

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 22, 2020
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Sam Williamson, Vestavia Hills Senior Chaplain
4. Pledge Of Allegiance
5. Announcements, Candidates and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner III, Finance Director
9. Approval Of Minutes – May 28, 2020 (Rescheduled Regular Meeting), June 3, 2020 (Special Called Meeting), and June 8, 2020 (Regular Meeting)

Old Business

10. 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*)

New Business

11. Resolution Number 5251 – A Resolution Authorizing The City Manager To Enter Into An Agreement With Jefferson County For Election Services
12. Resolution Number 5253 – A Resolution Accepting A Bid For The New Merkel House
13. Ordinance Number 2935 – Annual Tax Levy – Jefferson County, Alabama
14. Ordinance Number 2936 – Annual Tax Levy – Shelby County, Alabama

New Business (Requesting Unanimous Consent)

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

15. Resolution Number 5250 – A Resolution appointing an election manager for the 2020 City of Vestavia Hills Municipal Election
16. Resolution Number 5252 – A Resolution Establishing The Use Of Electronic Vote Counting And Ballot Marking Devices For 2020 Municipal Election
17. Motion for Adjournment
18. 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.

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 28, 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. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the City Council digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, III, Finance Director
Dan Rary, Police Chief
Brian Davis, Public Services Director
Jason Burnett, Parks and Recreation Supr.*
Marvin Green, Fire Chief*
Cinnamon McCulley, Communication Specialist*
Christopher Brady, City Engineer*
Umang Patel, Court Director*
**present via Zoom or telephone*

Don Richards, Vestavia Hills Chaplain, led the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mr. Pierce stated that the Chamber of Commerce has cancelled the following activities: (1) the June luncheon; and (2) the I Love America celebration.

- Mr. Head stated that they are continuing to follow the Governor's orders on the athletic fields.
- Mayor Curry stated that during election times, this is the section for introduction of candidates. He announced that he plans to run for re-election of the Office of the Mayor in the upcoming municipal election to be held in August.

CITY MANAGER'S REPORT

- Mr. Downes that the Council approved exploring the refinancing of existing debt. He stated with some opportunities for lower interest debt, a parameters resolution was passed. He stated that Moody's and Fitch will begin to review the City's finances and determine the City's credit rating. He stated that Moody's gave a public release of the City's AAA status with an outlook as stable. He indicated that the opinion will be released for public review soon.
- Mr. Downes that the bids were opened today for the City's upcoming sanitation services. He stated that he believes that two of the four submitted were very competitive – Amwaste and Arrow Disposal. He stated that the bids included options that will be discussed with the City Council at the June 15 work session. He stated he would request that entire work session be dedicated to that bid discussion.
- Mr. Downes stated that the bids for the New Merkel House came in slightly above budget. He indicated that it is being reviewed by TCI to see if they can get it back to budget and it will be presented at a later date.
- East Street Sidewalk construction will begin soon beginning with some bushes and trees that will need to be removed. Mr. Downes indicated that many of the residents are supportive of these efforts, but there are a couple that do not want sidewalks at all. He stated that all removal will either be on City ROW and/or on private property at the consent of the owners.

COUNCILOR REPORTS

- Mrs. Cook announced she will soon be scheduling a Coffee and Conversation and via video-conference.
- Mrs. Cook announced her intention to run for re-election for City Council, Place 2. She stated she has enjoyed serving over the past almost four years and looks forward to the campaign.
- Mr. Pierce announced his intention to run for re-election on City Council, Place Number 4.
- Mr. Weaver stated that the Planning and Zoning Commission will have their meeting on June 11, 2020 beginning at 6 PM.
- Mr. Weaver announced his intention to run for re-election on City Council, Place Number 1.

FINANCIAL REPORTS

Mr. Turner presented the financial reports for month ending April 2020. He read and explained the balances.

Mrs. Cook asked if the City was aware of the County real property reassessments when the budget forecast of revenues were assessed.

Mr. Turner indicated that they were unaware of the reassessment when drafting the budget, but that the City typically forecasts an increase each year as a regular practice. He indicated the County reassessments this year exceeded expectations.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: May 11, 2020 (Regular Meeting).

MOTION Motion to approve the minutes of the May 11, 2020 (Regular Meeting) was by Mrs. Cook, seconded by Mr. Pierce. Roll call vote as follows:

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

OLD BUSINESS

ORDINANCE NUMBER 2923

Ordinance Number 2923 – Rezoning – 3120 Blue Lake Drive; Rezone From Vestavia Hills R-1 To Vestavia Hills B-1.2; Judith Armstrong, LLC; Owner (*public hearing*)

MOTION Motion to approve Ordinance Number 2923 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Weaver stated this request is to rezone from residential to business for development of a private personal training facility and some additional office spaces with 10’ setbacks on the front and side and a 5’ sidewalk will be installed. He stated that this was contingent upon the approval and recording of a resurvey to square up the lot with a small portion of the property behind this property. He stated it was unanimously recommended for approval with that condition.

Walker Renneker, owner, was in attendance via Zoom. He thanked the Council for the consideration and explained the development.

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.

RESOLUTION NUMBER 5239

Resolution Number 5239 – Annexation – 90 Day – 2601 Fargo Drive; Lot 6, Block 2, Twin Branch Estates, South Sector, Tingting Dong, Owner (public hearing)

MOTION Motion to approve Resolution Number 5239 was by Mrs. Cook seconded by Mr. Pierce.

The Mayor stated that this is a request for annexation by the 90-day method. He stated that the next Ordinance on the agenda was the overnight annexation of the same property. Because these are concerning the same properties, he indicated that there would be one public hearing for both Resolution and Ordinance.

Mrs. Cook gave the report from the Standing Annexation Committee which had no adverse information.

Mr. and Mrs. Tingting Dong were present in regard to the request.

The Mayor opened the floor for a public hearing for a public hearing for Resolution 5239 and Ordinance 2926 for annexation of this property. 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 2926

Ordinance Number 2926 – Annexation – Overnight – Annexation – 90 Day – 2601 Fargo Drive; Lot 6, Block 2, Twin Branch Estates, South Sector, Tingting Dong, Owner (public hearing)

MOTION Motion to approve Ordinance Number 2926 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing had already closed.

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
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

RESOLUTION NUMBER 5240

Resolution Number 5240 – Annexation – 90 Day – 2495 Dolly Ridge Trail; Lot 2, Block 1, Dolly Ridge Estates, 1st Addition; Patrick And Ellen Pantanzis, Owners (public hearing)

MOTION Motion to approve Resolution Number 5240 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor stated that this is a request for annexation by the 90-day method. He stated that the next Ordinance on the agenda was the overnight annexation of the same property. Because these are concerning the same properties, he indicated that there would be one public hearing for both Resolution and Ordinance.

Mrs. Cook gave the report from the Standing Annexation Committee which had no adverse information.

The Mayor opened the floor for a public hearing for Resolution 5240 and Ordinance 2927 for annexation of this property. 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 2927

Ordinance Number 2927 – Annexation – Overnight – 2495 Dolly Ridge Trail; Lot 2, Block 1, Dolly Ridge Estates, 1st Addition; Patrick And Ellen Pantanzis, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2927 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing had already closed.

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
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

RESOLUTION NUMBER 5241

Resolution Number 5241 – Annexation – 90 Day – 2520 Skyland Drive; Lot 11, Block 2, Dolly Ridge Estates; Keavy And Nathan Ladner, Owners (*public hearing*)

MOTION Motion to approve Resolution Number 5241 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor stated that this is a request for annexation by the 90-day method. He stated that the next Ordinance on the agenda was the overnight annexation of the same property. Because these are concerning the same properties, he indicated that there would be one public hearing for both Resolution and Ordinance.

Mrs. Cook gave the report from the Standing Annexation Committee which had no adverse information.

Mr. and Mrs. Ladner were present in regard to this request.

The Mayor opened the floor for a public hearing for a public hearing for Resolution 5241 and Ordinance 2928 for annexation of this property. 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 2928

Ordinance Number 2928 – Annexation – Overnight – 2520 Skyland Drive; Lot 11, Block 2, Dolly Ridge Estates; Keavy And Nathan Ladner, Owners (*public hearing*)

MOTION Motion to approve Ordinance Number 2928 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing had already closed.

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
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

RESOLUTION NUMBER 5242

Resolution Number 5242 – Annexation – 90 Day – 3652 Altadena Drive, Lot 4, Altadena Acres; Edgar And Cathey Davis, Owners (public hearing)

MOTION Motion to approve Resolution Number 5242 was by Mrs. Cook seconded by Mr. Pierce.

The Mayor stated that this is a request for annexation by the 90-day method. He stated that the next Ordinance on the agenda was the overnight annexation of the same property. Because these are concerning the same properties, he indicated that there would be one public hearing for both Resolution and Ordinance.

Mrs. Cook gave the report from the Standing Annexation Committee which had no adverse information.

Cathey Davis was present in regard to the request.

The Mayor opened the floor for a public hearing for a public hearing for the Resolution and Ordinance for annexation of this property. 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 2929

Ordinance Number 2929 – Annexation – Overnight – 3652 Altadena Drive, Lot 4, Altadena Acres; Edgar And Cathey Davis, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2928 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor explained that this is the overnight annexation of the same property and that the public hearing had already closed.

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.

RESOLUTION NUMBER 5245

Resolution Number 5245 – A Resolution Accepting A Regional Assistance To Firefighters Federal Grant In The Amount Of \$120,269.16 And Matching 10% Of Said Grant For Increased Training Capability At City Stations (public hearing)

MOTION Motion to approve Resolution Number 5245 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated that this is a large regional grant to multiple entities with the largest portion being awarded to the VHFD for additional training equipment to be installed at all five fire stations. The City’s match is 10% and he recommended approval.

The Mayor opened the floor for a public hearing 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. Pierce – yes
Mayor Curry – yes
Mr. Head – yes
Mr. Weaver – yes
Motion carried.

NEW BUSINESS

RESOLUTION NUMBER 5246

Resolution Number 5246 – A Resolution Accepting A Bid For Landscaping At The Cahaba Heights Park

MOTION Motion to approve Resolution Number 5246 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated this is for landscaping at the Cahaba Heights Park.

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.

RESOLUTION NUMBER 5247

Resolution Number 5247 – A Resolution Authorizing The City Manager To Execute And Deliver An Easement Agreement With Alabama Power For An Electrical Easement At Wald Park

MOTION Motion to approve Resolution Number 5247 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated this electrical easement is for the new stealth light pole at SHAC.

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
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor stated that consideration and action of the following Ordinance will require unanimous consent. He opened the floor for a motion.

MOTION Motion for unanimous consent for immediate consideration and action of Ordinance 2933 was by Mrs. Cook, second was by Mr. Weaver. Roll call vote as follows:

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

ORDINANCE NUMBER 2933

Ordinance Number 2933 – An Ordinance Authorizing The Execution And Delivery Of An Amendment To The Agreement For Purchase And Sale Of Real Estate (*public hearing*)

MOTION Motion to approve Ordinance Number 2933 was by Mrs. Cook seconded by Mr. Pierce.

Mr. Downes explained that this is an amendment to a previously approved sales and purchase agreement in order to obtain some needed ROW for the Crosshaven project. He stated that this transaction involves multiple parties and this Ordinance provides additional time to close the transaction.

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.

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 June 8, 2020, at 6:00 PM.

- 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*)
- Ordinance Number 2932 – An Ordinance Naming Altadena Valley Park And Establishing Rules, Regulations And Time Of Operation For The Altadena Valley Park (*public hearing*)

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, stated that the sanitation bid opening was done today and asked when they would be available for public review. He asked about the white way lighting along the highway.

Mr. Downes indicated he can give Mr. Harwell a tabulation of the bids and that the contractor has successfully fixed some of the lights and are working on the others. He stated it is slow and tedious work to rewire each one.

Mr. Harwell discussed a drop-off of the highway. Mr. Downes stated that it has been reported to ALDOT.

Patrick Dewees, 3048 Asbury Park Place, discussed events that have recently taken place in the nation concerning the death of George Floyd while in the custody of the Minneapolis police department. He suggested the City consider a non-binding Resolution condemning that situation and assuring the public that the situation will never happen here.

Mrs. Cook stated that she appreciated the City's efforts to continue to allow public engagement electronically throughout this shutdown.

Mr. Pierce stated that the Mayor's Prayer Breakfast is still postponed until the Vestavia Country Club reopens.

At 6:58 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:59 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SPECIAL MEETING

JUNE 3, 2020

The City Council of Vestavia Hills met in special session on this date at 11:00 AM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the City Council digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Conrad Garrison, Acting Clerk
Melvin Turner, III, Finance Director
Brian Gilham, Police Captain
Brian Davis, Public Services Director
Cinnamon McCulley, Communication Specialist
**present via Zoom or telephone*

NEW BUSINESS

DECLARATION OF EMERGENCY

Declaration Of Emergency To Establish The Hours That The Vestavia Hills Municipal Center And Surrounding Property Situated At 1032 Montgomery Highway, Vestavia Hills, Alabama Shall Be Open And Closed To The Public

The Mayor stated the need to establish hours of operation and use of City Hall and the grounds.

Mr. Boone explained the current emergency situation as declared by the State of Alabama and the basis for said declarations. He stated that this Declaration is pursuant to a 1955 Act of Alabama. If the City Council determines that an emergency situation might be imminent, it can close any and all public buildings and grounds until public notice. He stated that over the years, the City has adopted various ordinances described the opening and closing of the City's parks but never established any hours for City Hall. He gave the hours of opening of the building and the grounds. He stated that the only exception is that members of the public may be able to go to the lobby of the Police Station 24 hours a day. He stated that two reasons has the Council reviewing this which are (1) COVID-19 pandemic and (2) current civil unrest.

Mrs. Cook asked if this in any way would prohibit people from protesting or coming onto the City's public property during the hours that it is open.

Mr. Boone stated that peaceful protest may occur during the open hours, but not during the closed hours.

Muriel Bailey, ABC 33/40, asked for clarification on the hours of operation. She asked if there is a citywide curfew or if the City is going under the County curfew.

Mr. Boone stated that Vestavia Hills has not adopted a curfew at this time.

Mrs. Cook asked Mr. Boone to read the Declaration for the record.

Mr. Boone read the Declaration aloud for the audience.

MOTION Motion to approve the Declaration of Emergency was by Mrs. Cook seconded by Mr. Weaver.

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
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

CITIZEN COMMENTS

Muriel Bailey, ABC 33/40 asked if the City is considering instituting a curfew.

Mayor Curry stated that the Council has not considered a curfew.

Brian Demarco, 2313 Old Columbiana Road, asked if the City has prepared for an anticipated protest that is supposed to be held today.

The Mayor stated that the City is aware of planned protest via social media and they are prepared to address that should protestors choose to protest in the City.

At 11:20 AM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 11:21 AM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JUNE 8, 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. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, this meeting was held with a portion of the City Council digitally attending the meeting via remote computer locations utilizing a Zoom.com application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Mayor Curry called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, III, Finance Director
Dan Rary, Police Chief
Brian Davis, Public Services Director
Marvin Green, Fire Chief
George Sawaya, Asst. Finance Director
Cinnamon McCulley, Communication Specialist*
**present via Zoom or telephone*

Butch Williams, Vestavia Hills Senior Chaplain, led the invocation followed by the Pledge of Allegiance. The Mayor expressed gratitude to Chaplain Williams for his participation in last week's protest.

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mrs. Cook announced her intention to run again for Vestavia Hills City Council, Place 2. She indicated that her website is www.cookforcouncil.org.

- Mr. Pierce stated that the following activities by the Chamber have been cancelled: June Chamber Luncheon and the I Love America celebration. He stated that the Chamber will resume luncheons when the Vestavia Country Club reopens.
- Mr. Pierce announced his intention to run for Vestavia Hills City Council, Place 4.
- Mr. Weaver announced his intention to run for Vestavia Hills City Council, Place 1.
- Mr. Weaver stated Coach Anderson has very recently announced his last season for football at the Vestavia Hills High School as he intends to retire following this next season.
- Mr. Head welcomed Mitch Bevill and Kirk McCulley, Vestavia Hills Park and Recreation Board members.
- Mr. Head announced the Parks and Recreation work session on June 12 in Council Chambers, due to social distancing requirements. He indicated that they are continuing to follow the state health orders on the athletic fields.

PROCLAMATION

The Mayor presented a Proclamation designating June 14, 2020, as “Flag Day.” Mr. Downes read it aloud, and the Mayor presented it to John Patterson with the Vestavia Hills Flag Foundation.

Mr. Patterson stated that the Scouts are to be commended for putting up the flags every year.

CITY MANAGER’S REPORT

- Mr. Downes commended the VHPD for working non-stop to handle many different types of situations with stellar service.
- Mr. Downes stated that the new emergency heavy-duty truck is in operation.
 - Chief Green showed a photo of the heavy rescue truck that the VHFD recently purchased. He stated this equipment replaces existing equipment, including a couple of utility trailers and pickup trucks, all of which had to be deployed for certain types of calls. He stated the new truck allows necessary equipment to be stored all in one place. New equipment includes a light tower and an on-board air system. He stated that buying this preowned vehicle was a good deal for the City.
- Mr. Downes reminded the Council that the results of the bids for sanitation will be the topic of discussion at the next work session.
- Mr. Downes stated that the City is requesting reimbursement of COVID-19 expense,s in the amount of approximately \$118,000, and he has gotten assurance from Tony Petelos, Jefferson County Manager, that the County will be allocating funding to cover these expenses.

COUNCILOR REPORTS

- Mr. Pierce thanked everyone involved in the recent protests. He stated in his experience that he hasn't seen this here before and he was proud to be a part of it.
- Mrs. Cook stated that she heard many positive comments about the city's accommodations for the protests, and that citizens appreciate the fact a curfew hasn't been imposed.
- The Mayor stated that he has heard from businesses that they were also happy not to have a curfew adopted and enforced by the City.
- Mr. Weaver stated that the regularly scheduled Planning and Zoning Commission meeting will be held this Thursday at 6 PM.
- Mr. Head stated it is good to see kids playing in the ballparks again.

APPROVAL OF MINUTES

None.

OLD BUSINESS

RESOLUTION NUMBER 5248

**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)**

MOTION Motion to approve Resolution Number 5248 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Pierce gave the report of the Standing Annexation Committee which described the proposed development of six single-family homes with access to Rocky Ridge Road. He stated that there was no adverse information found and no objections from the Board of Education.

Bart Carr, engineer for the project, was present in regard to the request.

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.

ORDINANCE NUMBER 2926

Ordinance Number 2932 – An Ordinance Naming Altadena Valley Park And Establishing Rules, Regulations And Time Of Operation For The Altadena Valley Park (public hearing)

MOTION Motion to approve Ordinance Number 2932 was by Mr. Weaver seconded by Mrs. Cook.

Mr. Head explained that this came before the Parks and Recreation Board during a work session and was discussed extensively. It was determined by the Board that the park needed to be named and have rules and regulations established, similar to every other park in the City.

Mitch Bevill, Parks and Recreation Board President, stated that this was discussed at the last meeting with attendees via Zoom. He stated the proposed rules mirror the same rules as the City's other parks.

Mr. Head added that, at one point, the City had suggested putting ballfields out there and the plans have changed to use as a passive park because the property is in a flood plain.

Mr. Bevill stated that several uses are being discussed, which might eventually include a canoe launch with a take-out in Hoover, and also some plans for disc golf.

Mr. Pierce stated that the property was donated to the City and initially was reviewed for ballfields, until it was determined the flooding of the property wasn't conducive for ballfields. Practice fields are still contemplated for it.

Mr. Weaver stated he would think that the failure to have rules in this park could subject the City to liability issues. He stated that the rules can always be changed by the Council, upon a recommendation from the Park Board. He suggested that a committee be formed to evaluate each park, and to settle issues for each park and determine what rules are most appropriate.

The Mayor opened the floor for a public hearing.

Jack Kaufman, 2689 Altadena Ridge Circle, commended the services of Coach Anderson. He stated that he was saddened to hear the news of the Coach's retirement. Mr. Kaufman stated he was involved in this because he has seen golf carts in this park for months without a problem. However, after the COVID-19 shutdown, people began riding recreational vehicles in the area, and he eventually saw fencing going up on the property. He stated that he feels the City took a knee-jerk reaction to the problems with the park. A number of the residents there have invested in golf carts to ride this area and they suggested the City issue permits for golf carts, to remove liability concerns by the owner. He stated that residents feel the Park Board didn't listen to their comments when they voiced their opposition and the Park Board meeting. He stated that the golf cart paths are existing already and should be utilized by the residents.

Stony Jackson, 2688 Altadena Ridge Circle, stated that he grew up in an area near here, and his wife owned a business in the City, so he is very familiar with this area. He stated that they moved into this area two years ago and invested in a golf cart. They enjoy riding the carts in the old park. He commended the City on the upkeep of the park. He stated that this park is different from other City parks, and the golf carts are a great and safe idea. He indicated he is against ATVs and other types of motorized recreational vehicles, but approves of golf carts.

Mrs. Cook stated that she has read the emails from the residents, and notes that the golf carts in Liberty Park, which were referenced in the emails, are only allowed on private and not City roads. She mentioned some of the complaints Liberty Park residents have about golf cart safety, and sharing sidewalks/cartpaths with pedestrians. Mr. Weaver agreed. She stated permit requirements are not very helpful in Liberty Park, because enforcement of any rules is difficult. She reminded everyone that riding the carts on City streets are illegal in the State of Alabama. Mr. Boone affirmed that carts may not be ridden on public streets or sidewalks.

Mr. Head stated that the residents felt like they weren't heard. He stated that the Board talked extensively about this issue. As it was discussed, all these issues came up and they did listen. He stated that control of the park is difficult because there are no personnel allocated to control the 66 acres. If the gate were opened, it can easily get out of control.

Mr. Pierce asked Mr. Boone how golf carts can be allowed.

Mr. Boone stated that any violation of a State law is a violation of Vestavia Hills law. The State of Alabama doesn't allow these vehicles on a road or on a sidewalk. Therefore, you cannot drive the vehicle to the Park without violating the law.

Mr. Kaufman stated that they had no idea what the Park Board had done about this and they sat in on the meeting, via Zoom, and, at the end, the motion was made without any discussion. He stated they felt ignored. He stated that how canoes would be allowed to launch on the river.

Mr. Head stated that is merely an idea being discussed with Cahaba Riverkeeper.

Mr. Kaufman said they are an organized nonprofit, yet they are getting more attention than residents, and he has an issue with that.

Kirk McCulley, Park Board, stated that the question has come up as an idea for "what's next." He stated that ideas for park uses were discussed at the previous work session, before the meeting, and he believes Altadena Valley Park is another Veteran's Park and there are things that might can be done at minimum cost.

Mr. Davis stated that potential uses include activities such as disc golf, running and walking on the paths. He stated that the fence had to be installed to keep vehicles, including pickup trucks, off the property. The canoe launch would be a grand feature and he stated he will be requesting a full-time employee, in the next budget, to help manage and operate this park.

Mrs. Cook stated that she looks to the Park Board to have the vision for how the parks should be used and regulated. She pointed out that individuals cannot safely share sidewalks with golf carts, and Liberty Park has received many safety complaints about golf carts on private sidewalks nearly running down pedestrians, and being driven by unlicensed drivers.

Mrs. Cook stated she called Mr. Kaufman to discuss his email and also spoke with the Park Board President to understand the issue. She stated she specifically made Mr. Kaufman aware of the opportunity to speak at tonight's public hearing, because she wanted to be sure he got to express his thoughts, in person, and directly to the Council before the decision, because it is important for resident concerns to be heard.

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.

The Mayor suggested that the residents join with the Park Board and address this further with a committee, as recommended by Mr. Weaver.

NEW BUSINESS

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor stated that consideration and action pertaining to Resolution 5249 and the Amendment to the Declaration of Emergency will require unanimous consent. He opened the floor for a motion.

MOTION Motion for unanimous consent for immediate consideration and action of Resolution Number 5249 and an Amendment to the Declaration of Emergency was by Mr. Weaver, second was 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.

RESOLUTION NUMBER 5249

Resolution Number 5249 – A Resolution Authorizing The City Manager To Purchase Ballistic Helmets For The VHPD (*public hearing*)

MOTION Motion to approve Resolution Number 5249 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated that this is a safety measure for the VHPD, and the expense will not exceed \$50,000. He stated that some of this would be offset by a grant through Senator Waggoner.

The Mayor opened the floor for a public hearing.

Jack Andrews, 3641 Dabney Drive, asked about the purpose of the helmet purchase.

The Mayor stated that, in the last few weeks, many police departments needed to utilize riot control gear to help manage any problems that might break out within the City. He indicated that they feel this is in the best interest of the police officers to have this safety equipment.

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.

AMENDMENT TO DECLARATION OF EMERGENCY

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*)

MOTION Motion to approve An Amendment to Declaration of Emergency was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes explained that the recent Declaration of Emergency, adopted by the City Council last week, didn't allow exceptions for public meetings, municipal court, or activities scheduled through the City Manager.

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.

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 June 22, 2020, at 6:00 PM.

- 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*)

CITIZEN COMMENTS

Mr. Pierce welcomed Donny Dobbins who is attending the meeting via Zoom, representing the Vestavia Hills Chamber of Commerce.

At 7:03 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 7:04 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

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

RESOLUTION NUMBER 5251

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JEFFERSON COUNTY FOR ELECTION EQUIPMENT AND SERVICES

WHEREAS, the City of Vestavia Hills, Alabama, will conduct a municipal election on August 25, 2020 for the purpose of election of a Mayor, Council Place #1, Council Place #2, Council Place #3, and Council Place #4 with all elected positions voted “at large,” and a runoff election on October 6, 2020, if needed; and

WHEREAS, the City desires to lease certain election services and equipment from the County; and

WHEREAS, Jefferson County has provided the City with a “Municipal Election Services Agreement” (“the Agreement”) detailing the available equipment and provided the cost of said equipment, a copy of which is marked as Exhibit A, attached to and incorporated into this Resolution Number 5251 as if written fully therein; and

WHEREAS, Jefferson County requested that the City pre-order and pre-pay for said equipment.

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 enter into the Agreement for election services and equipment with Jefferson County as per attached agreement; and
2. This Resolution Number 5251 is effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 22nd day of June, 2020.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

STATE OF ALABAMA

JEFFERSON COUNTY



MUNICIPAL ELECTION SERVICES AGREEMENT

THIS AGREEMENT entered into this _____, _____, by and between Jefferson County Commission, political subdivision of the State of Alabama (hereinafter called "the County"), and the City of Vestavia Hills, (hereinafter called "the City").

WHEREAS, the City's Municipal election will occur on Aug 25 2020 and, if required, a runoff election will occur on Oct 7 2020.

WHEREAS, the City desires to purchase certain election services from the County.

NOW, THEREFORE IN CONSIDERATION OF THE ABOVE AND THE BELOW, the parties hereto do mutually agree as follows:

SCOPE OF SERVICES; The Scope of this agreement is for County's General Services Department-Elections Division to provide election services for the above specified election which may include requested equipment and services as follows; ES&S DS-200 ballot tabulators, ES&S AUTOMARKS (voter assist terminals, for handicap voters), KNOWINK POLLPADS (electronic ePollbooks for Election Day voter look-up and check-in), voter privacy booths, tables, chairs, exterior "vote here" signage. Election services also includes ballot design and layout, equipment coding, assistance with equipment logic and accuracy testing, ePollbook data downloads and set up, equipment delivery/pickup and Election Day support for the provided equipment. City is responsible for ballot proofing accuracy and authorization.

EXCLUSIONS; Ballot printing services and Election Day supplies are not included in this agreement. City shall make separate provisions for ballot printing and Election Day supplies.

MUNICIPAL ELECTIONS; The specified elections equipment may be used to conduct Municipal elections for cities which lie within the legal jurisdiction of Jefferson County Alabama

EQUIPMENT; The County agrees to provide the following equipment for the above listed Municipal Election;

EQUIPMENT	UNIT RATE	UNIT OF MEASURE	QUANTITY	EXTENDED COST
DS200 Tabulators	\$450.00	each	12	5,400.00
DS200 (Absentee)	\$450.00	each	1	450.00
AUTOMARKS	\$450.00	each	6	2,700.00
AUTOMARK (Absentee)	\$450.00	each	1	450.00
POLLPAD Electronic Pollbook	\$125.00	each	23	2,875.00
Equipment Delivery	\$280.00	per precinct	7	1,960.00
Voter List - Posting/Pub	\$11.00	per 1000 Names*	3	990.00
Voter List - CD	\$11.00	per 1000 Names* + \$45	1	375.00
Tables	\$0.00	each		
Chairs	\$0.00	each		
Privacy Booths	\$0.00	each		
"Vote Here" Signage	\$0.00	each		
* Rounded up				
GRAND TOTAL:				15,200.00

3 rounded
30,000
voters

DELIVERY AND PICKUP OF EQUIPMENT; County has entered into a third party contractual agreement for delivery/pickup services of election equipment. The City clerk shall be responsible for coordination with the precinct's site contact person for the equipment deliveries/pickups.**

****In addition to the delivery base rate listed above, the County will be reimbursed by the City an additional \$175.00 per each site for redelivery if the equipment cannot be delivered on the scheduled delivery date and time due to the fault of the City.**

INSPECTION; The County and the City shall jointly inspect each piece of equipment and note the condition of each item prior to the release of equipment to the City and again immediately upon return of the equipment to the County. The equipment shall be returned in the same condition it was in at the time of release. City shall be responsible for all repair or replacement cost for damaged equipment.

Vestavia Hills Voter Stats 05/20/2020

		Active Voters	Inactive Voters
<u>VESTAVIA HILLS</u>			
<i>VEST HILLS PL 1</i>	<i>HORIZON CHURCH</i>	3,773	200
<i>VEST HILLS PL 2</i>	<i>VESTAVIA HILLS UNITED METHODIST CHURCH</i>	5,064	235
<i>VEST HILLS PL 3</i>	<i>MOUNTAINTOP COMMUNITY CHURCH</i>	3,958	202
<i>VEST HILLS PL 4</i>	<i>TOWN VILLAGE VESTAVIA HILLS</i>	6,233	304
<i>VEST HILLS PL 5</i>	<i>CAHABA HEIGHTS BAPTIST CHURCH</i>	4,823	391
<i>VEST HILLS PL 6</i>	<i>LIBERTY PARK BAPTIST CHURCH</i>	4,239	215
Total All Voters :		28,090	1,547
Vestavia Total Voters		29,637	

SHELBY

Processed: 05/20/2020 11:29 AM
 Printed: 05/20/2020 11:31 AM

VR Statistics Count Report

**Count of Registrants Eligible to Vote
 A Breakdown Of Party Within Districts**

Political Subdivision	Party	Grand Total
	PARTY NOT DESIGNATED	
MUNICIPALITY		
VESTAVIA MUNI DIST (MU0000016)	20	20
Grand Total	20	20

RESOLUTION NUMBER 5253

A RESOLUTION ACCEPTING A BID FOR CONSTRUCTION OF A NEW MERKEL HOUSE AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO SECURE SAID CONSTRUCTION

WHEREAS, Invitation to Bids were invited and publically read on May 18, 2020 for construction of a New Merkel House with three 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 5253 as if written fully therein; and

WHEREAS, recommendation was made in a letter dated June 8, 2020 from W. Ken Upchurch III, TCU, to accept the base bid submitted by Argo Building, a copy of which is marked as Exhibit B and is attached to and incorporated into this Resolution Number 5253 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 base bid submitted by Argo Building, 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 5253 shall become effective immediately upon adoption and approval.

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

BID TABULATION	NEW MERKEL - VESTAVIA HILLS		
DATE: Monday, 18 May 2020 TIME: 2:00pm CDT LOCATION: Vestavia City Hall - Executive Conference Room	Argo Building	Battle Miller Construction	Chase Building Group
Envelope Sealed	X	X	X
GC License No. on Envelope	X	X	X
Addenda 1 through 6 Acknowledged	X	X	X
Attachment "A" Unit Price and Alternates	X	X	X
Attachment "B" Accounting of Sales Tax	X	X	X
Bid Bond / Cashiers Check	X	X	X
Surety	X	X	X
Power of Attorney for Surety	X	X	X
License No. on Bid Form	X	X	X
Bid Signed	X	X	X
BASE BID	\$800,000.00	\$1,100,000.00	\$1,149,000.00
<i>Base Bid Envelope Notations</i>	\$149,422.00	-\$113,200.00	\$0.00
BASE BID TOTAL	\$949,422.00	\$986,800.00	\$1,149,000.00

I certify that this is a true and accurate tabulation of the bids received on the captioned project.

Robert Callighan
Williams Blackstock Architects



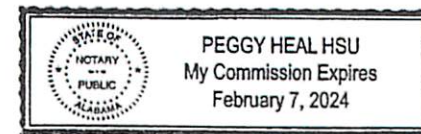
5/19/2020

Printed Name Signature Date



5/19/2020

Notary Public Date



June 8, 2020

Mr. Jeff Downes
City Manager
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

Re: New Merkle.

Dear Mr. Downes:

TCU Consulting Services has reviewed the bid and concur with Williams Blackstock Architects. It is our recommendation that the City of Vestavia Hills proceed with contract award to ARGO Construction Inc. for the Base Bid that was received on May 18, 2020 for the construction of New Merkle house and surrounding dog parks.

Sincerely,



W. Ken Upchurch, III
Principal

EXTERIOR VIEW



EXTERIOR VIEW



EXTERIOR VIEW



ORDINANCE NUMBER 2935

AN ORDINANCE TO AMEND ORDINANCE 2844 PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF.

WITNESSETH THESE HISTORICAL RECITALS:

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

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

and;

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

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

TOTAL 38.800 and;

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

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

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

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

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

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

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

TOTAL 3.100 and;

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

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

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

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

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

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

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

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

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

and;

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

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

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

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

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

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

the assess value of such property.

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

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

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

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

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

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

_____ For Proposed Taxation
_____ Against Proposed Taxation

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

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

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

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

TOTAL \$ 9.260

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

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

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

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

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

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

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

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

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

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

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

TOTAL 4.9300

SECTION TWO - SPECIAL DISTRICT TAXES: In addition to the taxes levied in SECTION ONE above, taxes are hereby levied for the City tax year commencing on the 1st day of October, 2020, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2021, as follows:

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

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

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

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2020, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2020, and shall on said date become a lien on the property subject thereto.

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

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2935, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

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

SECTION EIGHT - INTENT: It is the intent of the City of Vestavia Hills, Alabama, with the passage of this Ordinance Number 2935, that the aggregate local millage for general municipal purposes and local school district tax rates be Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property and consist of the following:

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

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

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

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

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

ADOPTED and APPROVED this the 22nd day of 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 # 2935 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 22nd day of June, 2020, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2936

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

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

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

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

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

SECTION TWO - SHELBY TAX LEVY: Taxes are hereby levied by the Shelby County Commission §40-7-42, Code of Alabama, 1975 for the City tax year commencing on the first day of October, 2020, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2021, as follows:

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

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

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

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

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2020, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2020, and shall on said date become a lien on the property subject thereto.

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

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2936, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

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

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

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2936 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 22nd day of June, 2019, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5250

**A RESOLUTION APPOINTING AN ELECTION MANAGER
FOR THE 2020 CITY OF VESTAVIA HILLS MUNICIPAL
ELECTION**

WHEREAS, the City of Vestavia Hills General Municipal Election will be held on August 25, 2020; and

WHEREAS, the City of Vestavia Hills Municipal Run-off Election will be held October 6, 2020; and

WHEREAS, the Mayor has announced his intention to qualify as a candidate in the 2020 General Municipal Election; and

WHEREAS, the Mayor has appointed Rebecca Leavings, City Clerk, to serve as the Election Manager for the 2020 Municipal Elections.

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

- (1) That Rebecca Leavings, City Clerk, is hereby appointed to serve as the Election Manager for the 2020 Municipal Elections; and
- (2) That said appointment will be effective immediately upon adoption and approval of said Resolution Number 5250.

DONE, ORDERED, APPROVED and ADOPTED this the 13th day of July, 2020.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5252

A RESOLUTION ESTABLISHING THE USE OF ELECTRONIC VOTE MARKING AND COUNTING DEVICES FOR MUNICIPAL ELECTIONS

WHEREAS, Chapter 7 of Title 17 of the Alabama Code of 1975, and the regulations adopted pursuant thereto by the Alabama Electronic Voting Committee, provide for the use of Electronic Vote Counting Systems; and

WHEREAS, Section 17-7-21 of the Code of Alabama of 1975 provides that a municipality may, in its discretion, by adoption of an appropriate resolution, authorize, adopt and direct the use of electronic vote counting systems for use in all elections held in such municipality; and

WHEREAS, the City of Vestavia Hills desires to utilize, by agreement, voting tabulators described as ES&S DS-200 Ballot Tabulators as well as Express Vote machines utilized by voters with disabilities owned by Jefferson County, Alabama for all municipal elections.

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

1. For all municipal elections held subsequent to the passage of this Resolution Number 5252, the use of ES&S DS-200 Ballot Tabulators as well as Express Vote machines utilized by voters with disabilities, a system which complies with Section 17-7-21 of the Code of Alabama, 1975 and any regulations adopted pursuant thereto, is hereby authorized for marking, reporting, counting, and tabulating of any and all municipal election results; and
2. The Mayor of the City of Vestavia Hills is hereby directed to file a copy of this Resolution Number 5252 with the Secretary of State as provided in Section 17-7-21 of the Code of Alabama of 1975; and
3. This Resolution Number 5252 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 13th day of July, 2020.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk