

**Vestavia Hills  
City Council Agenda  
March 9, 2020  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Steve Dedmon, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
  - a. Announcement Of Upcoming Vacancy On The Vestavia Hills Board Of Education
  - b. Postponement Of The March 23, 2020 Council Meeting To March 30, 2020
6. City Manager’s Report
7. Councilors’ Reports
8. Certificate of Recognition – Pizitz Middle School Robotics Team – Mayor Ashley Curry
9. Financial Reports – Melvin Turner III, Finance Director
10. Approval Of Minutes – June 10, 2019 (Work Session); February 17, 2020 (Work Session) and February 24, 2020 (Regular Meeting)

**Old Business**

11. Resolution Number 5226 – A Resolution authorizing the City Manager to purchase a Sharp Aquos Board for the Vestavia Hills Library in the Forest (*public hearing*)

**New Business**

12. Resolution Number 5227 – A Resolution Approving An Alcohol License For Concessions Inc., D/B/A Wing Dings 2020; Patrick Joseph Obrien II, Executive (*public hearing*)
13. Resolution Number 5228 - A Resolution For The Purpose Of Refinancing Existing Debt And Authorizing Preliminary Action For And Reimbursement Of Qualified Expenditures From General Obligation Warrants Series 2020-A; General Obligation Warrants (Federally Taxable) Series 2020-B
14. Ordinance Number 2921 - An Ordinance Authorizing The Mayor And City Manager To Enter Into An Intergovernmental Agreement With Jefferson County Commission In Order To Share Responsibilities For Utility Relocation For Jefferson County Project No. 37-18-099 TOPICS, Phase VIII (STPBH9802(88)); Crosshaven Drive From Bearden Court To Green Valley Road

**New Business (Requesting Unanimous Consent)**

15. Resolution Number 5229 - A Resolution Approving The Purchase Of Two New Police Vehicles For The City Of Vestavia Hills Police Department (*public hearing*)

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

16. Resolution Number 5230 – A Resolution Accepting A Bid For East Street Sidewalk Project (*public hearing*)
17. Ordinance Number 2919 – Rezoning – 3928 Cypress Drive; Rezone From Vestavia Hills Inst (Institutional District) To Vestavia Hills O-1 (Office Park District); Terry Henley And Earl Manning, Owners (*public hearing*)
18. Ordinance Number 2920 – Rezoning – 3109 And 3113 Blue Lake Drive; Lots 27 & 28, Topfield Subdivision; Rezone From Vestavia Hills R-1 (Medium Density Residential District) To O-1 (Office Park District); Ruth Prewett, Barbara Walker, Roland Lewis And Wesley Echols, Owners (*public hearing*)
19. Citizens Comments
20. Motion for Adjournment

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**JUNE 10, 2019**

The City Council of Vestavia Hills met in a special work session on this day in the Executive Conference Room at 5:00 PM, following posting/publication as required by Alabama law. The City Clerk checked the roll with the following:

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

George Pierce, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Marvin Green, Fire Chief  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer  
Jason Hardin, Police Captain  
Cinnamon McCulley, Communications Specialist

The Mayor called the work session to order.

### **UPDATE ON COMMUNITY SPACES PLAN**

Mr. Downes updated the Council on three components of the CSP with upcoming actions that will be presented to the Council tonight and at a later date:

- Bids on Cahaba Heights Park project in which the bid is on the agenda for acceptance tonight.
- Advancing Wald Park Project with construction drawings which need consensus from the Council on what to approve.
- Briefing of the Community Building progress.

Mr. Upchurch reported Cahaba Heights bids came in just under budget and, for this reason, recommended the Council accept the bids for Cahaba Heights and all alternates.

He stated there could be some value engineering to decrease the amount of the contract, but the Council was being asked to approve \$6,685,800 which is the bid and all four alternates with a \$650,000 contingency. He stated that the full synthetic turf has an eight-year warranty.

Mr. Head asked about the cost considerations for artificial turf. Mr. Downes replied maintenance savings are \$35,000 to \$70,000 per year, with an eight-year warranty. He said most fields last 10-15 years.

Mrs. Cook asked the cost of replacing the turf at the end of its life. Mr. Upchurch said the cost might be \$500,000 to \$700,000. Discussion ensued regarding the maintenance savings for artificial turf over grass.

Mr. Upchurch said TCU will conduct value engineering negotiations with the winning contractor prior to acceptance of the contract, so the approval is “not to exceed” the dollar figure approved and value engineering is limited to 10% of the bid.

Mr. Upchurch said the pre-qualification deadline for the Wald Park project ended today. He stated the pre-bid meeting is scheduled for Thursday, June 27, which is when bidding opens.

Mr. Upchurch said the Community Building will bid last, after we know the status of earlier project costs.

Mr. Head asked about timing for pool and field openings. Discussion ensued relative to the timing of the pools and the fields which are scheduled to be the first deliverables within the project in an effort to get them ready for upcoming swim and ball seasons.

Mr. Head asked about drainage issues at Wald fields. Mr. Upchurch said they used a consultant to get information on ways to improve the fields. This information was incorporated into the plans. He said unforeseen conditions could cause delays, but the goal is to get the fields ready for the season.

Mr. Upchurch said there have been absolutely no significant changes from the design development that the Council reviewed and approved. Detail has been added but all major components are unchanged. TCU addressed comments relative to elevation and parking. He mentioned some savings in the site preparation.

Mr. Upchurch emphasized ADA-compliant pathways that connect all areas of the park. He stated the distance is a little more than 200 feet from the school to the upper playground. He discussed the budget for playground equipment which will bid at a later date.

Mrs. Cook asked about the allowance for the playground and where it falls in the range of playground budgets. Mr. Upchurch said it is “more than middle and not the upper end.”

Mrs. Cook asked about the adult fitness area and whether this would be a better place for the playground equipment. Mr. Upchurch replied that area is not flat enough or big enough to accommodate a lot of children. He said the distance difference was not significant; the principal and Dr. Martin are pleased with the location. Mr. Davis commented there is more accessible parking at the upper location.

Mrs. Cook asked about phasing. Mr. Upchurch said the goal is to have the pool ready by Memorial Day and baseball fields ready by March 2020. The completion date for the rest of the park is Fall 2020.

Mrs. Cook said she has heard concerns about the proximity of the adult fitness area to the school. Mr. Upchurch said the school system is happy about the new play areas. Mrs. Cook pointed out the greenspace and walking trails that would also be accessible by the school. Mr. Upchurch pointed out that the accessibility factor will significantly improve school access over what they had previously.

Mr. Upchurch showed plans for the pool that had no changes from previous drawings, but have added details. He said the decision was made on the pool to allow for every want and desire for the competition pool. We have a much more expensive pool, today, than what was originally part of our Community Spaces plan. We have had to think through how you absorb some of those costs. You can't just raise budget by \$2,500,000 without impacts to the budget. For this reason, there is no second level on the pool house, but did add some elevations. Could not keep the pool and also increase the size of the pool building itself. We are trying to stretch as much out for the pool budget as possible. We believe the community will be better served getting the pool right first and address pool house improvements later.

Discussion ensued from audience members who were concerned about where VHEW students would play while park was being constructed. Residents asked to leave some greenspace in other parts of the park while construction zones with the pool are being utilized; enlarging the play area to accommodate the number of students; if the plans have been discussed at length with the principal and superintendent; concerns that the adult exercise area is in proximity to the student playground and the school; concerns of the proposed layout of the roadway going to Montgomery Highway.

Mr. Upchurch stated the plan is for the entire park to be graded and moving construction equipment doesn't allow for greenspace activities during construction. He stated they have been working with the Board of Education on the development of the playground.

There being no further business, the work session adjourned at 5:56 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**FEBRUARY 17, 2020**

The City Council of Vestavia Hills met in a regular scheduled work session on this day in the Executive Conference Room at 5:00 PM, following posting/publication as required by Alabama law. The City Clerk checked the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Rusty Weaver, Mayor Pro-Tem\*  
Paul J. Head, Councilor  
George Pierce, Councilor

**MEMBERS ABSENT:**

Kimberly Cook, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Brian Davis, Public Services Director  
Danny Rary, Police Chief  
Johnnie Evans, Adm. Police Captain  
Ryan Farrell, Fire Marshal

The Mayor called the work session to order and indicated that Mrs. Cook may not make it in as she's flying back this afternoon.

### **INFRASTRUCTURE AND COMMUNITY SPACES PLAN**

Ken Upchurch TCU, gave an update on CSP. He stated that the bid tabulation was completed for the Community Center project with Amason as the apparent low bidder. He gave the final results along with alternates 1, 2, 3 and 4 and indicated that the entire project came in with good prices. He stated that recommendation for acceptance will not be done until March as there's continuing value engineering continuing.

Discussion ensued as to the need and life of a wood floor versus a recreational floor. Mr. Pierce indicated he would like additional information of the viability of a wood floor and the usage planned for the flooring in the Community Center.

### **REFINANCE OPTIONS**

Mr. Downes showed a diagram of the City's debt services and suggested that the City take advantage of refunding opportunities.

### **EAST STREET BIDS**

Mr. Downs gave the bid results of the East Street sidewalk project and stated that this represents less than 25% of the total sidewalks being reviewed by Engineering. He stated that a recommendation will be forthcoming.

### **SANITATION BID**

Mr. Downes stated that draft copies of the sanitation bids were previously sent to the City Council for review. He indicated that the bid will be complete with several alternatives so that the Council can review and decide the exact services to be provided over the next three years. He stated that there will be a need for increased manpower, for a dedicated person to man the action center and for two field managers.

Discussion ensued as to how recycling would be addressed.

Mr. Downes stated that the bids will be ready to bid soon with a 3-month implementation period planned.

### **SMALL CELL LEGISLATION UPDATE**

The Mayor stated that the legislative season has begun and that there's a few proposed bills that needs attention:

- Small cell legislation – The Mayor stated that this legislation is back from last year and despite the City revising our fees, the legislation is no better than it was last year.
- Public records act – SB57 – The Mayor stated that Senator Cam Ward is the sponsor of this rewrite of the public records act and advised that the Council should take action to guard against passage of this legislation.
- Fireworks bill – This takes authority regarding the sales of certain types of fireworks away from the City and allows sales of these at certain neighborhood stores. The Fire Department is against this bill.

Mayor Curry stated that he will attend legislative day in Montgomery and work with our legislators to amend or guard against these bills.



There being no further business, the work session adjourned at 6:35 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

Community Spaces Plan Strategic Planning Meeting  
Wednesday January 29, 2020

Project	Original Community Spaces Program Budget	TCU Current Projected Program Budget
Wald Park Site Package	\$ 3,511,033.83	\$ 3,511,033.83
Wald Park Phase 2	\$ 15,429,766.00	\$ 19,158,628.00
Wald Park Phase 3	\$ -	\$ 1,700,000.00
Cahaba Heights	\$ 7,398,815.00	\$ 7,390,054.00
New Merkel	\$ 500,000.00	\$ 864,555.00
Crosshaven Dr.	\$ 4,611,000.00	\$ 4,611,000.00
Community Center	\$ 15,270,390.00	\$ 19,414,887.00
Paving	\$ 2,200,000.00	\$ 2,200,000.00
Drainage	\$ 550,000.00	\$ 550,000.00
Sidewalks	\$ 2,500,000.00	\$ 2,500,000.00
<b>TOTAL</b>	<b>\$ 51,971,004.83</b>	<b>\$ 61,900,157.83</b>
<b>Variance</b>	<b>\$</b>	<b>9,929,153.00</b>

Notes	
<i>Wald Park</i>	
Swimming Facility increased cost	\$ 3,125,000.00
Wald Park Sports Lighting Issue	\$ 350,000.00
Pavillions Increased Structure	\$ 75,000.00
Landscaping	\$ 600,000.00
Baseball Field Scope Increase	\$ 300,000.00
Site Grading & Amenities	\$ 600,000.00
Market Conditions	\$ 750,000.00
Sub- TOTAL	\$ 5,800,000.00
<i>Cahaba Heights</i>	
Scope Increase for Park	\$ 100,000.00
Scope Increase for Adjacent Development	\$ 75,000.00
Market Conditions	\$ 350,000.00
Sub-Total	\$ 525,000.00
<i>New Merkel</i>	
Scope Increase	\$ 350,000.00
Sub-Total	\$ 350,000.00
<i>Community Center</i>	
Scope Increase	\$ 4,144,497.00
Sub-Total	\$ 4,144,497.00
<b>TOTAL Variance</b>	<b>\$ 10,819,497.00</b>

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**FEBRUARY 24, 2020**

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:**

Patrick Boone, City Attorney  
Rebecca Leavings, City Clerk  
Melvin Turner, III, Finance Director  
George Sawaya, Asst. Finance Director  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Christopher Brady, City Engineer  
Umang Patel, Court Director  
Marvin Green, Fire Chief

Jim Cartledge, Vestavia Hills Chaplain, led the invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mrs. Cook recognized and welcomed students in attendance visiting to meet government class requirements.
- Mrs. Cook stated that she attended a multi-jurisdictional Councilor Roundtable this afternoon and heard a presentation from NeoWaste, a company that extracts fuel from raw recycling material. She stated that the Councilors in attendance discussed the possible future of a solid waste authority that might provide a cost savings in solid waste management.
- Mr. Pierce welcomed Chamber Board member Taylor Burton to the meeting.
- Mr. Weaver stated that he is looking forward to attending the Leadership Vestavia awards dinner tomorrow night.

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

- Mr. Downes stated that an item was added to the agenda this afternoon that he wanted to explain ahead of time to provide the reason for the addition. He stated that the City has begun a friendly condemnation for right-of-way for the Crosshaven project at the Grand Apartments and Leaf and Petal. He stated that, pursuant to legal advice, the original approving Ordinance needed to be further clarified to clearly allow condemnation efforts to facilitate improvements to Crosshaven.
- There will be a Town Hall meeting in Cahaba Heights at St. Stephens Thursday night for the City Manager to give an update on the Crosshaven Project.
- The Council had previously directed Mr. Downes to move forward on possible refinancing of some City debt to take advantage of some good interest rates. He stated he would be sending out a timeline to take advantage of extremely favorable market conditions. He stated this will not extend any maturity dates, but just take advantage of better interest rates.
- Mr. Downes announced Town Hall meetings to be held next Monday and Tuesday to gain community input on the playground equipment at Wald Park. He stated that, following these meetings, they will also follow-up with a Vestavia Listens survey for additional input.

### **COUNCILOR REPORTS**

- Mrs. Cook stated that she has been gathering information regarding various City HOAs as a way to provide important information to communities. She asked anyone with an HOA contact to please provide this information to her or the City.

### **PROCLAMATION**

The Mayor presented a Proclamation designating March 2020 as “National Colorectal Cancer Awareness Month.” Mr. Downes read the proclamation and presented it to Susan Brouillette and Lindsey Tessin of the American Cancer Society.

American Cancer Society Board Member, Susan Brouillette, thanked the Mayor and Council for their support and stated that they are there to recognize the month of March as “Colorectal Cancer Awareness Month” with March 6 being “Go Blue Day.” She stated that they are asking everyone to wear blue that day in an attempt to increase awareness of the need for a colonoscopy if you are of that age or within a risk category.

### **PROCLAMATION**

The Mayor asked Mrs. Cook to join him in the next presentation as it was something special to her.

Mrs. Cook gave a short presentation in recognition of her mom. (*this portion verbatim*)

*When I was about 13 years old, my mother became a single mom. She had been a stay-at-home mother during most of my early childhood. She never finished college and studied Home Economics for her two years at Longwood University. Nothing in her educational background prepared her for what she would eventually become—founder and owner of her own construction rental business in Roanoke, Virginia, a multi-million dollar business that was built on hard work and her fearless determination to enter a man’s world, the construction world, and succeed.*

*I didn’t realize her accomplishment at the time. I was busy going to college, getting married and starting my career and a family. Now, that I am older and wiser, I realize just what she accomplished. She started as the secretary in a crane rental business. I guess answering the phones you learn a lot about the equipment you are renting. What she really learned a lot about were customers. Following that experience, she was hired to be the President of another crane rental business. When the owner sold that business, she started doing sales. With both of her children out of the house, she covered a territory from West Virginia to Florida, selling small construction equipment and attending to her customers. As salesman, she had to learn how to use and maintain the equipment. Snorkelifts, backhoes, compressors, scaffolding, boom lifts—these were just some of the words I overheard in her phone conversations with customers. She built her contacts through hard work, intelligence and a dedication to serving her customers better than anyone else in her company, of which she was the only female salesman. Year after year, she came in top salesman; however, she only found out about it after the fact, when a secretary disclosed to her that she was often the top salesman, but was never recognized for it. My mom went out to job sites and showed men how to use the equipment she rented. She showed them how to take care of it. This was in the 1980s.*

*Then, in 1994, she decided she was tired of working for other people, so she started her own construction equipment company. When her male partner backed out at the last minute, saying he would just “take the leases” and go his own way, she said, No. I will keep the leases and start the business on my own. She did this and become the only supplier of three major lines of construction equipment in the Roanoke, Virginia region. Displayed on the monitor is a picture of my mother representing one of those lines of construction equipment—Snorkelift—in a national ad campaign. She built her business into a multi-million dollar business, and she started as a secretary.*

*Her road was not easy. She had to contend with male supervisors who split her sales territory and shorted her on commissions. They didn’t acknowledge her sales accomplishments, but her customers knew she always came through and knew the equipment well so she steadily built her customer base. She dealt with sexual harassment and I remember more than one occasion I went with her to meet a client, so she wouldn’t have to meet with him alone at a restaurant. It was a hard life for a female in a male-dominated industry, but I am glad to know that the path she blazed has been walked by other women and that women are more a part of this exciting industry than ever before.*

*Thank you for giving me the opportunity to brag on my mom, Pamela Silver Barger. She raised me and my brother and put us through college on her own. She was able to do this because of the job opportunities she found in the construction industry. Thank you for the National Association of Women in Construction for promoting these type opportunities for all women.*

The Mayor and Mrs. Cook presented a Proclamation designating March 1-7, 2020 as “Women In Construction Week.”

Mr. Downes read the proclamation and the Mayor and Mrs. Cook presented it to Holly Bratton, Shelby County General Contractors, along with Chelsey Ellington, Sherman Industries; Heather Gallagher, Robins and Morton; Mitzi Lowe, Construction Education Foundation of AL (CEFA); Kristin Phillips, Hilti; Elizabeth Sanfelippo, Eco Three; Virnetta Woodbury, Brasfield & Gorrie. Ms. Bratton accepted the Proclamation and indicated the number of members within their Association. She stated that this is an incredible organization to empower women. She thanked the Mayor and the City Council for this recognition.

### **PROCLAMATION**

The Mayor presented a Proclamation designating February 23-29, 2020 as “Alabama Arbor Week.” Mr. Downes read the proclamation and presented it to Mary Claire Smith, Alabama Forestry Commission.

Ms. Smith stated that the City of Vestavia Hills has been a participate for 26 years and she presented the City with an Arbor flag to be displayed showing the City as a member of the Arbor Celebration.

### **APPROVAL OF MINUTES**

The Mayor opened the floor for approval of the following minutes: January 29-30, 2020 (Work Session); February 10, 2020 (Work Session) and February 10, 2020 (Regular Meeting).

**MOTION** Motion to approve the minutes of the January 29-30, 2020 (Work Session); February 10, 2020 (Work Session) and February 10, 2020 (Regular Meeting) was by Mr. Weaver, seconded by Mrs. Cook. Roll call vote as follows:

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

**OLD BUSINESS**

**ORDINANCE NUMBER 2909**

**Ordinance Number 2909 – Annexation – 90 Day Final - 2312 St. Joseph Road, Lot 22, St. Joseph Retreat; Vincent And Julie Pappalardo, Owners (public hearing)**

The Mayor explained that the next four ordinances represent the 90-day final annexation of properties annexed months ago along with the compatible rezoning. He stated that he'll entertain one public hearing for both the annexation and rezoning of these properties.

**MOTION** Motion to approve Ordinance Number 2909 was by Mr. Weaver seconded by Mr. Pierce.

The Mayor stated that this is the 90-day finalization of the annexation of this property. He stated that the public hearing of this will also include the public hearing for the following request to compatibly rezone the same property.

Mr. Pierce explained the annexation process and gave the report of the Annexation Committee that found no adverse information.

Mr. Weaver stated that the rezoning request was presented to the Planning and Zoning Commission and unanimously recommended for approval.

The Mayor opened the floor for a public hearing for Ordinance numbers 2909 and 2910. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

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

**ORDINANCE NUMBER 2910**

**Ordinance Number 2910 – Rezoning – 2312 St. Joseph Road, Lot 22, St. Joseph Retreat; Rezone From Jefferson County E-1 To Vestavia Hills E-2, Compatible Zoning For Annexation; Vincent And Julie Pappalardo, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2910 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor stated that this is the compatible zoning of the previously annexed property.

There being no one else to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
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Mr. Pierce – yes  
Mayor Curry – yes

Mr. Weaver – yes  
Motion carried.

### **ORDINANCE NUMBER 2911**

**Ordinance Number 2911 – Annexation – 90 Day Final – 2637 Alta Glen Drive; Jimit Parekh And Pallavi Shah, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2911 was by Mr. Weaver seconded by Mr. Pierce.

The Mayor stated that this is the 90-day finalization of the annexation of this property.

Mr. Pierce gave the report of the Annexation Committee that found no adverse information.

Mr. Weaver stated that the rezoning request was presented to the Planning and Zoning Commission and unanimously recommended for approval.

The Mayor opened the floor for a public hearing for Ordinance Numbers 2911 and 2912. There being no one else to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes  
Mayor Curry – yes

Mr. Head – yes  
Mr. Weaver – yes  
Motion carried.

### **ORDINANCE NUMBER 2912**

**Ordinance Number 2912 – Rezoning – 2637 Alta Glen Drive; Rezone From Jefferson County E-1 To Vestavia Hills E-2, Compatible Zoning For Annexation; Jimit Parekh And Pallavi Shah, Owners (public hearing)**

**MOTION** Motion to approve Ordinance Number 2912 was by Mr. Weaver seconded by Mrs. Cook.

The Mayor stated that this is the compatible zoning of the previously annexed property.

There being no one else to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes  
Mayor Curry – yes

Mr. Head – yes  
Mr. Weaver – yes  
Motion carried.



**ORDINANCE NUMBER 2913**

**Ordinance Number 2913 – Rezoning – 312 Montgomery Highway And 1990 Southwood Road; Lot 49, Beacon Hills (North And South Portions); Rezone From Vestavia Hills R-2 (Medium Density Residential District) And O-1 (Office Park District) To Vestavia Hills B-1.2 (Neighborhood Mixed Use District); Oksana Senyk, MD, Phd, Owner (public hearing)**

**MOTION** Motion to approve Ordinance Number 2913 was by Mr. Pierce seconded by Mr. Weaver.

Mr. Weaver stated this was presented to the Planning and Zoning Commission to rezone these properties from O-1 and R-2 to B-1.2 for neighborhood mixed use. He stated there was extensive discussion and the Commission recommended approval with no elevated exterior lighting and no on-street parking.

Mrs. Cook stated she does not see any considerations for site barriers.

Mr. Weaver stated it was in the site rendering.

The Mayor opened the floor for a public hearing.

Patty Lavoy, 1980 Southwood Road, stated her property lies adjacent to this subject property. She thanked Mr. Weaver and the efforts of the Planning and Zoning Commission as that is a tough job. She stated she wrote the letter that accompanied the information and revisited the site barriers because they had requested a wood fence. She stated that the fence is not shown in the renderings. She requested that the requirement for a 6' wood fence be reflected in the approval.

Mr. Weaver stated he thought that the fencing would limit the plantings and preferred that the answer come from the developer.

Matt Sims, Gonzalez Strength, stated that the site plan includes a retaining wall and that the buffering landscape along with a 6' wood fence to be installed at the top of the wall. He stated that, with the slope, the site would be well below the grade of the neighbor's house.

Ms. Lavoy stated she had not been informed of that development landscaping plan.

**MOTION** Motion to amend to include the condition that buffer and 6' wood privacy fence be located above the retaining wall to buffer the neighboring property on the west property line was by Mr. Weaver seconded 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.

Brittany Young, 1985 Hickory Road, asked about the setback of the office building and location of the dumpster.

Mr. Sims explained and Ms. Young received a copy of the site plan.

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

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

### **ORDINANCE NUMBER 2916**

**Ordinance Number 2916 – An Ordinance To Repeal Ordinance Number 2429 And Amending Section 5.5-200 Through Section 5.5-311 Of The Vestavia Hills Code Of Ordinances And Adopting A Flood Damage Prevention Ordinance For The City Of Vestavia Hills, Alabama (public hearing)**

**MOTION** Motion to approve Ordinance Number 2916 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Brady explained this proposed update to the existing floodplain ordinance which was required by FEMA. He stated that he has included a memorandum which was previously circulated and highlighted the revisions of the ordinance. He explained that some of the revisions were required and some were to enhance the ordinance provisions, including actions that can be taken within certain flood zones.

Mrs. Cook asked if there was a requirement to gather community feedback.

Mr. Brady stated that they incorporated comments from the flood study that included public meetings from as far back as 2 years ago.

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

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

**NEW BUSINESS**

**RESOLUTION NUMBER 5223**

**Resolution Number 5223 – A Resolution Approving An Alcohol License For Troups Pizza LLC D/B/A Troups Pizza; 3144 Heights Village; For The Sale Of 040 – Retail Beer (On- And Off-Premises) And 060 – Retail Table Wine (On- And Off-Premises); ); George Terrill Brazelton, Ramie Leight Wesley And David Russell Donaldson, Executives (public hearing)**

**MOTION** Motion to approve Resolution Number 5223 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor indicated that this is a new restaurant in Cahaba Heights in the former Yankee Pizzeria location.

Terrill Brazelton was present in regard to the request and explained the restaurant concept.

Mr. Pierce asked about training of employees.

Mr. Brazelton stated that will be integrating the responsible vendor training. He stated that every employee will be certified in the training. Also, everyone who purchases alcohol will be carded. He stated they are hoping to open the last or March or early April.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that the license says “on and off premise”.

Ms. Leavings explained that is the ABC license requirements.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

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

**RESOLUTION NUMBER 5224**

**Resolution Number 5224 – A Resolution Authorizing The City Manager To Execute And Deliver An Easement Agreement For Electrical Services At Wald Park**

**MOTION** Motion to approve Resolution Number 5222 was by Mr. Weaver, seconded by Mr. Head.

Mr. Downes stated that this request is to move an established electrical connection for the Wald Park, due to realignment of the power poles.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

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

### **RESOLUTION NUMBER 5225**

**Resolution Number 5225 – A Resolution Determining That Certain Personal Property Is Not Needed For Public Or Municipal Purposes And Directing The Sale/Disposal Of Said Surplus Property**

**MOTION** Motion to approve Resolution Number 5225 was by Mr. Weaver, seconded by Mr. Pierce.

Mr. Downes stated that this contains some Public Service vehicles and equipment which are all beyond their given life.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

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

### **ORDINANCE NUMBER 2918**

**Ordinance Number 2918 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver Agreements With Avenue Insights And Analytics Regarding Revenue Collection, Assessment And Discovery For The City Of Vestavia Hills**

**MOTION** Motion to approve Ordinance Number 2918 was by Mr. Weaver, seconded by Mrs. Cook.

Mr. Turner explained that the Avenu contracts are up for renewal. He explained the services provided over the past 3 years pursuant to these contracts and he recommended the renewal be approved to continue the services.

There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
-----------------	----------------

Mr. Pierce – yes  
Mayor Curry – yes

Mr. Weaver – yes  
Motion carried.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

The Mayor stated that the next item was added today onto the agenda and requires unanimous consent for the immediate consideration and action on the Ordinance and explained earlier. He opened the floor for a motion.

**MOTION** Motion for unanimous consent for immediate consideration and action on Ordinance Number 2948-A was by Mrs. Cook, seconded by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes  
Mayor Curry – yes

Mr. Head – yes  
Mr. Weaver – yes  
Motion carried.

**ORDINANCE NUMBER 2948-A**

**Ordinance Number 2848-A – An Ordinance Amending Ordinance Number 2848 Authorizing The Mayor And City Manager To Execute And Deliver All Documents And Actions Necessary To Acquire Rights-Of-Way And Easements For Proposed Improvements Along Crosshaven Drive Pursuant To The Infrastructure And Community Spaces Plan (public hearing)**

**MOTION** Motion to approve Ordinance Number 2948-A was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes explained that this was explained earlier and allows the friendly condemnation process for these needed rights-of-way.

Mrs. Cook stated that this gives the blanket authority to condemn and asked if there are any limits to this particular approval.

Mr. Downes stated if anything arises that does not go within these friendly parameters he will inform the City Council. He stated that this was recommended by the attorney. He stated that if the Council wanted to set parameters they could, but the parties for the friendly condemnations have already been identified.

Discussion ensued. Mr. Downes stated that this is very broad, but the previous ordinance was also broad. He stated that they felt that the clarity of this amendment was needed just so that no one would question it during this process.

Mr. Boone stated that the initial ordinance and this amendment gives the City Manager and Mayor to take whatever action is necessary to complete the project. The representing attorney

is concerned that someone might challenge the original ordinance as it does not state that the filing of a condemnation is authorized by the Council. Mr. Boone stated that due to that recommendation, he recommends the approval of this amendment.

Mr. Weaver stated he would like to state for the record that this will be used only for the friendly condemnation of the apartment property and Leaf 'n Petal, but if any others come up, they will be brought to the attention of the City Council.

The Mayor opened the floor for a public hearing. There being no one to further address the Council, the Mayor called for the question. Roll call vote as follows:

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

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

The Mayor announced that the following resolutions and/or ordinances will be presented at a public hearing at the Council's regular meeting on March 9, 2020, at 6:00 PM.

- Resolution Number 5226 – A Resolution authorizing the City Manager to purchase a Sharp Aquos Board for the Vestavia Hills Library in the Forest (*public hearing*)

### **CITIZEN COMMENTS**

David Harwell, 1803 Catala Road, stated that he reviewed the agenda packet and noticed in it the information provided from the work session about the Community Spaces budget. He is concerned the overruns on the projects involved seemed to him rather excessive. He stated there appeared to be a 20% increase in the Community Space Plan. He urged the Council to get with the construction managers to ensure they are doing what they can to get the costs down. He provided suggestions for ways to more effectively finance the projects.

The Mayor clarified that the cost overrun figure was not just due to increased costs of construction, but was primarily due to the decision to build two pools instead of one as well as other scope increases. He stated that the newer projects, including the Community Building appear to be coming in under budget.

Mrs. Cook stated she attended the school board meeting and heard about the career pathway curriculum that will begin next year with exciting classroom opportunities for students to align with a renewed state emphasis on career and technical training as well as workforce development.

At 7:10 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 7:11 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **RESOLUTION NUMBER 5226**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE A SHARP AQUOS BOARD FOR THE VESTAVIA HILLS LIBRARY IN THE FOREST AND ACCEPTING A GRANT FROM AN LSTA GRANT FROM THE ALABAMA PUBLIC LIBRARY SERVICE**

**WHEREAS**, on February 12, 2020, the Vestavia Hills Library Board of Trustees met and agreed to request that the City Manager purchase of a Sharp Aquos Board for the Vestavia Hills Library in the Forest at a cost not to exceed \$10,000 to be expensed to the Library's Fund 13 account; and

**WHEREAS**, the Board indicated that the Library's Fund 13 would be reimbursed on said purchase up to \$8,000, to be received from an LSTA grant through the Alabama Public Library Service by October 2020; and

**WHEREAS**, said approval was documented in a letter to the City Manager from the Library Director dated February 18, 2020, a copy of which is marked as Exhibit A, attached to and incorporated into this Resolution Number 5226; and

**WHEREAS**, the Mayor and the City Council feel it is in the best public interest to allow the purchase and reimbursement as approved by the Library Board.

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

1. The City Manager is hereby authorized to purchase a Sharp Aquos Board for the Vestavia Hills Library in the Forest at a cost not to exceed \$10,000; and
2. Said purchase shall be expensed to the Library's Fund 13 Account; and
3. Said expenditure shall be reimbursed in the amount of \$8,000 from the Alabama Public Library Service from an LSTA grant to be received prior to October 2020; and
4. This Resolution Number 5226 shall be effective upon adoption and approval.

**DONE, ADOPTED and APPROVED** this the 9<sup>th</sup> day of March, 2020.

Ashley C. Curry  
Mayor



ATTESTED BY:

Rebecca Leavings  
City Clerk



# VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY  
*Mayer*

TANEISHA YOUNG TUCKER  
*Library Director*

**February 18, 2020**

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

FROM: Taneisha Tucker, Library Director

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

RE: Request for Approval of Funds for Sharp Aquos Board

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On Wednesday, February 12, 2020, the Vestavia Hills Library Board of Trustees met and agreed to request that the City Council approve \$10,000 from the Library's Fund 13 account to purchase a Sharp Aquos Board that was awarded to the Library via an LSTA grant in August 2019.

The total price for the Aquos Board (up to \$10,000) is to initially be paid from the Library's account with \$8,000 being reimbursed to the Library from the Alabama Public Library Service by October 2020. I have included a copy of the award notification for your review.

I request to place this item on the February 24, 2020 agenda as a first read. Please contact me if you have questions or concerns. Thank you in advance.



ALABAMA PUBLIC LIBRARY SERVICE

Exhibit A - Resolution No. 5226



NANCY C. PACK, Ph.D.  
DIRECTOR

October 7, 2019

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

Dear Ms. Tucker:

RE: LSTA Project Name: Library Technology and Automation  
Project Number: 20-6-13  
Amount Awarded: \$8,000

Enclosed is your copy of your FY2020 LSTA grant contract signed by me for the above-referenced project. All of us at APLS wish you great success in your project as you serve your citizens.

The contract period is from the **date the contract is signed by me to June 30, 2020.** Your final request for payment will be due by **June 15, 2020.**

Requests for payment should be at least 25% of the LSTA grant award, except for the final request, which may be for any amount not exceeding the balance of the award. All requests must be for services that have been rendered or for items that have been acquired. A payment request form is enclosed for your use. The final report for this project is due by **August 28, 2020.** A report form will be placed on our website for your use. If you are using funds to purchase upgraded computer equipment, please use the enclosed specifications as a guide. For questions regarding equipment purchases, please contact the APLS IT Help Desk ([helpdesk@apls.state.al.us](mailto:helpdesk@apls.state.al.us) or (334) 213-3986) for assistance.

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

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

Sincerely,

Nancy C. Pack, Ph.D.  
Director

Enclosures

# FY2020 LSTA Award Notification

Exhibit A - Resolution No. 5226

Subrecipient Identification		
[Vestavia Hills, City of] Vestavia Hills Public Library 1221 Montgomery Hwy Vestavia Hills, AL 35216-2797	Unique Entity Identifier (DUNS):  159135151	EIN:  636002218
Federal Award Identification		
Institute of Museum and Library Services Washington, DC	CFDA Name and Number: LSTA State Grants 45.310	Federal Award Identification Number (FAIN): LS-00-19-0001-19
Date of Federal Award to Pass-Through Entity:  January 16, 2019	Total Amount of Federal Award to Pass-Through Entity:  \$2,561,123.00	IMLS provides this grant support pursuant to 20 USC §9101 et seq. and as identified in the grantee's Five-Year State Plan for FY2018-2022 and any forthcoming amendments approved by IMLS.
Pass-Through Entity Identification		
Alabama Public Library Service 6030 Monticello Drive Montgomery, AL 36130  Nancy C. Pack, Ph.D., Director	Unique Entity Identifier (DUNS):  002287113	TIN:  636000619
General Subaward Information		
Date of Subaward: August 1, 2019  Project Start Date: The date the contract is signed by the APLS Director (no earlier than October 1, 2019)  Project End Date: June 30, 2020	Amount of Federal Funds Obligated by this action: \$8,000.00  Total Amount of Federal Funds Obligated to the subrecipient: \$8,000.00  Subrecipient Required Local Match Amount: \$2,000.00  Indirect Cost Rate: 0.00	Is this subaward for R&D? No  Does this subaward require Federal Funding Accountability and Transparency Act (FFATA) reporting? No

**RESOLUTION NUMBER 5227**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR EVENT CONCESSIONS INC., D/B/A WING  
DING 2020; PATRICK JOESPH OBRIEN II,  
EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Event Concessions Inc., d/b/a Wing Ding 2020, the special event to be located at parking lot of 1032 Montgomery Hwy, Vestavia Hills, Alabama, for the on-premise sale of 140 - Special Events Retail; Patrick Joesph Obrien II, executive.

**APPROVED and ADOPTED** this the 9th day of March, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** March 4, 2020  
**TO:** Dan Rary, Police Chief  
**FROM:** Rebecca Leavings, City Clerk  
**RE:** Alcohol License Request – 140 - Special Events Retail

Please find attached information submitted by Patrick Joesph Obrien II who request an alcohol license to sell 140 - Special Events Retail at the Event Concessions Inc., d/b/a Wing Ding 2020, parking lot of 1032 Montgomery Highway, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 9th day of March, 2020 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:

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





# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20200226085952169**

**Type License:** 140 - SPECIAL EVENTS RETAIL

**State:** \$150.00 **County:** \$150.00

**Type License:**

**State:** **County:**

**Trade Name:** WING DING 2020

**Filing Fee:** \$50.00

**Applicant:** EVENT CONCESSIONS INC

**Transfer Fee:**

**Location Address:** PARKING LOT OF 1032 MONTGOMERY HWY VESTAVIA HILLS , AL 35216

**Mailing Address:** 101 ROYAL PLACE PELHAM, AL 35124

**County:** JEFFERSON **Tobacco sales:** NO

**Tobacco Vending Machines:**

**Type Ownership:** CORPORATION

**Book, Page, or Document info:** 9704 2138

**Date Incorporated:** 04/01/1997 **State incorporated:** AL **County Incorporated:** JEFFERSON

**Date of Authority:** 04/01/1997 **Alabama State Sales Tax ID:** 580010705

**Federal Tax ID:** 72-1362640

<b>Name:</b>	<b>Title:</b>	<b>Date and Place of Birth:</b>	<b>Residence Address:</b>
PATRICK JOSEPH OBRIEN II 5641161 - AL	PRESIDENT	01/15/1962 MINNESOTA	101 ROYAL PLACE PELHAM, AL 35124

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

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

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

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

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

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

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

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

**Contact Person:** JOE OBRIEN

**Home Phone:** 205-444-9700

**Business Phone:** 205-663-4560

**Cell Phone:** 205-586-0933

**Fax:**

**E-mail:** EVTCONCESS@AOL.COM

**PREVIOUS LICENSE INFORMATION:**

**Previous License Number(s)**

**Trade Name:** WING DING 2019

**License 1:** 011195037

**Applicant:** SLICE LLC

**License 2:**



# STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20200226085952169**

If applicant is leasing the property, is a copy of the lease agreement attached?

Name of Property owner/lessor and phone number: CITY OF VESTAVIA 205-978-0195

What is lessors primary business? CITY GOVERNMENT

Is lessor involved in any way with the alcoholic beverage business? N/A

Is there any further interest, or connection with, the licensee's business by the lessor? N/A

Does the premise have a fully equipped kitchen? NO

Is the business used to habitually and principally provide food to the public? NO

Does the establishment have restroom facilities? NO

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: 0 Display Square Footage:

Building seating capacity: 0 Does Licensed premises include a patio area? NO

License Structure: ONE STORY License covers: OTHER

Location is within: CITY LIMITS Police protection: CITY

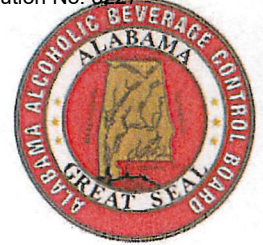
Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:





STATE OF ALABAMA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20200226085952169

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: 04/04/2020 Ending Date: 04/04/2020

Special terms and conditions for special event/special retail:

NO TO GO SALES ALLOWED.

**Other Explanations**

License Covers: PARKING LOT

Are there any special restrictions, instructions, and/or conditions for this license?: NO TO-GO SALES. ALCOHOL IS TO REMAIN IN THE LICENSED EVENT AREA.



**Section 2. Authorization of Engagement of Professional Services Regarding Proposed Warrants**

The City does hereby adopt, approve, authorize, confirm, direct, and ratify:

(a) the engagement of Rice Advisory LLC to act as financial advisor to the City to determine, for review and approval by the City, the proposed structure and terms of the Proposed Warrants;

(b) the engagement of The Frazer Lanier Company, Incorporated (the “Underwriter”) to act as underwriter of the Proposed Warrants; and

(c) the engagement of Maynard, Cooper & Gale, PC to act as Bond Counsel to the City, and to prepare, for review and approval by the City, the financing documents, a preliminary official statement, and a final official statement, with respect to the Proposed Warrants.

**Section 3. Authorization of Parameters and Structure of Proposed Warrants**

(a) The City does hereby adopt, approve, authorize, confirm, direct, and ratify, subject to Section 3(b) hereof, the structure for the primary offering and sale, by the Underwriter, of the Proposed Warrants on the following terms:

(1) the issuance of the Proposed Warrants shall produce interest costs savings;

(2) the Proposed Warrants shall be general obligation warrants additionally secured by a pledge of the sales and use taxes levied by the City pursuant to Ordinance No. 2747;

(3) the Proposed Warrants of Series 2020-A shall be issued as “tax-exempt bonds” within the meaning of Section 150(a)(6) of the Internal Revenue Code of 1986, as amended.

(b) Anything in this Resolution to the contrary notwithstanding, the Proposed Warrants shall be issued only upon:

(1) the final approval and authorization of the Proposed Warrants by the City, including without limitation the aggregate principal amount, terms of maturity and payment dates, interest rates, offering prices, redemption prices and terms, costs of issuance and credit enhancement (if any), and uses of proceeds; and

(2) the approving legal opinion of Bond Counsel to the City.

#### **Section 4. Authorization of Officers of the City**

(a) The City does hereby authorize and direct the officers of the City to take such action as shall be necessary or desirable:

(1) to cause the City to be in compliance with all written agreements and undertakings of the City in effect under 17 CFR Section 240.15c2-12; and

(2) to cause to be prepared, for review on behalf of the City, a preliminary official statement of the City with respect to the Proposed Warrants.

(b) The officers of the City are hereby authorized and directed to take all such actions, and execute and deliver such agreements, documents, instruments and notices, as shall be necessary or desirable to effect the purposes and transactions approved by this Resolution.

#### **Section 5. Authorization of Reimbursement**

In accordance with Treas. Reg. Section 1.150-2, the City does hereby declare its official intent that:

(a) proceeds of the Proposed Warrants may be used to reimburse the City for capital expenditures made with respect to the Proposed Capital Improvements, prior to the issuance of the Proposed Warrants, in amounts not exceeding the lesser of the amounts spent therefor which are eligible for reimbursement under Treas. Reg. Section 1.150-2 or the total cost of the Proposed Capital Improvements; and

(b) any such reimbursement be made in accordance with Treas. Reg. Section 1-150-2.

#### **Section 6. Ratification of Actions**

The City does hereby adopt, approve, authorize, confirm, direct, and ratify all actions taken, and all agreements, documents, instruments, and notices made or delivered, by any officer of the City in connection with the purposes and transactions approved by this Resolution.

#### **Section 7. General**

(a) All resolutions or parts thereof in conflict or inconsistent with this Resolution are hereby, to the extent of such conflict or inconsistency, repealed.

(b) This Resolution shall take effect immediately.

## Appendix A

### **Proposed Capital Improvements**

The Proposed Capital Improvements consist of:

- Capital improvements to community spaces in the City, including without limitation Wald Park, community spaces in Cahaba Heights, and other community buildings;
- Capital improvements to the New Merkel House;
- Extensive construction, reconstruction, repair and rehabilitation of roads and streets throughout the City;
- Capital improvements to stormwater infrastructure;
- Construction of and improvements to public sidewalks in the City;
- Road capacity improvements, including without limitation capital improvements to Crosshaven Drive.

\* \* \* \* \*

Duly Passed and Adopted this 9th day of March, 2020.

\_\_\_\_\_  
Mayor

SEAL

\_\_\_\_\_  
City Clerk

After said resolution had been discussed and considered in full by the Council, it was moved by Councilmember \_\_\_\_\_ that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilmember \_\_\_\_\_. The question being put as to the adoption of said motion and the final passage and adoption of said resolution, the roll was called with the following results:

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

Nays: None

The Mayor thereupon declared said motion carried and the resolution passed and adopted as introduced and read.

\* \* \*

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

**Approval of Minutes:**

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purpose of the meeting of the City Council of Vestavia Hills recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and the resolution therein.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

S E A L

Attest: \_\_\_\_\_  
City Clerk



STATE OF ALABAMA

JEFFERSON COUNTY

**CERTIFICATE OF CITY CLERK**

I, the undersigned, do hereby certify that (1) I am the duly elected, qualified and acting City Clerk of the City of Vestavia Hills, Alabama (the "Municipality"); (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of its records on its behalf; (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a special meeting of the City Council of the Municipality duly held on March 9, 2020, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the minutes of the meeting of the City Council of the Municipality held on March 9, 2020 show that (a) notice of such meeting had been given as provided by law, and (b) a quorum of the members of the City Council was present and acting for the entire duration of such meeting; (5) the resolution set forth in such excerpts is a complete, verbatim and compared copy of such resolution as introduced and adopted by the City Council on such date; and (6) said resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
City Clerk of the City of Vestavia Hills, Alabama

SEAL

**EXCERPTS FROM THE MINUTES OF A MEETING OF  
THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA**

---

**Preliminary Resolution**  
**for**  
**General Obligation Warrants      General Obligation Warrants**  
**Series 2020-A                              (Federally Taxable)**  
**Series 2020-B**

---

The City Council of the City of Vestavia Hills, Alabama met in public session at City Hall in the City of Vestavia Hills, Alabama, at 6:00 p.m. on March 9, 2020.

The meeting was called to order by the Mayor, and the roll was called with the following results:

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

Absent:      None

\* \* \*

The Mayor stated that due notice of the date, time, place and purpose of this meeting had been (a) given in the manner provided by law and (b) delivered to all members of the City Council.

The Mayor stated that a quorum was present and that the meeting was open for the transaction of business.

\* \* \*

Thereupon, the following resolution was presented at length by the Mayor in writing, and considered by the City Council:

**ORDINANCE NUMBER 2921**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH JEFFERSON COUNTY COMMISSION IN ORDER TO SHARE RESPONSIBILITIES FOR UTILITY RELOCATION FOR JEFFERSON COUNTY PROJECT NO. 37-18-099 TOPICS, PHASE VIII (STPBH9802(88)); CROSSHAVEN DRIVE FROM BEARDEN COURT TO GREEN VALLEY ROAD**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver an intergovernmental joint services agreement (“Agreement”) with Jefferson County Commission for utility coordination for Jefferson County Project No. 37-18-099 TOPICS, Phase VIII (STPBH-9802(88)) Utility Coordination for utility relocations on the Crosshaven Drive Project from Bearden Court to Green Valley Road; and
2. A copy of said Agreement is marked as Exhibit A, attached to an incorporated into this Ordinance Number 2924 as though written fully therein; and
3. This Ordinance Number 2921 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 9<sup>th</sup> day of March, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**JEFFERSON COUNTY  
STATE OF ALABAMA**

**AGREEMENT  
TO  
SHARE RESPONSIBILITIES  
(JOINT SERVICES AGREEMENT)  
Jefferson County Project No. 37-18-099  
TOPICS, Phase VIII (STPBH-9802(88))  
Utility Coordination with City of Vestavia Hills**

**JEFFERSON COUNTY, ALABAMA (County)** and the **CITY OF VESTAVIA HILLS, ALABAMA (Vestavia)**, enter into this Agreement on the \_\_\_\_ day of \_\_\_\_\_, 2020. The provisions of this Agreement shall become effective \_\_\_\_\_, 2020.

**WHEREAS**, the County and Vestavia, desire to enter into this Agreement for the public purpose of coordinating utility relocation work along Crosshaven Drive from the intersection with Bearden Court to approximately 350’ south of the intersection with Green Valley Road; and

**WHEREAS**, a portion of this roadway is part of Jefferson County’s maintenance and part of an active federal aid project to improve said roadway under the Jefferson County Project Number 37-18-099 and Federal Project Number STPBH-9802(88); and

**WHEREAS**, Vestavia has a City Project to improve Crosshaven Drive from Cahaba Heights Road to Overton Road which overlaps the County’s Project limits and desires to resolve all utility conflicts within the overlapping project limits under the City Project; and

**WHEREAS**, Vestavia previously contracted with Gonzalez Strength & Associates (GSA) for civil engineering design services and has amended their contract to increase the scope and the amount to provide for professional consulting services to coordinate the utility relocation work between the two Projects in said section of roadway; and

**WHEREAS**, the County agrees to transfer its anticipated matching funds for the utility relocation of the sanitary sewer and water service under the Federal Project STPBH-9802(88) to Vestavia as a onetime payment of Three Hundred Thousand Dollars (\$300,000) so the relocation work of those utilities can be accomplished under the City Project and benefit both Projects; and

**WHEREAS**, both parties find that it is in the public interest to enter into this Agreement in accordance with Alabama code Sections 41-16-50(b) and 11-102-1, *et seq.* in order to coordinate work and share costs related to utility relocation under both Projects.

**IN CONSIDERATION OF THE PREMISES** stated herein County and Vestavia mutually agree as follows:

**I. PURPOSE:**

- a. The Parties agree to jointly undertake the utility relocation coordination and share the Thirty Thousand Dollars (\$30,000) cost of GSA's utility relocation consulting services equally;
- b. The County will provide Vestavia with a onetime payment of Three Hundred Thousand Dollars (\$300,000) to participate in the construction cost of the sanitary sewer and waterline relocation to benefit both Projects.

**II. TERM:** The duration of this contract shall not exceed two years from the date of its final execution or end of the Project, whichever first occurs.

**III. PAYMENT:** After the utility relocation work is completed and accepted by the County, Vestavia will invoice the County for its Three Hundred and Fifteen Thousand Dollars (\$315,000) share of the costs. The County agrees to pay the invoice within thirty (30) days of receipt.

**IV. IMPLEMENTATION:** The parties agree as follows:

- a. The parties expressly agree that the County does not assume any risk or future liability, or any future responsibility for any portion of Crosshaven Drive or side streets located within the municipality of Vestavia except to the extent as covered by the County's existing Through Road Agreement with Vestavia, approved by the County on or about December 5, 2017 and recorded in Jefferson County Minute Book 171, Pages 502-505, and as amended on or about August 8, 2019 and recorded in Jefferson County Minute Book 173, Pages 379-380.
- b. Except as expressly provided in this Agreement, no party to the contract shall have any other power to incur any debt which shall become the responsibility of any other contracting people.
- c. Except as specifically provided in this Agreement, the execution of this Agreement or the performance of any act pursuant to the provisions thereof shall not be deemed or construed to have the effect of creating between the parties the relationship of principal or agent or of partnership or of joint venture.
- d. Except as otherwise provided by law and as limited by this Agreement between the parties, any entity which contracts to perform or exercise any service or power pursuant

to this chapter shall have the full power and authority to act within the jurisdiction of all contracting entities to the extent necessary to carry out the purpose of the contract.

- e. Each party to this Agreement shall adopt all ordinances, resolutions, or policies necessary to authorize the other contracting entities to carry out their contractual duties and responsibilities.

**V. TERMINATION:**

- a. Any party hereto may terminate this Agreement prior to commencement of work by giving thirty (30) days' notice of the intention to do so to the other party. Such notice shall be sent to the governing body of the other party.

**VI. SEVERABILITY:** If any provision of this Agreement is declared by a court having jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected; the rights and obligations of the parties shall be constructed and enforced as if the Agreement did not contain the particular provision held to be invalid.

**VII. GOVERNING LAW:** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama as interpreted by Alabama Courts.

**IN WITNESS WHEREOF,** the parties have caused this Agreement to be executed by their duly authorized representative as reflected below.

**JEFFERSON COUNTY, ALABAMA**

\_\_\_\_\_  
Date

**BY:** \_\_\_\_\_  
James A. (Jimmie) Stephens, President

**ATTEST:**  
\_\_\_\_\_  
Millie Diliberto, Minute Clerk

**CITY OF VESTAVIA HILLS, ALABAMA**

\_\_\_\_\_  
Date

**BY:** \_\_\_\_\_  
Ashley C. Curry, Mayor

**BY:** \_\_\_\_\_  
Jeffrey Downes, City Manager

**ATTEST:**  
\_\_\_\_\_  
City Clerk

PATRICK H. BOONE  
ATTORNEY AND COUNSELOR AT LAW  
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705  
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH  
BIRMINGHAM, ALABAMA 35203-3720  
TELEPHONE (205) 324-2018  
FACSIMILE (205) 324-2295

**E-Mail: [patrickboone@bellsouth.net](mailto:patrickboone@bellsouth.net)**

March 5, 2020

By Electronic Mail

City Manager Jeffrey D. Downes  
Vestavia Hills Municipal Center  
P. O. Box 660854  
Vestavia Hills, Alabama 35266-0854

In Re: Agreement Between Jefferson County, Alabama and the City of Vestavia Hills, Alabama  
to Share Responsibilities Regarding Utility Relocation

Dear Mr. Downes:

On March 4, 2020, you sent to me via electronic mail a proposed Agreement to Share Responsibilities (Joint Services Agreement) Jefferson County "Project No. 37-18-099 TOPICS, Phase VIII (STPBH-8802(88)) Utility Coordination with City of Vestavia Hills ("Agreement") by and between Jefferson County, Alabama ("County") and the City of Vestavia Hills, Alabama ("City") with a request that I review the Agreement and provide you with my written legal opinion. The purpose of this letter is to comply with your request.

**I. BACKGROUND**

The County and Vestavia Hills have heretofore entered into two (2) agreements wherein the County agreed to be responsible for the control, management, supervision, regulation, repair, maintenance and improvements of roadways located within the City of Vestavia Hills, Alabama.

**A. AGREEMENT DATED SEPTEMBER 20, 2017:** The City Council approved and adopted Resolution Number 4986 on September 18, 2017 authorizing and directing the Mayor and City Manager to execute and deliver this Agreement, which reads in pertinent parts as follows:

"The roads and portions of roads located in the jurisdictional limits of the City and listed below are hereby acknowledged and accepted by Jefferson County for maintenance per the terms of this Agreement. The roads and portions of roads to be maintained are bound by the jurisdictional limits of the municipality as of the date of this Agreement and as shown in Exhibit A attached hereto. The roads to be included in this Agreement are as follows:

The roads to be included in this Agreement are as follows:

1. County Road 113 (Rocky Ridge Road)
2. Columbiana Road.
3. County Road 97 (Shades Crest Road)
4. County Road 99 (Shades Crest Road)
5. County Road 44 (Dolly Ridge Road) from the intersection of Rocky Ridge Rd to the intersection of Cahaba River Rd
6. Green Valley Road
7. Crosshaven Drive from the intersection of Cahaba Heights Road to the northerly City limits.
8. Cahaba River Road
9. County Road 42 (Tyler Rd) from the City limits easterly to the intersection of Columbiana Road
10. Acton Rd
11. County Road 115 (Altadena Rd)”

The Jefferson County Commission approved the Agreement on December 5, 2017. The Agreement is set forth in its entirety in Minute Book 171 at pages 502-505.

**B. AGREEMENT DATED AUGUST 8, 2019:** The City Council approved and adopted Ordinance Number 2855 on June 24, 2019 authorizing and directing the Mayor and City Manager to execute and deliver this Agreement, which reads in pertinent parts as follows:

“1. In addition to those roads identified in the 2017 Agreement, the roads, bridges, and portions of roads located within the Project work limits in the jurisdictional limits of the City, as listed below and as more particularly identified and depicted in Exhibit A expressly made a part hereof, are hereby acknowledged and accepted by the County to be the responsibility of the County for the control, management, supervision, regulation, repair, maintenance, or improvements as required by Alabama law, to-wit:

- a. Green Valley Road (as per the 2017 Agreement);
- b. Crosshaven Drive from the intersection of Cahaba Heights Road to the northerly limits of the City as per the 2017 Agreement;
- c. Sunview Drive from the intersection of Crosshaven Drive to a point approximately 400 feet to the west at the intersection of Sunview Drive and Cypress Drive; and
- d. Wall Street from the intersection of Green Valley Road to a point approximately 200 feet to the north.”

The Jefferson County Commission approved the Agreement on August 8, 2019. The Agreement is set forth in its entirety in Minute Book 173 at pages 379-380.



## II. FACTS

Jefferson County is in the process of improving Crosshaven Drive from Bearden Court to approximately 350 feet south of the intersection of Green Valley Road known as Jefferson County Project No. 37-18-099 and Federal Project No. STPBH-8802(88).

Vestavia Hills has a City project to improve Crosshaven Drive from Cahaba Heights Road to Overton Road.

The proposed Agreement under consideration provides as follows:

### **“I. PURPOSE:**

a. The Parties agree to jointly undertake the utility relocation coordination and share the Thirty Thousand Dollars (\$30,000) cost of GSA’s (Gonzalez Strength & Associates) utility relocation consulting services equally;

b. The County will provide Vestavia with a onetime payment of Three Hundred Thousand Dollars (\$300,000) to participate in the construction cost of the sanitary sewer and waterline relocation to benefit both Projects.”

Section IV(a) of the proposed Agreement refers to the 2017 Agreement in County Minute Book 171 at pages 502-505 and the 2019 Agreement in County Minute Book 173 at pages 502-505. For that reason, I included the background information in Section I of this legal opinion.

## III. LEGAL OPINION

It is my legal opinion that the Agreement meets the requirements of Title 41-16-50(b), *Code of Alabama, 1975*, regarding joint purchasing agreements and Title 11-102-3, *Code of Alabama, 1975*, regarding common service contracts by counties and municipalities.

## IV. MY RECOMMENDATIONS

I have no recommendations for changes, additions, deletions and/or corrections.

March 5, 2020  
Page 4

Please call me if you have any questions regarding any of the matters set forth in this legal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick H. Boone". The signature is written in a cursive style with a long horizontal flourish at the end.

Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp

cc: City Clerk Rebecca Leavings (by e-mail)

**RESOLUTION NUMBER 5229**

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE  
TWO POLICE VEHICLES FOR THE VESTAVIA HILLS POLICE  
DEPARTMENT**

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

1. Upon receipt of an insurance payment in the amount of \$78,932.45, the City Manager is hereby authorized to purchase two police vehicles at a cost not to exceed \$80,000; and
2. Said funding shall be derived from the insurance payment and from the confiscations account; and
3. This Resolution shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 9<sup>th</sup> day of March, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**VESTAVIA HILLS POLICE DEPARTMENT**



**To: Mr. Downes**

**MEMO**

**From: Chief Dan Rary**

**CC: Becky Leavings**

**Date: 4 MARCH 2020**

**Re: Request for Council agenda**

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Mr. Downes,

I am requesting that the City purchase two police vehicles. These vehicles are to be funded partially by a reimbursement insurance check for Patrol Unit 110 and partially out of the police confiscation account in an amount not to exceed a total of \$80,000.

The ordering of these vehicle will be conditioned upon receipt of the insurance payment to the City of Vestavia Hills (if not received prior to the March 9 meeting). The insurance payment for Unit 110 is in the approximate amount of \$78,932.45.

Due to a tight deadline in ordering these vehicles, I am requesting that the following item be placed on the City Council agenda for 9 March 2020 for unanimous consent.

## **RESOLUTION NUMBER 5230**

### **A RESOLUTION ACCEPTING A BID FOR EAST STREET SIDEWALK PROJECT AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO SECURE SAID CONSTRUCTION**

**WHEREAS**, Invitation to Bids were invited and publically read on February 13, 2020 at 2:30 PM for East Street Sidewalk Project with five bids received; and

**WHEREAS**, a copy of the official bid tabulation is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5230 as if written fully therein; and

**WHEREAS**, recommendation was made in a memorandum dated March 4, 2020 from the City Engineer recommend acceptance of the bid packaged submitted James Paving in the amount of \$483,073, a copy of said memo is marked as Exhibit B and is attached to and incorporated into this Resolution Number 5230 as if written fully therein; and

**WHEREAS**, the Mayor and the City Council feel it is in the best interest of the public to accept said bid as recommended.

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

1. The bid submitted by James Paving, is hereby accepted; and
2. The City Manager is hereby authorized to take all actions necessary in order to secure said construction; and
3. This Resolution number 5230 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 30<sup>th</sup> day of March, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**CITY OF VESTAVIA HILLS**  
 East Street Sidewalk Addition  
 BID OPENING: February 13, 2020, 2:30 pm  
 BID TABULATION

Item No.	Item	Unit	Bid Qty	Triple J Construction		Gillespie WRONG BID SCHEDULE		CB&A Construction WRONG BID SCHEDULE		Bulls Construction WRONG BID SCHEDULE		James Paving	
				unit price	total	unit price	total	unit price	total	unit price	total	unit price	total
1	5' Wide Concrete Sidewalk, 4" Thick	SY	1,840	\$ 125.00	\$ 230,000.00	\$ 88.00	\$ 161,920.00	\$ 89.80	\$ 165,232.00	\$ 90.00	\$ 165,600.00	\$ 75.50	\$ 138,920.00
2	Net Fill Material	CY	478	\$ 18.00	\$ 8,604.00	\$ 50.00	\$ 23,900.00	\$ 48.34	\$ 23,106.52	\$ 50.00	\$ 23,900.00	\$ 40.00	\$ 19,120.00
3	24" Concrete Curb and Gutter	LF	535	\$ 45.00	\$ 24,075.00	\$ 50.00	\$ 26,750.00	\$ 29.86	\$ 15,975.10	\$ 50.00	\$ 26,750.00	\$ 40.00	\$ 21,400.00
4	Concrete Valley Gutter	LF	241	\$ 30.00	\$ 7,230.00	\$ 40.00	\$ 9,640.00	\$ 28.83	\$ 6,948.03	\$ 50.00	\$ 12,050.00		\$ -
5	1' Wide Concrete Flume	LF	10	\$ 30.00	\$ 300.00	\$ 300.00	\$ 3,000.00	\$ 41.73	\$ 417.30	\$ 200.00	\$ 2,000.00	\$ 80.00	\$ 800.00
6	Concrete Slope-Paved Headwall	EA	2	\$ 800.00	\$ 1,600.00	\$ 2,500.00	\$ 5,000.00	\$ 3,066.30	\$ 6,132.60	\$ 2,500.00	\$ 5,000.00	\$ 3,500.00	\$ 7,000.00
7	Crosswalk Striping (Min. 6' Width)	LF	180	\$ 10.00	\$ 1,800.00	\$ 35.00	\$ 6,300.00	\$ 13.47	\$ 2,424.60	\$ 30.00	\$ 5,400.00	\$ 15.00	\$ 2,700.00
8	2' Wide Stop Bar Striping	LF	16	\$ 100.00	\$ 1,600.00	\$ 150.00	\$ 2,400.00	\$ 13.47	\$ 215.52	\$ 100.00	\$ 1,600.00	\$ 50.00	\$ 800.00
9	Blackout Existing Striping	LF	15	\$ 30.00	\$ 450.00	\$ 70.00	\$ 1,050.00	\$ 13.47	\$ 202.05	\$ 100.00	\$ 1,500.00	\$ 30.00	\$ 450.00
10	Concrete/Asphalt Removal	SY	341	\$ 30.00	\$ 10,230.00	\$ 35.00	\$ 11,935.00	\$ 30.18	\$ 10,291.38	\$ 40.00	\$ 13,640.00	\$ 25.00	\$ 8,525.00
11	ADA Accessible Ramp	EA	1	\$ 4,000.00	\$ 4,000.00	\$ 2,500.00	\$ 2,500.00	\$ 3,215.59	\$ 3,215.59	\$ 3,000.00	\$ 3,000.00	\$ 3,500.00	\$ 3,500.00
12	ADA Truncated Dome Warning Tread	EA	8	\$ 500.00	\$ 4,000.00	\$ 325.00	\$ 2,600.00	\$ 267.41	\$ 2,139.28	\$ 500.00	\$ 4,000.00	\$ 300.00	\$ 2,400.00
13	Fence Modification	LS	1	\$ 6,000.00	\$ 6,000.00	\$ 5,000.00	\$ 5,000.00	\$ 813.47	\$ 813.47	\$ 6,000.00	\$ 6,000.00	\$ 2,000.00	\$ 2,000.00
14	12" RCP	LF	31	\$ 40.00	\$ 1,240.00	\$ 250.00	\$ 7,750.00	\$ 58.28	\$ 1,806.68	\$ 100.00	\$ 3,100.00	\$ 150.00	\$ 4,650.00
15	18" RCP	LF	166	\$ 50.00	\$ 8,300.00	\$ 275.00	\$ 45,650.00	\$ 50.41	\$ 8,368.06	\$ 100.00	\$ 16,600.00	\$ 200.00	\$ 33,200.00
16	Hooded Drainage Inlet	EA	9	\$ 4,000.00	\$ 36,000.00	\$ 2,500.00	\$ 22,500.00	\$ 2,961.21	\$ 26,650.89	\$ 6,000.00	\$ 54,000.00	\$ 2,500.00	\$ 22,500.00
17	Junction Box/Storm Manhole	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 5,500.00	\$ 5,500.00	\$ 5,295.42	\$ 5,295.42	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00	\$ 6,000.00
18	Solid Top w/Manhole Ring and Cover	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,500.00	\$ 1,500.00	\$ 1,971.57	\$ 1,971.57	\$ 3,000.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00
19	Reset Water Meter	EA	14	\$ 1,000.00	\$ 14,000.00	\$ 2,500.00	\$ 35,000.00	\$ 182.94	\$ 2,561.16	\$ 1,500.00	\$ 21,000.00	\$ 500.00	\$ 7,000.00
20	Reset Water Valve Box	EA	1	\$ 300.00	\$ 300.00	\$ 1,250.00	\$ 1,250.00	\$ 320.20	\$ 320.20	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00
21	Reset Telephone Box Lid	EA	1	\$ 1,500.00	\$ 1,500.00	\$ 2,500.00	\$ 2,500.00	\$ 1,078.02	\$ 1,078.02	\$ 1,500.00	\$ 1,500.00	\$ 1,000.00	\$ 1,000.00
22	Reset Telephone Pedestal	EA	1	\$ 3,000.00	\$ 3,000.00	\$ 500.00	\$ 500.00	\$ 4,312.09	\$ 4,312.09	\$ 3,500.00	\$ 3,500.00	\$ 1,000.00	\$ 1,000.00
23	Relocate Mailbox	EA	10	\$ 200.00	\$ 2,000.00	\$ 1,800.00	\$ 18,000.00	\$ 297.52	\$ 2,975.20	\$ 500.00	\$ 5,000.00	\$ 400.00	\$ 4,000.00
24	Relocate Street Sign	EA	7	\$ 200.00	\$ 1,400.00	\$ 500.00	\$ 3,500.00	\$ 297.52	\$ 2,082.64	\$ 500.00	\$ 3,500.00	\$ 800.00	\$ 5,600.00
25	Solid Sod (Bermuda)	SY	2906	\$ 9.00	\$ 26,154.00	\$ 10.00	\$ 29,060.00	\$ 8.23	\$ 23,916.38	\$ 15.00	\$ 43,590.00	\$ 5.00	\$ 14,530.00
26	Retaining Wall	LF	133	\$ 200.00	\$ 26,600.00	\$ 450.00	\$ 59,850.00	\$ 273.54	\$ 36,380.82	\$ 400.00	\$ 53,200.00	\$ 300.00	\$ 39,900.00
27	Concrete Driveway Replacement	SY	292	\$ 140.00	\$ 40,880.00	\$ 120.00	\$ 35,040.00	\$ 85.82	\$ 25,059.44	\$ 120.00	\$ 35,040.00	\$ 100.00	\$ 29,200.00
28	Pedestrian Crossing Sign	EA	3	\$ 250.00	\$ 750.00	\$ 1,850.00	\$ 5,550.00	\$ 426.82	\$ 1,280.46	\$ 1,000.00	\$ 3,000.00	\$ 1,200.00	\$ 3,600.00
29	R1-1 Stop Sign	EA	1	\$ 300.00	\$ 300.00	\$ 1,500.00	\$ 1,500.00	\$ 426.82	\$ 426.82	\$ 1,500.00	\$ 1,500.00	\$ 2,000.00	\$ 2,000.00
30	Relocation of Existing Light Pole	LS	1	\$ 500.00	\$ 500.00	\$ 7,500.00	\$ 7,500.00	\$ 4,042.58	\$ 4,042.58	\$ 5,000.00	\$ 5,000.00	\$ 3,000.00	\$ 3,000.00
31	Erosion Control	LS	1	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 15,000.00	\$ 21,339.52	\$ 21,339.52	\$ 15,000.00	\$ 15,000.00	\$ 6,000.00	\$ 6,000.00
32	Traffic Control	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 19,670.48	\$ 19,670.48	\$ 10,000.00	\$ 10,000.00	\$ 7,000.00	\$ 7,000.00
33	Mobilization (Not to Exceed 8% of Contract Amount)	LS	1	\$ 40,000.00	\$ 40,000.00	\$ 48,000.00	\$ 48,000.00	\$ 41,219.03	\$ 41,219.03	\$ 20,000.00	\$ 20,000.00	\$ 5,000.00	\$ 5,000.00
34	Insurance and Contract Bonding (Not-to-Exceed 3% of Contract Amount)	LS	1	\$ 8,000.00	\$ 8,000.00	\$ 19,250.00	\$ 19,250.00	\$ 16,330.86	\$ 16,330.86	\$ 12,000.00	\$ 12,000.00	\$ 12,778.00	\$ 12,778.00
35	Construction Stake-Out	LS	1	\$ 10,000.00	\$ 10,000.00	\$ 18,500.00	\$ 18,500.00	\$ 16,505.32	\$ 16,505.32	\$ 10,000.00	\$ 10,000.00	\$ 4,000.00	\$ 4,000.00
36	Tree Removal (ALLOWANCE)	ALL	1		\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00	\$ 60,000.00		\$ 60,000.00
<b>Total Bid Price</b>					\$ <b>620,813.00</b>		\$ <b>714,895.00</b>		\$ <b>560,707.00</b>		\$ <b>657,470.00</b>		\$ <b>483,073.00</b>
Bid Bond?				Yes	X	Yes	X	Yes	X	Yes	X	Yes	X
Contractor's License Number?				Yes	X	Yes	X	Yes	X	Yes	X	Yes	X
Acknowledgement of Addendum 1 and 2?				Yes	X	Yes	X	Yes	X	Yes	X	Yes	X

\* red numbers indicate recalculated values or transfer to correct bid form item based on bid document review.

Certification:   
 City of Vestavia Hills, City Engineer

**CITY OF VESTAVIA HILLS**  
**DEPARTMENT OF PUBLIC SERVICES**  
**OFFICE OF CITY ENGINEER**  
**INTER-DEPARTMENT MEMO**

**March 4, 2020**

To: Jeff Downes, City Manager

CC: Rebecca Leavings, City Clerk  
Brian Davis, Director of Public Services  
Lori Beth Kearley, Assistant City Engineer

From: Christopher Brady, City Engineer

RE: Bid Award, East Street Sidewalks

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See attached bid summary. After review of bid documents and followup with low bidder, we are recommending award of contract to James Paving in the amount of \$483,073.

This project is funded in the Community Spaces Infrastructure Improvement Projects.

Please let me know if questions,

Sincerely,  
-Christopher 



**ORDINANCE NUMBER 2919**

**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 INST VESTAVIA HILLS O-1**

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

3928 Cypress Drive  
Terry Henley and Earl Manning, Owners

More particularly described as follows:

Two parcels and six lots of land situated in the SW 1/4 of the SE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama and being more particularly described as follows:

**PARCEL A:**

Commence at the Southwest corner of the NE 1/4 of the SW 1/4 of the SE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama; thence run easterly a distance of 256.24 feet; thence 91°28'06" to the left and run Northerly a distance of 183.86 feet; thence 88°36'09" to the left and run Westerly a distance of 233.37 feet; thence 91° 30' to the left and run Southerly a distance of 30.13 feet; thence 88° 30' to the right and run Westerly a distance of 54.90 feet; thence 91° 30' to the left and run Southerly a distance of 200.36 feet; thence 62°28'34" to the left and run Southeasterly a distance of 35.25 feet; thence 117°07'3r to the left and run Northerly a distance of 62.40 feet to the point of beginning.

**PARCEL B:**

Commence at the Southwest corner of the NE 1/4 of the SW 1/4 of the SE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama and run Southerly a distance of 62.40 feet; thence 117°07'32" to the right and run Northwesterly a distance of 35.25 feet to the point of beginning; thence 62° 28'34" to the right and run Northerly a distance of 45.56 feet; thence 88° 30' to the left and run Westerly a distance of 92.84 feet; thence 42° 29' to the left and run Southwesterly a distance of 32.36 feet; thence 27°46' to the left and run Southwesterly a distance of 32.00 feet;

thence 22° 24' to the right and run Southwesterly a distance of 4.53 feet to the Northeasterly right of way of Sunview Drive; thence 75°32'15" to the left and run Southeasterly along the Northeasterly right of way of Sunview Drive a distance of 71.55 feet; thence 4° 16'57.5" to the left and run Southeasterly along the chord of a curve to the left, having a chord distance of 49.46 feet, a delta angle of 8°33'55", an arc distance of 49.50 feet and a radius of 331.15 feet; thence 12°01'22.5" to the left and run Southeasterly along the Northeasterly right of way of Sunview Drive a distance of 29.18 feet; thence 132° 09'53" to the left and run Northerly a distance of 149.48 feet; thence 117° 52'54" to the right and run Southeasterly a distance of 49.79 feet to the point of beginning.

**DESCRIPTION OF LOTS:**

Lots 5 through 10, in Block 2, according to the Survey of Glass's second Addition to New Merkle, as recorded in Map Book 28, page 51, in the Probate Office of Jefferson County, Alabama; **TOGETHER WITH** that portion of Second Avenue that abuts Lots 9 and 10 and that was vacated by instrument recorded in Instrument No. 9901/8480, in said Probate Office.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of February, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

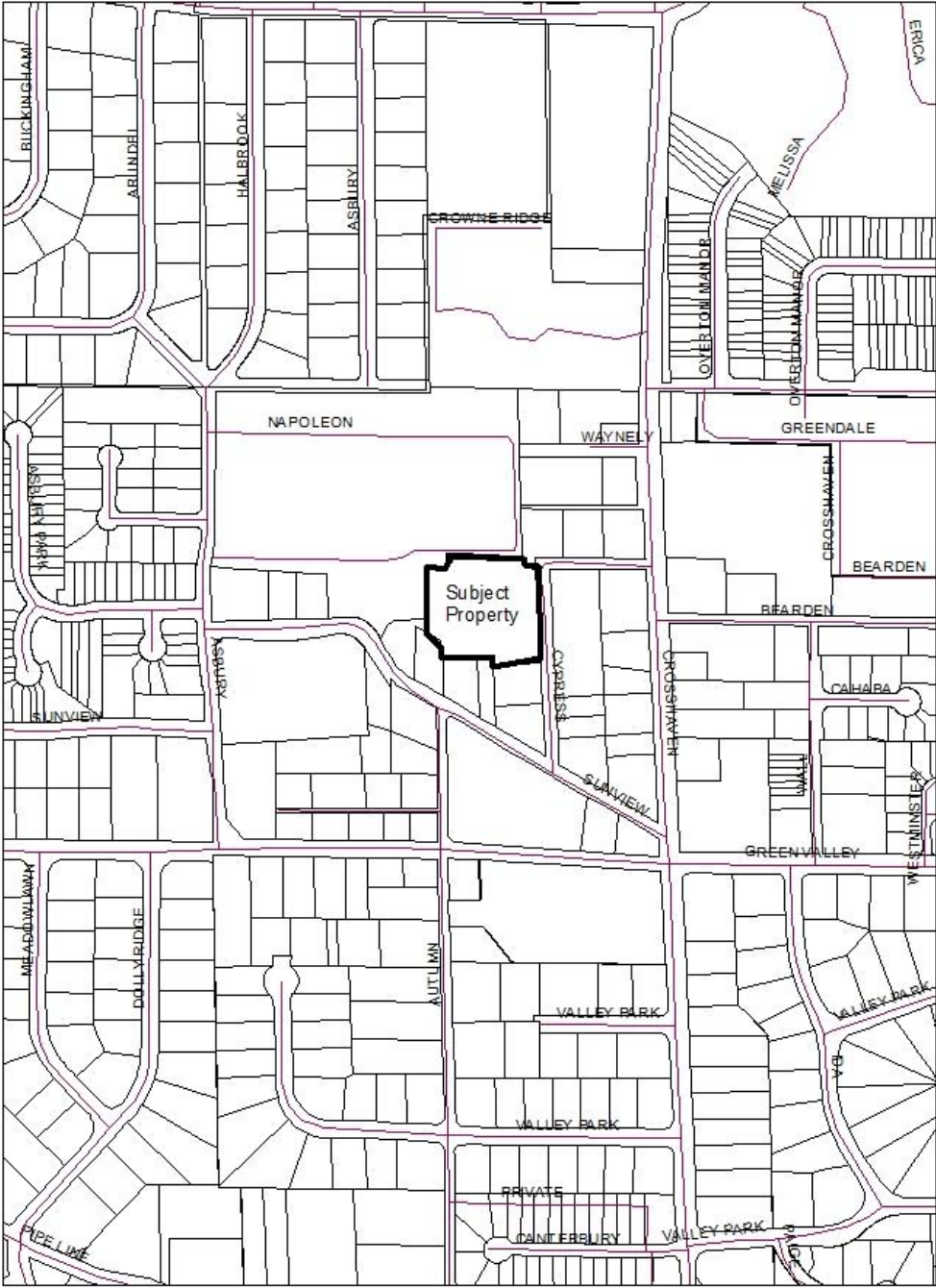
**CERTIFICATION:**

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 # 2919 is a true and correct copy of such 30<sup>th</sup> day of March, 2020, 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 \_\_\_\_\_, 2020.

Rebecca Leavings  
City Clerk

### 3928 Cypress Drive



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

Date: **FEBRUARY 13, 2020**

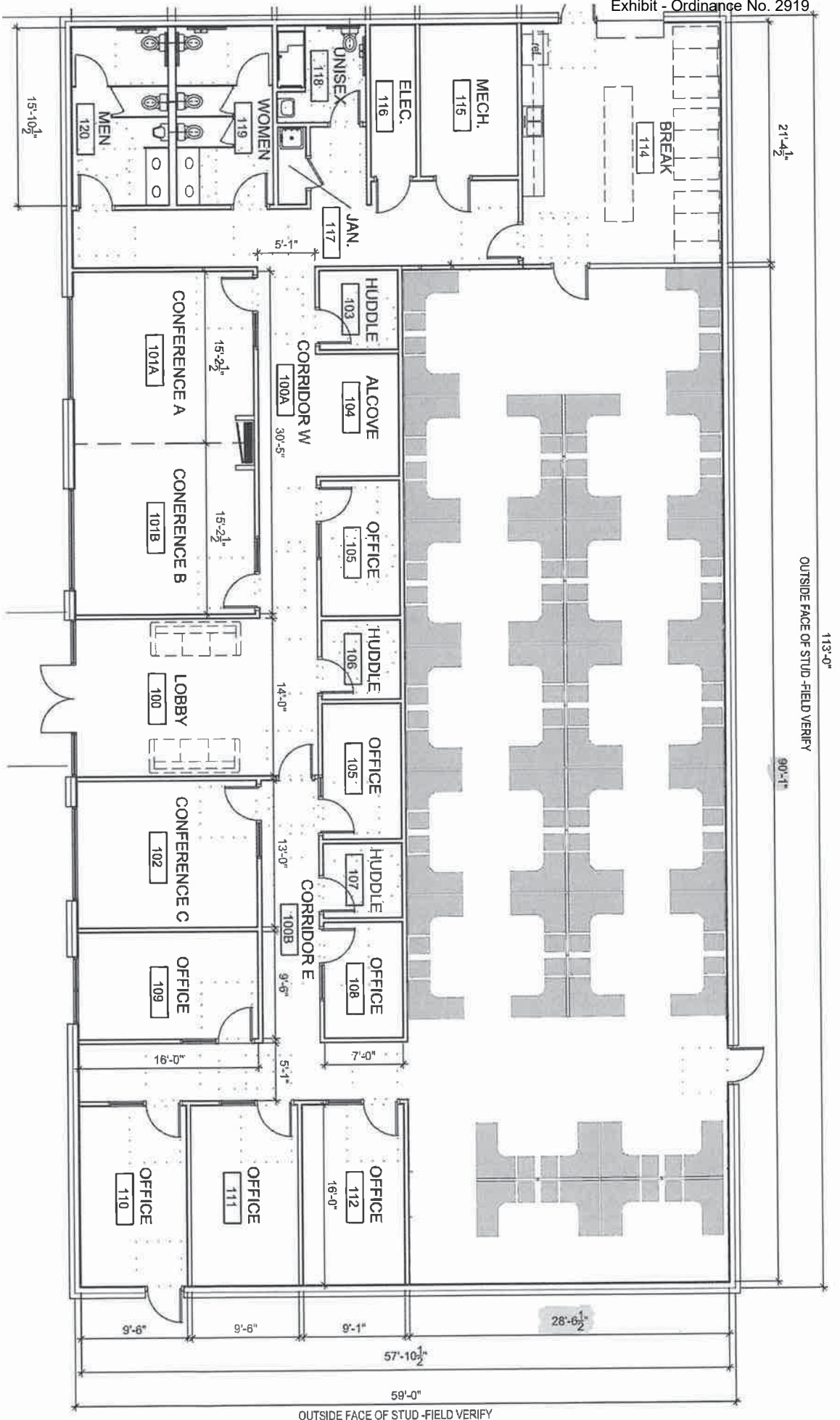
- **CASE: P-0220-04**
- **REQUESTED ACTION:** Rezoning For 3928 Cypress Dr. from Vestavia Hills Inst-1 to Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3928 Cypress Dr.
- **APPLICANT/OWNER:** Terry Henley & Earl Manning
- **REPRESENTING AGENT:** Jim Bob McAllister
- **GENERAL DISCUSSION:** Applicant is seeking to rezone the defunct Post Office building to O-1 for a software development company. No major changes will need to be made to the building, as it meets all the requirements of O-1 zoning. An as-built survey is attached.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the plan for Retail/Mixed Use
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** have reviewed the application and I have no issues with this request.
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
  4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Weaver made a motion to recommend Rezoning from Vestavia Hills Inst-1 to Vestavia Hills O-1 for the property located At 3928 Cypress Dr. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Vercher – yes  
Mr. Sykes– yes  
Mr. Goodwin – yes  
Mr. Larson – yes  
Motion carried.

Ms. Cobb– yes  
Mr. Romeo – yes  
Mr. Weaver – yes





P0220-04//2800154009017.000  
 3928 Cypress Drive  
 Rezone to O-1  
 Terry Henley & Earl Manning  
 Inst.





### Future Land Use

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

*Subject Parcel*

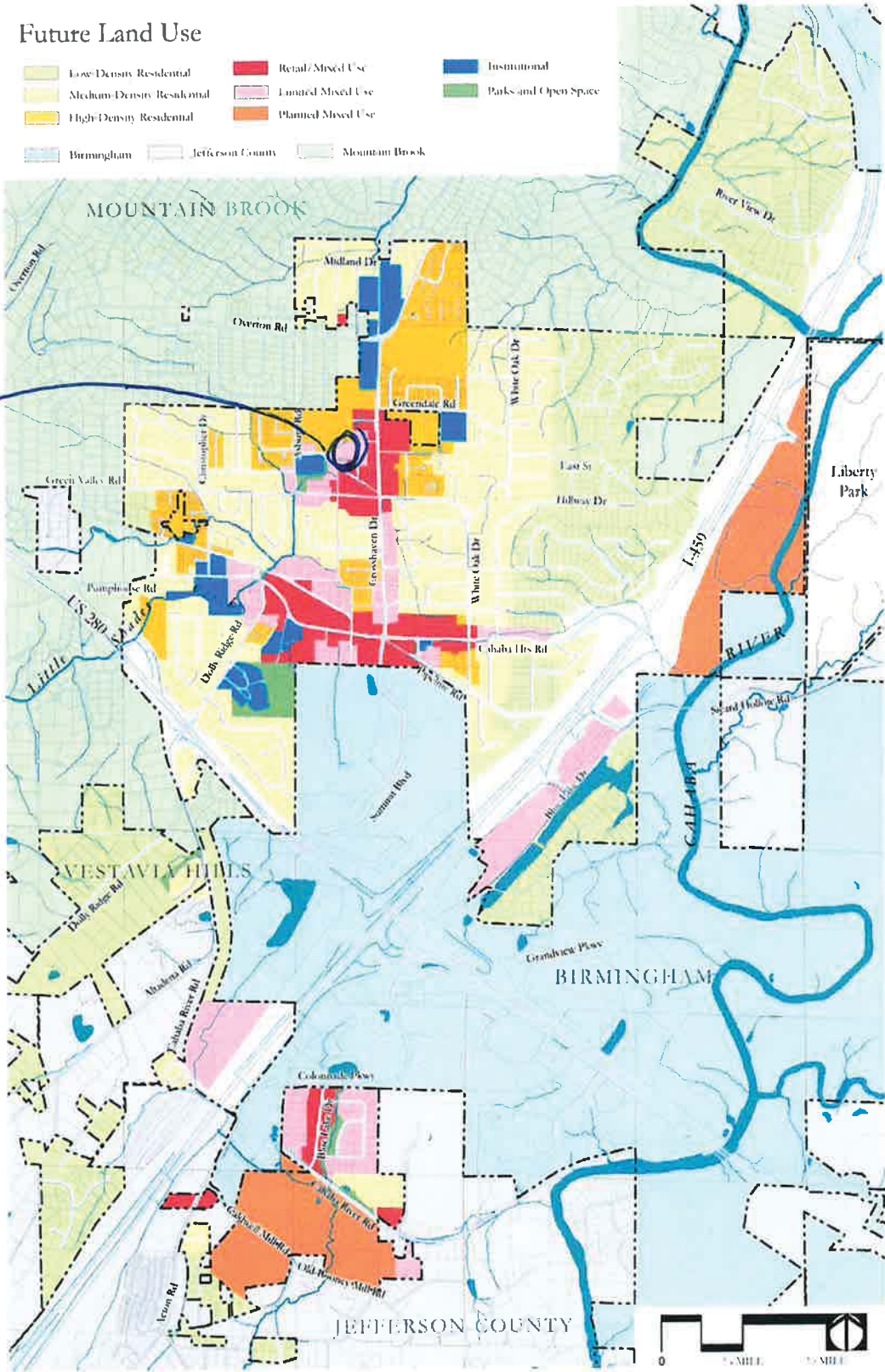


Figure 4: Future Land Use Map

**ORDINANCE NUMBER 2920**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-1 VESTAVIA HILLS O-1**

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

3109 and 3113 Blue Lake Drive  
Lots 27 and 28, Topfield Subdivision  
Ruth Prewett, Barbara Walker, Roland Lewis and Wesley Echols, Owners

**BE IT FURTHER ORDAINED** that said rezoning shall not be effective until approval of a resurvey to combine the lots into a single lot; said plat shall be recorded in the Jefferson County Probate Office and a copy submitted to the City Clerk's office.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of February, 2020.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

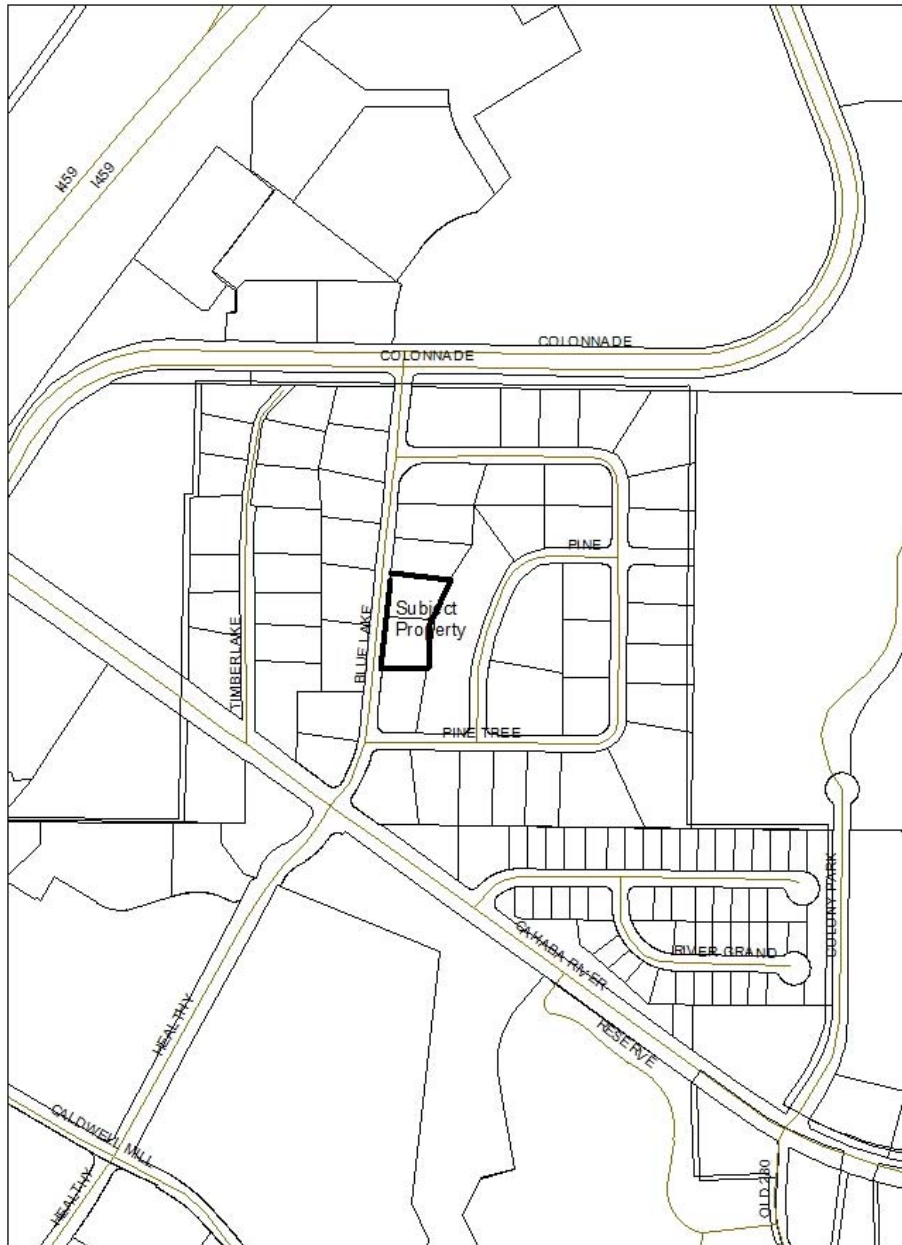
**CERTIFICATION:**

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 # 2920 is a true and correct copy of such 30<sup>th</sup> day of March, 2020, 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 \_\_\_\_\_, 2020.

Rebecca Leavings  
City Clerk

3109 & 3113 Blue Lake Drive (Lts 27 & 28, Topfield)



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

Date: **FEBRUARY 13, 2020**

- **CASE: P-0220-05**
- **REQUESTED ACTION:** Rezoning For 3109 & 3113 Blue Lake Dr. from Vestavia Hills R-1 to Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3109 & 3113 Blue Lake Dr.
- **APPLICANT/OWNER:** Roland Condie Lewis, et al
- **REPRESENTING AGENT:** Harris Doyle
- **GENERAL DISCUSSION:** Applicant is seeking rezoning on Blue Lake Dr. for an office development. The office development will be two-stories and just under 12,500 square feet. The parking and buffer landscaping either meet or exceed the requirements for O-1 zoning. Additionally, the applicants will build a 5' sidewalk as required by the Blue Lake Area Study. The building will be designed in a residential style.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the plan for Retail/Mixed Use
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** Building to be designed in a residential style and compatible with other new construction in the Blue Lake area. Lots to be resurveyed.
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.



4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Weaver made a motion to recommend Rezoning from Vestavia Hills R-1 to Vestavia Hills O-1 based on the materials presented for the property located 3109 & 3113 Blue Lake Dr. with the following condition:

1. Rezoning will not be final until the lots are resurveyed.

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

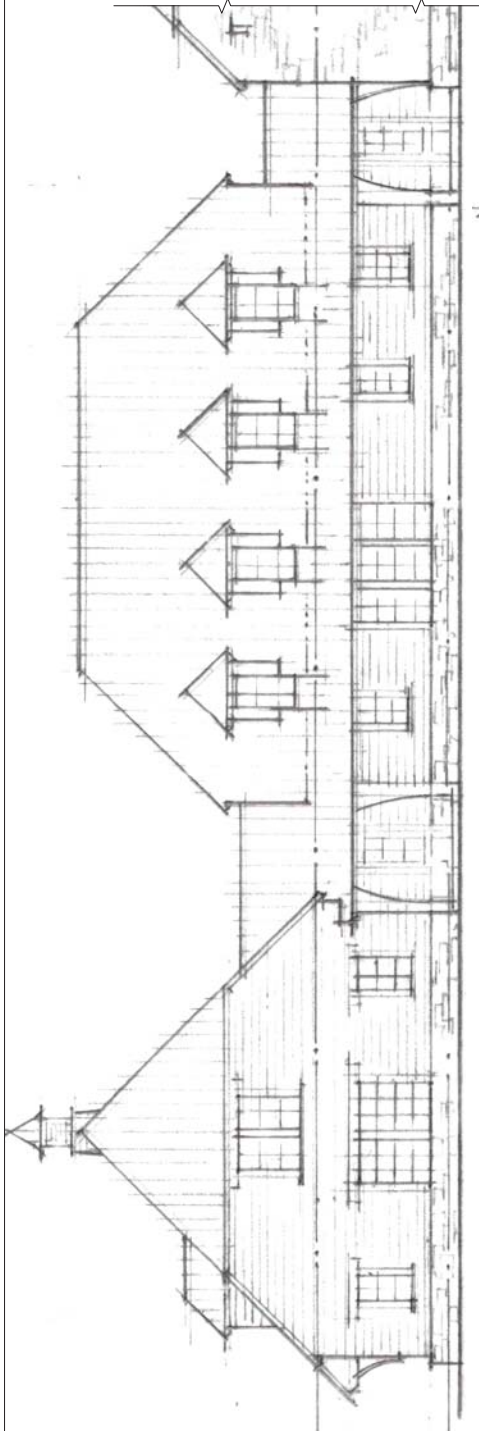
Mr. Vercher – yes  
Mr. Sykes – yes  
Mr. Goodwin – yes  
Mr. Larson – yes  
Motion carried.

Ms. Cobb – yes  
Mr. Romeo – yes  
Mr. Weaver – yes

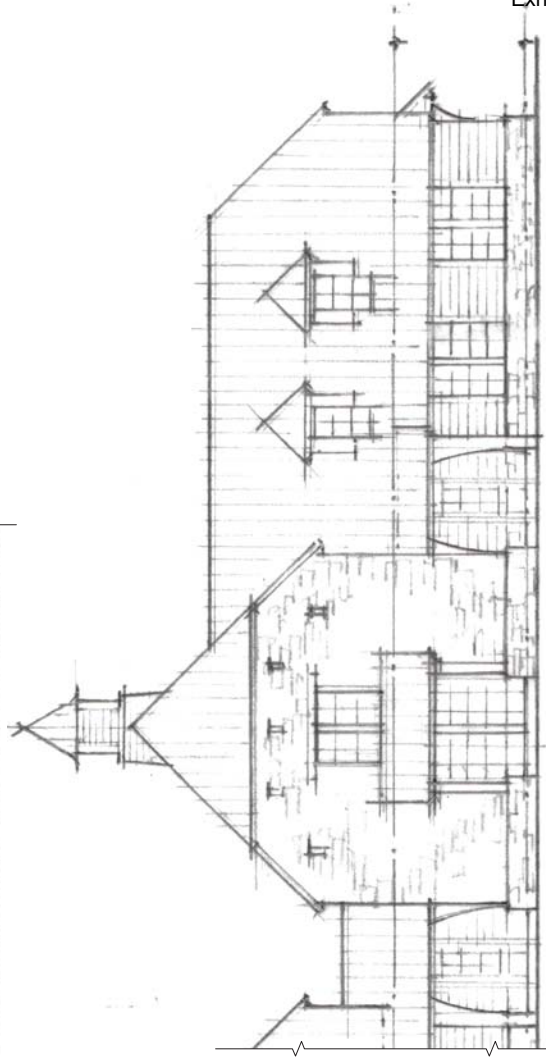








02 PARTIAL SCHEMATIC ELEVATION  
SCALE: 3/32"=1'-0"



01 PARTIAL SCHEMATIC ELEVATION  
SCALE: 3/32"=1'-0"

SHEET  
SD-001

DRAWING  
SCHEMATIC ELEVATION

DATE  
JANUARY 23, 2020

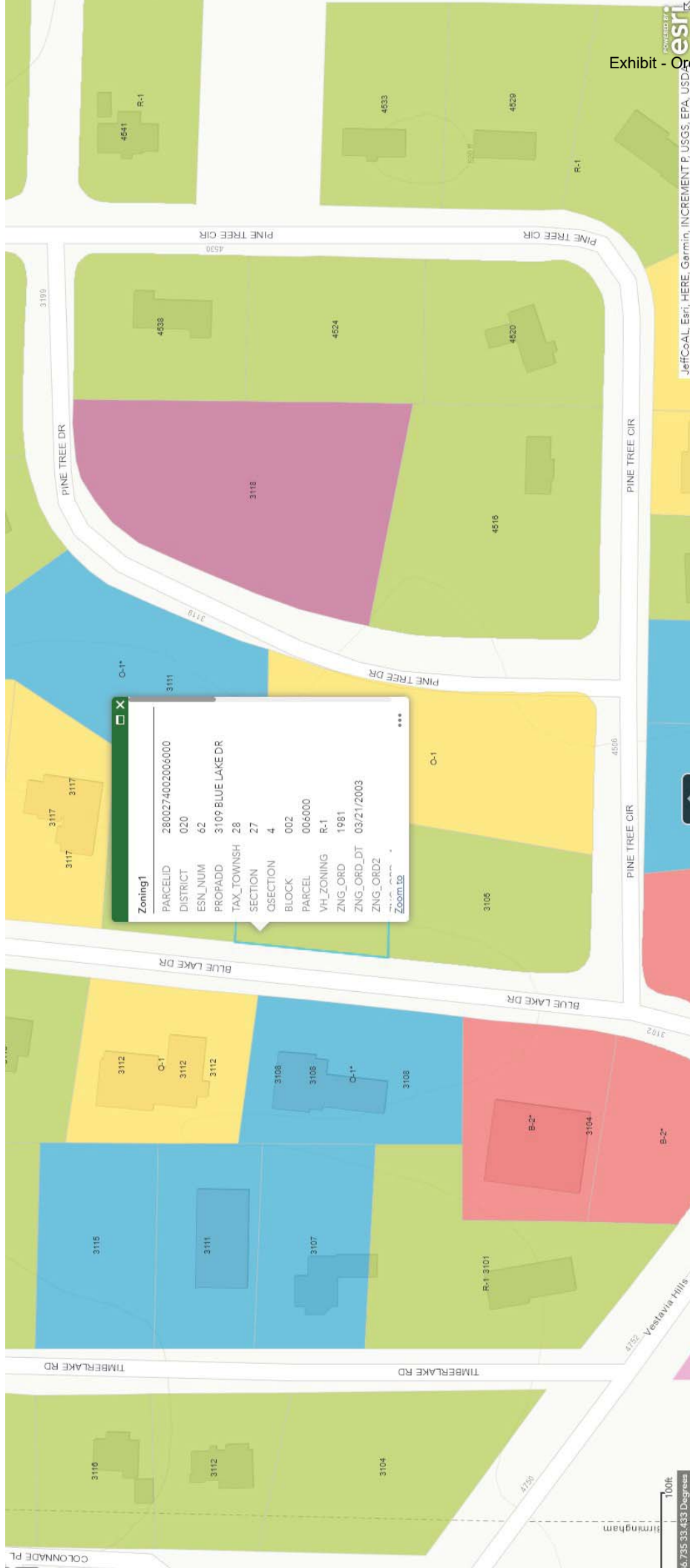


C.M. BRYANT  
ARCHITECTURE, L.L.C.

NEW OFFICE BUILDING FOR:

**HARRIS DOYLE HOMES**

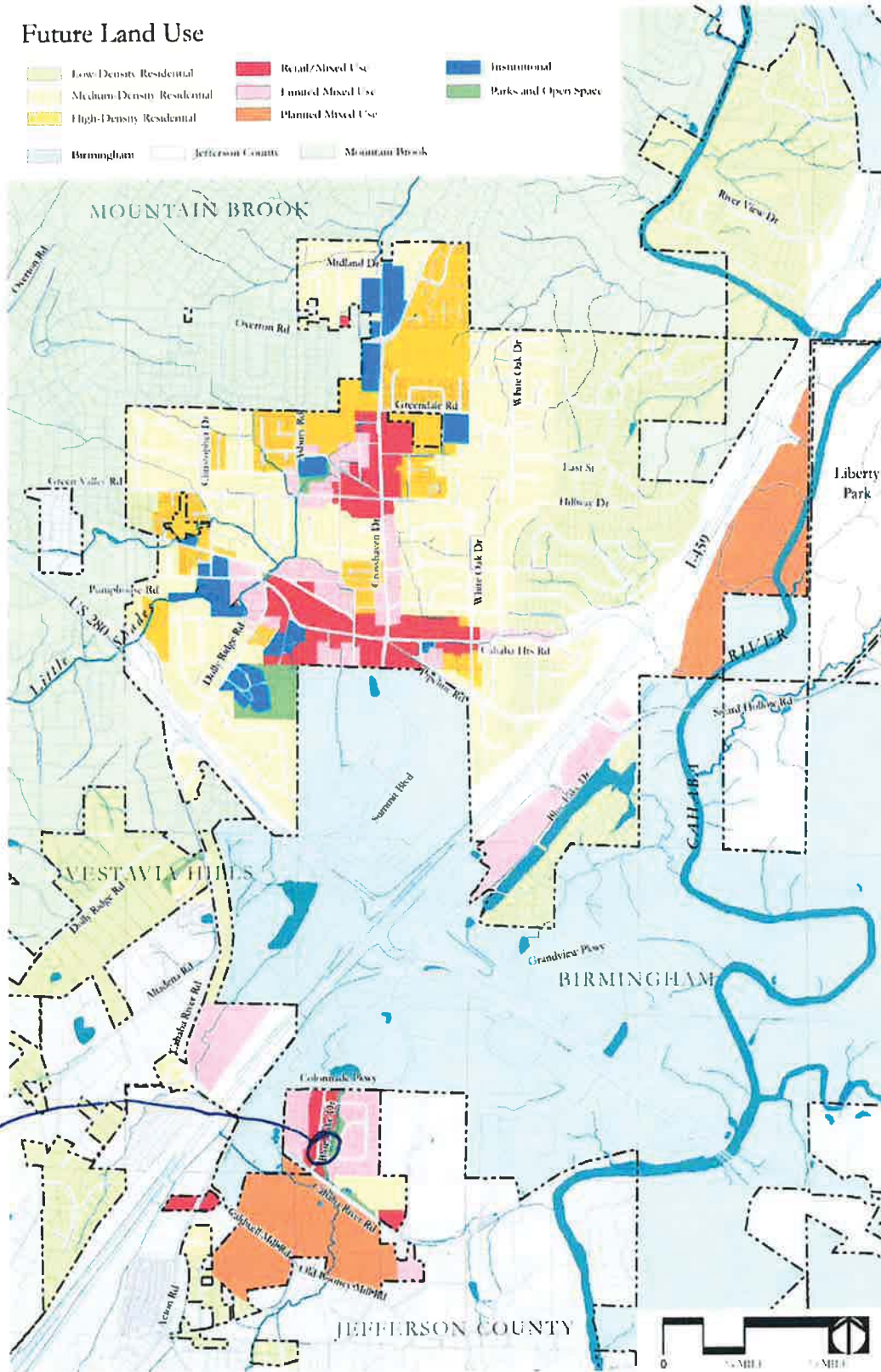
3109 AND 3113 BLUE LAKE DRIVE, VESTAVIA HILLS, ALABAMA, 35243





### Future Land Use

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



Subject Parcel

Figure 4: Future Land Use Map