

**Vestavia Hills  
City Council Agenda  
October 22, 2018  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Phillips, Vestavia Hills Police Chaplain
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
  - a. Announcement Of Two Upcoming Vacancies On The Vestavia Hills Library Board and Deadline for Application – November 13 – Mayor Curry
  - b. Announcement Of Upcoming Vacancy On Vestavia Hills Parks And Recreation Board and Deadline for Application – November 13– Councilor Paul Head
  - c. Announce Times/Dates For Interview Of Applicants
  - d. Rescheduling Of November 12, 2018 Meeting To November 13, 2018 Beginning At 6 PM In Observance Of Veteran’s Day
6. Proclamation – Keeping Lights On Afterschool Day – October 24, 2018
7. Proclamation – Small Business November – November 2018
8. Proclamation – National Hospice And Palliative Care Month – November 2018
9. City Manager’s Report
10. Councilors’ Reports
11. Financial Reports – Melvin Turner, III, Finance Director
12. Approval of Minutes – October 8, 2018 (Regular Meeting)

**Old Business**

**New Business**

13. Resolution Number 5105 – Alcohol License – Slice 280 LLD D/B/A Slice Stone Pizza And Brew; 3104 Timberlake Drive; For The On-Premise Sale Of 020 – Restaurant Retail Liquor; Jeffrey B. Bajalieh, Jason B. Bajalieh And Christopher S. Bajalieh, Executives (*public hearing*)
14. Resolution Number 5106 – A Resolution To Accept Schematic Of The Community Center Component Of The City Of Vestavia Hills Community Spaces Plan
15. Resolution Number 5107 – A Resolution To Accept Schematic Of The Cahaba Heights Athletic Fields Component Of The City Of Vestavia Hills Community Spaces Plan

16. Ordinance Number 2804 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Right-Of-Way Deed To Jefferson County For Sanitary Sewer At Wald Park

**New Business (Unanimous Consent Requested)**

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

17. Citizen Comments
18. Motion For Adjournment

WHEREAS, the citizens of Vestavia Hills, Alabama stand firmly committed to quality afterschool programs because they provide safe, challenging, and engaging learning experiences that help children develop social, emotional, physical and academic skills; support working families by ensuring their children are safe after the regular school day ends; and

WHEREAS, Vestavia Hills City Schools Extended Day Program has provided significant leadership in the area of community involvement in the education and well-being of our youth, grounded in the principle that quality afterschool programs are key to helping our children become successful adults; and

WHEREAS, *Lights On Afterschool*, the national celebration of afterschool programs promotes the importance of quality afterschool programs in the lives of children, families and communities; and

WHEREAS, more than 28 million children in the U.S. have parents who work outside the home, and 15.1 million children have no place to go after school; and

WHEREAS, many afterschool programs across the country are facing funding shortfalls so severe that they are being forced to close their doors and turn off their lights; and

WHEREAS, Vestavia Hills is committed to investing in the health and safety of all young people by providing expanded learning opportunities that will help close the achievement gap and prepare young people to compete in the global economy.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim October 24, 2018 as

### **LIGHTS ON AFTERSCHOOL DAY**

and urge the community of Vestavia Hills to engage in innovative afterschool programs and activities that ensure the lights stay on and the doors stay open for all children after school.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 16th day of October 2018.

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Ashley C. Curry  
Mayor

WHEREAS, the government of Vestavia Hills, Alabama celebrates our local small businesses and the contributions they make to our local economy and community; and

WHEREAS, according to the United States Small Business Administration there are currently 30.2 million small businesses in the United States and they represent 99.7% of all businesses with employees in the United States and are responsible for 66% of the net new jobs created from 2000 to 2017; and

WHEREAS, small businesses employ 47.5% of the employees in the private sector in the United States; and

WHEREAS, 89% of consumers who are aware of Small Business Saturday said the day encourages them to Shop Small all year long; and

WHEREAS, the most reported reason for consumers aware of the day to shop and dine at small independently-owned businesses was to support their community; and

WHEREAS, advocacy groups, as well as public and private organizations, in Alabama have endorsed the Saturday before Thanksgiving as Small Business Saturday.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim the month of November 2018 as

**SMALL BUSINESS NOVEMBER**

and urge the residents of Vestavia Hills to Shop, Dine, Play in Vestavia Hills and to support small businesses and merchants this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 15th day of October 2018.

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Ashley C. Curry  
Mayor



WHEREAS, as Medicare’s first proven coordinated care model, hospice is a program that works offering person-centered, compassionate care, ensuring people dignity, choice, and quality of life; and

WHEREAS, hospice involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

WHEREAS, hospice also attends to the patient’s emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling; and

WHEREAS, hospice is one of the few sectors that demonstrates how health care can – and should - work at its best for its patients; and

WHEREAS, research indicates that timely access to hospice and palliative care can decrease hospitalizations and Emergency Room visits and increase quality of life for patients and family caregivers; and

WHEREAS, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation’s hospice programs in communities throughout the United States; and

WHEREAS, hospice and palliative care organizations are advocates and educators about advance care planning that help individuals make decisions about the care they want;

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim November 2018 as

**NATIONAL HOSPICE & PALLIATIVE CARE MONTH**

and encourage all residents to increase their understanding and awareness of care at the end of life and to observe this month with appropriate activities and programs.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 16th day of October 2018.

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Ashley C. Curry  
Mayor

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**OCTOBER 8, 2018**

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Rusty Weaver, Mayor Pro-Tem  
Kimberly Cook, Councilor  
Paul Head, Councilor  
George Pierce, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
George Sawaya, Asst. Finance Director  
Jason Hardin, Deputy Police Chief  
Brian Gilham, Police Captain  
Marvin Green, Fire Chief  
Christopher Brady, City Engineer

David Harwell, member of the Vestavia Hills United Methodist Church, led the invocation followed by the Pledge of Allegiance

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Jim Carnes, Republican Candidate for House District 48, introduced himself and asked for support in the upcoming November election.
- David Wheeler, Republican Candidate for House District 47, introduced himself and asked for support in the upcoming November election.
- Mrs. Cook welcome Katherine McRee to the meeting. She explained that Mrs. McRee was present representing the Cahaba Heights Merchants Association.
- Mr. Pierce welcomed Sam Duffey, Chamber Board member, who was in attendance representing the Vestavia Hills Chamber of Commerce.
- The Mayor announced two upcoming vacancies on the Vestavia Hills Library Board. He stated members Anna Gualano and Andrew Gardner will be rolling off the Board. These

appointments are both for a 4-year terms. Applications will be accepted by the City Council until November 13, 2018 at 5:00 PM.

- Mr. Head announced an upcoming vacancy on the Vestavia Hills Parks and Recreation Board. The term of this appointment is for a 5-year term. He stated applications will be accepted tomorrow and due by November 13, 2018 at 5:00 PM and the appointments will be made at the December 10<sup>th</sup> meeting.

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

- Mr. Downes showed a map illustrating the areas within the proposed 20-mile paving plans as approved within the Infrastructure and Community Spaces Plan. He explained the areas that are planned to be resurfaced and indicated that they hope to have this project completed as soon as possible. He stated that an engineering analysis has been done throughout the City to determine priority and this repaving will begin very soon. Mr. Downes asked everyone to have patience as the paving progresses throughout the City. The map can be found on the City's website under the Projects page.
- Sidewalk design has begun on Green Valley Road. These bids will be opened on October 18 and a recommendation will be brought to City Council soon.

### **COUNCILOR REPORTS**

- Mrs. Cook stated that Vestavia Hills Liberty Park Middle School has been recognized and designated as a Blue Ribbon School. She stated that Councilor Pierce's wife, Kacy, was the principal there when the school opened and she helped to make this recognition possible.
- Mrs. Cook stated that she attended the open house for the new Vestavia Hills Dolly Ridge Elementary School and that she was impressed with how bright and spacious the interior was.
- Mrs. Cook stated that the high school PTO held Eat, Roll, Rebel to raise funds for the school.
- Mrs. Cook stated that, on October 20, Cahaba Heights Elementary will host the "Heights Heroes Run." She stated that she is a sponsor for this wonderful event and encouraged everyone to attend.
- Mrs. Cook announced that on October 16, she is hosting a meeting of volunteers to assist with planning and implementation of the "Safe Walk to School" initiative to advocate for sidewalks and safe pedestrian access to community schools. She stated that the meeting will be held at noon in the Executive Conference Room of City Hall. She encouraged volunteers to assist with this endeavor.
- Mr. Pierce stated that he will be attending the monthly Chamber of Commerce luncheon tomorrow for the Mayor's State of the City address.
- Mr. Pierce also reminded everyone that the annual Viva Vestavia Event will be held on October 25, 2018, beginning at 6:30 PM, at Hollywood Pool and Spa. He stated that tickets can be obtained from Chamber Board members or at the Chamber office.

- Mr. Weaver stated that the Planning and Zoning Commission will meet in regular session Thursday evening, beginning at 6 PM.
- Mr. Head announced that the Parks and Recreation Board will meet in work session on October 19, 2018 beginning at 11:30 AM in the Executive Conference Room.
- Mayor reminded everyone of the State of City address tomorrow at the Chamber luncheon. He indicated that the City is in great financial shape and that what he will cover in tomorrow's address.
- Mayor Curry announced two Veterans Day events: (1) the original and oldest is scheduled for Friday, November 9, at the New Merkel House; and (2) the second event is scheduled for Thursday, November 8, at Vestavia Hills United Methodist Church. He stated this one is being held at the church because of the larger expected crowd capacity. He stated the event begins at 1 PM and is held to salute all of our veterans. He invited everyone to attend.

### **APPROVAL OF MINUTES**

The minutes of September 17, 2017 (Work Session) and September 24, 2018 (Regular Meeting) were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of the September 17, 2017 (Work Session) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

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

**MOTION** Motion to dispense with the reading of the minutes of the September 24, 2018 (Regular Meeting) and approve them as presented was by Mrs. Cook and second by Mr. Weaver. Roll call vote as follows:

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

### **OLD BUSINESS**

#### **RESOLUTION NUMBER 5094**

**Resolution Number 5094 – Annexation – 90 Day – 3421 Coventry Drive; Lot 6, Block 2, Coventry 1<sup>st</sup> And 2<sup>nd</sup> Sector; Barbara French, Owner (*public hearing*)**

The Mayor explained that for the next 3 annexation requests, the public hearing will be for both the resolution and the ordinance will be held simultaneously with the consideration of the resolution.

**MOTION** Motion to approve Resolution Number 5094 was by Mr. Weaver seconded by Mrs. Cook.

Barbara French, owner, was present in regard to the request.

Mrs. Cook gave the report from the Standing Annexation Review Committee which detailed the findings of the property, including that the property is currently tax-exempt with no other concerns noted by other departments. She stated this is one of only three homes on the street that are not within the City limits.

Mr. Pierce asked about Mrs. French's intentions for the property.

Mrs. French stated she would like to live there the rest of her life.

Mrs. Cook stated she ran numbers on the property and indicated the ad valorem revenues that would be due the City if the property were not fully exempt.

The Mayor opened the floor for a public hearing on both this resolution and the following ordinance, which is the overnight annexation of the same property.

David Harwell, 1803 Catala Road, stated he reviewed the agenda packet this weekend and noted that the property does meet the requested value but since there are no property taxes being collected, he asked the Council to deny the request.

There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

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

### **ORDINANCE NUMBER 2797**

**Ordinance Number 2797 – Annexation – Overnight – 3421 Coventry Drive; Lot 6, Block 2, Coventry 1<sup>st</sup> And 2<sup>nd</sup> Sector; Barbara French, Owner (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2797 was by Mr. Weaver seconded by Mr. Pierce.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing was combined with the previous resolution.

There being no one, further, to address the Council, the Mayor called for the question.

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

**RESOLUTION NUMBER 5095**

**Resolution Number 5095 – Annexation – 90 Day – 3531 Valley Circle; Lot 6, Block 1, Dolly Ridge Estates, 2<sup>nd</sup> Add; Alan and Patricia Foster, Owners (public hearing)**

**MOTION** Motion to approve Resolution Number 5095 was by Mr. Weaver seconded by Mrs. Cook.

Alan Foster, owner, was present in regard to this request. He explained that the home which has not been updated in many years and that their plan is to renovate it with the expectation that the resale will be over \$330,000.

Mrs. Cook gave the report from the Standing Annexation Review Committee which showed this has been a rental property for several years, under the previous owner. The tax assessment is well below the desired amount and is located in a community that has some properties in and some properties out of the City limits. This property is assessed at double value because there is no homestead exemption. No other problems were noted by City departments or the Board of Education. She asked about the current status of the renovations.

Mr. Foster stated they have been working on the home for about a month. He reviewed some of the improvements.

Mrs. Cook stated that the property will provide \$3,000 in ad valorem for the City, since it is not homestead-exempt.

Mr. Pierce asked if the Fosters plan to live there.

Mr. Foster stated that the renter moved out and, once renovated, they plan to sell it.

The Mayor opened the floor for a public hearing on both this resolution and the following ordinance, which is the overnight annexation of the same property. There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

**ORDINANCE NUMBER 2798**

**Ordinance Number 2798 – Annexation – Overnight – 3531 Valley Circle; Lot 6, Block 1, Dolly Ridge Estates, 2<sup>nd</sup> Add; Alan and Patricia Foster, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2798 was by Mr. Pierce, seconded by Mrs. Cook.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing was combined with the previous resolution.

There being no one, further, to address the Council, the Mayor called for the question.

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

### **RESOLUTION NUMBER 5096**

**Resolution Number 5096 – Annexation – 90 Day – 2532 Skyland Drive; Lot 8, Block 2, Dolly Ridge Estates, 2<sup>nd</sup> Add; Jason and Laura Sparks, Owners (public hearing)**

**MOTION** Motion to approve Resolution Number 5096 was by Mr. Weaver seconded by Mr. Pierce.

Jason and Laura Sparks, owners, were present in regard to this request. Mr. Sparks thanked the Council for consideration and stated that they both were raised in Vestavia Hills and that they purchased this home with the hope that they can be annexed and be a part of the community. He stated that they have done a lot of improvements to the home, since moving in, and hope to continue improvements.

Mrs. Cook gave the report from the Standing Annexation Review Committee and indicated that the assessed value of \$211,100 revealed that the ad valorem revenue to the City and Board of Education would be about \$1,500 if the property were annexed. She stated there is a report in the packet from Engineering concerning a problem with a storm water pipe.

Mr. Brady stated he met with the homeowner and noted there is a deteriorating storm water drainage pipe on this property, which extends into the right-of-way. He stated they reached out to Jefferson County for assistance and that the County responded that they would share responsibility to repair the pipe. The pipe portion on private property would be responsibility of the homeowner. The homeowner stated they hope to fix the pipe in the near future should the property be annexed.

Mr. Pierce asked if this new valuation was before the improvements.

Mr. Sparks stated that the new valuation was before the improvements.

Mr. Pierce asked if this pipe was a part of the Infrastructure and Community Spaces Program. Mr. Brady stated that this public storm water pipe was not included in the plan because the home is not currently in the City. Mr. Sparks stated that he is willing to fix his part of the pipe when the City and County are ready to do the remainder.

Mrs. Cook stated there were no other problems noted and they have one child.

The Mayor opened the floor for a public hearing on both this resolution and the following ordinance, which is the overnight annexation of the same property. There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

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

### **ORDINANCE NUMBER 2799**

**Ordinance Number 2799 – Annexation – Overnight – 2532 Skyland Drive; Lot 8, Block 2, Dolly Ridge Estates, 2<sup>nd</sup> Add; Jason and Laura Sparks, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2799 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing was combined with the previous resolution.

There being no one, further, to address the Council, the Mayor called for the question.

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

### **RESOLUTION NUMBER 5097**

**Resolution Number 5097 – A Resolution Requesting The De-Annexation Of Property Located At 3961 Briar Oak Drive; Robert Butler, Owner, Frank Galloway, III, Representing (public hearing)**

**MOTION** Motion to approve Resolution Number 5097 was by Mr. Weaver seconded by Mr. Pierce.

Mrs. Cook gave the report from the Standing Annexation Review Committee and noted this is a rare de-annexation petition. The owner is requesting de-annexation in order to request annexation to the City of Mountain Brook. She stated that the current annual ad valorem taxes for the City and the School Board totals about \$7,000. The home appraised value is \$964,300. Cook called attention to the opinion the Council received from City Attorney, Patrick Boone, regarding the parameters of the decision to de-annex. Mrs. Cook stated Mr. Boone could not be here tonight, but attorney Bill Justice is present to answer any questions the Council might have. Cook reported that our attorney's opinion states that granting a de-annexation petition is a legislative decision



and that courts defer to the discretion of the governing body, acting only to correct an abuse of discretion or when a governing body acts in bad faith when making the decision. She stated that the opinion also states that the governing body “must find that the public health or the public good requires such a procedure.” The opinion references the State of Alabama Attorney General Opinion 96-00159 that makes this statement.

Bill Justice, attorney representing the City, explained the Council’s consideration of the de-annexation petition should be based upon §11-42-200, Code of Alabama, 1975. He stated that if the Council finds this request is in the public good, then they can provide for de-annexation.

Mr. Pierce pointed out that the owner has owned the property since 1961 and that his son obtained the property in 2015.

Trip Galloway, attorney representing the petitioners, distributed information to the Council giving further information on the request. Mr. Galloway acknowledged that it is rare to entertain a de-annexation request and thanked the Council for consideration. He stated that he believes that, once the Council has reviewed this additional information, they will find it is in the public good to de-annex the property. The property was purchased in 1991 and, following a divorce, Mr. Butler became the sole owner in 1994. This is a 4-bedroom house and was finally put under contract after a year on the market. The new couple has a one-year old child and have concerns of living in a home at the end of an entire street located in another city. He asked if there is clarity as to how this property should be governed. He showed a discrepancy over a small corner of the property in the tax maps and that if you run the legal descriptions in his deeds, it shows different descriptions and different jurisdictions. He stated that this causes confusion in all jurisdictions as both claim Mountain Brook and Vestavia Hills show that it is in their city limits. Tax records show confusion in the jurisdictions. Mr. Galloway showed a flood elevation FEMA map which shows the portions of the property that are within the flood plain which will limit what can be built on the property. He further indicated that the timing of the request would mean that Vestavia Hills will still receive the ad valorem taxes for the next two fiscal years with no expected services. He spoke to the issue of precedent and indicated how he feels the approval of this request will not begin a precedence of de-annexations in other parts of the City.

The Mayor opened the floor for a public hearing.

Scott Brown, attorney representing the owner, Mr. Butler, stated that the goal of the new owners is not to get out of Vestavia, but to gain a home that is a part of the same community as the neighboring homes so the children can all go to the same schools and grow up together. He stated that the confusion within the tax maps makes for no sense in jurisdiction and the public good would be better served by granting this de-annexation. He stated that he feels this is a unique situation whereby, the only access to this property is through Mountain Brook.

Patrick McGuire, resident of Birmingham and possible new owner of the property, echoed that this decision is based upon practicality. He stated, if it were reversed, they would be requesting annexation into Vestavia because they wish to be the same municipality as all the neighbors. He indicated that the proximity of the schools and the carpool situation would be difficult with all the neighbors in another municipality and they would have to do this alone. He

stated that there has not been a petition like this before on this property because Mr. Butler, the current owner has no children and does not have to deal with this circumstance.

Mrs. Cook reminded the Council that Engineering noted that that the city does provide garbage service, but the street is not on the City's maintenance list. The Board stated they "hated to lose the property" and the VHPD and the VHFD have no concerns about providing services.

Mayor Curry stated that the property has been in the City for 16 years. He asked if there have been any issues concerning servicing this property.

Chief Green stated that the VHFD has no records of responses to this address and verified that this is on the City's 9-1-1 listing and this property is still within the service radius of the Vestavia Hills James F. Wyatt Fire Station No. 5.

Captain Hardin stated that the VHPD has no problems servicing the property. He stated that the computer-aided dispatch (CAD) system shows the property in the City, so there should be no problems with police response to emergencies.

Mayor Curry stated this does not appear to be for the public good for the City of Vestavia. He asked that the Council not set a precedent for property owners to come petition for de-annexation from the City. He stated that he is not convinced that this reaches the threshold of serving the public good.

Mr. Pierce stated he is only aware of a few de-annexations on record. He stated once this is de-annexed, it probably would never be able to come back into the City.

Mr. Galloway stated that they recognize that issue and he appreciates that observation.

Mr. Weaver stated that whether it is good or bad, he looks at this logically and there is no property logically near this one that is in Vestavia Hills. He stated there might appear to be a precedent set, but each request needs to be evaluated on its own merit.

Mr. Head agreed that this needs to be reviewed logically.

Mrs. Cook stated there was a property owner representative at the Committee meeting and, at that time, none of this information was brought up regarding jurisdiction confusion.

Mr. Galloway stated that he did not realize it until this morning.

William McCree, 3944 River View Drive, stated that half of their neighborhood is Vestavia with half in Mountain Brook. He stated that they could have annexed into Mountain Brook but chose not to do it when Mountain Brook attempted to take their neighborhood and to get the adjacent commercial neighborhoods. Mountain Brook always gives Vestavia Hills the short end of the deal and he wanted to know why the City could give up this resource to give to Mountain Brook. He stated that Mountain Brook has never done it for our City.

Mrs. Cook stated that when she thinks of the public good in regard to the City of Vestavia Hills at large and not Mountain Brook. She stated she is not convinced there is a concern over the City continuing to provide services to this property, services which have been provided for years. She stated that this is a significant amount of ad valorem taxes for the City to give up.

There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

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

### **ORDINANCE NUMBER 2802**

#### **Ordinance Number 2802 – An Ordinance Establishing The Cahaba Heights And City Center Entertainment Districts (public hearing)**

**MOTION** Motion to approve Ordinance Number 2802 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes explained that the city is allowed by State law to have three entertainment districts. One was established years ago in the Rocky Ridge commercial area. This proposed ordinance creates two more districts, one in Cahaba Heights and the other at City Center. He stated that the ordinance establishes times and days for the entertainment district as Sunday through Thursday from noon to 9 PM and Friday and Saturday from noon to 11 PM. He showed a map of both proposed districts and described the district limits.

Discussion ensued about restrictive covenants regarding outdoor entertainment on some of the commercial property. Mr. Downes stated that, if there was a reception at the new Leaf and Petal, a patron could purchase a cocktail at El Zun Zun and go to the Leaf and Petal for the event and still be within the district requirements.

The Mayor stated that the term “entertainment district” might be misleading because this really deals with service of alcoholic drinks.

Mr. Pierce asked about any complaints from the Rocky Ridge entertainment district.

Capt. Hardin stated that VHPD has had no complaints from the Rocky Ridge district.

Mr. Downes noted that the City can enforce the noise ordinance but cannot enforce private covenants.

Mr. Pierce stated that he sees this more as a business opportunity district for special events.

Discussion ensued as to the ability of the council to amend or discontinue the districts if issues developed.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that the Rocky Ridge district has been fantastic. He stated he sees no problems with the times and days. He stated his only concern is asked if there is a way to notify individuals where the boundaries are located physically on the location.

Mrs. Cook stated that that was a concern of hers as well. Mr. Downes stated that it would be difficult in Cahaba Heights because it would require so much signage. Downes mentioned the possibility of some specific or temporary signage along with police presence during events.

There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

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

## **NEW BUSINESS**

### **RESOLUTION NUMBER 5102**

#### **Resolution Number 5102 – A Resolution Changing The Dates And/Or Times Of Council Meetings And Work Sessions For November And December**

**MOTION** Motion to approve Resolution Number 5102 was by Mr. Weaver seconded by Mr. Pierce.

The Mayor explained that this Resolution changes the following meeting dates/times:

- The November 12, 2018 meeting will move to November 13, 2018, at 6 PM.
- The December 24, 2018 meeting will move to December 17, 2018, beginning at 6 PM and the regular Work Session, scheduled for that December 17, 2018, will move to 5 PM.

There being no one, further, to address the Council, the Mayor closed the public hearing and called for the question.

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

**RESOLUTION NUMBER 5103**

**Resolution Number 5103 – A Resolution Authorizing The City Manager To Execute And Deliver A Project Agreement With The State Of Alabama Department Of Labor For The Sicard Hollow Park Project**

**MOTION** Motion to approve Resolution Number 5103 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Downes stated that there is an existing master plan for the park off Sicard Hollow Road. The City desires to continue improvements on the property and applied for a \$1 million grant. The Abandoned Mine Land Reclamation Act fund granted \$750,000, requiring no match. He described the initial vision for this award. This resolution allows the City to enter into an agreement in order to obtain grant reimbursement. If approved, the project will be managed by TCU at no extra cost.

Discussion ensued as to parking for larger crowds and possible need of an additional access point.

There being no one to address the Council, the Mayor called for the question.

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

**ORDINANCE NUMBER 2803**

**Ordinance Number 2803 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Professional Services Agreement With Rice Advisory, LLC**

**MOTION** Motion to approve Ordinance Number 2803 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Downes stated that this is an agreement with our financial advisor, Chris Williams, at no cost to the City unless there is more debt accrued. He stated that there is no anticipated need to go back to the bond market, but that the agreement allows Mr. Turner to utilize him as a consultant.

There being no one to address the Council, the Mayor called for the question.

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

**NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)**

The Mayor stated that Resolution Number 5104 requires unanimous consent for immediate consideration and action. He opened the floor for a motion.

**MOTION** Motion for unanimous consent for the immediate consideration and action of Resolution Number 5104 was made by Mr. Weaver 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 carried.

**RESOLUTION NUMBER 5104**

**Resolution Number 5104 - A Resolution Declaring An Emergency And Authorizing The City Manager To Authorize Roadway Repair For A Section Of Vestaview Lane Due To A Water Main Break (public hearing)**

**MOTION** Motion to approve Resolution Number 5104 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Downes explained that a water main break on Vestaview left a huge hole in the roadway. The temporary repairs deteriorated and needed an emergency replacement, which will be reimbursed by the BWWB. He stated that they used the City’s contracted paving company and the City declared it an emergency so they did not have to wait for completion of a bid process.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that this has already been completed. Mr. Brady explained.

There being no one to address the Council, the Mayor closed the public hearing and called for the question.

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – 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 regular meeting on October 22, 2018, at 6:00 PM.

- None.

**CITIZEN COMMENTS**

None.

At 7:49 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 7:50 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 5105**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR SLICE 280 LLC D/B/A SLICE STONE PIZZA  
AND BREW; JEFFREY S. BAJALIEH, JASON B.  
BAJALIEH AND CHRISTOPHER S. BAJALEIH,  
EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Slice 280 LLC d/b/a Slice Stone Pizza and Brew, located at 3104 Timberlake Drive, Vestavia Hills, Alabama, for the on-premise sale of 020 - Restaurant Retail Liquor; Jeffrey S. Bajalieh, Jason B. Bajalieh and Christopher S. Bajaleih, executives.

**APPROVED and ADOPTED** this the 22nd day of October, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk





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



**Confirmation Number: 20181009141409800**

**Type License:** 020 - RESTAURANT RETAIL LIQUOR **State:** \$300.00 **County:** \$300.00

**Type License:** **State:** **County:**

**Trade Name:** SLICE STONE PIZZA AND BREW **Filing Fee:** \$50.00

**Applicant:** SLICE 280 LLC **Transfer Fee:**

**Location Address:** 3104 TIMBERLAKE DRIVE VESTAVIA HILLS, AL 35243

**Mailing Address:** 5428 11TH AVE S BIRMINGHAM, AL 35222

**County:** JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**

**Type Ownership:** LLC

**Book, Page, or Document info:** 2017016765

**Date Incorporated:** 02/17/2017 **State incorporated:** AL **County Incorporated:** JEFFERSON

**Date of Authority:** 02/17/2017 **Alabama State Sales Tax ID:** R009366085

**Federal Tax ID:** 36-4687505

<b>Name:</b>	<b>Title:</b>	<b>Date and Place of Birth:</b>	<b>Residence Address:</b>
JEFFREY SAIED BAJALIEH 5919245 - AL	MEMBER	09/05/1974 BIRMINGHAM, AL	5428 11TH AVE S BIRMINGHAM, AL 35222
JASON BRIAN BAJALIEH 9327356 - AL	MEMBER	06/29/1980 BIRMINGHAM, AL	4342 CLAIRMONT AVE S BIRMINGHAM, AL 35222
CHRISTOPHER SALEH BAJALIEH 6073771 - AL	MEMBER	08/30/1976 BIRMINGHAM, AL	5016 10TH COURT S BIRMINGHAM, AL 35222

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? NO

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:** JASON BAJALIEH

**Business Phone:** 205-966-9847

**Fax:**

**Home Phone:** 205-966-9847

**Cell Phone:** 205-966-9847

**E-mail:** JASON@SLICEBIRMINGHAM.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: 20181009141409800**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: 3104 TIMBERLAKE, LLC 205-966-9847  
 What is lessors primary business? **PROPERTY OWNER**  
 Is lessor involved in any way with the alcoholic beverage business? **YES**  
 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? **YES**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: 2800 Display Square Footage:  
 Building seating capacity: 130 Does Licensed premises include a patio area? **YES**  
 License Structure: **SINGLE STRUCTURE** 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)?

<b>Name:</b>	<b>Violation &amp; Date:</b>	<b>Arresting Agency:</b>	<b>Disposition:</b>
JASON BAJALIEH	POSSESSION OF MARIJUANA 2ND DEGREE 03/01/2008	VESTAVIA HILLS PD	DISMISSED
JASON BAJALIEH	POSSESSION OF MARIJUANA 1ST DEGREE 06/06/2000	TUSCALOOSA CO SO	PARDONED
CHRISTOPHER BAJALIEH	POSSESSION OF CONTROLLED SUBSTANCE 8/04/2005	BIRMINGHAM PD	ATTENDED CLASSES





# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20181009141409800**

**Initial each**

**Signature page**

JB

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

JB

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

JB

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.

JB

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.

JB

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.

JB

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): Jason Bajalich

Signature of Applicant: *Jason Bajalich*

Notary Name (print): Valencio Johnson

Notary Signature: *Valencio Johnson*

Commission expires: 4/22/22

**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:**

# INTEROFFICE MEMORANDUM

**DATE:** October 17, 2018

**TO:** Dan Rary, Police Chief

**FROM:** Rebecca Leavings, City Clerk

**RE:** Alcohol License Request – 020 - Restaurant Retail Liquor

Please find attached information submitted by Jeffrey S. Bajalieh, Jason B. Bajalieh and Christopher S. Bajaleih who request an alcohol license to sell 020 - Restaurant Retail Liquor at the Slice Stone Pizza and Brew d/b/a Slice 280 LLC, 3104 Timberlake Drive, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 22nd day of October, 2018 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

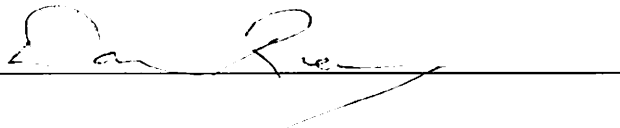
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## Reply

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

	<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>
✓	<i>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</i>
	<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: \_\_\_\_\_



**RESOLUTION NUMBER 5106**

**A RESOLUTION TO ACCEPT SCHEMATIC OF THE COMMUNITY CENTER COMPONENT OF THE CITY OF VESTAVIA HILLS COMMUNITY SPACES PLAN**

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

1. That the City Council hereby accepts the design schematic as detailed in the Community Center component of the City of Vestavia Hills Community Spaces Plan dated October 15, 2018; and
2. A copy of said plan is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5106 as though written fully therein; and
3. This Resolution Number 5106 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 22<sup>nd</sup> day of October, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



CITY OF VESTAVIA HILLS  
COMMUNITY SPACES

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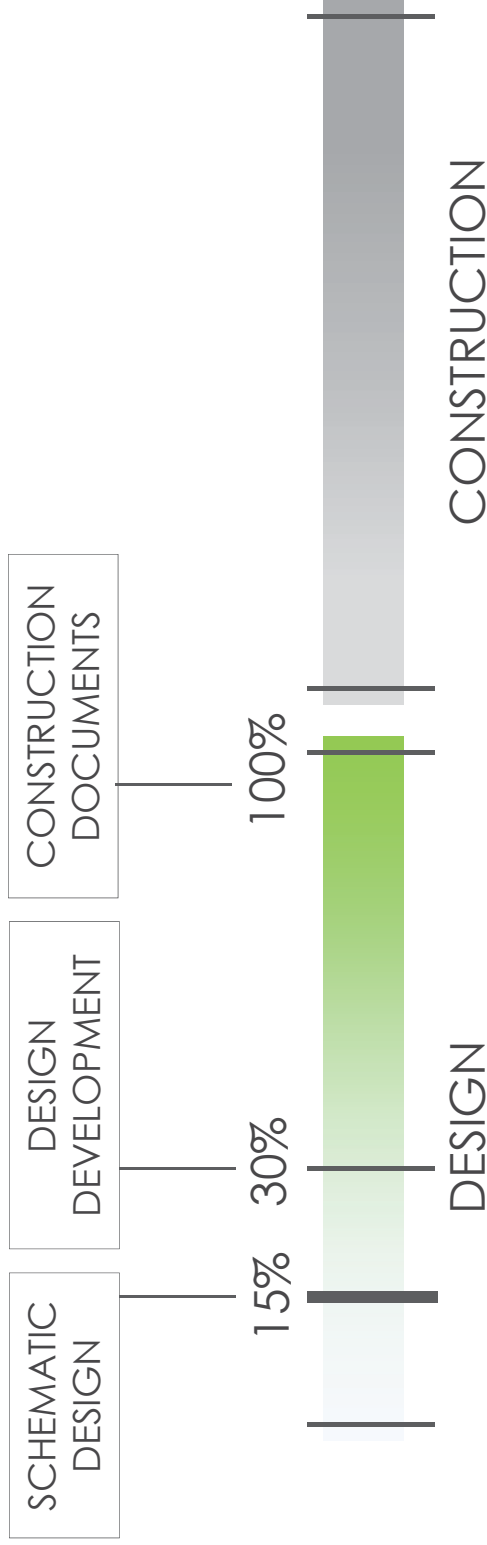
# COMMUNITY CENTER

PRELIMINARY SCHEMATIC DESIGN REVIEW

15 OCTOBER 2018

WILLIAMS BLACKSTOCK ARCHITECTS

## PROJECT STATUS



## SCHEMATIC DESIGN PHASE

- The Architect shall examine and analyze available information provided by the Owner and Owner's Representative and shall advise and recommend as to additional information necessary to begin specific design work on the Project. The Architect shall assist in the development of the Owner's program.
- Upon analysis of all available information and prior to initiating any design tasks, the Architect shall participate in a preliminary evaluation project analysis with the Owner and Owner's Representative.

# DESIGN PROGRESS

WILLIAMS BLACKSTOCK ARCHITECTS

Exhibit A - Resolution No. 5106

15 OCTOBER 2018





**VISION**

**CONNECT**

- City Hall Connection
- Wald Park Connection

**VENUE**

- Appropriate and Effective Use of Existing Property
- Operational Flexibility
- Effective use of Parking

Exhibit A - Resolution No. 5106

# VISION

## COMMUNITY & CAMPUS

- Create Hub of City Activity - linking City Hall, Police/Court, and City Lawn
- Create Hub of new, effective Community Meeting Spaces
- Create Hub of Indoor Recreation

## CONNECT

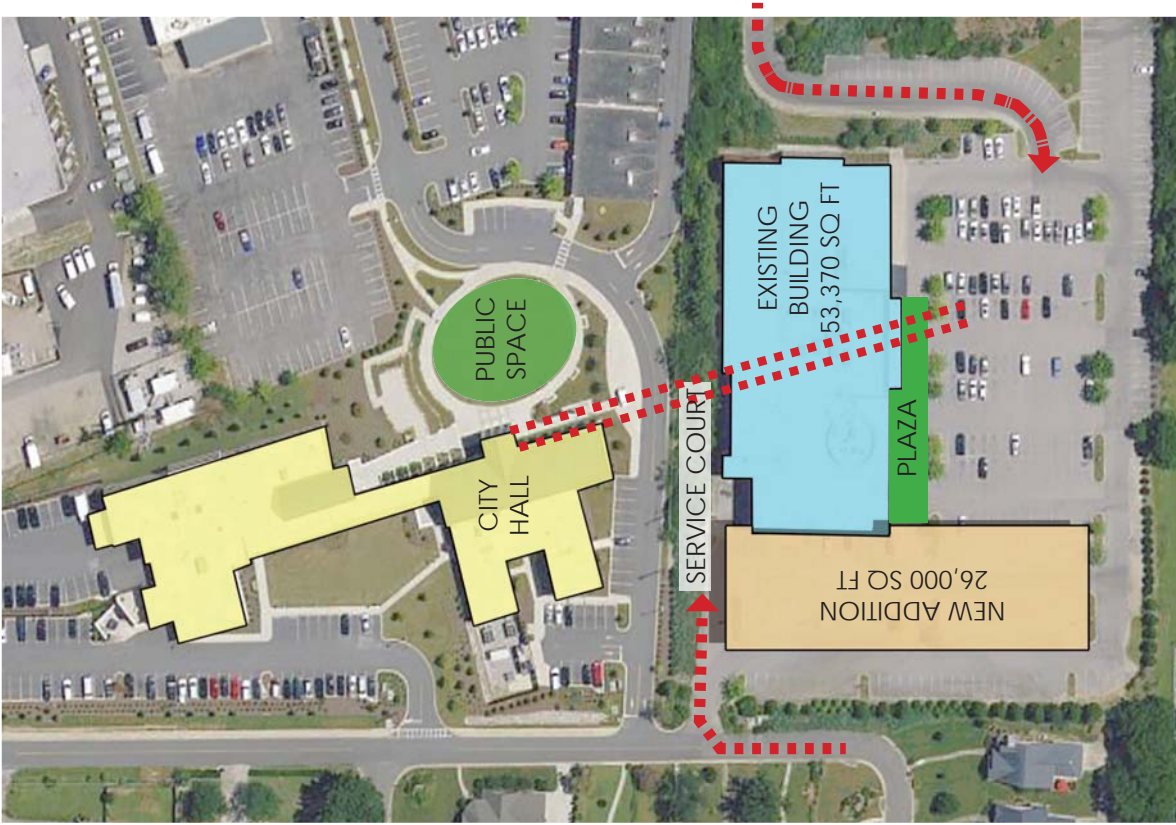
- Connect City Hall and Community Center
- Provide Accessible connection
- Enhance Visual connection

## VENUE

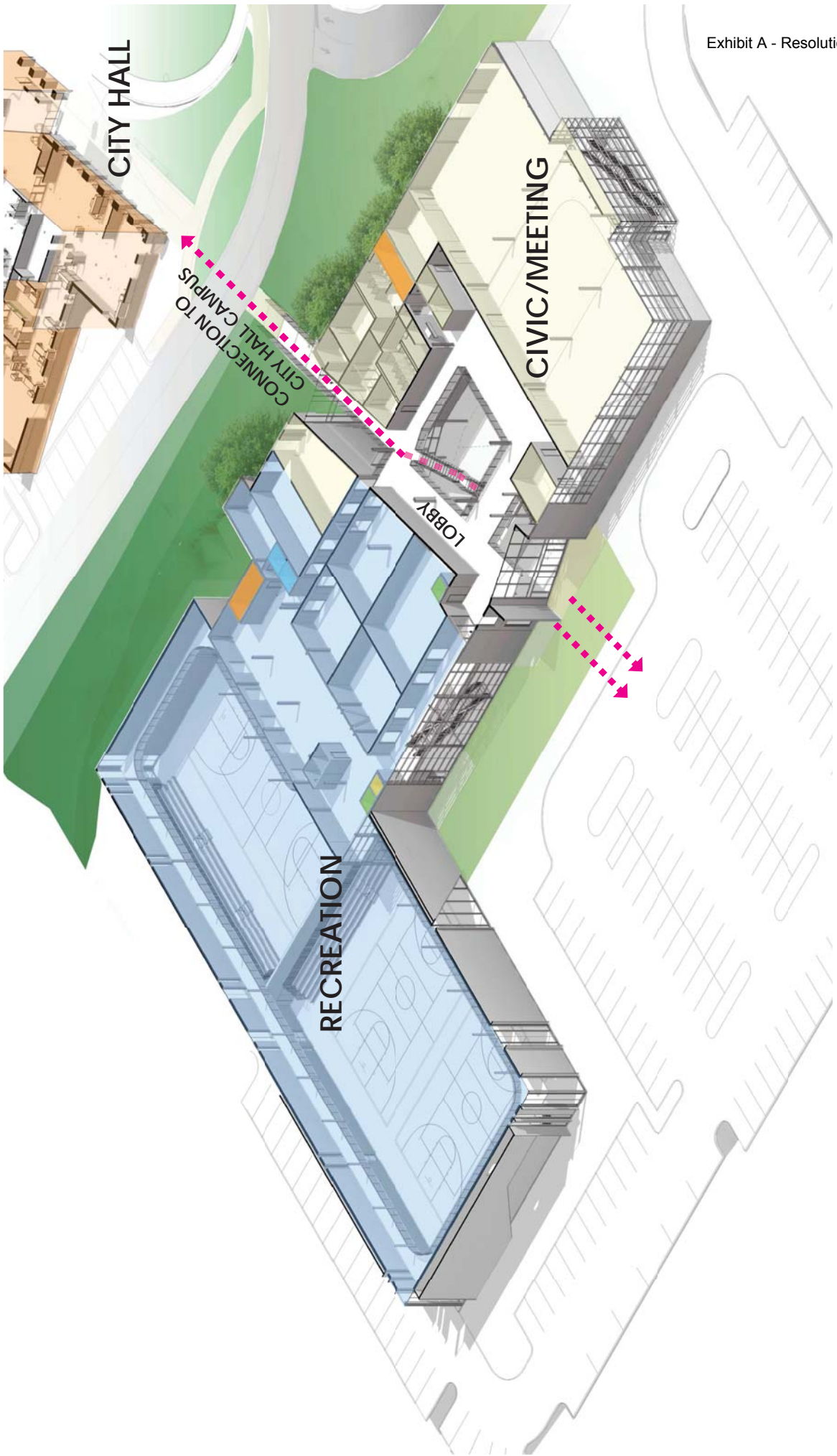
- Create Flexible Meeting Spaces
- Provide Variety of Meeting Spaces (small, medium, large)

## RECREATION

- Hub for Indoor Recreation







**RECREATION**

- Basketball - 3 courts (1 @ 94', 2 @ 84')
- Bleacher Seating
- Locker Rooms
- Concessions
- Meeting Room(s) - Small to Medium

**COMMUNITY**

- Large Banquet Space (10,000sf +/-)
- Catering Kitchen
- Medium size meeting rooms
- Smaller rooms (classes, clubs, etc)

**OFFICES**

- Community Center Staff

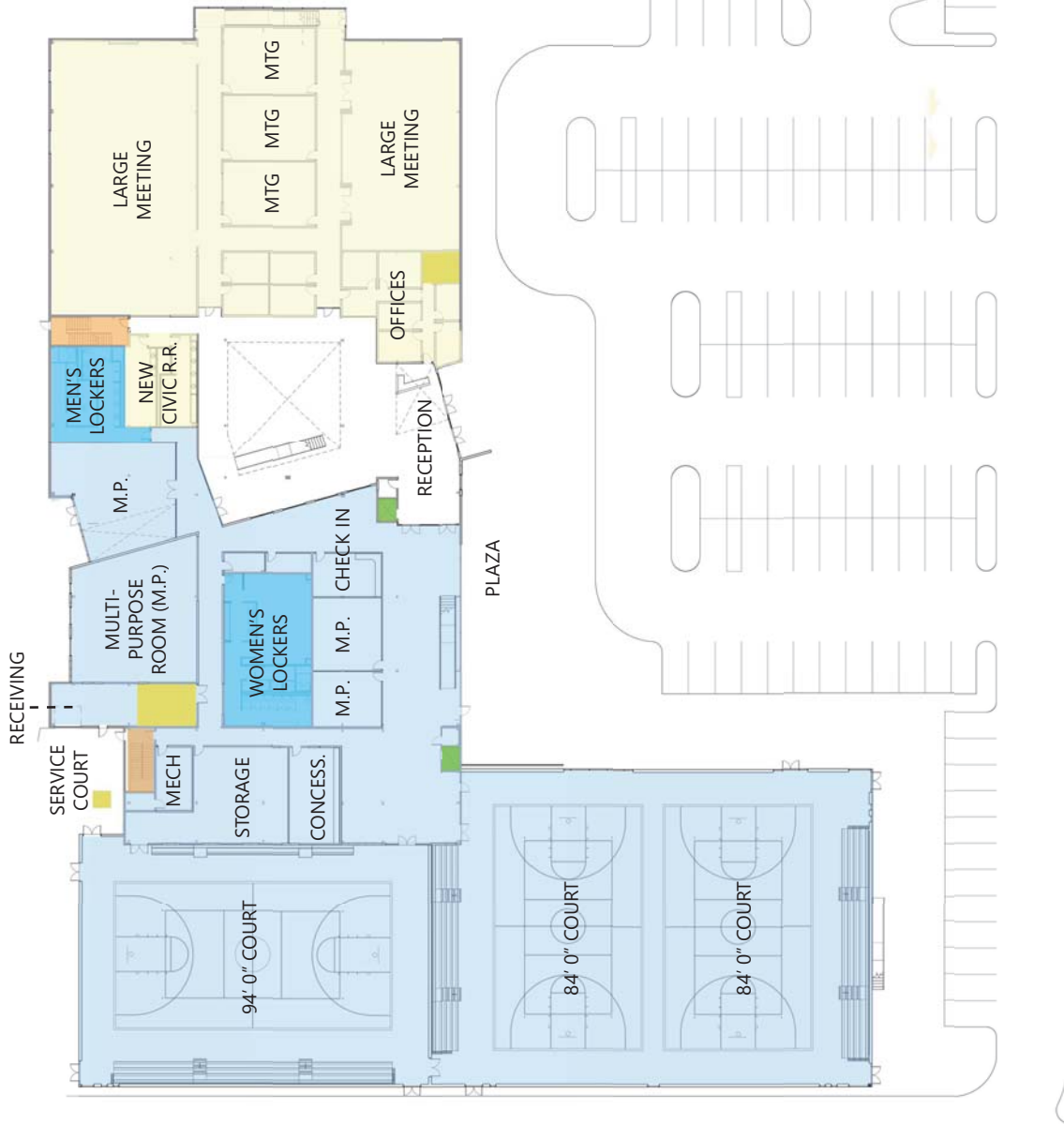
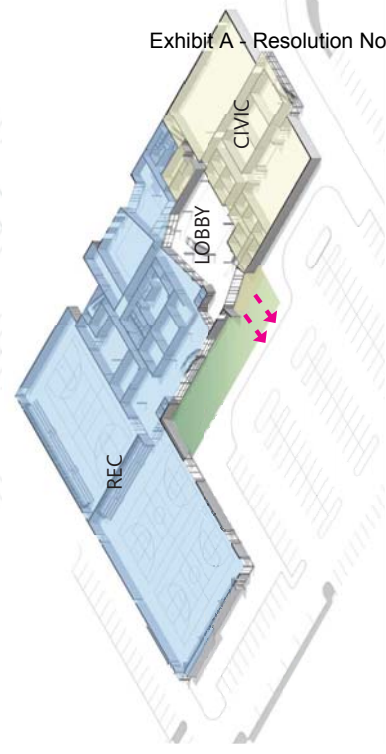
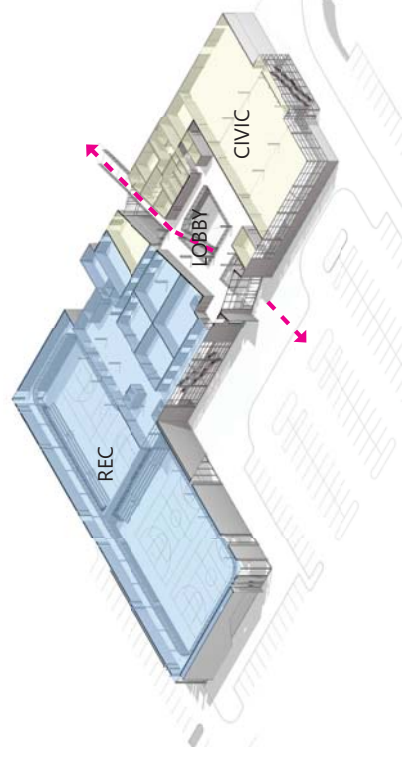


Exhibit A - Resolution No. 5106





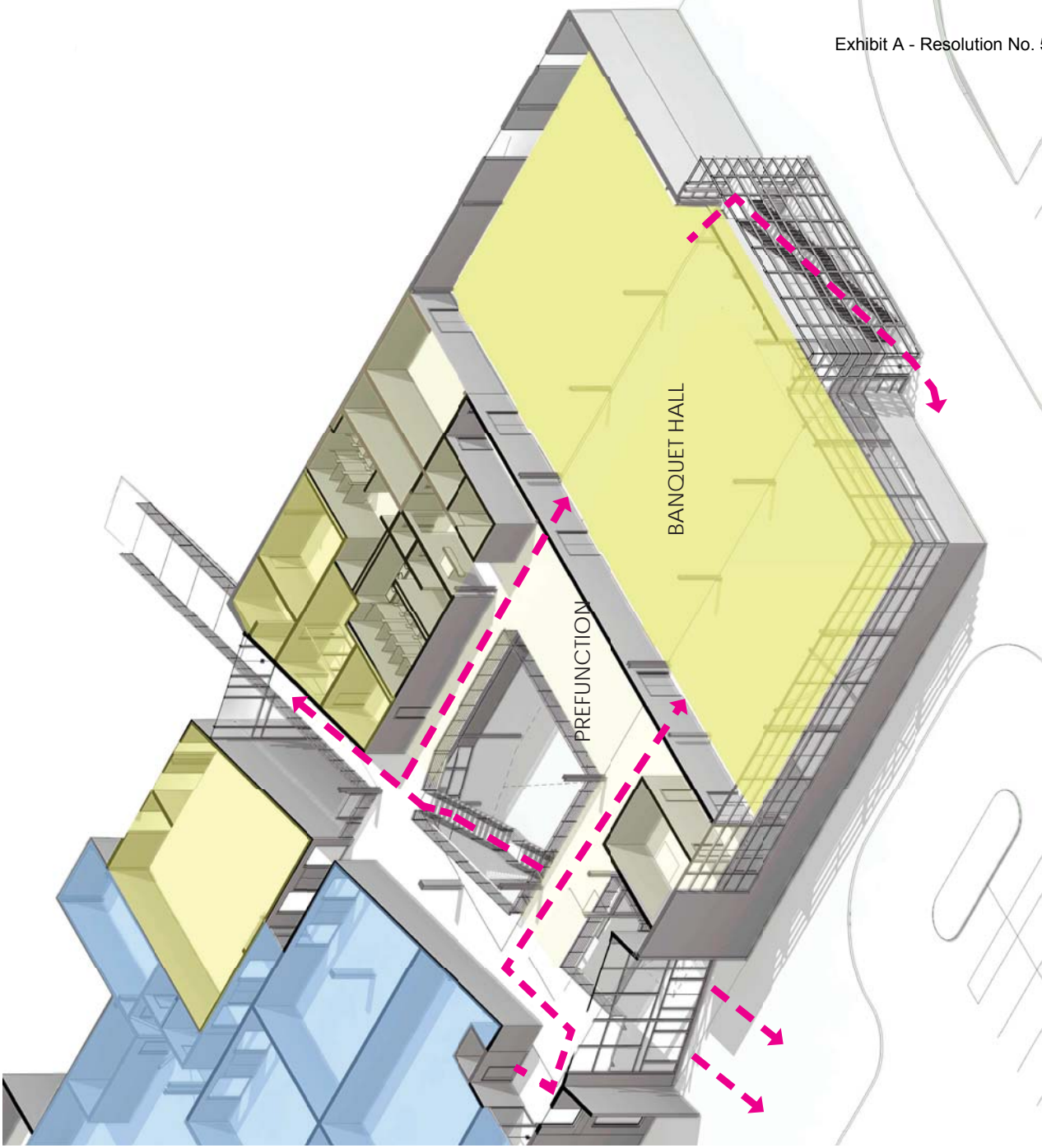
**PROPOSED : LEVEL 02**

CIVIC - 13,000 SQFT (Banquet 10,375 SQFT)  
 LOBBY / PREFUNCTION - 7,100 SQFT  
 RECREATION - 22,800 SQFT



**LOBBY**

- ACTIVE, VIBRANT SPACE
- CONNECT BOTH FLOORS
- LINK CIVIC RECREATIONAL
- OPERATIONAL FLEXIBILITY
- CONNECTION TO CITY HALL
- REFLECT VESTAVIA HILLS
- SPORTS HALL OF FAME



# BANQUET STYLE SEATING

BANQUET SEATS (75 TABLES @ 8 SEATS)

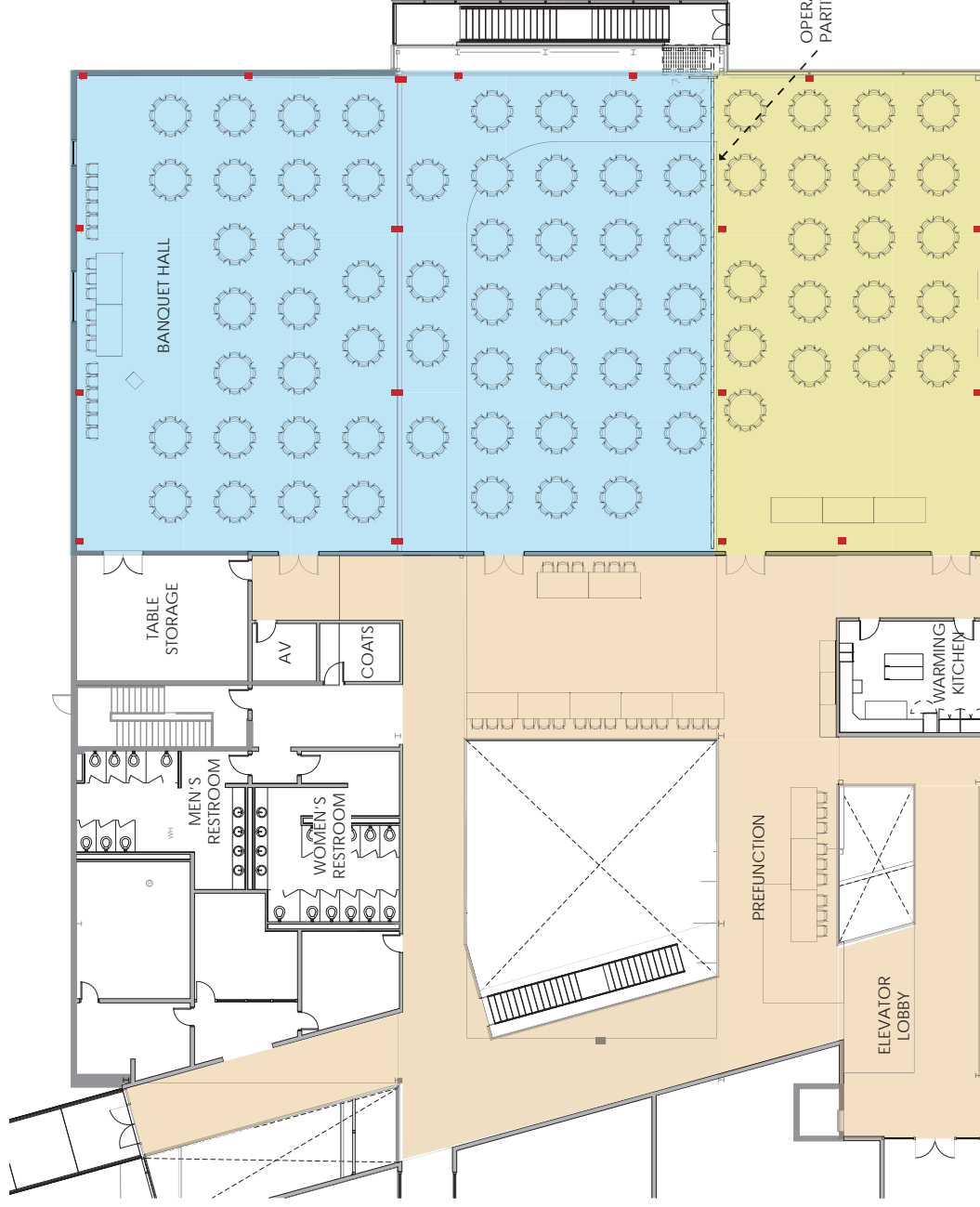
(10375 SF)

= 440

= 160

HEAD TABLE = 18

TOTAL = 618



OPERABLE PARTITION

Exhibit A - Resolution No. 5106

## SEMINAR STYLE SEATING

■ SEMINAR ROOM 1 (7295 SF)  
 ROW SEATING = 420  
 HEAD TABLE = 18

---

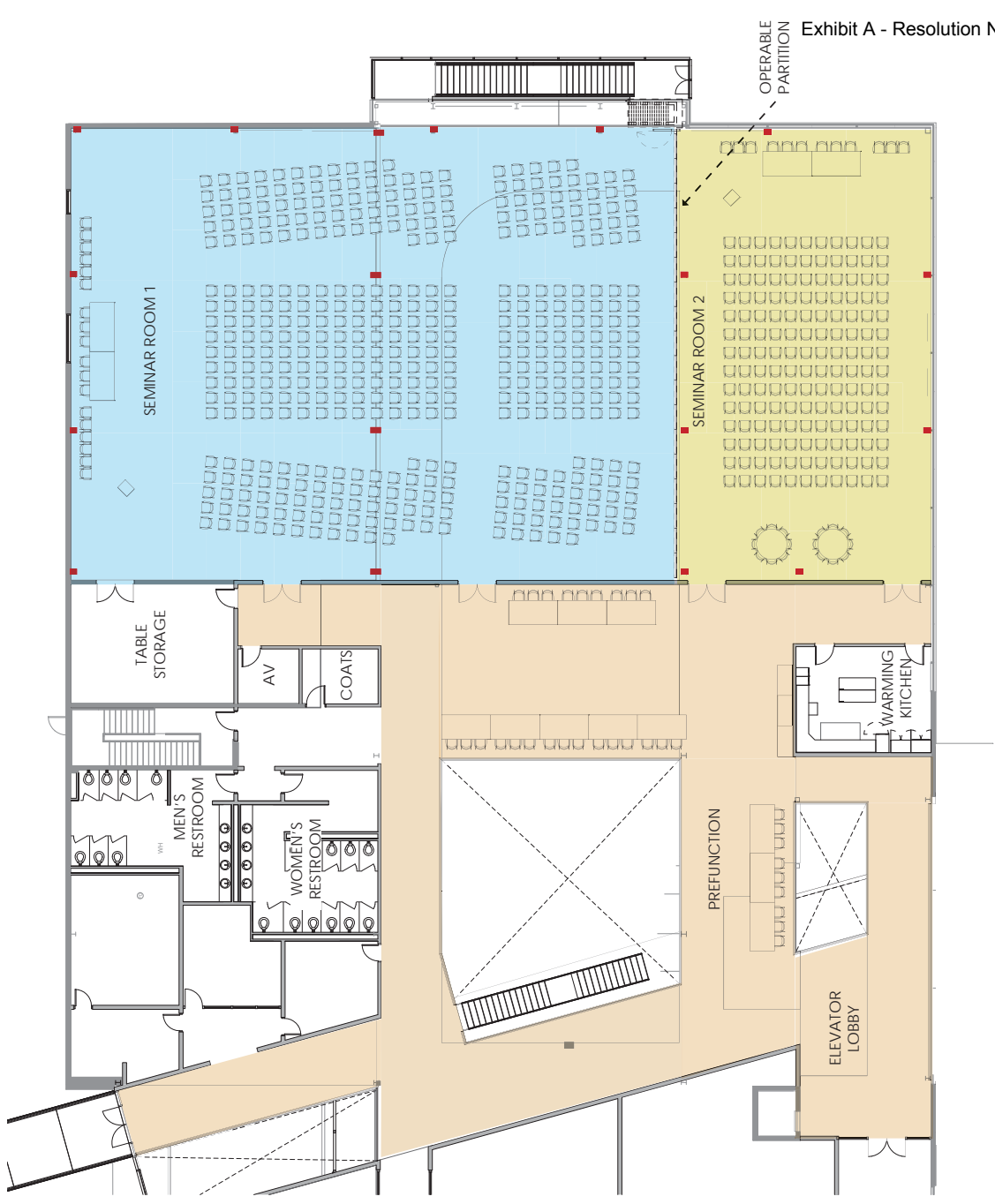
SUB TOTAL = 438

■ SEMINAR ROOM 2 (3080 SF)  
 ROW SEATING = 154  
 TABLE SEATING = 16  
 HEAD TABLE = 12

---

SUB TOTAL = 182

TOTAL SEATING = 620





## SEMINAR STYLE WITH DINING

■ SEMINAR ROOM 1 (7295 SF)  
 ROW SEATING = 300  
 TABLE SEATING = 96  
 HEAD TABLE = 18

---

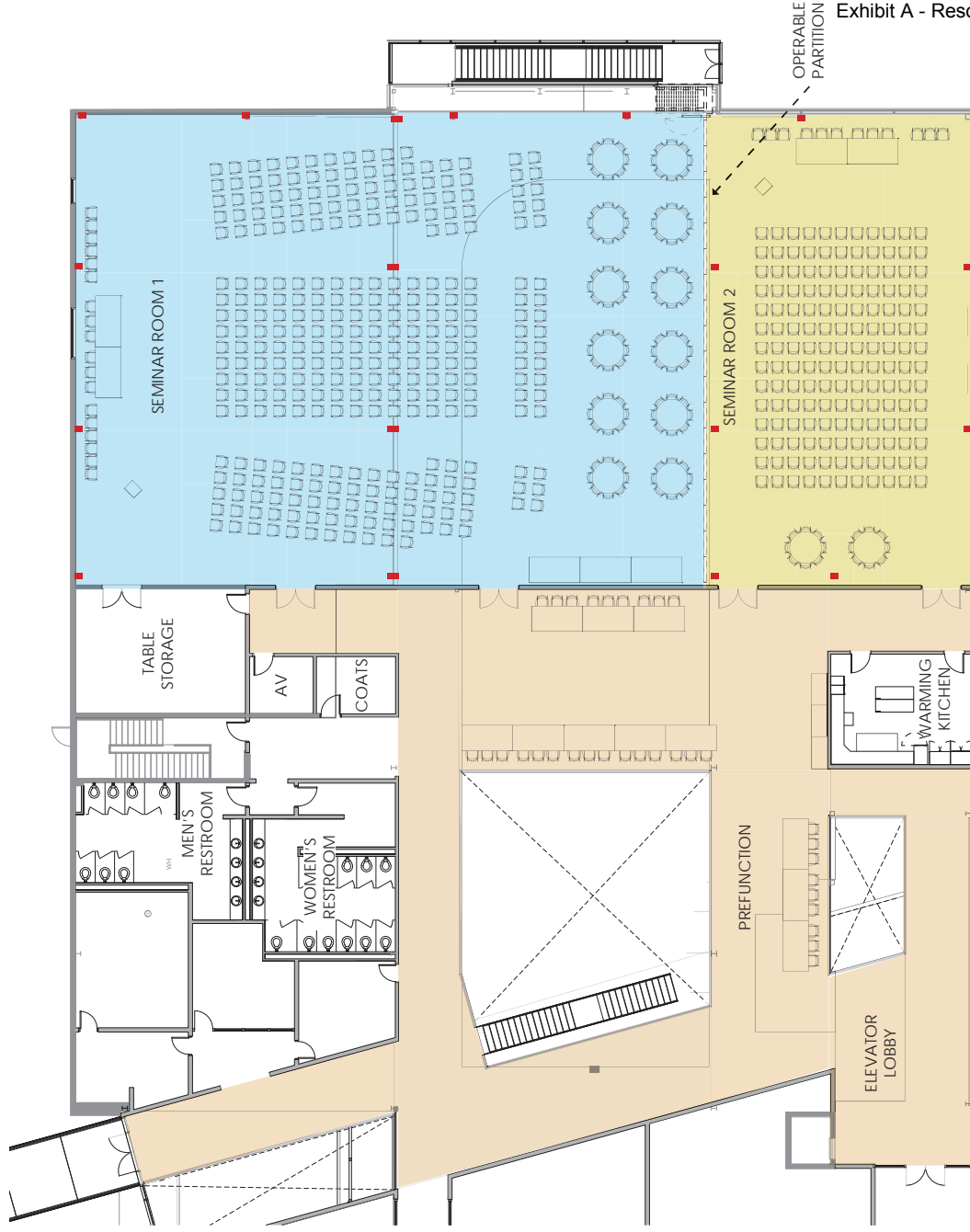
SUB TOTAL = 414

■ SEMINAR ROOM 2 (3080 SF)  
 ROW SEATING = 154  
 TABLE SEATING = 16  
 HEAD TABLE = 12

---

SUB TOTAL = 182

TOTAL SEATING = 596



**RESOLUTION NUMBER 5107**

**A RESOLUTION TO ACCEPT SCHEMATIC OF THE CAHABA HEIGHTS ATHLETIC FIELDS COMPONENT OF THE CITY OF VESTAVIA HILLS COMMUNITY SPACES PLAN**

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

1. That the City Council hereby accepts the design schematic as detailed in the Cahaba Heights Athletic Fields component of the City of Vestavia Hills Community Spaces Plan dated October 15, 2018; and
2. A copy of said plan is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5107 as though written fully therein; and
3. This Resolution Number 5107 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 22<sup>nd</sup> day of October, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

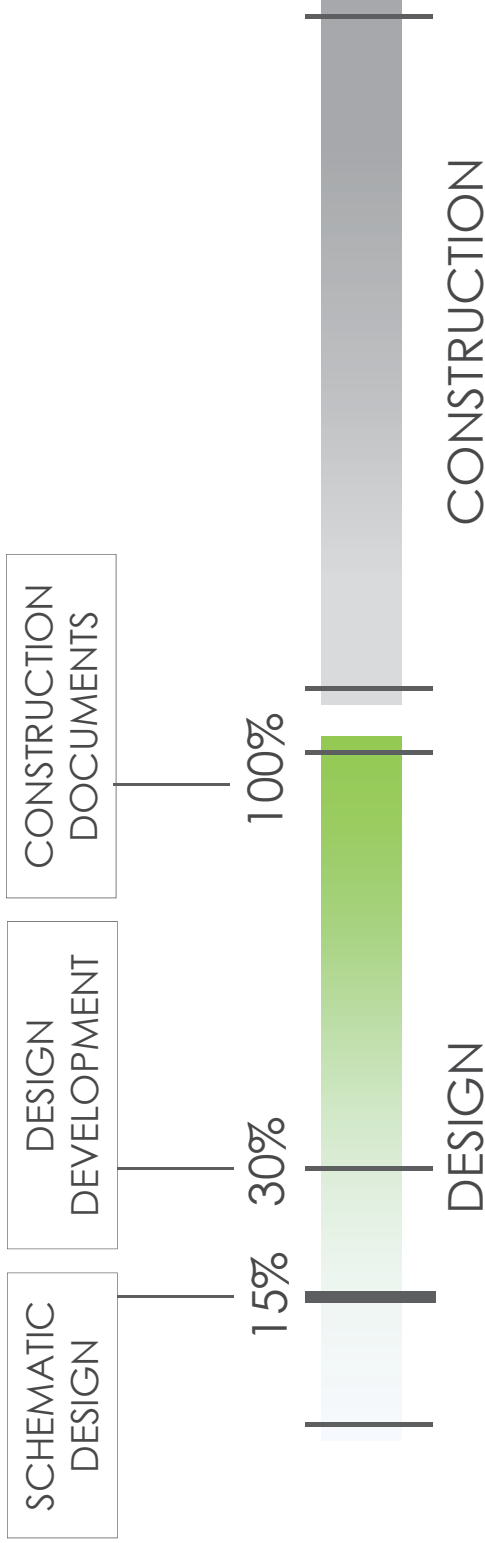


CITY OF VESTAVIA HILLS  
COMMUNITY SPACES

# CAHABA HEIGHTS ATHLETIC FIELDS

PRELIMINARY SCHEMATIC DESIGN REVIEW  
15 OCTOBER 2018

## PROJECT STATUS



## SCHEMATIC DESIGN PHASE

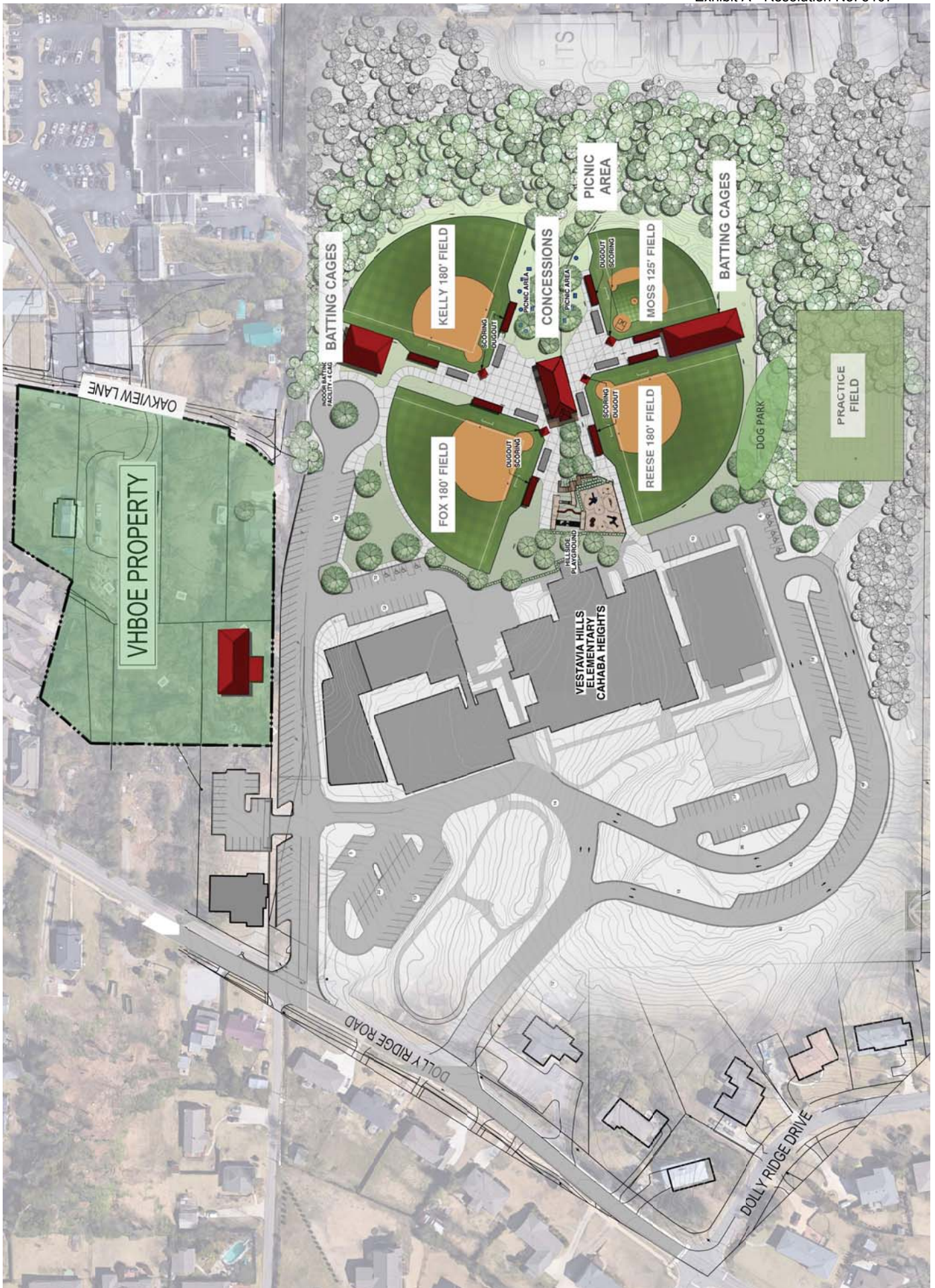
- The Architect shall examine and analyze available information provided by the Owner and Owner’s Representative and shall advise and recommend as to additional information necessary to begin specific design work on the Project. The Architect shall assist in the development of the Owner’s program.
- Upon analysis of all available information and prior to initiating any design tasks, the Architect shall participate in a preliminary evaluation project analysis with the Owner and Owner’s Representative.

# DESIGN PROGRESS

## **VISION**

- Create a new identity for the park
- Create an accessible and multi-functional community amenity
- Open park spaces for play and picnic, complementary to athletic facilities
- Improve Senior Center facilities

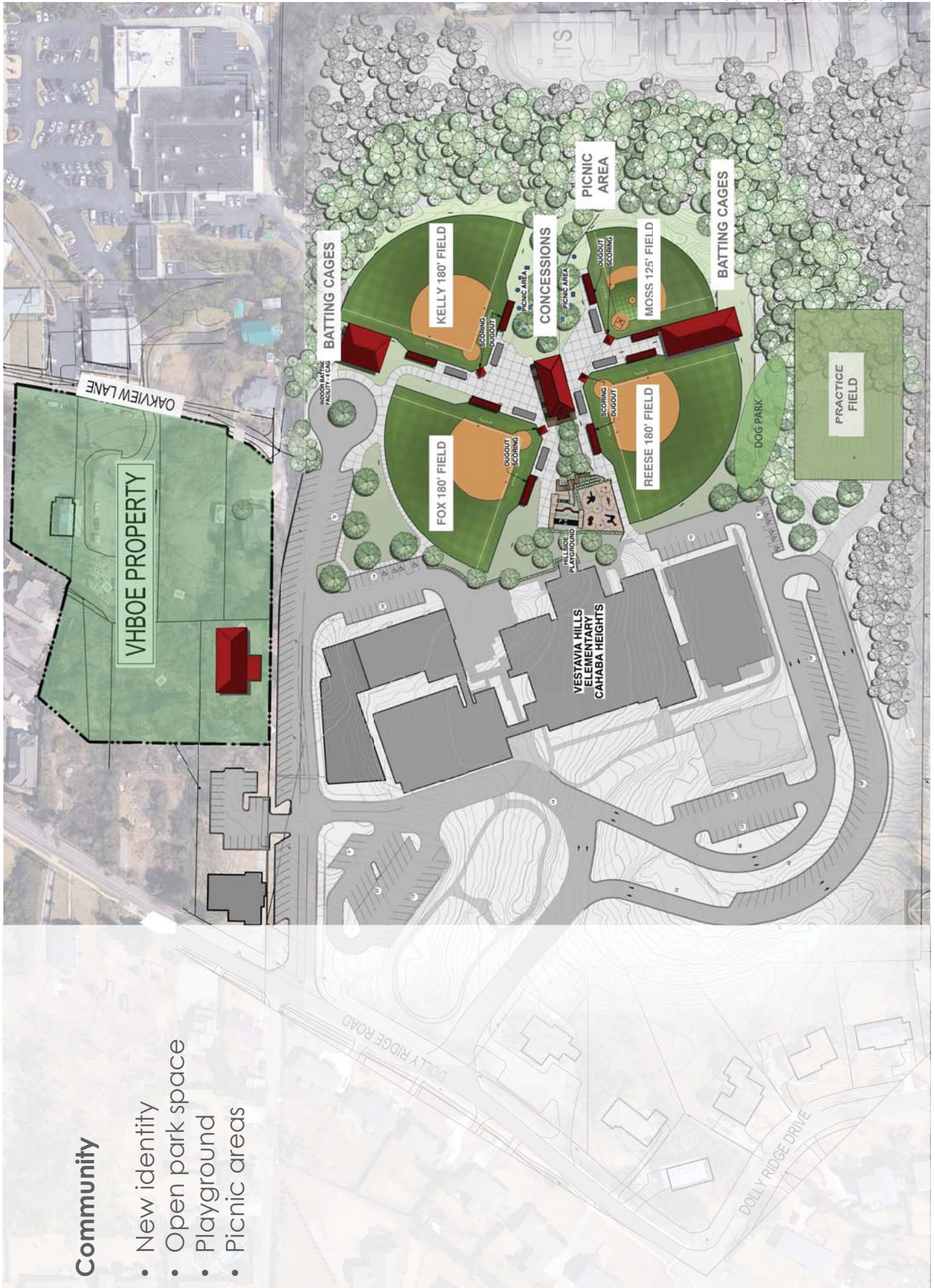




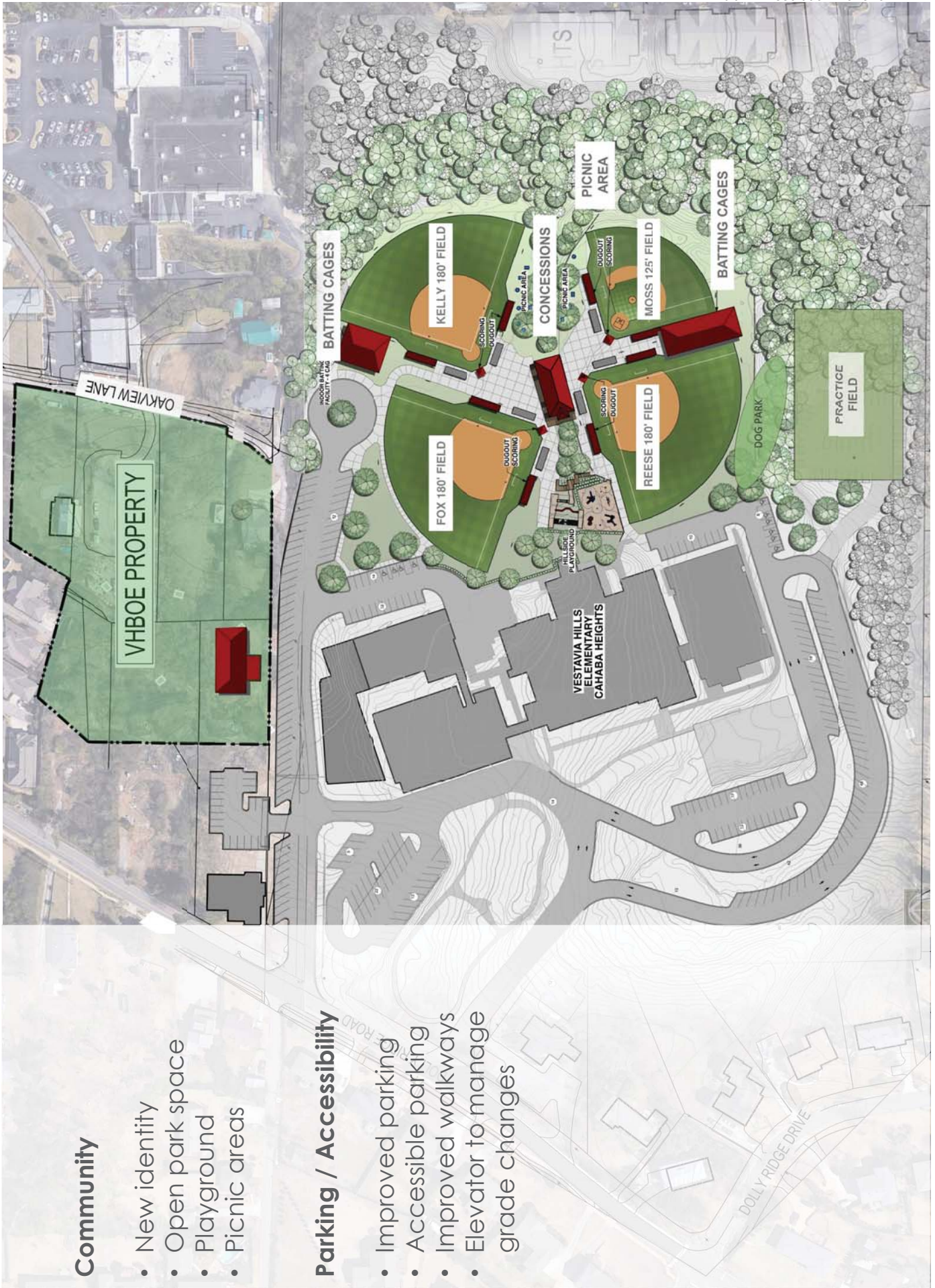


### Community

- New identity
- Open park space
- Playground
- Picnic areas







### Community

- New identity
- Open park space
- Playground
- Picnic areas

### Parking / Accessibility

- Improved parking
- Accessible parking
- Improved walkways
- Elevator to manage grade changes



### Community

- New identity
- Open park space
- Playground
- Picnic areas

### Parking / Accessibility

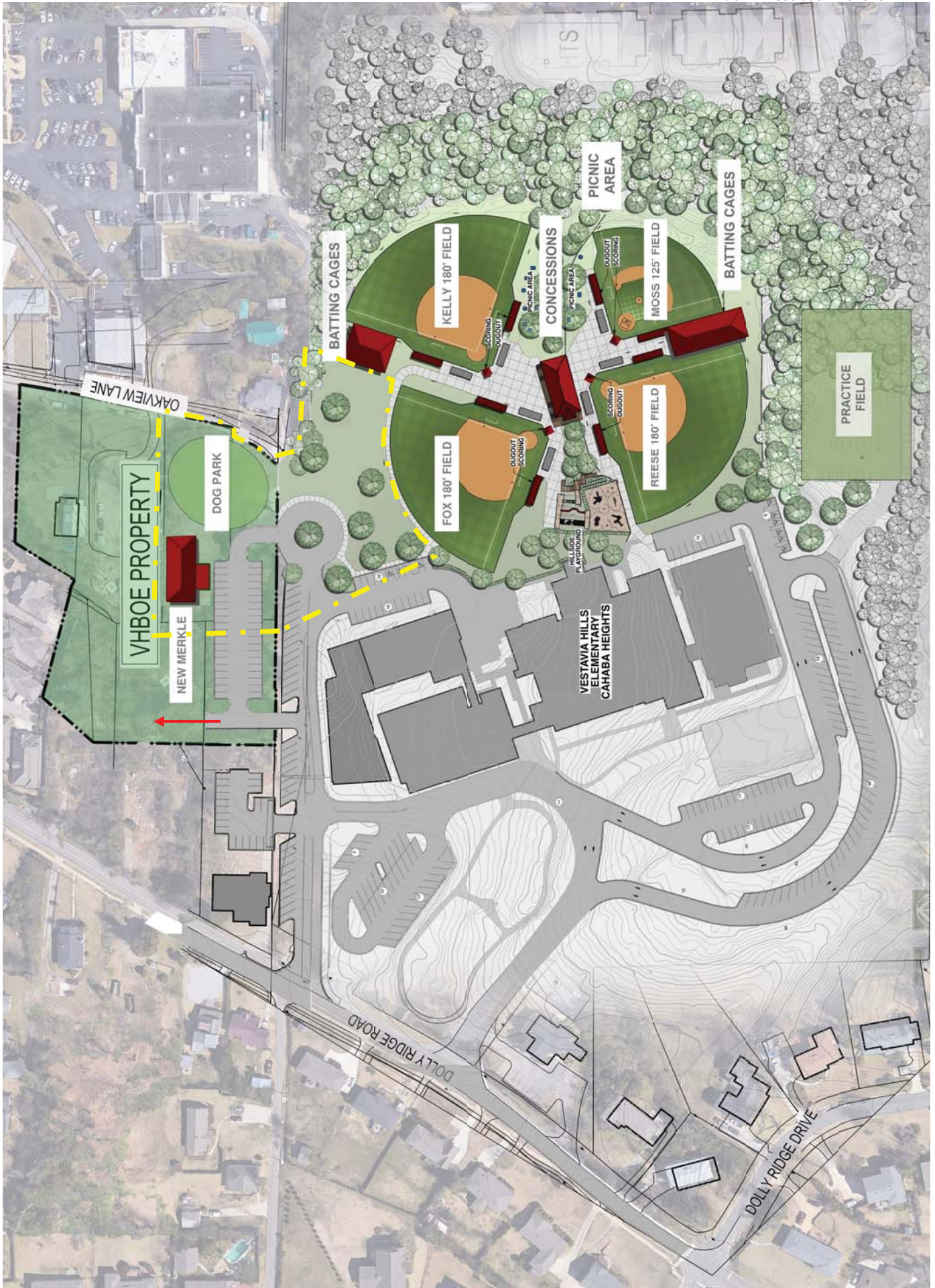
- Improved parking
- Accessible parking
- Improved walkways
- Elevator to manage grade changes

### Athletic Fields

- Upgrade fields
- New Batting Cages
- New Dugouts, Bleachers
- New Scoring Boxes
- New Clubhouse
  - o Meeting
  - o Restrooms
  - o Storage
- Multi-Purpose Field







**ORDINANCE NUMBER 2804**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER  
TO EXECUTE AND DELIVER A RIGHT OF WAY DEED TO JEFFERSON  
COUNTY FOR SANITARY SEWER AT WALD PARK**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver a Right-of-Way Deed with Jefferson County for sanitary sewer at Wald Park; and
2. A copy of said agreement is marked as Exhibit A, attached to and incorporated into this Ordinance Number 2804 as if written fully therein; and
3. This Ordinance Number 2804 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 22<sup>nd</sup> day of October, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

NO FAX COPIES ACCEPTED

PROJECT NAME:  
Wald Park - Initial Site Package

Prepared by:  
Name: David Diciara, PE  
Co. Name: LBYD, Inc.  
Address: 880 Montclair Rd, Suite 600  
Birmingham, AL 35213

RIGHT OF WAY DEED

STATE OF ALABAMA (

JEFFERSON COUNTY )

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of ONE & 00/100 Dollars (\$ 1.00) cash in hand paid by Jefferson County, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby grant, bargain, sell and convey unto the said Jefferson County, its successors and assigns, a right-of-way and easement for sanitary sewer purposes, including the installation and maintenance of sewer pipelines, underground and on the surface, and underground and surface support facilities, including stations, access points, stubouts and manholes, said right-of-way and easement being located in Jefferson County and described as follows:

20 FOOT WIDE SANITARY SEWER RIGHT-OF-WAY (JCES SS Main Extension - "LINE A")

A tract of land situated in the NW ¼ of Section 31, Township 18 South, Range 2 West, Jefferson County, Alabama and being more particularly described as follows:

COMMENCE AT THE SOUTHWEST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18S, RANGE 2W AND RUN NORTHWESTERLY ALONG A LINE AT A BEARING N87°50'09"W FOR A DISTANCE OF 2588.72' TO THE SOUTHEAST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 2W; THENCE TURN 90°00'00" RIGHT AND RUN NORTHERLY FOR A DISTANCE OF 1467.59'; THENCE TURN 90°00'00" LEFT AND RUN WESTERLY FOR A DISTANCE OF 1055.28' TO A POINT; THEN TURN 45°30'34" TO THE RIGHT AND RUN NORTHWESTERLY FOR A DISTANCE OF 24.77' TO A POINT ON THE WEST RIGHT OF WAY LINE OF US HWY 31 AND ALSO BEING THE POINT OF BEGINNING OF A 20 FOOT SANITARY SEWER EASEMENT LYING 10 FEET EACH SIDE OF , PARALLEL TO AND ABBUTTING THE FOLLWING DESCRIBED CENTERLINE; THENCE CONTINUE TO RUN ALONG PREVIOUSLY DESCRIBED HEADING FOR 79.03' AND END OF THE SAID EASEMENT CENTERLINE.

In addition to the above described easement, the following will also be dedicated and is more particularly described as follows:

20 FOOT WIDE SANITARY SEWER RIGHT-OF-WAY (JCES SS Main Extension - "LINE B")

A tract of land situated in the NW ¼ of Section 31, Township 18 South, Range 2 West, Jefferson County, Alabama and being more particularly described as follows:

COMMENCE AT THE SOUTHWEST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18S, RANGE 2W AND RUN NORTHWESTERLY ALONG A LINE AT A BEARING N87°50'09"W FOR A DISTANCE OF 2588.72' TO THE SOUTHEAST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 2W; THENCE TURN 90°00'00" RIGHT AND RUN NORTHERLY FOR A DISTANCE OF 2281.40'; THENCE TURN 90°00'00" LEFT AND RUN WESTERLY FOR A DISTANCE OF 626.56' TO A POINT OF BEGINNING OF A 20 FOOT SANITARY SEWER EASEMENT LYING 10 FEET EACH SIDE OF , PARALLEL TO AND ABBUTTING THE FOLLWING DESCRIBED CENTERLINE; THENCE TURN 6°55'20" TO THE LEFT AND RUN WESTERLY FOR A DISTANCE OF 96.00' TO A POINT; THENCE TURN 25°15'21" TO THE LEFT AND RUN WESTERLY FOR A DISTANCE OF 52.00' TO A POINT; THENCE TURN 34°42'57" TO THE RIGHT AND RUN WESTERLY FOR A DISTANCE OF 283.00' AND END OF THE SAID EASEMENT CENTERLINE.

20 FOOT WIDE SANITARY SEWER RIGHT-OF-WAY (JCES SS Main Extension - "LINE C")

A tract of land situated in the NW ¼ of Section 31, Township 18 South, Range 2 West, Jefferson County, Alabama and being more particularly described as follows:

COMMENCE AT THE SOUTHWEST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18S, RANGE 2W AND RUN NORTHWESTERLY ALONG A LINE AT A BEARING N87°50'09"W FOR A DISTANCE OF 2588.72' TO THE SOUTHEAST MOST CORNER OF THE NE ¼ OF SECTION 31, TOWNSHIP 18 SOUTH, RANGE 2W; THENCE TURN 90°00'00" RIGHT AND RUN NORTHERLY FOR A DISTANCE OF 2281.40'; THENCE TURN 90°00'00" LEFT AND RUN WESTERLY FOR A DISTANCE OF 626.56' TO A POINT OF BEGINNING OF A 20 FOOT SANITARY SEWER EASEMENT LYING 10 FEET EACH SIDE OF , PARALLEL TO AND ABBUTTING THE FOLLWING DESCRIBED CENTERLINE; THENCE TURN 97°35'50" TO THE RIGHT AND RUN NORTHERLY FOR A DISTANCE OF 331.00' AND END OF THE SAID EASEMENT CENTERLINE.

For the consideration aforesaid, the undersigned do grant, bargain, sell and convey unto said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or maintenance of any improvement or obstruction (except fencing) or the placement of spoil or fill dirt or heavy equipment or heavy objects on, over, across or upon said area herein conveyed without the written permission from Jefferson County.

In consideration of the benefit to the property of the undersigned by reason of the construction of said sewer facility, the undersigned hereby release Jefferson County, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said sewer facility, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said Jefferson County that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this day of \_\_\_\_\_, 20\_\_.

For:

By:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Mayor

The State of Alabama  
Jefferson County

I, the undersigned authority, in and for said County, in said State, hereby certify that \_\_\_\_\_ & \_\_\_\_\_, Whose names as \_Mayor & City Manger\_\_\_\_\_ signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, and with full authority executed the same voluntarily on the day the same bears date.

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

My commission expires \_\_\_\_\_.

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

The State of Alabama  
Jefferson County

Sewer \_\_\_\_\_

Project No. \_\_\_\_\_

Name \_\_\_\_\_

RIGHT OF WAY DEED  
(SEWER)