

Vestavia Hills
City Council Agenda
April 22, 2019
6:00 PM

1. Call to Order
2. Roll Call
3. Invocation – Marlon Ellington, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Proclamation – National Get On Board Day – April 25, 2019
7. City Manager’s Report
8. Councilors’ Reports
9. Approval of Minutes – April 8, 2019 (Regular Meeting)

Old Business

10. Ordinance Number 2840 – Conditional Use Approval – 1506-1514 Montgomery Highway; Royal Automotive; Conditional Use Approval To Allow Lamar Advertising To Dismantle Twelve Billboard Faces On Six Free Standing Structures Within The City Limit Of The City Of Vestavia Hills And Allow The Erection And Operation Of An Free Standing Billboard Structure With Two Faces – One Face Reading To I-65 And The Other Reading To Montgomery Highway (*public hearing*)
11. Ordinance Number 2838 – Conditional Use Approval – 3788 Crosshaven Drive; Lot 5 And The N 20’ Of Lot 4, Block 1, Glass’ 3rd Add To New Merkle; Conditional Use For Beekeeping; Installation And Maintenance Of Four (4) Beehives; St. Stephens Episcopal Church (*public hearing*)
12. Ordinance Number 2839 – Conditional Use Approval – 1476 Montgomery Highway; Conditional Use Approval For The Purpose Of Automotive Sales, Automotive Services – Major And Minor, Including But Not Limited To Mechanical And Collision Repair; Serra Automotive (*public hearing*)
13. Ordinance Number 2835 – Rezoning – 3984 And 3988 Nachez Drive; Lots 2 & 3, Block 1, Hermitage Forest 1st Sector; Rezone From Vestavia Hills R-4 To Vestavia Hills R-9; Arthur Powell, Owner (*public hearing*)
14. Ordinance Number 2836 – Rezoning – 3785 Glass Drive; Lot 29, Glass’ 3rd Add To New Merkle; Rezoning From Vestavia Hills R-4 To Vestavia Hills R-9; Tucker And Company, LLC (*public hearing*)

15. Ordinance Number 2837 – Rezoning – 3784 Poe Drive; Lot 8, Block 3, Glass’ 3rd Add To New Merkle; Rezoning From Vestavia Hills R-4 To Vestavia Hills R-9; Jonathan B. Culver (*public hearing*)
16. Ordinance Number 2841 - An Ordinance Amending Section 5 Of Ordinance Number 2427 And Section 10-14(E), *Vestavia Hills Code Of Ordinances, Rep. 2013* Entitled “Educational Programs” (*public hearing*)
17. Ordinance Number 2842 – Annexation – Overnight – Magnolia Cove Subdivision; Lots 1 through 13; Chase Beard, et al, Owners (*public hearing*)

New Business

18. Resolution Number 5152 - A Resolution appointing a member to the Vestavia Hills Board of Education
19. Resolution Number 5153 - Alcohol License – Tazikis Mediterranean Café; 1425 Montgomery Highway, Suite 199; John Michael Bodnar, James Matthew Bodnar, Gerald Edison Rushton, Jr., Executives (*public hearing*)
20. Resolution Number 5154 – A Resolution of the Mayor and City Council of the City of Vestavia Hills In Opposition To Proposed Senate Bill 264 Regarding Small Cell Technology
21. Resolution Number 5155 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Regions For The Court Bond Account
22. Resolution Number 5156 – A Resolution Renaming The Street Magnolia Cove To Magnolia Cove Road
23. Ordinance Number 2844 – Annual Jefferson County Tax Levy
24. Ordinance Number 2845 – Annual Shelby County Tax Levy

New Business (Requesting Unanimous Consent)

First Reading (No Action To Be Taken At This Meeting)

25. Ordinance Number 2846 – An Ordinance Changing Polling Places In The City From The Cahaba Heights Senior Center To The Cahaba Heights Baptist Church (*public hearing*)
26. Citizen Comments
27. Motion For Adjournment

WHEREAS, the Birmingham-Jefferson County Transit Authority is a public entity established by the Alabama Legislature to provide mass public transportation in Jefferson County, Alabama; and

WHEREAS, April 25th, 2019 marks “National Get On Board Day” as a day that encourages people to ride public transportation to save money, protect the environment, and improve the quality of life for all Americans; and

WHEREAS, free rides will be offered to all customers on April 25, 2019 in celebration of “National Get On Board Day”; and

WHEREAS, public transportation is a \$71 billion industry that directly employs 420,000 people and supports millions of private sector jobs; and

WHEREAS for every \$1 invested in public transportation, \$4 is generated in economic returns; and

WHEREAS 87 percent of public transit trips directly impact the economy by connecting people to jobs or retail and entertainment venues; and

WHEREAS, Alabama declares that public transportation helps people save money, helps the environment, and improves America’s quality of life; and

WHEREAS where public transportation goes, communities grow and prosper.

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 join with the Birmingham-Jefferson County Transit Authority and proclaim April 25, 2019 as

NATIONAL GET ON BOARD DAY

in Vestavia Hills and encourage all residents to support public transportation on April 25th

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 April 2019.

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

APRIL 8, 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 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
Rebecca Leavings, City Clerk
George Sawaya, Asst. Finance Director
Dan Rary, Police Chief
Marvin Green, Fire Chief
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Cinnamon McCulley, Communications Specialist

Steve Dedmon, Vestavia Hills Chaplain, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mrs. Cook recognized Steve Ammons, Jefferson County Commissioner.
- Mrs. Cook stated that Board of Education will meet on April 29 beginning at 4 PM.
- Mrs. Cook announced that the following individuals have applied for the upcoming vacancy on the Vestavia Hills Board of Education: Todd Bailey, Scott Brown, Jaclyn Hudson, Corey Milner, French McMillan, Tealla Stewart, Brian Demarco, Jeffrey Florio and Steven Shepherd.
- Mrs. Cook stated that the City Council will begin interviewing the applicants at 8 AM on April 10 and continue beginning at 8 AM on April 16.
- Mr. Pierce recognized Chamber members Sandra Cleveland and Roger Steur.
- The Mayor thanked everyone involved in organizing the Opioid Awareness breakfast including Tom Dooley, the speaker for the event. He stated that they will continue

organizing these events, but that they may change the format. He reminded everyone that the purpose of these are to raise awareness of opioid addiction, within the city, working in collaboration with Chief Rary to assist anyone in need.

- Mr. Head recognized Park Board member, Mitch Bevill, as well as Anne Smyth, immediate past President of the Park Board.

PROCLAMATION – DAY OF PRAYER – APRIL 23, 2019

The Mayor presented a proclamation designating April 23, 2019, as A Day of Prayer. Mr. Downes read the proclamation and the Mayor presented it to Chamber President Karen Odle and other Chamber members Scott Perry, Gary Jordan, Sandra Cleveland and Roger Steur. Mrs. Odle stated that the 29th Annual Mayor’s Prayer Breakfast with Micah McElveen as the guest speaker from Vapor Ministries will be held on April 23, 2019, beginning at 7 AM. She stated he has a compelling story and that the event is currently sold out, but there is a waiting list in case some tickets come back into the office.

PROCLAMATION – NATIONAL VOLUNTEER RECOGNITION WEEK – APRIL 7-13, 2019

The Mayor presented a proclamation designating April 7-13, 2019, as National Volunteer Recognition Week. Mr. Downes read the proclamation and the Mayor presented it to Melanie Perry, Gary and Tina Chaffin, Kim Smith, Anne Smyth, Anne Boston, Mitch Bevill, Rudy and Joyce Duda.

CITY MANAGER’S REPORT

- Mr. Downes highlighted two specific projects:
 - The Cahaba Heights baseball fields will be the first project from the Community Spaces Plan to make its way to bid. Presentation of construction plans will be forthcoming as the bids are finalized. Ken Upchurch will be at the work session next Monday to present the final concept. Wald Park and the Community building will follow this project.
 - The plans for widening of Crosshaven are about 90 percent complete. Letters have gone out to adjacent property owners and negotiations will begin on the additional right-of-way. Later eminent domain will follow if negotiations fail. Mrs. Cook asked about the progress of right-of-way valuations and negotiations. Mr. Downes explained they are about 50% completed on the City side.
- The Liberty Park pedestrian tunnel was bid last year with bids coming back far greater than estimates because of a relocation of a water main. He stated they are working with the Birmingham Water Works Board on that main relocation to see if the cost can be reduced or whether additional grant dollars may be allocated to the project. They are continuing to work on this project. Mrs. Cook questioned the difference and Mr. Downes

stated it was \$300,000, but the water main relocation was most of it and there might have been some miscommunication related to that relocation.

- Mr. Downes gave an update on the paving around the central part of the City. He stated that they are probably about 65% complete. The weather has not cooperated but he hopes, as rain begins to diminish, more progress can be made.

Mrs. Joyce Duda, 2607 Millbrook Lane, asked about notification to property owners of condemnation. She asked what the timeframe is between sending the letter of notification to owners and official action and how the City determines the property owner addresses.

Mr. Downes stated that the City has retained an attorney, Martin Evans, to oversee the condemnation process and he relies upon that outside counsel to ensure that the notices are done correctly. He stated he relies on the attorneys to ensure it is done according to law.

Mr. Boone explained the process the attorney would follow in order to ascertain the owner of the various properties and how to address the notifications. Discussion ensued.

Mr. Downes gave Mrs. Duda his contact information and asked her to contact him later so he can obtain the information she requested.

COUNCILOR REPORTS

- Mrs. Cook stated that last week she went to Montgomery to join with the Help the Hills Coalition to urge passage of HB41. She explained that this legislation will regulate vaping, similar to tobacco. She stated that the state House of Representatives passed it unanimously and they hope to push this on through the legislature before the end of the session.
- Mr. Pierce stated he would be attending the Chamber luncheon tomorrow at the Vestavia Country Club.
- Mr. Weaver announced the regular Planning and Zoning Commission meeting to be held on Thursday beginning at 6 PM.

FINANCIAL REPORTS

Mr. Sawaya presented the financial reports for month ending February 2019. He read and explained the balances.

APPROVAL OF MINUTES

The minutes of the following meeting were presented for approval: March 11, 2019 (regular meeting), March 18, 2019 (work session) and March 18, 2019 (regular meeting).

MOTION Motion to dispense with the reading of the minutes of the March 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.

MOTION Motion to dispense with the reading of the minutes of the March 18, 2019 (work session) 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 – abstain Mr. Weaver – yes
Mayor Curry – yes Motion carried.

MOTION Motion to dispense with the reading of the minutes of the March 18, 2019 (regular meeting) and approve them as presented was by Mr. Weaver and second by Mr. Head. Roll call vote as follows:
Mrs. Cook – yes Mr. Head – yes
Mr. Pierce – abstain Mr. Weaver – yes
Mayor Curry – yes Motion carried.

PUBLIC INVOLVEMENT MEETING – PEDESTRIAN BRIDGE

Mr. Downes introduced Blair Perry, Leslie Corlett and Kent Marshall from Gresham Smith and Partners, who are acting as the team leaders on this project. He stated ALDOT requires a public involvement meeting in order to fund this project.

Blair Perry, Gresham Smith and Partners, presented a PowerPoint and explained the pedestrian bridge project, which will be located on Montgomery Highway. He stated that this project has been planned for several years along with securing funding from various sources. He showed renderings of the proposed structure and explained the planned details. He stated that the City has secured 80% funding and, because of the federal funding, the project has to be evaluated for adverse impacts to the environment and its surroundings. He stated that they have found no environmental impact caused by the construction of this project. He explained the purpose of the public involvement meeting and encouraged everyone to fill out a comment form. He stated that they will be evaluated and, if possible, incorporated into the project.

Mr. Perry explained the purpose and need for the bridge. The bridge will tie into existing sidewalk systems on both sides of the highway. He described the compliance with all governmental standards including, but not limited to ADA accessibility. He mentioned the design includes a large-size elevator that would accommodate multiple bicycles and a metal channel that would run down the stairs to allow cyclists to easily walk their bikes down the stairs. In closing, he invited everyone to view the exhibits located in the hallway, where he will be available to answer questions and receive comment forms.

Mrs. Cook asked about the possible addition of colored, decorative lighting.

Mr. Perry stated that various lighting alternatives will likely be in the bid package.

Mrs. Cook asked about signage or some type of graphics to bring in the City's branding. Mr. Perry said this will be explored.

Danielle Davis, 1214 Vestavia Place, asked about the security of the bridge, including monitoring, especially during school hours.

Chief Rary stated the bridge has built-in security to prevent items being thrown from the bridge.

Mr. Perry explained that they are providing conduits into the design for eventual installation of cameras.

The Mayor stated that the Council is excited to see this progress, as the project has been in the works for more than 20 years. He stated he will be excited if this can move forward.

Mr. Pierce stated that one advantage to taking this long is that there is some great lighting packages available there weren't in existence back years ago.

OLD BUSINESS

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*)

MOTION Motion to approve Resolution Number 5148 was by Mr. Pierce seconded by Mr. Weaver.

Mr. Downes stated that the Council recently accepted dedication of certain roadways in Liberty Park including Liberty Parkway and a large portion of Lake Parkway from the roundabout back to Old Overton back gate location. This resolution will accept the dedication of Lake Parkway to Vestlake Ridge Drive as well as Urban Center Parkway. He stated that the drainage infrastructure was inspected and Schoel Engineering did the legal descriptions. He stated that these are subject to the same maintenance agreement which was put into place during the original acceptance of streets.

Joey Breightner, Schoel Engineering, was present in regard to this request.

Mrs. Cook asked about the boundaries of the dedicated part of Lake Parkway.

Mr. Downes stated that the dedication includes all of Lake Parkway until it ends at Vestlake Ridge Drive.

Mrs. Cook stated that golf carts are not allowed on public roads. She asked about the maintenance agreement and whether it would include this additional right-of-away. Mr. Downes stated that it would.

The Mayor opened the floor for a public hearing. 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 2833

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)

MOTION Motion to approve Ordinance Number 2833 was by Mr. Weaver, seconded by Mr. Pierce.

Mr. Weaver stated that the commission unanimously recommended this request for rezoning. He stated this was originally rezoned and is being revisited because of the change in the site plan.

The Mayor opened the floor for a public hearing.

Jeff Roe, representing the owners of 4561 Pine Tree Circle—property adjacent to this request--stated they were confused by the process of this and initially met with the City Planning Commission and are now coming to City Council. He stated it was his understanding that the Commission found the plans to be lacking in detail. He asked questions about the conditions of the zoning and whether all concerns had been addressed.

Discussion ensued and Mr. Weaver explained that the Commission had added conditions to assist with the concerns discussed at the meeting.

Wesley Cline was present in regard to 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. Pierce – yes
Mayor Curry – yes
Mr. Head – yes
Mr. Weaver – yes
Motion carried.

NEW BUSINESS

ORDINANCE NUMBER 2843

Ordinance Number 2843 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With New Cingular Wireless PCS, LLC For Location Of A Multi-Carrier Stealth Pole At The Sicard Hollow Athletic Complex Subject To Conditional Use Approval

Mr. Downes stated that AT&T approached the City regarding the need for better cellular reception within the Liberty Park area. The proposal would be to replace a light pole at the Sicard Hollow Athletic Complex with a stealth tower. He indicated that a conditional use would have to be requested by AT&T and obtained before this would be allowed on the property. If they are successful obtaining the Conditional Use, then the lease would be executed and the tower would be installed pursuant to the terms and conditions of this lease agreement.

MOTION Motion to approve Ordinance Number 2843 was by Mr. Weaver seconded by Mr. Head.

There being no one further 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.

RESOLUTION NUMBER 5150

Resolution Number 5150 – A Resolution Approving A 140-Special Events Retail License For On-Premise Sale Of Alcohol For The 5th Annual Crawfish Boil Event To Be Held At 2531 Rocky Ridge Road, Suite 107; Jacquelines, Inc., Applicant; Maria Esperanza Adan, Executive (public hearing)

MOTION Motion to approve Resolution Number 5150 was by Mr. Weaver, seconded by Mr. Pierce.

The general manager of the restaurant explained the request for this annual event. He stated that this is their fifth time holding this event. He described how they handle the event.

Mr. Pierce asked about controls that keeps minors from drinking. The manager explained their policies to ensure no minor is served.

The Mayor opened the floor for a public hearing. 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 5151

Resolution Number 5151 – A Resolution In Support Of House Bill Number 41, Introduced In The 2019 Regular Session Of The Alabama Legislature, To Discourage Teen Vaping

MOTION Motion to approve Resolution Number 5151 was by Mrs. Cook, seconded by Mr. Weaver.

Mrs. Cook stated that she has been working with the Help the Hills Coalition to address the issue of vaping, as a concerned parent. She stated that the sale of vaping supplies are not regulated in the State of Alabama and that she understands sales to minors are occurring within our City. She stated that more than 30% of Vestavia High School seniors admitted to using a nicotine product in last year's PRIDE survey.

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 (UNANIMOUS CONSENT REQUESTED)

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

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on April 22, 2019, at 6:00 PM.

- Ordinance Number 2840 – Conditional Use Approval – 1506-1514 Montgomery Highway; Royal Automotive; Conditional Use Approval To Allow Lamar Advertising To Dismantle Twelve Billboard Faces On Six Free Standing Structures Within The City Limit Of The City Of Vestavia Hills And Allow The Erection And Operation Of An Free Standing Billboard Structure With Two Faces – One Face Reading To I-65 And The Other Reading To Montgomery Highway (*public hearing*)
- Ordinance Number 2838 – Conditional Use Approval – 3788 Crosshaven Drive; Lot 5 And The N 20' Of Lot 4, Block 1, Glass' 3rd Add To New Merkel; Conditional Use For

- Beekeeping; Installation And Maintenance Of Four (4) Beehives; St. Stephens Episcopal Church (*public hearing*)
- Ordinance Number 2839 – Conditional Use Approval – 1476 Montgomery Highway; Conditional Use Approval For The Purpose Of Automotive Sales, Automotive Services – Major And Minor, Including But Not Limited To Mechanical And Collision Repair; Serra Automotive (*public hearing*)
 - Ordinance Number 2835 – Rezoning – 3984 And 3988 Natchez Drive; Lots 2 & 3, Block 1, Hermitage Forest 1st Sector; Rezone From Vestavia Hills R-4 To Vestavia Hills R-9; Arthur Powell, Owner (*public hearing*)
 - Ordinance Number 2836 – Rezoning – 3785 Glass Drive; Lot 29, Glass’ 3rd Add To New Merkel; Rezoning From Vestavia Hills R-4 To Vestavia Hills R-9; Tucker And Company, LLC (*public hearing*)
 - Ordinance Number 2837 – Rezoning – 3784 Poe Drive; Lot 8, Block 3, Glass’ 3rd Add To New Merkel; Rezoning From Vestavia Hills R-4 To Vestavia Hills R-9; Jonathan B. Culver (*public hearing*)
 - Ordinance Number 2841 - An Ordinance Amending Section 5 Of Ordinance Number 2427 And Section 10-14(E), *Vestavia Hills Code Of Ordinances, Rep. 2013* Entitled “Educational Programs” (*public hearing*)
 - Ordinance Number 2842 – Annexation – Overnight – Magnolia Cove Subdivision; Lots 1 through 13; Chase Beard, et al, Owners

CITIZEN COMMENTS

Carter DeWees, a student member of City Youth Connection, thanked the Mayor for his work and efforts in bringing awareness of opioid addiction and rehabilitation to the forefront.

At 7:25 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 7:26 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2840

AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL ON THE PROPERTY LOCATED AT 1506-1514 MONTGOMERY HIGHWAY; ROYAL AUTOMOTIVE, OWNERS; CONDITIONAL USE APPROVAL TO ALLOW LAMAR ADVERTISING TO DISMANTLE TWELVE BILLBOARD FACES ON SIX FREE STANDING STRUCTURES WITHIN THE CITY LIMITS OF THE CITY OF VESTAVIA HILLS AND ALLOW THE ERECTION AND OPERATION OF AN FREE STANDING BILLBOARD STRUCTURE WITH TWO ELECTRONIC DIGITAL FACES – ONE FACE READING TO I-65 AND THE OTHER READING TO MONTGOMERY HIGHWAY

WHEREAS, on December 13, 2010, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2331, also known as the City of Vestavia Hills Zoning Code; and

WHEREAS, Gregory L. Belcher, Royal Automotive, Inc., are owners of the property located at 1506-1514 Montgomery Highway zoned Vestavia Hills B-3 (business district); and

WHEREAS, Royal Automotive, Inc., has offered to lease to Lamar Advertising an area of the above referenced property for erection of a billboard for a period of ten years; and

WHEREAS, Tom Traylor, Lamar Advertising, presented an application for Conditional Use approval for the purpose of erecting a new freestanding billboard structure upon the property located at 1506-1514 Montgomery Highway for the purpose of digital advertising; and

WHEREAS, Lamar Advertising has indicated that said Conditional Use approval shall be conditioned upon the dismantling and permanent removal of twelve existing billboard faces on six freestanding structures located in other areas within the City; and

WHEREAS, a copy of the application for Conditional Use approval by Lamar Advertising detailing the locations of the structures to be removed, the existing structures to remain within the City and information concerning the new freestanding structure to be constructed is marked as Exhibit A, attached to and incorporated into this Ordinance Number 2840 as though written fully therein.

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

1. Conditional Use Approval is hereby granted for Lamar Advertising to dismantle and permanently remove twelve billboard faces on six existing billboard structures located in various areas of the City as detailed in the attached Exhibit A and, upon doing so, to construct and operate a single billboard structure with two digital faces – one face to read to I-65 northbound traffic and the other to read to Montgomery Highway south bound traffic; and
2. Conditional Use approval for the new structure shall be considered null and void if, for any reason, the dismantle and permanent removal of the structures to be removed and construction of the new structure are not substantially completed within 12 months of the effective date of this Ordinance Number 2840; and
3. Should the new structure cease to exist or operate on the property for a period of twelve (12) consecutive months, said use shall be considered null and void and said structure shall be immediately removed; and
4. This Ordinance Number 2840 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

DONE, ORDERED, ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

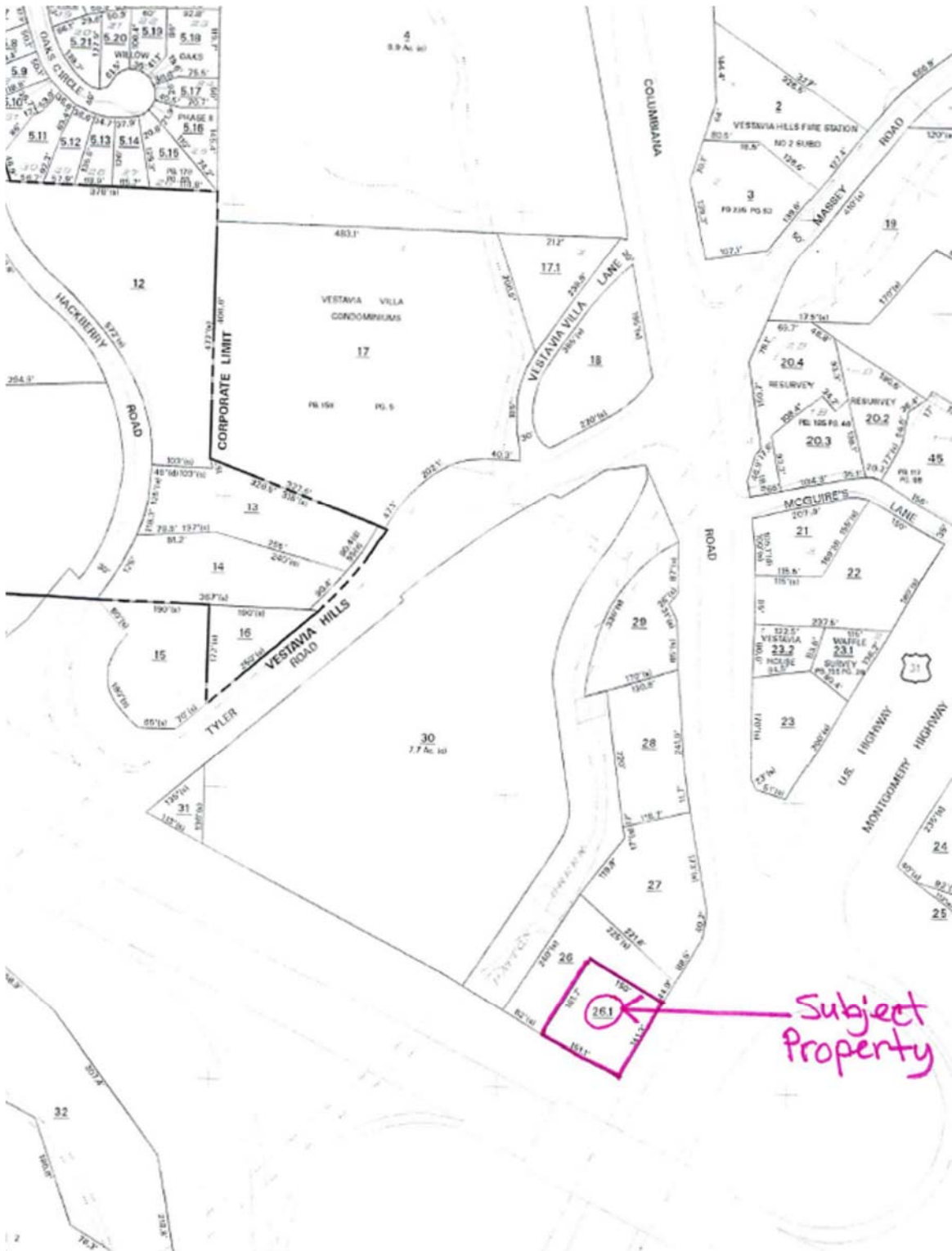
Rebecca Leavings
City Clerk

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 # 2840 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 22nd day of April, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



TY OF VESTAVIA HILLS

APPLICATION

2019 FEB - 7 P 4: 02

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered.** All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Lamar Advertising

ADDRESS: 920 6th Street South, Birmingham, Al. 35205

MAILING ADDRESS (if different from above) same

PHONE NUMBER: Home 2053687472 Office 2055992700

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Tom Traylor

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 11.4.1 - 4 of the Vestavia Hills Zoning Code.

Current Zoning of Property: Commercial

Requested Conditional use For the intended purpose of: dismantle 6 billboard structures

and install one digital structure at I-65 and Hwy. 31 (both attached)

(Example: From "VH R-1" to "VH O-1" for office building)

if additional information is needed, please attached full description of request

(Attached) Quid

IV. PROPERTY DESCRIPTION: (address, legal, etc.)

1506 Montgomery Hwy. (1514) changed in year 2012)

Vestavia Hills, Al. 35216

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

B B Kanson
Owner Signature/Date

[Signature]
Representing Agent (if any)/date

Given under my hand and seal
this 7 day of Feb., 2019.

Christie J Wood
Notary Public

My commission expires My Commission Expires: July 7, 2021
day of _____, 20_____.



Lamar Co #138

This Instrument Prepared by:
James R. McIlwain
5321 Corporate Boulevard
Baton Rouge, Louisiana 70808



James R. McIlwain

New

Lease # **P0319-11/3900012000026.001**
1506 (aka 1514) Montgomery Hwy.
Cond. Use for digital sign
Lamar Advertising

SIGN LOCATION LEASE

THIS LEASE AGREEMENT, made this 3rd day of August, 2018, by and between: ROYAL AUTOMOTIVE, INC.(hereinafter referred to as "Lessor") and THE LAMAR COMPANIES (hereinafter referred to as "Lessee"), provides

WITNESSETH

"LESSOR hereby leases to LESSEE, its successors or assigns, as much of the hereinafter described lease premises as may be necessary for the construction, repair and relocation of an outdoor advertising structure ("sign"), including necessary structures, advertising devices, utility service, power poles, communications devices and connections, with the right of access to and egress from the sign by LESSEE'S employees, contractors, agents and vehicles and the right to survey, post, illuminate and maintain advertisements on the sign, and to modify the sign to have as many advertising faces, including changeable copy faces or electronic faces, as are allowed by local and state law, and to maintain telecommunications devices or other activities necessary or useful in LESSEE'S use of the sign. Any discrepancies or errors in the location and orientation of the sign are deemed waived by LESSOR upon LESSOR'S acceptance of the first rental payment due after the construction of the sign.

The premises are identified in Rider #C and are a designated portion of the property located in the County of Jefferson, State of Alabama, more particularly described as:

1506 Montgomery Highway, Vestavia, AL
Parcel ID#39-00-01-2-000-026.001

1. This Lease shall be for a term of ten (10) years commencing on the first day of the calendar month following the date of completion of construction of the sign, except that LESSOR shall have the option to terminate this lease if construction of the sign is not completed by March 1, 2020.

LESSEE may renew this Lease, for an additional term, of equal length, on the same terms and conditions, except that the annual rent shall be increased from [redacted] to [redacted]. The prepayment of [redacted] in Rider A shall remain the same. Said renewal term shall automatically go into effect unless LESSEE shall give to LESSOR written notice of non-renewal at least sixty (60) days prior to the expiration of the original term.

The premises which are the subject of this Sign Location Lease are owned by the Estate of David R. Belcher (the "Estate") and leased by the Estate to Lessor, which is subleasing the subject premises to Lessee pursuant to the terms of this Sign Location Lease. Attached hereto as Rider D as an addendum, signed by the authorized representative of the Estate.

2. LESSEE shall pay to LESSOR an annual rental of [redacted] Dollars, payable quarterly in advance in equal installments of [redacted] each, (SEE ALSO PERCENTAGE RIDER A, PROHIBITIVE ADVERTISING RIDER B, AND RIDER C ATTACHED), with the first installment due on the first day of the month following commencement. Percentage calculations shall be computed at the end of each quarter and provided by LESSEE to LESSOR. Any additional amount due will be paid within 30 days of the end of each quarter. Rent shall be considered tendered upon due mailing or attempted hand delivery during reasonable business hours at the address designated by LESSOR, whether or not actually received by LESSOR. Should LESSEE fail to pay rent or perform any other obligation under this lease within thirty (30) days after such performance is due, LESSEE will be in default under the lease. In the event of such default, LESSOR must give LESSEE written notice by certified mail and allow LESSEE thirty (30) days thereafter to cure any default. Upon LESSEE's default and failure to timely cure such default, LESSOR may terminate this lease and all remaining rental payments under the lease through the remainder of the lease's term shall be accelerated and immediately due and payable to LESSOR. Additionally, LESSEE shall pay all of LESSOR's costs and attorney's fees incurred by LESSOR in the collection of amounts owed by LESSEE following any termination.

3. LESSOR agrees not to erect or allow any other off-premise advertising structure(s), other than LESSEE'S, on property owned or controlled by LESSOR within two thousand (2000) feet of LESSEE'S sign. LESSOR further agrees not to erect or allow the erection of any other obstruction that may obstruct the highway view of LESSEE'S sign. Upon written approval of LESSOR, which approval shall not be unreasonably withheld, LESSEE is hereby authorized to trim or remove any such other advertising structure, obstruction or vegetation at LESSEE'S option which obstructs the highway view of LESSEE'S sign. LESSEE shall give LESSOR fourteen (14) days written notice of any such proposed trimming or removal of such advertising structure, obstruction or vegetation.

4. LESSEE may terminate this lease upon giving thirty (30) days written notice in the event that the highway view of the sign becomes entirely or partially obstructed in any way such that the location becomes economically or otherwise undesirable. If LESSEE is prevented from constructing or maintaining a sign at the premises by reason of any final governmental law, regulation,

5. All structures, equipment and materials placed upon the premises by the LESSEE or its predecessor shall remain the property of LESSEE and may be removed by LESSEE at any time prior to or within a reasonable time after expiration of the term hereof or any renewal. At the termination of this lease, LESSEE agrees to restore the surface of the premises to its original condition. The LESSEE shall have the right and obligation to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintenance of LESSEE'S sign. All such permits and any nonconforming rights pertaining to the premises shall be the property of LESSEE.

6. LESSOR represents that he is the owner or lessee under written lease of the premises and has the right to make this agreement and to grant LESSEE free access to the premises to perform all acts necessary to exercise its rights pursuant to this lease. LESSOR is not aware of any recorded or unrecorded rights, servitudes, easements, subdivision or building restrictions, or agreements affecting the premises that prohibit the erection, posting, painting, illumination or maintenance of the sign. Notwithstanding, it is the obligation of LESSEE to determine whether any prohibitions exist, and LESSOR shall have no liability to LESSEE for any such prohibitions. LESSOR and LESSEE acknowledges that the terms and conditions of this agreement are confidential and proprietary and shall not be disclosed to any third-party without the written consent of the other party to this lease.

7. In the event of any change of ownership of the property herein leased, LESSOR agrees to notify LESSEE promptly of the name, address, and phone number of the new owner, and LESSOR further agrees to give the new owner formal written notice of the existence of this lease and to deliver a copy thereof to such new owner at or before closing. In the event that LESSEE assigns this lease, assignee will be fully obligated under this Lease and LESSEE will no longer be bound by the lease. Any such assignment by LESSEE must be approved in advance by LESSOR in writing, and such approval shall not be unreasonably withheld. LESSOR may assign this lease and shall notify LESSEE promptly following such assignment. This lease is binding upon the personal representatives, heirs, executors, successors, and assigns of both LESSEE and LESSOR.

8. In the event of condemnation of the subject premises or any part thereof by proper authorities, or relocation of the highway, which adversely affects the highway view of the sign, this lease may be terminated by LESSOR. Any condemnation award for LESSEE'S property shall accrue to LESSEE and any condemnation award for LESSOR'S property shall accrue to LESSOR.

9. LESSEE agrees to defend, indemnify and hold harmless LESSOR and its officers, employers, and agents from any and all claims, actions, liabilities, damages, fines, costs, and expenses, including attorney's fees, threatened or asserted by any person or entity arising out of or related to the installation, operation, maintenance, or dismantling of LESSEE'S sign during the term of this lease. LESSEE further agrees to repair any damage to the premises or property at the premises resulting from the installation, operation, maintenance, or dismantling of the sign, less ordinary wear and tear.

10. LESSOR agrees to indemnify LESSEE from any and all damages, liability, costs and expenses, including attorney's fees, resulting from any inaccuracy in or nonfulfillment of any representation, warranty or obligation of LESSOR herein. LESSEE at all times during construction of the sign and during the lease term shall, at its own expense, keep in full force and effect comprehensive general liability insurance with personal injury coverage, broad form property damage, contractual liability coverage, and liability assumed under an insured contract (including the tort liability of another assumed in a business contract), with minimum limits of Three Million and no/100 Dollars (3,000,000.00). LESSOR and the Estate of David R. Belcher shall be named as additional insureds on such policy, and such policy shall provide that (i) such insurance shall be primary and shall not contribute with any insurance carried by LESSOR or the Estate of David R. Belcher and (ii) the insurance company issuing the same shall notify LESSOR thirty (30) days prior to the expiration date of the policy if the policy is not renewed prior to such date. All insurance policies or duly executed certificates for the same required to be carried by LESSEE under this lease shall be delivered to LESSOR before the date LESSEE first begins construction of the sign and upon renewals of such policies not less than fifteen (15) days prior to the expiration of the term of the same. All insurance required to be carried by LESSEE under this lease shall be in form and content, and written by insurers, reasonably acceptable to LESSOR.

11. Certain types of advertising described in Rider B shall be prohibited.

12. If required by LESSEE, LESSOR will execute and acknowledge a memorandum of lease suitable for recordation.

13. This Lease is NOT BINDING UNTIL ACCEPTED by the General Manager of a Lamar Advertising Company.

THE LAMAR COMPANIES, LESSEE:

BY: [Signature]

ITS: VICE PRESIDENT/GENERAL MGR

DATE: 9.19.18

LESSOR: ROYAL AUTOMOTIVE, INC.

BY: [Signature: Gregory L. Belcher]

ITS: PRESIDENT

DATE: 9.18.18

205-823-3100
LESSOR'S TELEPHONE NUMBER


63-0578682
LESSOR'S SOCIAL SECURITY NUMBER /
EMPLOYER IDENTIFICATION NUMBER

ROYAL AUTOMOTIVE, INC.
W-9 Name (as shown on your Income Tax Return)

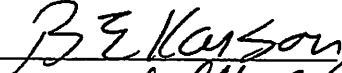
Address of LESSEE:
920 6th Street South
Birmingham, AL 35205

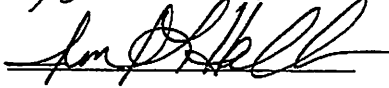
Address of LESSOR:
3010 Columbiana Rd.
Vestavia Hills, AL 35216

Witnesses (LESSEE)



Witnesses (LESSOR)





THE **LAMAR** COMPANIES

Lamar Co # 138

Rider # A to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

At the commencement of its obligation to pay rental under this lease, Lessee shall pay to Lessor the sum of [REDACTED] ([REDACTED]) DOLLARS, which payment shall be prepaid rental for 10 years. If, for any reason except for breach of this lease by Lessee, this lease should be terminated or Lessee is prohibited from using the premises for advertising purposes, Lessor shall immediately upon such happening, refund to Lessee, pro rata, the unearned portion of this payment.

Also, as further consideration, Lessor and Lessee agree to the following additional provisions:

The annual lease rent shall be the greater of [REDACTED] or [REDACTED] of the total revenue generated. The base rent shall be paid quarterly at [REDACTED], with the percentage calculations to be computed at the end of each quarter. Any additional amount due will be paid within 30 days of the end of each quarter.

*The Percentage amount will be matched against the total of both the prepayment and the annual lease payment ([REDACTED] + [REDACTED] = [REDACTED] annual expense) on a quarterly basis.

Gregg Z Becker
LESSOR
[Signature]
LESSEE

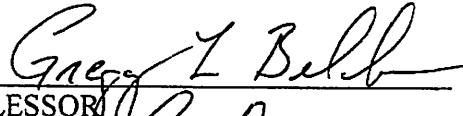
THE **LAMAR** COMPANIES

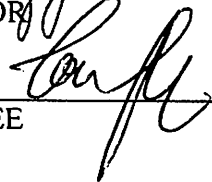
Lamar Co # 138

Rider #B to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, Inc., as Lessor and The Lamar Companies, as Lessee.

As further consideration to Lessor for the granting of this lease, Lessee agrees that during the term of this lease and any renewals or extensions, Lessee will not use the advertising structure(s) for the purpose of advertising any of the following:

1. Ads that would be of a competitive nature to the Lessor
2. Sexually oriented business ads
3. Ads that would be considered morally offensive to the Lessor


LESSOR


LESSEE

THE **LAMAR** COMPANIES

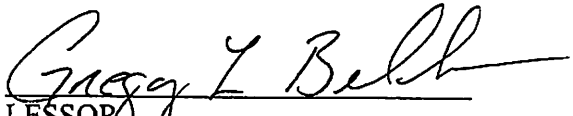
Lamar Co # 138


Rider # C to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

The following are identified by Lessor and Lessee as the premises and location of the sign:

1506 Montgomery Highway, Vestavia, AL
Parcel ID #39-00-01-2-000-026.001

Please reference site Map #3, included as a part of this Rider.


LESSOR


LESSEE

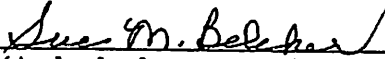
THE **LAMAR** COMPANIES

Lamar Co # 138


Rider #D to Lease dated the 3rd day of August, 2018, by and between Royal Automotive, as Lessor and The Lamar Companies, as Lessee.

Lessor and Lessee agree to the following additional provisions:

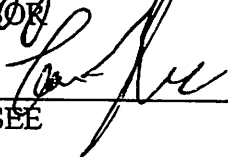
Be it understood that the premises are owned by the Estate of David R. Belcher (the "Estate") and leased by the Estate to Lessor (Royal Automotive, Inc.), which is subleasing the subject premises to Lessee pursuant to the terms for this Sign Location Lease.



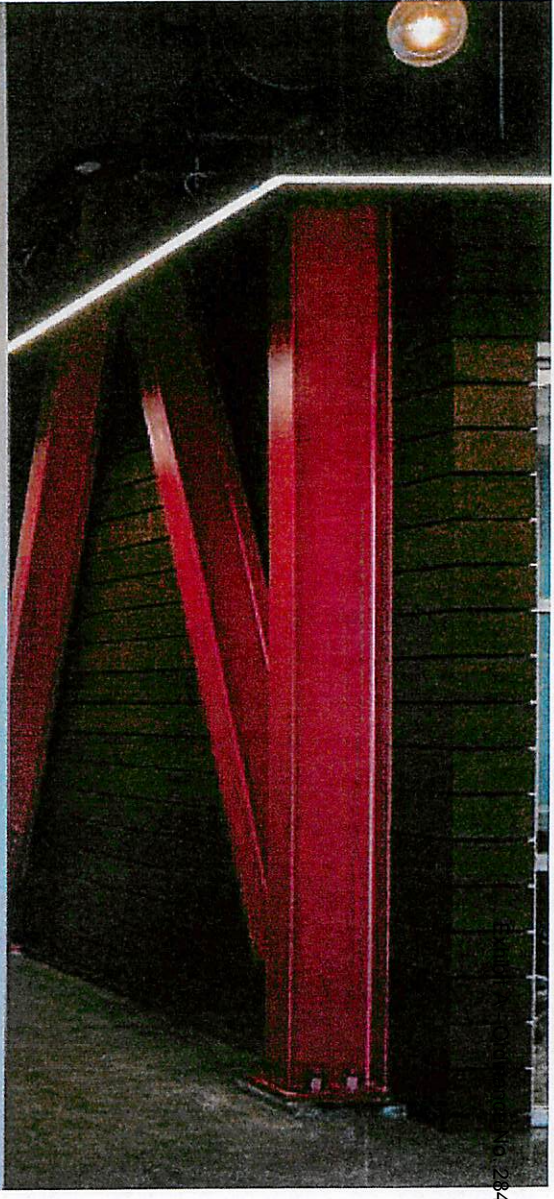
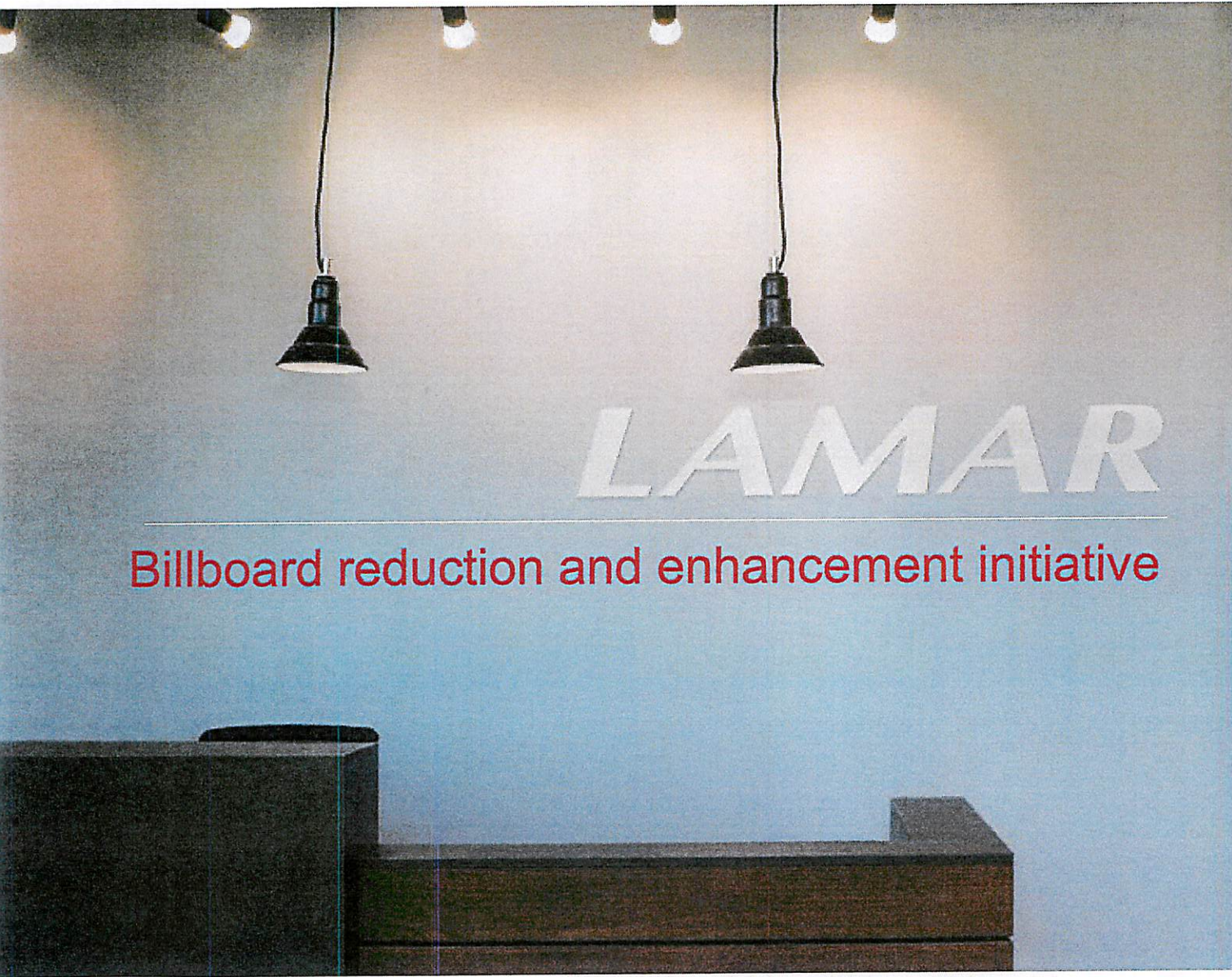
(Authorized representative of the "Estate")



LESSOR



LESSEE



The Concept

Lamar advertising proposes to dismantle, permanently, **12 billboard faces** situated on **6 free standing structures**, inside the city limits.

In return, the city would allow Lamar Advertising to construct **one digital billboard** at Royal Automotive at the corner of I-65 and Hwy. 31, with **one face** reading to the interstate and **one face** reading to Hwy. 31.

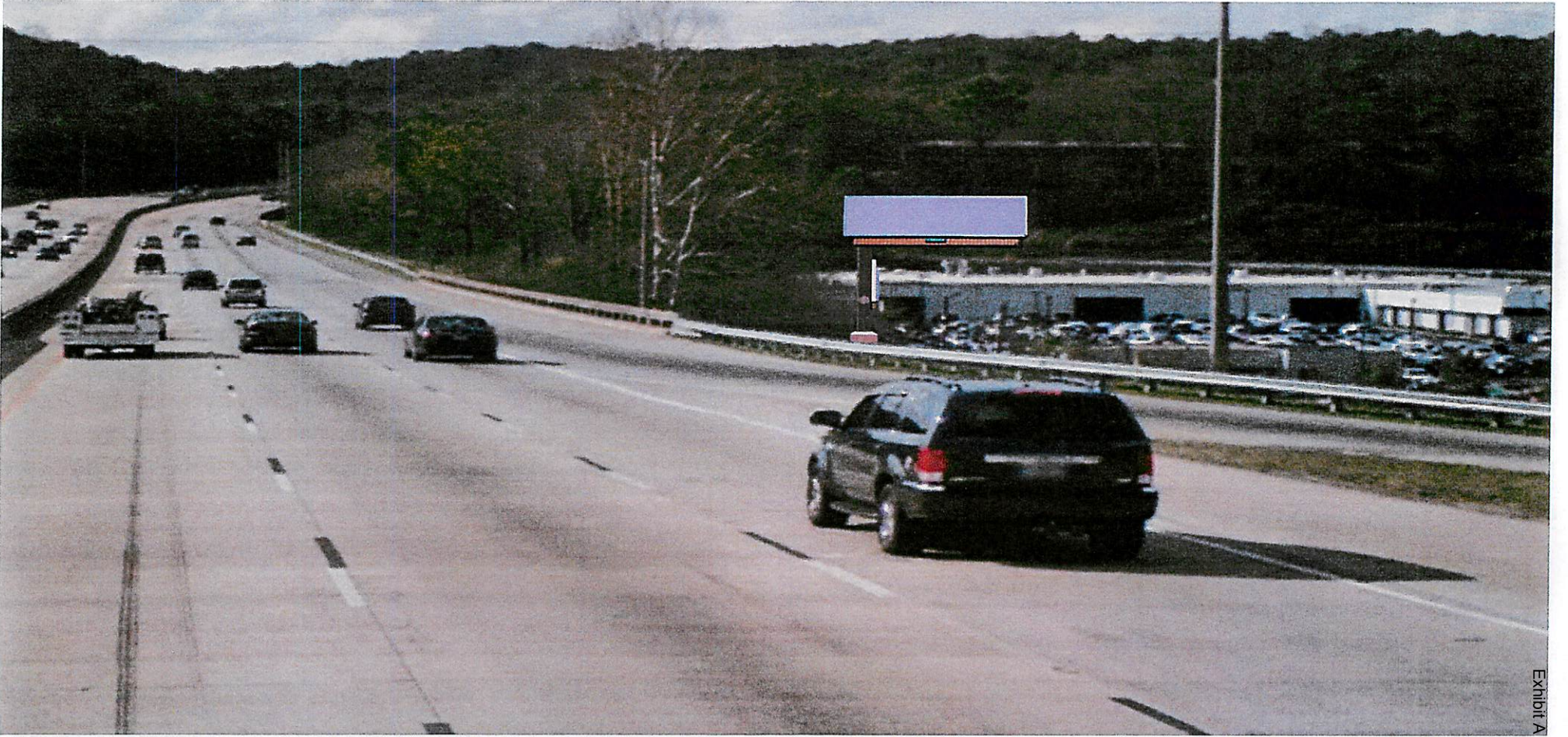


Vestavia locations

Location(s)	
1	Andy's X
2	Clothes Horse X
3	Champion Cleaners Remains
4	Express Oil Remains
5	Dolly Ridge @ Cahaba Heights X
6	Cahaba Heights @ Dolly Ridge X
7	Cahaba Cycle Remains
8	Cahaba Heights Hardware Remains
9	Doodles X
10	Ms. Myra's X

A photograph of a wall with several track lights and two pendant lights hanging from the ceiling. The wall is a light, neutral color. There are five track lights along the top edge, and two larger pendant lights hanging from the ceiling. The text "Proposed Enhancement" is overlaid in red at the bottom of the image.

Proposed Enhancement



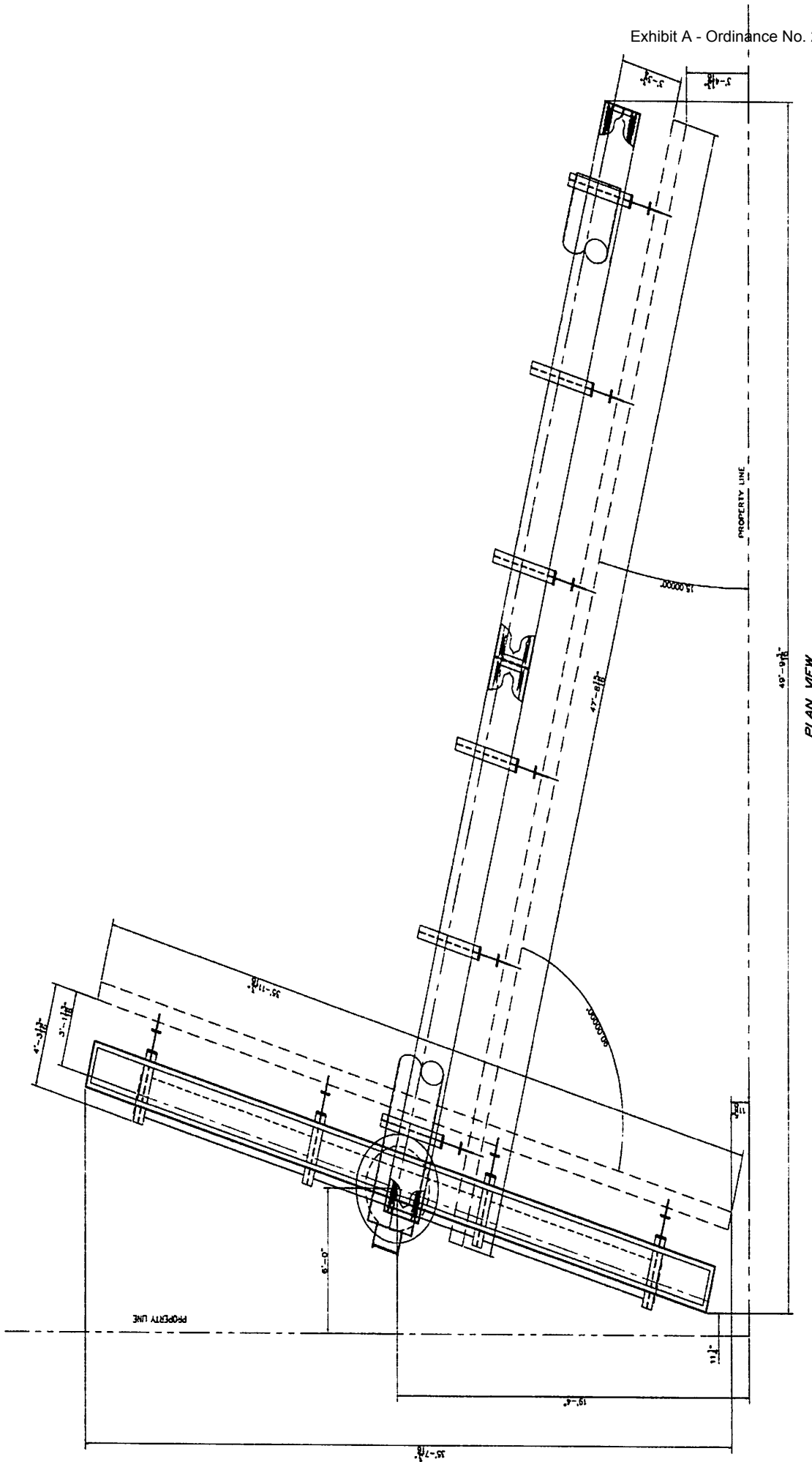
LAMAR

BIRMINGHAM



LAMAR

BIRMINGHAM



Benefits to the City

- Aesthetics
- 50+% reduction in the number of billboard structures
- City's usage on unsold slots
- Emergency messaging

Timing of the initiative:

Stage 1 - Dismantle the 6 existing structures within 90 days of the City Council's approval of the initiative

Stage 2 - Construction of the Royal Automotive location within 120 days of the City Council's approval of the initiative.



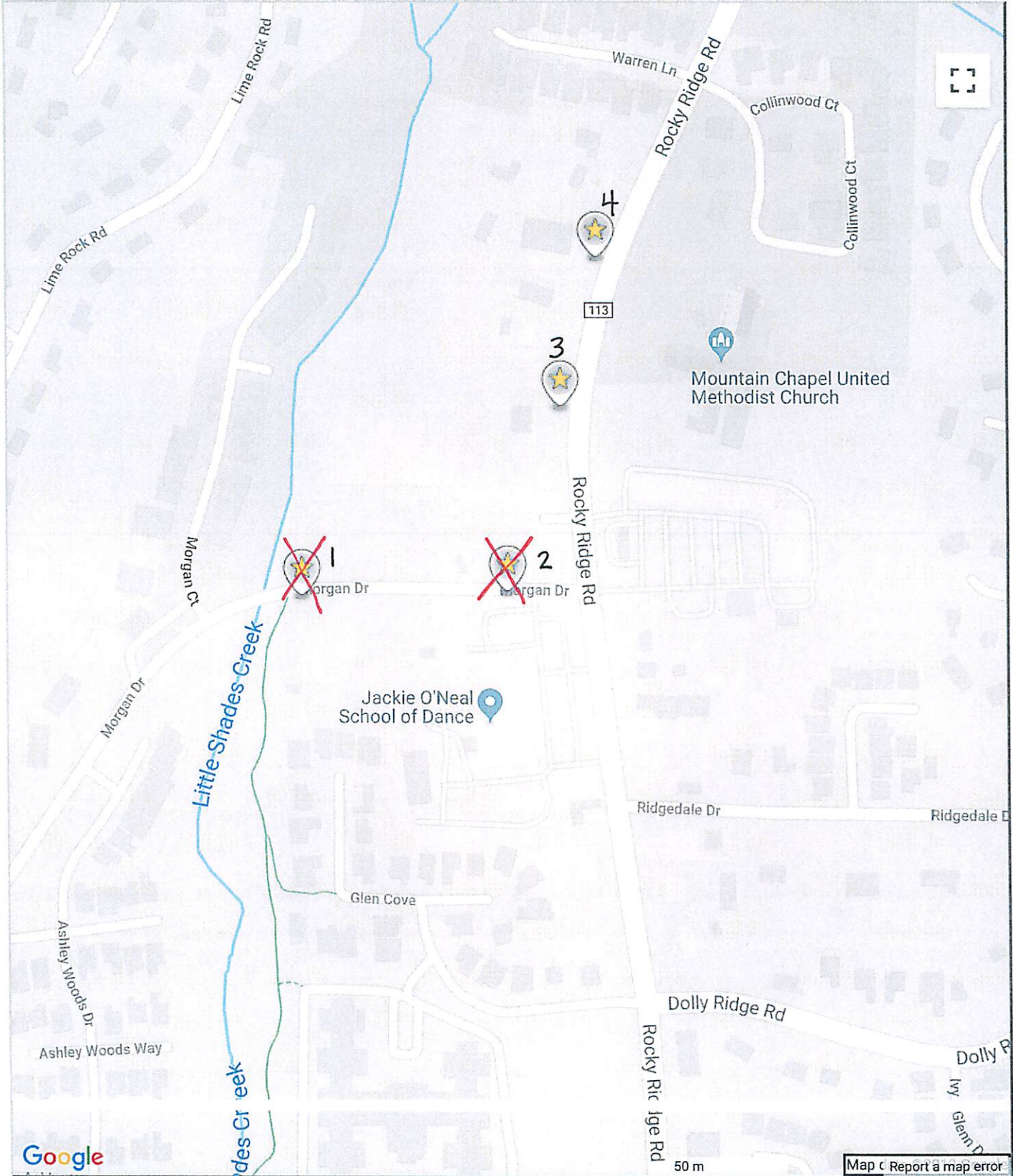
Proposed Reductions

Specific locations



Vestavia locations

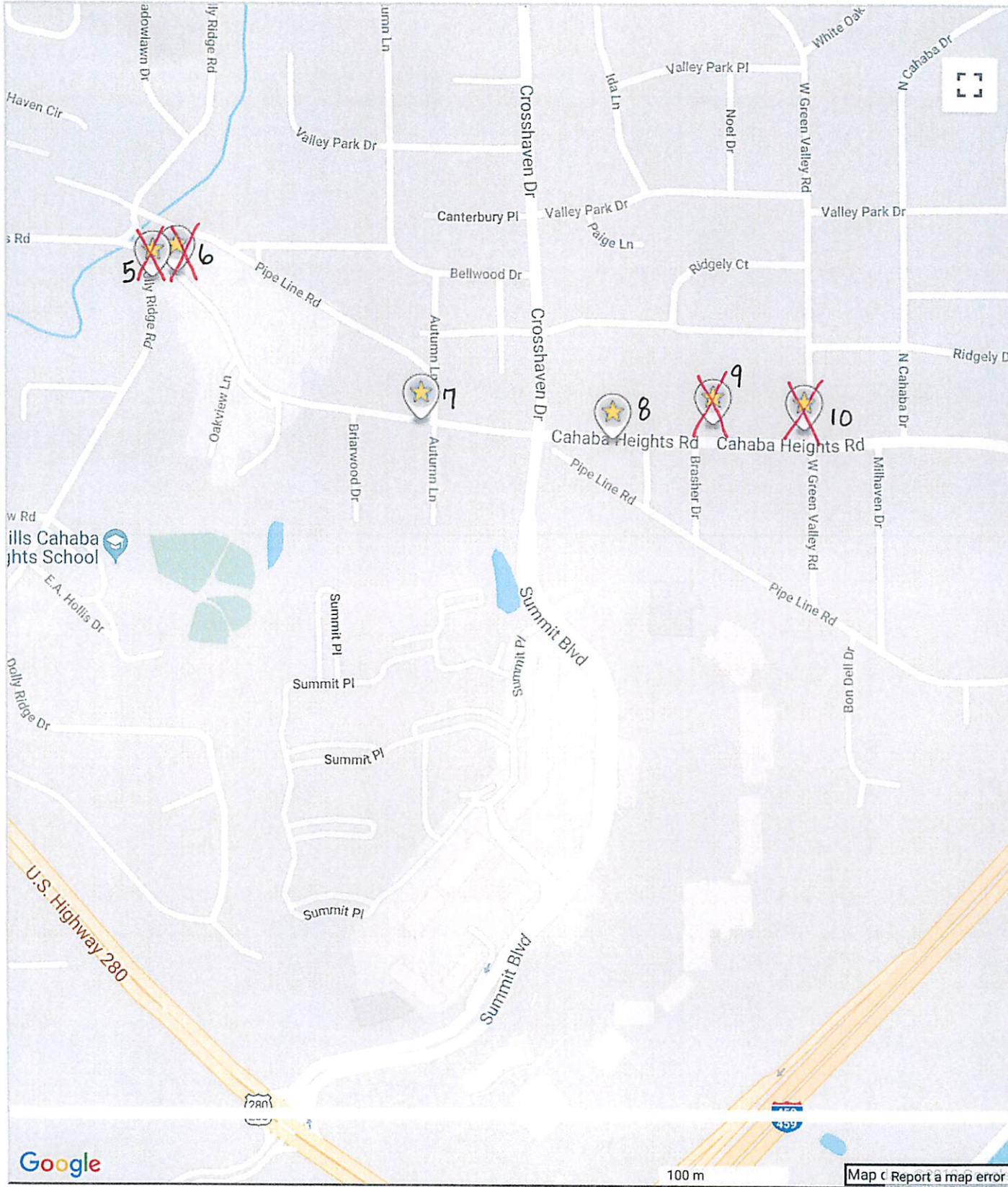
Map #1





Vestavia locations

Map #1





Morgan Drive at The Western



Morgan Drive at Andy's



Cahaba Heights Road at Brashier



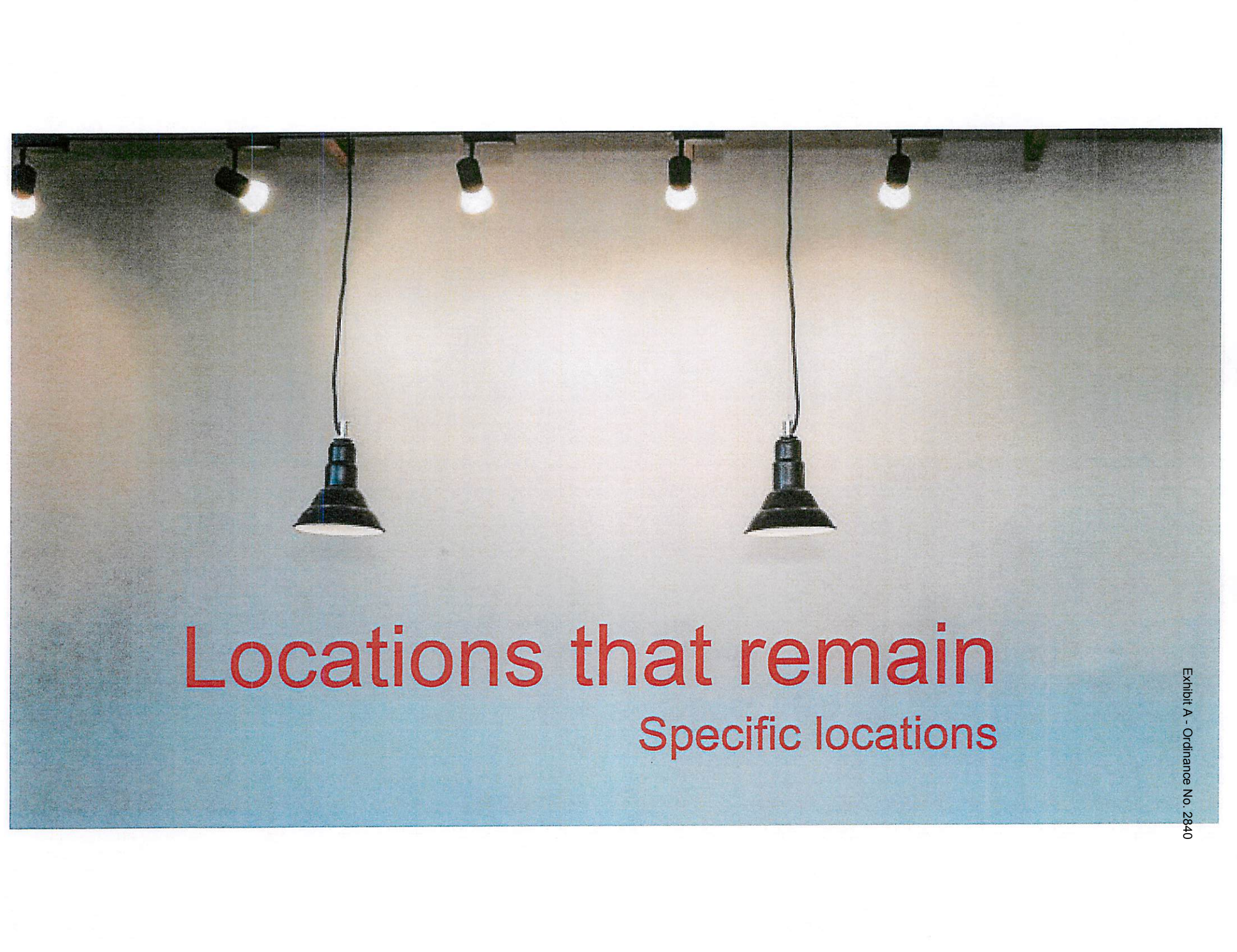
Cahaba Heights Road at White Oak



Cahaba Heights Road at Dolly Ridge



Dolly Ridge Road at Cahaba Heights Road



Locations that remain

Specific locations

WeBuyHouses
ANY HOUSE CONDITION.
Call Mr. Dexter.
205-381-4900

Chevron
199¢
Diesel
289¢
Car Wash

FIRST MONTH

© 2010 American Sign Co. 281-10





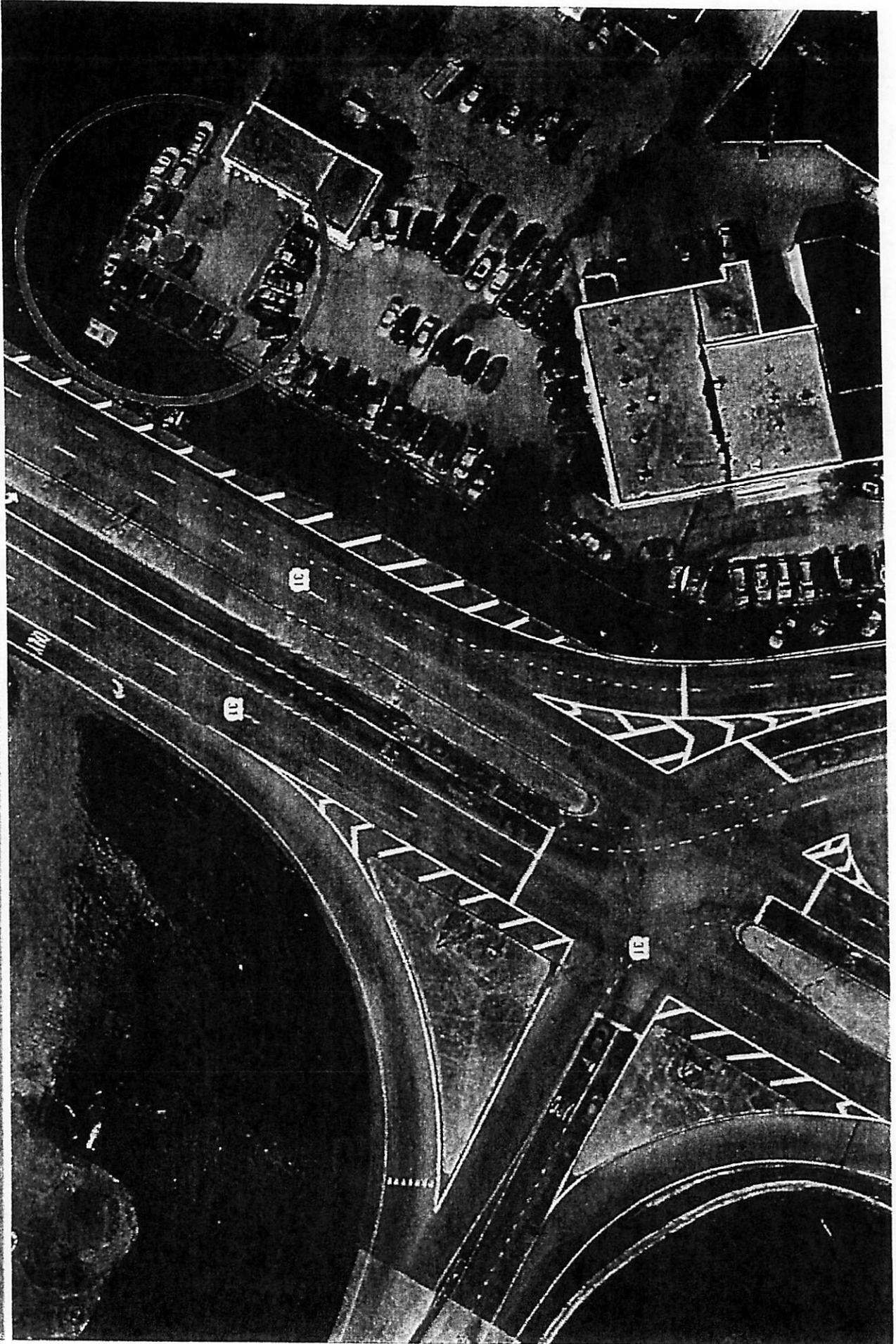


JL

Map #3



BIRMINGHAM



ORDINANCE NUMBER 2838

**AN ORDINANCE GRANTING A CONDITIONAL USE
APPROVAL TO ALLOW OUTDOOR RECREATION AND
PHYSICAL TRAINING**

WHEREAS, on December 13, 2010 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 2331 entitled the Vestavia Hills Zoning Code and establishing a conditional use approval for certain uses not permissible by right in zoning classifications; and

WHEREAS, on April 21, 2003, the City Council adopted and approved Ordinance Number 1983 to rezone the property located at 3788 Crosshaven Drive from Jefferson County R-3 (medium density residential) to Vestavia Hills R-4 (medium density residential district); and

WHEREAS, the property located at 3788 Crosshaven Drive; Lot 5 and the N 20' of Lot 4, Block 1, Glass' 3rd Add to New Merkle, is vacant and presently zoned Vestavia Hills R-4 (medium density residential district); and

WHEREAS, on February 6, 2019, Christopher Williams on behalf of St. Stephen's Episcopal Church, submitted an application to allow beekeeping with four (4) beehives to be placed on the property located at 3788 Crosshaven Drive; and

WHEREAS, Table 6 of the Vestavia Hills Zoning Code sets forth the permissible uses within a R-4 classification; and

WHEREAS, a copy of said application dated February 6, 2019 is attached and hereby incorporated into this Ordinance Number 2838; and

WHEREAS, the Vestavia Hills Planning and Zoning Commission considered said application at their regular meeting of March 14, 2019 and recommended approval with the following conditions: (1) Installation of no more than four (4) beehives as described in the attached application; (2) installation and maintenance of a minimum 6' high privacy fence.

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

- a) Installation of no more than four (4) beehives as described in the attached application;
- b) Installation and maintenance of a minimum 6' high privacy fence; and
- c) Beehives shall be registered and inspected by the State of Alabama pursuant to Alabama law; and
- d) Any changes to location of said beehives shall be reviewed and approved by the Planning and Zoning Commission;
- e) This conditional use approval is location specific and if the beekeeping use ceases on the premises for a period of 12 months, said conditional use shall be considered null and void.

ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

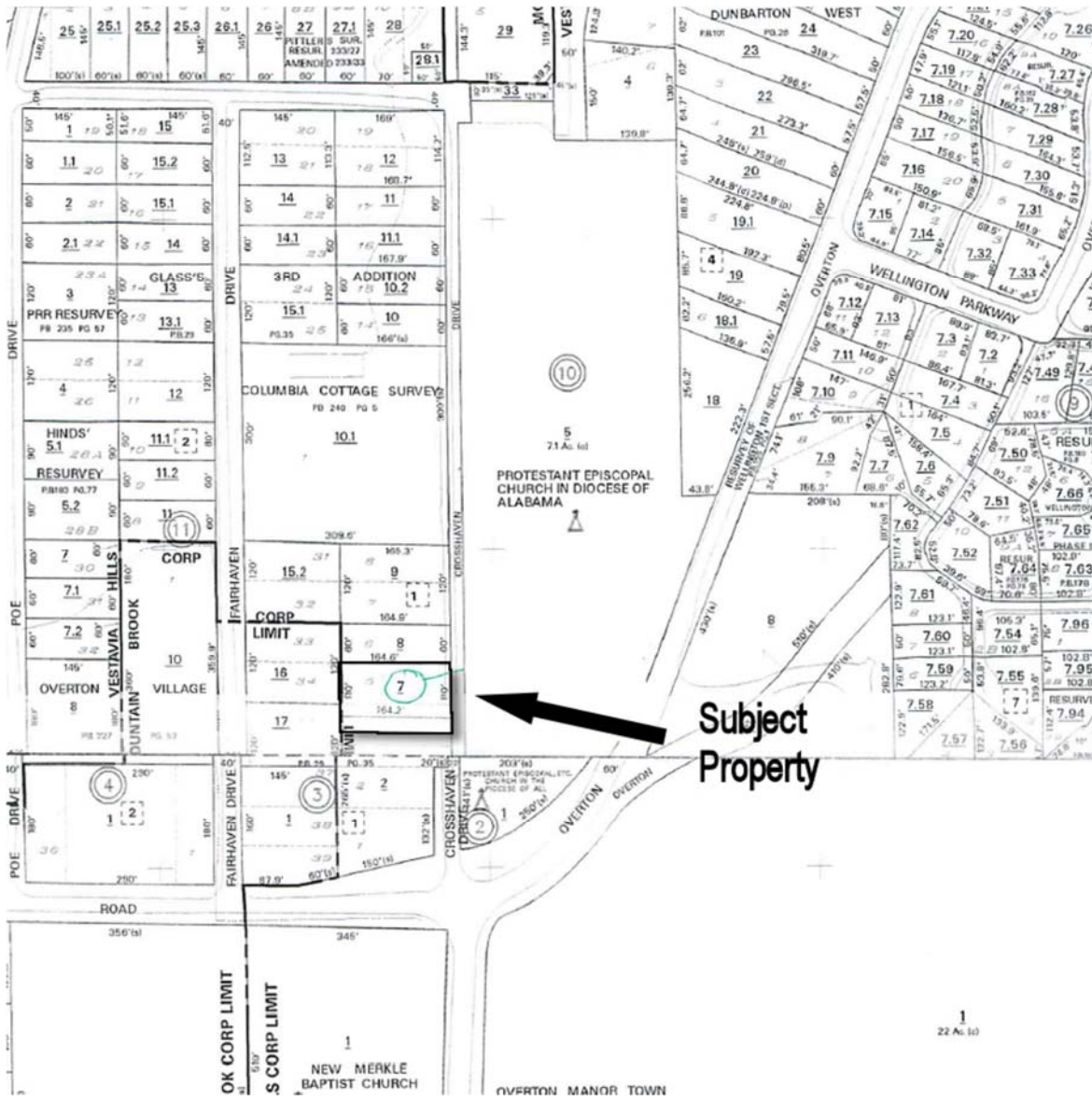
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2838 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 22nd of April, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, 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

APPLICATION

2019 FEB -7 P 12:19

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: St. Stephen's Episcopal Church

ADDRESS: 3788 Crosshaven Drive

Vestavia Hills, AL 35223

MAILING ADDRESS (if different from above) 3775 Crosshaven Drive

Vestavia Hills, AL 35223

PHONE NUMBER: Home (205) 907-4139 Office (205) 254-1172

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Christopher J. Williams

Cond. Use for 4 beehives
St. Stephen's Episcopal Church

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 13.3 of the Vestavia Hills Zoning Code.

Current Zoning of Property: R-4

Requested Conditional use For the intended purpose of: Installation of four (4)

beehives surrounded by 6 foot high fence. See attached for additional information.

(Example: From "VH R-1" to "VH O-1" for office building)

if additional information is needed, please attached full description of request

IV. PROPERTY DESCRIPTION: (address, legal, etc.)

3788 Crosshaven Drive

Parcel # 28-00-15-1-010-007.000

Property size: ~85 feet X ~160 feet. Acres: ~0.312

V. INFORMATION ATTACHED:



Attached Checklist complete with all required information.



Application fees submitted. Application fees waived for church.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

B. Bunn 2/6/19
Owner Signature/Date

Chris Williams 2/6/19
Representing Agent (if any)/date

Given under my hand and seal
this 6 day of February, 2019.

Jane G. Pounds
Notary Public
My commission expires January 4,
day of January, 2023.



SAINT STEPHEN'S EPISCOPAL CHURCH

3775 CROSSHAVEN DRIVE BIRMINGHAM, AL 35223 WWW.SSECHURCH.ORG 205.967.8786

February 6, 2019

P0319-07//2800151010007.000
3788 Crosshaven Drive
Cond. Use for 4 beehives
St. Stephen's Episcopal Church

ORIGINAL VIA HAND DELIVERY

Advance Copy via Electronic Mail

Ms. Rebecca Leavings, City Clerk
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, AL 35216
rleavings@vhal.org

Re: Request for Conditional Use Approval
Vacant Lot at 3788 Crosshaven Drive, Vestavia Hills, AL 35223

Dear Ms. Leavings:

On behalf of St. Stephen's Episcopal Church, I am pleased to submit the enclosed request for Conditional Use Approval for the installation of four (4) honeybee hives on a vacant lot located at 3788 Crosshaven Drive (the "Property") across the street from our main church building.

By way of background, the Property was formerly the home of a church member who also served as the church's sexton. After the owner's death, the church purchased the Property in 2015 and removed the house and all structures. Since that time St. Stephen's has been exploring ways to improve the stewardship of church grounds as part of a broader initiative to deepen our understanding of the connections between our faith, environmental sustainability, and food justice. Out of that initiative and with the help of several church members who are also experienced beekeepers, the church vestry recently approved the installation of bee hives on the Property. We are therefore requesting a Conditional Use Approval from the City to install the hives later this year.

We understand that because beekeeping is not specifically referenced anywhere in the City's Zoning Ordinance, a Conditional Use Approval is first required before the church can move forward with its plans. Enclosed with the application is a site plan that shows the proposed location of four honeybee hives which are to be surrounded by a 6 foot high fence. As depicted on the site plan, the hives will be located at the back of the Property near a creek that adjoins the western Property boundary ensuring that a convenient source of water is available to the bees at all times. The hives will also be registered with the Alabama Department of Agriculture and will be maintained in compliance with Alabama Code §§ 2-14-1 through 2-14-15 (2019). All honey generated from the hives will be utilized by the church or donated.

We respectfully submit that the modest plans for the installation of bee hives at the Property meet all of the following criteria for the issuance of a Conditional Use Approval as set forth in Section 13.3.4 of the City's Zoning Ordinance:

1. The honeybees will be purchased from a reliable Alabama supplier of domestic honeybees. Domestic honeybees are typically bred for desirable traits such as gentleness, honey production, reduced swarming, and pollination attributes. In addition, the nearest living spaces to the proposed location of the hives is Columbia Cottage which is at over 200 feet away. The hives will also be enclosed within a 6 foot high fence. According to the Jefferson County Beekeepers Association, a fence is not required for safety. However, a 6-foot high fence is considered by some be "best practice." Under these conditions, the proposed use is not detrimental to the health, safety or general welfare of the surrounding area.
2. Honeybees are beneficial to humans and to Alabama insofar as they provide ecological services in the form of fruit and vegetable pollination and provide honey, beeswax, and other useful products. Cross pollination helps at least 30 percent of the world's crops and 90 percent of wild plants thrive. Thus, the proposed use is a desirable use that will contribute to the general wellbeing of the area.
3. Honeybees are a critical part of the local environment such that the proposed use is consistent with the Comprehensive Plan's objectives to "promote responsible land use that is sensitive to the environment and the aesthetics of the community" and to "preserve creeks, open spaces, and other attributes of the 'natural' environment."
4. The Property is surrounded on three sides by properties owned by the church and on the west side by the creek and a vacant lot. Thus, the request will not adversely effect adjacent properties.
5. For the above-reasons, the proposed use is compatible with existing or allowable uses of adjacent properties.
6. No additional public facilities are required to serve the requested use.
7. As stated above, the hives will be properly registered with the Alabama Department of Agriculture and will be maintained by one or more church members who have prior beekeeping experience. Thus, our request demonstrates adequate provision for maintenance and use of the proposed hives.
8. The proposed use will have no adverse effects to the natural environment. Instead, the installation of the hives will increase the number of pollinators to the neighboring flora.
9. The proposed use will have no impact on traffic.
10. The proposed use otherwise complies with all other applicable regulations and conditions of the Zoning Ordinance.

For these reasons, we respectfully submit that the proposed Conditional Use be allowed. We will of course have church representatives in attendance at the Zoning Commission and

Council meetings to discuss our request in more detail. If you have any questions regarding the application in the meantime, do not hesitate to contact Chris Williams at 205-907-4139.

Very truly yours,

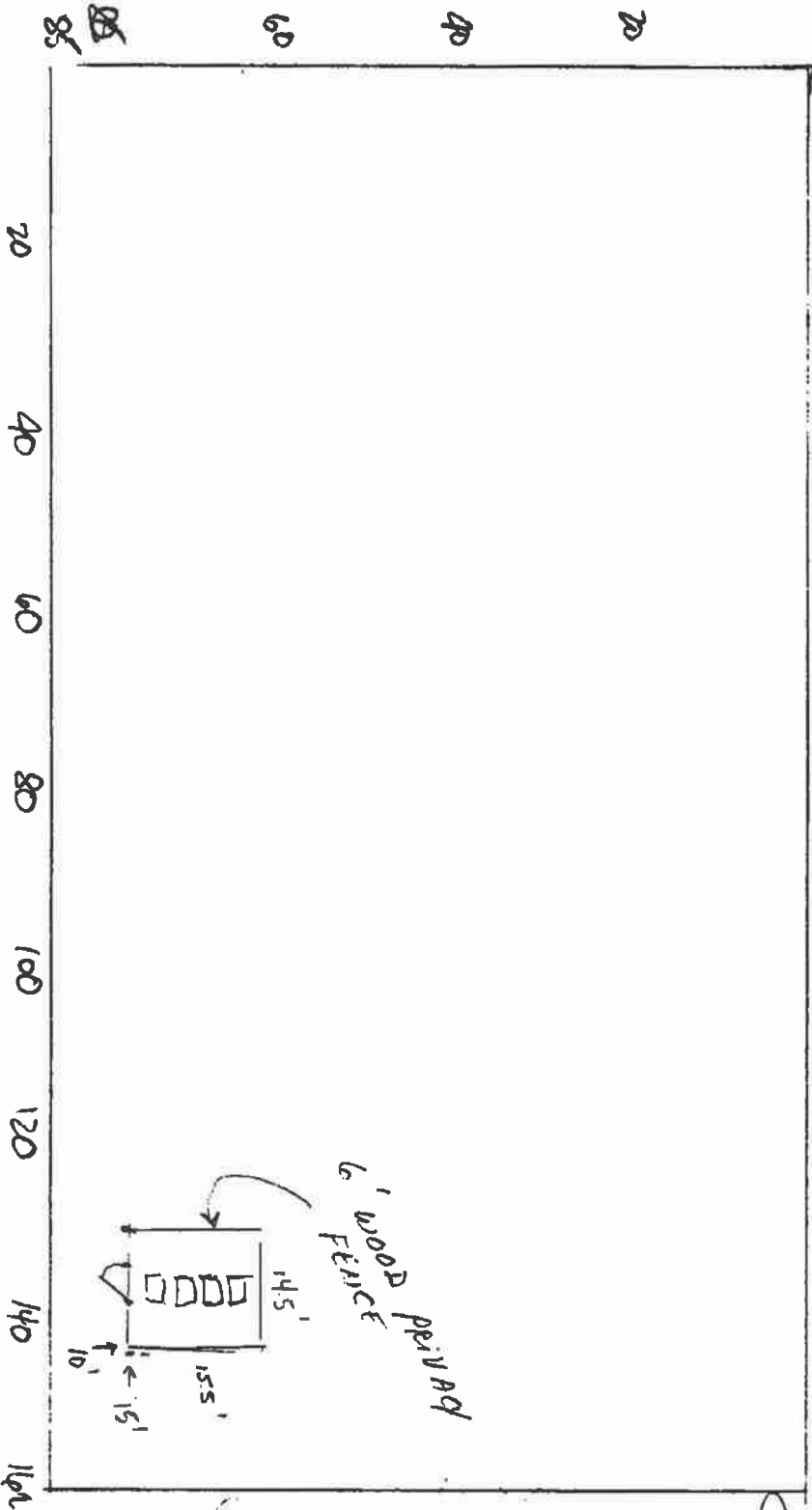


Rev. John Burruss
Rector

Enclosures

P0319-07//2800151010007.000
3788 Crosshaven Drive
Cond. Use for 4 beehives
St. Stephen's Episcopal Church

CROSSHAVEN



St. Stephen's Episcopal Church
 Conditional Use Application
 Site Sketch

OPEN

P0319-07//2800151010007.000
 3788 Crosshaven Drive
 Cond. Use for 4 beehives
 St. Stephen's Episcopal Church

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

Date: MARCH 14, 2019

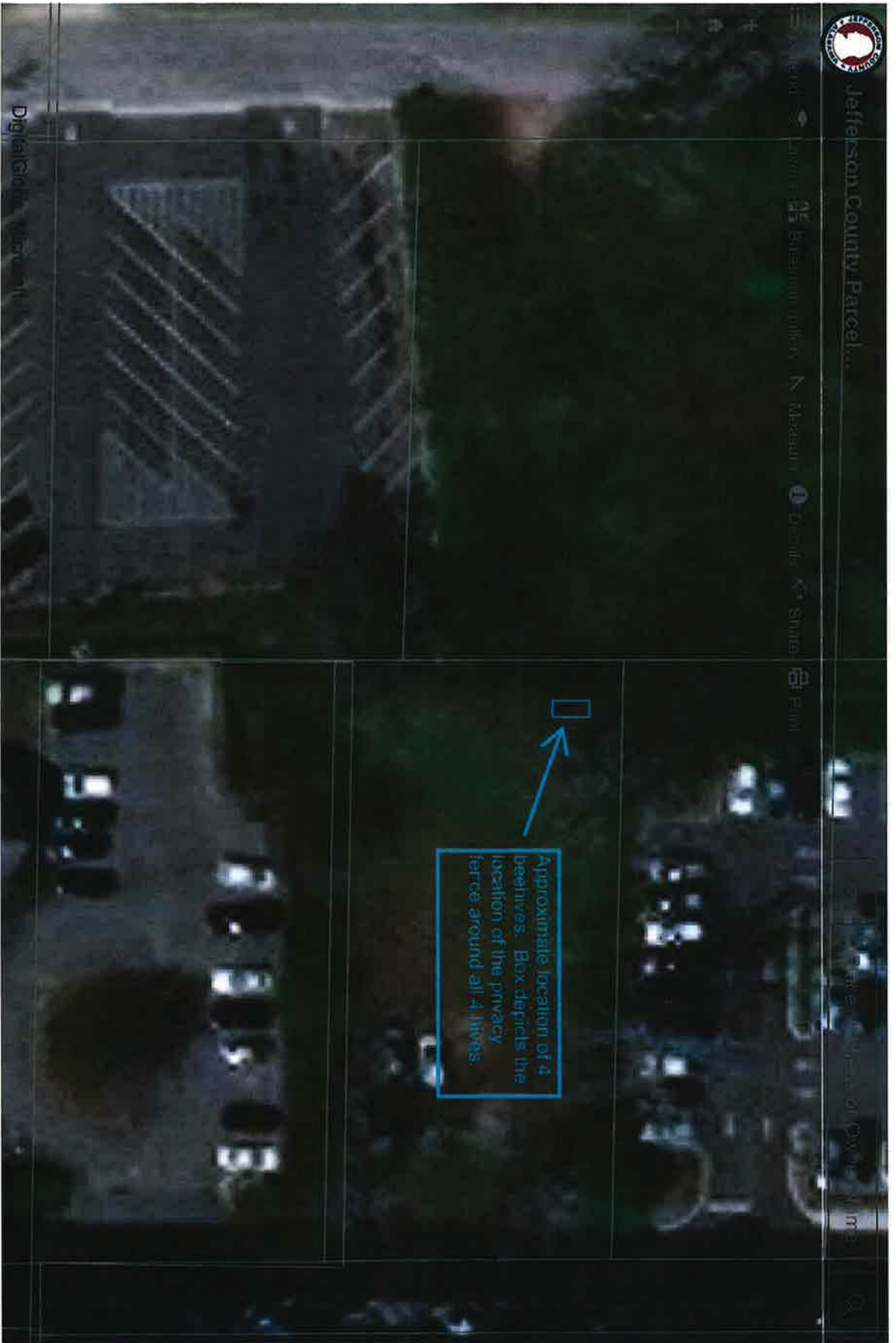
- **CASE: P-0319-07**
- **REQUESTED ACTION:** Conditional Use Approval For An Installation Of Four Beehives Surrounded by a Six Foot High Fence.
- **ADDRESS/LOCATION:** 3788 Crosshaven Drive
- **APPLICANT/OWNER:** St. Stephen's Episcopal Church
- **GENERAL DISCUSSION:** The applicant seeks to install a beehive on a vacant lot across from the main church building. The hives will be registered with the Alabama Department of Agriculture and will be maintained in compliance with Alabama Code. A 6' fence will surround the hives. The nearest living space is 200 feet away from the proposed property and is surrounded on three sides by properties owned by the church, and on the west side by the creek and a vacant lot. A site plan is attached. The property is currently zoned R-4.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Community Plan and gardens are a permitted use within the zoning.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** 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. Gilchrist made a motion to recommend Conditional Use Approval For An Installation Of Four Beehives Surrounded by a Six Foot High Fence for The Property Located At 3788 Crosshaven Drive. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Romeo – yes
Mr. Weaver– yes
Mr. House – yes
Motion carried.

Mr. Sykes – yes
Mr. Gilchrist – yes
Ms. Cobb – yes
Mrs. Barnes – yes



St. Stephen's Episcopal Church
Conditional Use Application
Site Plan

P0319-07//2800151010007.000
3788 Crosshaven Drive
Cond. Use for 4 beehives
St. Stephen's Episcopal Church



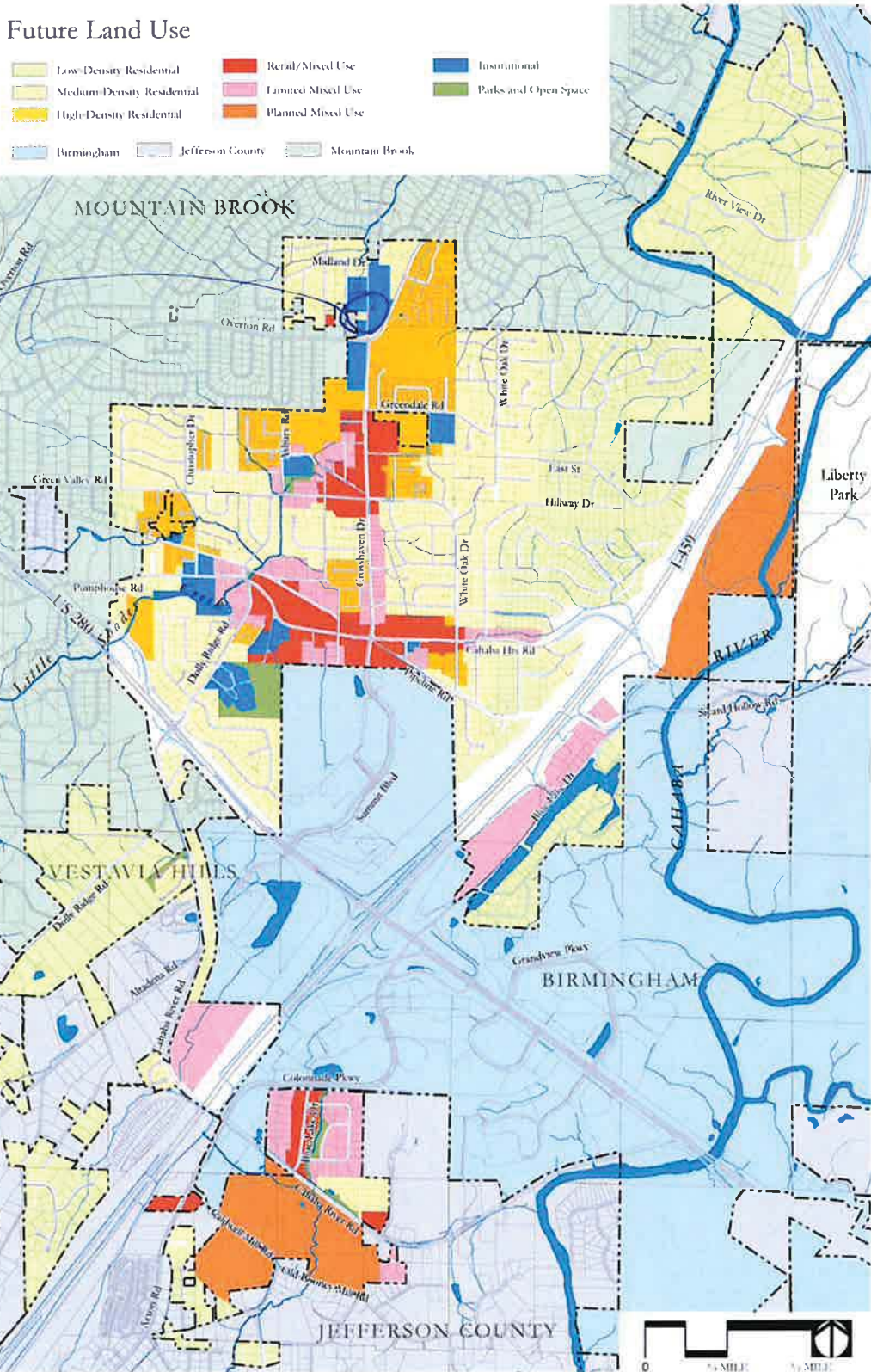


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2839

AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL FOR AUTOMOTIVE SALES, AUTOMOTIVE SERVICES – MAJOR AND MINOR, INCLUDING MECHANICAL AND COLLISION REPAIR FOR 1476 MONTGOMERY HIGHWAY

WHEREAS, on December 13, 2010, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2331, also known as the City of Vestavia Hills Zoning Code; and

WHEREAS, Anthony F. and Margaret Serra are owners of the property located at 1476 Montgomery Highway zoned Vestavia Hills B-3 (business district); and

WHEREAS, Alton B. Parker Jr., Spain & Gillon, LLC, attorney for the Serras, presented an application for Conditional Use approval for the purpose of automotive sales, automotive services – major and minor, including, but not limited to, mechanical and collision repair for the property located at 1476 Montgomery Highway pursuant to Table 6 of the Vestavia Hills Zoning Code; and

WHEREAS, Mr. and Mrs. Serra, owners of the property located at 1476 Montgomery Highway, were desirous of opening a new or used automotive dealership with complete automotive servicing and repair on said property; and

WHEREAS, on November 14, 2011, the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 2373 to grant said Conditional Use for the property located at 1476 Montgomery Highway as requested; and

WHEREAS, on or about April 7, 2014, the dealership suffered severe flooding of Patton Creek which caused significant damage to the premises; and

WHEREAS, Section 13.3.3 of the Vestavia Hills Zoning Code provides that “When such use is abandoned or discontinued for a period of one (1) year, it shall not be reestablished unless authorized by the Council;” and

WHEREAS, Alton Parker, Spain and Gillon, LLC, attorney for the owners, submitted a letter dated March 3, 2015; and

WHEREAS, on March 23, 2015, the Vestavia Hills City Council adopted and approved Ordinance Number 2373-A granting an 18-month extension for said dealership; a copy of which is marked as “Exhibit A” attached to and incorporated into this Ordinance

Number 2373-B as though written fully therein, requesting an additional 18-month extension to said Conditional Use; and

WHEREAS, on December 28, 2016, the City Council adopted and approved Ordinance Number 2373-B approving an additional 18-month extension on said uses of Automotive Sales, Automotive Services – Major and Minor, including Mechanical and Collision Repair beginning October 15, 2016; and

WHEREAS, on January 17, 2019, following remedial steps to enhance and extend the flood elevations of the property, Alton B. Parker Jr., on behalf of Serra Automotive submitted a request for Conditional Use Approval for automotive sales, automotive service – major and minor, including mechanical and collision repair for the property located at 1476 Montgomery Highway.

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

1. Conditional Use Approval is hereby granted for automotive sales, automotive services – major and minor, including, but not limited to, mechanical and collision repair for property located at 1476 Montgomery Highway for an 18-month period beginning April 22, 2019 and ending at midnight, April 21, 2020; and
2. Should said Conditional Use fail to operate on the property within the time period listed in Section 1 or should Conditional Use cease to exist on the property for a period of twelve (12) consecutive months, said use shall be considered null and void; and
3. This Ordinance Number 2839 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

DONE, ORDERED, ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

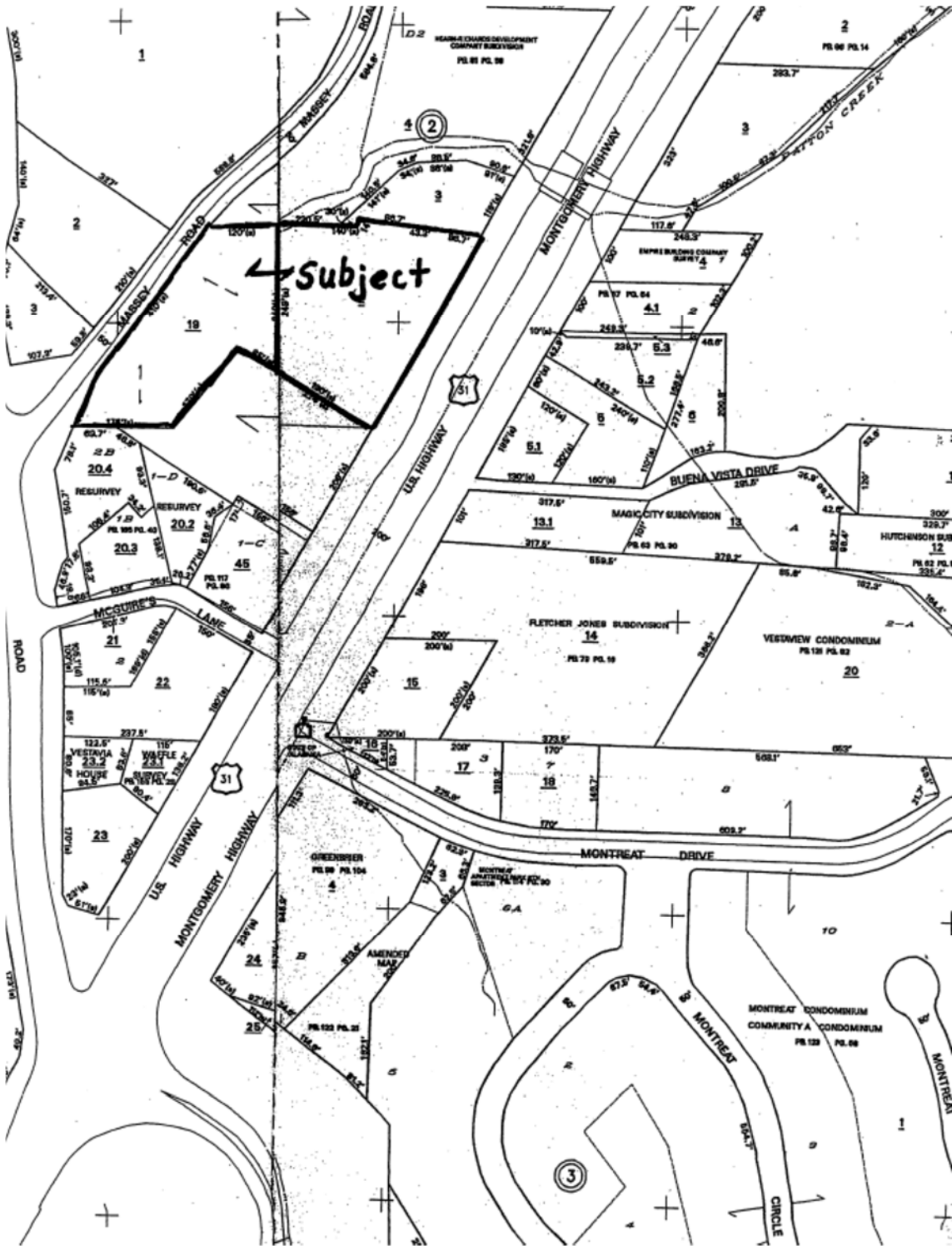
Rebecca Leavings
City Clerk

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 # 2839 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 22nd day of April, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ***No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Anthony F. and Mary Margaret Serra

ADDRESS: 9709 Parkway East, Suite D, Birmingham, AL 35215

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home _____ Office 205-836-6775

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Alton B. Parker, Jr.; Spain & Gillon, LLC; 505 20th Street North, Suite 1200, Birmingham, AL 35203

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section 13.3 Conditional Uses of the Vestavia Hills Zoning Code.

Current Zoning of Property: B-3

Requested Conditional use For the intended purpose of: Automotive Sales,

Automotive Major and Automotive Minor, including Mechanical and Collision Repair

(Example: From "VH R-1" to "VH O-1" for office building)

if additional information is needed, please attached full description of request

IV. PROPERTY DESCRIPTION: (address, legal, etc.)

See Attached - 1476 Montgomery Highway

City of Vestavia Hills

Property size: _____ feet X _____ feet. Acres: Approximately 3.75 Acres

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

Anthony F. Seno
X Mary Harper Seno
Owner/Signature/Date

Alton B. Parker
Representing Agent (if any)/date
12/25/18

Given under my hand and seal
this 28th day of December, 2018.

Northatt Copeland
Notary Public
My commission expires 9-15-20
day of _____, 20____.

SPAIN & GILLON, LLC

505 20TH STREET NORTH

SUITE 1200

BIRMINGHAM, ALABAMA 35203

Telephone: (205) 328-4100

Facsimile: (205) 324-8866

Direct Dial (205) 581-6212

ALTON B. PARKER, JR.

E-MAIL: APARKER@SPAIN-GILLON.COM

January 17, 2019

Rebecca Leavings, City Clerk, MMC
City of Vestavia Hills
513 Montgomery Highway
Vestavia Hills AL 35216

Re: Request for Conditional Use Approval for Automotive Sales, Automotive Services - Major and Minor, including Mechanical and Collision Repair for 1476 Montgomery Highway

Dear Ms. Leavings:

As we discussed, attached is a request for Conditional Use Approval from f Anthony F. and Margaret Serra, owners of the property located at 1476 Montgomery Highway (“Serra”). The Vestavia City Council previously approved Conditional Use for this location on November 14, 2011 by Ordinance 2373. At that time, an Agreement to Conditional Zoning was executed by the Serras and submitted to the City as of the 12th day of December, 2011. The Serras later requested an extension of the Conditional Use Approval which was granted by the City Council on March 23, 2015 and which extended the Conditional Use for a period of 18 months from April 15, 2015 through October 15, 2016. A second extension of the Conditional Use Approval for a period of 18 months beginning on October 15, 2016 was granted by the Council. That extension has expired.

A review of the background of this matter might be helpful. Pursuant to the initial granting of the Conditional Use by the City, the Serra organization opened an automotive sales dealership at that location. On April 7, 2014 the dealership suffered severe flooding of Patton Creek which caused significant damage to most of the vehicles parked at the dealership and to the dealership premises. As a result of the flood, the dealership became unusable for future automobile sales. The last day of automobile sales for the few undamaged vehicles at the dealership was April 15, 2014.

Since that time Serra has been engaged in the process of designing improvements and modifications to the dealership building and site which will, to the maximum extent possible, prevent such flood damage in the future. Serra commissioned an architect to design modifications to the premises and a civil engineer to provide the “no rise study” required by Article 3 of the

Vestavia Flood Damage Prevention Ordinance. It took a significant period of time to finish that engineering “no rise study.” The “no rise study” was successful and Serra has now designed the project and has obtained a Building Permit to raise the level of the site in a way that makes it productive for the retail sale of automobiles.

The Serras appreciate the City’s patience and is ready to move forward with the construction. The Serras understand that this request to extend the Conditional Use will be put to the City Council in the form of a Resolution for approval. Thank you for your cooperation in this matter. If there is anything else that I or the Serras need to do in order to pursue this request for Conditional Use Approval, please let me know.

Sincerely,

SPAIN & GILLON, L.L.C.

By:



Alton B. Parker, Jr.

ABP, JR./pgd

cc: Jeff Downes, City Manager
Anthony F. Serra and Mary Margaret Serra
Serra Automotive Group

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

Date: MARCH 14, 2019

- **CASE:** P-1011-22 A
- **REQUESTED ACTION** Conditional Use Approval For The Intended Purpose Of Automotive Sales, Automotive Services – Major & Minor, Including Mechanical & Collision Repair.
- **ADDRESS/LOCATION:** 1476 Montgomery Highway
- **APPLICANT/OWNER:** Anthony F. & Margaret Serra
- **GENERAL DISCUSSION:** The applicants seek an extension of a Conditional Use for an automotive sales, and services dealership. This property has been granted a Conditional Use in the past through Ordinance 2373, approved in November 2011. In 2014 there was a flood that damaged the property, which made the property unusable. Over next couple years extensions of the Conditional Use were granted, up until October 2016. Since that date the applicants have designed improvements to the structure and property to prevent future flood damage. A no rise study has been conducted in compliance with Article 3 of the Vestavia Hills Flood Damage Prevention Ordinance, and the applicants have obtained a building permit to raise the level of the site in a way that makes it productive for the retail sale of automobiles. The property is zoned B-3.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent for commercial core.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** 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. Gilchrist made a motion to recommend Conditional Use Approval For Automotive Sales, Automotive Services-Major And Minor, Including Mechanical And Collision Repair for The Property Located At 1476 Montgomery Hwy. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Romeo – yes

Mr. Weaver– yes

Mr. House – yes

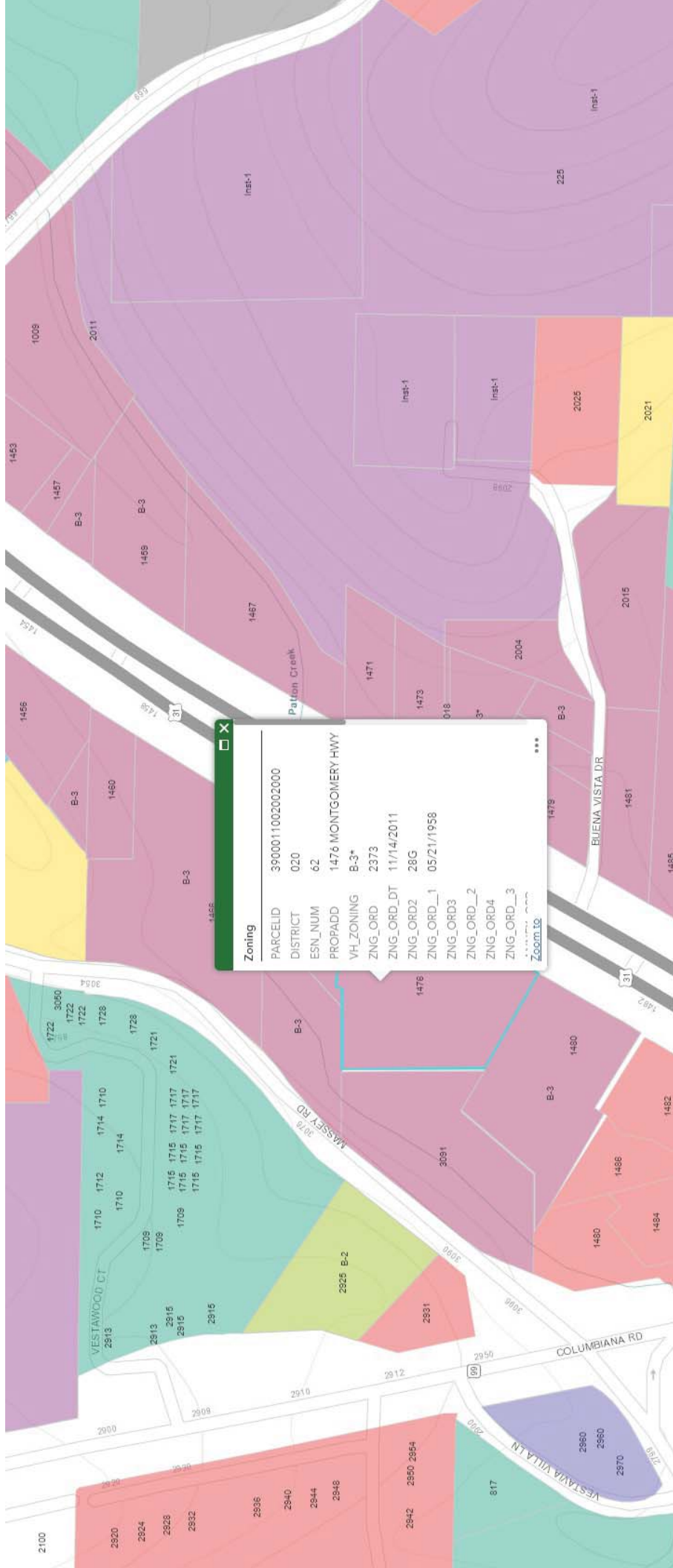
Motion carried.

Mr. Sykes – yes

Mr. Gilchrist – yes

Ms. Cobb – yes

Mrs. Barnes – yes



Zoning	
PARCELID	3900011002002000
DISTRICT	020
ESN_NUM	62
PROPADD	1476 MONTGOMERY HWY
VH_ZONING	B-3*
ZNG_ORD	2373
ZNG_ORD_DT	11/14/2011
ZNG_ORD2	28G
ZNG_ORD_1	05/21/1958
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	
Zoom to	

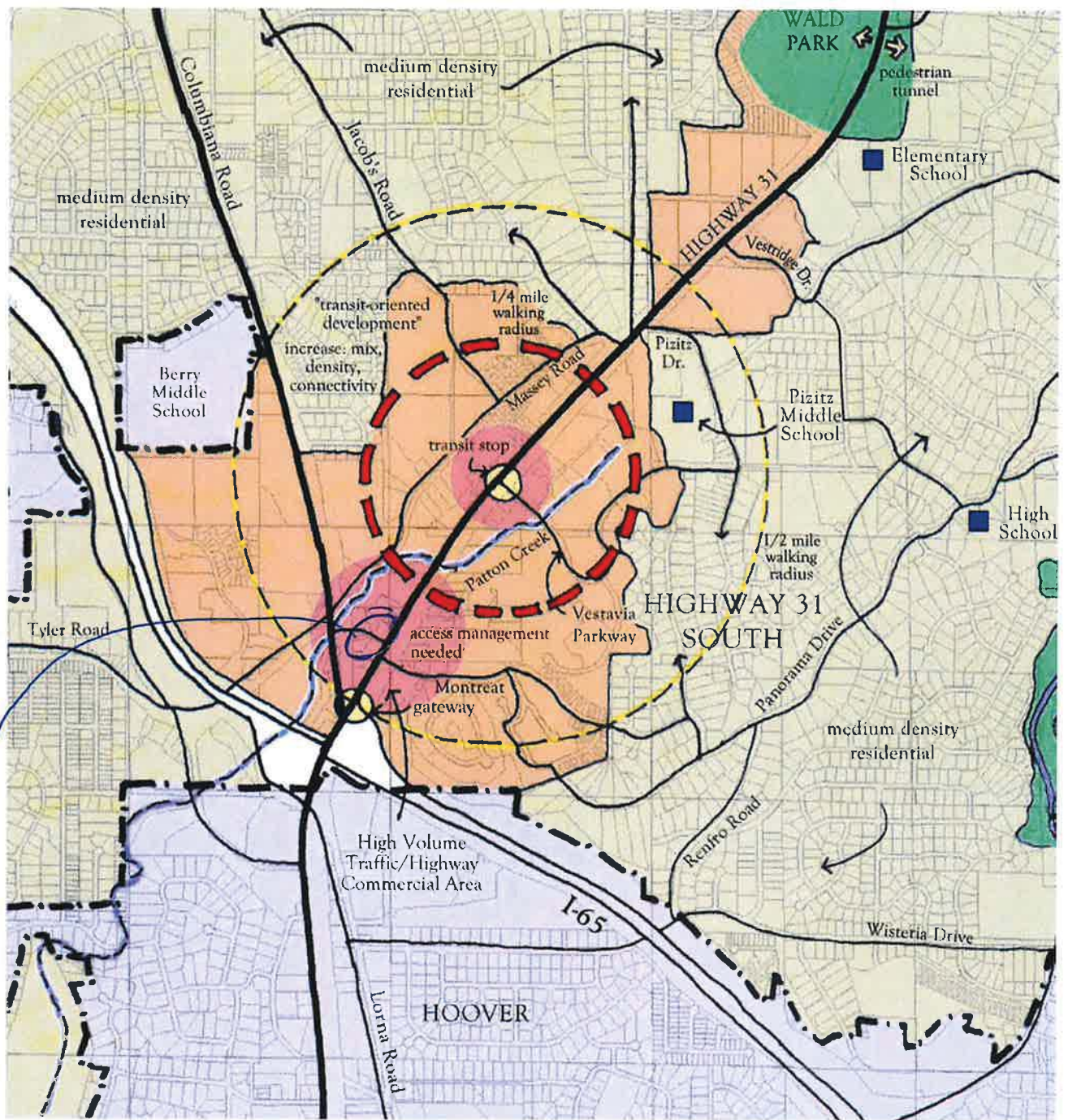


Figure 18: Highway 31 South
Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center** - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core** - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes** - Gateways are entryways into the community or village; enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

- Professional Offices** - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space** - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads** - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools** - School facilities administered by the Vestavia Hills School System.



500 0 500 1000 1500 feet



ORDINANCE NUMBER 2835

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-4 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

3984 & 3988 Natchez Drive; Lots 2 & 3, Block 1 Hermitage Forest 1st Sector
Arthur Powell, Owner

BE IT FURTHER ORDAINED, that said zoning is conditioned upon the site plan presented.

APPROVED and ADOPTED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

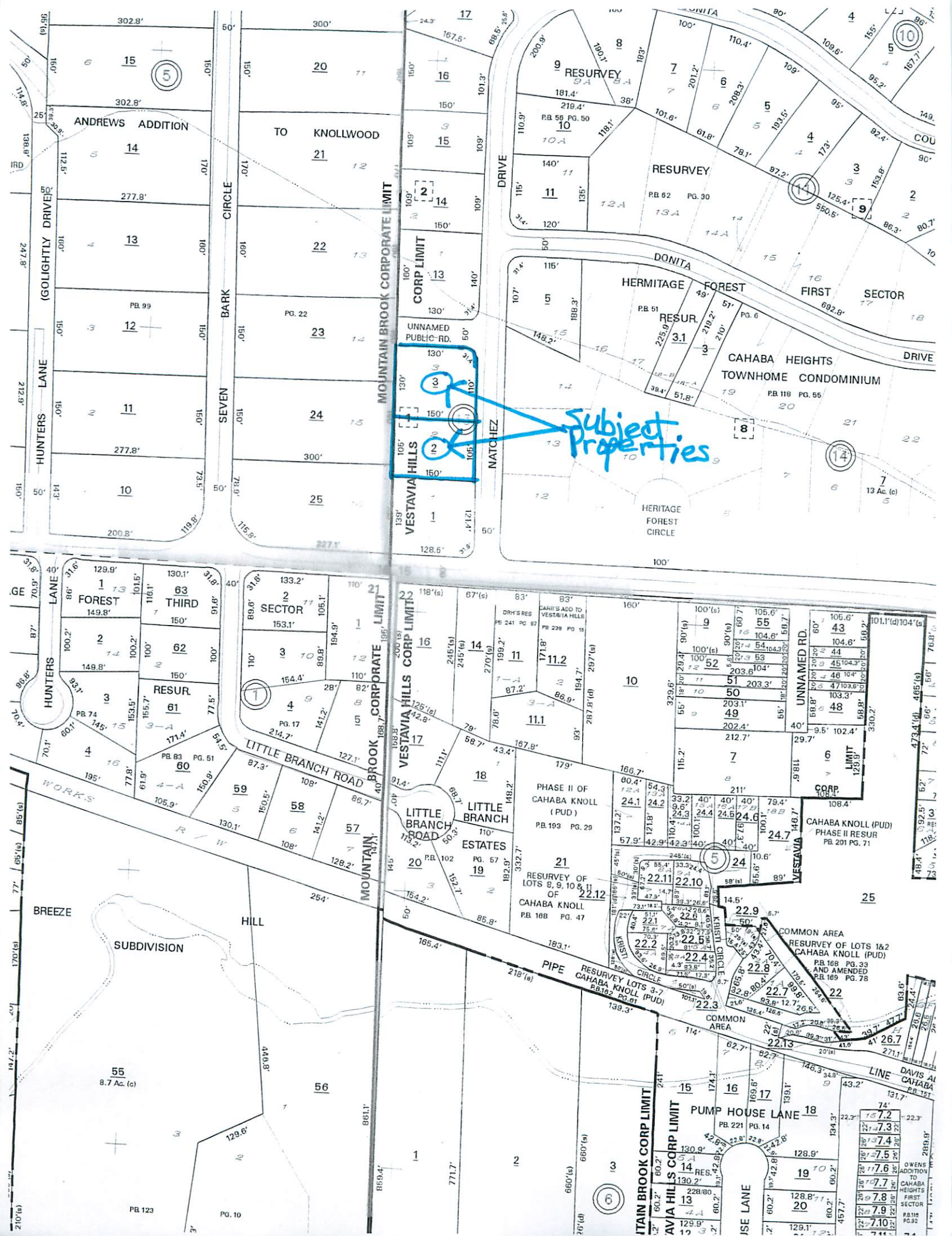
Rebecca Leavings
City Clerk

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 # 2835 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 22nd day of April, 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



Subject Properties

MOUNTAIN BROOK CORPORATE LIMIT

CORP LIMIT

UNNAMED PUBLIC RD.

VESTAVIA HILLS

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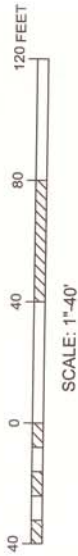
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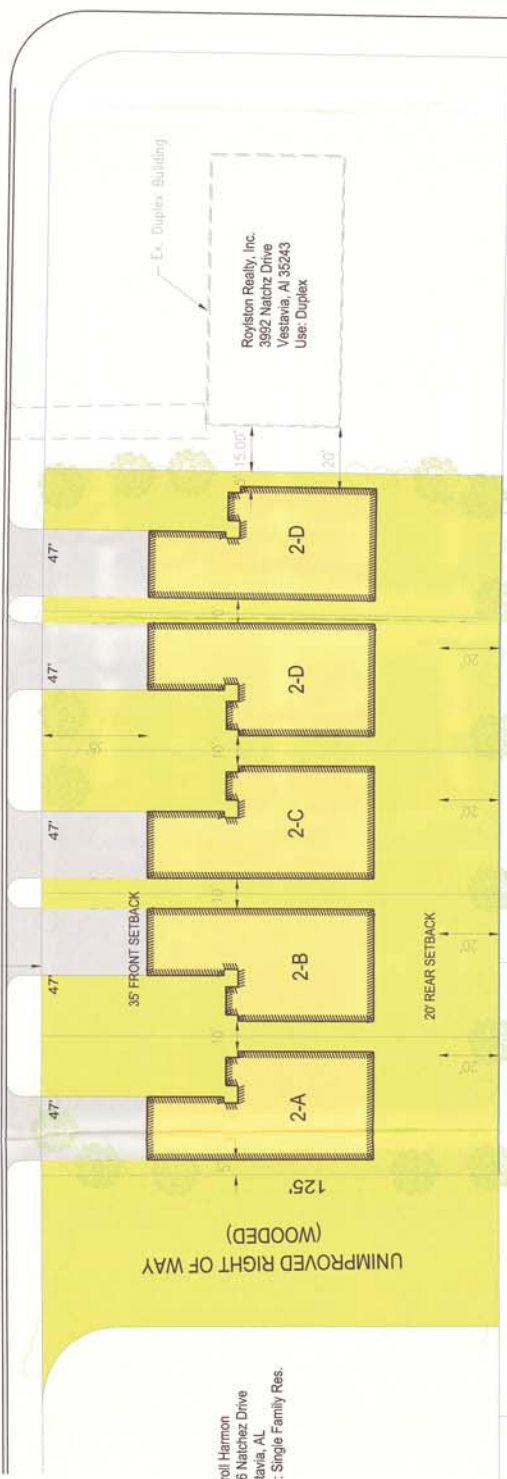


Know what's below.
Call before you dig.



KADCO HOMES

NATCHEZ DRIVE



Carroll Harmon
3976 Natchez Drive
Vestavia, AL
Use: Single Family Res.

Jeffery Mauro
3919 Seven Bark Circle
Mountain Brook, AL
Use: Single Family Res.

George Peznick Jr.
3923 Seven Bark Circle
Mountain Brook, AL 35243
Use: Single Family Res.

Ralph Westfall
3927 Seven Bark Circle
Mountain Brook, AL
Use: Single Family Res.

Royston Realty, Inc.
3992 Natchz Drive
Vestavia, AL 35243
Use: Duplex

Author Powell, OWNER
3984 & 3988 Natchez Drive
CURRENT USE: Duplex
PROPOSED ZONING: R-9

LEGAL DESC: LOT 2 & 3, BLK 1, (MB) I, PG 6)
PROPOSED USE: 5 SINGLE FAMILY RESIDENCE

PROPOSED SETBACKS:
FRONT: 35'-0"
REAR: 20'-0"
SIDE: 5'-0"

HagerCo-LLC

keithhager@icloud.com
Keith L. Hager, PE
1201 Graylynn Drive
Birmingham, AL 35216
Direct: 205.229.1738

PLAN: H200804231300043
3984 & 3988 Natchez Drive
Revised by R-9
Author Powell

V11 04

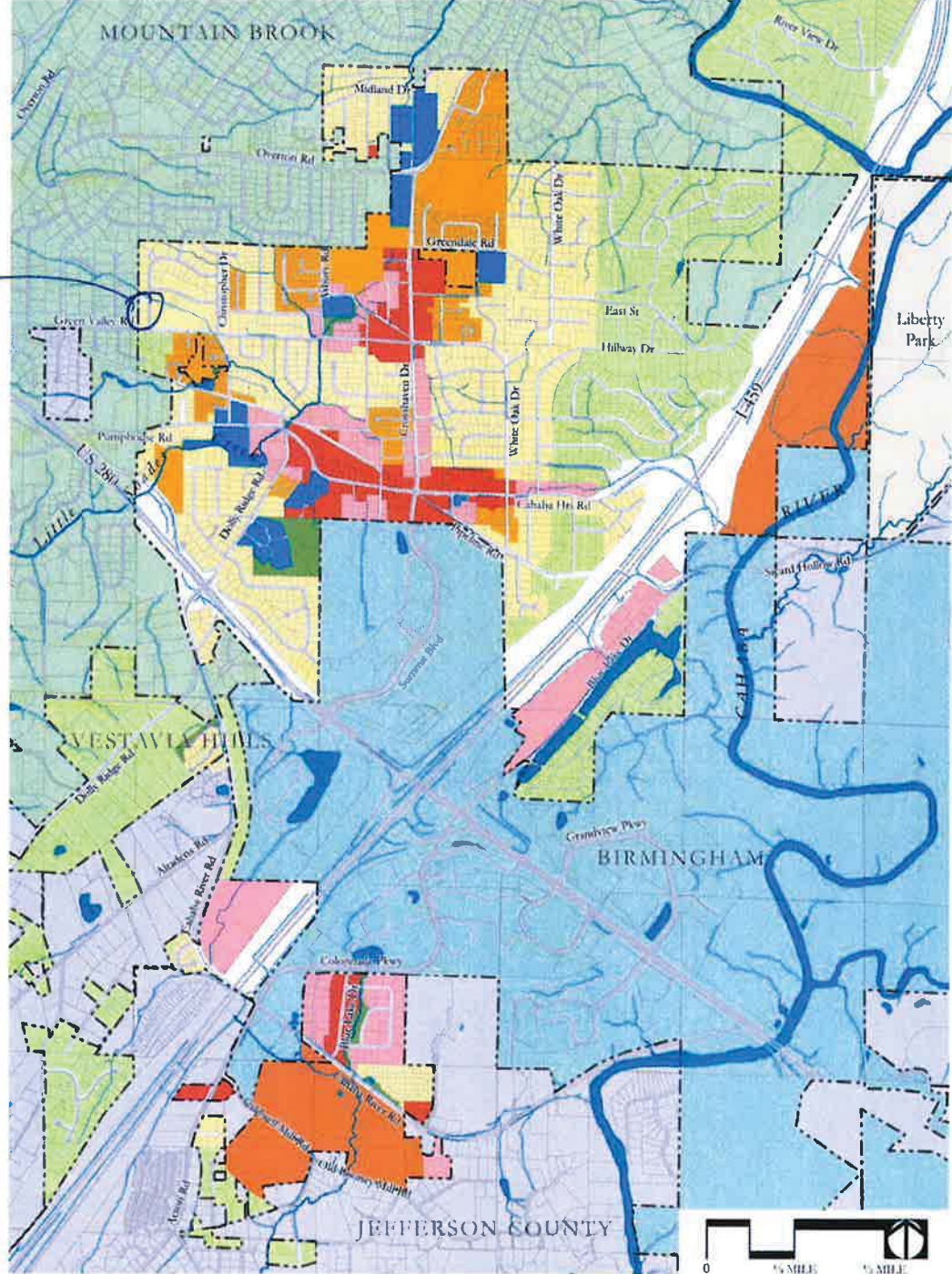


Zoning

PARCELID	2800153013003000
DISTRICT	020
ESN_NUM	62
PROPADD	3984 NATCHEZ DR
VH_ZONING	R-4
ZNG_ORD	1983
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to

Future Land Use



Subject Parcel

Figure 4: Future Land Use Map

ORDINANCE NUMBER 2836

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-4 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

3785 Glass Drive; Lot 29, Glass' 3rd Add to New Merkle
Tucker & Company, LLC, Owner(s)

BE IT FURTHER ORDAINED, that said zoning is conditioned upon the following conditions:

1. Rezoned for detached residential use only; and
2. Rezoning based upon lot layout and setbacks as presented; and
3. Rezoning based on covenants as presented.

APPROVED and ADOPTED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

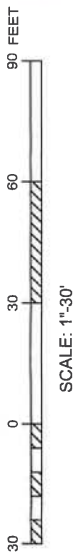
I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2836 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 22nd day of April, 2019, 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.

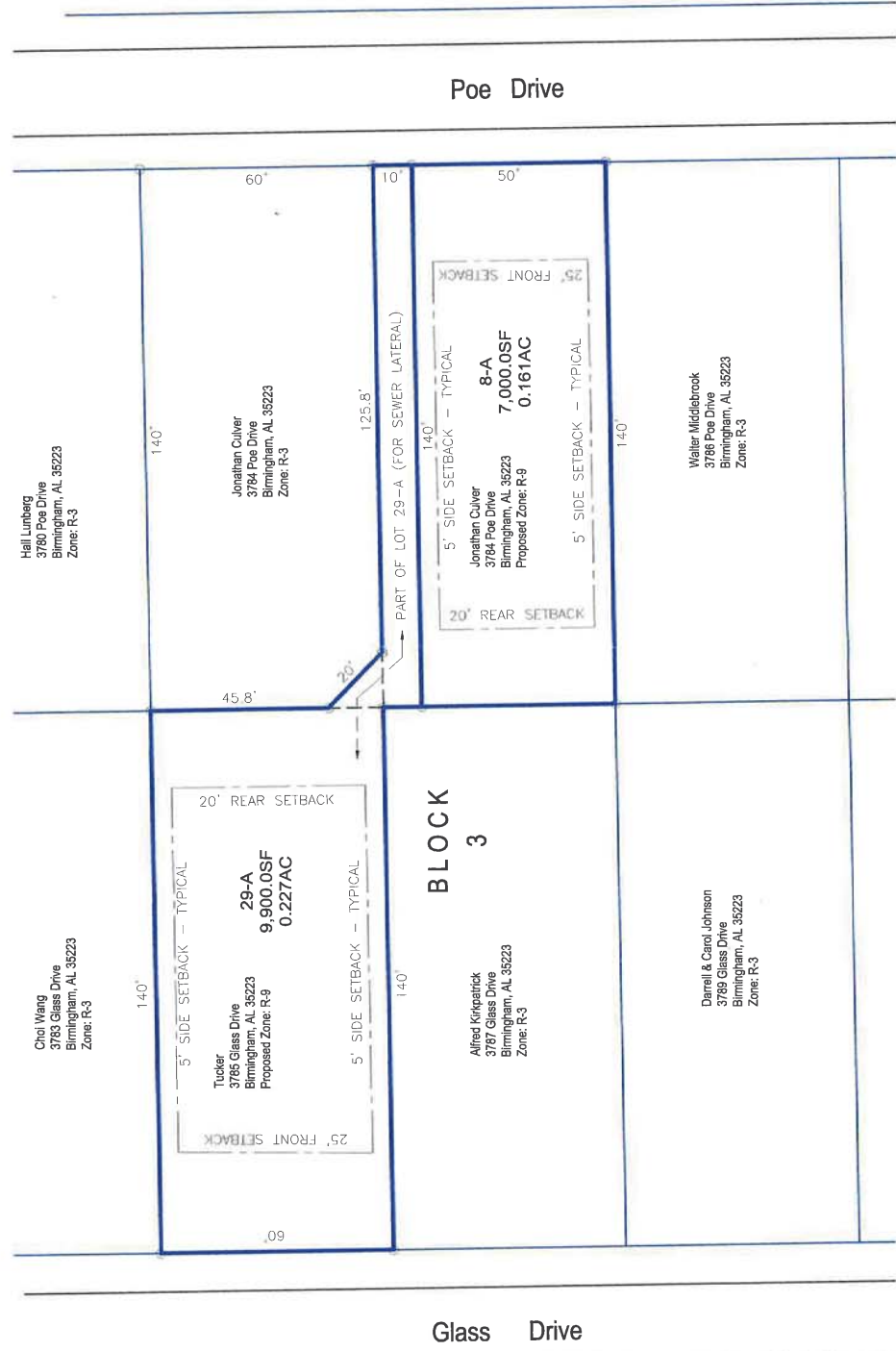
Rebecca Leavings
City Clerk



Know what's below.
Call before you dig.



KADCO HOMES



Tucker, OWNER
 3785 Glass Drive
 CURRENT USE: R-3
 PROPOSED ZONING: R-9
 LEGAL DESC: LOT 29, BLK 3, (MB 29, PG 35)
 PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

Culver, OWNER
 3784 Poe Drive
 CURRENT USE: R-3
 PROPOSED ZONING: R-9
 LEGAL DESC: LOT 8, BLK 3, (MB 29, PG 35)
 PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

HagerCo-LLC
 keithhager@icloud.com
 Keith L. Hager, PE
 1201 Graylynn Drive
 Birmingham, AL 35216
 Direct: 205.229.1738

PROPOSED SETBACKS:
 FRONT: 25'-0"
 REAR: 20'-0"
 SIDE: 5'-0"

JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS - PRESIDENT
LASHUNDA SCALES
SHELIA TYSON
STEVE AMMONS
T. JOE KNIGHT

TONY PETELOS
CHIEF EXECUTIVE OFFICER

ENVIRONMENTAL SERVICES DEPARTMENT
Suite A300
716 Richard Arrington, Jr. Blvd. N
Birmingham, Alabama 35203
Telephone (205) 325-5496
FAX (205) 325-5981

February 20, 2019

*Conrad Garrison
Planning and Zoning
City of Vestavia
1032 Montgomery Highway
Vestavia, Alabama 35216*

Reference: Sewer lateral for 3785 Glass Drive, Birmingham

Mr. Garrison,

This letter is to inform you that Jefferson County Specifications does not allow for the use of a sanitary sewer easement in lieu of real property when constructing a "new" sewer service lateral. Current conditions dictate that sewer service for 3785 Glass Drive can be obtained by one of two options. (1) Add a 10 foot wide property flag to 3785 Glass Drive extending said property to Poe Drive right-of-way or (2) Extend the Jefferson County sewer main located in Poe Drive to an existing property corner of 3785 Glass Drive.

If you have any further questions or need additional clarification regarding our specifications, please feel free to contact me at 325-5801.

Sincerely,

*Bryan K. Blackmon
Acting Senior Engineering Inspector
Field Supervisor*

BKB/kdw

Upon recording return this instrument to:

Overton Investments, LLC
3505 River Bend Road
Birmingham, Alabama 35216

This instrument was prepared by:

Michael M. Partain, Esq.
Attorney at Law
Michael M. Partain, LLC
The Kress Building
301 Nineteenth Street, Suite 501
Birmingham, Alabama 35203

**DECLARATION OF COVENANTS
FOR
PRIVATE SANITARY SEWER PIPE LINE CORRIDOR**

THIS DECLARATION, made this _____ day of _____, 2019, by **Overton Investments, LLC**, an Alabama limited liability company, hereinafter referred to as the “Declarant”.

WITNESSETH:

WHEREAS, the Declarant is the owner of Lot 8-A and Lot 29-A, according to the Resurvey of Lot 8 and Lot 29 of _____, as recorded in Map Book ____, Page ____, in the Probate Office of Jefferson County, Alabama, said Lots being situated in the City of Vestavia Hills; and

WHEREAS, the Declarant has re-subdivided said Lot 8 and Lot 29 to reconfigure Lot 8 and Lot 29 so as to make Lot 29 a “flag lot” (designated as “Lot 29-A”) in order to accommodate the installation of a private sanitary sewer lateral pipeline to serve Lot 29-A that shall connect to the boundary of the public right-of-way for Poe Drive as depicted on the map attached hereto as **EXHIBIT A** and made a part hereof; and

WHEREAS, Lot 8 was reconfigured as “Lot 8-A” as shown on **EXHIBIT A**; and

WHEREAS, as a condition of the re-subdivision of Lot 8 and Lot 29, the Declarant agreed that the Lot 29-A Owners and their heirs, successors, and assigns shall have the perpetual and non-exclusive right to install, operate, maintain, and replace a sanitary sewer lateral pipe line to serve Lot 29-A.

NOW, THEREFORE, the Declarant hereby declares that Lot 29-A and Lot 8-A shall be held, sold, and conveyed subject to the following terms and conditions, which shall attach to and run with the land as to the Lots, and shall inure to the benefit of and be binding on all parties having any right, title, or interest in any of the Lots and their respective heirs, successors, and assigns.

ARTICLE I

DEFINITIONS

1.1 Declarant. The term “Declarant” shall mean and refer to Overton Investments, LLC, an Alabama limited liability company, its successors and assigns.

1.2 Owner or Owners. The term “Owner” or “Owners” shall mean and refer to the record owner, whether one or more persons or entities (including the Declarant), its heirs, successors, and assigns, of a

fee simple title to any of the Lots, but excluding those parties having such interest merely as security for the payment of an obligation.

1.3 Lot or Lots. The term “Lot” or “Lots” shall mean and refer to the real property more particularly described on **EXHIBIT B** attached hereto and made a part hereof.

1.4 Pipe Line. The term “Pipe Line” shall mean and refer to the private sanitary sewer lateral pipe line to be installed, operated, maintained, and replaced on the Pipe Line Corridor.

1.5 Pipe Line Corridor. The term “Pipe Line Corridor” shall mean and refer to the ten (10) feet wide strip of land along the Northern boundary of Lot 8-A as depicted on **EXHIBIT A**.

ARTICLE II

PERMITTED USES AND RESTRICTIONS

2.1 Use of the Pipe Line Corridor. The Declarant hereby covenants and agrees that the Lot 29-A Owners shall have the perpetual and non-exclusive right to use the Pipe Line Corridor for the installation, operation, maintenance, and replacement of the Pipe Line to serve Lot 29-A, including the right of access thereto. The right to use the Pipe Line Corridor shall run with the land for the benefit of the Lot 29-A Owners and the heirs, successors, and assigns of such Owners. As a condition of this use, the Pipe Line shall be installed, operated, maintained, and replaced to serve Lot 29-A exclusively and shall not be utilized in any way to serve any other Lot or other real property.

2.2 Improvements on the Pipe Line Corridor. The Declarants hereby covenants and agrees that the Pipe Line Corridor is restricted for the use set forth in Section 2.1 and that no above-ground improvements of any nature shall be constructed on the Pipe Line Corridor by the Lot 29-A Owners for any purpose whatsoever. The Declarant hereby covenants and agrees that the Lot 8-A Owners shall have the right to install fencing and landscaping improvements on the Pipe Line Corridor subject to the conditions and restrictions set forth in this Article II. No masonry walls of any kind may be installed on the Pipe Line Corridor. The Declarant hereby covenants and agrees that any and all fencing and landscaping improvements that may be installed on the Pipe Line Corridor by the Lot 8-A Owners shall not cause any damage to the Pipe Line nor unreasonably interfere with the installation, operation, maintenance, and replacement of the Pipe Line.

ARTICLE III

OBLIGATIONS

4.1 Installation and Maintenance of Pipe Line. The Declarant shall, at its expense, install the Pipe Line underground within the Pipe Line Corridor at a depth to be determined by the Declarant’s engineers. Thereafter, the Lot 29-A Owners shall be solely responsible for the cost of maintaining and replacing the Pipe Line, except in the case of any damages to the Pipe Line caused by the negligence or willful acts of the Lot 8-A Owners.

4.2 Damages Caused by Lot 29-A Owners. The Lot 29-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 8-A Owners as a result of the use of the Pipe Line Corridor by the Lot 29-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 8-A Owners.

4.3 Damages Caused by Lot 8-A Owners. The Lot 8-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 29-A Owners as a result of the Lot 8-A Owners' use of the Pipe Line Corridor by the Lot 8-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 29-A Owners.

4.4 Maintenance Requirements. The Pipe Line and the Pipe Line Corridor shall be maintained in compliance with all applicable laws and regulations. The Lot 29-A Owners shall promptly restore the surface of the Pipe Line Corridor in good, neat, and orderly condition at their expense after the completion of any maintenance or replacement of the Pipe Line.

4.5 Notice to Lot 8-A Owners. The Lot 29-A Owners shall give written notice to the Lot 8-A Owners at least 48 hours prior to performing any routine maintenance or replacement of the Pipe Line. However, in the event of an emergency concerning the Pipe Line the Lot 29-A Owners shall make a reasonable attempt to notify the Lot 8-A Owners prior to conducting any activities on the Pipe Line Corridor.

4.6 Subordination of the Lien of Mortgagees. The sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish any judgment lien recorded in connection with the enforcement of the obligations set forth in this Article prior to such sale or transfer.

ARTICLE IV

GENERAL

5.1 Grantee's Acceptance. The grantee of any Lot subject to the coverage of this Declaration, by acceptance of the deed or other instrument conveying an interest in or title to, or the execution of a contract for the purchase thereof, whether from the Declarant or subsequent Owners of such Lot, shall accept such deed or other contract upon and subject to each and all of the provisions of this Declaration herein contained.

5.2 Severability. Every one of the provisions and restrictions contained in this Declaration is hereby declared to be independent of, and severable from, the rest of the provisions and restrictions and of and from every combination of the provisions and restrictions in this Declaration. Invalidation by any court of any provision or restriction in this Declaration shall in no way affect any of the other provisions or restrictions, which shall remain in full force and effect.

5.3 No Waiver. The failure of any party entitled to enforce any provision of this Declaration shall in no event be considered a waiver of the right to do so thereafter, as to the same violation or breach or as to such a violation or breach occurring prior or subsequent thereto.

5.4 Governing Law. This Declaration shall be governed by the laws of the State of Alabama.

5.5 Waiver of Right to Trial by Jury. The Declarant and the Owners hereby waives the right to a trial by jury in the event that any litigation of any claims arising out of this Declaration.

5.6 Successors and Assigns. This Declaration shall inure to the benefit of respective heirs, successors, and assigns of the Declarant and the Owners.

(Remainder of page intentionally left blank. See following page for signatures.)

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed by its duly authorized officer or representative on this _____ day of _____ 2019.

DECLARANT:

Overton Investments, LLC

By: _____

Name: Charles G. Kessler, Jr.

Its: Manager

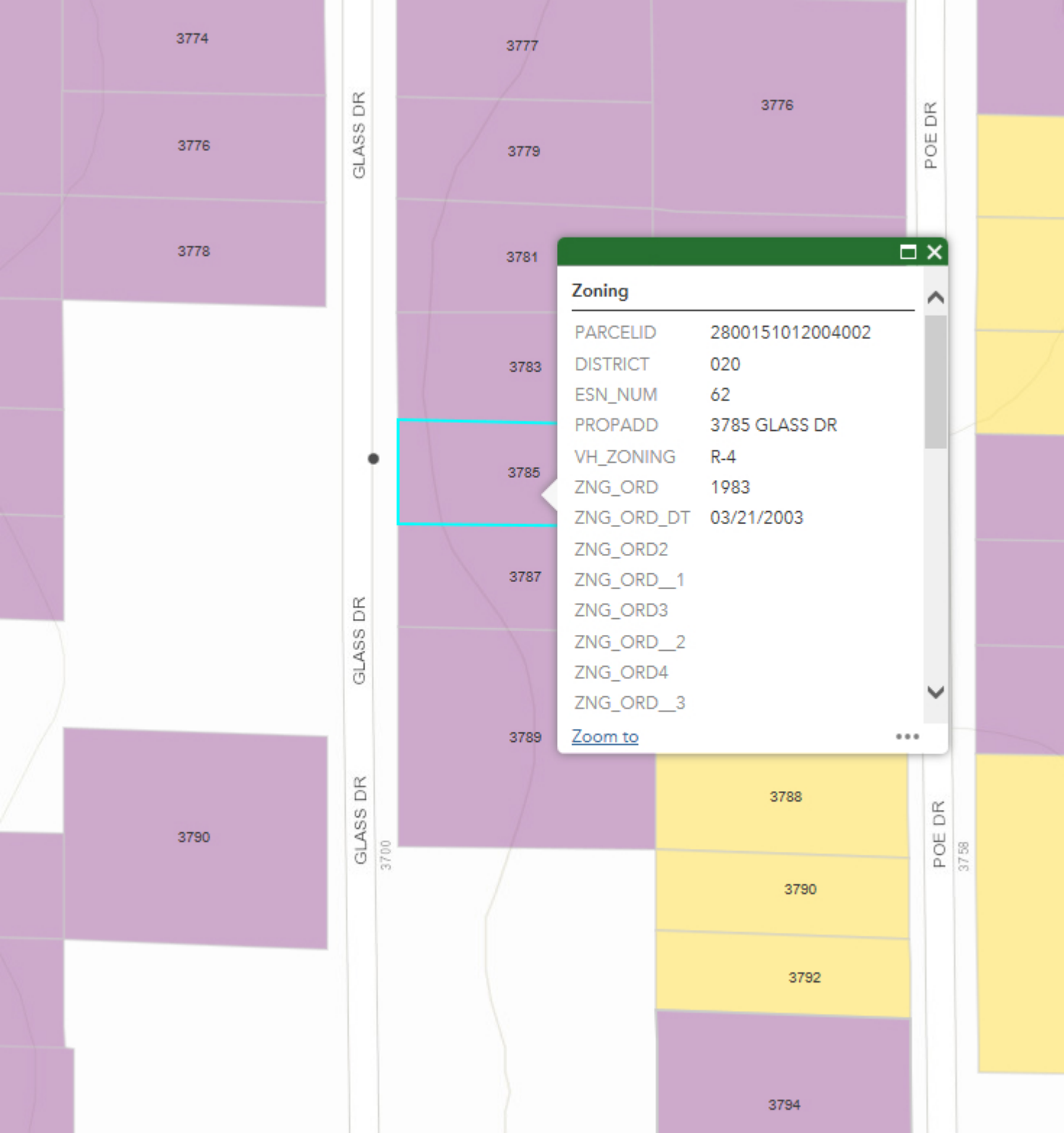
STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary public in and for said County, in said State, hereby certify that Charles G. Kessler, Jr., whose name as Manager of Overton Investment, LLC, an Alabama limited liability company, acknowledged before me on this day that being informed of the contents of the said instrument, he executed the same voluntarily for and as the act of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2019.

[NOTARY SEAL]

Notary Public
My Commission Expires: _____



3774

3776

3778

GLASS DR

3777

3779

3776

POE DR

3781

Zoning

PARCELID	2800151012004002
DISTRICT	020
ESN_NUM	62
PROPADD	3785 GLASS DR
VH_ZONING	R-4
ZNG_ORD	1983
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

[Zoom to](#)

3783

3785

3787

GLASS DR

3789

3788

POE DR

3790

3792

3790

GLASS DR

3700

3798

3794

Future Land Use

- | | | |
|--|--|--|
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| | | |

Subject Parcel

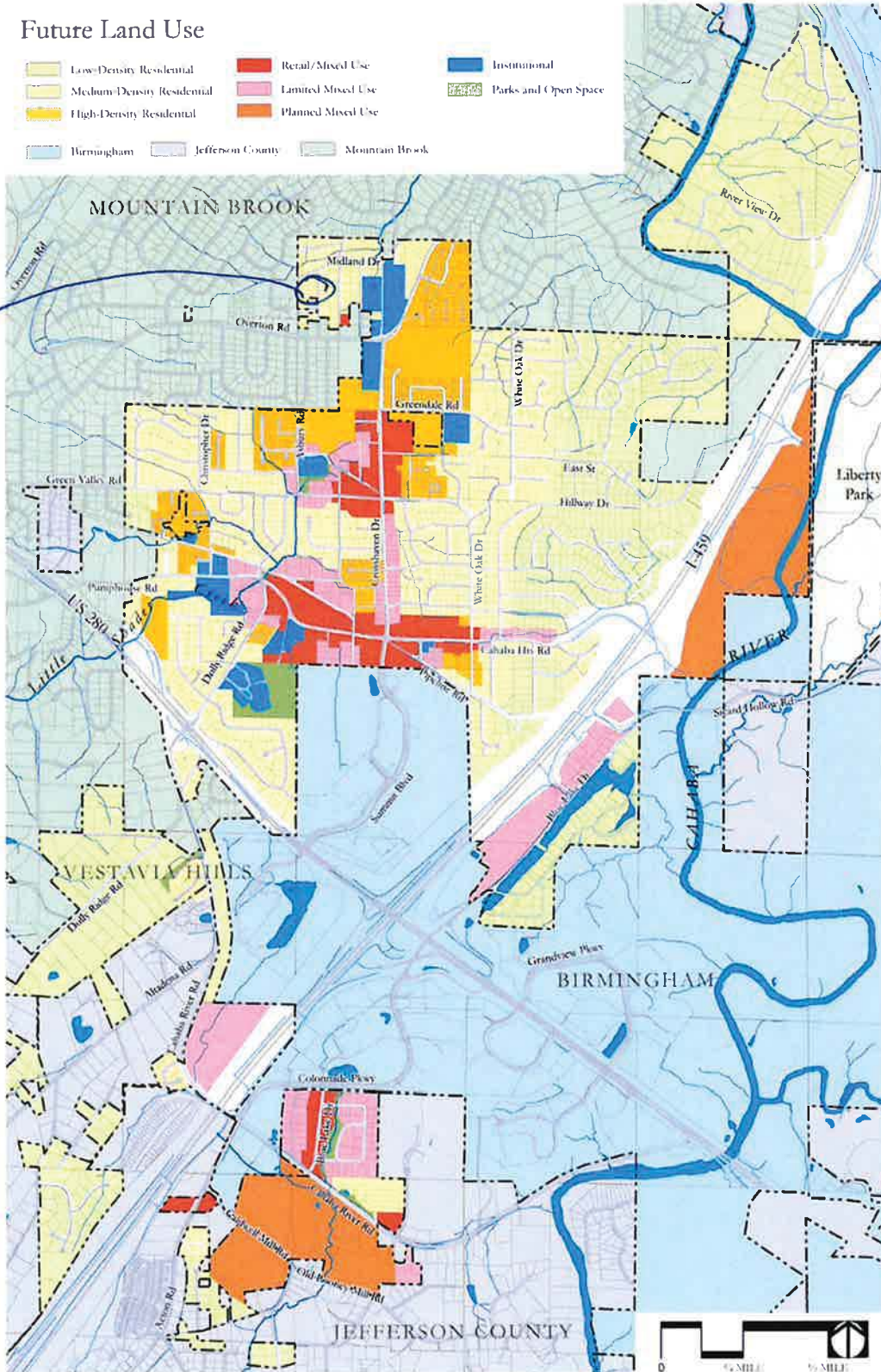


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2837

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-4 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

3784 Poe Drive
Lot 8, Block 3, Glass' 3rd Add to New Merkle
Jonathan B. Culver, Owner(s)

BE IT FURTHER ORDAINED, that said zoning is conditioned upon the following conditions:

1. Rezoning is for detached residential use only; and
2. Rezoning based upon lot layout and setbacks as presented; and
3. Rezoning based upon private restrictive covenants as presented.

APPROVED and ADOPTED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

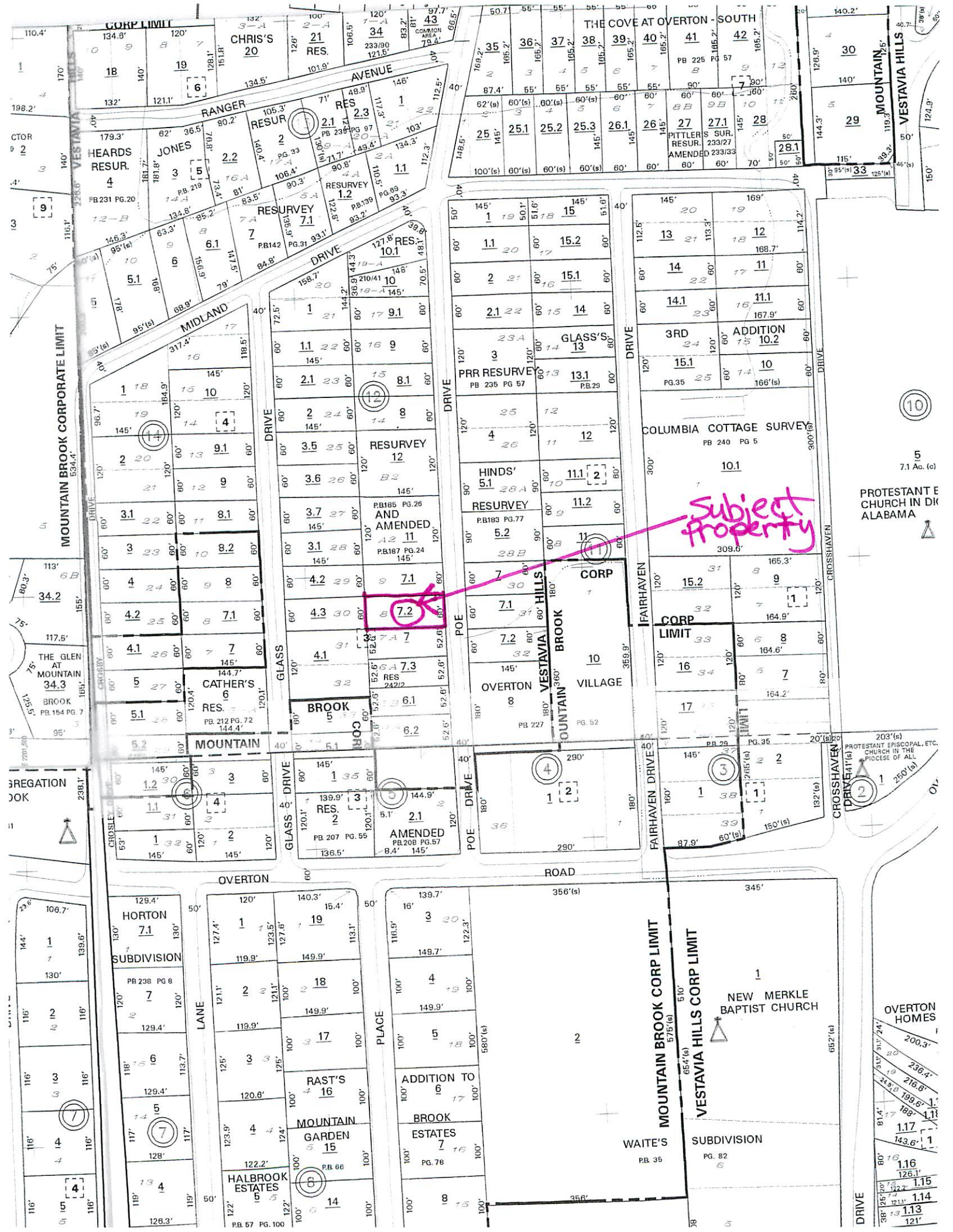
Rebecca Leavings
City Clerk

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 # 2837 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 22nd day of April, 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



Subject Property

10

5
7.1 Ac. (c)

PROTESTANT E
CHURCH IN DI
ALABAMA

PROTESTANT EPISCOPAL, ETC.
CHURCH IN THE
PIECE OF ALL

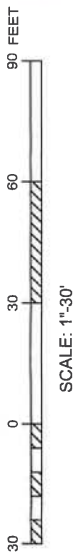
OVERTON
HOMES

NEW MERKLE
BAPTIST CHURCH

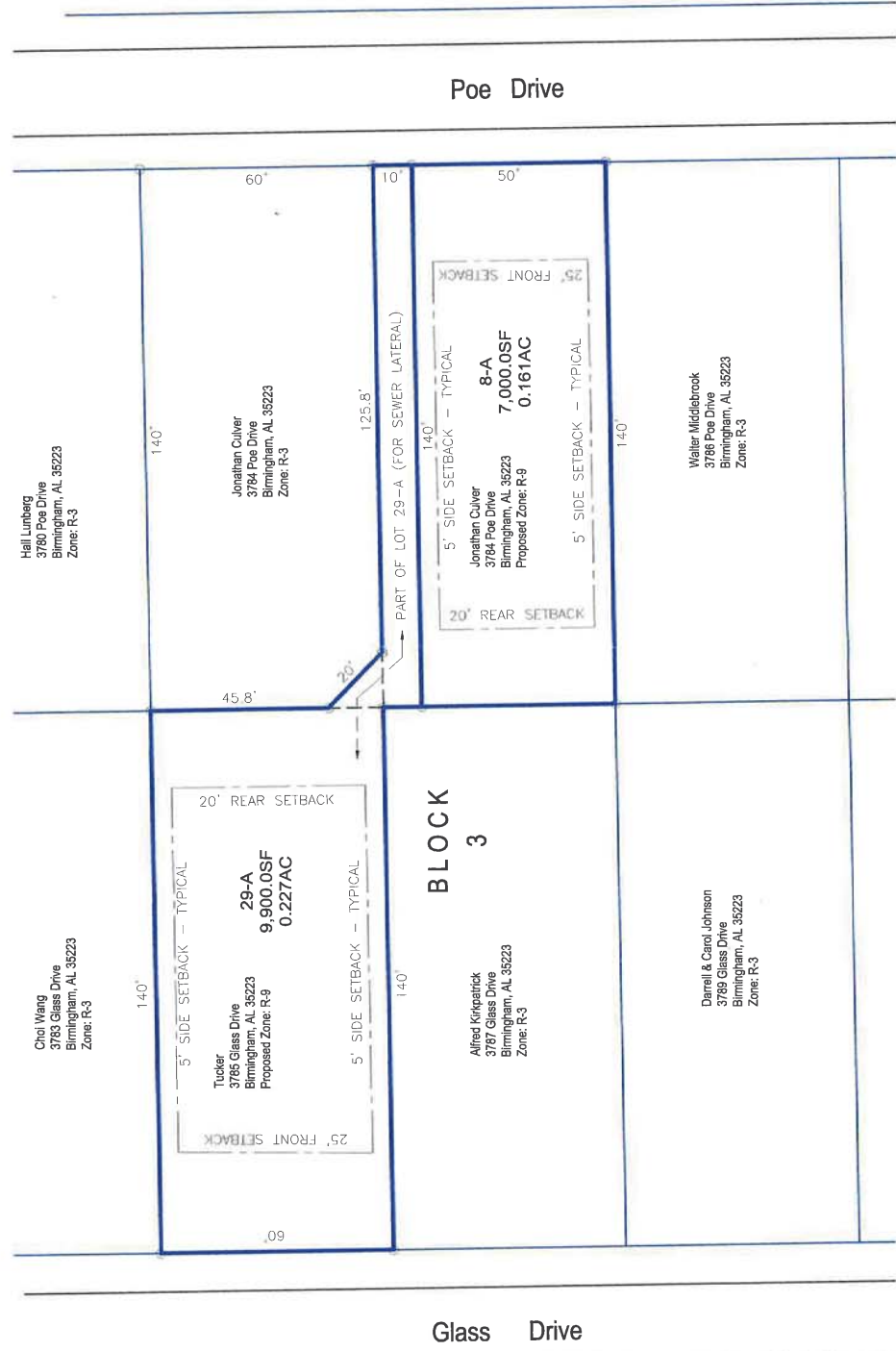
Map containing various lot numbers (e.g., 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000).



Know what's below.
Call before you dig.



KADCO HOMES



Tucker, OWNER
 3785 Glass Drive
 CURRENT USE: R-3
 PROPOSED ZONING: R-9
 LEGAL DESC: LOT 29, BLK 3, (MB 29, PG 35)
 PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

Culver, OWNER
 3784 Poe Drive
 CURRENT USE: R-3
 PROPOSED ZONING: R-9
 LEGAL DESC: LOT 8, BLK 3, (MB 29, PG 35)
 PROPOSED USE: 1 SINGLE FAMILY RESIDENCE

HagerCo-LLC
 keithhager@icloud.com
 Keith L. Hager, PE
 1201 Graylynn Drive
 Birmingham, AL 35216
 Direct: 205.229.1738

PROPOSED SETBACKS:
 FRONT: 25'-0"
 REAR: 20'-0"
 SIDE: 5'-0"

JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS - PRESIDENT
LASHUNDA SCALES
SHELIA TYSON
STEVE AMMONS
T. JOE KNIGHT

TONY PETELOS
CHIEF EXECUTIVE OFFICER

ENVIRONMENTAL SERVICES DEPARTMENT
Suite A300
716 Richard Arrington, Jr. Blvd. N
Birmingham, Alabama 35203
Telephone (205) 325-5496
FAX (205) 325-5981

February 20, 2019

*Conrad Garrison
Planning and Zoning
City of Vestavia
1032 Montgomery Highway
Vestavia, Alabama 35216*

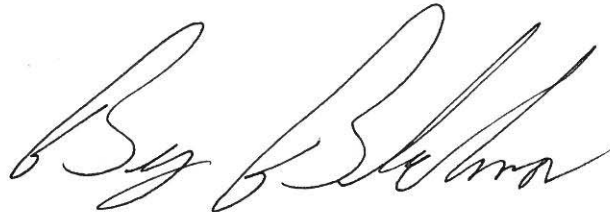
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If you have any further questions or need additional clarification regarding our specifications, please feel free to contact me at 325-5801.

Sincerely,



*Bryan K. Blackmon
Acting Senior Engineering Inspector
Field Supervisor*

BKB/kdw

Upon recording return this instrument to:

Overton Investments, LLC
3505 River Bend Road
Birmingham, Alabama 35216

This instrument was prepared by:

Michael M. Partain, Esq.
Attorney at Law
Michael M. Partain, LLC
The Kress Building
301 Nineteenth Street, Suite 501
Birmingham, Alabama 35203

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FOR
PRIVATE SANITARY SEWER PIPE LINE CORRIDOR**

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PERMITTED USES AND RESTRICTIONS

2.1 Use of the Pipe Line Corridor. The Declarant hereby covenants and agrees that the Lot 29-A Owners shall have the perpetual and non-exclusive right to use the Pipe Line Corridor for the installation, operation, maintenance, and replacement of the Pipe Line to serve Lot 29-A, including the right of access thereto. The right to use the Pipe Line Corridor shall run with the land for the benefit of the Lot 29-A Owners and the heirs, successors, and assigns of such Owners. As a condition of this use, the Pipe Line shall be installed, operated, maintained, and replaced to serve Lot 29-A exclusively and shall not be utilized in any way to serve any other Lot or other real property.

2.2 Improvements on the Pipe Line Corridor. The Declarants hereby covenants and agrees that the Pipe Line Corridor is restricted for the use set forth in Section 2.1 and that no above-ground improvements of any nature shall be constructed on the Pipe Line Corridor by the Lot 29-A Owners for any purpose whatsoever. The Declarant hereby covenants and agrees that the Lot 8-A Owners shall have the right to install fencing and landscaping improvements on the Pipe Line Corridor subject to the conditions and restrictions set forth in this Article II. No masonry walls of any kind may be installed on the Pipe Line Corridor. The Declarant hereby covenants and agrees that any and all fencing and landscaping improvements that may be installed on the Pipe Line Corridor by the Lot 8-A Owners shall not cause any damage to the Pipe Line nor unreasonably interfere with the installation, operation, maintenance, and replacement of the Pipe Line.

ARTICLE III

OBLIGATIONS

4.1 Installation and Maintenance of Pipe Line. The Declarant shall, at its expense, install the Pipe Line underground within the Pipe Line Corridor at a depth to be determined by the Declarant’s engineers. Thereafter, the Lot 29-A Owners shall be solely responsible for the cost of maintaining and replacing the Pipe Line, except in the case of any damages to the Pipe Line caused by the negligence or willful acts of the Lot 8-A Owners.

4.2 Damages Caused by Lot 29-A Owners. The Lot 29-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 8-A Owners as a result of the use of the Pipe Line Corridor by the Lot 29-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 8-A Owners.

4.3 Damages Caused by Lot 8-A Owners. The Lot 8-A Owners shall be liable for any damages to any property or bodily injury, including death, suffered or incurred by the Lot 29-A Owners as a result of the Lot 8-A Owners' use of the Pipe Line Corridor by the Lot 8-A Owners and its agents and contractors, including the cost of reasonable attorney fees and other legal expenses incurred by the Lot 29-A Owners.

4.4 Maintenance Requirements. The Pipe Line and the Pipe Line Corridor shall be maintained in compliance with all applicable laws and regulations. The Lot 29-A Owners shall promptly restore the surface of the Pipe Line Corridor in good, neat, and orderly condition at their expense after the completion of any maintenance or replacement of the Pipe Line.

4.5 Notice to Lot 8-A Owners. The Lot 29-A Owners shall give written notice to the Lot 8-A Owners at least 48 hours prior to performing any routine maintenance or replacement of the Pipe Line. However, in the event of an emergency concerning the Pipe Line the Lot 29-A Owners shall make a reasonable attempt to notify the Lot 8-A Owners prior to conducting any activities on the Pipe Line Corridor.

4.6 Subordination of the Lien of Mortgagees. The sale or transfer of any Lot pursuant to mortgage foreclosure or any proceeding in lieu thereof shall extinguish any judgment lien recorded in connection with the enforcement of the obligations set forth in this Article prior to such sale or transfer.

ARTICLE IV

GENERAL

5.1 Grantee's Acceptance. The grantee of any Lot subject to the coverage of this Declaration, by acceptance of the deed or other instrument conveying an interest in or title to, or the execution of a contract for the purchase thereof, whether from the Declarant or subsequent Owners of such Lot, shall accept such deed or other contract upon and subject to each and all of the provisions of this Declaration herein contained.

5.2 Severability. Every one of the provisions and restrictions contained in this Declaration is hereby declared to be independent of, and severable from, the rest of the provisions and restrictions and of and from every combination of the provisions and restrictions in this Declaration. Invalidation by any court of any provision or restriction in this Declaration shall in no way affect any of the other provisions or restrictions, which shall remain in full force and effect.

5.3 No Waiver. The failure of any party entitled to enforce any provision of this Declaration shall in no event be considered a waiver of the right to do so thereafter, as to the same violation or breach or as to such a violation or breach occurring prior or subsequent thereto.

5.4 Governing Law. This Declaration shall be governed by the laws of the State of Alabama.

5.5 Waiver of Right to Trial by Jury. The Declarant and the Owners hereby waives the right to a trial by jury in the event that any litigation of any claims arising out of this Declaration.

5.6 Successors and Assigns. This Declaration shall inure to the benefit of respective heirs, successors, and assigns of the Declarant and the Owners.

(Remainder of page intentionally left blank. See following page for signatures.)

IN WITNESS WHEREOF, the Declarant has caused this Declaration to be executed by its duly authorized officer or representative on this _____ day of _____ 2019.

DECLARANT:

Overton Investments, LLC

By: _____

Name: Charles G. Kessler, Jr.

Its: Manager

STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a Notary public in and for said County, in said State, hereby certify that Charles G. Kessler, Jr., whose name as Manager of Overton Investment, LLC, an Alabama limited liability company, acknowledged before me on this day that being informed of the contents of the said instrument, he executed the same voluntarily for and as the act of said limited liability company.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this ____ day of _____, 2019.

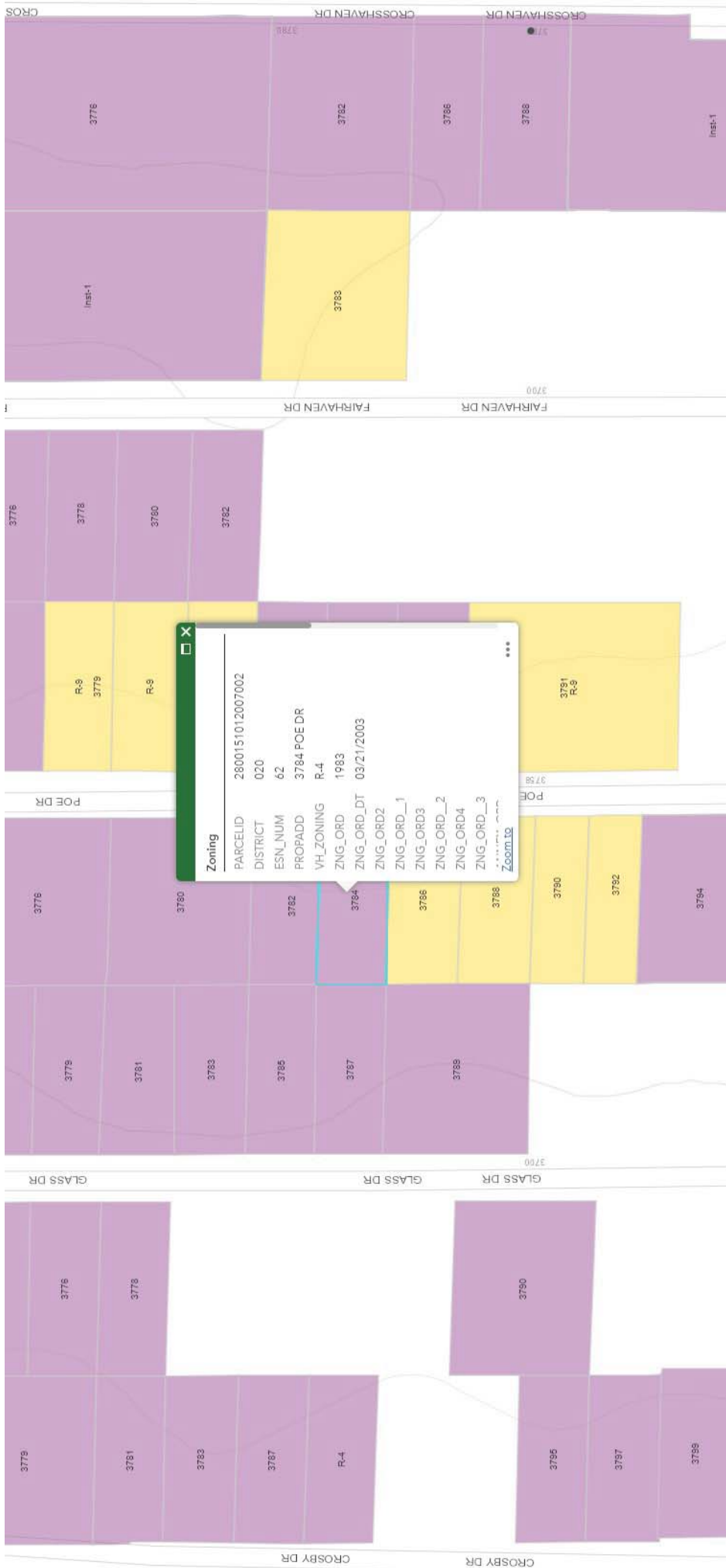
[NOTARY SEAL]

Notary Public
My Commission Expires: _____



Zoning	
PARCELID	2800151012007002
DISTRICT	020
ESN_NUM	62
PROPADD	3784 POE DR
VH_ZONING	R-4
ZNG_ORD	1983
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to	



Zoning	
PARCELID	2800151012007002
DISTRICT	020
ESN_NUM	62
PROPADD	3784 POE DR
VH_ZONING	R-4
ZNG_ORD	1983
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD_1	
ZNG_ORD3	
ZNG_ORD_2	
ZNG_ORD4	
ZNG_ORD_3	

Zoom to	

Future Land Use



Subject Parcel

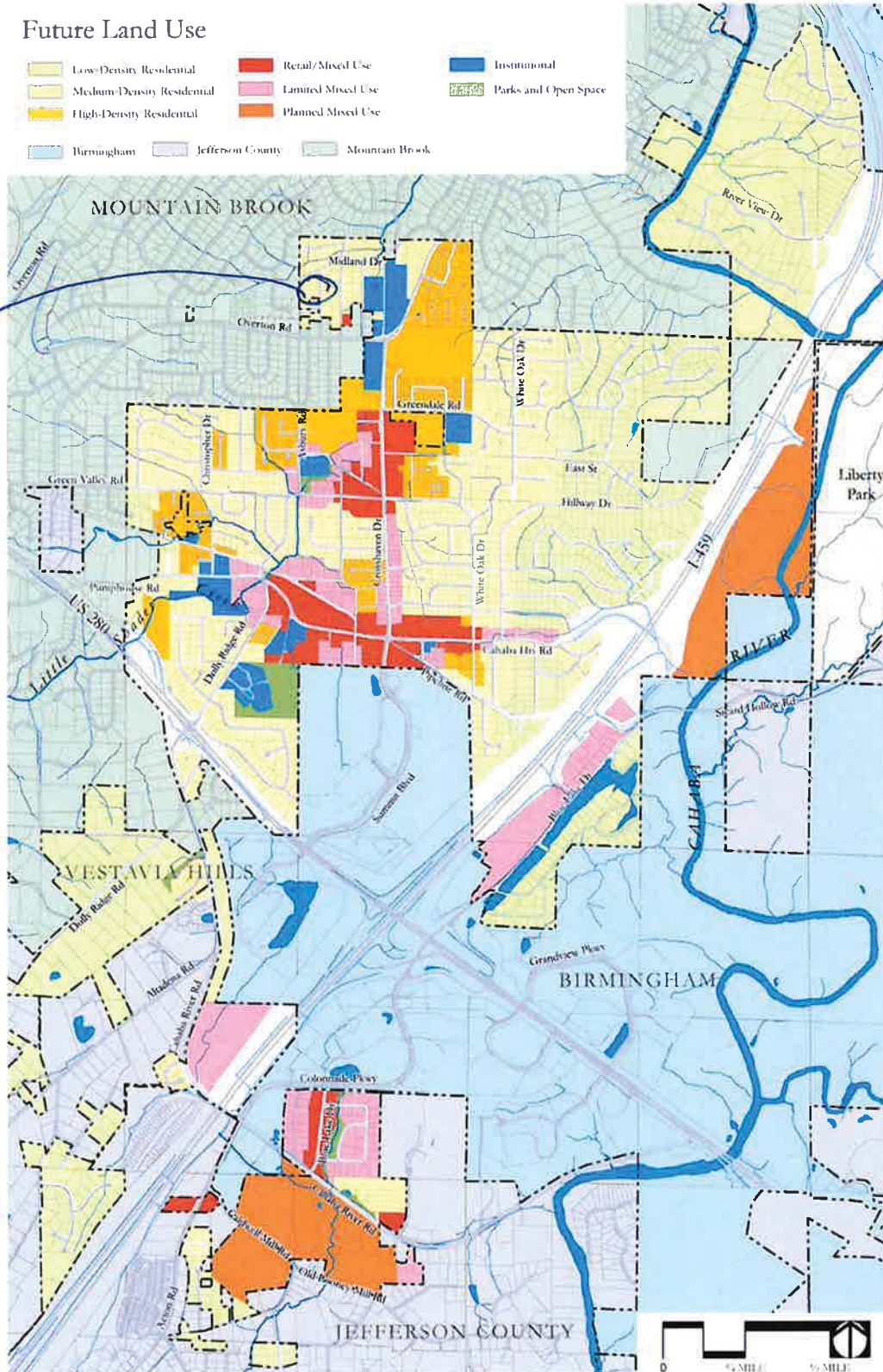


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2841

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NUMBER 2427 AND SECTION 10-14(e), VESTAVIA HILLS CODE OF ORDINANCES, REP. 2013 ENTITLED ‘EDUCATIONAL PROGRAMS’

THIS ORDINANCE NUMBER 2841 is approved and adopted by the City Council of the City of Vestavia Hills, Alabama on this the 22nd day of April, 2019.

WITNESSETH THESE RECITALS:

WHEREAS, on April 22, 2019, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2427 to establish and create the Alcohol Abuse Education Program and the Traffic Safety Education Program for the Municipal Court of the City of Vestavia Hills, Alabama; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to amend Section 5 of said Ordinance Number 2427 to reallocate the distribution of funds derived from said program.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, SECTION 5 OF ORDINANCE NUMBER 2427 AND SECTION 10-14(e), VESTAVIA HILLS CODE OF ORDINANCES REP. 2013 ENTITLED “EDUCATIONAL PROGRAMS” ARE AMENDED IN ITS ENTIRETY AS FOLLOWS:

“(e) All monies collected as a result of the operation of the Alcohol Abuse Education Program and the Traffic Safety Education Program in the form of registration fees, evaluation fees and/or tuition fees shall be maintained in a separate account with the City Finance Department to be distributed as follows:

- (a) to fully cover the cost of services provided by the previously mentioned education programs;
- (b) an amount equivalent to Forty Dollars and Fifty Cents (\$40.50) per individual participant to the City’s “Court and Correction Fund”; and
- (c) an amount equivalent to Ten Dollars (\$10.00) per applicant to the “Municipal Court Judicial Administrative Fund”; and
- (d) an amount equivalent to Thirty Seven Dollars (\$37.00) per

applicant along with all rescheduling fees shall be applied to the “Court Technology Fund”; and

(e) all remaining monies to be used for the purpose of providing various other traffic safety education and awareness programs to the Vestavia Hills community through the Traffic Safety Office of the Vestavia Hills Police Department or any other police activities including training of officers. The collection and use of these monies shall be under the supervision of the Police Chief and Finance Director.”

Effective Date: This ordinance shall become effective upon its approval, adoption, enactment and publication by posting as set forth in Title 11-45-8(b), *Code of Alabama, 1975*.

Severability: If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance which shall continue in full force and effect notwithstanding such holding.

DONE, ORDERED, ADOPTED and APPROVED this the 22nd 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 *////* 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 22nd day of April, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, Vestavia Hills Civic Center and Vestavia Hills Library in the Forest this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2842

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, certain petitions signed by various owners dated November 19, 2018, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Vestavia Hills, Alabama, as follows:

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality. Said territory is described as follows:

1. 2400 Magnolia Cove Road; Lot 1, Magnolia Cove Estates; Chase Beard, Owner
2. 2404 Magnolia Cove Road; Lot 2, Magnolia Cove Estates; Randel Walker, Owner
3. 2408 Magnolia Cove Road; Lot 3, Magnolia Cove Estates; David and Jenice Adcock
4. 2412 Magnolia Cove Road; Lot 4, Magnolia Cove Estates; Frank and Phyllis Hamrick, Owners
5. 2416 Magnolia Cove Road; Lot 5, Magnolia Cove Estates; Kay Watkins, Owner
6. 2420 Magnolia Cove Road; Lot 6, Magnolia Cove Estates; Chase Beard, Owner
7. 2424 Magnolia Cove Road; Lot 7, Magnolia Cove Estates; Chase Beard, Owner

8. 2423 Magnolia Cove Road; Lot 8, Magnolia Cove Estates; Chase Beard, Owner
9. 2419 Magnolia Cove Road; Lot 9, Magnolia Cove Estates; Martin Cogen, Owner
10. 2415 Magnolia Cove Road; Lot 10, Magnolia Cove Estates; John and Lynda Gay, Owners
11. 2409 Magnolia Cove Road; Lot 11, Magnolia Cove Estates; David and Tammy Doward, Owners
12. 2405 Magnolia Cove Road; Lot 12, Magnolia Cove Estates; Thomas and Jane Walker, Owners
13. 2401 Magnolia Cove Road; Lot 13, Magnolia Cove Estates; Chase Beard, Owner

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published/posted in accordance with Alabama law.

APPROVED and ADOPTED this the 22nd 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 2842 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 22nd day of April, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

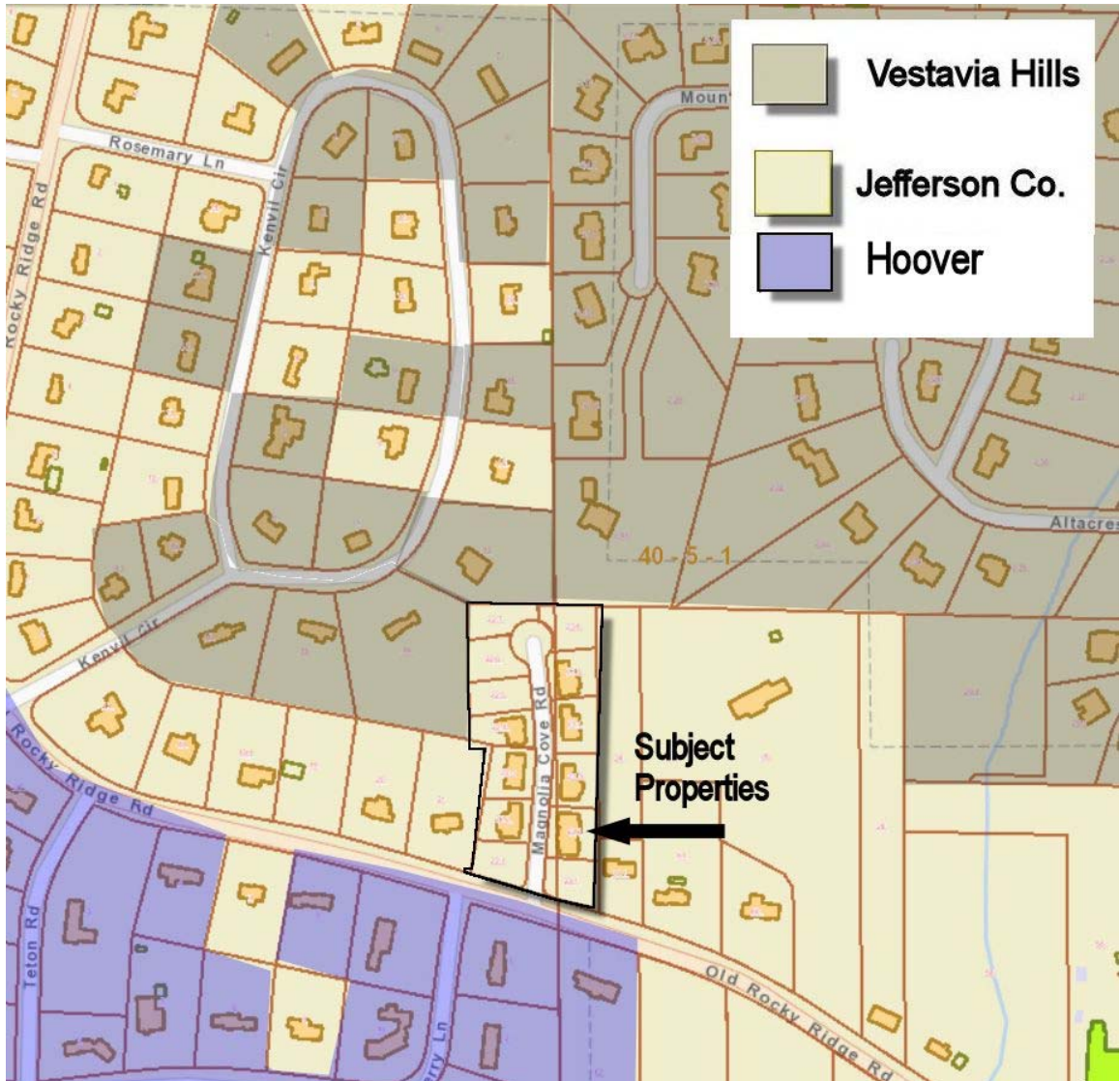


EXHIBIT "C"

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To Be completed by City Staff)

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: Magnolia Ridge Subdivision

Engineering:

Date: _____

Initials: CB

Magnolia Cove Subdivision -- no significant concerns noted; with anticipation of roadway remaining a private drive, there is no added maintenance to the City; appears to meet majority of City subdivision standards; there is minor concern related to limited sight distance at intersection of Old Rocky Ridge looking east, will review with Jefferson County Roads and Transportation.

Board of Education:

Date: 12/20/18

Initials: S Bendall / per email

Comments: _____
_____ AIP _____

Police Department:

Date: 12/20/18

Initials: AW

Comments: No concerns

Fire Department:

Date: 12/28/2018

Initials: SC

Comments: No concerns

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: Nov 19, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in JEFFERSON County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 1, 5, 6, 7, 8, + 13

BLOCK: 5

SURVEY: AUG 18, 2006

RECORDED IN MAP BOOK 266, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R2

COMPATIBLE CITY ZONING: _____


LEGAL DESCRIPTION (METES AND BOUNDS):

LOT(S) 1, 5, 6, 7, 8, + 13 MAGNOLIA COVE ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

	1,5,6,7,8,413 Lot _____ Block <u>5</u> Survey <u>AUG 18, 2000</u>
	Lot _____ Block _____ Survey _____
	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

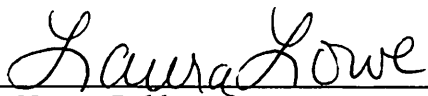
JEFFERSON COUNTY

CHARLES BEARD being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.



Signature of Certifier

Subscribed and sworn before me this the 16th day of October, 2018



Notary Public

My commission expires: Nov. 14, 2019

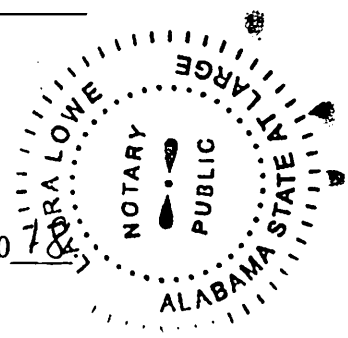


EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____

Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): CHARLES BEARD (CRB CONSTRUCTION)

Address: 3528 LYNNGATE CIR

City: HOOVER State: AL Zip: 35226

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". _____

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2/25/19

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in JEFFERSON County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 5

BLOCK: 5

SURVEY: ~~STATE~~ AUG 18, 2006

RECORDED IN MAP BOOK 216, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R2

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

LOT 5 MAGNOLIA COVE ESTATES

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Kay Watkins</u>	Lot <u>5</u> Block <u>5</u> Survey <u>AUG 18, 2006</u> XXXXXXXXXX
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

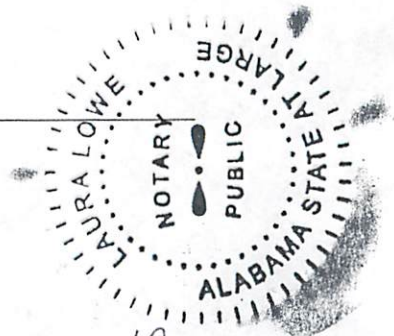
(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

JEFFERSON COUNTY

Kay Watkins being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Kay Watkins
Signature of Certifier



Subscribed and sworn before me this the 25th day of February, 2019.

Laura Lowe
Notary Public

My commission expires: Nov. 14, 2019

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals at the City of _____, Alabama, this _____ day of _____, 20____.

DESCRIPTION OF PROPERTY

SIGNATURE(S)

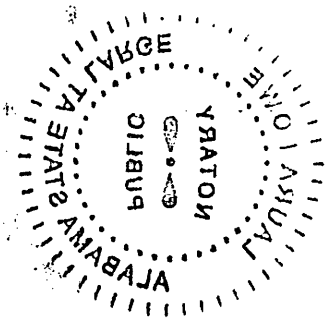
_____	_____
_____	_____
_____	_____

I, _____, County Clerk of _____ County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office.

STATE OF ALABAMA

COUNTY OF _____

I, _____, County Clerk of _____ County, Alabama, do hereby certify that the foregoing is a true and correct copy of the original as the same appears in my office.



County Clerk of _____

Subscribed and sworn to before me this _____ day of _____, 20____.

Notary Public

My commission expires: _____

STATE OF ALABAMA

Jefferson COUNTY

**PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: 9/12/17

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 9 of Magnolia Cove

BLOCK: S

SURVEY: August 18, 2006

RECORDED IN MAP BOOK 216, PAGE 78 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: Jefferson

COMPATIBLE CITY ZONING: Birmingham

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 9 of Magnolia Cove Estate

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>M. Cogen</u>	Lot <u>9</u> Block <u>5</u> Survey <u>Aug 18, 2006</u>
<u>Martin S. Cogen</u>	Lot <u>9</u> Block <u>5</u> Survey <u>Aug 18, 2006</u>
	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

Martin S. Cogen being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

M. Cogen
Signature of Certifier

Subscribed and sworn before me this the 13 day of September, 2017.

Judy Lynn Longfellow
Notary Public

My commission expires: 12/18/2017



EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Martin + Elisa Cogen

Address: 2419 Magnolia Cove Rd.

City: B'ham State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
	<u>None</u>				
1.					
2.					
3.					
4.					
5.					
6.					

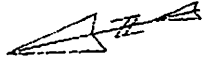
Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

Jan 23 07 UT:UTP

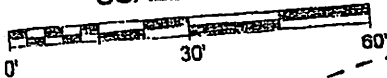
RODNEY SHIFLETT

205-669-1205

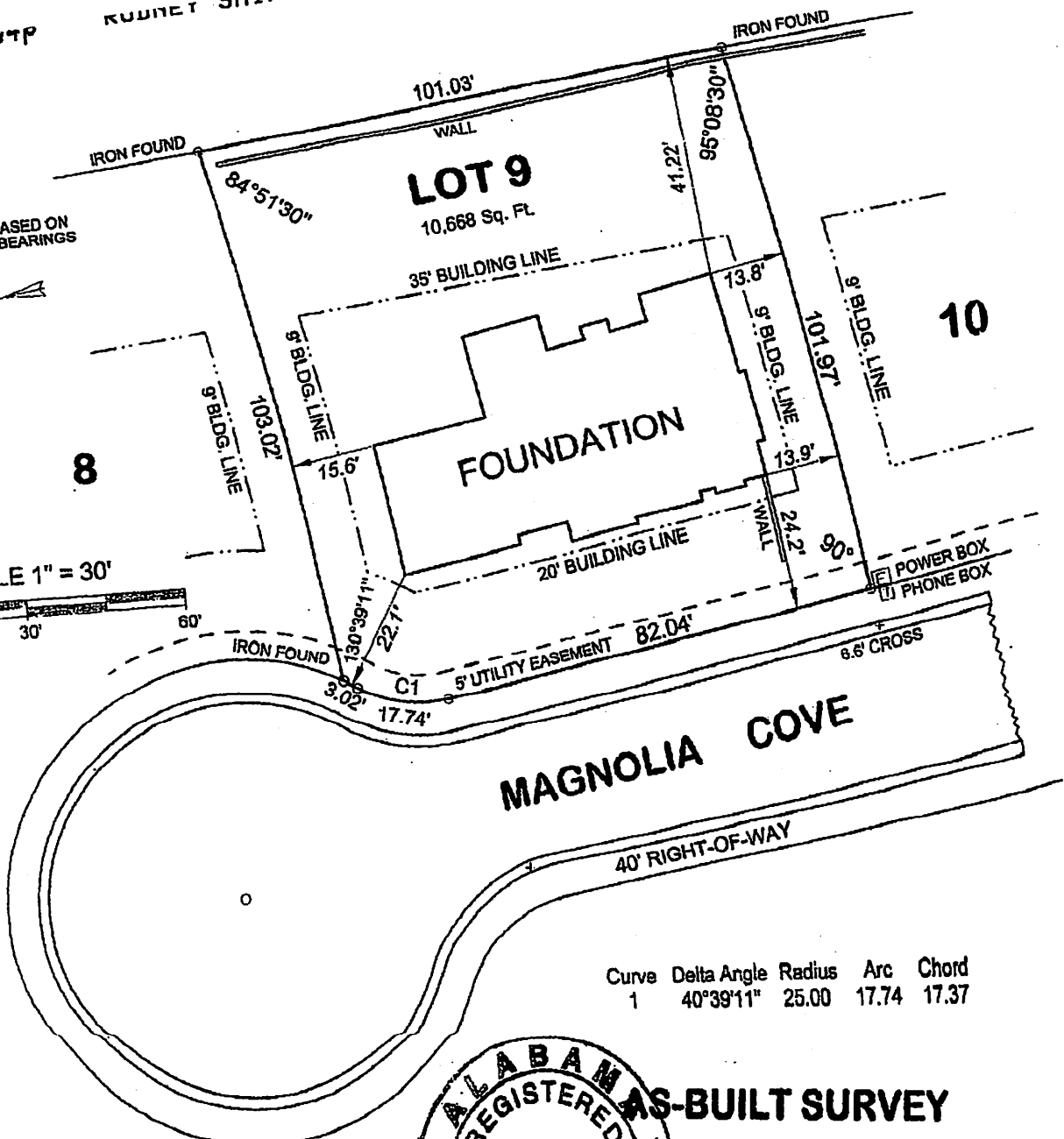
ASSUMED NORTH BASED ON
SUBDIVISION PLAT BEARINGS



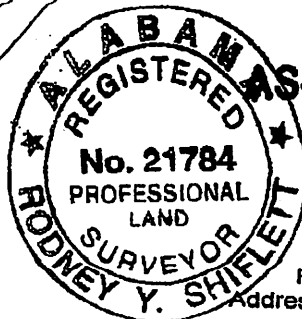
SCALE 1" = 30'



MSC



Curve	Delta Angle	Radius	Arc	Chord
1	40°39'11"	25.00	17.74	17.37



AS-BUILT SURVEY
FOUNDATION

{ State of Alabama }
{ Jefferson County }

Re: H.D.H CONSTRUCTION
Address: MAGNOLIA COVE

I, Rodney Y. Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief. That there are no visible encroachments upon the subject lot except as shown hereon excluding utility service lines, wires or pipes that serve the subject lot within dedicated easements or rights of way; I further certify that I have consulted the Federal Insurance Administration's Flood Hazard Map (Panel or Map) for the area and have determined that the subject Lot is not in a special flood prone area.

Lot 9 of MAGNOLIA COVE ESTATES as recorded in Map Book 216, Page 78 in the office of the Judge of Probate of Jefferson County, Alabama

According to my survey this August 18, 2006.

Rodney Y. Shiflett Al. Reg. No. 21784

P.O. Box 204 Columbiana, Al. 35051
Phone (205) 669-1205

Job #: 06649
Dwg#: MAGC9.zak

LEGEND

	POWER BOX
	PHONE BOX
	CABLE TV
	FENCE LINE
	OVERHEAD UTILITY LINES

STATE OF ALABAMA

Jefferson

COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: November 13, 2017

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: MAGNOLIA COVE 40-5-1¹/₂ P LOT: 10 P

BLOCK: S

SURVEY: AUG 18 2006

RECORDED IN MAP BOOK 216, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: Jefferson R2

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

LOT 10 OF MAGNOLIA COVE ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

Lynda & John Gay Lot 10 Block 5 Survey AUG 18, 2000

Lot _____ Block _____ Survey _____

Lot _____ Block _____ Survey _____

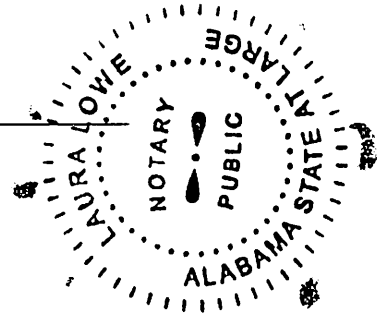
(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

JEFFERSON COUNTY

Lynda Gay being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Lynda Gay
Signature of Certifier



Subscribed and sworn before me this the 13th day of Nov-13, 2018.

Laura Lowe
Notary Public

My commission expires: Nov-14, 2019

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): John & Lynda Gay
Address: 2415 MAGNOLIA COVE RD.
City: BIRMINGHAM State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	<i>NONE</i>				
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". _____

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE

CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: Nov. 13, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 3

BLOCK: ~~000~~ 5

SURVEY: AUGUST 18, 2010

RECORDED IN MAP BOOK 216, PAGE ~~77~~ 78 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: R2

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS): 2408 MAGNOLIA COVE RD
LOT 3 OF MAGNOLIA COVE ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>David C. Adcock</u>	Lot <u>3</u>	Block <u>5</u>	Survey <u>A4618, 2000</u>
<u>Genie M Adcock</u>	Lot <u>3</u>	Block <u>5</u>	Survey <u>A4618, 2000</u>
_____	Lot _____	Block _____	Survey _____

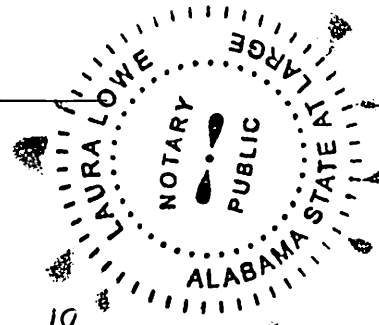
(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

DAVID C. ADCOCK being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

David C. Adcock
Signature of Certifier



Subscribed and sworn before me this the 16th day of October, 2018.

Laura Lowe
Notary Public

My commission expires: Nov. 14, 2019

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): David and Jenice Adcock
Address: 2408 Magnolia Cove Road
City: Birmingham State: AL Zip: 35243

Information on Children:

N/A

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	<i>N/A</i>				
2.	<i>"</i>				
3.	<i>"</i>				
4.	<i>"</i>				
5.	<i>"</i>				
6.	<i>"</i>				

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: _____

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in JEFFERSON County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 4

BLOCK: 5

SURVEY: AUG 18, 2006

RECORDED IN MAP BOOK 214, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R2

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

LOT 4 Magnolia Cove Estate

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

Phyllis Hamrick Lot 4 Block 5 Survey Aug 18, 2006
 _____ Lot _____ Block _____ Survey _____
 _____ Lot _____ Block _____ Survey _____

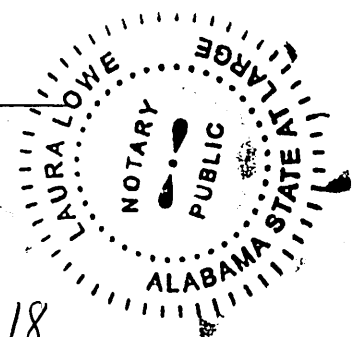
(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

JEFFERSON COUNTY

PHYLLIS HAMRICK being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Phyllis Hamrick
Signature of Certifier



Subscribed and sworn before me this the 24th day of October, 2018.

Laura Lowe
Notary Public

My commission expires: Nov. 14, 2019

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____

Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Phyllis Hamrick

Address: 2412 magnolia Cove Road

City: Birmingham State: Al Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: Oct 16, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: ~~10~~ 2 _____

BLOCK: 5 _____

SURVEY: AUGUST 18, 2006 _____

RECORDED IN MAP BOOK 216, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R1 _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS): 2404 MAGNOLIA COVE RD
LOT 2 MAGNOLIA COVE ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

Randel & Deborah Walker at 2 Block 5 Survey ACA 18, 2000

_____ Lot _____ Block _____ Survey _____

_____ Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

JEFFERSON COUNTY

RANDEL WALKER being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Randel F Walker
Signature of Certifier



Subscribed and sworn before me this the 16th day of October, 2018.

Laura Lowe
Notary Public

My commission expires: Nov. 14, 2019

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Randel & Debbie Walker
Address: 2404 Magnolia Cove Road
City: Birmingham State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	None				
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

STATE OF ALABAMA

Jefferson COUNTY

**PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: Oct. 16, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 12

BLOCK: 5

SURVEY: AUG 18, 2000

RECORDED IN MAP BOOK 214, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R2

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS): 2405 MAGNOLIA COVE RD
LOT 12 MAGNOLIA COVE ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>[Signature]</u>	Lot <u>12</u> Block <u>5</u> Survey <u>AUG 18 2000</u>
<u>Mary Jane Walker</u>	Lot <u>12</u> Block <u>5</u> Survey <u>AUG 18 2000</u>
_____	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson

COUNTY

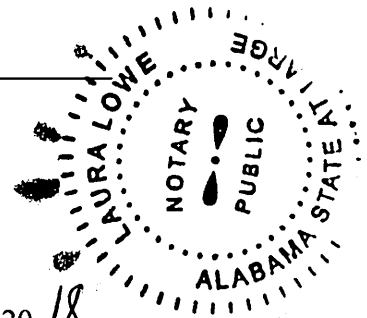
Thomas E. Walker

[Signature]

being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

[Signature]

Signature of Certifier



Subscribed and sworn before me this the 16th day of October, 2018.

Laura Lowe

Notary Public

My commission expires: Nov. 14, 2019

EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Thomas G + Mary Jane Walker
Address: 2405 Magnolia Cove Rd.
City: Birmingham State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

STATE OF ALABAMA

_____ COUNTY

**PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: October 16, 2018

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in JEFFERSON County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

EXHIBIT "A"

LOT: 11

BLOCK: 5

SURVEY: AUG. 18, 2006

RECORDED IN MAP BOOK 216, PAGE 78 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

LOT 11 MAGNOLIA CONV ESTATE

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>Jimmy Downard</u>	Lot <u>11</u> Block <u>5</u> Survey <u>AUG 18 2000</u>
<u>David Downard</u>	Lot <u>11</u> Block <u>5</u> Survey <u>AUG 18 2000</u>
_____	Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

David Downard being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

David Downard
Signature of Certifier



Subscribed and sworn before me this the 16th day of October, 2018.

Laura Lowe
Notary Public

My commission expires: Nov. 14, 2019

RESOLUTION NUMBER 5152

**A RESOLUTION APPOINTING A MEMBER OF THE
VESTAVIA HILLS BOARD OF EDUCATION FOR A
TERM OF FIVE YEARS**

WITNESSETH THESE RECITALS:

WHEREAS, Section 11-16-3, Code of Alabama, 1975, provides that the City Council shall appoint members of the City Board of Education to serve for a term of five (5) years; and

WHEREAS, the five-year term of Jerry Dent as a member of the Vestavia Hills Board of Education expires at 6:00 PM on June 19, 2019 and

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

1. The City Council does hereby elect and appoint _____ as a member of the Vestavia Hills Board of Education for a term of five (5) years, beginning with the first regularly scheduled meeting of the Vestavia Hills Board of Education in June at 6:00 p.m. and ending at 6:00 p.m. on the date of the first regularly scheduled meeting of the Board in June of the year 2024; and

2. This Resolution shall become effective upon the approval and adoption by the City Council of the City of Vestavia Hills, Alabama.

RESOLVED, DONE, ORDERED, APPROVED and ADOPTED, on this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5153

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR TAZ BHAM LLC D/B/A TAZIKIS
MEDITERRANEAN CAFE; JOHN MICHAEL
BODNAR, JAMES MATTHEW BODNAR, GERALD
EDISON RUSHTON, JR, EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Taz Bham LLC d/b/a Tazikis Mediterranean Cafe, located at 1425 Montgomery Highway, Suite 199, Vestavia Hills, Alabama, for the sale of 040 - Retail Beer (on or off premises) and 060 Retail Table Wine (on or off premises); John Michael Bodnar, James Matthew Bodnar, Gerald Edison Rushton, Jr, executives.

APPROVED and ADOPTED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

INTEROFFICE MEMORANDUM

DATE: April 17, 2019

TO: Dan Rary, Police Chief

FROM: Rebecca Leavings, City Clerk

RE: Alcohol License Request – 040 - Retail Beer (on or off premises) and 060 Retail Table Wine (on or off premises)

Please find attached information submitted by John Michael Bodnar, James Matthew Bodnar, Gerald Edison Rushton, Jr who request an alcohol license to sell 040 - Retail Beer (on or off premises) and 060 Retail Table Wine (on or off premises) at the Taz Bham LLC d/b/a Tazikis Mediterranean Cafe, 1425 Montgomery Highway, Suite 199, Vestavia Hills, Alabama.

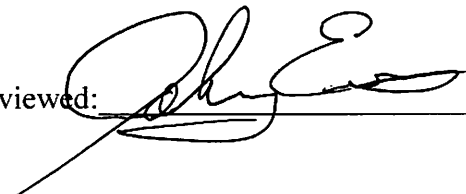

I am scheduling this case to be heard by the City Council on 22nd day of April, 2019 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

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

✓	Application cleared by P.D. This indicates that there are NO 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
	Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests
	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

Reviewed: _____



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190409102305794

Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Trade Name: TAZIKIS MEDITERRANEAN CAFE **Filing Fee:** \$100.00

Applicant: TAZ BHAM LLC **Transfer Fee:**

Location Address: 1425 MONTGOMERY HWY; SUITE 199 VESTAVIA HILLS, AL 35216

Mailing Address: 3755 CORPORATE WOODS DR VESTAVIA HILLS, AL 35242

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

Type Ownership: LLC

Book, Page, or Document info: 2017009395

Date Incorporated: 01/30/2017 **State incorporated:** AL **County Incorporated:** JEFFERSON

Date of Authority: 01/30/2017 **Alabama State Sales Tax ID:** R009809228

Federal Tax ID: 81-5176338

Name:	Title:	Date and Place of Birth:	Residence Address:
JOHN MICHAEL BODNAR 5389373 - AL	MEMBER	11/25/1969 CHARLESTON, WV	4150 CAMP COLEMAN RD TRUSSVILLE, AL 35173
JAMES MATTHEW BODNAR 100425963 - TN	MEMBER	01/01/1987 BIRMINGHAM AL	1113 HALCYON AVE NASHVILLE, TN 37204
GERALD EDISON RUSHTON JR 800674889 - MS	MEMBER	11/11/1952 SPOKANE, WA	16212 ORANGE GROVE RD GULFPORT, MS 39503

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: BILLY MAGRUDER

Business Phone: 205-573-4166

Fax:

Home Phone: 205-447-5269

Cell Phone: 205-447-5269

E-mail: AP@TAZIKISCAFE.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: 20190409102305794

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: BIRMINGHAM REALTY COMPANY, INC 205-995-9119
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **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: **4015** Display Square Footage:
 Building seating capacity: **145** Does Licensed premises include a patio area? **YES**
 License Structure: **SHOPPING CENTER** License covers: **OTHER**
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190409102305794

Initial each

Signature page

BM
BM

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

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

BM

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.

N/A

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.

N/A

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

N/A

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

BM

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.

BM

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.

BM

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): *Billy Magruder*

Signature of Applicant: *Billy Magruder*

Notary Name (print): *Mellanie Sosnowchik*

Notary Signature: *Mellanie Sosnowchik*

Commission expires: *MARCH 30, 2021*

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:





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20190409102305794

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:

Special terms and conditions for special event/special retail:

Other Explanations

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed?: SEE ATTACHED WAIVER REQUEST. ALL OTHER MEMBER INFORMATION IS ATTACHED.

License Covers: SUITE 199

RESOLUTION NUMBER 5154

A RESOLUTION IN OPPOSITION TO PROPOSED LEGISLATION BEFORE THE ALABAMA LEGISLATURE, SENATE BILL 264

WHEREAS, Senate Bill 264 (“SB264”) is currently pending before the Alabama Legislature; and,

WHEREAS, this proposed legislation will grant wireless service and infrastructure providers, as a matter of right, the ability install small cell facilities and equipment in the public rights-of-way and on municipal utility, light, and traffic poles, as well as other municipal infrastructure and buildings;

WHEREAS, the granting of this right to wireless service and infrastructure providers will be at the expense of the safe and efficient use of local government streets, rights-of-way, and infrastructure and is fundamentally unfair to local taxpayers; and

WHEREAS, if enacted, SB264 will preempt the ability of local governments to adopt their own ordinances to regulate wireless service and infrastructure providers within their boundaries; and

WHEREAS, the proposed legislation also imposes certain wireless standards on local governments above and beyond what the Federal Communications Commission (FCC) requires in application review, processing, and permit issuance standards; and

WHEREAS, SB264 further absolves wireless providers of any obligation to consider alternative adjacent private property sites, even in underground districts and historic districts; and

WHEREAS, the proposed legislation deems any wireless provider’s application, including batch applications, granted if a local government does not act within the deadlines set forth in SB264; and

WHEREAS, the proposed legislation prohibits a local government from denying a proposed wireless installation, even if the installation would interfere with the safe operation of traffic control equipment and/or vehicular or pedestrian sight lines or clear zones, unless the proposed installation can be shown to “materially” interfere with such safety requirements; and

WHEREAS, SB264 further allows unreasonable types and height extensions of poles without giving local governments the proper authority to restrict such types and heights; and

WHEREAS, this proposed legislation would allow utility poles in the right-of-way to be as high as 50 feet from grade or 10 percent taller than any existing pole within 500 feet; and

WHEREAS, the proposed legislation also prohibits local governments from charging in excess of \$100 per pole, per year, for the placement of new wireless infrastructure poles in local government rights-of-way;

WHEREAS, the restriction on pole charges as set forth in SB264 is arbitrary and places a potential below-cost cap on what local governments could charge for wireless providers’ private commercial use of a local government’s valuable public assets;

WHEREAS, working with the wireless industry, the City of Vestavia Hills (“City”) has created a standard through a local ordinance that creates a level playing field for competition, a common sense approach to aesthetics and permitting, a streamlined and simple application process, and reasonable fees demonstrably based on cost recovery; and

WHEREAS, Senate Bill 264 would effectively eliminate successful local ordinances, such as the City’s ordinance, with a one-size-fits-all approach; and

WHEREAS, SB264 is likely to result in a proliferation of aesthetically objectionable utility poles in the City of Vestavia Hills and in other local government owned rights-of-way and on municipal infrastructures.

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

1. The City Council of the City of Vestavia Hills, Alabama, does hereby voice its formal objection to SB264. SB264 does not strike an appropriate balance between the need for deployment of wireless broadband infrastructure and the need for local governments to manage their own rights-of-way and municipal infrastructures.
2. SB264 unduly benefits the wireless industry at the expense of local governments and their residents and infringes upon the City’s ability to manage its rights-of-way and municipal infrastructures at the local governance level.
3. The City hereby requests that SB264 be restructured and rewritten to provide greater deference to local governments and their ability to control their public rights-of-way and infrastructures.
4. Upon execution, a copy of this Resolution shall be sent to each representative and senator representing the City of Vestavia Hills.

ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5155

A RESOLUTION CHANGING THE CITY OFFICIALS DESIGNATED AND AUTHORIZED TO SIGN CHECKS AND DRAFTS FOR PAYMENTS FROM CITY OF VESTAVIA HILLS ACCOUNTS ON DEPOSIT IN THE REGIONS BANK.

BE IT RESOLVED by the Mayor and City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the Regions Bank be, and hereby is, designated as the depository of the City of Vestavia Hills Court Bond Account, and that the officers and employees of said City named herein below are hereby authorized to endorse, in the name of the City, for the purpose of deposit and collection, in and with said bank, checks, drafts, notes and other like obligations issued and drawn to and owned by said City; and it is further resolved that endorsement for deposit and collection may be by the written or stamped endorsement of the City without designation of the party making the endorsement.

2. That said bank be, and hereby is, authorized to pay out the funds of this corporation on deposit with it from time to time upon said depository and signed in the name of this corporation by any one (1) of the following, whether said checks are payable to cash, bearer, or the order of the corporation, or to any third party, or to the order of any signing or countersigning officer of the corporation or any other corporation officer, in either their individual or official capacity, without further inquiry or regard to the authority of said officer(s) and/or other person(s) or the use of said checks, drafts, and orders or the proceeds thereof;

Jeffrey Downes
City Manager

Ashley C. Curry
Mayor

Rebecca Leavings
City Clerk

Melvin Turner, III
Finance Director/City Treasurer

Tamara Davis
Magistrate

Shellie Mckown
Magistrate

Julie Tucker
Magistrate

3. That the said bank shall not be, in any manner whatsoever, responsible for or required to see the application of any of the funds of this corporation deposited with it, checked out, or borrowed from it, or secured by the discount of notes and other obligations to it as hereinbefore provided, and all such transactions shall be conclusively presumed to be legally binding upon this corporation.

4. That Rebecca Leavings, the City Clerk of this municipality, shall file with the said bank a certified copy of this resolution under the corporate seal of this corporation and shall also file with the said bank a certified list of the persons at the present time holding offices of City Manager, Mayor, City Clerk and City Treasurer in this corporation, and it

shall be conclusively and presumed that the persons so certified as holding such offices continue respectively to hold the same until the said bank is otherwise notified in writing by the City of Vestavia Hills by duly authorized Resolution.

5. Any and all resolutions heretofore approved and adopted by the City Council of the City of Vestavia Hills, Alabama in conflict with this Resolution Number 5155 are hereby rescinded.

6. That this resolution shall be in full force and effect and binding upon this municipality as of April 23, 2019 and shall remain in full force and effect until it shall have been rescinded and written notice of such recession under the corporate seal have been delivered to said bank.

ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I the undersigned qualified Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 22nd day of April, 2019, and that such Resolution is of record in the Minute Book of the City at page __ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this _____ day of _____, 2019.

Rebecca Leavings
City Clerk

SEAL

RESOLUTION NUMBER 5156

A RESOLUTION RENAMING A STREET

WHEREAS, following a public hearing on April 22, 2019, the City Council voted to annex the Magnolia Cove Estates Subdivision into the City of Vestavia Hills; and

WHEREAS, the Magnolia Cove Estates Subdivision was recorded in the Office of the Probate Judge of Jefferson County with a street name of “Magnolia Cove;”

WHEREAS, the street recorded as Magnolia Cove has also been referred to as “Magnolia Cove Road;” and

WHEREAS, Jefferson County erected a street sign located at the entrance says “Magnolia Cove Road;” and

WHEREAS, E-9-1-1 requires that signage and street names coincide to allow enhancement of emergency services throughout the City; and

WHEREAS, a polling of the residents of that street reportedly use the street name “Magnolia Cove Road” and prefer that the name of the street remain as such; and

WHEREAS, the Mayor and the City Council feel is in the best interest of the public to rename and clarify that the street name is “Magnolia Cove Road” and allow the City adopted signage reflecting the correct name of the street and notify all government agencies of the same.

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

1. The street known as “Magnolia Cove Road” and/or “Magnolia Cove” is hereby named as “Magnolia Cove Road.”
2. The City Manager is hereby authorized to notify all agencies of said name of street and erect City adopted signage to reflect said name; and
3. This Resolution Number 5156 is effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 22nd day of April, 2019.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2844

AN ORDINANCE TO AMEND ORDINANCE 2766 PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF.

WITNESSETH THESE HISTORICAL RECITALS:

WHEREAS, prior to November 15, 1982, the ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Eight and 21/100 Dollars (\$8.21), which consisted of the following amounts:

1.	<u>State of Alabama:</u> Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property.	\$	0.65
2.	<u>Jefferson County:</u> One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		1.35
3.	<u>Jefferson County Schools:</u> Eighty-two cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.82
4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		3.88
		TOTAL	\$ 8.21

and;

WHEREAS, prior to November 15, 1982, the aggregate locally approved millage for general municipal purposes and local school taxes of 38.8 mills (being at the rate of \$3.88 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	10.275
Garbage Collection	10.275
West Elementary - Warrants	3.150
High School and Operations	<u>15.100</u>

TOTAL 38.800 and;

WHEREAS, all real property in the City of Vestavia Hills, Alabama, has been reappraised; and

WHEREAS, the Tax Assessor of Jefferson County in 1982 certified to the City of Vestavia Hills that total assessed value increased from \$42,983,320.00 in 1981 to \$63,427,627.00 in 1982; and

WHEREAS, the City of Vestavia Hills, Alabama, pursuant to the authority granted by Constitutional Amendment Number 373 (Lid Bill) of the Constitution of Alabama 1901, adopted Ordinance Number 633 on November 15, 1982, which reduced the ad valorem tax rate by 7.8 mills (\$0.78 per \$100.00 of assessed value). Following the enactment of Ordinance Number 633, the total millage rate consisted of the following separate taxes:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35
3. Jefferson County Schools: Eighty-two cents on each One Hundred Dollars (\$100.00) of the assess value of such property. 0.82

4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96	
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55	
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 10/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.10	
TOTAL		\$ 7.43	

After the adoption of Ordinance Number 633, the aggregate locally approved millage for general municipal purposes and local school district taxes of 31.0 mills (being at the rate of \$3.10 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	0.821
Garbage Collection	0.821
West Elementary - Warrants	0.252
High School and Operations	<u>1.206</u>

TOTAL 3.100 and;

WHEREAS, the Vestavia Hills Board of Education unanimously adopted a resolution requesting that the ad valorem tax millage for education purposes be returned to the pre-November 15, 1982, rates by reinstating the 3.7 mills (.37 per \$100.00 of assessed value) as follows:

West Elementary Warrants from	2.52	to	3.15
High School & Operations from	12.06	to	15.10; and

WHEREAS, said resolution was presented to the City Council on February 4, 1985; and

WHEREAS, a public hearing was held on February 11, 1985, on the issue of whether or not to reinstate the 3.7 mills for the benefit of the Vestavia Hills Board of Education; and

WHEREAS, the Vestavia Hills Board of Education has requested the City Council to return the ad valorem millage tax rates that affect the Vestavia Hills School System to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating Thirty-Seven Cents (\$0.37) on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 12.06 High School mills (\$1.206 on each \$100.00 of assessed value) be adjusted to 15.1 mills (\$1.51 on each \$100.00 of assessed value).
2. The 2.52 West Elementary mills (\$0.252 on each \$100.00 of assessed value) be adjusted to 3.15 mills (\$0.315 on each \$100.00 of assessed value); and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, agreed to approve the request of the Board of Education by reinstating the 3.7 mills (\$0.37 per \$100.00 of assessed value). The City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 744 on February 18, 1985, which said Ordinance provided, among other things, as follows:

1. Reinstatement of 3.7 mills (0.37 on each One Hundred dollars of assessed value).
2. Established that the aggregate local millage for general municipal purposes and local school district tax rates are Three and 47/100 Dollars (\$3.47) per One Hundred Dollars (\$100.00) of the assessed value of said property.
3. That the \$3.47 local millage consists of the following:

(a)	General Municipal Purposes	0.823
(b)	Garbage Collection	0.823
(c)	West Elementary - Warrants	0.315
(d)	High School and Operations	<u>1.510</u>
	TOTAL	3.470 and;

4. The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Alabama, shall amount to Seven and 80/100 Dollars (\$7.80) and shall consist of the following:

State of Alabama	\$	0.65
Jefferson County		1.35
Jefferson County Schools		0.82
Special School District Tax		0.96
Special School District Tax		0.55
General Municipal Purpose Tax		1.96
Special Municipal School Tax		<u>1.51</u>
TOTAL	\$	7.80

WHEREAS, the City Council of the City of Vestavia Hills subsequently desired to return the millage tax rates that affect the General Fund to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating (4.1 mills) forty-one cents on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 8.23 General Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).
2. The 8.23 Garbage Collection Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).

The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value property in the City of Vestavia Hills, Alabama, shall amount to Eight Dollars and 21 Cents (\$8.21) and shall consist of the following:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35
3. Jefferson County Schools: Eighty-two cents on each One Hundred Dollars (\$100.00) of 0.82

the assess value of such property.

4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.88
TOTAL		\$ 8.21

WHEREAS, on May 4, 1987, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 901, which established the ad valorem tax rate of Eight and 21/100 Dollars (\$8.21) per One Hundred Dollars (\$100.00) of assessed value as shown in the schedule immediately above; and

WHEREAS, a referendum was held in the City of Vestavia Hills, Alabama, on Tuesday, May 8, 1990, at which election the qualified electors of the city voted on the following issue:

**TEN AND ONE-HALF MILL TAX INCREASE
IN VESTAVIA HILLS, ALABAMA,
FOR PUBLIC SCHOOL PURPOSES**

Shall the ad valorem tax presently being levied in the City of Vestavia Hills, Alabama, pursuant to provisions of the Constitution and the laws of the State of Alabama, including the election held in the City on April 28, 1970, at the rate of One Dollar and Fifty-one Cents on each One Hundred Dollars worth of taxable property in the City be increased to the rate of Two Dollars and Fifty-six Cents on each One Hundred Dollars worth of taxable property in the City (an increase of One Dollar and Five Cents on each One Hundred Dollars worth of taxable property, or ten and one-half mills); such additional ten and one-half mill tax to be levied and collected for each year beginning with the levy for the tax year October 1, 1989, to September, 1990 (the tax

for which year will be due and payable October 1, 1990) and ending with the levy for the tax October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) and to be used by the City Board of Education of the City of Vestavia Hills for public schools purposes?

_____ For Proposed Taxation
_____ Against Proposed Taxation

The majority of the qualified electors voted "For Proposed Taxation". The specific totals were:

For Proposed Taxation	3,097
Against Proposed Taxation	3,065

Following the referendum vote on May 8, 1990, the aggregate ad valorem tax rate on each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Nine and 26/100 Dollars (\$9.26) and consisted of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		0.960
5.	Special School District Tax		0.550
6.	Local General Municipal Purpose Tax		2.055
7.	Special Municipal School Tax		2.560
8.	West Elementary		0.315

TOTAL \$ 9.260

On August 27, 1991, the voters of the City of Vestavia Hills, Alabama, elected to renew the 8.2 mill Jefferson County School ad valorem tax.

On April 28, 1992, the voters of the City of Vestavia Hills, Alabama, elected to renew the 5.5 mill Special School District ad valorem tax.

On May 3, 1993, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 1353, levying ad valorem taxes at the rate of \$9.26 per \$100.00 of assessed value on real and personal property located within the City for the period beginning October 1, 1993, and ending September 30, 1994.

On October 26, 1993, the voters of the City of Vestavia Hills, Alabama, voted in favor of a 9.6 mill increase of the 5.5 mill ad valorem tax (under Section 2 of Amendment 3, sometimes referred to as Amendment Number 3, Three Mill District Tax) to 15.1 mills.

Because of the 9.6 mill increase of the 5.5 mill ad valorem tax to 15.1 mills, the 9.6 mill ad valorem tax authorized by Amendment Number 82 of the Constitution of the State of Alabama was not renewed.

On March 11, 2014, the voters of the City of Vestavia Hills, Alabama, voted in favor of renewing the levy of the said 10.5 mill tax commencing with the tax year for which taxes will become due and payable on October 1, 2018 and for each consecutive tax year thereafter without limit as to time.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

SECTION ONE - TAX LEVY: Taxes are hereby levied for the City tax year commencing on the first (1st) day of October 2019, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2020, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of the assessed value of such property.

- B. A tax for public school purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of the assessed value of such property.
- C. In summary, the aggregate local millage for general municipal purposes and local school district tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property.
- D. The local millage, for City accounting purposes, shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary - Warrants	.3150
High School and Board Operations	<u>2.5600</u>

TOTAL 4.9300

SECTION TWO - SPECIAL DISTRICT TAXES: In addition to the taxes levied in SECTION ONE above, taxes are hereby levied for the City tax year commencing on the 1st day of October, 2019, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2020, as follows:

- A. A further tax of One Dollar and Fifty-one Cents (\$1.51) of each One Hundred Dollars (\$100.00) of the assessed value of such property, in addition to the above mentioned taxes to be applied exclusively to public school purposes pursuant to the authority conferred by the Constitution and the election held on February 11, 1969; renewed on April 28, 1992, and increased to 15.1 mills on October 26, 1993.
- B. A further tax of Eighty-two Cents (\$0.82) of each One Hundred Dollars (\$100.00) of the assessed value of such property, to be used solely and only for public school purposes pursuant to the Constitution of the State of Alabama.

Should the City Council of Vestavia Hills, Alabama, have no legal authority to provide for the levy, assessment and collection of the said Special School District Taxes as

described in this SECTION TWO, then in such event, this SECTION TWO shall be considered as the City's support of the Vestavia Hills Board of Education.

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2019, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2019, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Jefferson County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2844, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SECTION SEVEN - SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

SECTION EIGHT - INTENT: It is the intent of the City of Vestavia Hills, Alabama, with the passage of this Ordinance Number 2844, that the aggregate local millage for general municipal purposes and local school district tax rates be Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property and consist of the following:

Special High School Tax and Operations	\$	2.560
General Municipal Including Garbage		2.055
West Elementary		<u>.315</u>
TOTAL	\$	4.930

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, shall amount to Nine and 26/100 Dollars (\$9.26), which shall consist of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		1.510
5.	Local General Municipal Purpose Tax		2.055
6.	Special Municipal School Tax		2.560
7.	West Elementary		<u>0.315</u>
	TOTAL	\$	9.260

SECTION NINE - TAX ABATEMENT: Whereas, the City of Vestavia Hills has annexed no parcels of land with tax abatements.

SECTION 10 - EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval and is adopted and approved all in accordance with Title 11-51-40, et seq., Code of Alabama, 1975.

ADOPTED and APPROVED this the 22nd 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 # 2844 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 22nd day of April, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2845

AN ORDINANCE PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF IN SHELBY COUNTY.

NOW THEREFORE BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows:

SECTION ONE - TAX LEVY: Taxes are levied for the City tax year commencing on the first (1st) day of October, 2019, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending during the preceding year, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of value of such property;
- B. A tax for Public School purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of value of such property;
- C. In summary, the aggregate local millage for general Municipal purposes and Municipal School tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred (\$100.00) of the value of such property;
- D. The local millage for the City's accounting purposes shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary Warrants	0.3150
High School and Board Operations	<u>2.5600</u>
Total	4.9300

SECTION TWO - SHELBY TAX LEVY: Taxes are hereby levied by the Shelby County Commission §40-7-42, Code of Alabama, 1975 for the City tax year commencing on the first day of October, 2019, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2020, as follows:

- A. A tax of Fifty Cents (\$0.50) on each One Hundred Dollars (\$100.00) of the value of such property for general fund purposes;
- B. A tax of One Dollar and Sixty Cents (\$1.60) on each One Hundred Dollars (\$100.00) of the value of such property for school districts;
- C. A tax of Twenty-five Cents (\$0.25) for each One Hundred Dollars (\$100.00) of the value of such property for roads and bridges;
- D. In summary, the aggregate County millage for general purposes, countywide school taxes, and road and bridges is Two and 35/100 Dollars (\$2.35) per One Hundred Dollars (\$100.00) of the value of such property.

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Shelby County, Alabama, should amount to Seven and 93/100 Dollars (\$7.93) which shall consist of the following millages:

State of Alabama	0.650
Shelby County	0.500
Shelby County School Countywide	1.600
Shelby County Road and Bridge	0.250
General Municipal Purpose Tax	2.055
Special Municipal School Tax	2.560

West Elementary Warrants	<u>0.315</u>
Total	7.930

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2019, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2019, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Shelby County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2845, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval.

ADOPTED AND APPROVED this the 22nd day of April, 2019.

Ashley 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 # 2845 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 22nd day of April, 2019, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2846

AN ORDINANCE ESTABLISHING VOTING AND POLLING PLACES FOR ALL MUNICIPAL ELECTIONS FOR THE CITY OF VESTAVIA HILLS, ALABAMA.

THIS ORDINANCE NUMBER 2886 IS APPROVED AND ADOPTED ON THIS THE 13th DAY OF May, 2019.

WITNESSETH THESE RECITALS:

WHEREAS, Alabama law at Title 11-46-21, *Code of Alabama, 1975*, provides that the regular municipal elections in cities and towns in Alabama shall be held on the fourth Tuesday in August 1984, and quadrennially thereafter and, when necessary as provided in subsection (d) of Title 11-46-55, a second or runoff election shall be held on the first Tuesday of October following said regular election; and

WHEREAS, Alabama law at Title 11-46-24, *Code of Alabama, 1975*, requires the municipal governing body designate voting places for municipal elections; and

WHEREAS, the City of Vestavia Hills, Alabama adopted Ordinance Number 152 on June 3, 1968 to establish voting and polling sites at the following locations: (1) Vestavia Hills City Hall at 513 Montgomery Highway and (2) Vestavia Hills Shopping Center at 700 Montgomery Highway; and

WHEREAS, Ordinance Number 1818 adopted on June 5, 2000 established the voting and polling sites in the City of Vestavia Hills for municipal elections at the following locations: (1) Vestavia Hills Municipal Center, at 513 Montgomery Highway and (2) Vestavia Hills Civic Center, at 1973 Merryvale Road, relocating the second polling site because of the closure and renovation of the Vestavia Hills Shopping Center; and

WHEREAS, the City of Vestavia Hills, Alabama adopted Ordinance Number 1849 on November 6, 2000 for the addition of a voting and polling site at the Liberty Park Fire Station located at 13041 Liberty Parkway in the Liberty Park community of Vestavia Hills; and

WHEREAS, in 2001, the Jefferson County Board of Registrars relocated the voting and polling site at the Vestavia Hills Municipal Center to the Vestavia Hills United Methodist Church at 2061 Kentucky Avenue at the request of the City of Vestavia Hills

due to problems in parking facilities. This location is used for all Federal, County and State elections; and

WHEREAS, in 2002, the Jefferson County Board of Registrars established a voting and polling site at the Liberty Park Baptist Church located at 12001 Liberty Parkway in the Liberty Park community of Vestavia Hills for use in all Federal, County and State elections; and

WHEREAS, the City of Vestavia Hills experienced extensive growth in an easterly direction through annexation of many unincorporated portions of Jefferson County between Vestavia Hills proper and the Vestavia Hills Liberty Park community; and

WHEREAS, on the 6th day of October, 2003, the Mayor and City Council adopted and approved Ordinance Number 2370 to relocate existing polling and voting sites as well as locating additional polling and voting sites within the corporate limits to better serve the voting public with more convenient access to polling and voting locations within the City and established six (6) voting and polling places for all municipal elections at the following locations: (1) the Vestavia Hills United Methodist Church, 2061 Kentucky Avenue; (2) the Vestavia Hills Civic Center, 1973 Merryvale Road; (3) the Liberty Park Baptist Church, 12001 Liberty Parkway; (4) the MountainTop Community Church, 225 Centerview Drive; (5) the Town Village Vestavia Hills, 2385 Dolly Ridge Road; and (6) the Cahaba Heights Community and Senior Citizens Center, 4401 Dolly Ridge Road. All of these locations were also regular polling and voting sites utilized by the Jefferson County Board of Registrars for all Federal, County and State elections and are within corporate limits of City of Vestavia Hills; and

WHEREAS, development occurred within the site of the Vestavia Hills Civic Center in which traffic flow became extremely congested with the carpool traffic of two schools, activities from the Senior Citizens Community Room as well as the location of the Vestavia Hills Chamber of Commerce. Following repeated complaints from citizens on polling days, it was found that traffic flow was virtually impassable at certain times which tended to disenfranchise voters at that location; and

WHEREAS, at the request of the Mayor of the City of Vestavia Hills, the Jefferson County Board of Registrars investigated and has determined it is in the best public interest to relocate its polling location from the Vestavia Hills Civic Center at 1973 Merryvale

Road, Vestavia Hills, Alabama to a new polling location at Vestavia Alliance Church at 1380 Montgomery Highway for all Federal, State and County elections; a change which was submitted to the U.S. Department of Justice by letter dated February 8, 2011 from Barry Stephenson, Chairman, Jefferson County Board of Registrars and was subsequently precleared; and

WHEREAS, on July 25, 2011, the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 2370 to relocate the municipal polling location from Vestavia Hills Civic Center at 1973 Merryvale Road, Vestavia Hills, Alabama to a new polling location at Vestavia Alliance Church at 1380 Montgomery Highway for all municipal elections. This new polling location was subsequently precleared by the U. S. Department of Justice by letter dated November 7, 2011; and

WHEREAS, on March 13, 2012, primary elections for Federal, State and County offices were held and the new polling location at the Vestavia Alliance Church (now named Birmingham International Church) at 1380 Montgomery Highway proved to be an extremely bad location for polling. Numerous complaints by voters were received by the Jefferson County Registrar as well as Mayor Alberto C. Zaragoza, Jr., citing confusing parking, dismal lighting within the facilities and inaccessibility onto Montgomery Highway.

WHEREAS, the City Council of the City of Vestavia Hills, Alabama has determined that it is in the best public interest to again relocate the third precinct polling location from the Vestavia Alliance Church (now called Birmingham International Church), 1380 Montgomery Highway, Vestavia Hills, Alabama to a new polling location at Horizon Church, 2345 Columbiana Road, Vestavia Hills, Alabama for all municipal elections. The new polling location will allow controlled access to Columbiana Road as well as ample space and parking to accommodate all voters at this location; and

WHEREAS, on April 9, 2012, the City Council adopted and approved Ordinance Number 2396 to move the polling location to Horizon Church, 2345 Columbiana Road; and

WHEREAS, continued growth and construction at the Vestavia Hills Cahaba Heights Elementary School, traffic concerns and reconstruction of the Cahaba Heights Sports Complex has warranted a change in the Cahaba Heights Community and Senior

Citizens Center located at 4401 Dolly Ridge Road voting location. In February 2019, Jefferson County Board of Registrars moved the County polling location to Cahaba Heights Baptist Church, 3800 Crosshaven Road, Vestavia Hills, Alabama; and

WHEREAS, the Mayor and City Council feel it is in the best interest of the public to mirror the County's actions and move the City's polling place from the Cahaba Heights Community and Senior Citizens Center located at 4401 Dolly Ridge Road to the Cahaba Heights Baptist Church, 3800 Crosshaven Road, Vestavia Hills, Alabama.

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

1. The six (6) voting and polling places for all municipal elections for the City of Vestavia Hills, Alabama, shall be at the following sites:
 - A. Liberty Park Baptist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Liberty Park Baptist Church in the Liberty Park community located at 12001 Liberty Parkway, Vestavia Hills, Alabama. All qualified electors who regularly vote in the Precincts and Box Numbers 48-06 (Brookwood Baptist Church), 48-07 (Liberty Park Baptist Church), and 48-08 (Overton Road United Methodist Church) shall vote at the Liberty Park Baptist Church.
 - B. Vestavia Hills United Methodist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Vestavia Hills United Methodist Church located at 2061 Kentucky Avenue, Vestavia Hills, Alabama. All qualified electors who regularly vote at the Precinct and Box Number 47-08 (Vestavia Hills United Methodist Church) shall vote at the Vestavia Hills United Methodist Church.
 - C. Horizon Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Horizon Church located at 2345 Columbiana Road, Vestavia Hills, Alabama. All qualified electors who regularly vote at Precinct and Box Numbers 47-05 (Horizon Church) and 46-06 (Homewood Public Library) shall vote at the Horizon Church.
 - D. MountainTop Community Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the

MountainTop Community Church located at 255 Centerview Drive, Vestavia Hills, Alabama. All qualified electors who regularly vote at Precinct and Box Numbers 47-04 (Saint Mark United Methodist Church) and 47-06 (MountainTop Community Church) shall vote at the MountainTop Community Church.

- E. Town Village Vestavia Hills: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Town Village Vestavia Hills located at 2385 Dolly Ridge Road, Vestavia Hills, Alabama. All qualified electors who regularly vote at Precinct and Box Numbers 47-07 (Town Village Vestavia Hills) and 48-02 (Mountain Chapel United Methodist Church) or at any Shelby County polling location shall vote at the Town Village Vestavia Hills.
- F. Cahaba Heights Baptist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Cahaba Heights Baptist Church located at 3800 Crosshaven Drive, Vestavia Hills, Alabama. All qualified electors who regularly vote at Precinct and Box Numbers 48-03 (St. Thomas Episcopal Church), 48-04 (Fire Station #2 Mountain Brook) and 48-05 (Cahaba Heights Baptist Church) shall vote at the Cahaba Heights Baptist Church.

- 2. Any and all ordinances or resolutions in conflict with this Ordinance are hereby repealed.
- 3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance which shall continue in full force and effect notwithstanding such holding.
- 4. This Ordinance shall become effective upon approval and adoption in its publication and/or posting as required by Alabama law.

DONE, ORDERED, APPROVED and ADOPTED, on this the 13th day of May, 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 #2846 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 13th day of May, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2019.

Rebecca Leavings
City Clerk