

**Vestavia Hills  
City Council Agenda  
March 18, 2019  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Jim Cartlege, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
  - a. Announcement Of Upcoming Vacancy on Vestavia Hills Board Of Education
6. Proclamation – Freedom From Addiction Day – March 18, 2019
7. Proclamation – Autism Understanding And Acceptance Month – April 2019
8. City Manager’s Report
9. Councilors’ Reports
10. Approval of Minutes – February 25, 2019 (Regular Meeting)

**Old Business**

11. Resolution Number 5147 – A Resolution Authorizing The City Manager To Expend An Amount Not To Exceed \$30,000 From The Library Fund 13 Pooled Cash For A Remote Locker System For Cahaba Heights And Liberty Park Residents And A Vending Machine For The Library’s Makerspace Area With Funding To Be Reimbursed In The Amount Of \$20,000 By An LSTA Grant *(public hearing)*
12. Ordinance Number 2832 - An Ordinance Amending Ordinance Number 2281 And Section 8-174 Of The Vestavia Hills Code Of Ordinances Entitled “Fire/Rescue Emergency Transport Service” *(public hearing)*

**New Business**

13. Ordinance Number 2834 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Memorandum Of Understanding With The Red Mountain Greenway And Recreation Area Commission For A Conceptual Plan And Estimated Cost Of A Rifle And Pistol Range For The Exclusive Use Of The Vestavia Hills Police Department And The Red Mountain Park Police Department

**New Business (Unanimous Consent Requested)**

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

14. Resolution Number 5148 – A Resolution Amending Resolution Number 5073 Dedicating Certain Streets In Liberty Park To The City Of Vestavia Hills, Alabama Pursuant To An Agreement For Maintenance And Repair (*public hearing*)
15. Ordinance Number 2833 – Rezoning – 4557 Pine Tree Circle; Lot 14, Topfield Subdivision; Rezoning From Vestavia Hills B-1 (Neighborhood Business District) To Vestavia Hills B-1 (Neighborhood Business District) With A Revised Site Plan (*public hearing*)
16. Citizen Comments
17. Motion For Adjournment

WHEREAS, prescription opioid painkiller misuse and abuse has been declared a public health emergency by President Trump; and

WHEREAS, in 2016, there were more than 63,000 deaths from drug overdoses with more Americans dying each year from drug overdoses than in car crashes and gunshot wounds combined; and

WHEREAS, Alabama is one of the highest opioid users in the world and is the number one state in the U.S. for opioid prescriptions written per capita; and

WHEREAS, nearly 30,000 Alabamians over the age of 17 are estimated to be dependent upon heroin and prescription painkillers and there were over 5,000 opioid-related deaths from overdoses in Alabama from 2006 through 2014; and

WHEREAS during the year 2018, Vestavia Hills EMS made over 30 medical emergency calls wherein naloxone, an opioid antagonist, was administered; and

WHEREAS the City of Vestavia Hills, along with the cities of Homewood, Hoover, and Mountain Brook have organized the Freedom from Addiction Coalition to bring awareness to their respective communities; and

WHEREAS, the City of Vestavia Hills will host a Freedom from Addiction Coalition “Community Awareness Breakfast” on April 4, 2019.

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 April 4, 2019 as

**FREEDOM FROM ADDICTION DAY**

in Vestavia Hills and encourage all residents to become informed about this crisis and its prevention.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 18th day of March 2019.

---

Ashley C. Curry  
Mayor

WHEREAS, autism, the fastest growing developmental disability in the United States, affecting more than three million people, is an urgent public health crisis that demands a national response; and

WHEREAS, autism is the result of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone regardless of race, ethnicity, gender, or socioeconomic background; and

WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combinations and can result in significant lifelong impairment of an individual's ability to learn; develop healthy interactive behaviors, and understand verbal as well as nonverbal communication; and

WHEREAS, the effort to address autism continues, doctors, therapists and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate education, intervention, and therapy that are vital to future growth and development; and

WHEREAS, ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and

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 April 2, 2019 as World Autism Day and April 2019 as

**AUTISM UNDERSTANDING  
AND ACCEPTANCE MONTH**

and encourage all residents to support individuals with autism and their families and do hereby recognize Alpha Xi Delta for their commitment to educating the general public and increasing awareness of autism in our City and State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 18th day of March 2019.

---

Ashley C. Curry, Mayor

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**FEBRUARY 25, 2019**

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 Deputy 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  
Patrick H. Boone, City Attorney  
Wendy Dickerson, Deputy City Clerk  
Melvin Turner, Finance Director  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Marvin Green, Fire Chief  
Christopher Brady, City Engineer  
Cinnamon McCulley, Communications Specialist  
Brian Davis, Public Services Director  
Christopher Vines, BC/Fire Inspector  
Conrad Garrison, City Planner

Sam Williamson, Vestavia Hills Chaplin, led the invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mrs. Cook stated that she attended the Board of Education meeting and that there are some announcements regarding school transitions, so she encouraged everyone to check the school board website for details. The Board also approved the memorandum of understanding with the City Council, an item that is on the agenda for our consideration tonight. She delivered the following address that she stated she also shared with the Board of Education at their meeting:

*“The Council and the Board are partners in providing services to the citizens we serve. But, we are really more than partners. While we are separate governmental entities, the BOE and Council have, historically, enjoyed a familial relationship. We are family. Like any family, we have tensions from time to time. Looking back to a time before my tenure, we survived Rebel Man. It was a tough time. While I was not on the Council, I watched from the bleachers and was glad I was not on either the Board or the Council.*

*Following Rebel Man, there was an election. One of the primary issues of the campaign, whether voiced openly or not, was the relationship between the Council and the Board. I heard clearly from the folks who elected me that they wanted the Board of Education to listen to the people. What does that mean, exactly? To me, it means appointing board members who would ask questions and represent the people we serve. Because, you see, whether it is fair or not, the voters hold the Council responsible for what happens at the Board. The voters hold the Council accountable based on what they can see and hear happening at your meetings.*

*Fast forward to today. This council has appointed two of your members and we are about to appoint one more. We have had three superintendents in 18 months. We have some new central office staff members and some that have been here over the tenure of four or more different superintendents. Change occurs. The family changes. That is why this MOU is so important, because it bridges changes in the family.*

*As I have served as your Board of Education liaison, and even before that, I have attended your meetings. I have attended school and PTO events. I have been a leader in PTOs at four of our schools. I am an annual sponsor of the schools foundation. I partner with the school system and community groups to further initiatives like A Safe Walk to School and Help the Hills. Most importantly, when our Council considered a sales tax increase, I made sure we carved out one-quarter of it, estimated to be more than one million dollars per year, to save for the future use of our school system. That money will help pay the debt service on a \$9 million capital loan that will put a bow on the infrastructure improvement plan. Past construction has really depleted the reserves of our school system, so that money will be important. Tonight, the Council will vote on whether to give the Board \$280K per year for ten years, for a total of \$2.8 million. It is a privilege for our Council and our City to show support for our schools in this way.*

*In the same way, our school system supports the City—it adds value to our City. The good work Todd and his central office staff do means that our children get a great education. The most important thing is that we are family; we succeed together, or we sink together.*

*You guys have asked me to be the Education liaison. Moving forward, I encouraged the central office staff—Todd and all his helpers—to include the City in their discussions. We want to be the school system’s partners. We want to fully*

*understand the goals that they set so we can better support them. I spoke for the Council and told them I am available to help in any way as our system goes through accreditation, long-range planning or anything else that requires school and city cooperation. The more we collaborate and share information, the more effectively we can work together for the betterment of City and schools.”*

- Mr. Pierce welcomed to the meeting Linda Parker and Sam Duffey from the Chamber of Commerce.
- Mayor Curry welcomed David Wheeler, State Representative from District 47, to the meeting.
- Mr. Head welcomed to the meeting Kirk McCulley, president of the Parks and Recreation Board.

### **PROCLAMATIONS**

- Mr. Downes read the proclamation designating Arbor Week from March 17-23, 2019 and the Mayor presented it to Brian Davis, Brian Wolfe and the Keep Vestavia Hills Beautiful Board.
- Mr. Downes read the proclamation designating the National Colorectal Cancer Awareness Month for March 2019 and the Mayor presented it to Ginny Tucker, Executive Director of the American Cancer Society for the South Region.
- Mr. Downes read the proclamation designating Women in Construction Week from March 3-9, 2019 and the Mayor presented it to the National Association of Women in Construction Greater Birmingham Chapter 53. The following members were in attendance: Mary Wyatt, Tonya McLaughlin, Holly Bratton, Anna Brown, Heather Gallagher, Kimberly Williams, and Virnetta Woodbury.

### **CITY MANAGER’S REPORT**

- Mr. Downes highlighted Christopher Brady’s exceptional achievements as the City Engineer. He stated that the City has had increased rain throughout the last two months and the City has focused on long-term strategies to help with this situation.
- Mr. Downes announced that a rock slide occurred on Highway 31 behind the AAMCO which has temporarily closed this business, with no injuries, but significant property damage. He stated that this is one of the results of the extraordinary rainfall that has occurred recently.
- Mr. Downes stated that the City is in the process of paving roads and the increased rainfall has slowed down that process. He stated that the City is working with Jefferson County on three roadway projects: (1) 300 feet of roadway on Shades Crest Road that needs to be replaced, (2) paving of Dolly Ridge Road from Hwy 280 to Cahaba Heights Road and (3) Massey Road. He stated that the City Staff has designed possible solutions for these three problem areas and has been following up on those solutions.

- Mr. Downes stated that the City applied for an ALDOT grant for the pedestrian tunnel and it is now out for bid. He stated that ALDOT projects generally take five years to clear for bidding and this is a milestone for this project.

### **COUNCILOR REPORTS**

- The Mayor announced the upcoming Freedom from Addiction for Opioid Awareness on April 4 at Vestavia Hills United Methodist Church.
- The Mayor announced the annual Chamber of Commerce Mayor's Prayer Breakfast which is scheduled for April 23 at the Vestavia Country Club. The keynote speaker for this year is Michael McElveen, Vapor Ministries.
- Mr. Weaver stated that there was one zoning case presented at the February 14 Planning and Zoning Commission meeting for a matter that will be coming before the Council at an upcoming meeting.

### **APPROVAL OF MINUTES**

The minutes of the following meeting were presented for approval: February 4 and 5, 2019 (Regular Meeting).

**MOTION** Motion to dispense with the reading of the minutes of the February 4 and 5, 2019 (Work Session) and approve them as presented was by Mrs. Cook and second by Mr. Pierce. Roll call vote as follows:

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

The minutes of the following meeting were presented for approval: February 11, 2019 (Regular Meeting).

**MOTION** Motion to dispense with the reading of the minutes of the February 11, 2019 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mrs. Cook. Roll call vote as follows:

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



**OLD BUSINESS**

**ORDINANCE NUMBER 2826**

**Ordinance Number 2826 – Rezoning – 3945 Crosshaven Drive; 3955 And 3959 Wall Street From Vestavia Hills R-4 (Medium Density Residential District) To Vestavia Hills B-2 (General Business District) (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2826 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Todd Rogers, Civil Engineer for Chick-Fil-A (CFA), explained the request, the surrounding area and the site plan.

Mr. Steve Manley, CFA landscape architect, presented information for the proposed buffering and addressed the comments about the buffer that were made at the Planning and Zoning Commission meeting. He stated that they have extended the buffer to accommodate request at the meeting as shown in the plan submitted to the Council, showing an increased distance of 18' or more, which is greater than the 8' buffer originally presented at the Planning and Zoning Commission meeting.

Mr. Jim Mead, Sain Associates, presented the traffic engineering study. He stated that midday is peak for CFA. He recommends a left turn lane on Crosshaven Drive. He evaluated a right turn lane and determined it is not warranted. He showed drawings of the road widening between the City and the County. The larger size of the lot helps to provide circulation through the site to reduce traffic congestion on Crosshaven Drive.

Mr. Jason Pociask, CFA development manager, explained the request and buffer change to 19' from what was presented to the Planning and Zoning Commission for 8'. He stated that there will be no access to Wall Street. The intent is to be a good neighbor. The larger lot will accommodate off-street parking. The building size will be the same as other CFA restaurants in the area, but with a larger parking lot and longer stack length. He stated that they hope to synchronize their opening the City's project to widen Crosshaven Drive. He stated that they met with the neighbors and tried to find a compromise, but the neighbors' request to reduce the back property line by 100' was not acceptable. He stated that the larger property site will allow for more parking and area for stacking in the drive thru and reduce queuing on Crosshaven Drive;

Mr. Weaver stated that the Planning and Zoning Commission placed several conditions based on the site plan. He stated that he requested the additional buffer; the Commission required no access to Wall Street and that the rezoning will not be final until re-platting is approved.

Mayor Curry asked if the property was smaller would this increase the traffic congestion on Crosshaven Drive.

Mr. Mead explained that the traffic would be backed up on the road due to drive-thru stacking at that point instead of on the site as shown. The property helps contain the traffic on the site and not the road.

Discussion ensued on traffic, compliance with the master plan, access management, buffering, noise, lighting, and the improvements to Crosshaven Drive.

The Mayor opened the floor for a public hearing.

The following either spoke in opposition to the request or raised concerns of traffic, speed, health, and non-consistency with the master plan:

- Morris Newman, 4035 Ida Lane
- Charlie Beavers, 1819 5<sup>th</sup> Avenue North
- Joan Kendall, 3931 Westminster Lane
- Zachery Mashburn, 3969 Wall Street
- Russell Pate, 3201 Bearden Court
- Adam Lance, 3969 Wall Street
- Elizabeth Hughes, 3959 Westminster Lane

The following spoke in favor of the request:

- Katherine McRee, 3944 River View Drive

There being no one further to address the Council, the Mayor closed the public hearing.

The Mayor asked if the traffic study is available for the public.

Mr. Mead stated that it is available to the public.

Discussion ensued on speed, traffic, Wall Street, and road improvements.

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 2827**

**Ordinance Number 2827 – Conditional Use Approval – Granting A Conditional Use For A Home Occupation For 727 Hampden Place Circle, Lot 931, Hampden Place Resurvey #2; Macy Teresa Yates, Owner (public hearing)**

**MOTION** Motion to approve Ordinance Number 2827 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Weaver explained that this came before the Planning and Zoning Commission and it is for a conditional use approval for a home occupation.

The Mayor opened the floor for a public hearing.

Mr. Carzell Walton, 777 Hampden Place Circle, asked the type of business.

Ms. Yates stated that she makes prints on t-shirts, cups, etc. and ships them to her customers. She does not have trucks coming to her house and does not have customers or inventory.

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.

### **ORDINANCE NUMBER 2829**

**Ordinance Number 2829 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Memorandum Of Understanding With The Vestavia Hills Board Of Education (public hearing)**

**MOTION** Motion to approve Ordinance Number 2829 was by Mr. Weaver seconded by Mrs. Cook.

Mayor Curry stated that it was explained earlier that Mrs. Cook announced that the Board of Education voted on the memorandum earlier today.

Mr. Downes state that this will create access to School Board ballfields for recreational use, make pedestrian crossings safer, allow additional recreational space for the City and provide the Wald Park property for school use.

Mrs. Cook stated that this will help with long-term capital expenditures for the school system.

Mr. Pierce stated that he is glad to see this happen between the City and the Board of Education.

Mayor Curry stated that this memorandum is a good example of cooperation between the City and the Board of Education.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor called for the question.

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

**ORDINANCE NUMBER 2830**

**Ordinance Number 2830 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Access And Parking Agreement With HCI Vestavia I, LLC, An Alabama Limited Liability Company (“HCI”) (public hearing)**

**MOTION** Motion to approve Ordinance Number 2830 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes showed the exhibits and explained the parking agreement.

The Mayor opened the floor for a public hearing. There being no one to address the Council, the Mayor called for the question.

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

**NEW BUSINESS**

**RESOLUTION NUMBER 5128**

**Resolution Number 5128 – A Resolution Changing A City Council Meeting Date**

**MOTION** Motion to approve Resolution Number 5128 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor explained the resolution to move the May Council meeting due to Memorial Day observance.

The Mayor called for the question.

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

**RESOLUTION NUMBER 5129**

**Resolution Number 5129 - A Resolution Accepting A Bid For Wrecker Services For The City Of Vestavia Hills**

**MOTION** Motion to approve Resolution Number 5129 was by Mr. Weaver seconded by Mr. Head.

Chief Rary stated that two bids were received. Vestavia Tire Express is the low bid and a fee schedule is provided in the bid. He stated they have reviewed both bids and recommend awarding to Vestavia Tire Express.

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 (UNANIMOUS CONSENT REQUESTED)**

The Mayor stated that the next item required unanimous consent for the immediate consideration and action on the agenda. He opened the floor for a motion.

**MOTION** Motion for unanimous consent for immediate consideration and action on the Resolution Number 5130 was made by Mr. Pierce 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.

**RESOLUTION NUMBER 5130**

**Resolution Number 5130 – A Resolution Authorizing The City Manager To Purchase And Equip Two (2) Police Department Vehicles At A Cost Not To Exceed \$60,000 To Be Expensed From Confiscations (*public hearing*)**

**MOTION** Motion to approve Resolution Number 5130 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes explained funds that will be used for the expenditure and complemented the Police Department with their exceptional work.

Mayor Curry congratulated the Police Department.

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.

**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 March 11, 2019, at 6:00 PM.

- Resolution Number 5131 – Annexation – 90 day – 2424 Magnolia Cove; Lot 7, Magnolia Cove Estates; Chase Beard, Owner (*public hearing*)
- Resolution Number 5132 – Annexation – 90 day – 2423 Magnolia Cove; Lot 8, Magnolia Cove Estates; Chase Beard, Owner (*public hearing*)
- Resolution Number 5133 – Annexation – 90 day – 2419 Magnolia Cove; Lot 9, Magnolia Cove Estates; Martin S. Cogen, Owner (*public hearing*)
- Resolution Number 5134 – Annexation – 90 day – 2415 Magnolia Cove; Lot 10, Magnolia Cove Estates; John and Lynda Gay, Owner (*public hearing*)
- Resolution Number 5135 – Annexation – 90 day – 2409 Magnolia Cove; Lot 11, Magnolia Cove Estates; David and Tammy Downard, Owner (*public hearing*)
- Resolution Number 5136 – Annexation – 90 day – 2405 Magnolia Cove; Lot 12, Magnolia Cove Estates; Thomas and Jane Walker, Owner (*public hearing*)
- Resolution Number 5137 – Annexation – 90 day – 2401 Magnolia Cove; Lot 13, Magnolia Cove Estates; Chase Beard, Owner (*public hearing*)
- Resolution Number 5138 – Annexation – 90 day – 2400 Magnolia Cove; Lot 1, Magnolia Cove Estates; Chase Beard, Owner (*public hearing*)
- Resolution Number 5139 – Annexation – 90 day – 2404 Magnolia Cove; Lot 2, Magnolia Cove Estates; Randel Walker, Owner (*public hearing*)
- Resolution Number 5140 – Annexation – 90 day – 2408 Magnolia Cove; Lot 3, Magnolia Cove Estates; David and Jenice Adcock, Owner (*public hearing*)
- Resolution Number 5141 – Annexation – 90 day – 2412 Magnolia Cove; Lot 4, Magnolia Cove Estates; Frank and Phyllis Hamrick, Owner (*public hearing*)
- Resolution Number 5142 – Annexation – 90 day – 2416 Magnolia Cove; Lot 5, Magnolia Cove Estates; Kay Watkins, Owner (*public hearing*)
- Resolution Number 5143 – Annexation – 90 day – 2420 Magnolia Cove; Lot 6, Magnolia Cove Estates; Chase Beard, Owner (*public hearing*)

**CITIZEN COMMENTS**

Robert Debuys, 3467 Moss Brook Lane, stated that Chick-Fil-A has been working with and consulting the Cahaba Heights community for several years.

At 8:55 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 8:55 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Wendy Dickerson  
Deputy City Clerk

**RESOLUTION NUMBER 5147**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXPEND AN AMOUNT NOT TO EXCEED \$30,000 FROM THE LIBRARY FUND 13 POOLED CASH FOR A REMOTE LOCKER SYSTEM FOR CAHABA HEIGHTS AND LIBERTY PARK RESIDENTS AND A VENDING MACHINE FOR THE LIBRARY'S MAKERSPACE AREA WITH FUNDING TO BE REIMBURSED IN THE AMOUNT OF \$20,000 BY AN LSTA GRANT**

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

1. The City Manager is hereby authorized to expend an amount not to exceed \$30,000 from the Library Fund 13 Pooled Cash Account for the purchase of a remote locker system for Cahaba Heights and Liberty Park residents and a vending machine for the Library's Makerspace area; and
2. Reimbursement to the Pooled Cash Account in the amount of \$20,000 of this expenditure shall be derived from a LSTA grant which was awarded to the Vestavia Hills Library in the Forest in November 2018; and
3. This Resolution Number 5147 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 18<sup>th</sup> day of March, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk





# VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY  
*Mayor*

TANEISHA YOUNG TUCKER  
*Library Director*

**February 27, 2019**

TO: Jeff Downes, City Manager  
Rebecca Leavings, City Clerk

FROM: Taneisha Tucker, Library Director

CC: Larry Cochran, Library Board Chair  
Melvin Turner, City Treasurer

RE: Request for Approval of Funds for Library Makerspace and Outreach

---

On Tuesday, February 27, 2019, the Vestavia Hills Library Board of Trustees voted to dedicate \$30,000 from the Library's Fund 13 Pooled Cash for the following items:

- \$20,000 for an LSTA grant that was awarded to the library in November 2018. The grant was awarded to purchase a remoteLocker system for Cahaba Heights and Liberty Park residents and a vending machine for the library's makerspace.
- \$5,000 Local match required from the library.
- \$5,000 Contingency.

The total price (up to \$30,000) is to initially be paid from the Library's Fund 13 account with \$20,000 being reimbursed to the account via the grant by October 2019. I request to place this item on the March 11, 2019 agenda as a first read. Please contact me if you have any questions or concerns. Thanks in advance.



NANCY C. PACK, Ph.D.  
DIRECTOR

February 19, 2019

Vestavia Hills Public Library  
Taneisha Tucker  
1221 Montgomery Highway  
Vestavia Hills, AL 35216-2797

Project Name: Strengthening Communities  
Project Number: 19-6-7  
Amount Awarded: \$20,000

Dear Ms. Tucker:

Enclosed is your copy of your FY2019 LSTA grant contract signed by me for the above-referenced project. All of us at APLS wish you great success in your project as you serve your citizens.

The contract period is from the **date the contract is signed by me to June 30, 2019**. Your final request for payment will be due by **June 15, 2019**.

Requests for payment should be at least 25% of the LSTA grant award, except for the final request, which may be for any amount not exceeding the balance of the award. All requests must be for services that have been rendered or for items that have been acquired. A payment request form is enclosed for your use. The final report for this project is due by **August 23, 2019**. A report form will be placed on our website for your use.

We are required by federal law to monitor projects, and part of this monitoring includes making site visits. Therefore, during this fiscal year APLS consulting staff will be visiting a number of libraries that have LSTA projects.

If, at any time, you have questions about your project, please do not hesitate to contact our LSTA Coordinator, Kelyn Ralya, at (800) 723-8459, extension 3976 or (334) 213-3976. Her e-mail address is [kralya@apls.state.al.us](mailto:kralya@apls.state.al.us).

Sincerely,

Nancy C. Pack, Ph.D.  
Director

Enclosures

**ORDINANCE NUMBER 2832**

**AN ORDINANCE AMENDING ORDINANCE NUMBER 2281 – AN ORDINANCE AMENDING SECTION 8-174, VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2012; ENTITLED FIRE/RESCUE EMERGENCY TRANSPORT SERVICE**

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

**1. Ordinance Number 2281 Section 8-174 entitled “Fire/Rescue Emergency Transport Service” of the Vestavia Hills Code of Ordinances, republished 2013, shall be amended to read in its entirety as follows:**

**“SECTION 8-174 – FIRE/RESCUE EMERGENCY TRANSPORT SERVICE**

After the effective date hereof, the Vestavia Hills Fire Department shall be the primary responder to all 9-1-1 calls of a medical or rescue nature.

- A.** The Vestavia Hills Fire Department will determine the Patient Category of all individuals at the time of response based upon medical protocols. The Fire Department Incident Commander will determine if transportation is to be provided by private ambulance or by the Vestavia Hills Fire Department based on Fire Department protocol.
- B.** The Vestavia Hills Fire Department shall not refuse transport of any patient requiring ALS/Emergency treatment to the emergency department or labor and delivery department of Brookwood Medical Center, Brookwood Baptist Medical Center Freestanding, St. Vincent, University Hospital, UAB West, UAB Medical West Freestanding Hoover, Veterans-Birmingham, Children’s Hospital, St. Vincent-East, BMC-Princeton, BMC-Shelby, Callahan Eye Foundation, UAB-Main, UAB-South Highlands, Grandview, and shall provide emergency medical treatment and transportation without regard to the patient’s ability to pay.
- C.** The following Fire/Rescue ALS/Emergency Transport fee shall be collected by an outside billing agency appointed by the Mayor and City Council. The fee structure shall be reviewed on an annual basis by the Mayor and City Council and the Mayor and Council shall call for an annual audit of the billing agency.

**Vestavia Hills Fire Department Emergency Medical Service Transport Fee shall be based upon services provided, detailed as follows:**

- 1. Eighteen dollars and twenty nine cents (\$18.29) per mile traveled for transport of patient; plus**

- a. ALS – Emergency - \$664.46; or
  - b. BLS – Emergency: \$559.55; or
  - c. ALS2 – Comprehensive: \$961.73; and
2. Itemized supply charges (billable only to insurance companies including Medicaid and Medicare) detailed as follows:
- a. ALS disposables: \$100
  - b. BLS Disposables: \$ 60
  - c. Oxygen: \$ 50
  - d. IV Supplies: \$ 50

D. The Fire/Rescue Emergency Transport Vehicle may transport any patient deemed appropriate by the Fire/medic and/or On-Line Medical Control, regardless of the patient’s transport category. .”

SECTION II. This Ordinance Number 2832 shall become effective upon adoption, approval and posting/publication as required by Alabama law.

**DONE, ORDERED, APPROVED and ADOPTED** this the 18<sup>th</sup> day of March, 2019.

Ashely C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2832 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 18<sup>th</sup> day of March, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkel House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2834**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER A MEMORANDUM OF UNDERSTANDING WITH THE RED MOUNTAIN GREENWAY AND RECREATION AREA COMMISSION FOR A CONCEPTUAL PLAN AND ESTIMATED COST OF A RIFLE AND PISTOL RANGE FOR THE EXCLUSIVE USE OF THE VESTAVIA HILLS POLICE DEPARTMENT AND THE RED MOUNTAIN PARK POLICE DEPARTMENT**

**WHEREAS**, the Alabama Legislature created the Red Mountain Greenway and Recreational Area Commission (“Commission”) in 2006 with the enactment of Title 9-14C-1, et seq., *Code of Alabama, 1975*; and

**WHEREAS**, Red Mountain Greenway and Recreational Area is a 1,108± acre nature park on 4.5 miles of the western section of Red Mountain of Jefferson County, Alabama (hereinafter referred to as “Red Mountain Park”); and

**WHEREAS**, Red Mountain Park is the principal iron ore mining location for the Birmingham Steel Industry, contains a number of nationally significant historic mining sites, is critical to connecting a 64-mile network of trails and greenways within greater Birmingham, and is suitable for the development of athletic complexes that could serve the entire region and state; and

**WHEREAS**, Title 9-14C-2, *Code of Alabama, 1975*, provides that the purpose of the Commission shall be to own, preserve, restore, maintain and promote as a greenway, recreational areas, or historic site the land and relics of Red Mountain Park; and

**WHEREAS**, Title 9-14C-7(a), *Code of Alabama, 1975*, provides that the Commission shall be a state agency and shall have exclusive control over the Red Mountain Park and the area appurtenant thereto, all improvements and exhibits located thereon, and any additions constructed, created, leased, acquired or erected in connection therewith; and

**WHEREAS**, Title 9-14C-10(b), *Code of Alabama, 1975*, provides that the Commission may enter into agreements with governmental entities relative to the general management of Red Mountain Park; and

**WHEREAS**, Title 9-14C-11, *Code of Alabama, 1975*, provides that the governing body of a municipality in Alabama, by resolution duly adopted and recorded, may appropriate to the Commission any available public funds not otherwise pledged; and

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama has determined that it would better provide for the safety, preservation of the health and promotion of the general welfare of the City if a firearms training facility is constructed for the use of Vestavia Hills police officers; and.

**WHEREAS**, the Commission and the Vestavia Hills Police Department (hereinafter referred to as “VHPD”) have been discussing the possibility of developing a firearms training facility on 285 acres of Red Mountain Park that would be used exclusively for law enforcement training purposes for the Red Mountain Park Police Department and the VHPD; and

**WHEREAS**, some of the ideas that have been discussed are:

- a) A pistol range would be developed for the exclusive use of Red Mountain Park Police Department and VHPD; and
- b) A rifle range would be constructed for the exclusive use of the Red Mountain Park Police Department and VHPD; and
- c) No invitees would be permitted on the pistol range or the rifle range; and
- d) Both the Commission and the City would provide, maintain and pay the premiums on general comprehensive liability insurance policies to cover any and all liability issues; and

**WHEREAS**, a Memorandum of Understanding was drafted to authorize the development of a conceptual plan and an estimated cost of a firearms training facility; and

**WHEREAS**, a copy of said Memorandum of Understanding (“MOU”) is marked as Exhibit A and is attached to and incorporated into this Ordinance Number 2834 as though written fully therein;

**WHEREAS**, the Mayor and Council find it is in the best public interest to execute and deliver said a memorandum of understanding as detailed in Exhibit A.

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

1. Authorize the Mayor and City Manager to execute and deliver the MOU by and between the Vestavia Hills City Council and the Red Mountain Greenway and Recreational Area Commission as detailed an attached Exhibit A; and
2. This Ordinance shall become effective immediately following posting/publishing pursuant to Alabama law.

**ADOPTED and APPROVED** this the 18<sup>th</sup> day of March, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**STATE OF ALABAMA**

**JEFFERSON COUNTY**

**MEMORANDUM OF UNDERSTANDING**

**THIS MEMORANDUM OF UNDERSTANDING**, is made and entered into on this the \_\_\_\_\_ day of April, 2019, by and between Red Mountain Greenway and Recreational Area Commission (hereinafter referred to as “Commission”) and the City of Vestavia Hills, Alabama, a municipal corporation (hereinafter referred to as “City”).

**WITNESSETH THESE RECITALS:**

**WHEREAS**, the Alabama Legislature created the Red Mountain Greenway and Recreational Area Commission (“Commission”) in 2006 with the enactment of Title 9-14C-1, et seq., *Code of Alabama, 1975*; and

**WHEREAS**, Red Mountain Greenway and Recreational Area is a 1,108± acre nature park on 4.5 miles of the western section of Red Mountain of Jefferson County, Alabama (hereinafter referred to as “Red Mountain Park”); and

**WHEREAS**, Red Mountain Park is the principal iron ore mining location for the Birmingham Steel Industry, contains a number of nationally significant historic mining sites, is critical to connecting a 64-mile network of trails and greenways within greater Birmingham, and is suitable for the development of athletic complexes that could serve the entire region and state; and

**WHEREAS**, Title 9-14C-2, *Code of Alabama, 1975*, provides that the purpose of the Commission shall be to own, preserve, restore, maintain and promote as a greenway, recreational areas, or historic site the land and relics of Red Mountain Park; and

**WHEREAS**, Title 9-14C-7(a), *Code of Alabama, 1975*, provides that the Commission shall be a state agency and shall have exclusive control over the Red Mountain Park and the area appurtenant thereto, all improvements and exhibits located thereon, and any additions constructed, created, leased, acquired or erected in connection therewith; and

**WHEREAS**, Title 9-14C-10(b), *Code of Alabama, 1975*, provides that the Commission may enter into agreements with governmental entities relative to the general management of Red Mountain Park; and

**WHEREAS**, Title 9-14C-11, *Code of Alabama, 1975*, provides that the governing body of a municipality in Alabama, by resolution duly adopted and recorded, may appropriate to the Commission any available public funds not otherwise pledged; and

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama has determined that it would better provide for the safety, preservation of the health and promotion of the general welfare of the City if a firearms training facility is constructed for the use of Vestavia Hills police officers; and

Memorandum of Understanding  
Page 2

**WHEREAS**, the Commission and the Vestavia Hills Police Department (hereinafter referred to as “VHPD”) have been discussing the possibility of developing a firearms training facility on 285 acres of Red Mountain Park that would be used exclusively for law enforcement training purposes for the Red Mountain Park Police Department and the VHPD; and

**WHEREAS**, some of the ideas that have been discussed are:

(a) A pistol range would be developed for the exclusive use of Red Mountain Park Police Department and VHPD; and

(b) A rifle range would be constructed for the exclusive use of the Red Mountain Park Police Department and VHPD; and

(c) No invitees would be permitted on the pistol range or the rifle range; and

(d) Both the Commission and the City would provide, maintain and pay the premiums on general comprehensive liability insurance policies to cover any and all liability issues.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS**, that in consideration of the mutual covenants, promises and premises contained herein and other good and valuable consideration, the receipt and sufficiency is whereof is hereby acknowledged by each of the parties hereto, the Red Mountain Greenway and Recreational Area Commission and the City of Vestavia Hills, Alabama mutually and expressly agree as follows:

1. This is a Memorandum of Understanding only and does not create any legal liability on the Commission or the City.

2. The recitals set forth in the premises above are hereby incorporated into this Memorandum of Understanding by reference as though set out fully herein.

3. The Commission and VHPD shall work together to develop a concept and a plan together with an estimate of cost for the construction of a firearms training facilities for the exclusive use of the Red Mountain Park Police Department and the City of Vestavia Hills Police Department.

4. When the concept, plan and estimate of cost for the construction of the firearms facilities is completed, it will be presented to the Commission and the Vestavia Hills City Council for consideration.

5. If the concept, plan and estimated cost are formally approved by both the Commission and the City Council, then in such event the Commission and the City Manager of the City shall cause to be prepared a formal agreement to be subsequently approved by the Commission and City Council consistent with the Alabama Public Works law.

6. The signing of this Memorandum of Understanding does not constitute a formal undertaking, and as such it simply intends that the signatories shall strive to reach, to the best of their abilities, the goals and objectives stated in this MOU. This MOU shall be signed by the Commission and the City and shall be effective as of the date first above written.

**COMMISSION:**  
RED MOUNTAIN GREENWAY  
AND RECREATIONAL AREA COMMISSION

By \_\_\_\_\_  
Its \_\_\_\_\_

ATTESTED

By \_\_\_\_\_

**CITY:**  
CITY OF VESTAVIA HILLS, ALABAMA  
A Municipal Corporation

By \_\_\_\_\_  
Ashley C. Curry  
Its Mayor

By \_\_\_\_\_  
Jeffrey D. Downes  
Its City Manager

ATTESTED

By \_\_\_\_\_

**RESOLUTION NUMBER 5148**

**A RESOLUTION AMENDING RESOLUTION NUMBER 5073  
DEDICATING CERTAIN STREETS IN LIBERTY PARK TO THE CITY OF  
VESTAVIA HILLS, ALABAMA PURSUANT TO AN AGREEMENT FOR  
MAINTENANCE AND REPAIR**

**WHEREAS**, on April 15, 1985, the City Council of the City of Vestavia Hills approved and adopted Ordinance Number 751, which in substance, and in very general terms, provides that an acceptance of a dedication can only be accomplished by the approval by the City Council of a formal resolution adopted at a regularly scheduled meeting or a special meeting called for that specific purpose and that the developer who offers dedication of land for public streets and roads must execute and deliver an agreement guarantying that all improvements for construction of public streets and roads will meet city requirements; and

**WHEREAS**, Ordinance Number 751 provides, among other things as follows:

“The City shall not accept the dedication until such time as every lot in the subdivision as shown on the plat has been developed with the construction of a home or other building;” and

**WHEREAS**, on September 30, 1992, the City of Vestavia Hills, Alabama (“City”) and Liberty Park Joint Venture (“LPJV”) entered into an Annexation Agreement which provides in Section 9 on Page 18 of said agreement as follows:

“9.1. LPJV agrees to pay the cost of the installation of all fireplugs required by state or municipal regulations for the Development. In addition, LPJV agrees to pay the cost of the first three (3) years rental, at standard rental charges, on such fireplugs.

9.2. The City will not be required to provide landscaping maintenance to any intensely landscaped areas of the Development located on public rights-of-way. The City will grant LPJV such access and easements to the public rights-of-way necessary to landscape and maintain any such public rights-of-way.

9.3. LPJV agrees to install at its sole expense any and all initial street lighting required by state or municipal regulations for the Development at the time of the initial development of the Development, and LPJV shall have the right to install, at its expense, any additional or decorative lighting LPJV deems appropriate in the Development;” and

**WHEREAS**, On October 7, 1992, the Legislature of the State of Alabama enacted Act Number 92-708, a local law, which annexed the Liberty Park property to the City of Vestavia Hills, Alabama; and

**WHEREAS**, the Liberty Park property was not fully and completely developed at the time of its annexation to the City and

**WHEREAS**, the streets and roadways were not offered for dedication by LPJV or accepted by the City; and

**WHEREAS**, on May 19, 1994, a lawsuit was filed in the Civil Division of the Circuit Court of Jefferson County, Alabama, that challenged the validity of the annexation; and

**WHEREAS**, on January 13, 1995, the Supreme Court of Alabama decided the case of *The City of Birmingham, et al v. City of Vestavia Hills, 654 So 2d.532(1995)* and held that the annexation is valid and legally binding; and

**WHEREAS**, LPJV has offered to the City dedication of certain streets and roadways on and in the Liberty Park property subject to the terms, provisions and conditions of an agreement by and between the City and LPJV regarding the future responsibilities of repair and maintenance of said streets, roadways and rights-of-way. Said streets, roadways and rights-of-way are detailed in the attached Exhibit A which is incorporated into this Resolution Number 5073 by reference as though set out fully herein; and

**WHEREAS**, the City and LPJV have negotiated an amendment to the Annexation Agreement regarding the legal responsibility for the future maintenance and repair of the streets, roadways and rights-of-way offered for dedication by LPJV; and

**WHEREAS**, on July 23, 2018, the City Council adopted and approved Resolution Number 5073 to dedicate certain roadways located in Liberty Park with the anticipation that more would later be dedicated; and

**WHEREAS**, certain additional roadways were determined to be offered for dedication which are detailed in Exhibit A attached to and incorporated into this Resolution Number 5148 as though written fully therein; and

**WHEREAS**, the City finds and determines that the acceptance of the offer of dedication of certain additional streets, roadways and rights-of-way as detailed in Exhibit A in and on the Liberty Park property by LPJV subject to the terms, provisions and conditions of the annexation agreement detailed in Resolution Number 5073 which will provide for the safety, preserve the

health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the City of Vestavia Hills, Alabama.

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

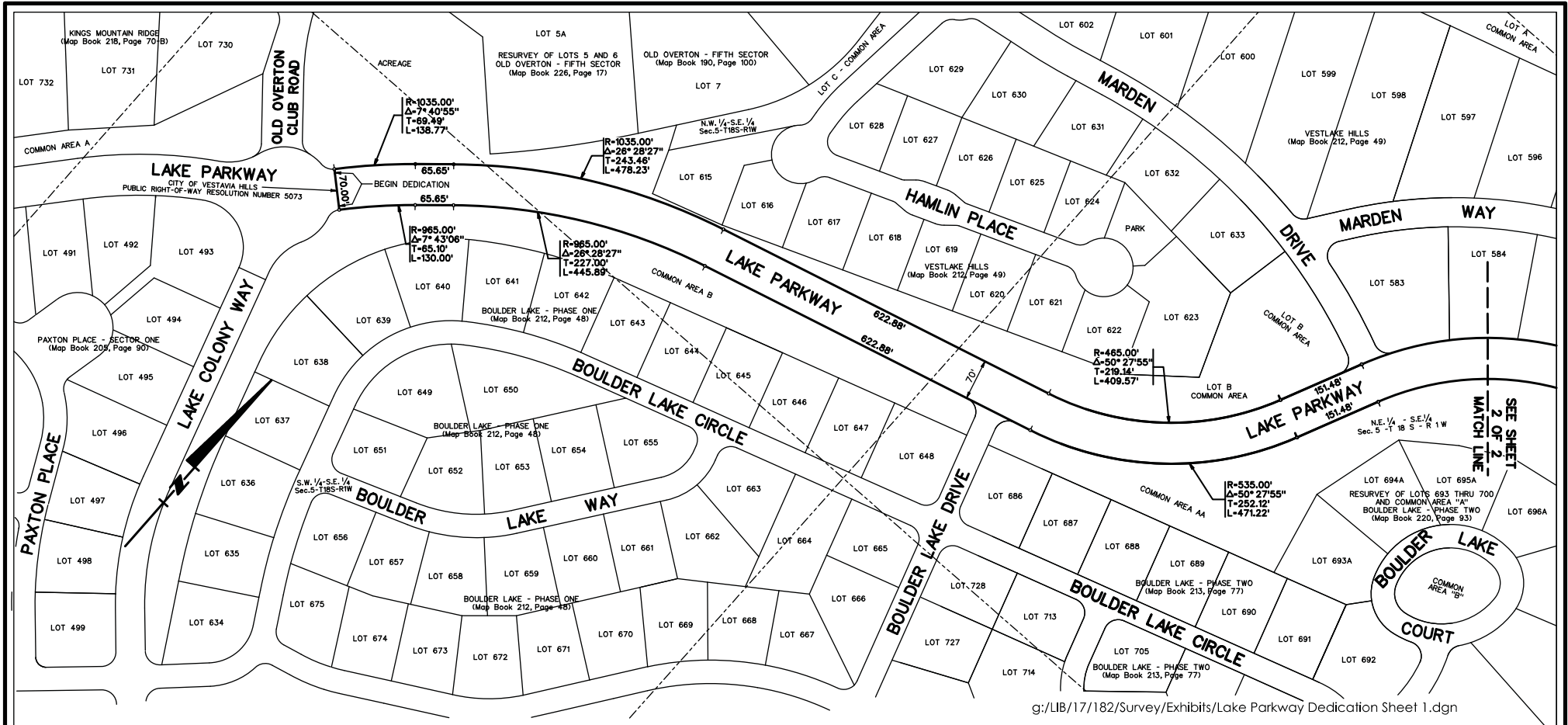
1. All streets, roadways and rights-of-way including those portions of Liberty Parkway and Urban Center Parkway as described in the attached Exhibit A are hereby dedicated subject to the terms, provisions and conditions of the annexation agreement detailed in Resolution Number 5073; and
2. This Resolution shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 8<sup>th</sup> day of April, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



g:/LIB/17/182/Survey/Exhibits/Lake Parkway Dedication Sheet 1.dgn

# LAKE PARKWAY ROADWAY DEDICATION EXHIBIT

SHEET 1 OF 2

DATE: OCTOBER, 2018

Scale: 1" = 200'  
Graphic Scale



**SCHOEL**  
Consulting Engineers

Civil  
Surveying  
Environmental  
Water Resources  
High Definition  
Surveying

1001 22nd Street South  
Birmingham, Alabama 35205  
205.323.6166





**LEGAL DESCRIPTION  
LAKE PARKWAY ROADWAY DEDICATION**

Being an existing private road situated in Section 4 and Section 5, all in Township 18 South, Range 1 West, Jefferson County, Alabama, being more particularly described as follows:

All of that private road known as Lake Parkway located within the municipal limits of the City of Vestavia Hills, Alabama, beginning from the end of the traffic circle of previously dedicated Lake Parkway right-of-way at the intersection of Old Overton Club Road (a private road) and Lake Colony Way (a private road) as shown and described in City of Vestavia Hills Resolution Number 5073; from the end of said traffic circle and continuing generally in an Easterly direction along Lake Parkway to the Point of Ending at the Easterly side of the intersection of Vestlake Ridge Drive (a private road) and Vestlake Cove Drive (a private road).



**LEGAL DESCRIPTION**  
**THE URBAN CENTER PARKWAY DEDICATION**

Being an existing private road situated in the West 1/2 of Section 12, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

All that private road known as Urban Center Parkway lying over, on, across and through Lot 7, The Urban Center At Liberty Park Resurvey No. 4 as recorded in Map Book 194, Page 53 in the Probate Office of Jefferson County, Alabama, located within the municipal limits of the City of Vestavia Hills, Alabama.

**ORDINANCE NUMBER 2833**

**AN ORDINANCE TO AMEND ORIDNANCE NUMBER 2696 AND 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 B-1 TO VESTAVIA HILLS B-1 WITH A REVISED SITE PLAN**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That Ordinance Number 2696 and 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 B-1 (neighborhood business district) to Vestavia Hills B-1 (neighborhood business district) with a revised site plan:

4557 Pine Tree Circle  
Lot 14, Topfield Subdivision  
Seedcorn LLC, Owner(s)

**BE IT FURTHER ORDAINED** that said zoning be contingent upon the following conditions:

1. Approval to be developed substantially as the site plan presented;
2. Building height limited to two (2) stories;
3. Buildings to be designed in a residential style;
4. Developers to construct a sidewalk along frontage of lots or contribute to the City's Sidewalk Fund an amount to be determined by the City Engineer based upon linear frontage and the cost of said sidewalk;
5. Private clubs, convenience stores and fast food restaurants are prohibited;
6. Opaque landscaping must be installed along the western property line.

**APPROVED and ADOPTED** this the 8<sup>th</sup> day of April, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

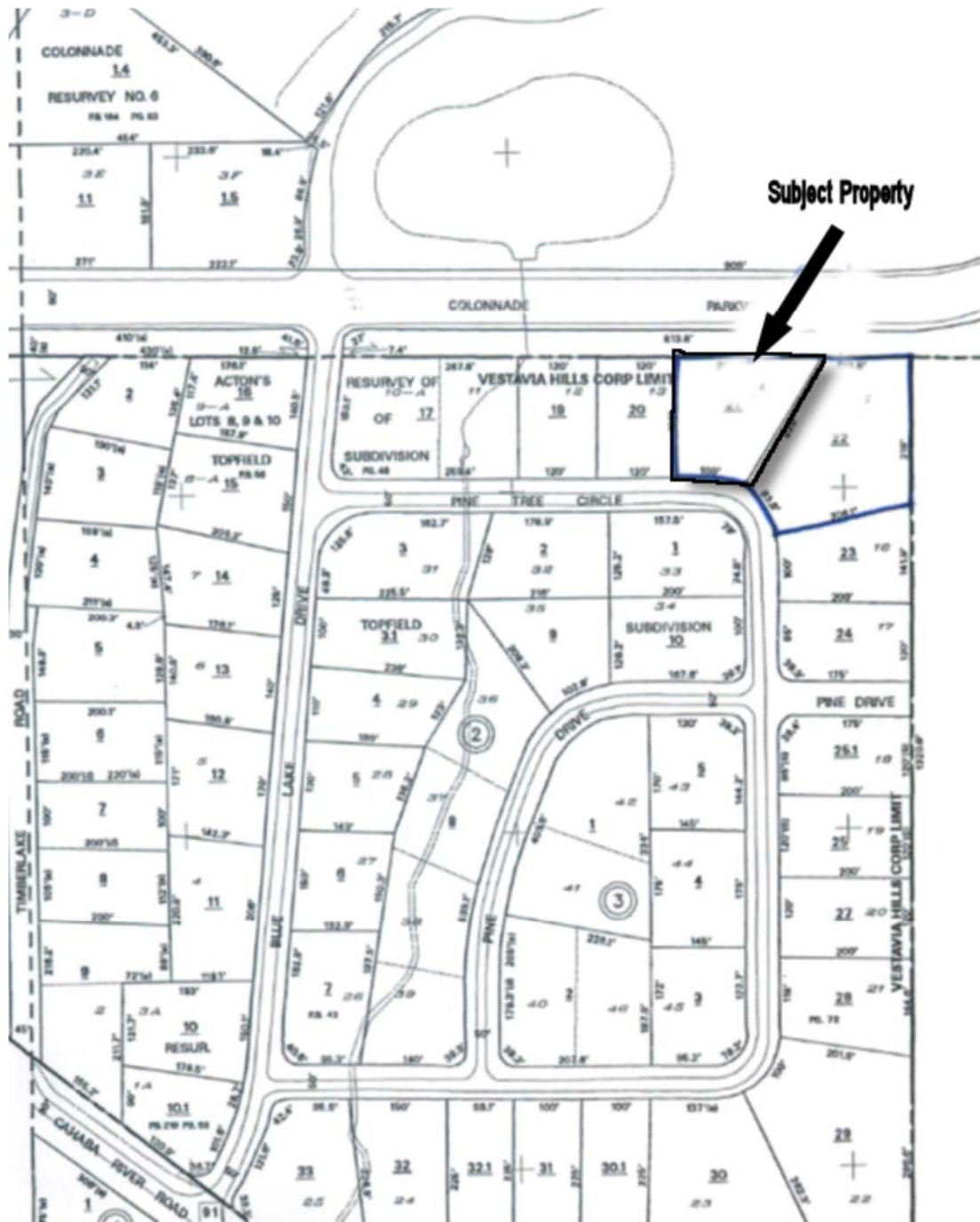
Rebecca Leavings  
City Clerk

**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 # 2833 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 8<sup>th</sup> day of March, 2019 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 \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk



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

Date: **FEBRUARY 14, 2019**

- **CASE: P-0219-03**
- **REQUESTED ACTION:** Rezoning Vestavia Hills B-1 to Vestavia Hills B-1 with Revised Site Plan.
- **ADDRESS/LOCATION:** 4557 Pine Tree Circle
- **APPLICANT/OWNER:** Seed Corn, LLC
- **REPRESENTING AGENT:** Wesley Cline
- **GENERAL DISCUSSION:** Applicant is seeking a site plan amendment for 4557 Pine Tree Circle. This property and the adjoining property were originally rezoned from R-1 to B-1 in March, 2017 (Ordinance Number 2696) and conditioned on the site plan as presented at that time. This revised site plan will include one proposed building. The setbacks for this property will be 20' in the front, 30' in the rear and 10' on the sides.
- **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:** Building to be designed in a residential style and compatible with other new construction in the Blue Lake area
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
  4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Weaver made a motion to recommend a site plan amendment for 4557 Pine Tree Circle with the following conditions:

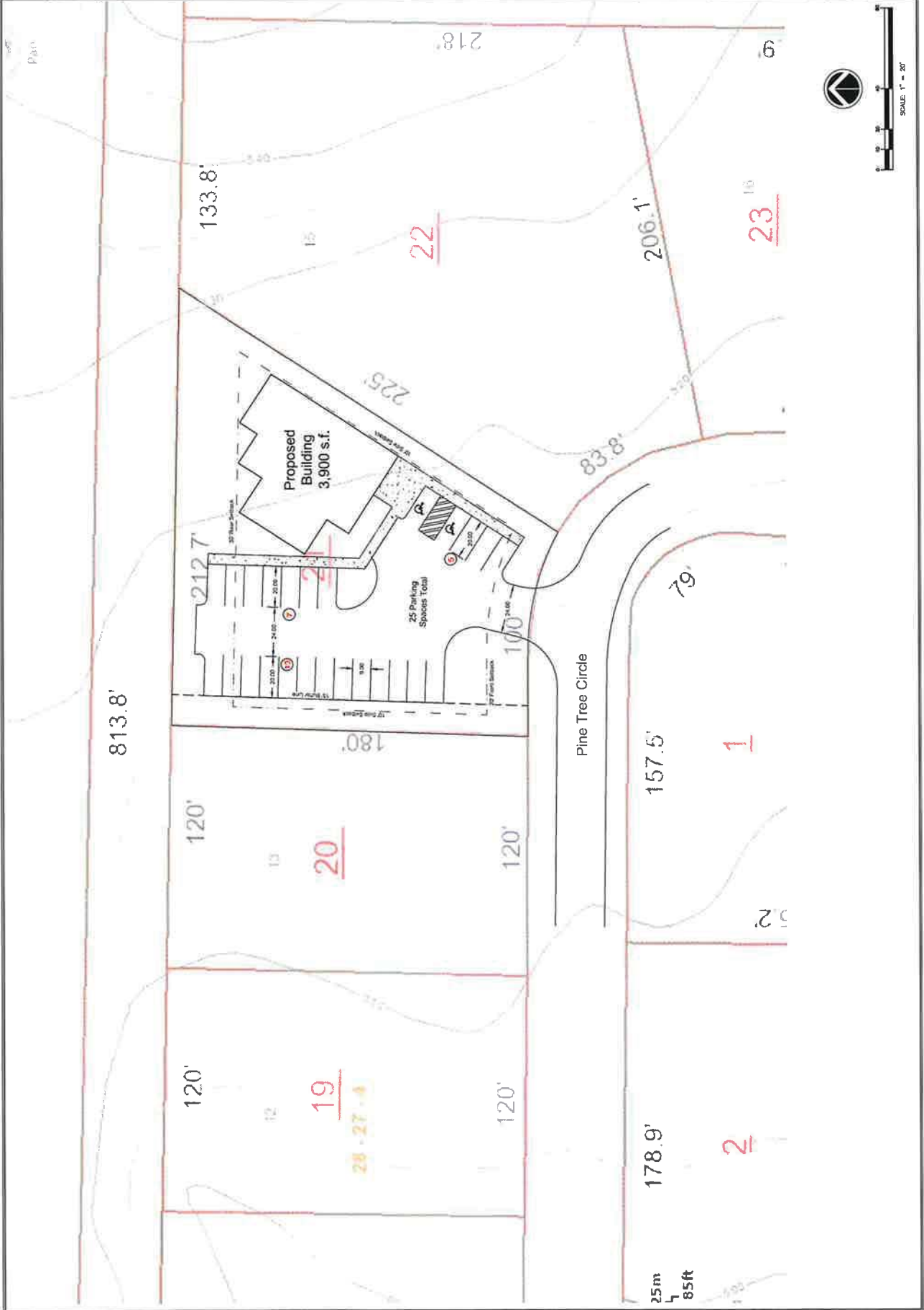
1. Approval based on site plan presented;
2. Building height limited to two (2) stories;
3. Buildings to be developed in a residential style;
4. Developers to construct a sidewalk along frontage of lots or contribute to the City's Sidewalk Fund in an amount to be determined by the City Engineer based upon linear frontage and the cost of said sidewalk;
5. Private clubs, convenience stores, and fast food restaurants are prohibited;
6. Opaque landscaping must be installed along the western property line.

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

Mr. Goodwin – yes  
Mr. Romeo – yes  
Mr. Weaver– yes  
Mrs. Barnes – yes  
Motion carried.

Mr. Sykes – yes  
Mr. Larson – yes  
Ms. Cobb – yes























Zoning

PARCELID 2800274001021000  
DISTRICT 020  
ESN\_NUM 62  
PROPADD 4557 PINE TREE CIR  
VH\_ZONING B-1\*  
ZNG\_ORD 2696  
ZNG\_ORD\_DT 03/27/2017  
ZNG\_ORD2 1981  
ZNG\_ORD\_1  
ZNG\_ORD3  
ZNG\_ORD\_2 03/21/2003  
ZNG\_ORD4  
ZNG\_ORD\_3  
Zoom to





**ORDINANCE NUMBER 2696**

**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-1 TO VESTAVIA HILLS B-1**

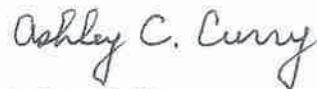
**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-1 (residential district) to Vestavia Hills B-1 (neighborhood business district):

4553 and 4557 Pine Tree Circle  
Lots 14 & 15, Topfield Subdivision  
Bobby and Judy Long and Edward and Marion Jones, Owner(s)

**BE IT FURTHER ORDAINED** that said zoning be contingent upon the following conditions:


1. Approval to be developed substantially as the site plan presented;
2. Building height limited to two (2) stories;
3. Buildings to be designed in a residential style;
4. Developers to construct a sidewalk along frontage of lots or contribute to the City's Sidewalk Fund an amount to be determined by the City Engineer based upon linear frontage and the cost of said sidewalk;
5. Lots must be resurveyed and platted as shown;
6. Private clubs, convenience stores and fast food restaurants are prohibited.

**APPROVED and ADOPTED** this the 27<sup>th</sup> day of March, 2017.



Ashley C. Curry  
Mayor

ATTESTED BY:



Rebecca Leavings  
City Clerk

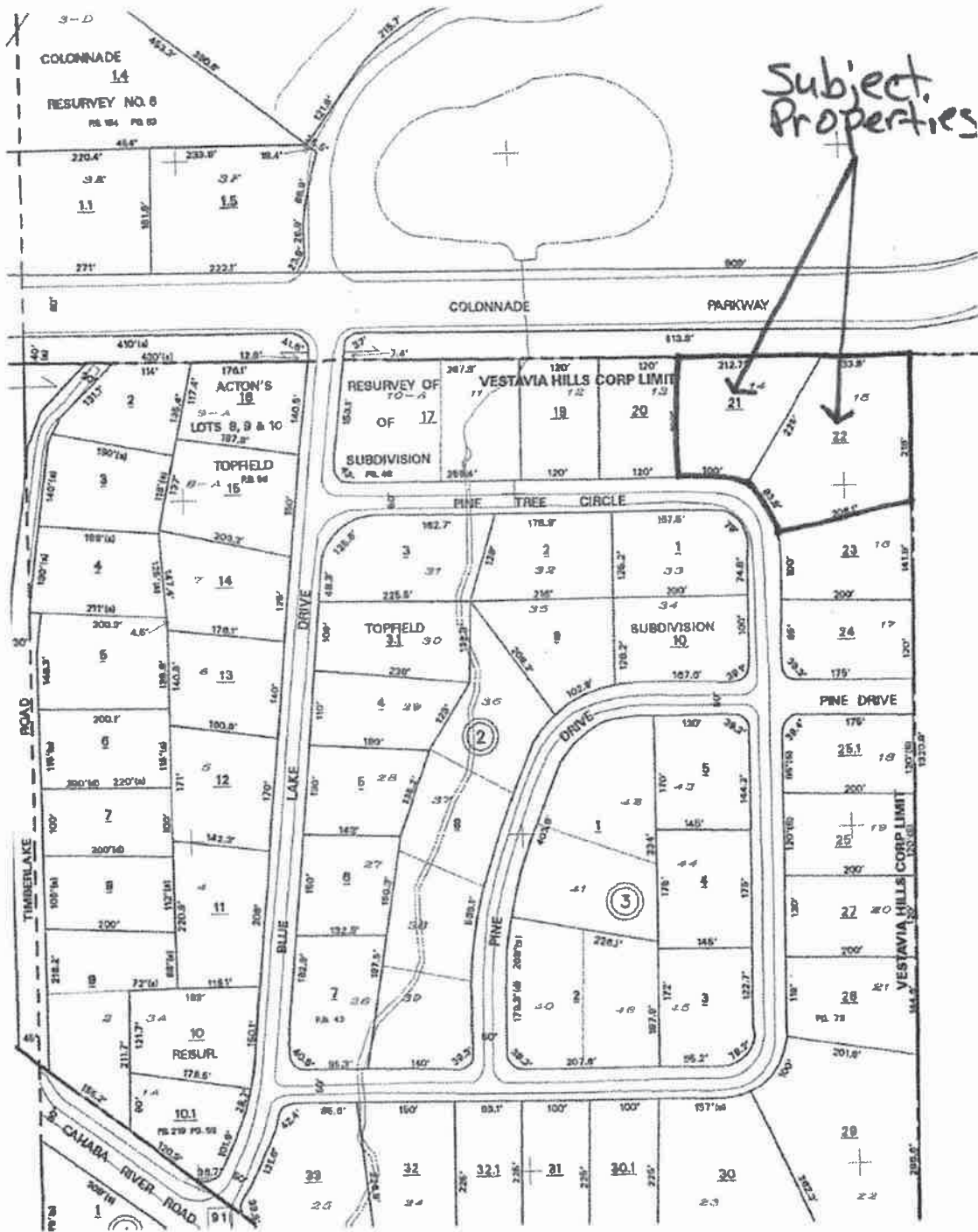
**CERTIFICATION:**

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 # 2696 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 27<sup>th</sup> day of March, 2017 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 27<sup>th</sup> day of March, 2017.



Rebecca Leavings  
City Clerk

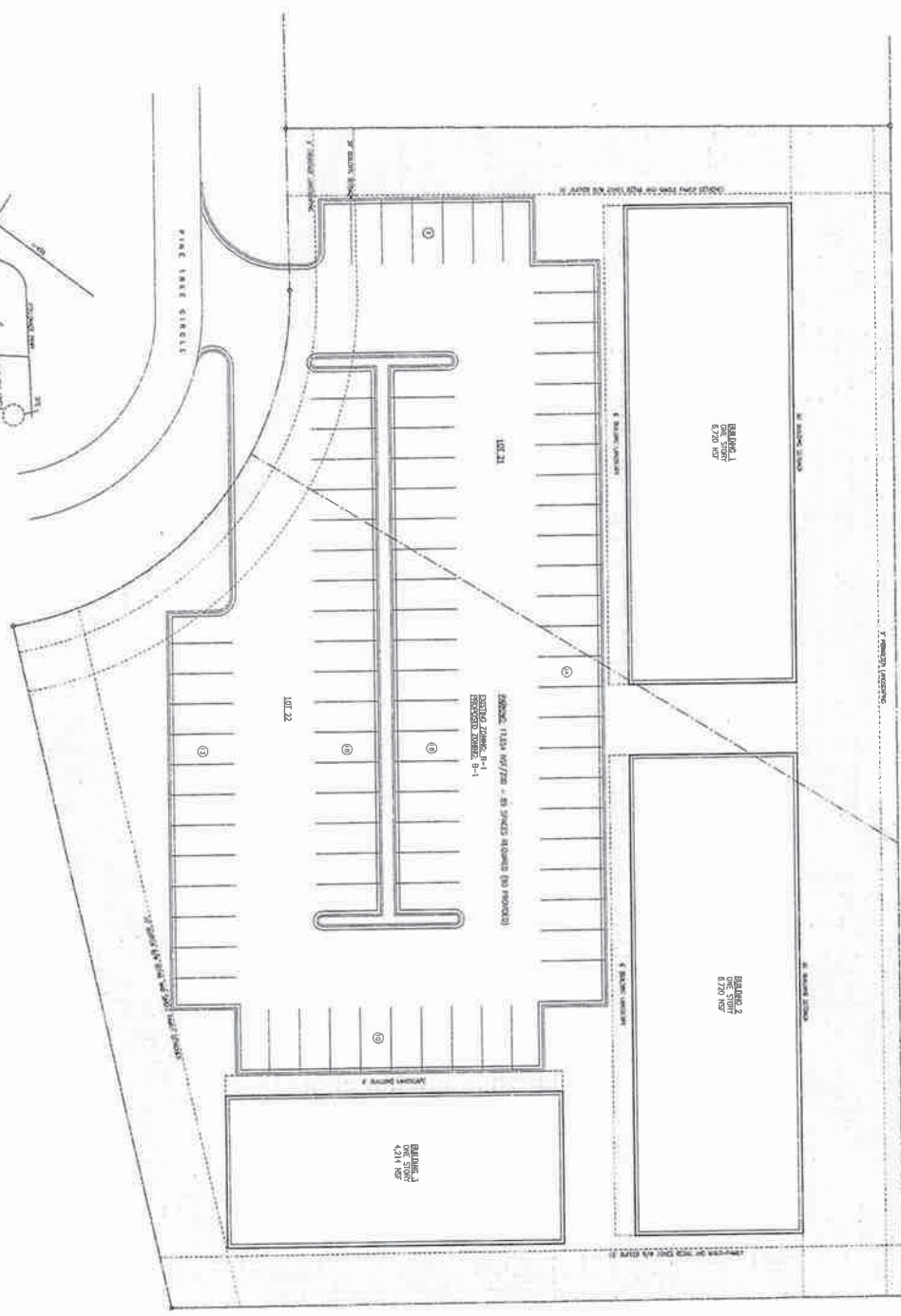








SITE PLAN  
SCALE: 1" = 100'



A001



STATE OF ILLINOIS  
OFFICE OF THE CLERK OF THE SUPREME COURT  
221 WEST WASHINGTON STREET, CHICAGO, ILLINOIS 60604

NO.	DATE	DESCRIPTION

