

**Vestavia Hills  
City Council Agenda  
November 14, 2016  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation –Rev. Dr. William Brunson, Vestavia Hills United Methodist Church
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
  - a. Park Board Applications
  - b. Library Board Applications
6. City Manager’s Report
7. Councilors’ Reports
8. Approval of Minutes – September 15, 2016 (Work Session ); October 24, 2016 (Regular Meeting); October 26, 2016 (Work Session); November 7, 2016 (Special Meeting)

**Old Business**

**New Business**

9. Resolution Number 4896 – Alcohol License For Publix Alabama, LLC D/B/A Publix Alabama 1545 For An 050 – Retail Beer (Off-Premise Only) And 070 – Retail Table Wine (Off Premise Only); David P. Phillips, John A. Attaway, Jr., Jeffrey G. Chamberlain, Executives
10. Discussion Of BWWB Drought Status And Possible Enactment Water Emergency Ordinance Number 2318

**New Business (Unanimous Consent Requested)**

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

11. Ordinance Number 2686 – Rezoning – 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. Pursell, III, Philip Michael, Faye Bragg, Sharon Snyder, Joseph and Jacques Abou-Jaoude and Doug Allen, Owners

12. Citizens Comments
13. Motion For Adjournment

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**SEPTEMBER 15, 2016**

The City Council of Vestavia Hills met in special work session on this date at 3:00 PM following posting/publication as required by Alabama law. The Mayor-elect called the meeting to order and the City Clerk checked the roll with the following:

**MEMBERS PRESENT:**

Mayor-elect Ashley C. Curry  
Kimberly Cook, Council-elect  
Paul J. Head, Council-elect  
George Pierce, Councilor  
Rusty Weaver, Council-elect  
Jim Sharp, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
Darrin Estes, IT Director  
Dan Rary, Police Chief  
Brian Davis, Public Services Director

Everyone recited the Pledge of Allegiance.

The Mayor-elect called the Work Session to order and explained that the new Council needed to go into Work Session in order to make preparations for the organizational meeting and the first day in office. He explained that the Council-elect were subject to meeting within the provisions of the Alabama Open Meetings Act so the meeting was posted and is open to the public.

Mr. Estes explained the procedure for obtaining communication equipment that the Council may need while serving. Discussion ensued as to the use of iPhones, Ipads and/or laptop computers. Mr. Estes stated that he would need to determine the desires of each member so that it can be ordered and ready prior to November 7.

Mr. Boone reminded the Council that their communication devices for their Council business should remain separate from their personal devices in case they are subpoenaed in a lawsuit.

Mr. Downes discussed strategic plans and presented a draft policy for social media responses by the City. He indicated that this was a starting point and suggested that a communications committee be created in order to further define the policy.

Discussion ensued concerning public involvement, being proactive versus reactive to issues and various other media channels.

### **BOARD/COMMISSION/LIAISON ASSIGNMENTS**

Mayor-elect Curry explained that liaisons and other Board/Commission assignments needed to be determined. Upon discussion, the assignments were as follows:

- |  |                      |
|--|----------------------|
| • Park and Recreation Liaison (non-voting) | Council-elect Head   |
| • Library Board Liaison (non-voting)       | Mayor-elect Curry    |
| • Planning and Zoning (voting)             | Council-elect Weaver |
| • Public Safety Liaison                    | Mayor-elect Curry    |
| • Board of Education (non-voting)          | Council-elect Cook   |
| • Chamber of Commerce Liaison              | Councilor Pierce     |
| • Standing Annexation Committee (Chair)    | Councilor Pierce     |
| • Standing Annexation Committee            | Council-elect Cook   |

Discussion ensued as to the designation of a Mayor Pro-Tempore. The Council discussed possible rotation of the members annually or if only one individual should serve all four years. This appointment will be voted on at the November 7<sup>th</sup> organizational meeting.

Mr. Boone explained the appointment of the Public Safety Liaison and Mr. Sharp stated that this individual will be meeting with both the Police and Fire Departments.

Mayor-elect Curry indicated that the Council will also have to appoint a new Municipal Judge for a period of two years and a Municipal Prosecutor, and Municipal Defenders for a period of four years. He stated that he has been receiving information from individuals interested in the appointments and has been gathering information relative to Municipal Court to give to the Council. Discussion ensued and consensus was to allow one member of the Council-elect to join him in this endeavor and report to the Council at a later date.

Discussion ensued relative to the November 7<sup>th</sup> oath of office at 4:30 PM and the reception scheduled to begin at 5:00 PM. Judge Alan King has been invited to come and issue the Oaths and then the Organizational meeting can adjourn outside to the amphitheater for a reception honoring the incoming Mayor and Council.

Mayor-elect Curry opened the floor for public comments.

Leta Head, 2031 Magnolia Way, asked about the Communications Committee and indicated that she wants to see questions and debates before final decisions are made.

Mr. Sharp, Vestavia Hills Councilor, stated that work sessions are normally for the Council to gather information on issues coming forward and welcomed this many in the audience participating and attending this work session.

Anne Boston, 2216 Ivy Trace, stated that she would like the Council to use other mediums than Facebook.

Mayor-elect Curry announced that the Council-elect has active emails and if anyone wished to email them, simply use the first name initial and the last name followed by @vhal.org.

There being no further business, the work session adjourned at 4:55 PM.

Ashley C. Curry  
Mayor-elect

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**OCTOBER 24, 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  
Kimberly Cook, Council-elect

**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  
Terry Ray, Deputy Fire Chief  
Brian Davis, Public Services Director  
Melvin Turner, Finance Director  
George Sawaya, Asst. City Treasurer

Invocation was given by Brian Davis, Vestavia Hills Public Services Director, followed by the Pledge of Allegiance.

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

- Clyde Jones, candidate for Circuit Judge, Place 14, introduced himself and requested support in the upcoming election.
- Tamara Harris Johnson, candidate for Jefferson County Circuit Civil Court, Place 22, introduced herself and requested support in the upcoming election.
- Lee Cleveland, District Judge, Place 5, introduced himself and requested support in the upcoming election.
- William S. “Tony” Bell Jr., candidate for District Judge, Place 4, introduced himself and requested support in the upcoming election.

- Mr. Pierce welcomed Lee Higginbotham representing the Vestavia Hills Chamber of Commerce. He also recognized Karen Odle, President of the Chamber and she has tickets to the Viva Vestavia Hills from 6:30 to 9 PM. Tickets are \$45 each.
- Mr. Ammons welcomed his father, Don Ammons, to the meeting. He thanked everyone for the thoughts and prayers during his recovery.
- Mr. Ammons announced that applications are available online for an upcoming vacancy on the Vestavia Hills Park and Recreation Board. This is a 5-year appointment. Deadline for applications is November 14, 2016 at 5:00 PM.
- The Mayor announced that applications are available online for an upcoming vacancy on the Vestavia Hills Library Board. This is a 4-year appointment. Deadline for applications is November 14, 2016 at 5:00 PM.

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

- Mr. Downes stated that this is his last report before this particular Council and thanked them, on behalf of him and all employees. He stated that they have been wonderful for this City for their years of service. He presented a PowerPoint presentation to walk through the Mayor's services through the years.

### **COUNCILORS' REPORTS**

- The Mayor presented Mr. Sharp a plaque in recognition of his 16 years of service.
- The Mayor presented Mr. Ammons with a plaque in recognition of his 8 years of service along with serving as Mayor Pro-Tem.
- The Mayor presented Mr. Henley a plaque for his 4 years of service on the City Council and his previous services on the Mayor's campaign committee and all of the leadership and volunteerism that he and his wife contribute to the City.
- The Mayor thanked Mr. Pierce for his service the first 8 years and assisting the next Council in moving forward over his next 4 years.
- The Mayor gave a brief address to the audience referring to his work with the various department heads, the City Manager all of which helped him throughout his years of service as the Council's Mayor.
- Mr. Ammons stated that after the last Council meeting both the City Hall and the Temple were lighted blue. He recognized Lt. Brian Gilham, Captain York, Chief Rary, and Heather Pike, her husband, John and her family who wanted to assist on the Community Night Out each year. Each year has been more successful than the last. He thanked this group for all of their hard work throughout the years and hope that it will continue for many years to come. He also recognized Kelly Stovall from Two Men and A Truck, an active sponsor for this year and many years past.
- Mr. Pierce recognized Lisa Christopher from the Chamber who is in charge of membership and advised everyone to visit her for Viva tickets.
- The Mayor welcomed Katherine Hogwood, Library Foundation President.

- Mr. Henley stated that the tree lighting to kick off Holiday in the Hills will be held on November 29; Breakfast with Santa is scheduled for December 10 beginning at 7:30 AM to 10 AM in the Dogwood Room and the Liberty Park Parade will begin at 2 PM on December 11.

### **FINANCIAL REPORTS**

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

Mr. Turner also took a few moments to applaud the City Council for their services throughout the year for both addressing the needs of the residents and the needs of the City.

### **APPROVAL OF MINUTES**

The minutes of the following meetings were presented for approval: October 10, 2016 (Regular Meeting).

**MOTION** Motion to dispense with the reading of the minutes of October 10, 2016 (Regular Meeting) and approve them as presented was by Mr. Henley and second 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.

### **OLD BUSINESS**

#### **RESOLUTION NUMBER 4886**

**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**

**MOTION** Motion to approve Resolution Number 4886 was by Mr. Ammons and second was by Mr. Sharp.

Mr. Downes gave a brief background of a long-running project that has been in the works for several administrations. Over time, some of the funding was reallocated by ALDOT and some of the costs have risen. The estimated cost exceed the original \$700,000 earmark. Additional grant funding was located through MPO known as TAP totaling \$700,000 with 80/20 local match, or total \$140,000 local funding. Timing for



submission is running near a deadline date. Construction costs are estimated at \$1,250,000 and with an additional construction inspections and a \$50,000 contingency comes to a total of \$1,450,000. This Resolution is for a decision by this body as to whether or not this \$190,000 can be committed to this project.

Mayor Zaragoza stated that he did assist Mayor McCallum with the initiation of this and when it was found that a tunnel could not be installed, a pedestrian tunnel was designed to be as “invisible” as possible. The years rolled by and various grant funding was given to the City to pay for this bridge.

Mr. Pierce clarified that this is a commitment of the City but the anticipated funding has not had final approval. Mr. Downes stated that that is correct and the City still has hurdles to be jumped to get this pulled together.

Mr. Ammons stated that the citizen’s survey was a demand for a more walkable community and this helps citizens to cross from Wald Park to the other side for the Library in the Forest and to the schools located on the eastern side of Montgomery Highway.

Mr. Brady explained the innovative design brought about by UAB and the type of bridge that is planned to be constructed which will meet ADA guidelines.

**MOTION** Motion to amend to change the figure in Section to \$1,250,000 for estimated construction costs was by Mr. Pierce 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 opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that the \$190,000 being paid by the City is contingent on approval of the funding.

The Mayor stated that that is correct.

There being no one to speak to the 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 2686**

**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**

**MOTION** Motion to postpone Ordinance Number 2686 was by Mr. Ammons and second was by Mr. Henley.

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

**ORDINANCE NUMBER 2331-B**

**Ordinance Number 2331-B – An Ordinance Amending Ordinance Numbers 2331 and 2331-A, Section 4.5 entitled “Fences”**

**MOTION** Motion to approve Ordinance Number 2331-B was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes showed a picture of a fence that was installed in an area separating some single-family residential and multi-family residential. He indicated there were no regulations in the zoning code that prohibited this type of fencing; this Ordinance represents an amendment to the Zoning Ordinance. This change has been recommended for approval by the Planning and Zoning Commission. He showed the amendment and read the wording where basic fencing to 6’ in height of standard materials is approved by the Building Department. However, if it is higher than 6’, exceeding this in height shall require Conditional Use Approval.

Discussion ensued as to amending the ordinance to increase the height of the fencing to between 12’ or 14’.

Mr. Ammons asked to amend that to 8’ because some fencing at 6’ is inadequate for privacy at pools.

**MOTION** Motion to amend Ordinance 2331-B to 8’ instead of the proposed 6’ was by Mr. Ammons. Second was by Mr. Henley.

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

The Mayor opened the floor for a public hearing. There being no one to speak to the issue, 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.

Mr. Sharp asked if there's any relief for the property owner adjacent to the existing fence. Mr. Boone stated that the Council can request that the owner paint the fence. Mr. Ammons asked if it can it be rebuilt if a strong wind destroys it? Ms. Leavings stated it could not be rebuilt if destroyed beyond 50% of the replacement value.

## **NEW BUSINESS**

### **RESOLUTION NUMBER 4887**

#### **Resolution Number 4887 – A Resolution Expressing Support For Amendment 14 As Proposed By Act 2016-430 And Urging Voters To Vote In Favor Of Said Amendment**

**MOTION** Motion to approve Resolution Number 4887 was by Mr. Ammons and second was by Mr. Henley.

The Mayor stated that the Council has been announcing this over the last few meetings. Balch and Bingham attorneys have studied this and found well over 600 bills that will be invalidated if this Amendment 14 does not pass, it will affect many municipalities along with two bills for Vestavia Hills and the sales tax that the School Board receives every year totaling over \$1 million.

Mr. Boone explained Amendment 14 and the reason it's on the upcoming ballot. He indicated that, in some instances, non-budgetary items were approved without first enacting a "BIR" which requires the approval of at least 60% of the legislators present that day. Following this requirement, the House of Representatives changed the rules and created a conflict from the original Amendment 448 to the Constitution. Therefore, local bills are generally voted upon by the local delegation, so this clears up the difference between that earlier amendment and the House operating rules.

Mr. Pierce reminded everyone that this is the last Amendment on the ballot and is on the reverse side of most ballots.

The Mayor called for the question:

Mr. Pierce – yes  
Mr. Sharp – yes  
Mayor Zaragoza – yes

Mr. Henley – yes  
Mr. Ammons – yes  
Motion carried.

**RESOLUTION NUMBER 4888**

**Resolution Number 4888 – A Resolution Authorizing The Mayor And City Manager On Behalf Of The City Of Vestavia Hills Emergency Communication District (“ECD”) To Execute And Deliver An Agreement And Assignment Of Excess Cost Recovery Funds And The Alabama Statewide 9-1-1 Board (“Board) Concerning The ANGEN Project**

**MOTION** Motion to approve Resolution Number 4888 was by Mr. Ammons and second was by Mr. Pierce.

Chief Hale, Vestavia Hills Battalion Chief, explained the agreement that is before this Council for approval as the ECD Board. This is related to the excess funds that the City receives which is remitted to the 9-1-1 Board for a period of three years. This will cover the City’s contributions toward the ANGEN project.

Chief Hale thanked the Mayor for his hiring and promotions while the Mayor was serving as the Fire Chief. He stated that the dedication and leadership from the Mayor meant a lot and he will always be grateful for the opportunities provided to him through his employment.

The Mayor opened the floor for a public hearing. There being no one to speak to the 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 4889**

**Resolution Number 4889 – A Resolution Authorizing The City Manager To Enter Into An Agreement With ALAGASCO Location Of A Utility Easement**

**MOTION** Motion to approve Resolution Number 4889 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes explained that this is an easement that ALAGASCO has indicated a need for within the City’s portion of the former Altadena Valley Country Club and should not affect anything that the City plans to build on the property.

Mr. Brady explained that this is a maintenance need and explained the reason for the easement which is 200’ by 15’. He indicated he has studied the issue and found no problems because it would be in an area of landscape buffering.

The Mayor called for the question:

Mr. Pierce – yes	Mr. Henley – yes
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Mr. Sharp – yes  
Mayor Zaragoza – yes

Mr. Ammons – yes  
Motion carried.

**DISCUSSION OF BWWB DROUGHT STATUS AND POSSIBLE ENACTMENT  
WATER EMERGENCY ORDINANCE NUMBER 2318**

The Mayor explained the Drought Stage 3 as indicated by the Birmingham Water Works Board. He stated that the City's ordinance can go into effect in during Stage 3 or 4 and he wanted to ensure that everyone is aware that the BWWB has asked that watering be limited to certain days and knows there are surcharges that the Board will enforce on his billing.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

**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 regular meeting on November 14, 2016 at 5 PM.

- None

**CITIZEN COMMENTS**

The Mayor stated that he left his wife out of his previous comments but he commended her for supporting him throughout his endeavors all the way up and through his years as Mayor.

Mr. Henley thanked the Mayor and City Council for allowing him to serve the past 4 years along with the incredible service of the City Manager and the employees. He also thanked his wife, Gina, for her support the last 4 years.

Mr. Ammons thanked his dad for pushing him toward public service and who aided him throughout his time on the City Council. He gave 2 quotes that helped him along the way: Jeff Downes, "*Don't let money get in the way of vision*" and Melvin Turner, "*You can spend the money that way but I survived Larry Langford and I can survive you.*"

Mr. Sharp stated that he has been blessed to serve on the Council for 16 years and has worked hard, but it's been rewarding.

Mr. Pierce stated that he hasn't looked forward to this night and that this Council has set a high bar and he is committed to continue the growth that started in the City.

Karen Odle, 1212 Graylynn Circle, expressed her gratitude for their services and how high they set the bar. She stated that they recognize the sacrifices of these officials and their families and they do appreciate all that they have done.

David Harwell thanked this Council for their service through the years. He stated that the Resolution is for support of Amendment 14 and asked if a municipal government can endorse Amendments such as Amendment 2.

Mr. Boone stated that the City Government can give an endorsement and explained. Mr. Boone also thanked the Mayor and Council for their services over the past administration.

At 5:46 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Ammons. Meeting adjourned at 7:00 PM.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# CITY OF VESTAVIA HILLS

## CITY COUNCIL

### MINUTES

#### WORK SESSION

**OCTOBER 26, 2016**

The City Council of Vestavia Hills met in special work session on this date at 6:00 PM following posting/publication as required by Alabama law. The Mayor-elect called the meeting to order and the City Clerk checked the roll with the following:

**MEMBERS PRESENT:**

Mayor-elect Ashley C. Curry  
Kimberly Cook, Council-elect  
Paul J. Head, Council-elect  
George Pierce, Councilor  
Rusty Weaver, Council-elect

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
Darrin Estes, IT Director  
Terry Ray, Asst. Fire Chief  
Marvin Green, Asst. Fire Chief  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Kevin York, Police Captain  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer

The Mayor-elect called the Work Session to order.

Mr. Downes gave updates and explained to the Council the following issues that are either current or forthcoming:

- Residential paving; how the system works, how individual streets are evaluated for paving, the current bid award for paving and the amount of available funds. Mr. Downes explained that the City has a 3-week window to complete some immediate paving needs that are budgeted and are ready to proceed. He distributed a listing of the streets proposed for resurfacing and asked the Council to please contact him if there were any issues.

- Update on CMAQ with both paving and sidewalk construction for Massey Road. Mr. Brady stated that the final plan has gone to ALDOT for review and hopes to have the project bid by ALDOT in spring.
- Mr. Downes announced a possible retreat/work session planned for December 8-9, 2016 and suggested a location. He asked everyone to “save the date” and the details would be worked out and sent later.
- Current number of annexation requests pending and some recent research done and ready to be presented. Mr. Downes suggested holding off on any annexation requests until after this information has been evaluated at the December retreat.
- Mr. Downes explained two upcoming projects that are making their way toward construction in Cahaba Heights.
  - Martin’s BBQ is a development that was recently rezoned and will be coming forward to request incentives because of the challenges in development preparations because of the large drainage basin/creek running through the property.
  - Leaf and Petal is a development that was recently delayed in zoning to allow the new Council to be seated and make the zoning decision. This development will also come forward for some incentives because of the challenges with developing this property.
  - Mr. Downes stated that he will evaluate each of these requests and come forward with full details for the Council to deliberate upon that show, in numbers, the impact, revenues and incentive requests when the projects have submitted their requests.
- Mr. Downes updated the Council on a planned project by the Board of Education for expansion of the elementary school at Wald Park. He explained that they may be encroaching in to the City’s property and some land divisions might be making their way to the Council soon, if needed.

### **EXECUTIVE SESSION**

Mayor-elect Curry explained that the Council needed to go into executive session to discuss the good name, character and job competency of a public official. He indicated that Mr. Boone has opined that this is a reason that this body can enter into executive session. He opened the floor for a motion:

**MOTION** Motion to move into executive session for a period of approximately 20 minutes to discuss the good name, character and job competency of a public official was by Mr. Weaver and second was by Mr. Head. Roll call vote as follows:

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.



The Council entered into Executive Session at 7:30 PM. At 8:00 PM, the Council exited from executive session and Mayor-elect Curry called the worksession back to order.

There being no further business, Mr. Weaver made a motion to adjourn and the work session adjourned at 8:02 PM.

Ashley C. Curry  
Mayor-elect

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CITY OF VESTAVIA HILLS**

**CITY COUNCIL**

**SPECIAL MEETING**

**MINUTES**

**NOVEMBER 7, 2016**

The City Council of Vestavia Hills met in special session on this date at 4:30 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Rusty Weaver  
Kimberly Cook  
Paul J. Head  
George Pierce

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk

Invocation was given by Joe Comer, Horizon Church, followed by the Pledge of Allegiance.

**OATH OF OFFICE**

**Oath of Office – Administered by the Honorable Judge Alan King**

Judge King administered the Oath of Office:

- Mayor Ashley C. Curry
- Dennis “Rusty” Weaver, Council Place No. 1
- Kimberly Cook, Council Place No. 2
- Paul J. Head, Council Place No. 3
- George Pierce, Council Place No. 4

**ELECTION OF MAYOR PRO-TEMPORE**

Mayor Curry opened the floor for a motion for the election of a Mayor Pro-Tempore.

**MOTION** Motion to nominate Rusty Weaver as Mayor Pro-Tempore was by Mr. Head and second was by Mr. Pierce. Roll call vote as follows:  
Mrs. Cook – yes                      Mr. Head – yes  
Mr. Pierce – yes                      Mr. Weaver – yes  
Mayor Curry – yes                      Motion carries.

**RESOLUTION NUMBER 4890**

**Resolution Number 4890 – Appointment Of A City Attorney**

**MOTION** Motion to approve Resolution Number 4890 was by Mr. Pierce and second was by Mr. Head.

Mayor Curry explained this Resolution would appoint Mr. Patrick H. Boone as City Attorney.

Mrs. Cook stated that one of her campaign platforms was to increase transparency within city government. She indicated she believes the public perceives a conflict of interest exists with the City Attorney representing both the City and the Board of Education. She indicated that, while Mr. Boone brings extensive knowledge and experience to the City and his service is much appreciated, she has considered the matter and believes a change is needed to remove the shadow of the perceived conflict of interest. She urged the Council to re-address this appointment in future meetings for the purpose of building consensus and ensuring that all the councilors are comfortable with the decision.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – no                      Mr. Head – yes  
Mr. Pierce – yes                      Mr. Weaver – yes  
Mayor Curry – yes                      Motion carries.

**RESOLUTION NUMBER 4891**

**Resolution Number 4891 – Appointment Of A Municipal Judge**

**MOTION** Motion to approve Resolution Number 4891 was by Mrs. Cook and second was by Mr. Weaver.

Mayor Curry explained this Resolution would appoint Jim Sturdivant as Municipal Judge for a period of 2 years.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

### **RESOLUTION NUMBER 4892**

#### **Resolution Number 4892 – Appointment Of A Municipal Prosecutor**

**MOTION** Motion to approve Resolution Number 4892 was by Mr. Pierce and second was by Mr. Head.

Mayor Curry explained this Resolution would appoint Joe Basgier as Municipal Prosecutor.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

### **RESOLUTION NUMBER 4893**

#### **Resolution Number 4893 – Appointment Of Indigent Defenders**

**MOTION** Motion to approve Resolution Number 4893 was by Mr. Weaver and second was by Mrs. Cook.

Mayor Curry explained this Resolution would re-appoint Melissa Doggett and Brian Pace as Municipal Defenders.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

### **RESOLUTION NUMBER 4894**

#### **Resolution Number 4894 – Appointment Of A City Clerk**

**MOTION** Motion to approve Resolution Number 4894 was by Mr. Pierce and second was by Mr. Weaver.

Mayor Curry explained this Resolution would re-appoint Rebecca Leavings as City Clerk.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

### **RESOLUTION NUMBER 4895**

#### **Resolution Number 4895 – Appointment Of A City Treasurer**

**MOTION** Motion to approve Resolution Number 4895 was by Mrs. Cook and second was by Mr. Weaver.

Mayor Curry explained this Resolution would re-appoint Melvin Turner III as City Treasurer.

There being no further discussion, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

### **ORDINANCE NUMBER 2687**

#### **Ordinance Number 2687 – An Ordinance To Establish The Time, Place And Procedure For Council Meetings**

**MOTION** Motion to approve Ordinance Number 2687 was by Mr. Weaver and second was by Mr. Pierce.

Mayor Curry explained this Ordinance sets forth the procedures, dates and times of the City Council meetings for this new administration. He indicated the only real change to this ordinance was to move the meeting time from 5 PM to 6 PM.

Mrs. Cook stated that she believes moving the meeting to 6 PM will make it more convenient and is a good change.

Mr. Pierce concurred and invited everyone to attend these meetings on the 2<sup>nd</sup> and 4<sup>th</sup> meetings of the month.

There being no one else to address the Council the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carries.

Mayor Curry announced that the Beautification Board will be hosting a reception and following that, he invited everyone to go to the front lawn to allow the Councilors to address the citizens.

At 4:59 PM, Mr. Weaver made a motion to adjourn; seconded by Mr. Head. Meeting adjourned at 5:00 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4896**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR PUBLIX ALABAMA, LLC D/B/A PUBLIX  
ALABAMA 1545; DAVID P. PHILLIPS, JOHN A.  
ATTAWAY, JR., JEFFREY G. CHAMBERLAIN,  
EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Publix Alabama, LLC d/b/a Publix Alabama 1545, located at 3040 Healthy Way, Vestavia Hills, Alabama, for the sale of 050 - Retail Beer (off-premise only) and 070 - Retail Table Wine (off-premise only); David P. Phillips, John A. Attaway, Jr., Jeffrey G. Chamberlain, executives.

**APPROVED and ADOPTED** this the 14th day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** November 10, 2016

**TO:** Dan Rary, Police Chief

**FROM:** Rebecca Leavings, City Clerk

**RE: Alcohol License Request – 050 - Retail Beer (off-premise only) and 070 - Retail Table Wine (off-premise only)**

Please find attached information submitted by David P. Phillips, John A. Attaway, Jr., Jeffrey G. Chamberlain who request an alcohol license to sell 050 - Retail Beer (off-premise only) and 070 - Retail Table Wine (off-premise only) at the Publix Alabama, LLC d/b/a Publix Alabama 1545, 3040 Healthy Way, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 14th day of November, 2016 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

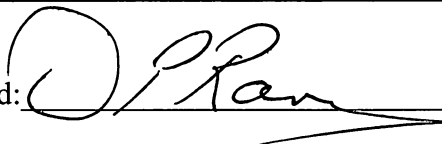
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## Reply

I have reviewed the available background information on the above referenced applicant and submit the following to the City Council:

<input checked="" type="checkbox"/>	<i>Application cleared by P.D. This indicates that there are <b>NO</b> convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>
<input type="checkbox"/>	<i>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</i>
<input type="checkbox"/>	<i>Does not recommend. This indicates that the Police Chief has found records of convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>

Reviewed: \_\_\_\_\_







**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20161025100311293**

**Type License:** 050 - RETAIL BEER (OFF PREMISES ONLY)      **State:** \$150.00 **County:** \$75.00

**Type License:** 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)      **State:** \$150.00 **County:** \$75.00

**Trade Name:** PUBLIX ALABAMA 1545      **Filing Fee:** \$100.00

**Applicant:** PUBLIX ALABAMA LLC      **Transfer Fee:**

**Location Address:** 3040 HEALTHY WAY    VESTAVIA HILLS, AL 35243

**Mailing Address:** PO BOX 32027    LAKELAND, FL 33802-2024

**County:** JEFFERSON **Tobacco sales:** YES      **Tobacco Vending Machines:** 0

**Type Ownership:** LLC

**Book, Page, or Document info:** 200013

**Date Incorporated:** 11/27/2000 **State incorporated:** AL      **County Incorporated:** JEFFERSON

**Date of Authority:** 11/27/2000      **Alabama State Sales Tax ID:** 6800 16486

**Name:**      **Title:**      **Date and Place of Birth:**      **Residence Address:**

DAVID PATRICK PHILLIPS P412-175-59-389-0 - FL	TREASURER	11/09/1959 LAKELAND POLK FLORIDA USA	403 PALMOLA STREET LAKELAND, FL 33803
JOHN ALLEN ATTAWAY JR A300-461-58-257-0 - FL	SECRETARY	07/17/1958 CHARLESTON KANAWHA WEST VIRGINIA USA	2217 HOLLINGSWORTH HILL AVE LAKELAND, FL 33803
JEFFREY GERARD CHAMBERLAIN C516-427-56-123-0 - FL	PRESIDENT	04/03/1956 BOURNE BARNSTABLE MASSACHUSETTS	833 ASHTON OAKS CIRCLE LAKELAND, FL 33813

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

**Contact Person:** LORI BREault

**Business Phone:** 678-313-9364

**Fax:** 863-284-5554

**Home Phone:** 863-688-7407

**Cell Phone:**

**E-mail:** LORI.BREault@PUBLIX.COM

**PREVIOUS LICENSE INFORMATION:**

**Trade Name:**

**Applicant:**

**Previous License Number(s)**

**License 1:**

**License 2:**



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20161025100311293**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **PATCHWORK RETAIL VENTURE LLC 205-969-1000**  
 What is lessors primary business? **REAL ESTATE**  
 Is lessor involved in any way with the alcoholic beverage business? **NO**  
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**  
 Is the business used to habitually and principally provide food to the public? **NO**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **45600** Display Square Footage:  
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**  
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:





# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20161025100311293**

**Initial each**

**Signature page**

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *James L. Mewery*

Signature of Applicant:

Notary Name (print):

*Valencia Johnson*

Notary Signature:

*Valencia Johnson*

Commission expires:

*4-22-18*

**Application Taken:**

**App. Inv. Completed:**

**Forwarded to District Office:**

**Submitted to Local Government:**

**Received from Local Government:**

**Received in District Office:**

**Reviewed by Supervisor:**

**Forwarded to Central Office:**

**ORDINANCE NUMBER 2318**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2194-B, PROHIBITING, UPON DECLARATION OF A WATER SERVICE EMERGENCY AND/OR WATER SYSTEM FAILURE ISSUED BY THE MAYOR, CERTAIN USES OF WATER IN THE CITY OF VESTAVIA HILLS, ALABAMA THEREOF SUPPLIED BY THE WATER WORKS AND SEWER BOARD OF THE CITY OF BIRMINGHAM, NOT ESSENTIAL TO MAINTAINING ADEQUATE HEALTH AND SANITATION STANDARDS; AUTHORIZING THE MAYOR TO DECLARE A WATER SERVICE EMERGENCY AND/OR WATER SYSTEM FAILURE; AND PRESCRIBING PENALTIES FOR ITS VIOLATION**

**THIS ORDINANCE NUMBER 2318, AMENDING ORDINANCE NUMBER 2194-B, IS APPROVED AND ADOPTED ON THIS THE 14<sup>th</sup> DAY OF DECEMBER, 2009.**

**WITNESSETH THESE RECITALS**

**WHEREAS**, on the 6<sup>th</sup> day of August, 2007, the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 2194-B to further amend Ordinance Number 2194-A in order to allow the hand washing of certain business automobiles with parameters; and

**WHEREAS**, the City Council of the City of Vestavia Hills now desires to further amend Ordinance Number 2194-B for the purpose of prudent drought management strategies; and

**WHEREAS**, severe drought conditions can cause a shortage of water; and

**WHEREAS**, a shortage of water can cause an emergency situation to exist in the City of Vestavia Hills, Alabama; and

**WHEREAS**, it is imperative to the public interest and general welfare of the City of Vestavia Hills, Alabama that certain uses of water, not essential to the health, welfare and safety of the citizens residing in the City of Vestavia Hills, be prohibited during a period of water service emergency as declared by the Mayor; and

**WHEREAS**, on the 24<sup>th</sup> day of October, 2000, the Vestavia Hills City Council adopted and approved Ordinance Number 1847 to authorize the Mayor to call an emergency in certain drought conditions at the request of the Birmingham Water Works Board; and

**WHEREAS**, the Birmingham Water Works Board has amended its restrictions in the 2007 Drought Management Plan to include various stages including “Stage 3, Drought Warning”

and a final stage “Stage 4, Drought Emergency” and the Mayor and Council feel it is in the best interest to amend previous ordinances to reflect said plan; and

**WHEREAS**, on the 8<sup>th</sup> day of June, 2007, the Vestavia Hills City Council adopted and approved Ordinance Number 2194 to authorize the Mayor to call an emergency in certain drought conditions at the request of the Birmingham Water Works Board with said stipulations to mirror those suggested by the BWWB; and

**WHEREAS**, on the 9<sup>th</sup> day of July, 2007, the Vestavia Hills City Council adopted and approved Ordinance Number 2194-A, amending Ordinance 2194; and

**WHEREAS**, on the 6<sup>th</sup> day of August, 2009, the Vestavia Hills City Council adopted and approved Ordinance Number 2194-B, further amending all previous ordinances; and

**WHEREAS**, the Mayor and Council agree it is in the best public interest to expand the previous water emergency ordinances to implement and enforce a procedure in the unlikely event of a water system failure; and

**WHEREAS**, the Mayor and Council feel it is in the best public interest to further amend said ordinances to further protect the public health, safety and general welfare of the citizens of the City of Vestavia Hills, Alabama.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA THAT ORDINANCE NUMBER 2194-B IS AMENDED TO READ IN ITS ENTIRETY AS FOLLOWS:**

**SECTION 1. DEFINITIONS:** For the purposes of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

- (a) “*Board*” or “*BWWB*” means The Water Works and Sewer Board of the City of Birmingham.
- (b) “*Board of Education*” means the Vestavia Hills Board of Education.
- (c) “*City*” is the City of Vestavia Hills.
- (d) “*City Council*” is the City Council of the City of Vestavia Hills.
- (e) “*Mayor*” is the Mayor of the City of Vestavia Hills.

- (f) “*Person*” is any person, firm, partnership, association, corporation, company or organization of any kind.
- (g) “*Water*” is water supplied by the Water Works and Sewer Board of the City of Birmingham either directly or indirectly by the Board through another entity including any private water system serviced by the Birmingham Water Works Board.

**SECTION 2. DECLARATION OF EMERGENCY BY THE MAYOR:** Whenever the Mayor of the City determines (in consultation with such officials as he deems appropriate, including the Board), that a water service emergency and/or water system failure exists in the City and that such emergency requires that certain uses of water not essential to the health, welfare and safety of the citizens of the City be restricted, the Mayor, with the consensus of the City Council, may issue and publish a declaration of the existence of such water service emergency which shall become effective immediately upon the publication of such declaration in a daily newspaper of general circulation in the City for three (3) consecutive days. In addition, the Declaration of Water Service Emergency shall be:

- (1) Announced at all public meetings of the City Council that are held during the water service emergency; and
- (2) Posted during the water service emergency period at the Municipal Center of Vestavia Hills, the Vestavia Hills Civic Center, the Vestavia Hills Library, the Vestavia Hills branch of the United States Post Office and the Vestavia Hills Parks and Recreation.

**SECTION 3. FORM OF DECLARATION OF WATER SERVICE EMERGENCY:** The form of the Declaration of Water Service Emergency shall be substantially in the form attached hereto, marked Exhibit “A” and incorporated into this Ordinance Number 2318 by reference as though set out fully herein.

**SECTION 4. APPLICATION OF ORDINANCE:** Upon the publication and posting of a Declaration of Water Service Emergency under Section 2 hereof, the provisions of this Ordinance shall apply to all persons using and/or withdrawing water in the City.

**SECTION 5. DETERMINATION OF DROUGHT MANAGEMENT STAGES.** On April 9, 2008, the Board adopted and approved a Drought Management Plan that established a water conservation plan for their service area. The Plan detailed a “staged approach” to utilize several system and climatologically factors as triggers using performance measures, water demands or usage, reservoir levels, river flows and drought indices such as the Palmer Index and the Standardized Precipitation Index. The adopted policy sets forth five (5) stages of drought levels including:

- Stage 1           Drought Advisory
- Stage 2           Drought Watch
- Stage 3           Drought Warning
- Stage 4           Extreme Drought Emergency
- Stage 5           Exceptional Drought Emergency

The Board’s planned Stage 1 and Stage 2 call for voluntary water conservation from its customers. All subsequent Stages, if declared by the Board, implement enforcement by the Board with surcharges for excessive water usage.

The Mayor and Council agree it is in the best public interest to “mirror” the stage numbers as described within the Drought Management Plan adopted by the Board on April 9, 2008. However, a Declaration of Emergency shall only become effective upon recommendation of the Mayor and a consensus of the City Council following an implementation by the Board to “Stage 3 Drought Warning” and/or “Stage 4 Extreme Drought Emergency” and upon the determination (through consultation with the Council, the Board and other such officials as they deem appropriate) that extreme drought conditions have caused significant adverse impacts to the reliability of water resources and the ability of the Board to adequately supply and meet future demands or usage requirements of its customers and that the public’s health and safety are at risk.

**SECTION 6. DECLARATION OF EMERGENCY IN “STAGE 3 DROUGHT WARNING” AND/OR “STAGE 4 EXTREME DROUGHT EMERGENCY”.** Upon such publication of a Declaration of Water Service Emergency during a “Stage 3 Drought Warning” or “Stage 4 Extreme Drought Emergency” as declared by the Mayor with the consensus of the



City Council, as provided hereinabove, the use and withdrawal of water by any person for the following purposes shall be as follows:

(a) Watering Yards: The hand watering of established lawns and landscaping is not allowed during the hours of **7 AM and 8 PM** on the allowable watering day. Addresses ending in an even number should hand-water established lawns and landscaping on Mondays and Thursdays and addresses ending in an odd number should hand water on Tuesdays and Fridays.

(b) Watering New Lawns: New lawns and landscaping are exempt from the day of the week restrictions for the first twenty (20) days after installation and shall not be conducted between the hours of **7 AM and 8 PM** and is limited to only new lawns and plants. After the first twenty (20) days and up to the thirtieth (30<sup>th</sup>) day, hand watering is allowed two days per week. Addresses ending in an even number should hand water new lawns and landscaping on Mondays and Thursdays and addresses ending in an odd number should hand water on Tuesdays and Fridays during the hours listed above. After the 30<sup>th</sup> day, hand watering should be in accordance with the preceding requirement (Stage 3, (a)). Documentation to verify the date of planting shall be made available upon request.

(c) Insecticides: Hand watering for the purpose of watering in insecticides, fungicides and herbicides where such watering is required by the manufacturer or by federal, state or local law shall be coordinated with the schedule above for established lawns and hand watering shall not be conducted between the hours of 10 AM and 10 PM. Documentation to verify the date of application shall be made available upon request.

(d) Washing Vehicles: The washing of automobiles, truck, trailers, mobile homes, campers, boats, or other type motor vehicles or equipment shall be suspended unless done by businesses engaged in car washing using recycled water. Businesses which utilize luxury vehicles as an integral part of their business, vehicles that are too large to fit into automatic car washes utilizing recycled water, including, but not limited to limousines, may hand wash said vehicle one time per week provided a nozzle is utilized on the hose automatically turning off any water flow when not in use. Also, automotive dealerships shall be allowed to wash any new automobile purchased by an individual from said dealership one time.

(e) Fire Hydrants: The use of fire hydrants for any purpose except for firefighting or flushing sewers for health protection purposes shall be suspended.



(f) Golf Courses: The watering of any portion of golf courses except for tees and greens shall be suspended. The watering of tees and greens is allowed on Mondays, Wednesdays and Fridays between the hours of 1 AM and 5 AM. Hand syringing is permitted for no more than 5 minutes per green on other days of the week when ambient temperature is equal to or greater than 94 degrees Fahrenheit.

(g) Commercial Nurseries: Commercial nurseries are exempt from day of the week watering but shall restrict water use to the minimum amount necessary to maintain plants. Refrain from watering between 10 AM and 10 PM.

(h) Swimming Pools: Newly constructed or existing public and private swimming pools, which include outdoor hot tubs, spas and jacuzzis may be filled once upon completion. A one-time draining and subsequent re-filling of swimming pools is allowed only for repairs if conditions threaten the integrity of the pool and/or its support infrastructure.

(i) Cleaning Outdoor Surfaces: The washing of sidewalks, driveways, gas station aprons, porches and other outdoor surfaces is prohibited except in emergency situations, such as toxic spills of hazardous materials.

(j) Cleaning Buildings: The washing of the outside of dwellings; the washing of the inside or outside of office buildings is prohibited.

(k) Cleaning Equipment and Machinery: The washing and cleaning of any business or industrial equipment machinery is prohibited.

(l) Ornamental Fountains: The operation of any ornamental fountain or other structure making similar use of water is prohibited.

(m) Persons watering from private lakes, wells, ponds or water tanks, if deviated from the schedule and/or provisions set forth above, must first provide verification to the City that an alternate source of water has been accessed and then obtain a one (1) year permit at a cost of \$10. The City shall issue, with the permit, a sign that shall be posted so as to be visible from the public right-of-way detailing that an alternate source of water is being utilized.

**SECTION 7. DECLARATION OF EMERGENCY IN “STAGE 5 EXCEPTIONAL DROUGHT EMERGENCY AND/OR WATER SYSTEM FAILURE”.**

The City strongly endorses and recommends that the Board, which exclusively serves the City, establish reciprocal emergency water use agreements and install adequate connections to allow

the transfer of water from one system to another in the event of drought or other disasters causing water shortages. Furthermore, it is recommended that similar agreements be established with other water systems that are geographically located to make such agreements workable and beneficial. This Stage could result from drought intensity or other unrelated causes for the potable water supply system failure. In this Stage, a significant or total failure of a water distribution system will have a disastrous effect on the City. At this juncture, notification of federal and state agencies for assistance may be required. An emergency operation center may be opened for the duration of the event. Priority will be placed on public safety and public health. This Stage 5 emergency shall ban outdoor water usage within areas in the City of Vestavia Hills that are serviced by local water authorities placing restrictions on water usage. Upon such publication of a Declaration of Water Service Emergency during a “Stage 5 Exceptional Drought Emergency and/or Water System Failure” by the Mayor, with the consensus of the City Council, based on information derived from the Board, the Council and other officials as they deem appropriate, as provided hereinabove, the use and withdrawal of water by any person for the following purposes **shall be prohibited unless otherwise specified:**

(a) Outdoor Watering: The watering or irrigating of shrubbery, trees, lawns, grasses, ground covers, plants, vines, gardens, vegetables, flower or any other vegetation. Commercial nurseries may **hand** water inventory daily during the hours of 10 PM to 10 AM and shall use the minimum amount of water possible to maintain inventory.

(b) Washing Mobile Equipment: The washing of automobiles, trucks, trailers, trailer houses, railroad cars or any other type mobile equipment unless the washing of said motor vehicles and equipment is accomplished by a commercial automatic car wash installation engaged in the business of washing motor vehicles and recycling water.

(c) Cleaning Outdoor Surfaces: The washing of sidewalks, driveways, gas station aprons, porches and other outdoor surfaces, except in emergency situations, such as toxic spills of hazardous materials.

(d) Cleaning Buildings: The washing of the outside of dwellings; the washing of the inside or outside of office buildings.

(e) Cleaning equipment and machinery: The washing and cleaning of any business or industrial equipment machinery.

(f) Ornamental Fountains: The operation of any ornamental fountain or other structure making similar use of water.

(g) Golf Courses: The watering of any portion of golf courses shall be prohibited.

(m) Persons watering from private lakes, wells, ponds or water tanks, if deviated from the schedule and/or provisions set forth above, must first provide verification to the City that an alternate source of water has been accessed and then obtain a one (1) year permit at a cost of \$10.00. The City shall issue, with the permit, a sign that shall be posted so as to be visible from the public right-of-way detailing that an alternate source of water is being utilized.

**SECTION 8. ENFORCEMENT:** Upon publication of a “Stage 3. Drought Warning”, “Stage 4. Extreme Drought Emergency” or “Stage 5. Exceptional Drought Emergency” under Section 2 hereof:

(a) Police Officers Enforce: Every police officer of the City shall, in connection with his or her duties imposed by law, diligently enforce the provisions of this Ordinance.

(b) Violations: Parents shall be responsible for violations of their minor children.

**SECTION 9. EXCEPTION TO MAINTAIN SANITATION, HEALTH AND SAFETY:** The Mayor shall have the authority to permit reasonable use of water in any case necessary to maintain adequate public health, safety and sanitary standards. However, this reasonable use shall not include any of the restrictions enumerated in the applicable stage set forth in Section 8 above. Additionally, notwithstanding any other provisions of this Ordinance, the Mayor may permit the watering of City and/or Board of Education owned or controlled athletic fields where the Mayor, in his sole discretion, determines that said athletic fields are hazardous to the health and safety of children, by being too hard by virtue of a lack of water. The Mayor may permit the watering of such athletic fields preferably limited to three hours per station, two times per week between the hours of 10 PM and 10 AM or to the extent necessary to abate the hazard to the health safety of such children.

**SECTION 10. PENALTIES.** Any person, firm or corporation violating any of the said terms and provisions of this Ordinance shall, upon conviction, be punished in accordance with

Title 11-45-9, Code of Alabama, 1975, for a misdemeanor violation for each such offense. Each day any violation of this Ordinance shall continue shall constitute a separate offense.

**SECTION 11. SEVERABILITY:** The provisions of this Ordinance are severable. If any portion of this Ordinance shall be declared invalid by any court of competent jurisdiction, such declaration shall not affect the remaining portions of this Ordinance.

**SECTION 12. EFFECTIVE DATE:** This Ordinance shall become effective immediately upon its adoption and publication as required by law.

**DONE, ORDERED, APPROVED AND ADOPTED** on this the 14<sup>th</sup> day of December, 2009.

David Carrington  
Council President

ATTESTED BY:

Rebecca Leavings  
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.  
Mayor

**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 Number 2318 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 14<sup>th</sup> day of December, 2009 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Public Library, and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Rebecca Leavings  
City Clerk

**PUBLIC NOTICE**  
**DROUGHT WARNING/WATER SYSTEM EMERGENCY**

DATE: \_\_\_\_\_

The Mayor of the City of Vestavia Hills, with consensus from the Vestavia Hills City Council has determined and declared that a water service emergency exists in the City of Vestavia Hills, Alabama and, therefore, has issued and published this declaration of the existence of such water emergency and/or water system failure pursuant to Ordinance Number 2318 of the City of Vestavia Hills with certain exemptions to maintain the health, safety and sanitation as determined by the Mayor.

**Effective, \_\_\_\_\_, \_\_\_\_\_, the Mayor of the City of Vestavia Hills, Alabama has declared Stage \_\_\_\_\_, “ \_\_\_\_\_ ” to restrict and/or prohibit certain uses of water as detailed below:**

**DECLARATION OF EMERGENCY IN “STAGE 3 DROUGHT WARNING” AND/OR “STAGE 4 EXTREME DROUGHT EMERGENCY”.** Upon such publication of a Declaration of Water Service Emergency during a “Stage 3 Drought Warning” or “Stage 4 Extreme Drought Emergency” as issued by the Mayor, with the consensus of the City Council, as provided hereinabove, the use and withdrawal of water by any person for the following purposes shall be as follows:

(a) Watering Yards: The hand watering of established lawns and landscaping is not allowed during the hours of **7 AM and 8 PM** on the allowable watering day. Addresses ending in an even number should hand water established lawns and landscaping on Mondays and Thursdays and addresses ending in an odd number should hand water on Tuesdays and Fridays.

(b) Watering New Lawns: New lawns and landscaping are exempt from the day of the week restrictions for the first twenty (20) days after installation and shall not be conducted between the hours of **7 AM and 8 PM** and is limited to only new lawns and plants. After the first twenty (20) days and up to the thirtieth (30<sup>th</sup>) day, hand watering is allowed two days per week. Addresses ending in an even number should hand water new lawns and landscaping on Mondays and Thursdays and addresses ending in an odd number should hand water on Tuesdays

and Fridays during the hours listed above. After the 30<sup>th</sup> day, hand watering should be in accordance with the preceding requirement (Stage 3, (a)). Documentation to verify the date of planting shall be made available upon request.

(c) Insecticides: Hand watering for the purpose of watering in insecticides, fungicides and herbicides where such watering is required by the manufacturer or by federal, state or local law shall be coordinated with the schedule above for established lawns and hand watering shall not be conducted between the hours of 10 AM and 10 PM. Documentation to verify the date of application shall be made available upon request.

(d) Washing Vehicles: The washing of automobiles, truck, trailers, mobile homes, campers, boats, or other type motor vehicle or equipment shall be suspended unless done by businesses engaged in car washing using recycled water. Businesses which utilize luxury vehicles as an integral part of their business, vehicles that are too large to fit into automatic car washes utilizing recycled water, including, but not limited to limousines, may hand wash said vehicle one time per week provided a nozzle is utilized on the hose automatically turning off any water flow when not in use. Also, automotive dealerships shall be allowed to wash any new automobile purchased by an individual from said dealership one time.

(e) Fire Hydrants: The use of fire hydrants for any purpose except for firefighting or flushing sewers for health protection purposes shall be suspended.

(f) Golf Courses: The watering of any portion of golf courses except for tees and greens shall be suspended. The watering of tees and greens is allowed on Mondays, Wednesdays and Fridays between the hours of 1 AM and 5 AM. Hand syringing is permitted for no more than 5 minutes per green on other days of the week when ambient temperature is equal to or greater than 94 degrees.

(g) Commercial Nurseries: Commercial nurseries are exempt from day of the week watering but shall restrict water use to the minimum amount necessary to maintain plants. Refrain from watering between 10 AM and 10 PM.

(h) Swimming Pools: Newly constructed or existing public and private swimming pools, which include outdoor hot tubs, spas and jacuzzis may be filled once upon completion. A one-time draining and subsequent re-filling of swimming pools is allowed only for repairs if conditions threaten the integrity of the pool and/or its support infrastructure.

(i) Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, gas station aprons, porches and other outdoor surfaces is prohibited except in emergency situations, such as toxic spills of hazardous materials.

(j) Cleaning Buildings. The washing of outside of dwellings; the washing of the inside or outside of office buildings is prohibited.

(k) Cleaning Equipment and Machinery. The washing and cleaning of any business or industrial equipment machinery is prohibited.

(l) Ornamental Fountains. The operation of any ornamental fountain or other structure making similar use of water is prohibited.

(m) Persons watering from private lakes, wells, ponds or water tanks, if deviated from the schedule and/or provisions set forth above, must first provide verification to the City that an alternate source of water has been accessed and then obtain a one (1) year permit at a cost of \$10. The City shall issue, with the permit, a sign that shall be posted so as to be visible from the public right-of-way detailing that an alternate source of water is being utilized.

**DECLARATION OF EMERGENCY IN “STAGE 5 EXCEPTIONAL DROUGHT EMERGENCY AND/OR WATER SYSTEM FAILURE”.** The City strongly endorses and recommends that the Board, which exclusively serves the City, establishes reciprocal emergency water use agreements and installs adequate connections to allow the transfer of water from one system to another in the event of drought or other disasters causing water shortages. Furthermore, it is recommended that similar agreements be established with other water systems that are geographically located to make such agreements workable and beneficial. This Stage could result from drought intensity or other unrelated causes for the potable water supply system failure. In this Stage, a significant or total failure of a water distribution system will have a disastrous effect on the City. At this juncture, notification of federal and state agencies for assistance may be required. An emergency operation center may be opened for the duration of the event. Priority will be placed on public safety and public health. This State 5 emergency shall ban outdoor water usage within areas in the City of Vestavia Hills that are serviced by local water authorities placing restrictions on water usage. Upon such publication of a Declaration of Water Service Emergency during a “Stage 5 Exceptional Drought Emergency and/or Water System Failure” by the Mayor, with the consensus of the City Council, based on information



derived from the Board, the Council and other officials as they deem appropriate, as provided hereinabove, the use and withdrawal of water by any person for the following purposes:

(a) Outdoor watering. The watering or irrigating of shrubbery, trees, lawns, grasses, ground covers, plants, vines, gardens, vegetables, flower or any other vegetation. Commercial nurseries may **hand** water inventory daily during the hours of 10 PM to 10 AM and shall use the minimum amount of water possible to maintain inventory.

(b) Washing Mobile Equipment. The washing of automobiles, trucks, trailers, trailer houses, railroad cars or any other type mobile equipment unless the washing of said motor vehicles and equipment is accomplished by a commercial automatic car wash installation engaged in the business of washing motor vehicles and recycling water.

(c) Cleaning Outdoor Surfaces. The washing of sidewalks, driveways, gas station aprons porches and other outdoor surfaces, except in emergency situations such as toxic spills of hazardous materials.

(d) Cleaning Buildings. The washing of the outside of dwellings; the washing of the inside or outside of office buildings.

(e) Cleaning Equipment and Machinery. The washing and cleaning of any business or industrial equipment machinery.

(f) Ornamental Fountains. The operation of any ornamental fountain or other structure making similar use of water.

(g) Golf Courses. The watering of any portion of golf courses shall be prohibited.

(h) Persons watering from private lakes, wells, ponds or water tanks, if deviated from the schedule and/or provisions set forth above, must first provide verification to the City that an alternate source of water has been accessed and then obtain a one (1) year permit at a cost of \$10. The City shall issue, with the permit, a sign that shall be posted so as to be visible from the public right-of-way detailing that an alternate source of water is being utilized.

Any person who shall violate any provision of Ordinance Number 2318 or shall do any act prohibited hereby shall upon conviction thereof be subject to the fines and penalties prescribed by the State of Alabama for a misdemeanor offense. Each day on which a violation occurs or continues shall be deemed a separate offense. Effective three (3) days following the date of this notice being the \_\_\_\_\_ day of \_\_\_\_\_, 2009.

Signed: \_\_\_\_\_  
Mayor

**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 28<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

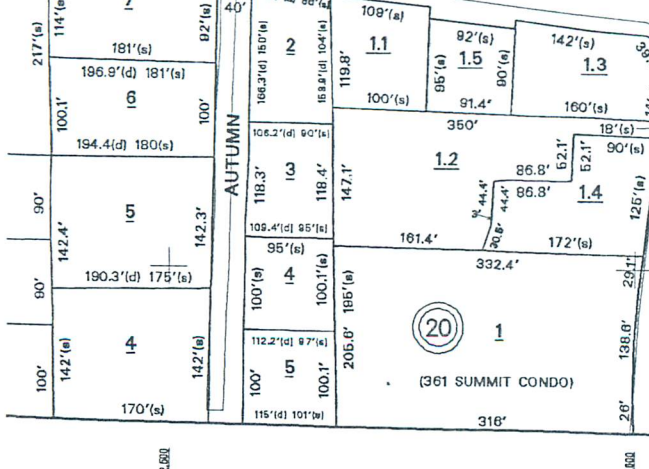
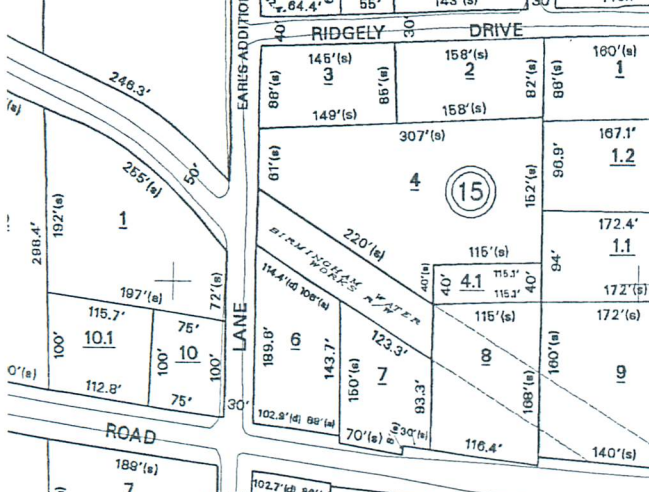
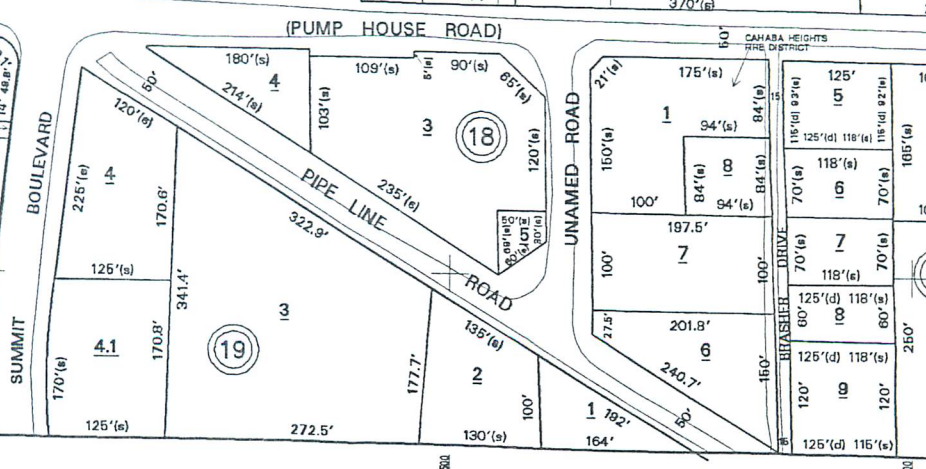
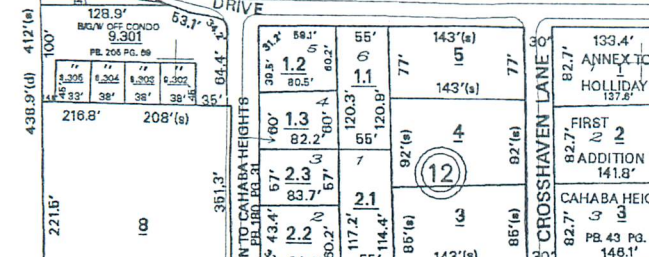
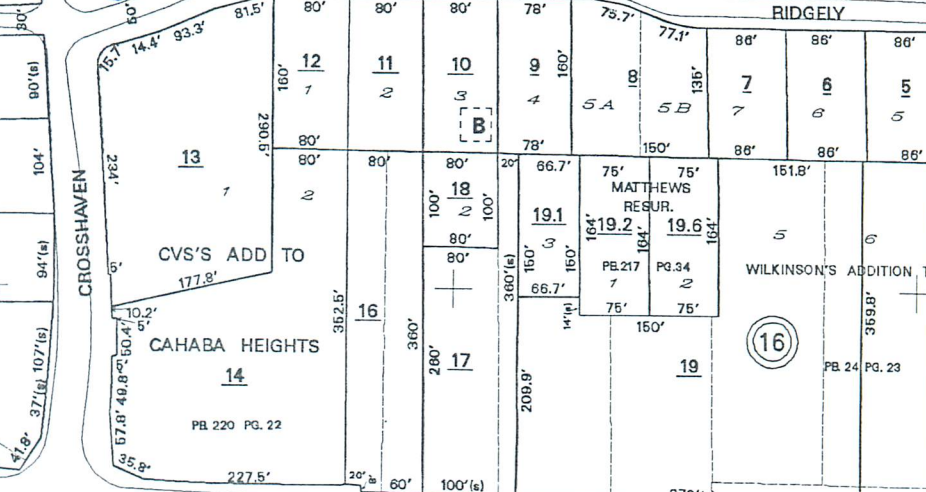
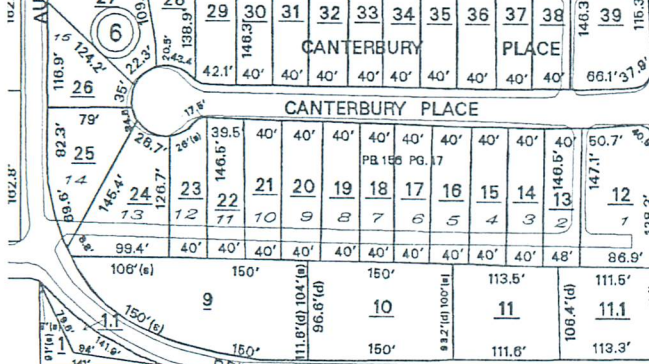
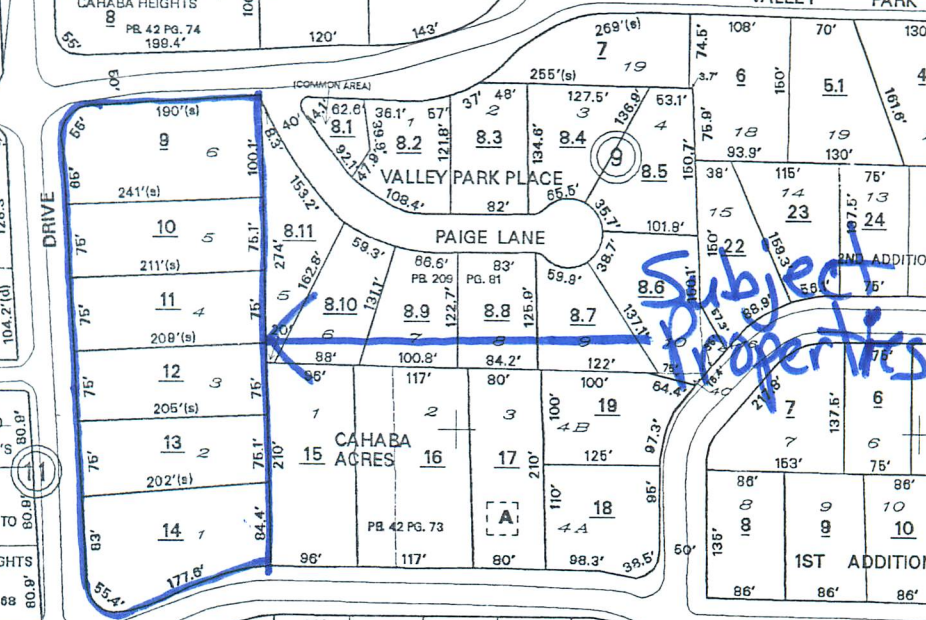
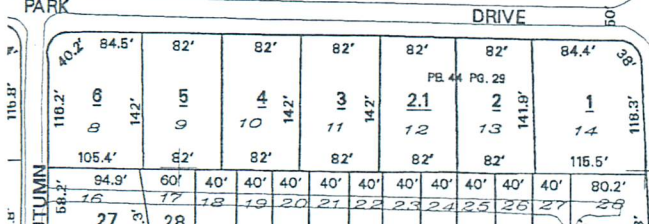
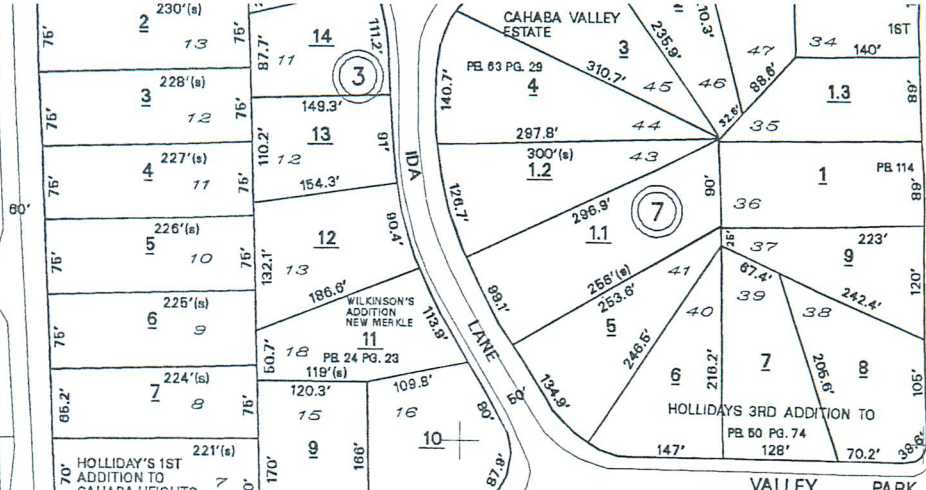
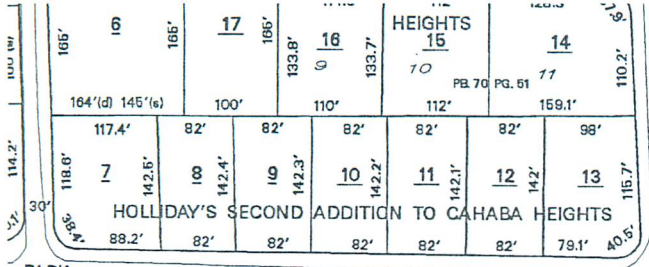
Rebecca Leavings  
City Clerk

**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 28<sup>th</sup> day of November, 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

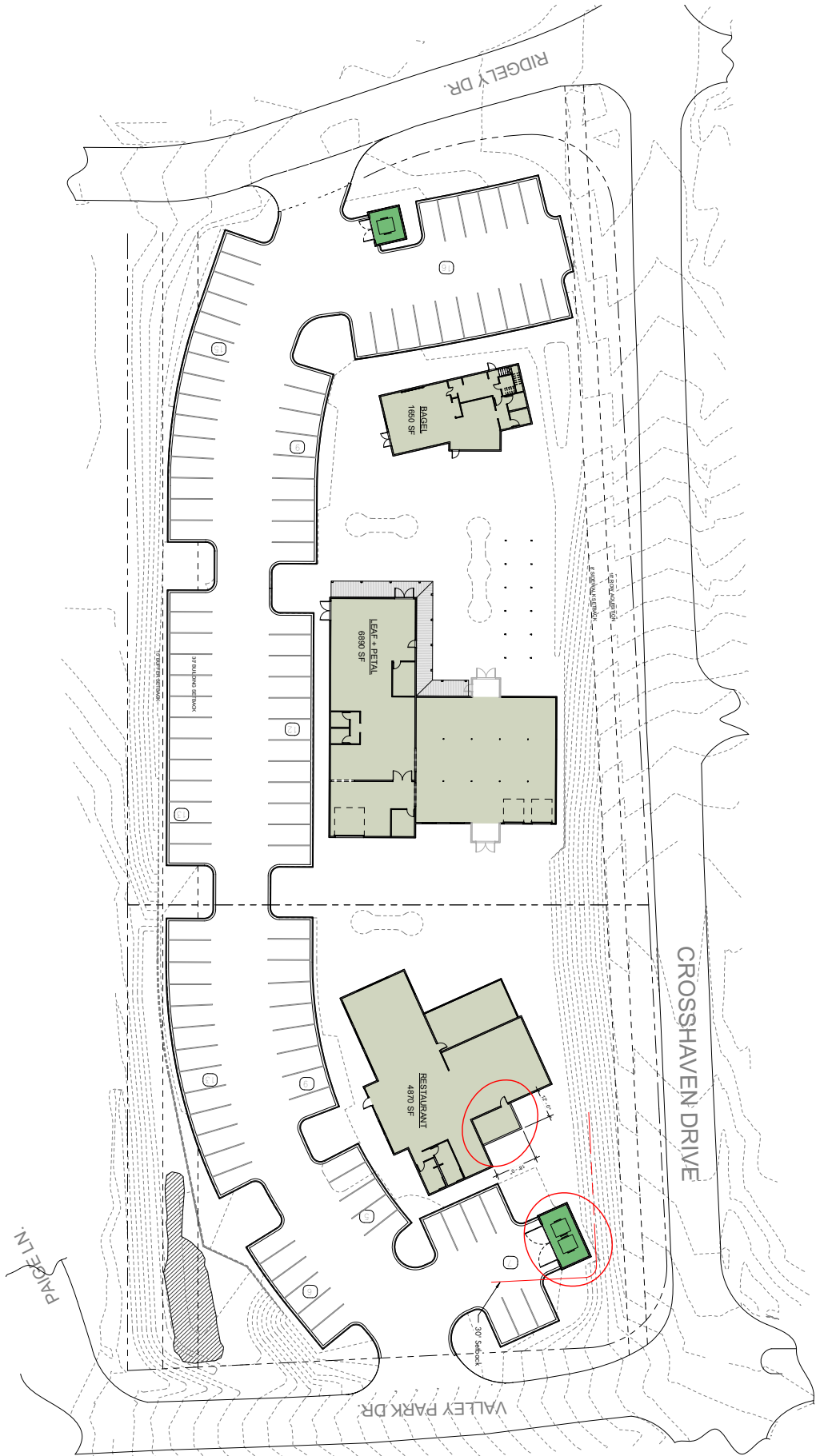
2. **City Engineer Review:** Currently reviewing plans.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** I have reviewed the application and I have no issues

**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	



**SITE PLAN 1**  
1"=200'  
 SD100

**Leaf + Petal**

Vestavia Hills, AL

**ARCHITECTURE WORKS**

1000 N. UNIVERSITY BLVD., SUITE 400  
 COLUMBIA, SC 29201  
 (803) 733-8444  
 www.architectureworks.com

**SITE PLAN**

NO.	REVISIONS

2523.000

PROJECT NUMBER

2523.000

PROJECT TITLE

SCHEMATIC DESIGN

DATE

SEPT. 27, 2016

SCALE

1"=200'

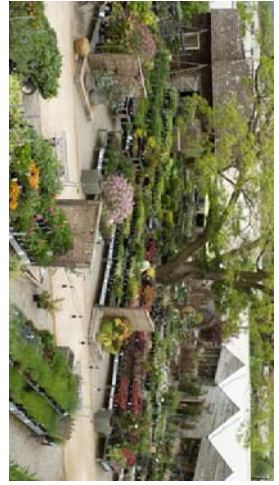
DRAWN BY

CHECKED BY

DATE

PROJECT NAME

SITE PLAN



NO.	DATE	REVISION

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

**LEAF + PETAL**



VESETAVIA HILLS, ALABAMA

**ARCHITECTURE WORKS**

1000 W. WASHINGTON ST. SUITE 100  
 HOUSTON, TEXAS 77002  
 TEL: 713.866.1111  
 WWW.ARCHITECTUREWORKS.COM



### 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       |

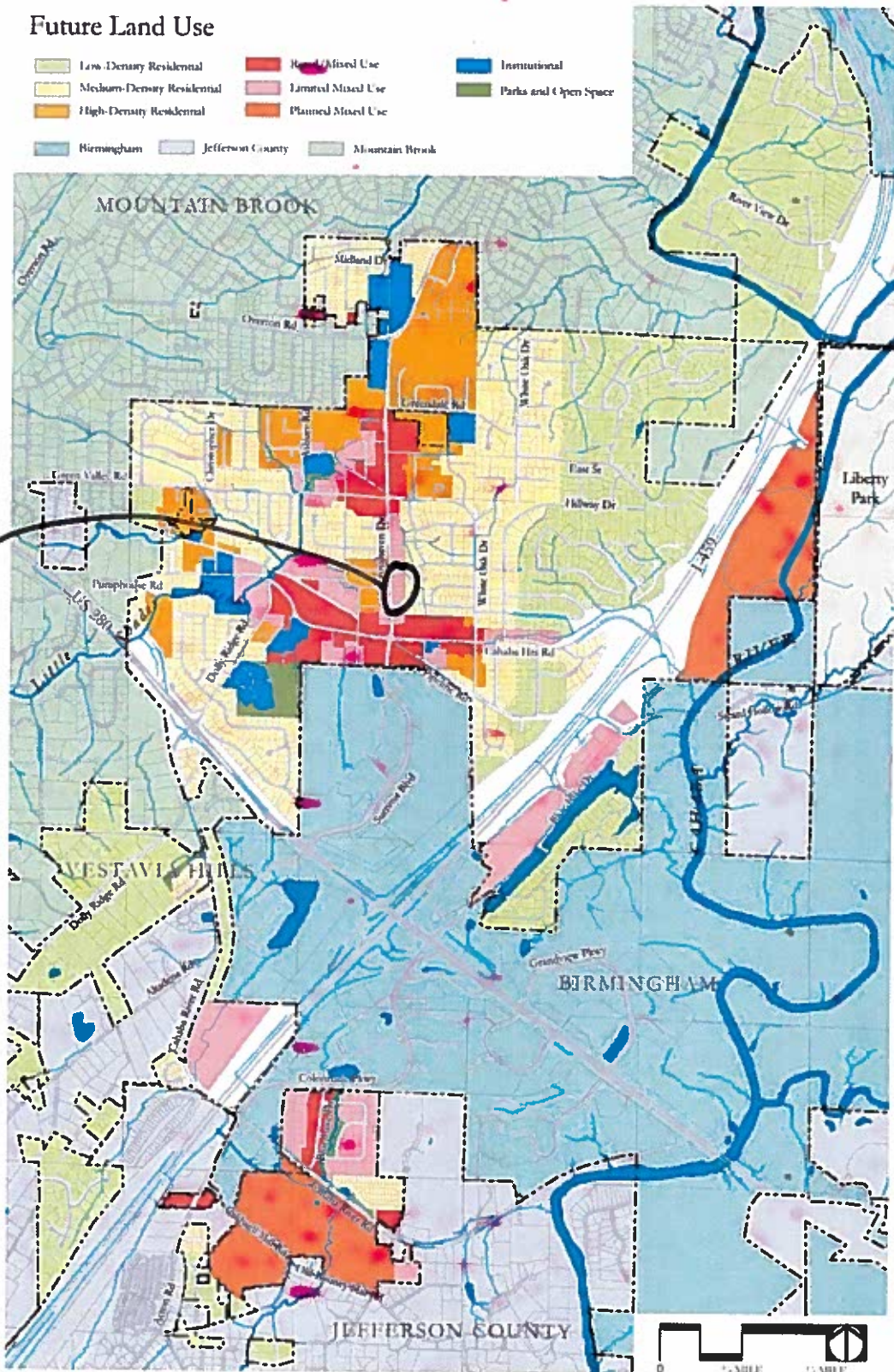


Figure 4: Future Land Use Map