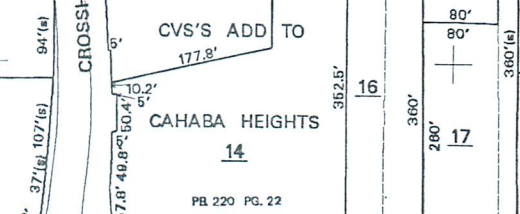
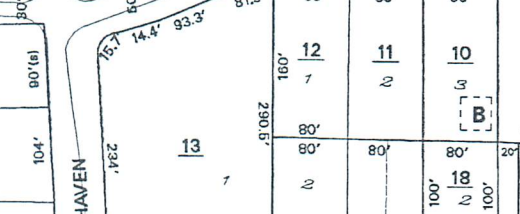
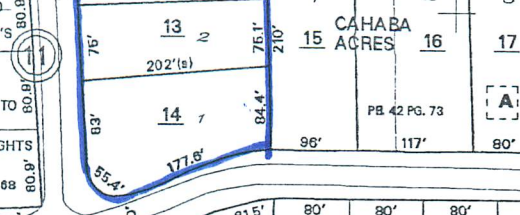
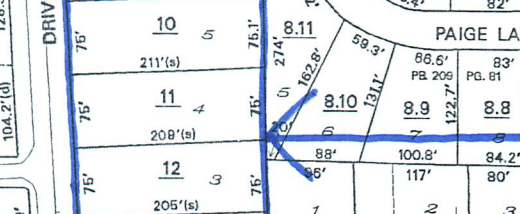
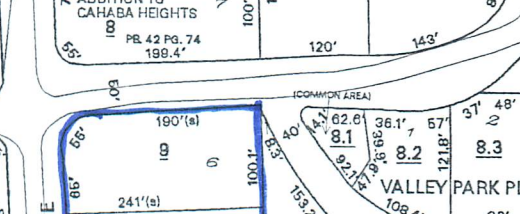
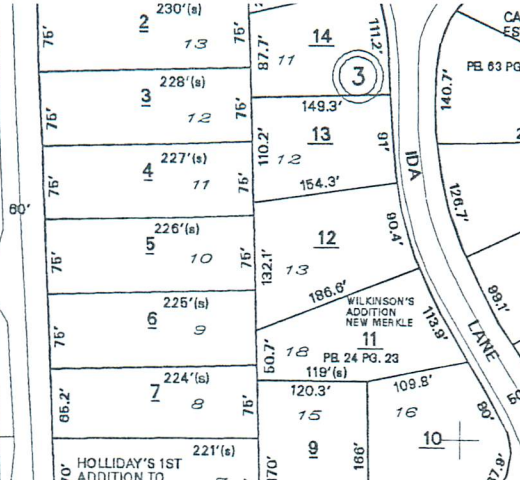
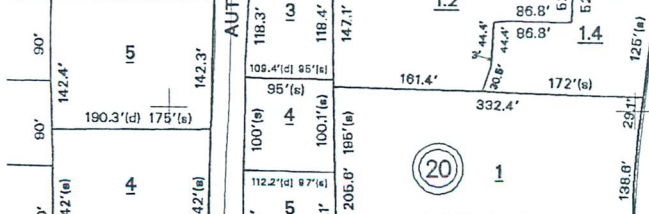
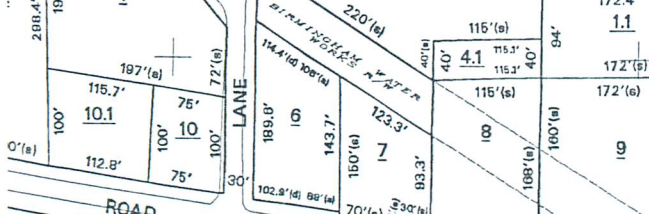
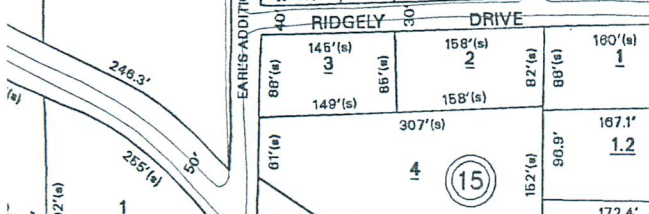
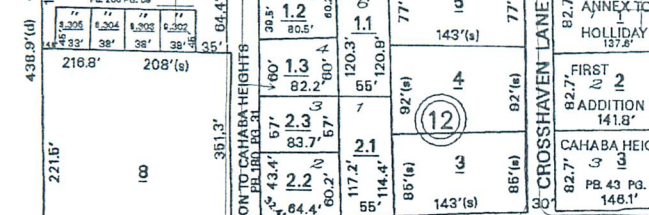
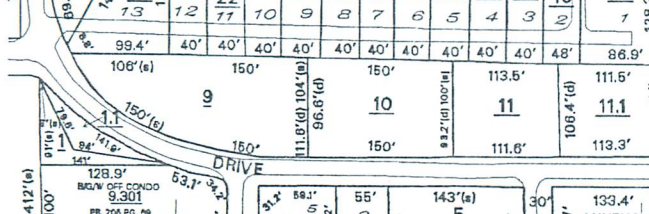
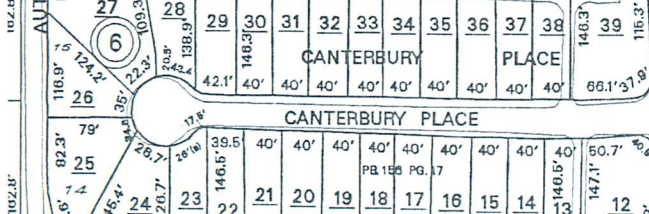
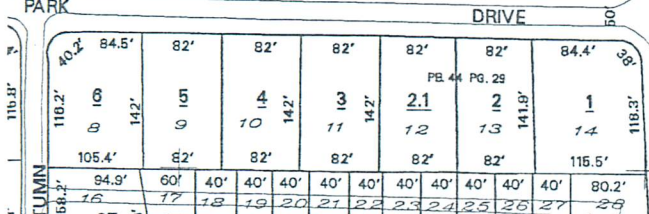
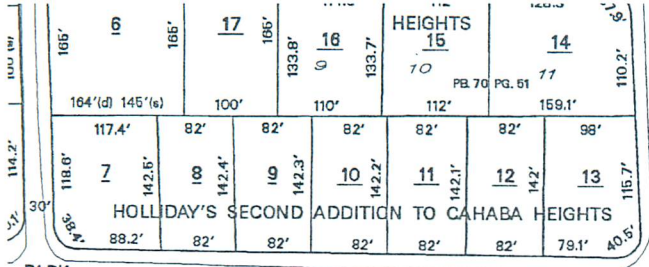
Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2686 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24<sup>th</sup> day of October, 2016 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Rebecca Leavings  
City Clerk



Subject Properties



**CITY OF VESTAVIA HILLS**  
**SYNOPSIS AND STAFF RECOMMENDATION CONCERNING**  
**APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION**

Date: SEPTEMBER 8, 2016

- **CASE: P-0916-39**
- **REQUESTED ACTION:** Rezoning from Vestavia Hills R-4 to Vestavia Hills B-1.2
- **ADDRESS/LOCATION:** 4109, 4101, 4105, 4113, 4117 Crosshaven Dr. & 3200 Ridgely Dr.
- **APPLICANT/OWNER:** Joseph & Jacques Abou-Jaudé, Doug Allen, Faye Bragg, Phillip Michael, James T. Purcell, and Sharon Snyder
- **REPRESENTING AGENT:** Jamie Purcell
- **GENERAL DISCUSSION:** Properties in question are on Crosshaven Dr., between Valley Park Dr. and Ridgely Dr. Applicant is seeking rezoning to build a nursery, a restaurant, and a bagel shop. The building would be approx. 6,000 sq. ft. The site plan takes into account ROW acquisition by Jeffco for the Crosshaven Dr. project. As required by the B-1.2 zoning 8' sidewalks will be constructed along Crosshaven Dr.

The bagel shop would be approx. 1,500 SF and have a front setback of 35' at Crosshaven Dr., a front setback of 95' at Ridgely Dr. and a rear setback of 105'. The nursery would be approx. 3,800 SF and have a front setback of 35' at Crosshaven Dr. and a rear setback of 80'. The restaurant would be approx. 4,000 SF. and have a front setback of 40' at Crosshaven Dr., 70' front setback at Valley Park Dr. and a rear setback of 90'.

There are 101 parking spaces required for the project and the project meets that amount. A landscape plan and project examples are attached. The office has received a few letters of opposition due to traffic concerns.

- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited mixed use.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

**City Planner Recommendation:** No recommendation

2. **City Engineer Review:** Currently reviewing plans.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** I have reviewed the application and I have no issues

**MOTION** Mr. Burrell made a motion to recommend rezoning approval of 4109, 4101, 4105, 4113, 4117 Crosshaven Dr. & 3200 Ridgely Dr. from Vestavia Hills R-4 to Vestavia Hills B-1.2 with the following conditions:

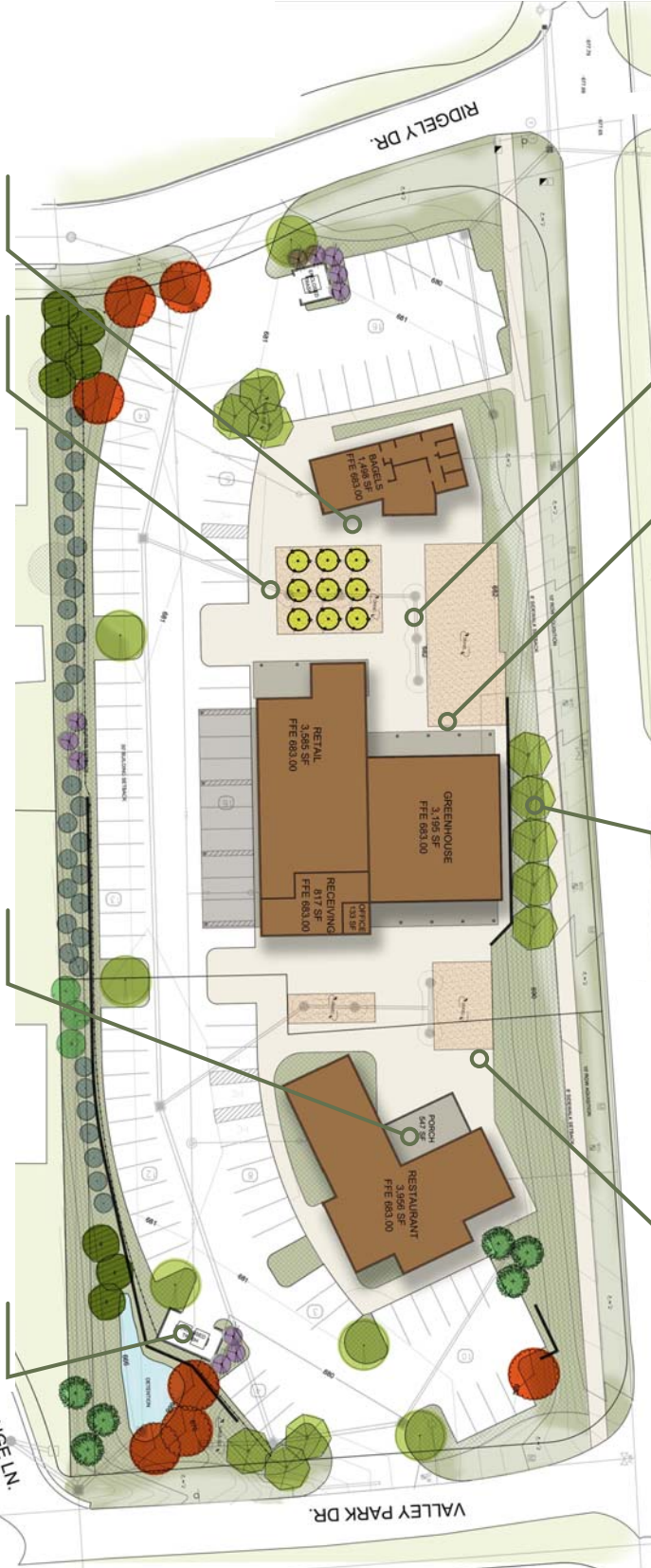
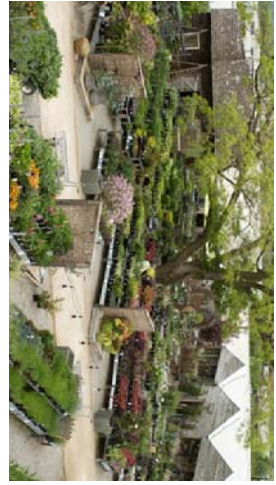
- A. Approval be conditioned on the site plan presented;
- B. Architectural stylings must be similar to ones presented in application packet;
- C. Lots must be replatted and recorded.

Second was by Mr. House. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Gilchrist – yes	Mr. Sharp – yes
Mr. House – yes	Mr. Brooks – yes
Mr. Visintainer – yes	
Motion carried	







**ARCHITECTURE WORKS**

1000 W. HUNTERS BLVD. SUITE 100  
 HOUSTON, TEXAS 77036  
 TEL: 281.462.1111  
 WWW.ARCHITECTUREWORKS.COM

**LEAF + PETAL**










VESETAVIA HILLS, ALABAMA

NO.	DATE	REVISION

PROJECT STATUS: 2020.000  
 REGIONAL APPLICATION  
 DATE: August 30, 2016  
 SHEET NAME: REPRESENTATIVE IMAGES



### Future Land Use

- |  |   |  |
|--|---|--|
|  Low-Density Residential    |  Rural Mixed Use   |  Institutional        |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential   |  Planned Mixed Use |  |
|  Birmingham                 |  Jefferson County  |  Mountain Brook       |

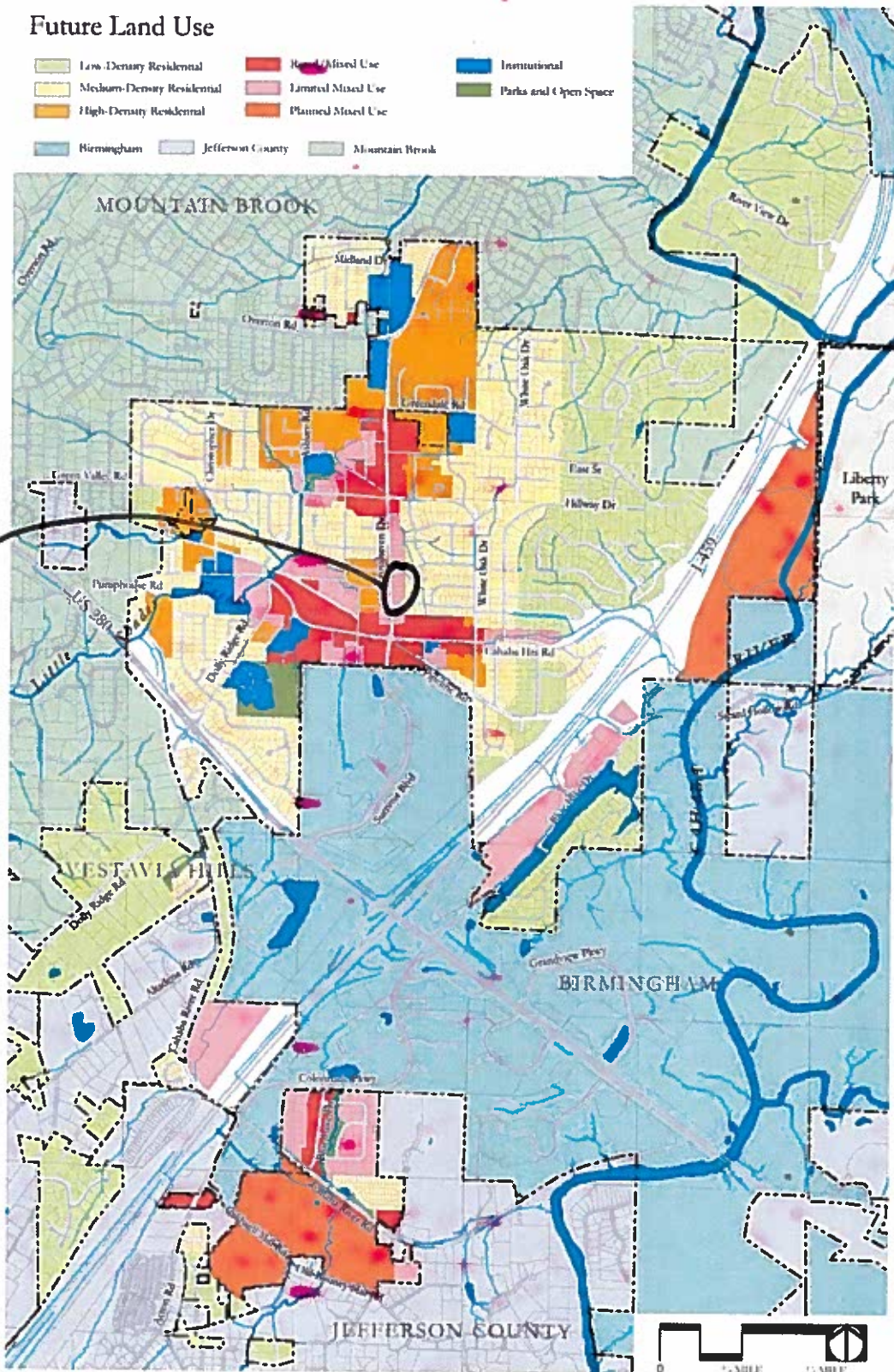


Figure 4: Future Land Use Map

## **ORDINANCE NUMBER 2331-B**

### **AN ORDINANCE TO AMEND §4.5 OF THE VESTAVIA HILLS CODE OF ORDINANCES AND AMENDING ORDINANCE NUMBERS 2331 AND 2331-A, ENTITLED “FENCES”**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama adopted and approved Ordinance Number 2331, also known as the “*Vestavia Hills Zoning Code*” (“Code”); and

**WHEREAS**, the Vestavia Hills Planning and Zoning Commission, following a public hearing recommended approval of an amendment of §4.5 “Fences” of said Code which was later adopted by the City Council by the adoption of Ordinance Number 2331-A; and

**WHEREAS**, the Vestavia Hills Planning and Zoning Commission, following a public hearing on September 8, 2016 recommended another amendment to said section regarding privacy fences; and

**WHEREAS**, the Mayor and City Council feel it is in the best public interest to amend §4.5 “Fences” of said Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:**

1. §4.5 “Fences” of the *Vestavia Hills Zoning Code* is hereby amended in its entirety to read as follows:

**“§4.5 Fences.**

4.5.1 Visibility. No fence or wall shall be permitted between the building line and the front lot line except as provided in §4.5.3 below. Fences shall not be placed within the clear sight triangle as determined by the City Engineer.

4.5.2 No fence shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this ordinance.

4.5.3 Any person, firm, corporation, partnerships or other entity desiring to build a fence on any property located within the City shall follow the procedure and comply with the following requirements:

1. Unless it has been approved as part of a valid Building Permit, no fence shall be

erected, installed, constructed or otherwise structurally altered on any property until a fence permit is issued by the City.

2. No approval for the issuance of a permit shall be made until such time as the Building Official and Fire Marshal have approved the plans and specifications for the erection, installation, construction or structural alteration of said wall or fence and certifies that the same meet the requirement of paragraphs 3 and 4 below.
3. The person, firm, corporation, partnership or other entity applying for a permit shall submit plans and specifications for the erection, installation, construction or structural alteration of the fence. The plans and specifications shall include the following:
  - a. A map or survey of the lot upon which the fence will be located.
  - b. The location of the fence on the property.
  - c. The dimensions of the fence, including the height, width and length.
  - d. Estimated cost.
  - e. List and description of materials to be used.
4. No fence shall be erected, installed, constructed, or otherwise structurally altered unless the material utilized therefore is such that the grade and quality of said material is the same on all sides, including the front and back. [Materials are limited to chain link, masonry, vinyl, composite, or wood.](#)
5. [In all residential zoning districts, fences, regardless of material, shall be no higher than six feet measured from the ground. Any fence exceeding 6' in height shall require a Conditional Use Approval pursuant to Section 13.3. If Conditional Use Approval is requested, drawings indicating the requested fencing, location, height and materials will be required.](#)
6. [In all residential zoning districts, fences, regardless of height, shall be set back behind](#)

the front building line or behind the minimum front yard setback of an abutting residential property, whichever is greater except as provided in Sections 7 and 8 below.

7. In all residential zoning districts, fences may be located between the front building line and the front setback line provided said fences are open, ornamental in style, finished on both sides and excluding any chain link or privacy wood fencing.
8. For security purposes, in all residential zoning districts, fences may be located between the front building setback and the front lot line providing that all of the following criteria are met:
  - a. The residential property must be a lot of record recorded in the Office of the Judge of Probate; and
  - b. The recorded lot must consist of a minimum one (1) acre of property; and
  - c. The primary residential unit constructed upon the property must be located a minimum 100' from the front lot line; and
  - d. The fence and gate shall be constructed so as to be open, ornamental and decorative in style and constructed of finished stone, masonry and/or metal. Said fencing located within the front yard setback shall exclude wood and/or chain link fencing; and
  - e. Said fencing shall be located a minimum of 2' inside the front lot line or a minimum of 5' from any public improvements, within the right-of-way, whichever is greater. Said location shall be approved by the City Planner and/or City Engineer in order to mitigate adverse effects to the subject or adjacent properties. NOTE: All public improvements, including utilities, shall be designated on required

drawings in the form of a survey and certified by an Engineer and/or Surveyor licensed by the State of Alabama; and

- f. Said security gate shall be set back minimum 40' from the edge of pavement or at least 2' inside of the private property line, whichever is greater; and
- g. A Knox switch/switches shall be installed and gate shall be at proper width in order to allow access for emergency vehicles and shall be approved by Fire Marshall prior to permitting.”

- 2. Severability: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in and of itself invalid or unconstitutional.
- 3. Effective Date: This Ordinance shall become effective immediately upon its approval, adoption and publication as required by law.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of October, 2016.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2331B is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24<sup>th</sup> day of October, 2016, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, and Vestavia Hills Recreational Center and Vestavia Hills Library in the Forest this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Rebecca Leavings  
City Clerk



**CITY OF VESTAVIA HILLS**  
**SYNOPSIS AND STAFF RECOMMENDATION CONCERNING**  
**APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION**

Date: SEPTEMBER 8, 2016

- **CASE:** Amendments to Ordinance 2331-B §4.5 “Fences”
- **GENERAL DISCUSSION:** The amendments include material selection and fence height. All changes are highlighted in blue.
- **STAFF REVIEW AND RECOMMENDATION:**

1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal. Notification has been sent pursuant to Alabama law.

**City Planner Recommendation:** Recommend approval.

2. **City Engineer Review:** I have reviewed the application and have no issues with this request.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Gilchrist made a motion to recommend approval of Amendments to Ordinance 2331-B §4.5 “Fences”. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Gilchrist – yes	Mr. Sharp – yes
Mr. House – yes	Mr. Brooks – yes
Mr. Visintainer – yes	
Motion carried	