

Join us! In an effort to enhance meetings during the COVID-19 shutdown, the City Council invites you to join and/or participate in a variety of ways: Via computer Zoom meetings (no app is necessary), telephone, email and/or text! See details on page 3.

**Vestavia Hills
City Council Agenda
June 8, 2020
AMENDED
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Butch Williams, Vestavia Hills Senior Chaplain
4. Pledge Of Allegiance
5. Announcements, Candidates and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Approval Of Minutes – None

Old Business

9. Resolution 5248 – Annexation – 90 Day – 2758, 2764 Rocky Ridge Road And 2768 Misty Lane For Development Of Six (6) Single-Family Homes; Tamworth LLC (*public hearing*)
10. Ordinance Number 2932 – An Ordinance Naming Altadena Valley Park And Establishing Rules, Regulations And Time Of Operation For The Altadena Valley Park (*public hearing*)

New Business

New Business (Requesting Unanimous Consent)

11. Resolution Number 5249 – A Resolution Authorizing The City Manager To Purchase Ballistic Helmets For The VHPD (*public hearing*)
12. Amendment To The Declaration Of Emergency – An Amendment To The Declaration Of Emergency Approved And Adopted On June 3, 2020 To Establish Additional Days And Hours That The Vestavia Hills Municipal Center Situated At 1032 Montgomery Highway Shall Be Open To The Public (*public hearing*)

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

13. Ordinance Number 2934 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Consent Order With The Alabama Department Of Environmental Management (*public hearing*)
14. Motion for Adjournment
15. Citizens Comments

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

Due to the COVID-19 “Stay at Home” Order issued by Gov. Ivey, the City Council work sessions and meetings are available via video-conference and teleconference. If you chose not to attend in person, you may still participate. Following are instructions for three options to participate remotely.

COMPUTER PARTICIPATION (*view/participate in real time*)

To participate in by videoconference, click <https://us02web.zoom.us/j/4555343275>. When the Zoom.us window opens in your browser, click “Allow” so that the meeting page may open. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the “Raise Hand” feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council.

Using the icons on the Zoom screen, you can:

- Mute/unmute your microphone (far left)
- Turn on/off camera (“Start/Stop Video”)
- View Participants – opens a pop-out screen that includes the “Raise Hand” icon that you may use to raise a virtual hand
- Change your screen name displayed in the participant list and video window
- Toggle between “speaker” and “gallery” views – “Speaker view” shows the active speaker; “Gallery view” tiles all of the meeting participants

TELEPHONE PARTICIPATION (*view/participate in real time*)

To participate by telephone, dial 312.626.6799 and enter the meeting ID: 455 534 3275. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, press *6 on your phone keypad to unmute yourself. Then state your name and wait for the Mayor to recognize you. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then address the Council.

TEXT AND/OR EMAIL (*prior to the meeting or in real time*)

If you do not wish to join the meeting but would like to ask a question or make a statement regarding an item on the agenda, you may email the City Council directly at City.Council@vhal.org. You may also text your question/statement to City Council at 205.517.1370. Both of these options are available prior to and during each work session and meeting. Be sure to provide your name and address for the record and your comments will be recited to the City Council as the corresponding item is being addressed. Note: As a matter of record, your name and address are required. If identification is not provided, your comment/question will not be presented.

RESOLUTION NUMBER 5248

A RESOLUTION PROPOSING THE ANNEXATION OF CERTAIN TERRITORY TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA.

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 24, 2020, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 8th day of June, 2020; and

WHEREAS, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

WHEREAS, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 12th day of June, 2020`.

2. That on the 28th day of September, 2020, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5248 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

2758, 2764 Rocky Ridge Road & 2768 Misty Lane
Tamworth, LLC, Owner(s)

More particularly described as follows:

A parcel of land containing: 4.863 Acres more or less, located in the Southeast quarter of Section 20, Township 18 South, Range 2 West, Jefferson County Alabama: more particularly described as follows:

COMMENCE at the NW Corner of the SW 1/4 of the SE 1/4 of said Section 20: thence run South 420 feet thence left 90 degrees 34 minutes 49 seconds, 155.57 feet to the POINT OF BEGINNING; thence continue along last stated course for a distance of 580.22 feet to a point; thence turn in interior angle to the left counterclockwise 112°51'26" and run a distance of 154.59 feet to a point; thence turn an angle right 68°06'43" and run a distance of 217.60 feet to a point of the West Right-of-Way line of Rocky Ridge Road, being a point along a curve to the left along said Right-of-Way line with a central angle of 03°25'25", a radius of 1136.15 feet, and an arc length of 67.89 feet; thence turn an interior angle to the left counterclockwise 110°54'38" to the chord of said curve of S 22°02'23" E and run a chord distance of 67.88 feet to a point on a curve to the left along said Right-of-Way line with a central angle of 04°30'39", a radius of 1119.74 feet and an arc length of 88.15 feet; thence S 18°05'13" E and run a chord distance of 88.13 feet to a point; turn an interior angle left counterclockwise from the chord of the previously stated curve 71°50'50" and run a distance of 912.22 feet to a point; thence turn an interior angle left counterclockwise 90°10'44" and run a distance of 279.18 feet to the POINT OF BEGINNING.

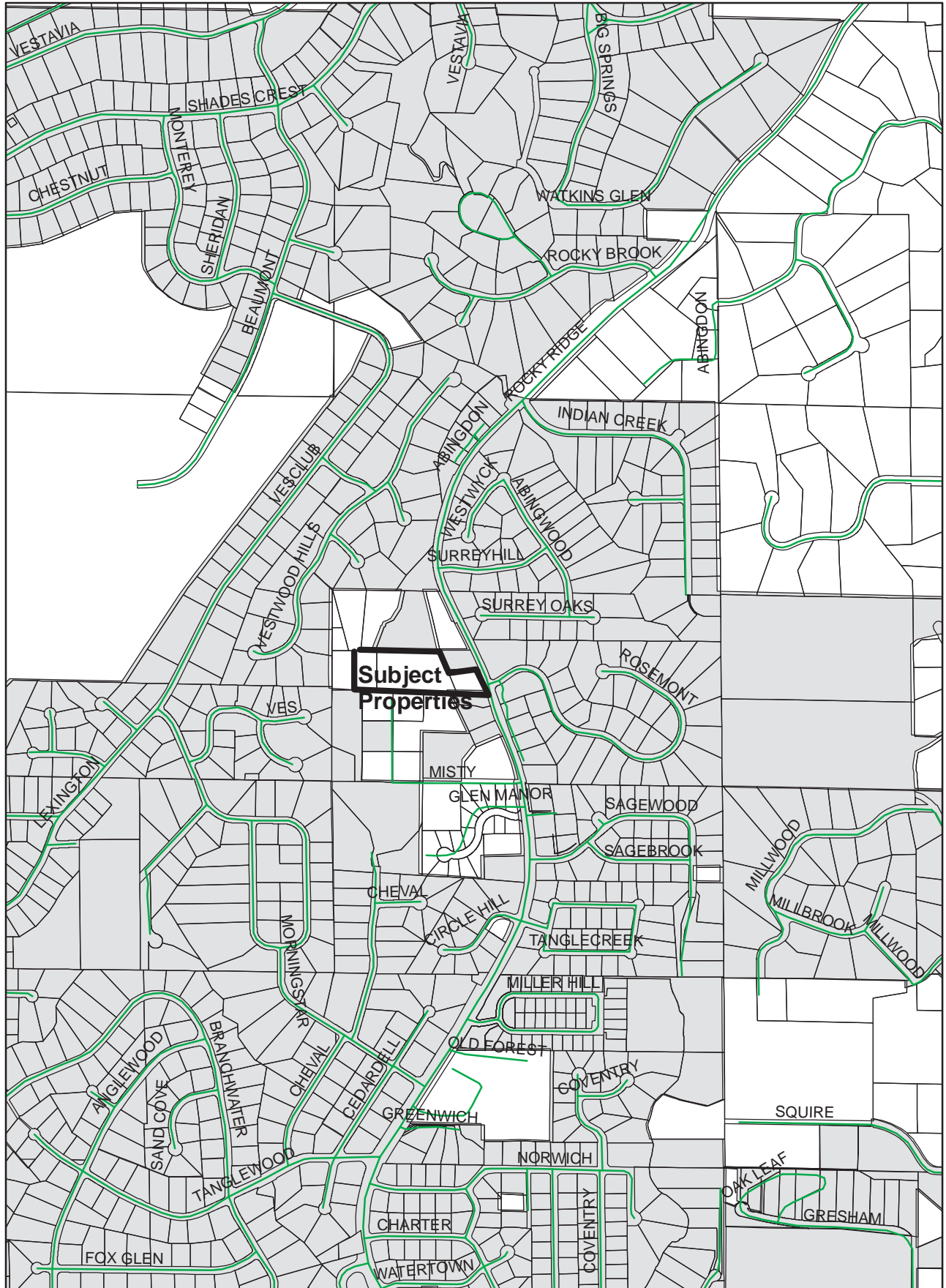
APPROVED and ADOPTED this the 8th day of June, 2020.

Ashley C. Curry
Mayor


ATTESTED BY:

Rebecca Leavings
City Clerk

2758 2764 Rocky Ridge Rd 2768 Misty Ln



Legend

 Vestavia_Hills_City_Limits

PARCEL #: 28 00 20 4 002 016.000
OWNER: TAMWORTH LLC
ADDRESS: 1313 KINGSWAY LN VESTAVIA AL 35243
LOCATION: 2764 ROCKY RIDGE RD AL 35243

Rocky Ridge/Misty Lane Development

[111-D-] Baths: 1.0 H/C Sqft: 1,042
 18-011.0 Bed Rooms: 3 Land Sch: GC2
 Land: 234,900 Imp: 32,700 Total: 267,600
 Acres: 0.000 Sales Info: 05/17/2018 \$400,000

<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2019 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT	VALUE
PROPERTY CLASS: 2 OVER 65 CODE:	LAND VALUE 10% \$0
EXEMPT CODE: DISABILITY CODE:	LAND VALUE 20% \$0
MUN CODE: HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED] \$0
SCHOOL DIST: EXM OVERRIDE AMT: \$0.00	
OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 8.2	<u>CLASS 2</u>
CLASS USE:	BARN B-51 1000 B511000 \$100
FOREST ACRES: 0 TAX SALE:	BLDG 001 111 \$32,600
PREV YEAR VALUE: \$267,600.00 BOE VALUE: 0	BARN B-51 1000 B511000 \$100
	BLDG 001 111 \$32,600
	<u>CLASS 3</u>
	BARN B-51 1000 B511000 \$100
	BLDG 001 111 \$32,500
	BARN B-51 1000 B511000 \$100
	BLDG 001 111 \$31,200
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
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	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	BARN B-51 1000 B511000 \$100
	OTHER BLDG \$398,000
	TOTAL MARKET VALUE [APPR. VALUE: \$0]: \$528,700

CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
ASSD. VALUE: \$0.00			\$0.00			GRAND TOTAL: \$0.00

DEEDS	PAYMENT INFO
INSTRUMENT NUMBER	DATE
2018051574	5/17/2018
2016016774	9/30/2015
201515-23551	9/30/2015
200962-2232	04/27/2009
4812-469	03/13/1952

PAY DATE	TAX YEAR	PAID BY	AMOUNT
12/31/2019	2019	TAMWORTH LLC	\$2,681.35
12/28/2018	2018	TAMWORTH LLC	\$1,668.43
12/28/2017	2017	JAMES THOMAS	\$1,661.41
12/14/2016	2016	THOMAS J MICHAEL	\$1,636.37
12/18/2015	2015	JAMES THOMAS	\$751.50
12/31/2014	2014	JAMES THOMAS	\$751.50
12/19/2013	2013	JAMES THOMAS	\$751.50
1/2/2013	2012	THOMAS JUANITA AS TRUSTEE	\$751.50

PARCEL #: 28 00 20 4 002 016.001 OWNER: TAMWORTH LLC ADDRESS: 1313 KINGSWAY LN VESTAVIA AL 35243 LOCATION: 2768 MISTY LN BHAM AL 35243	Rocky Ridge/Misty Lane Development Baths: 0.0 H/C Sqft: 0 18-011.0 Bed Rooms: 0 Land Sch: A114 Land: 56,000 Imp: 0 Total: 56,000 Acres: 0.000 Sales Info: 05/17/2018 \$50,000
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Tax Year : 2019 ▼

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT PROPERTY CLASS: 2 OVER 65 CODE: EXEMPT CODE: DISABILITY CODE: MUN CODE: HS YEAR: 0 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 8.2 CLASS USE: FOREST ACRES: 0 TAX SALE: PREV YEAR VALUE: \$56,000.00 BOE VALUE: 0	VALUE LAND VALUE 10% \$0 LAND VALUE 20% \$0 CURRENT USE VALUE [DEACTIVATED] \$0 TOTAL MARKET VALUE [APPR. VALUE: \$0]: \$0
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TAX INFO						
CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
ASSD. VALUE: \$0.00		\$0.00		GRAND TOTAL: \$0.00		

DEEDS		PAYMENT INFO			
INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
2018051549	5/17/2018	12/31/2019	2019	TAMWORTH LLC	\$561.12
3641-629	07/10/1989	12/28/2018	2018	TAMWORTH LLC	\$160.32
		1/9/2018	2017	-	\$160.32
		1/10/2017	2016	-	\$160.32
		1/8/2016	2015	KESSLER NINA J	\$160.32
		1/7/2015	2014	-	\$175.32
		1/16/2014	2013	-	\$175.32
		1/28/2013	2012	KESSLER NINA J	\$175.32
		20111231	2011	***	\$175.32
		20101231	2010	***	\$175.32
		20091231	2009	***	\$175.32
		20090213	2008	***	\$175.32
		20071231	2007	***	\$415.80
		20061231	2006	***	\$415.80
		20051231	2005	***	\$415.80
		20041230	2004	***	\$415.80
		20031217	2003	***	\$415.80
		20021218	2002	***	\$265.50
		20011231	2001	***	\$265.50
		20001220	2000	***	\$265.50
		19991231	1999	***	\$265.50
		19990325	1998	***	\$247.03
		19971208	1997	***	\$235.44
		19961108	1996	***	\$220.44

PARCEL #: 28 00 20 4 002 016.003 OWNER: TAMWORTH LLC ADDRESS: 1313 KINGSWAY LN VESTAVIA AL 35243 LOCATION: 2758 ROCKY RIDGE RD AL 35243	Rocky Ridge/Misty Lane Development Baths: 0.0 H/C Sqft: 0 18-011.0 Bed Rooms: 0 Land Sch: A114 Land: 52,500 Imp: 0 Total: 52,500 Acres: 0.000 Sales Info: 05/17/2018 \$50,000
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<< Prev Next >> [1 / 0 Records] Processing...

Tax Year : 2019 ▼

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS: 2	OVER 65 CODE:	LAND VALUE 10%	\$0
EXEMPT CODE:	DISABILITY CODE:	LAND VALUE 20%	\$0
MUN CODE:	HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE AMT: \$0.00		
OVR ASD VALUE: \$0.00	TOTAL MILLAGE: 8.2		
CLASS USE:		TOTAL MARKET VALUE [APPR. VALUE: \$0]:	\$0
FOREST ACRES: 0	TAX SALE:		
PREV YEAR VALUE: \$52,500.00	BOE VALUE: 0		

TAX INFO						
CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
		ASSD. VALUE: \$0.00	\$0.00			GRAND TOTAL: \$0.00

DEEDS		PAYMENT INFO			
INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
2018051545	5/17/2018	12/31/2019	2019	TAMWORTH LLC	\$526.05
9402-4009	1/1/1900	12/28/2018	2018	TAMWORTH LLC	\$526.05
		12/30/2017	2017	JAMES THOMAS	\$526.05
		12/14/2016	2016	THOMAS J MICHAEL	\$526.05
		1/18/2016	2015	DIANE T RYAN	\$526.05
		12/31/2014	2014	JAMES THOMAS	\$541.05
		1/22/2014	2013	-	\$541.05
		1/24/2013	2012	DIANE T.RYAN	\$541.05
		20111231	2011	***	\$541.05
		20101231	2010	***	\$541.05
		20091231	2009	***	\$541.05
		20081231	2008	***	\$541.05
		20071231	2007	***	\$803.57
		20061231	2006	***	\$803.57
		20051231	2005	***	\$803.57
		20041231	2004	***	\$803.57
		20031212	2003	***	\$803.57
		20021231	2002	***	\$507.98
		20011231	2001	***	\$507.98
		20001227	2000	***	\$507.98
		19991222	1999	***	\$507.98
		19981230	1998	***	\$428.22
		19971231	1997	***	\$428.22
		19961231	1996	***	\$413.22

Annexation Committee Petition Review

Property: 2758 & 2764 Rocky Rdg Rd 2768 Misty Ln

Owners: Tamworth LLC

Date: 5/04/2020

1. The property in question is contiguous to the city limits.
Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
Yes No Comments NA

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of NA. Meets city criteria: Yes No
Comment: _____
6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes _____ Number in city _____
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
Agreed to by petitioner: Yes No Comment _____

Property: 2758 & 2764 Rocky Rd Rd 2768 Misty Ln

8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ 1100 will be paid to offset costs associated with the annexation. Yes No Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No Comment _____

10. Are there any concerns from city departments? Yes No Comments: _____

11. Information on children: Number in family 2/10; Plan to enroll in VH schools Yes No Comments: _____

Other Comments: Proposed dev. of 6 homes

Kimberly B. Cook
George Pierce
Chairman
Kimberly B. Cook
Council Committee Member

CITY OF VESTAVIA HILLS
Department Review of Proposed Annexation
(To be completed by Official City Reviewers)

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

Location: 2758 & 2764 Rocky Rdg Rd 2768 Misty Ln

Engineering; Public Services

Date: 3/20/20 Initials: C Brady

2758/2764 Rocky Ridge/2768 Misty Lane -- no significant concerns noted; development plan submitted to conform to City requirements; access to Rocky Ridge Road is to be approved by Jefferson County.

Police Department:

Date: 3/18/2020 Initials: cm

Comments: No problem

Fire Department:

Date: 3/24/2020 Initials: R Farrell

Comments: n/p

Board of Education:

Date: 3/18/2020 Initials: S Bendall

Comments: n/p w/ single family Res. via email

STATE OF ALABAMA

_____ COUNTY

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

Date of Petition: Feb 24, 2020

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

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

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

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

BART CARR

2/24/20

664-8498

bartcarr@currengineers.com

EXHIBIT "A"

LOT: _____

BLOCK: _____

SURVEY: _____

RECORDED IN MAP BOOK _____, PAGE _____ IN THE
PROBATE OFFICE OF _____ COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

See attached

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

SIGNATURE(S)

DESCRIPTION OF PROPERTY

_____ Lot _____ Block _____ Survey _____

_____ Lot _____ Block _____ Survey _____

_____ Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

_____ COUNTY

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

Glenn H. Roberson
Signature of Certifier

Subscribed and sworn before me this the 21 day of February, 2020.

Kim M. Woodward
Notary Public

My commission expires: _____

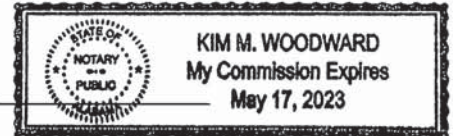


EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
 Vestavia Hills AL 35216**

(To be completed by the City)

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

(To be completed by Homeowner)

Name(s) of Homeowner(s): _____

Address: _____

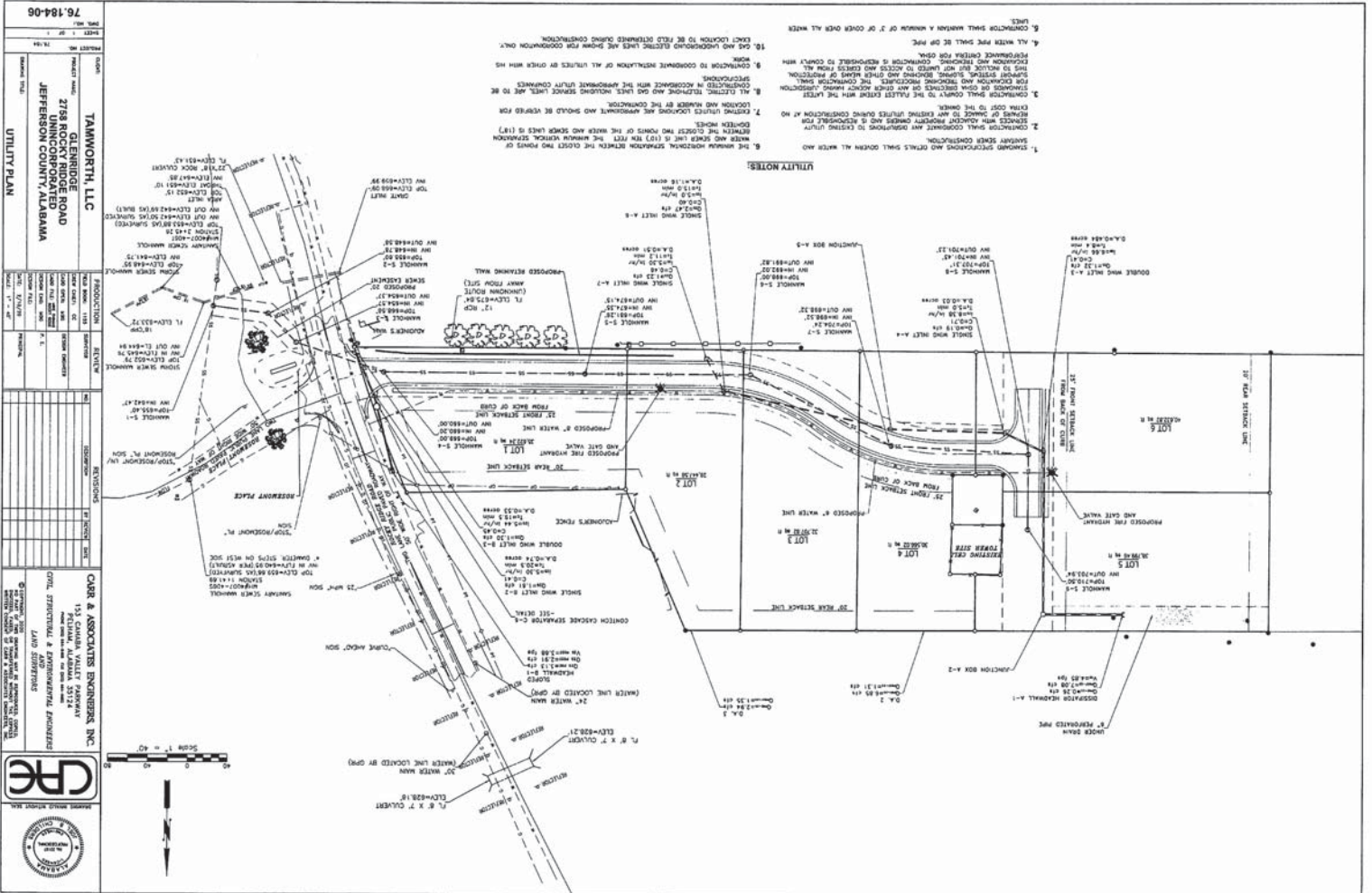
City: _____ State: _____ Zip: _____

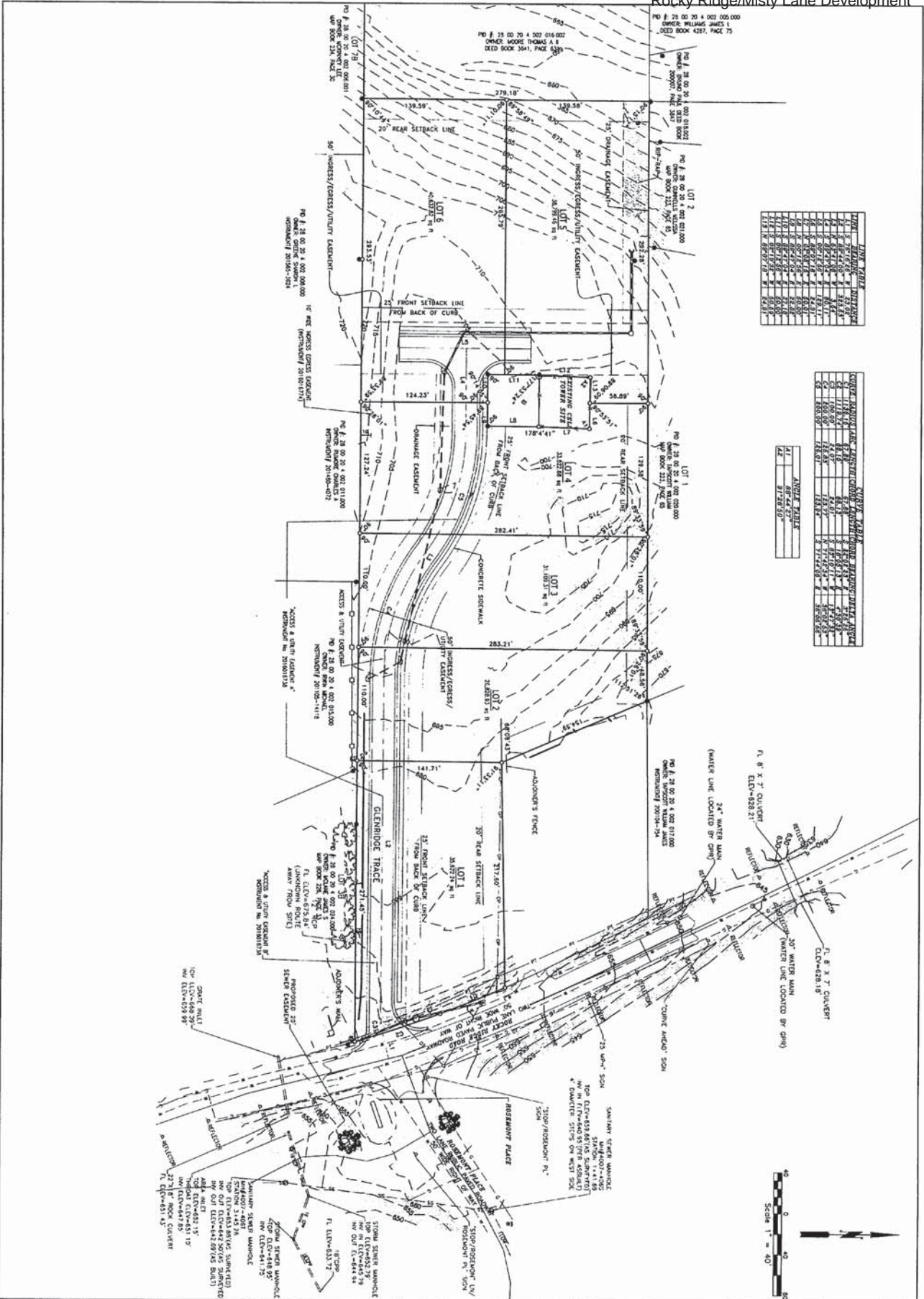
Information on Children:

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

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

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





AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	LOT 1	10,000
2	LOT 2	10,000
3	LOT 3	10,000
4	LOT 4	10,000
5	LOT 5	10,000
6	LOT 6	10,000
TOTAL		60,000

AREA TABLE

NO.	DESCRIPTION	AREA (SQ. FT.)
1	LOT 1	10,000
2	LOT 2	10,000
3	LOT 3	10,000
4	LOT 4	10,000
5	LOT 5	10,000
6	LOT 6	10,000
TOTAL		60,000

CLIENT: TAMWORTH, LLC PROJECT NAME: GLENRIDGE 2758 ROCKY RIDGE ROAD UNINCORPORATED JEFFERSON COUNTY, ALABAMA DRAWING TITLE: PRELIMINARY PLAT	PRODUCTION FIELD BOOK: 1153 CHECK SHEET: CC CADD OPER: WBS CADD FILE: WBS DESIGN ENG: WBS DESIGN T.E.C.: DATE: 2/10/20 SCALE: 1" = 40'	REVIEW SUPERVISOR DESIGN ENGINEER P. E. PRINCIPAL	REVISIONS <table border="1"> <thead> <tr> <th>NO.</th> <th>DESCRIPTION</th> <th>BY</th> <th>REVIEW</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	NO.	DESCRIPTION	BY	REVIEW	DATE						CARR & ASSOCIATES ENGINEERS, INC. 153 CAHABA VALLEY PARKWAY PELHAM, ALABAMA 35124 PHONE: 205-988-1400 FAX: 205-988-1401 CIVIL, STRUCTURAL & ENVIRONMENTAL ENGINEERS AND LAND SURVEYORS © COPYRIGHT, 2020 NO PART OF THIS DRAWING MAY BE REPRODUCED, COPIED, DIGITIZED, Faxed, OR TRANSMITTED WITHOUT THE EXPRESS WRITTEN CONSENT OF CARR & ASSOCIATES ENGINEERS, INC.	
	NO.	DESCRIPTION	BY	REVIEW	DATE										
PROJECT NO.: 76.184-04 SHEET NO.: 1 OF 1 DATE: 2/10/20	PROJECT NO.: 76.184-04		PROJECT NO.: 76.184-04												

ORDINANCE NUMBER 2932

AN ORDINANCE TO AMEND CHAPTER 12 OF THE VESTAVIA HILLS CODE OF ORDINANCES “PARKS AND RECREATION” TO NAME THE ALTADENA VALLEY PARK AND TO ESTABLISH RULES, REGULATIONS AND TIMES OF OPERATION FOR THE ALTADENA VALLEY PARK

WHEREAS, on December 28, 2015, Nall Partnership, LTD., deeded a portion of the former Altadena Valley Country Club to the City of Vestavia Hills to be used for public purposes by Statutory Warranty Deed filed as Instrument No. 201512300124957, Pages 1 of 9 at the Probate Office of Jefferson County, Alabama and filed as Instrument No. 20151229000441140 1/9 at the Probate Office of Shelby County as the property lies in both counties; and

WHEREAS, on May 19, 2020, the Vestavia Hills Parks and Recreation Board met in regular session and voted to name and establish rules, regulations and hours of operation for property donated by Nall Partnership, LTD; and

WHEREAS, the Vestavia Hills Parks and Recreation Board has requested the Director of Public Services to present the name, rules, regulations and hours of operation to the City Council for consideration; and

WHEREAS, the Mayor and the Vestavia Hills City Council have reviewed the recommendations of the Vestavia Hills Parks and Recreation Board and feel it is in the best interest of the public to adopt said name, rules, regulations and hours of operation for Altadena Valley Park.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT CHAPTER 12 OF THE

VESTAVIA HILLS CODE OF ORDINANCES ENTITLED “PARKS AND RECREATION” IS AMENDED TO ADD THE FOLLOWING, AS FOLLOWS:

SECTION 1. PARK RULES AND REGULATIONS:

- (1) The property donated by Nall Partnership, LTD to the City is hereby named as the “Altadena Valley Park”; and
- (2) Altadena Valley Park shall open at 6:30 a.m. and close at sunset except for events scheduled through the Office of Parks and Recreation. Unauthorized individuals in the park after closing can be subject to penalties described in Section 2.
- (3) Use, solicitation, possession, or distribution of any controlled substance is strictly prohibited.
- (4) Alcohol is prohibited.
- (5) Smoking is restricted per city ordinances.
- (6) No golf carts, go-carts, motorcycles, four-wheelers, three-wheelers, or any other type of vehicle is allowed off of the designated parking area at any time.
- (7) Pets shall be kept on a leash and under control at all times, and any solid excretion matter from said pet must be picked up from any surface area.
- (8) Hitting golf balls is prohibited.
- (9) Parking is restricted to designated areas.
- (10) Fireworks, explosives, bows and arrows, crossbows or slingshots are prohibited.
- (11) Violators will be asked to leave the premises, and are subject to further action and penalties as detailed in Section 2.

SECTION 2. FINES AND PUNISHMENT:

It shall be unlawful to violate any of the terms and provisions of this Ordinance. Any person, firm or corporation violating any of the said terms and provision of this Ordinance shall, upon conviction, be punished in accordance with Title 11-45-9, Code of Alabama, 1975, for a misdemeanor violation for each such offense. Each day any violation of this Ordinance shall constitute a separate offense.

SECTION 3. SEVERABILITY:

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

SECTION 4. EFFECTIVE DATE:

The provisions of this Ordinance Number 2932 shall become effective immediately upon the passage and approval thereof by the City Council of the City of Vestavia Hills, Alabama, and the publication and/or posting thereof as required by Alabama law.

DONE, ORDERED and APPROVED this the 8th day of June, 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 # 2932 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 8th day of June, 2020, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House, Vestavia Hills Recreational Center this the _____ day of _____, 2020.

Rebecca Leavings
City Clerk

**City of Vestavia Hills Parks & Recreation
1973 Merryvale Road
Vestavia Hills, AL 35216
205.978.0166**

Memorandum

May 21, 2020

TO: Rebecca Leavings
FROM: Jason Burnett
P & R Superintendent
RE: Altadena Valley Park Rules

From the Park Board's generated discussion at our previous work session of 5-4-20 and our previous Board meeting of 5-19-20, it is recommended to the City Council that the attached Altadena Valley Park rules be considered for an official ordinance.

CC: Brian Davis (Public Services Director)

RESOLUTION NUMBER 5249

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE
BALLISTIC HELMETS 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. The City Manager is hereby authorized to purchase ballistic helmets for the Vestavia Hills Police Department at a cost not to exceed \$50,000; and
2. A total of \$6,000 of this expense shall be reimbursed to the City through a State of Alabama grant; and
3. This Resolution Number 5249 shall become effective immediately upon approval.

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 June2020

Re: Request for Council agenda

Mr. Downes,

I am requesting that the City purchase ballistic helmets for members of the department for crowd control. These helmets are to be funded partially by a matching grant from the State of Alabama with a \$6,000.00 reimbursement. This purchase will not exceed \$50,000.00.

Due to a tight deadline in ordering these helmets, I am requesting that this request be placed on the City Council agenda for 8 June 2020 for unanimous consent.

AMENDMENT TO THE DECLARATION OF EMERGENCY

AN AMENDMENT TO THE DECLARATION OF EMERGENCY APPROVED AND ADOPTED ON JUNE 3, 2020 TO ESTABLISH ADDITIONAL DAYS AND HOURS THAT THE VESTAVIA HILLS MUNICIPAL CENTER SITUATED AT 1032 MONTGOMERY HIGHWAY SHALL BE OPEN TO THE PUBLIC.

WITNESSETH THIS AMENDMENT TO THE DECLARATION OF EMERGENCY declared by the City Council of the City of Vestavia Hills, Alabama on this the 8th day of June, 2020.

WITNESSETH THESE RECITALS:

WHEREAS, a Declaration of Emergency was approved and adopted by the City Council of the City of Vestavia Hills, Alabama on June 3, 2020 to establish the hours that the Vestavia Hills Municipal Center situated at 1032 Montgomery Highway shall be open and closed to the public; and

WHEREAS, the City Council wishes to amend said Declaration of Emergency to provide for additional times, days and hours that the said Vestavia Hills Municipal Center shall be open for business and to the general public.

NOW, THEREFORE, IT IS HEREBY DECLARED AS FOLLOWS:

1. The Declaration of Emergency approved and adopted on June 3, 2020 is hereby amended so as to add Section 3-A, which shall read in words and figures as follows:

“3-A. Anything contained herein to the contrary notwithstanding, the building and the grounds thereof known as the City of Vestavia Hills Municipal Center located at 1032 Montgomery Highway shall be open to members of the general public on the following days and at the following hours:

1. The City Council shall hold regular public meetings as required by Title 11-43A-24, *Code of Alabama, 1975*, and Ordinance Number 2687 dated November 7, 2016, and may hold such adjourned, called or special or other meetings as the business of the City of Vestavia Hills may, from time to time, require.

2. The Vestavia Hills Municipal Court may meet and conduct its business at its regularly scheduled days and times; and

3. Any and all Boards and Committees, specifically including, but not limited to, the Vestavia Hills Planning and Zoning Commission, the Board of Zoning

Adjustment of the City of Vestavia Hills, the Design and Review Board and any and all other Boards and Committees may meet at their regularly scheduled dates and times, and other times and days as may be needed; and

4. On all days and times for events scheduled through the office of the City Manager.”

2. This Amendment to the Declaration of Emergency shall become effective immediately upon its approval and adoption and shall remain in full force and effect until rescinded by the City Council.

DONE, ORDERED and DECLARED on this the 8th day of June, 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) Amendment to the Declaration of Emergency is a true and correct copy of such Amendment to the Declaration of Emergency that was duly adopted by the City Council of the City of Vestavia Hills on the 8th day of June, 2020 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Civic Center, New Merkel House and Library in the Forest.

Rebecca Leavings, City Clerk

ORDINANCE NUMBER 2934

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER
TO EXECUTE AND DELIVER A CONSENT ORDER WITH THE
ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

**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 agreement with the Alabama Department of Environmental Management (“ADEM”) pursuant to the Alabama Water Pollution Control Act and the ADEM Administrative Code of Regulations; and
2. A copy of said Consent Order is marked as Exhibit A, attached to and incorporated into this Ordinance Number 2934 as if written fully therein; and
3. This Ordinance Number 2934 shall become effective immediately upon adoption and approval and posting/publication as required by Alabama Law.

ADOPTED and APPROVED this the 22nd day of June, 2020.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

IN THE MATTER OF:)	
)	
City of Vestavia Hills)	
Municipal Separate Storm Sewer System (MS4))	
NPDES Permit No. ALS000017)	Consent Order No. 20-XXX-CWP
Vestavia Hills, Jefferson County, Alabama)	
)	
)	

PREAMBLE

This Special Order by Consent is made and entered into by the Alabama Department of Environmental Management (“the Department”) and the City of Vestavia Hills, Alabama (“the Permittee”) pursuant to the provisions of the Alabama Environmental Management Act, Ala. Code §§ 22-22A-1 to 22-22A-17, as amended, the Alabama Water Pollution Control Act (“AWPCA”), Ala. Code §§ 22-22-1 to 22-22-14 (as amended), and the ADEM Administrative Code of Regulations (“ADEM Admin. Code”) promulgated pursuant thereto.

STIPULATIONS

1. The Permittee operates a municipal separate storm sewer system (“MS4”) located in Vestavia Hills, Jefferson County, Alabama.
2. The Department is a duly constituted department of the State of Alabama pursuant to the AWPCA.
3. Pursuant to Ala. Code § 22-22A-4(n), as amended, the Department is the state agency responsible for the promulgation and enforcement of water pollution control regulations in accordance with the Federal Water Pollution Control Act, 33 U.S.C. §§ 1251 to 1388. In addition, the Department is authorized to administer and enforce the provisions of the AWPCA.
4. On June 7, 2017, the Department issued the National Pollutant Discharge Elimination System (“NPDES”) Permit Number ALS000017 (“the Permit”) to the Permittee, which authorizes storm water discharges from the MS4 to waters of the State. The NPDES permit was effective July 1, 2017 and expires June 30, 2022.

5. Part II.A. of the Permit requires the development, revision, implementation, maintenance and enforcement of a Storm Water Management Program (“SWMP”) to control the quality of storm water discharged from the Permittee’s MS4. The requirements of the SWMP shall be met by the development and implementation of a storm water management program plan (“SWMPP”) which addresses the best management practices (“BMPs”), control techniques and systems, design and engineering methods, public participation and education, monitoring and other appropriate provisions designed to reduce the discharge of pollutants from the MS4. The activities and associated schedules outlined by the SWMPP or updates to the SWMPP are conditions of the Permit.

6. Part II.B.4. of the Permit requires the development, revision, implementation and enforcement of an ongoing program to control storm water runoff discharged to the Permittee’s MS4 from qualifying construction sites.

7. On November 7, 2019, the Department conducted an audit on the Permittee’s SWMP which included reviewing the SWMPP and the program for qualifying construction sites.

8. On November 12, 2019, the Department followed-up the audit with a request for additional documentation and a list of clarifying questions. The Permittee responded to the request for additional information on November 22, 2019.

9. On December 3, 2019, the Department issued the Permittee a Notice of Violation (“NOV”) for violation of the Permit. The Permittee responded to the NOV on January 17, 2020.

10. On January 31, 2020, the Permittee submitted the 2018-2019 Annual Report to the Department as required by the Permit. The Annual Report is a narrative report with general discussion of program elements, explanation of activities not fully implemented or completed, and result of activities completed. The 2018-2019 Annual Report covers the period of October 1, 2018 to September 30, 2019.

DEPARTMENT’S CONTENTIONS

11. Regarding Qualifying Construction Sites, the Permittee’s SWMPP that was in effect at the time of the audit stated that “Monthly inspections are required due to the Cahaba River’s impaired status resulting in Vestavia Hills’ sites being categorized as ‘Priority Construction

Sites'. ” The SWMPP is required by the Permit to be developed and implemented to reduce the discharge of pollutants to the MS4 and are conditions of the Permit.

12. Based on information provided during the audit, review of the additional information submitted on November 22, 2019 and the Permittee’s response to the NOV submitted on January 17, 2020, the Department determined that the Permittee violated the SWMPP and Part II.B.4.6. of the Permit by failing to inspect priority construction sites at a minimum of monthly to verify use and proper maintenance of BMPs.

13. The Permittee’s 2018-2019 Annual Report states in Section 3.4.2, Activities Complete or In Progress, that for “Activity 6: Inspect sites in accordance with the frequency specified in the Permit” that “This activity was complete”. However, the Department determined that the Permittee failed to inspect priority construction sites on a monthly basis which is the frequency specified in the permit. The Permittee also failed to provide an explanation as to the reasons the program activity of inspecting construction sites in accordance with the Permit had not been completed or implemented. Thus, the Permittee violated Part IV.4.c.2 of the Permit by not providing an explanation of program activities that had not been completed or implemented in the 2018-2019 Annual Report. The Permittee failed to submit an accurate 2018-2019 Annual Report to the Department.

14. Pursuant to ADEM Admin. Code r. 335-6-6-.12(a)(1), a Permittee must comply with all conditions of the permit. Any permit noncompliance constitutes a violation of the AWPCA and the FWPCA and is grounds for enforcement action, for permit termination, revocation, and re-issuance, suspension, modification; or denial of a permit renewal application.

15. The Department has agreed to the terms of this Consent Order in an effort to resolve the violations cited herein without the unwarranted expenditure of State resources in further prosecuting the alleged violations. The Department has determined that the terms contemplated in this Consent Order are in the best interests of the citizens of Alabama.

16. Pursuant to Ala. Code § 22-22A-5(18)c., as amended, in determining the amount of any penalty, the Department must give consideration to the seriousness of the violations,

including any irreparable harm to the environment and any threat to the health or safety of the public; the standard of care manifested by such person; the economic benefit which delayed compliance may confer upon such person; the nature, extent and degree of success of such person's efforts to minimize or mitigate the effects of such violations upon the environment; such person's history of previous violations; and the ability of such person to pay such penalty. Any civil penalty assessed pursuant to this authority shall not exceed \$25,000.00 for each violation, provided however, that the total penalty assessed in an order issued by the Department shall not exceed \$250,000.00. Each day that such violation continues shall constitute a separate violation. In arriving at this civil penalty, the Department has considered the following:

A. SERIOUSNESS OF THE VIOLATIONS AND BASE PENALTY: Based on the information available to the Department, violations of the Permit, ADEM Admin. Code div. 335-6 and the AWPCA were noted. The Department considered the general nature of each violation, the violations' effects, if any, on the receiving waters, and any available evidence of irreparable harm to the environment or threat to the public.

B. THE STANDARD OF CARE: By committing the violations alleged herein, the Permittee did not exhibit a standard of care commensurate with the applicable program requirements. In consideration of the standard of care manifested by the Permittee, the Department has enhanced the penalty.

C. ECONOMIC BENEFIT WHICH DELAYED COMPLIANCE MAY HAVE CONFERRED: The Department is not aware of any evidence indicating that the Permittee received any significant economic benefit from these violations.

D. EFFORTS TO MINIMIZE OR MITIGATE THE EFFECTS OF THE VIOLATIONS UPON THE ENVIRONMENT: The Department is unaware of any efforts by the Permittee to minimize or mitigate the effects of the violations may have had upon the environment.

E. HISTORY OF PREVIOUS VIOLATIONS: The Department is not aware of violations not otherwise addressed herein.

F. THE ABILITY TO PAY: The Department is unaware of any evidence regarding the Permittee's inability to pay the civil penalty.

G. The civil penalty is summarized in Attachment 1.

H. The Department neither admits nor denies the Permittee's contentions, which are set forth below. This Special Order by Consent is a negotiated settlement and, therefore, the Department has compromised the amount of the penalty the Department believes is warranted in this matter in the spirit of cooperation and desire to resolve this matter amicably, without incurring the unwarranted expense of litigation.

PERMITTEE'S CONTENTIONS

17. The Permittee admits to its partial lack of timely inspection of certain construction sites permitted for land disturbance within the City of Vestavia Hills during the initial stages of implementing its inspection program (2018-2019) to fully meet "monthly" requirements as specified in our new individual MS4 permit. However, it asserts that the cause of this deficiency was related to failed inspection software for a small number of such construction sites. The Permittee further contends that each of the sites subject to the untimely inspections had approved BMP plans reviewed by the City and third party QCI/QCP inspections were performed in a timely manner. Upon determination of the software failure, the City immediately remedied the deficiency and has maintained a timely inspection history since that time. The City contends that there is no objective determination that its failure to inspect resulted in environmental harm. Furthermore, its standard of care was appropriate given its immediately implemented resolution of its software issue prior to commencement of the audit activity.

18. The Permittee admits to an error in submission of its 2018-2019 Annual Report, but denies substantive harm given the fact that the error was a result of an unintentional failure to edit standard language produced through partnership with the Storm Water Management Authority (SWMA) of Jefferson County.

19. The Permittee denies that it failed to provide an explanation as to the inspection deficiency as its correspondence following the initial receipt of the notice of violation produced a detailed explanation of the software deficiency.

20. The Permittee contends that it provided multiple efforts to mitigate and minimize alleged and potential environmental damage through execution of limitation of use covenants and easements dedicating multiple parcels of real estate for environmental stewardship purposes. It participated in multiple stream restoration projects and provided uncompensated leadership to multiple environmental regulation efforts.

21. As to the remaining contentions, the Permittee neither admits nor denies the Department's contentions.

22. The Permittee consents to abide by the terms of this Consent Order.

ORDER

THEREFORE, the Permittee, along with the Department, desires to resolve and settle the compliance issues cited above. The Department has carefully considered the facts available to it and has considered the penalty factors enumerated in Ala. Code § 22-22A-5(18)c., as amended, as well as the need for timely and effective enforcement, and the Department believes that the penalty assessed below and the following conditions are appropriate to address the violations alleged herein. Therefore, the Department and the Permittee (hereinafter collectively "Parties") agree to enter into this CONSENT ORDER with the following terms and conditions:

- A. Within **forty-five days** of the effective date of this Order, the Permittee agrees to pay the Department a civil penalty in the amount of \$8,000.00. Failure to pay the civil penalty within forty-five days of the effective date of this Order may result in the Department's filing a civil action in the Circuit Court of Montgomery to recover the civil penalty.
- B. That the Permittee shall meet the requirements of the Permit and SWMPP regarding qualifying construction sites not later than 90 days after the effective date of this Consent Order.

C. All penalties due pursuant to this Order shall be made payable to the Alabama Department of Environmental Management by certified or cashier's check and shall be remitted to:

Office of General Counsel
Alabama Department of Environmental Management
PO Box 301463
Montgomery, Alabama 36130-1463

D. This Consent Order shall apply to and be binding upon both Parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the Party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the Party represented, and to legally bind such Party.

E. Subject to the terms of these presents and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the violations which are cited in this Consent Order.

F. The Permittee is not relieved from any liability if it fails to comply with any provision of this Consent Order.

G. For purposes of this Consent Order only, the Department may properly bring an action to compel compliance with the terms and conditions contained herein in the Circuit Court of Montgomery County. In any action brought by the Department to compel compliance with the terms of this Agreement, the Permittee shall be limited to the defenses of *Force Majeure*, compliance with this Agreement and physical impossibility. A *Force Majeure* is defined as any event arising from causes that are not foreseeable and are beyond the reasonable control of the Permittee, including its contractors and consultants, which could not be overcome by due diligence (i.e., causes which could have been overcome or avoided by the exercise of due diligence will not be considered to have been beyond the reasonable control of the Permittee) and which delays or prevents performance by a date required by the Consent Order. Events such as unanticipated or increased costs of performance, changed economic

circumstances, normal precipitation events, or failure to obtain federal, state, or local permits shall not constitute *Force Majeure*. Any request for a modification of a deadline shall be accompanied by the reasons (including documentation) for each extension and the proposed extension time. The Permittee shall submit this information so that it is received by the Department a minimum of **ten working days** prior to the original anticipated completion date. If the Department, after review of the extension request, finds the work was delayed because of conditions beyond the control and without the fault of the Permittee, the Department may extend the time as justified by the circumstances. The Department may also grant any other additional time extension as justified by the circumstances, but it is not obligated to do so.

H. The sole purpose of this Consent Order is to resolve and dispose of all allegations and contentions stated herein concerning the factual circumstances referenced herein. Should additional facts and circumstances be discovered in the future concerning the MS4 which would constitute possible violations not addressed in this Consent Order, then such future violations may be addressed in other orders as may be issued by the Director, by litigation initiated by the Department, or by such other enforcement action as may be appropriate. The Permittee shall not object to such future orders, litigation, or enforcement action based on the issuance of this Consent Order if such future orders, litigation, or other enforcement action addresses new matters not raised in this Consent Order.

I. This Consent Order shall be considered final and effective immediately upon signature of all Parties. This Consent Order shall not be appealable, and the Permittee does hereby waive any hearing on the terms and conditions of same.

J. This Consent Order shall not affect the Permittee's obligation to comply with all applicable Federal, State, local laws, regulations, and permit conditions.

K. Final approval and entry into this Consent Order are subject to the requirements that the Department provide notice of proposed orders to the public, and that the public have at least thirty days within which to comment on the proposed Consent Order.

L. Should any provision of this Consent Order be declared by a court of competent jurisdiction or the Environmental Management Commission to be inconsistent with Federal or

State law and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.

M. Any modification of this Consent Order shall be agreed to in writing and signed by both Parties.

N. Except as otherwise set forth herein, this Consent Order is not and shall not be interpreted to be a permit or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the Permittee of its obligation to comply in the future with any permit.

Executed in duplicate, with each part being an original.

CITY OF VESTAVIA HILLS, ALABAMA

ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

EXECUTED AND ISSUED:

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

By: _____

Its: _____

Date: _____

Attachment 1

**City of Vestavia Hills--Phase I MS4
Vestavia Hills, Alabama, Jefferson County
NPDES No. ALS000017**

Violation*	Number of Violations*	(A)	(B)	(C)
		Seriousness of Violation*	Standard of Care*	History of Previous Violations*
Failure to Implement BMPs outlined in SWMPP/Permit	1	\$ 5,000.00	\$ 5,000.00	\$ -
Failure to Submit accurate 2018-2019 Annual Report	1	\$ 500.00	\$ 500.00	\$ -

Additional Adjustments due to negotiations, receipt of additional information, or public comment	
Mitigating Factors (-)	
Economic Benefit (+)	
Ability to Pay (-)	
Other Factors (+/-)	-\$3,000.00
Total Adjustments (+/-)	-\$3,000.00

\$5,500.00	\$5,500.00	\$0.00
Total (A)	Total (B)	Total (C)
Base Penalty Total [Total (A) + Total (B) + Total (C)]		\$11,000.00
Mitigating Factors (-)		
Economic Benefit (+)		
Ability to Pay (-)		
Other Factors (+/-)		
INITIAL PENALTY		\$11,000.00
Total Adjustments (+/-)		-\$3,000.00
FINAL PENALTY		\$8,000.00

Footnotes

*See the "Findings" portion of the Order for a detailed description of each violation and the penalty factors