

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
AUGUST 24, 2020
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Ron Hige, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Announcements, Candidates and Guest Recognition
6. Proclamation – International Overdose Awareness Day – August 31, 2020
7. City Manager’s Report
 - a. FY 2021 Budget Message
8. Councilors’ Reports
9. Financial Reports
10. Approval Of Minutes – August 10, 2020 (Regular Meeting)

Old Business

11. Ordinance Number 2941 – An Ordinance Approving A Conditional Use For A Home Occupation For The Property Located At 4129 Vestview Drive For A Home Occupation. The Property Is Owned By Timothy Boyne And Is Zoned Vestavia Hills PUD PR-1 (*public hearing*)

New Business

12. Ordinance Number 2943 – An Ordinance Authorizing The Settlement Of The Case Of *Stephanie Manakides v. City Of Vestavia Hills, Alabama, Et Al*, Being Civil Action Number 01-Cv-2018-904625.00 Presently Pending In The Circuit Court For Jefferson County, Alabama; Authorizing And Directing The Mayor And City Manager To Pay The Funds Described Herein And To Take Any Action And Execute And Deliver Any And All Documents Necessary To Effectuate Said Settlement

13. Ordinance Number 2946 - An Ordinance Selecting The Level Of Services For The Collection And Disposal Services For Single-Family Residential Garbage, Trash, Recyclables, Leaves And Storm Debris And Authorizing And Directing The Mayor And City Manager To Execute And Deliver The Contract By And Between The City Of Vestavia Hills, Alabama And Amwaste, LLC

New Business (Requesting Unanimous Consent)

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

14. Ordinance Number 2945 – An Ordinance Approving And Adopting The General Fund Budget, A Special Revenue Fund Budget, A Capital Project Fund Budget And An Infrastructure And Community Spaces Project Fund Budget For The City Of Vestavia Hills For The Period Beginning October 1, 2020 Until September 30, 2021 (*public hearing*)
15. Ordinance Number 2944 – An Ordinance Approving The Final 10% Of The FY 2020 Budgets For The City Of Vestavia Hills And Authorizing The City Manager To Expend An Amount For Certain Capital Expenditures To Be Expensed To The 2020 FY Budget (*public hearing*)
16. Resolution Number 5266 – A Resolution Approving Financing Terms For City Vehicles And/Or Equipment Through BB&T Bank (*public hearing*)
17. Resolution Number 5267 – A Resolution Authorizing The City Manager To Grant Temporary Premium “Hazardous” Pay To Essential Employees Continuing To Work During The COVID-19 Pandemic For A Period Of 3 Months (*public hearing*)
18. Ordinance Number 2942 – An Ordinance Approving A Conditional Use For Installation Of A 6’ Shaded Security Fence To Be Installed Around The Perimeter Of The Property, Use Of Major Mechanical Repair Of Motor Vehicles And Short-Term Storage Of Motor Vehicles. The Property Is Owned By CRM Enterprises, LLC And Is Zoned Vestavia Hills B-3 (Conditional Business District) (*public hearing*)
19. Motion for Adjournment
20. 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.

WHEREAS, International Overdose Awareness Day is a global event held on August 31st each year with the purpose of raising awareness of overdoses, reducing the stigma of drug-related deaths, and to acknowledge the grief felt by families and friends; and

WHEREAS, drug overdose is an increasing global problem as evidenced by a report by the United Nations Office on Drugs and Crime (UNODC) that estimates over 183,000 people succumb to overdoses around the world every year; and

WHEREAS, According to the Centers for Disease Control and Prevention, drug overdose is the leading cause of accidental deaths in the United States and overdose death is preventable; and

WHEREAS, More than 70,980 Americans died from drug overdoses in 2019, including illicit drugs and prescription opioids, and that about 200 people overdose per day; and

WHEREAS, drug overdose deaths from opioids rose from 8,048 in 1999 to 47,600 in 2017. Since 2000, there have been 750,000 drug related overdose deaths; and

WHEREAS, the City of Vestavia Hills recognizes that this epidemic affects the citizens of our city, the surrounding metropolitan area, the state of Alabama, and our nation.

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim August 31, 2020 as

INTERNATIONAL OVERDOSE AWARENESS DAY

in the City of Vestavia Hills and call on our residents to join the fight to end the overdose crisis in our community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 24th day of August 2020.

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

AUGUST 10, 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 Alabama State Health Officer, requiring social distancing along with limits of attendees, this meeting was held with a portion of Staff and general public/audience members attending via Zoom.com following publication pursuant to Alabama law. Mayor Curry called the meeting to order and the acting City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, III, Finance Director
Danny Rary, Police Chief
Christopher Brady, City Engineer
Marvin Green, Fire Chief*
Umang Patel, Municipal Court Director*
Cinnamon McCulley, Communication Specialist*
**present via Zoom or telephone*

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

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mrs. Cook announced that school starts on August 20.
- Mr. Pierce welcomed to the meeting Chamber Board member, Rachel Patterson via Zoom.
- Mr. Weaver announced that the Planning and Zoning regular meeting will be Thursday at 6 PM both in person and via Zoom.

- Mr. Head announced that the Parks and Recreation Board Work Session will begin at 11 AM on Friday, August 21 in the Council Chambers with the Zoom option.
- David Harwell, candidate for City Council Place Number 3, introduced himself and asked for support in the upcoming election.
- Paul Head, candidate for City Council Place Number 3, introduced himself and asked for support in the upcoming election.
- Mayor Curry encouraged everyone to vote, even if it is only one seat up for election.

PROCLAMATION

The Mayor presented a Proclamation designating August 21, 2020, as “National Senior Citizen’s Day.” Mr. Downes read the proclamation aloud and the Mayor presented it to Anne Boston, Vestavia Hills Historical Society and Beautification Board; Ruby Denson, Vestavia Hills Senior Citizens Association; Sandi Wilson, Vestavia Hills Parks and Recreation Program Superintendent; and Melanie Perry, Manager, Vestavia Hills New Merkel House.

Mrs. Cook stated that the OLLI folks are also zooming in tonight in honor of this and she welcomed them.

Ms. Sandi Wilson, Parks and Recreation Superintendent over Seniors and Programming, announced a drive-thru event on August 21 honoring senior citizens. She stated that it will be great event.

CITY MANAGER’S REPORT

- Mr. Downes stated that this Friday, August 14 beginning at 6 PM, there will be a celebration of the opening of the Cahaba Heights Park and everyone is invited. There will be families honored that represent the long history of this park. Social distancing and masks will be observed and there will be food and festivities.
- Mr. Downes stated that bids were opened and read aloud for the Mountainview Sidewalk project. The bids were on budget, and the low bidder is Triple J. He stated that this will be brought before the Council in September with notice to proceed anticipated in October.
- Mr. Downes stated that sanitation services will be discussed by the Council at the work session next Monday, at 6PM, in the Council Chambers, with Zoom participation. A briefing packet will be sent to the Council ahead of time.

COUNCILOR REPORTS

- Mr. Pierce stated that he will be attending the Chamber luncheon via Zoom tomorrow with speaker Pete Blank.
- Mr. Pierce stated that, based on correspondence with Anne Boston, questions were posed to Sandi Wilson, and he is impressed with the plans Ms. Wilson plans to bring to our

seniors. Mr. Pierce stated that the city has seniors of various ages and their opinions change with age.

- Mrs. Cook stated she had clarified with the City Manager that the anticipated completion of the New Merkel House constructions project will likely be in January 2021.
- The Mayor stated that he will have one more Council meeting before he and his daughter will leave for New York City so his daughter can have a necessary surgery. He stated that the State of New York has Alabama on the “hot location” list and so he’ll have to quarantine for 2 weeks, there, before he will be allowed to enter the hospital. He should be back home in time for the October 12 meeting. He stated he will try to participate in meetings via Zoom, but Mayor Pro Tem Weaver will preside over the missed meetings in his absence.
- Mr. Weaver stated that Planning and Zoning had a work session Wednesday night and there were rezoning cases presented that evening that will soon be coming to Council.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: July 27, 2020 (Regular Meeting).

MOTION Motion to approve the minutes of the July 27, 2020 (Regular Meeting) was by Mrs. Cook, seconded 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.

OLD BUSINESS

NEW BUSINESS

ORDINANCE NUMBER 2814-A

Ordinance Number 2814-A – An Ordinance To Amend Chapter 16.5 Entitled “Telecommunications,” Article III Entitled “Small Cell Technology Facilities,” Of The Vestavia Hills Code Of Ordinances And To Amend Ordinance Number 2814 To Adopt Regulations For Small Cell Technology Facilities In The City Of Vestavia Hills, Alabama (*public hearing delayed until August 10*)

MOTION Motion to approve Ordinance Number 2814-A was by Mr. Weaver, seconded by Mr. Head.

The Mayor announced that two Councilors are recusing themselves from consideration of this Ordinance because of family connections to representing attorneys of the various communication companies. Mrs. Cook and Mr. Pierce recused.

Mr. Downes explained that these amendments do not change the substance of the previous Ordinance. He stated that the request came from Alabama Power to show that the intent of this small cell regulations does not apply to their operational electrical utility performance in the City. He stated he has worked with them over the language and ultimately agreed on it. Once submitted, AT&T approached the City with concerns over the verbiage. In working with both companies and Mr. Boone, a compromise was reached with a letter from Alabama Power's letter as an exhibit, allows this to finally come forward. Representatives from both companies are present in case there are any concerns.

Terri Williams, Regional Director for AT&T, thanked the Council and Mr. Downes for working with them on this Ordinance. She explained that they don't see how this affects Alabama Power but this revised Ordinance poses no issues with AT&T.

Chad Pilcher, attorney representing Alabama Power, explained the reasons for the recusals of the two Councilors and explained that they do use wireless units in their communications and don't want issues down the road.

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:

Mr. Head – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

**Mrs. Cook and Mr. Pierce recused themselves from consideration of this Ordinance.*

ORDINANCE NUMBER 2940

Ordinance Number 2940 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver A Supplemental Agreement No. 2 With Gresham Smith & Partners As Architect And Engineer For The Pedestrian Bridge Over US Highway 31 (public hearing)

MOTION Motion to approve Ordinance Number 2814-A was by Mr. Weaver, seconded by Mr. Pierce.

Christopher Brady, City Engineer, stated that this is additional funding to wrap up the design of the proposed pedestrian bridge. He explained the extra work required by the architect to coordinate utility coordination and other required changes. ALDOT plans to bid the project in November.

The Mayor stated this is good news and he hopes this bridge moves forward.

The Mayor opened the floor for a public hearing.

Mrs. Cook stated that she read the letter from the architect to Mr. Brady, which described a litany of problems including difficulty getting a response from utility companies. She stated it was a shame that it cost so much additional taxpayer money to bring the project to fruition, due to these inconveniences and ALDOT-required changes.

David Harwell, 1803 Catala Road, asked how the bridge is being funded.

Mr. Downes stated the funding comes from three different sources and there is an 80/20 split between the other sources and the city's share.

Discussion ensued regarding cost of the project and how the funding has been set aside through the years.

Mr. Pierce mentioned the many approvals that have been required over many years, due to changing requirements, and asked if the project meets all current specifications.

Mr. Brady stated that it does.

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

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

NEW BUSINESS

RESOLUTION NUMBER 5262

Resolution Number 5262 – A Resolution Re-Appointing Members To The Vestavia Hills Design Review Board

MOTION Motion to approve Resolution Number 5262 was by Mr. Weaver, seconded by Mrs. Cook.

The Mayor stated that this is the re-appointment of members to the Design Review Board. He stated that this is a unique Board because these members are comprised primarily of architects. The Board applies City design guidelines for any proposed non-residential development in the City, including design of entrances for all subdivisions prior to construction. He indicated that he has been remiss in not advertising for volunteers to serve on this Board, but has also not had anyone inquire about a vacancy. He stated that, in the future, he would be sure to advertise vacancies for boards such as this one to see if there are residents interesting in serving. He stated that tonight he is asking the Council to reappoint these individuals.

Mrs. Cook stated that she corresponded with the Mayor on this topic, today, because she had contacted someone who was interesting in serving, but got this information too late for it to be of use, since the position was not advertised. She noted she does know some of these being reappointed and knows they are highly qualified. She appreciates their willingness to serve in this important capacity for the City. She asked when the term of these individuals expires.

The Mayor responded the terms expired in January. He said these are highly qualified professional people and we are fortunate they are willing to serve in this volunteer position.

Mr. Pierce stated that he raised a question that they always interview for other Board members, and he thinks it is important that the Council has the opportunity to provide input in these Board positions. He said he wants to know who these people are before they appear on a Council agenda. He advocated the city advertise for the positions and provide information

Mrs. Cook asked if this would be on the staff calendar to remind the Council, so that these reappointments are not overlooked in the future.

The Mayor said that his administrative assistant had reminded him, and he just forgot to take action at the appropriate time.

Mr. Weaver asked if the Mayor had confirmed the candidates are willing to serve and are still Vestavia Hills residents.

The Mayor said all had been contacted and are willing to serve.

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 5263

Resolution Number 5263 – A Resolution Authorizing The City Manager To Execute And Deliver A Joint Services Agreement To Share Responsibilities For Improvements On Acton Drive And Acton Place

MOTION Motion to approve Resolution Number 5263 was by Mrs. Cook seconded by Mr. Weaver.

Mr. Downes stated that the City paved these two streets, and this agreement allows the City to collect the Jefferson County share of the paving cost of paving.

Mrs. Cook asked what share of the project cost was Jefferson County's responsibility.

Mr. Brady answered the City share is 60% and the County portion is 40%.

Discussion ensued regarding paving on Shades Crest Road.

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 5264

Resolution Number 5264 – A Resolution Appointing Election Officers For The Municipal Election To Be Held In The City Of Vestavia Hills, Alabama On August 25, 2020

MOTION Motion to approve Resolution Number 5264 was by Mr. Pierce, seconded by Mr. Weaver.

The Mayor stated that this Resolution appointing the poll workers for the August 25 election.

Mrs. Cook asked the approximate cost of running the election.

Ms. Leavings answered it will cost the City about \$65,000.

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 5265

Resolution Number 5265 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement For An Electrical Easement At The Vestavia Hills Community Center

MOTION Motion to approve Resolution Number 5265 was by Mr. Weaver, seconded by Mrs. Cook.

Mr. Downes explained this is an easement for the community center.

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)

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 August 10, 2020, at 6:00 PM.

- Ordinance Number 2941 – An Ordinance Approving A Conditional Use For A Home Occupation For The Property Located At 4129 Vestview Drive For A Home Occupation. The Property Is Owned By Timothy Boyne And Is Zoned Vestavia Hills PUD PR-1 (*public hearing*)

CITIZEN COMMENTS

None.

At 6:49 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:50 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2941

**AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL
FOR A HOME OCCUPATION**

WHEREAS, on October 16, 2000 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 1838 creating and establishing a P.U.D. (planned unit development) classification; and

WHEREAS, on February 19, 2001 the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 1864 to rezone 3,350 +/- acres from multiple Jefferson County and Vestavia Hills zoning classifications to Vestavia Hills P.U.D.; and

WHEREAS, Section 709.5.A.1.b of Ordinance Number 1838 classifies a “home occupation” permitted only as a “Conditional Use” and

WHEREAS, Timothy Boyne has submitted application for conditional use approval for a home occupation to be operated in the residence located at 4129 Vestview Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.; and

WHEREAS, Mr. Boyne has indicated in his application for conditional use approval that he will operate a consulting business out of his home pursuant to the specifications of a home occupation; and

WHEREAS, a copy of said application dated May 18, 2020 is attached and hereby incorporated into this Ordinance Number 2941.

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

1. Conditional Use Approval is hereby approved for Timothy Boyne for a home occupation as described in the above-referenced application for their residence located at 4129 Vestview Drive, Vestavia Hills, Alabama located in Liberty Park P.U.D. subject to the provisions in Article 9 of the Vestavia Hills Zoning Code outlined as follows:
 - (1) “Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the

dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling.

- (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation.
 - (3) There shall be no public display of goods and absolutely no commodities sold on the premises; no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by said home occupation. There shall be no pickup or deliveries to the residences that are related to said home occupation whether directly or indirectly.
 - (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
 - (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
 - (6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use.
 - (7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and
 - (8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”
2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 4129 Vestview Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
 3. A City of Vestavia Hills Business License shall be issued upon application and payment by Mr. Boyne working to the rules and regulations outlined in the Vestavia Hills Business License Code and shall be renewed each year that the

home occupation is operated from the location at 4129 Vestview Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.

4. At any time should Mr. Boyne vacate the premises located 4129 Vestview Drive, Vestavia Hills, Alabama, discontinue or relocate his business, this conditional use approval shall be nullified and said Ordinance Number 2941 shall be automatically repealed.

ADOPTED and APPROVED this the 24th day of August, 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 # 2941 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 24th day of August, 2020 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, 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

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

Date: **JULY 9, 2020**

- **CASE: P-0720-17**
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 4129 Vestview Dr
- **APPLICANT/OWNER:** Timothy Boyne
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As currently required by the Liberty Park PUD a conditional use permit is required for a home based business. A description of the applicants business is attached. The property is zoned PR-1.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**

1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: I recommend the Commission recommend approval with the following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.
2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.
3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.

5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.

8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request
4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Larson made a motion to recommend Conditional Use Approval for a home occupation for 4129 Vestview Dr. with the following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.

2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.

3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.

4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.

5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.

8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Maloof – yes
Mr. Romeo – yes
Mr. Weaver– yes
Mr. Sykes– yes
Mrs. Barnes – yes
Motion carried.

Mr. Ferrell – yes
Mr. Larson – yes
Ms. Cobb – yes
Mr. Weaver – yes

CITY OF VESTAVIA HILLS

2020 MAY 21 A 10:13
PLANNING AND ZONING COMMISSION

Conditional Use Application

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered.** Applications must be completed in its entirety and must contain all pertinent information in order to be considered. Acceptance by the Clerk does not constitute acceptance of complete and proper filing. All applicants are encouraged to present their request to the Zoning Staff on any Tuesday at 9 AM in the Executive Conference Room, City Hall, prior to submitting for a Conditional use.
- (3) This application must be filled out in its entirety completely, including zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Postage Fees for notification for Planning and Zoning and for City Council meetings along with applicable publication fees will be billed to applicant at a later date. The applicant is responsible for all notification fees. ***No permits will be issued until all fees have been paid.***
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: Timothy Boyne

ADDRESS: 4129 Vestview Drive, Vestavia Hills, AL. 35242

PHONE: 205.500.2168 EMAIL: tim@cahabawatersolutions.com

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: n/a

PHONE: _____ EMAIL: _____

II. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)

NAME: Timothy Boyne, President- Cahaba Water Solutions, Inc.
ADDRESS: 4129 Vestview Drive, Vestavia Hills, AL. 35242
PHONE: 205.500.2168 EMAIL: tim@cahabawatersolutions.com

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section _____ of the Vestavia Hills Zoning Code.
Current Zoning of Property: Residential
Requested Conditional use For the intended purpose of: Office

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

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

4129 Vestview Drive, Vestavia Hills, AL. 35242

Lot 57 according to the amended Map of Vestview Village, as recorded in Map Book 181, Page 97 in the Probate Office of Jefferson County, Alabama

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

*****All applications must contain a full legal description of subject property.*****

V. INFORMATION ATTACHED:



Attached Checklist complete with all required information.



Application fees submitted.

P0720-17//2700073004037.000
4129 Vestview Drive
Conditonal Use for home office
Timothy Boyne

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. **Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted**

Timothy Boyne, President
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 18th day of MAY, 2020.

Cheryl A. Triplett
Notary Public

My commission expires 8th
day of April, 2023.



P0720-17//2700073004037.000
4129 Vestview Drive
Conditonal Use for home office
Timothy Boyne

Cahaba Water Solutions, Inc.



www.cahabawatersolutions.com

May 18, 2020

Office of the City Clerk
Attn: Ms. Rebecca Leavings, City Clerk
1032 Montgomery Highway
Vestavia Hills AL 35216

Re: Conditional Use Application
Description of Business Activity

Dear Ms. Leavings:

Please find my description of office activity for Cahaba Water Solutions, Inc. at 4129 Vestview Drive, Vestavia Hills, AL. 35242. Cahaba Water Solutions, Inc. is a manufacturer's representative of water and wastewater treatment equipment. We are local representatives/agents for the manufacturers we represent serving the State of Alabama, Tennessee and the Florida Panhandle. This office of Cahaba Water Solutions, Inc. will serve as the primary mailing address of this company where day to day activities will be limited to home office activities. Office equipment at this location consists of a desk, computer, printer and file cabinets.

The company does not own any commercial vehicles, there will be no signs, no inventory/storage/manufacturing/repair of any equipment, no additional employees will operate an office at this location, no use of this location for meetings or presentations. There will be no traffic or other potential disturbances to neighboring residences associated with Cahaba Water Solutions, Inc.

Should you have any questions or would like to discuss further, please contact me at your convenience. Thank you.

Sincerely,
Tim Boyne

President, Cahaba Water Solutions, Inc.

4129 Vestview Drive
Vestavia Hills, Alabama 35242
tim@cahabawatersolutions.com
P 205.500.2168

P0720-17//2700073004037.000
4129 Vestview Drive
Conditonal Use for home office
Timothy Boyne

ORDINANCE NUMBER 2943

AN ORDINANCE AUTHORIZING THE SETTLEMENT OF THE CASE OF *STEPHANIE MANAKIDES V. CITY OF VESTAVIA HILLS, ALABAMA, ET AL*, BEING CIVIL ACTION NUMBER 01-CV-2018-904625.00 PRESENTLY PENDING IN THE CIRCUIT COURT FOR JEFFERSON COUNTY, ALABAMA; AUTHORIZING AND DIRECTING THE MAYOR AND CITY MANAGER TO PAY THE FUNDS DESCRIBED HEREIN AND TO TAKE ANY ACTION AND EXECUTE AND DELIVER ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE SAID SETTLEMENT.

THIS ORDINANCE NUMBER 2943 is approved, adopted and enacted by the City Council of the City of Vestavia Hills, Alabama on this the 24th day of August, 2020.

WITNESSETH THESE RECITALS:

WHEREAS, Alabama law at Title 11-43-56, *Code of Alabama, 1975*, provides that the City Council shall have the management and control of the finances and all of the property, real and personal, belonging to the City; and

WHEREAS, Title 11-43-43, *Code of Alabama, 1975*, provides that all legislative powers granted to cities shall be exercised by the City Council; and

WHEREAS, Title 11-40-1, *Code of Alabama, 1975*, declares municipalities bodies corporate and gives them the power to contract and be contracted with; provided, however, that the contract is in writing as required by Title 11-47-5, *Code of Alabama, 1975*; that the execution and delivery of the contract shall have first been approved by the City Council, *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (2011), in the form of an ordinance or resolution, *Van Antwerp, et al v. Board of Commissioners of City of Mobile*, 217 Ala. 201, 115 So. 239 (1928); that the contract be signed by the Mayor as required by Title 11-43-83, *Code of Alabama, 1975*; and that the contract be signed by the City Manager as required by Title 11-43-21(7), *Code of Alabama, 1975*; and

WHEREAS, Title 11-47-24(b), *Code of Alabama, 1975*, provides that all municipal corporations of the State of Alabama are authorized to contract at governmental expense for policies of liability insurance to protect the City and its employees in the course of their employment; and

WHEREAS, Title 11-47-190, *Code of Alabama, 1975*, provides that municipalities may be liable for negligence; and

WHEREAS, Title 11-93-2, *Code of Alabama, 1975*, establishes the maximum amount of damages recoverable against governmental entities with a limit of One Hundred Thousand Dollars (\$100,000.00); and

WHEREAS, on or about November 19, 2016, Stephanie Manakides was walking over and along a public sidewalk located at or near 1300-1304 Badham Lane in the City of Vestavia Hills, Jefferson County, Alabama; and

WHEREAS, Stephanie Manakides fell on the public sidewalk at said time and place and sustained what she describes as serious, severe and permanent injuries to her body including a broken arm and injured shoulder; and

WHEREAS, the case of *Stephanie Manakides v. City of Vestavia Hills, Alabama, et al*, (hereinafter referred to as “lawsuit”) was filed on November 16, 2018 as civil action number 01-CV-2018-904625.00 in the Circuit Court of Jefferson County, Alabama, and said lawsuit is presently pending; and

WHEREAS, Stephanie Manakides, by and through her attorney of record, has offered to settle the lawsuit for the sum of Twenty-five Thousand Dollars (\$25,000.00), which is an amount less than the deductible on the City’s general comprehensive liability policy; and

WHEREAS, attorney J. Bentley Owens, III, legal counsel of record representing the City in the lawsuit, and City Attorney Patrick H. Boone, by letter dated August 19, 2020, have recommended that the City accept the Plaintiff’s offer of settlement in the amount of Twenty-five Thousand Dollars (\$25,000.00); and

WHEREAS, a copy of the letter, dated August 19, 2020, from City Attorney Patrick H. Boone and J. Bentley Owens, III is attached hereto, marked as Exhibit A and is incorporated into this ordinance by reference as though set out fully herein.

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

- 1.** The recitals set forth in the premises above are hereby incorporated into this ordinance by reference as though set out fully herein.
- 2.** The City Manager and Mayor are hereby authorized and directed to settle the lawsuit described in the premises above pursuant to the written recommendation of City Attorney Patrick H. Boone and special legal counsel and attorney of record, J. Bentley Owens, III, pursuant to the terms, provisions and conditions hereinafter set forth below.

3. The total amount of settlement to be paid by and/or for and on behalf of the City of Vestavia Hills, Alabama (“City”) shall be the sum of Twenty-five Thousand Dollars (\$25,000.00).

4. The lawsuit against the City and all Defendants named in the lawsuit shall be dismissed with prejudice.

5. The Plaintiff shall forever discharge and release all of the named Defendants in the lawsuit from any and all damages arising out of the incident made the basis of this lawsuit and shall make no claim for any attorney fee whatsoever against the Defendants. Plaintiff shall also satisfy all subrogation liens arising out of the accident and shall indemnify and defend the City against any and all claims for reimbursement, whether medical or otherwise.

6. The Mayor and City Manager are hereby authorized and directed to pay the funds described in section 3 above and to take any action and execute and deliver any and all documents necessary to effectuate said settlement.

7. The settlement authorized herein is a compromise, adjustment and settlement of a doubtful and disputed claim and the payment of the sum recited in section 3 above is not an admission of liability by the City of Vestavia Hills, Alabama or any of its public officials or public employees and the City expressly denies liability.

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

9. The provisions of this Ordinance Number 2943 shall become effective immediately upon the passage, approval and adoption thereof by the City Council of the City of Vestavia Hills, Alabama and the publication and/or posting thereof as required by Alabama law.

ORDAINED, APPROVED, ADOPTED, DONE and ORDERED on this the 24th day of August, 2020.

Ashley C. Curry
Mayor

ATTESTED BY

Rebecca Leavings
City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an ordinance duly and legally adopted by the City Council of the City of Vestavia Hills, Alabama, on the 24th day of August, 2020 while in regular session, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this 24th day of August, 2020.

Rebecca Leavings, City Clerk

EXHIBIT A

RECOMMENDATION FOR SETTLEMENT OF LAWSUIT

TO: City Manager Jeffrey D. Downes

FROM: City Attorney Patrick H. Boone and
Special Legal Counsel J. Bentley Owens, III

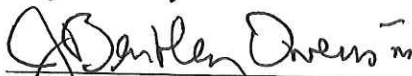
DATE: August 19, 2020

IN RE: Stephanie Manakides, Plaintiff v. City of Vestavia Hills, et al, Defendants
Jefferson County Circuit Court Case No. 01-CV-2018-904625.00 PJB

The Plaintiff, by and through her attorney, has offered to settle the above lawsuit upon payment by the City for Twenty-five Thousand Dollars (\$25,000.00). We recommend that the City Council accept the offer of settlement all in accordance with the terms and provisions of Ordinance Number 2943.



Patrick H. Boone
City Attorney



J. Bentley Owens, III
Special Legal Counsel

ORDINANCE NUMBER 2946

AN ORDINANCE SELECTING THE LEVEL OF SERVICES FOR THE COLLECTION AND DISPOSAL SERVICES FOR SINGLE-FAMILY RESIDENTIAL GARBAGE, TRASH, RECYCLABLES, LEAVES AND STORM DEBRIS AND AUTHORIZING AND DIRECTING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER THE CONTRACT BY AND BETWEEN THE CITY OF VESTAVIA HILLS, ALABAMA AND AMWASTE, LLC, WHICH IS ATTACHED HERETO AND MARKED AS EXHIBIT A.

WITNESSETH THIS ORDINANCE NUMBER 2946 APPROVED AND ADOPTED
by the City Council of the City of Vestavia Hills, Alabama on this the 24th day of August, 2020.

WITNESSETH THESE RECITALS:

WHEREAS, the City of Vestavia Hills, Alabama presently has a contract with Republic for the collection and disposal services for single-family residential garbage, trash, recyclables, leaves and storm debris, which terminates on September 30, 2020; and

WHEREAS, the City of Vestavia Hills, Alabama invited sealed competitive bids for a new three (3) year contract beginning October 1, 2020; and

WHEREAS, the notice advertised by the City of Vestavia Hills inviting sealed competitive bids for the collection and disposal services for single-family residential garbage, trash, recyclables, leaves and storm debris requested that bidders submit bids for several different levels of service; and

WHEREAS, four different companies responded by submitting sealed bids; and

WHEREAS, AmWaste, LLC submitted its bid on May 28, 2020 and included bids for several different levels of service as requested by the City; and

WHEREAS, the City Council found and determined that the bid submitted by AmWaste, LLC was the lowest and most responsive bid submitted; and

WHEREAS, the City Council approved and adopted Resolution Number 5255 on July 13, 2020, which accepted the bid submitted by AmWaste, LLC upon the condition that the City Council would withhold the determination of the level of service to be provided by said Contractor until the Community Engagement Process had been completed; and

WHEREAS, the Community Engagement Process has now been completed; and

WHEREAS, the City Council finds and determines that the best level of services are those services more particularly described in Section F on page 28 of the Bid Documents and more particularly described in Section 6 of the Contract attached to this Ordinance Number 2946, marked as Exhibit A and incorporated into this Ordinance Number 2946 by reference as though set out fully herein; and

WHEREAS, the City and the Contractor are required by the Alabama Competitive Bid Law and the Contract Documents to reduce their agreement to writing in the form of a written contract; and

WHEREAS, Alabama law at Title 11-43-56, *Code of Alabama, 1975*, provides that the City Council shall have the management and control of the finances and all of the property, real and personal, belonging to the City; and

WHEREAS, Title 11-43-43, *Code of Alabama, 1975*, provides that all legislative powers granted to cities shall be exercised by the City Council; and

WHEREAS, Title 11-40-1, *Code of Alabama, 1975*, declares municipalities bodies corporate and gives them the power to contract and be contracted with; provided, however, that the contract is in writing as required by Title 11-47-5, *Code of Alabama, 1975*; that the execution and delivery of the contract shall have first been approved by the City Council, *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (2011), in the form of an ordinance or resolution, *Van Antwerp, et al v. Board of Commissioners of City of Mobile*, 217 Ala. 201, 115 So. 239 (1928); that the contract be signed by the Mayor as required by Title 11-43-83, *Code of Alabama, 1975*; and that the contract be signed by the City Manager as required by Title 11-43-21(7), *Code of Alabama, 1975*.

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

1. The recitals set forth in the premises above are hereby approved, confirmed and ordained by the enactment of this Ordinance Number 2946.

2. The City Council finds and determines that the best level of services are those services more particularly described in Section F on page 28 of the Bid Documents and more particularly described in Section 6 of the Contract attached to this Ordinance Number 2946, marked as Exhibit A and incorporated into this Ordinance Number 2946 by reference as though set out fully herein.

3. Upon approval, adoption and enactment of this Ordinance Number 2946, the Mayor and City Manager are hereby authorized and directed to execute and deliver the Contract marked as Exhibit A and any and all other documents and to take whatever action is necessary all in accordance with the terms, provisions and conditions of the Contract attached hereto.

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

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

ORDAINED, APPROVED, ADOPTED, DONE and ORDERED on this the 24th day of August, 2020.

Ashley C. Curry
Mayor

ATTESTED BY

Rebecca Leavings
City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an ordinance duly and legally adopted by the City Council of the City of Vestavia Hills, Alabama, on the 24th day of August, 2020 while in regular session, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this _____ day of August, 2020.

Rebecca Leavings, City Clerk

STATE OF ALABAMA

EXHIBIT A

JEFFERSON COUNTY

CONTRACT

THIS CONTRACT FOR THE COLLECTION AND DISPOSAL SERVICES FOR SINGLE-FAMILY RESIDENTIAL GARBAGE, TRASH, RECYCLABLES, LEAVES AND STORM DEBRIS (“Contract”) is made and entered into on this the _____ day of August, 2020 by and between the City of Vestavia Hills, Alabama, a municipal corporation, located at 1032 Montgomery Highway, Vestavia Hills, Alabama (hereinafter referred to as “City”), and AmWaste, LLC with its principal place of business being located at 1400 Porter Road in Sylvan Springs, Alabama 35118 (hereinafter referred to as “Contractor”).

WITNESSETH THESE RECITALS:

WHEREAS, the City of Vestavia Hills, Alabama presently has a contract with Republic for the collection and disposal services for single-family residential garbage, trash, recyclables, leaves and storm debris, which terminates on September 30, 2020; and

WHEREAS, the City of Vestavia Hills, Alabama invited sealed competitive bids for a new three (3) year contract beginning October 1, 2020; and

WHEREAS, the notice advertised by the City of Vestavia Hills inviting sealed competitive bids for the collection and disposal services for single-family residential garbage, trash, recyclables, leaves and storm debris requested that bidders submit bids for several different levels of service; and

WHEREAS, four different companies responded by submitting sealed bids; and

WHEREAS, AmWaste, LLC submitted its bid on May 28, 2020 and included bids for several different levels of service as requested by the City; and

WHEREAS, the City Council found and determined that the bid submitted by AmWaste, LLC was the lowest and most responsive bid submitted; and

WHEREAS, the City Council approved and adopted Resolution Number 5255 on July 13, 2020, which accepted the bid submitted by AmWaste, LLC upon the condition that the City Council would withhold the determination of the level of service to be provided by said Contractor until the Community Engagement Process had been completed; and

WHEREAS, the Community Engagement Process has now been completed; and

WHEREAS, the City Council finds and determines that the best level of services are those services more particularly described in Section F on page 28 of the Bid Documents and more particularly described in Section 6 of this Contract; and

WHEREAS, the City and the Contractor are required by the Alabama Competitive Bid Law and the Contract Documents to reduce their agreement to writing in the form of a written contract; and

WHEREAS, Alabama law at Title 11-43-56, *Code of Alabama, 1975*, provides that the City Council shall have the management and control of the finances and all of the property, real and personal, belonging to the City; and

WHEREAS, Title 11-43-43, *Code of Alabama, 1975*, provides that all legislative powers granted to cities shall be exercised by the City Council; and

WHEREAS, Title 11-40-1, *Code of Alabama, 1975*, declares municipalities bodies corporate and gives them the power to contract and be contracted with; provided, however, that the contract is in writing as required by Title 11-47-5, *Code of Alabama, 1975*; that the execution and delivery of the contract shall have first been approved by the City Council, *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (2011), in the form of an ordinance or resolution, *Van Antwerp, et al v. Board of Commissioners of City of Mobile*, 217 Ala. 201, 115 So. 239 (1928); that the contract be signed by the Mayor as required by Title 11-43-83, *Code of Alabama, 1975*; and that the contract be signed by the City Manager as required by Title 11-43-21(7), *Code of Alabama, 1975*.

NOW, THEREFORE, in consideration of the premises, the mutual covenants hereinafter contained and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, City and Contractor hereby mutually covenant and agree as follows:

1. The recitals set forth above are incorporated herein by reference as though set out fully herein.
2. The Contractor is hereby granted the sole and exclusive franchise, license and privilege within the territorial jurisdiction of the City and shall furnish all personnel, labor, equipment, trucks and all other necessary items to provide Residential Garbage and Trash Collection and Disposal, and Residential Recycling Collection services as specified and to perform all of the work called for and described in the Contract Documents.
3. The Contract Documents shall include the following documents, and the Contract does hereby expressly incorporate same herein as fully as if set forth verbatim in the Contract:

<u>Document</u>	<u>Exhibit</u>
a. Contract Agreement.	
b. Bid Form completed by Contractor.	3b
c. Bid Bond.	3c
d. Invitation to Bid.	3d
e. Instructions to Bidder.	3e
f. Performance Bond.	3f

g.	General Conditions.	3g
h.	Supplemental Conditions.	3h
i.	Special Conditions.	3i
j.	Specifications.	3j
k.	Addenda to Bid Specifications.	3k
l.	Forms.	3l
m.	Exhibits.	3m
n.	Payment Bond.	3n
o.	All Contract Addenda.	3o

4. All provisions of the Contract Documents shall be strictly complied with and conformed to by the Contractor, and no amendment to this Contract shall be made except upon the written consent of the parties, which consent shall not be unreasonably withheld. No amendment shall be construed to release either party from any obligation of the Contract Documents except as specifically provided for in such amendment.

5. This Contract is entered into subject to the following conditions:

a. The Contractor shall procure and keep in full force and effect throughout the term of this Contract all of the insurance policies specified in, and required by, the Contract Documents.

b. Neither the Contractor nor the City shall be liable for the failure to perform their duties if such failure is caused by a catastrophe, riot, war, governmental order or regulation, strike, fire, accident, act of God or other similar or different contingency beyond the reasonable control of the Contractor or the City.

c. In the event that any provision or portion thereof of any Contract Document shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of any Contract Document shall not affect the validity or enforceability of any other provision or portion of the Contract Documents.

6. The notice advertised by the City of Vestavia Hills inviting sealed competitive bids for the collection and disposal services for single-family residential garbage, trash, recyclables, leaves and storm debris requested that bidders submit bids for several different levels of service.

The Contractor, AmWaste, LLC, submitted its sealed bid to the City of Vestavia Hills on May 28, 2020. A copy of that Bid is attached hereto, marked as Exhibit 2b and is incorporated into this Contract by reference as though set out fully herein.

On August 24, 2020, the City Council approved and adopted Ordinance Number 2946 accepting Level F as set forth on Contractor's Bid Exhibit 3b and authorized and directed the Mayor and City Manager to execute and deliver this Contract for and on behalf of the City.

For the sake of clarity and the benefit of the general public, the City and Contractor wish to set forth the services to be performed by the Contractor for and during the term of this Contract or

any extension thereof.

Anything contained in the Contract Documents to the contrary notwithstanding, the City and Contractor expressly and mutually agree that the services to be performed by the Contractor shall be as follows:

a. FIRST WEEKLY CONTAINERIZED PICKUP: The first weekly containerized pickup shall be limited to “garbage” as defined in Section III-A-5 of the Specifications. The Contractor shall deliver the garbage to an Alabama Department of Environmental Management (ADEM) approved facility for disposal.

b. SECOND WEEKLY CONTAINERIZED PICKUP: The occupant of the single-family residential dwelling may put “garbage” (as defined in Section III-A-5 of the Specifications) and “recyclable materials” (as defined in Section III-A-8 of the Specifications) in the cart/container for the second weekly containerized pickup.

Contractor shall deliver all second weekly containerized pickups to Repower South in Montgomery, Alabama. The combined waste for all said second weekly containerized pickups (garbage and recyclable materials) shall be separated by Repower South. The recycled materials shall be processed thereafter in the normal recycling course of business.

c. LANDFILL: Contractor hereby guarantees that for and during the term of this Contract or any extension thereof, the Contractor shall always deliver all of the **second** weekly containerized pickup to a facility that will either:

i. Separate the garbage from the recyclable materials and be processed as described in section b. above; or

ii. Reduce or repurpose the combined material as comingled with a process that significantly reduces the amount of waste material that will require landfilling.

iii. If Contractor and Repower South cease to do business for any reason whatsoever, then in such event the City and Contractor expressly agree that they will mutually agree on another landfill to perform the services formerly done by Repower South and amend this Contract in writing to reflect that change.

d. TRASH: Trash, as defined in Section III-A-6 of the Specifications, shall be picked up by the Contractor and disposed of at the landfill in Sylvan Springs, Alabama within ten (10) days after the occupant has placed said trash at curbside.

e. **MONTHLY COST:** In consideration of the services performed by Contractor, as set forth in sections a, b, c and d above, the City shall pay to Contractor each month as shown on Exhibit 2b being an amount equal to the number of single-family residential dwellings serviced by Contractor that month multiplied by \$22.27 per said dwellings.

7. **MISCELLANEOUS**

a. **NON WAIVER:** The failure of the City to insist, in any one or more instances, upon a strict performance of any of the covenants of this Contract, or to exercise any option herein contained, shall not be construed as a waiver, or a relinquishment for the future of such covenant or option, but the same shall continue and remain in full force and effect.

b. **WAIVER OF MODIFICATION:** Any waiver, alteration or modification of any of the provisions of this Contract or cancellation or replacement of this Contract shall not be valid unless in writing and signed by the City and Contractor. This Contract may be amended at any time by written agreement of the parties signatory hereto. No claims for any extra work or materials shall be allowed unless covered by written agreement of the parties.

c. **NOTICES:** Any and all notices required or permitted to be given under this Contract will be sufficient if furnished in writing and sent by Registered Mail to the parties' last known address.

d. **CONSTRUCTION OF TERMS:** The City and Contractor negotiated the terms, provisions and conditions of this Contract and both parties had the equal opportunity for input for the drafting of this Contract. Therefore, any ambiguities of this Contract shall be construed fairly and equitably regardless of the participation of either party in drafting this Contract. The reference in terms to gender and number shall be modified as may be appropriate.

e. **GOVERNING LAW:** This Contract shall be interpreted, construed and governed to the laws of the State of Alabama. The jurisdiction and venue for the resolution of any dispute shall be in Jefferson County, Alabama.

f. **ARTICLE AND SECTION HEADINGS:** The article and section headings and captions contained herein are included for convenience only, and shall not be considered a part hereof or affect in any manner the construction or interpretation hereof.

g. **EXECUTION IN COUNTERPARTS:** The Contract may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

h. **BINDING EFFECT:** The Contract shall inure to the benefit of, and shall be binding upon City and Contractor, and their heirs, successors and assigns.

i. **SEVERABILITY:** In the event any provision of this Contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

j. **SURVIVAL:** All representations and warranties of this Contract shall survive the execution and delivery of this Contract, as shall any covenants for performance thereafter.

k. **ENTIRE AGREEMENT:** This written Contract contains the entire agreement between the City and the Contractor.

IN WITNESS WHEREOF, we, the contracting parties, by our duly authorized agents, hereto affix our signatures and seals, as of this the _____ day of August, 2020.

CITY:

**CITY OF VESTAVIA HILLS, ALABAMA
An Alabama Municipal Corporation**

By: _____
Ashley C. Curry
Mayor

By: _____
Jeffrey D. Downes
City Manager

SEAL of the City of Vestavia Hills, Alabama
ATTESTED:

By _____
Rebecca Leavings
City Clerk

CONTRACTOR:

AMWASTE, LLC

(CORPORATE SEAL)

By: _____
Its _____

**STATE OF ALABAMA
JEFFERSON COUNTY**

NOTARY CERTIFICATE

I, the undersigned, a notary public in and for said county in said state, hereby certify that Ashley C. Curry, whose name as Mayor of the City of Vestavia Hills, Alabama, an Alabama municipal corporation, is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such Mayor and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal this _____ day of August, 2020.

Notary Public

My Commission Expires:

SEAL

**STATE OF ALABAMA
JEFFERSON COUNTY**

NOTARY CERTIFICATE

I, the undersigned, a notary public in and for said county in said state, hereby certify that Jeffrey D. Downes, whose name as City Manager of the City of Vestavia Hills, Alabama, an Alabama municipal corporation, is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, he, as such City Manager and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal this _____ day of August, 2020.

Notary Public

My Commission Expires:

SEAL

**STATE OF ALABAMA
JEFFERSON COUNTY**

NOTARY CERTIFICATE FOR CONTRACTOR

I, the undersigned, a notary public in and for said county in said state, hereby certify that _____, whose name as _____ of AmWaste, LLC is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, (s)he, as such officer and with full authority, executed the same voluntarily for and as the act of said AmWaste, LLC.

Given under my hand and official seal this _____ day of August, 2020.

Notary Public

My Commission Expires:

SEAL

ORDINANCE NUMBER 2945

AN ORDINANCE APPROVING AND ADOPTING THE GENERAL FUND BUDGET, A SPECIAL REVENUE FUND BUDGET, A CAPITAL PROJECT FUND BUDGET, AND AN INFRASTRUCTURE AND COMMUNITY SPACES PROJECT FUND BUDGET FOR THE CITY OF VESTAVIA HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 2020 UNTIL SEPTEMBER 30, 2021.

WHEREAS, the City Manager has prepared and presented a “general fund budget” which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$47,783,673 including transfers out, to be effective for the period beginning October 1, 2020, through September 30, 2021; and

WHEREAS, the City Manager has prepared a “special fund budget” for said period reflecting anticipated expenditures in the amount of \$3,565,670 including transfers from the General Fund, to be effective for the period beginning October 1, 2020, through September 30, 2021; and

WHEREAS, the City Manager has prepared a “capital projects fund budget” for said period reflecting expenditures in the amount of \$4,485,967 to be effective for the period beginning October 1, 2020, through September 30, 2021.

WHEREAS, the City Manager has prepared an “infrastructure and community spaces fund budget” for said period reflecting expenditures in the amount of \$4,434,491 to be effective for the period beginning October 1, 2020, through September 30, 2021.

WHEREAS, Title 11-43-57, Code of Alabama, 1975, provides as follows:

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the current expenses of the City and interest on the bonded and other indebtedness of the City; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$43,005,306, of the municipal “general fund budget” for the City of Vestavia Hills for fiscal year 2020-2021 upon the terms, conditions, and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$3,209,103, of the municipal “special revenue fund budget” for the City of Vestavia Hills for fiscal year 2020-2021 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$4,037,370, of the “capital project fund budget” for the City of Vestavia Hills for fiscal year 2020-2021 upon the terms, conditions and provisions set forth below.

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$3,991,042, of the “infrastructure and community spaces project fund budget” for the City of Vestavia Hills for fiscal year 2020-2021 upon the terms, conditions and provisions set forth below.

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$43,005,306, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$47,783,673 multiplied by 90% equals
\$43,005,306; and

2. The municipal “special revenue fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$3,209,103 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$3,565,670 multiplied by 90% equals
\$3,209,103; and

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$4,037,370 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$4,485,967 multiplied by 90% equals
\$4,037,370; and

4. The “infrastructure and community spaces fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$3,991,042 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$4,434,491 multiplied by 90% equals
\$3,991,042; and

5. The City Manager is hereby authorized to expend the sum of \$43,005,306 from the General Fund, \$3,209,103 from the Special Revenue Fund, \$4,037,370 from the Capital Projects Fund, and \$3,991,042 from the Infrastructure and Community Spaces Fund for municipal expenses for the period beginning October 1, 2020, and ending September 30, 2021.

6. Copies of the budget outlines are attached hereto, marked as Exhibit “A” and incorporated into this Resolution by reference as though set out fully herein.

BE IT FURTHER ORDAINED, this Ordinance shall become effective immediately upon its approval and adoption.

APPROVED and ADOPTED this the 14th day of September, 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 # 2945 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 14th day of September, 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 August, 2020.

Rebecca Leavings
City Clerk

**CITY OF VESTAVIA HILLS
ANNUAL BUDGET
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES
FISCAL YEAR ENDING SEPTEMBER 30, 2021**

<u>REVENUE:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>COMMUNITY SPACES</u>	<u>TOTAL</u>
STATE REVENUE	125,936		330,000		455,936
COUNTY REVENUE	17,570,086				17,570,086
CITY REVENUE	29,575,651		1,667,735	1,155,000	32,398,386
PARKS & RECREATION	462,000				462,000
4 CENT GASOLINE TAX		217,000			217,000
5 CENT GASOLINE TAX		100,000			100,000
10 CENT GASOLINE TAX		195,200			195,200
7 CENT GASOLINE TAX		1,186,049			1,186,049
E-911 FUNDS		796,943			796,943
COURT & CORRECTIONS		552,999			552,999
LIBRARY STATE AID		27,155			27,155
LIBRARY BOOKS & DONATIONS		45,300			45,300
VEHICLE TAGS / ADMINISTRATION		152,200			152,200
TOTAL REVENUE	\$47,733,673	\$3,272,846	\$1,997,735	\$1,155,000	\$54,159,254

**CITY OF VESTAVIA HILLS
ANNUAL BUDGET
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES
FISCAL YEAR ENDING SEPTEMBER 30, 2021**

<u>EXPENDITURES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	COMMUNITY <u>SPACES</u>	<u>TOTAL</u>
NON DEPARTMENTAL	8,152,277		150,000	3,447,925	11,750,202
CITY COUNCIL	79,798				79,798
MAYOR & ADMINISTRATION	1,294,973				1,294,973
CITY CLERK	426,179				426,179
MUNICIPAL COMPLEX	216,851				216,851
INFORMATION SERVICES / TECHNOLOGY	585,928		88,914		674,842
POLICE	9,950,669		1,898,474		11,849,143
FIRE	10,634,037		1,086,809		11,720,846
BUILDING SAFETY & INSPECTIONS	615,948		8,660		624,608
PUBLIC SERVICES	7,243,692		1,027,109	986,566	9,257,367
PUBLIC LIBRARY	2,501,154		176,000		2,677,154
4 CENT GASOLINE TAX		226,480			226,480
5 CENT GASOLINE TAX		136,874			136,874
10 CENT GASOLINE TAX		219,599			219,599
7 CENT GASOLINE TAX		1,175,584			1,175,584
E-911 FUNDS		870,192			870,192
COURT & CORRECTIONS		618,442			618,442
LIBRARY STATE AID		27,155			27,155
LIBRARY BOOKS & DONATIONS		140,299			140,299
VEHICLE TAGS / ADMINISTRATION		151,045			151,045
SUB-TOTAL EXPENDITURES	\$41,701,505	\$3,565,670	\$4,435,967	\$4,434,491	\$54,137,633
<u>TRANSFER-OUT:</u>					
General Fund to Special Funds (fund 11)	65,443				\$65,443
General Fund to Capital Reserve Fund (sales tax %)	1,203,345				\$1,203,345
General Fund to Community Spaces	4,813,380				\$4,813,380
Capital/Confiscation to General Fund (policeman salary offset)			50,000		\$50,000
TOTAL - TRANSFER-OUT	\$6,082,168		50,000		\$6,132,168
TOTAL EXPENDITURES	\$47,783,673	\$3,565,670	\$4,485,967	\$4,434,491	\$60,269,801

**CITY OF VESTAVIA HILLS
ANNUAL BUDGET
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES
FISCAL YEAR ENDING SEPTEMBER 30, 2021**

<u>OTHER REVENUE SOURCES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>COMMUNITY SPACES</u>	<u>TOTAL</u>
TRANSFER-IN:					
From Capital/Confiscation (policeman salary offset)	\$50,000				50,000
From General Fund (fund 11)		65,443			65,443
From General Fund (projected sales tax %)			1,203,345		1,203,345
From General Fund to Community Spaces				4,813,380	4,813,380
TOTAL - OTHER REVENUE SOURCES	\$50,000	\$65,443	\$1,203,345	\$4,813,380	\$6,132,168
REVENUE OVER / (UNDER) EXPENDITURES	\$0	(\$227,381)	(\$1,284,887)	\$1,533,889	\$21,621
USE OF RESERVES / FUND BALANCE	\$0	\$227,381	\$1,284,887	(\$1,533,889)	(\$21,621)
REPORT BALANCE	\$0	\$0	\$0	\$0	\$0

ORDINANCE NUMBER 2944

AN ORDINANCE FOR APPROVAL OF THE FINAL 10% OF THE BUDGET FOR THE CITY OF VESTAVIA HILLS, ALABAMA FOR THE FISCAL YEAR 2018-2019 AND TO AUTHORIZE THE CITY MANAGER TO EXPEND UP TO \$166,841 FOR CERTAIN CAPITAL EXPENDITURES TO BE EXPENSED TO FY 2019

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of September 9, 2019, adopted and approved Ordinance Number 2868 to adopt 90% of a General Fund budget, 90% of a Special Revenue Fund budget, 90% of a Capital Projects Fund budget and 90% of a Infrastructure and Community Spaces Fund budget for the fiscal year 2019-2020; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, wishes to adopt the final portion (10%) of aforesaid budgets for the fiscal year 2019-2020.

Total Budget Recap

	General Funds	Special Funds	Capital Projects Funds	Infrastructure & Community Spaces
Total Budget Approved	\$ 46,142,861.00	\$ 4,328,807.00	\$ 1,885,252.00	\$ 3,514,875.00
Less 90% approved in Ord. 2868	\$ 41,528,575.00	\$ 3,895,926.00	\$ 1,696,727.00	\$ 3,163,388.00
Final 10% to be approved	\$ 4,614,286.00	\$ 432,881.00	\$ 188,525.00	\$ 351,488.00

BE IT ORDAINED, by the City Council of the City of Vestavia Hills, Alabama, that the final portion of the annual budget amounting to \$4,614,286.00 (general funds), \$432,881.00 (special funds), \$188,525.00 (capital projects funds) and \$351,488.00 (Infrastructure and Community Spaces Fund) for the fiscal year 2018-2019 is hereby adopted.

BE IT FURTHER ORDAINED, that the City Manager is hereby authorized to expend an amount not to exceed \$240,425.00 for certain capital expenditures to be expensed to the 2020 fiscal year; said items are detailed in Exhibit A, attached to and incorporated into this Ordinance Number 2944 as though written fully therein; and

This Ordinance Number 2944 shall become effective upon adoption and approval and publishing/posting pursuant to Alabama law.

APPROVED and ADOPTED this the 14th day of September, 2020.

ATTESTED BY:

Rusty Weaver
Mayor Pro-Tem

Rebecca Leavings
City Clerk

PURCHASES - USE OF FISCAL 2020 SURPLUS FUNDS					
DEPARTMENTS	DESCRIPTION	UNITS	PRICE	AMOUNT	TOTAL
CITY COUNCIL					
	Council Ipad	1	700.00	700.00	
	Lifecycle monitor	1	275.00	275.00	
	Lifecycle replacment - laptop computers	1	1,800.00	1,800.00	
	Lifecycle replacement - desktop computers (Office Pro)	1	1,715.00	1,715.00	
	Lifetime UPS	1	190.00	190.00	
					\$ 4,680.00
FINANCE					
	Adobe Pro 2020 - Payroll	1	400.00	400.00	
	Lifecycle replacement - desktop computers (Office Pro)	2	1,715.00	3,430.00	
	Printer (Marshea)	1	1,000.00	1,000.00	
	Upgrade Scanner	2	2,000.00	4,000.00	
					\$ 8,830.00
CITY CLERK					
	Lifecycle replacement - desktop computers (Office Pro)	2	1,715.00	3,430.00	
	Lifecycle replacement - monitors	2	275.00	550.00	
	Lifecycle replacement - ups	2	190.00	380.00	
	Replacement Ipad Pro	1	1,200.00	1,200.00	
					\$ 5,560.00
INFORMATION TECHNOLOGY					
	Computers			4,000.00	
	Laptops			5,200.00	
	Phones			1,500.00	
	Storage Device			15,000.00	
	System Boards Processors and Tools			10,000.00	
	Tripp Lite Enclosure			1,500.00	
					\$ 37,200.00
POLICE DEPARTMENT					
	Lifecycle replacement - desktop computers (Office Pro)	6	1,715.00	10,290.00	
	Lifecycle replacement - monitors	6	275.00	1,650.00	
	Lifecycle replacement - ups	6	190.00	1,140.00	
	Lifecycle replacement - printer	2	800.00	1,600.00	
	Lifecycle replacement - printer	1	1,650.00	1,650.00	
	Adobe Pro	1	400.00	400.00	
	Surface Pro	1	1,882.00	1,882.00	
	Laptop computers	2	1,600.00	3,200.00	

PURCHASES - USE OF FISCAL 2020 SURPLUS FUNDS					
	Additonal desktop computers - (Office Pro)	3	1,715.00	5,145.00	
	Additonal monitors	3	275.00	825.00	
	Additional ups	3	190.00	570.00	
	Cahaba Heights - HVAC Unit Repair	1	10,000.00	10,000.00	
					\$ 38,352.00
<u>FIRE DEPARTMENT</u>					
	Adobe Pro	4	400.00	1,600.00	
	Cradlepoint Routers for New Apparatus	4	1,150.00	4,600.00	
	Getac Docking Stations	5	800.00	4,000.00	
	Lifecycle replacement - desktop computers (Office Pro)	6	1,715.00	10,290.00	
	Lifecycle replacement - monitors	6	275.00	1,650.00	
	Lifecycle replacement - printer	1	800.00	800.00	
	Lifecycle replacement - printer scanner	1	1,650.00	1,650.00	
	Lifecycle replacement - ups	6	190.00	1,140.00	
	Station 1 - Cabinets	1	2,500.00	2,500.00	
	Station 1 - Sidewalk	1	6,500.00	6,500.00	
	Station 2 - Bathroom Repairs	1	3,500.00	3,500.00	
	Station 2 - Landscaping	1	3,600.00	3,600.00	
	Station 3 - Bathroom Remodel	1	26,000.00	26,000.00	
	Station 4 - Driveway Repair	1	9,300.00	9,300.00	
	Station 4 - Furniture	1	2,500.00	2,500.00	
	Station 5 - Station Signage	1	5,500.00	5,500.00	
					\$ 85,130.00
<u>BUILDING SAFETY & INSPECTIONS</u>					
	Lifecycle replacement - desktop computers (Office Pro)	2	1,715.00	3,430.00	
	Lifecycle replacement - monitors	2	275.00	550.00	
	Lifecycle replacement - ups	2	190.00	380.00	
	Adobe Pro	2	400.00	800.00	
					\$ 5,160.00
<u>PUBLIC SERVICES</u>					
	Additional desktop computer (Office Pro)	1	1,715.00	1,715.00	
	Additional monitor	1	275.00	275.00	
	Additional UPS	1	190.00	190.00	
	Lifecycle replacement - monitors	6	275.00	1,650.00	
	Lifecycle replacement - desktop computers (Office Pro)	6	1,715.00	10,290.00	
	Lifecycle replacement - printer	1	800.00	800.00	
	Lifecycle replacement - ups	6	190.00	1,140.00	
	Swivel Bucket for Trackhoe	1	4,500.00	4,500.00	
Fund 07	Message Board	1	16,000.00	16,000.00	

PURCHASES - USE OF FISCAL 2020 SURPLUS FUNDS					
					\$ 36,560.00
<u>LIBRARY</u>					
	Computer replacement - Dell Optiplex 5070	7	857.47	6,002.29	
					\$ 6,002.29
<u>COURTS</u>					
Fund 11	Lifecycle replacement - desktop computers (Office Pro)	3	1,715.00	5,145.00	
	Lifecycle replacement - monitors	3	275.00	825.00	
	Lifecycle replacement - ups	3	190.00	570.00	
	Additional desktop computer (Office Pro)	1	1,715.00	1,715.00	
	Additional monitor	1	275.00	275.00	
	Additional ups	1	190.00	190.00	
	Additional printer - HP B/W E50145DN	1	800.00	800.00	
					\$ 9,520.00
<u>TAG OFFICE</u>					
Fund 15	Lifecycle replacement - desktop computers (Office Pro)	2	1,715.00	3,430.00	
					\$ 3,430.00
GRAND TOTAL					\$ 240,424.29

RESOLUTION NUMBER 5266

A RESOLUTION APPROVING FINANCING TERMS FOR CITY VEHICLES AND/OR EQUIPMENT THROUGH BB&T BANK

WHEREAS, The City of Vestavia Hills (“Governmental Entity”) has previously determined to undertake a project for the purchase of various vehicles & equipment (the “Project”) and the Officer of the Governmental Entity responsible for financial affairs of the Governmental Entity (the “Finance Officer”) has now presented a proposal for the financing of such Project.

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

1. The Governmental Entity hereby determines to finance the Project through BB&T Bank (“BB&T”), in accordance with the proposals obtained by the Finance Officer as detailed in Exhibit A attached to and incorporated into this Resolution Number 5266 as though written fully therein; and
2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Governmental Entity are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as Regions may request.
3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Governmental Entity officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the document’s final form.

4. The Governmental Entity shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations under the Financing Documents. The Governmental Entity hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).
5. The Governmental Entity intends that the adoption of this resolution will be a declaration of the Governmental Entity’s official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the Regions financing described above. The Governmental Entity intends that funds that have been advanced, or that may be advanced, from the Governmental Entity’s general fund, or any other Governmental Entity fund related to the Project, for Project costs may be reimbursed from the financing proceeds.
6. The officers of the Governmental Entity and any person or persons designated and authorized by any officer of the Governmental Entity to act in the name and on behalf of the Governmental Entity, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the Governmental Entity such other acts, to pay or cause to be paid on behalf of the Governmental Entity such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the Governmental Entity such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the Governmental Entity, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to (a) complete the plan of financing contemplated by the Financing Documents, (b) carry into effect the intent of the provisions of this resolution and the Financing Documents, and (c) demonstrate the validity of the Financing Documents, the absence of any pending or threatened litigation with respect to the Financing Documents and the plan of financing contemplated by the Financing Documents, and the exemption of interest on the interest payment obligations under the Financing Documents from federal and State of Alabama income taxation.

7. All prior actions of Governmental Entity officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

ADOPTED and APPROVED this the 14th day of September, 2020.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

SEAL

CITY OF VESTAVIA HILLS
VEHICLES and HEAVY EQUIPMENT
"LEASE/PURCHASE PROPOSALS"
FISCAL 2020-2021

Bank No.			1	2	3	4	5
Description	Loan Amount	Terms	BB&T Bank	IBERIA Bank	Regions Bank	Signature Public Funding	The Bancorp Bank
Vehicles	\$48,000	Rates - 3 yrs	1.53%	1.95%	1.79%	2.24%	2.75%
Heavy Vehicles & Equipment	\$1,354,735	Rates - 5 yrs	1.29%	2.04%	1.87%	2.24%	3.00%
Heavy Equipment	\$1,040,000	Rates - 7 yrs	1.45%	2.17%	1.99%	2.24%	3.25%
TOTAL LEASE/LOAN AMOUNT	\$2,442,735						
Combined Percentage Total			4.27%	6.16%	5.65%	6.72%	9.00%
Rankings			1	3	2	4	5
Financial Institutions/Banks Didn't Submit Proposals:							
6	BBVA						
7	Center State Bank / NBC						
8	Hancock Bank						
9	Renasant Bank						
10	Southlake Capital						
11	SouthPoint Bank						
12	Trustmark Bank						
			PROPOSALS RATE RANKINGS				
			BB&T Bank		1	4.27%	
			Regions Bank		2	5.65%	
			IBERIA Bank		3	6.16%	
			Signature Public Funding		4	6.72%	
			The Bancorp Bank		5	9.00%	
			FISCAL YEAR 2020-2021				

RESOLUTION NUMBER 5267

A RESOLUTION AUTHORIZING THE CITY MANAGER TO GRANT TEMPORARY PREMIUM “HAZARDOUS” PAY TO ESSENTIAL EMPLOYEES CONTINUING TO WORK DURING THE COVID-19 PANDEMIC FOR A PERIOD OF 3 MONTHS

WHEREAS, a pandemic has begun to sweep the United States thus infecting many citizens in the State of Alabama; and

WHEREAS, effective Saturday, April 4, 2020 at 5:00 PM, Gov. Kay Ivey issued a “Stay at Home Order” requiring all individuals to remain at home with certain exceptions; and

WHEREAS, one of the exceptions to the Stay at Home order was for certain employees of the City of Vestavia Hills that have been continuing to work because they are classified as “essential” employees. Some of these employees are also significantly exposed to the general public and the COVID-19 virus in performance of their daily job duties; and

WHEREAS, Jeff Crenshaw of the Personnel Board of Jefferson County has indicated in an email to the City Manager that cities may grant hazardous pay by way of a 5% premium pay for a period of time should the City Council deem it in the best interest of the public; and

WHEREAS, the Mayor and the City Council agree it is in the best interest of the public to grant said employees who have been significantly exposed to the general public and the COVID-19 virus in performance of their daily job duties such pay for a period of 3 months.

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 designate those essential employees of the City that have been significantly exposed to the general public and the COVID-19 virus in the daily performance of their job duties and grant these select employees a premium pay of 5% for a period of 3 months; and
2. Said increase shall become effective September 1, 2020 and continue until December 31, 2020; and
3. This Resolution Number 5234 shall become effective beginning immediately upon adoption and approval.

ADOPTED and APPROVED this the 14th day of September, 2020.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2942

AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL TO ALLOW PERIMETER SECURITY FENCING; MAJOR MECHANICAL REPAIR OF MOTOR VEHICLES AND SHORT-TERM STORAGE OF MOTOR VEHICLES

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

WHEREAS, CRM Enterprises, LLC, (“the Owner”) is the owner of the property located at 1452 Montgomery Highway, property that is zoned Vestavia Hills B-3 (conditional business district); and

WHEREAS, the property located at 1452 Montgomery Highway is more particularly described as Lot 2-B, according to a Resurvey of Lots 1-A, Meeks 1st Addition to Shady Springs an part of Lot D-1, being a part of a Resurvey of Lot D, Meeks 1st Addition to Shady Springs as recorded in Map Book 123, Page 59, Jefferson County, Alabama; and

WHEREAS, the Owner, wishes to encompass the property’s perimeter with a chain link security fence and utilize the property for the purpose of major mechanical repair of motor vehicles and short-term storage of motor vehicles.

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

1. Conditional Use approval is hereby granted to allow the Owner to enclose the property with perimeter security fencing and utilize the property for the purpose of major mechanical repair of motor vehicles and short-term storage of motor vehicles on the property located at 1452 Montgomery Highway with the following conditions:
 - a. A minimum 5’ landscape buffer shall be installed in front of said fencing either on ALDOT Right-of-way or on subject property, said landscaping plan shall be subject to the approval of ALDOT (if on ALDOT ROW) and the Vestavia Hills Design Review Board prior to installation in order to negate the visual effect of the proposed fencing; and

- b. A geo-technical report, prepared by a certified engineer to be reviewed and approved by the City Engineer and the Building Safety Official;
 - c. Pursuant to a geo-technical report dated July 9, 2020 completed by BECC and submitted to the City by the Owner following the Planning and Zoning Commission meeting, Richard A. Rhinehart, P.E., Principal Geotechnical Engineer stated *“The slope is currently stable, however, future surface water drainage over the face of the slope could cause future erosion and instability”* which prompted a requirement from Building Safety Official to obtain an annual review of the stability of the slope as determined by a geotechnical engineer to be submitted to the Building Official on an annual basis for the purposes of safety the first annual report due prior to December 31, 2021 and annually thereafter; and
 - d. Approval is based upon the site plan presented with the elimination of one access to Montgomery Highway; and
2. Said conditional use shall limited to the property located at 1452 Montgomery Highway and shall continue in perpetuity pursuant to the Zoning Code until such time as use ceases to exist on said property for a period of one year; and
 3. This Ordinance Number 2942 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

DONE, ORDERED, ADOPTED and APPROVED this the 14th day of September, 2020.

Rusty Weaver
Mayor Pro-Tem

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 # 2942 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 14th day of August, 2020 as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

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

Date: APRIL 09, 2020

- **CASE: P-0420-12**
- **REQUESTED ACTION:** Conditional Use Approval For Mechanical Repair Of Motor Vehicles And Short Term Storage Of The Same, With An Exterior Security Fence
- **ADDRESS/LOCATION:** 1456 Montgomery Hwy
- **APPLICANT/OWNER:** CRM Enterprises
- **GENERAL DISCUSSION:** This request is for 1452 Montgomery Highway, the former AAMCO Transmission repair. As you recall, there was a tremendous rock slide that occurred there early last year. (see attached photo of embankment now). It did a good bit of damage and crushed some automobiles. The AAMCO has moved and CRM Enterprises (Sonoco) purchased the property. Sonoco is adjacent to this property, just to the south. The owner, Mr. Birdsong, represented by his legal counsel, Loring Jones III, is requesting a conditional use approval for major car repair, short-term storage of vehicles on the property and installation of a 6' black chain link fence with shading and barb wire (see attached pictures) around the front and side of the property to the front property line.

Major car repair was there previously with the AAMCO, however, the rock slide occurred more than 12 months ago so the use is no longer permissible under the City's newer zoning code. This request is to allow it once again on the property.

The other, temporary vehicle storage, is to allow towed vehicles as well as vehicles waiting for service to be stored on the property. The request requires security so the owner wishes to install a 6' chain link fence with shading along the front and side boundaries of the property. This will bring the fencing to the front curbing of Highway 31.

Presently, the request shows the 2 accesses to Highway 31 with security gates. However, the property owner installed an access between the properties and the City Engineer has required a plan review. It is unknown at this time if the Highway 31 accesses will be closed in lieu of the new southern inter-property access.

Staff has reviewed this request and indicated that the conditional uses were needed in order that the owner may use the property as he desires. The staff also recommended that if the property owner proceed with the request, that landscaping be installed to mitigate the effects of the fencing from Montgomery Highway. The request came

with proposed landscaping, but the landscaping is drawn to be installed on ALDOT ROW which the City Engineer states will require ALDOT approvals and permitting. If the conditional use is approved, the Staff asks Council to consider require the landscaping with or without ALDOT's approval (without will require the removal of some of the asphalt/concrete and installing soil suitable for landscaping).

- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The plan labels this site as Commercial Core/Village Center

- **STAFF REVIEW AND RECOMMENDATION:**

1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: See above

2. **City Engineer Review:** CO not to be issued until geotec on slope
3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
4. **Building Safety Review:** CO not to be issued until geotec on slope

MOTION Ms. Cobb made a motion to recommend Conditional Use Approval For Mechanical Repair Of Motor Vehicles And Short Term Storage Of The Same, With An Exterior Security Fence for the property located 1456 Montgomery Hwy. with the following conditions:

1. Five Foot landscape buffer either on ALDOT Right-of-Way or on subject property fronting Hwy. 31 and approved by Vestavia Hills Design Review Board;
2. A geo-technical report, prepared by a certified engineer to be reviewed and approved by the City Engineer;
3. Approval is based on the sit plan presented and eliminates one access to Hwy. 31

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

Mr. Vercher – yes
Mr. Romeo – yes
Mr. Larson – yes
Mr. Sykes – yes
Mrs. Barnes – yes
Motion carried.

Mr. Ferrell– yes
Mr. Goodwin – yes
Ms. Cobb – yes
Mr. Weaver – yes

CITY OF VESTAVIA HILLS

2020 MAR 5 12:36 PLANNING AND ZONING COMMISSION

Conditional Use Application

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. Applications must be completed in its entirety and must contain all pertinent information in order to be considered. Acceptance by the Clerk does not constitute acceptance of complete and proper filing. All applicants are encouraged to present their request to the Zoning Staff on any Tuesday at 9 AM in the Executive Conference Room, City Hall, prior to submitting for a Conditional use.
- (3) This application must be filled out in its entirety completely, including zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Postage Fees for notification for Planning and Zoning and for City Council meetings along with applicable publication fees will be billed to applicant at a later date. The applicant is responsible for all notification fees. ***No permits will be issued until all fees have been paid.***
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

II. APPLICANT INFORMATION: (owner of property)

NAME: CRM ENTERPRISES, LLC, dba Vestavia Sunoco & Tire Express

ADDRESS: 1452 MONTG. HWY.
VESTAVIA HILLS, AL 35216

PHONE: 2231213 EMAIL: (BELOW)

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
GRING S. JONES III

PHONE: 9795210 EMAIL: L3@jalaw.net

II. BILLING/RESPONSIBLE PARTY: (FOR PAYMENT OF FEES)

NAME: CRM ENTERPRISES, LLC
ADDRESS: 1452 MONTG. HWY.
VESTAVIA HILLS, AL 35216
PHONE: 8231213 EMAIL: _____

III. ACTION REQUESTED

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

Current Zoning of Property: _____

Requested Conditional use For the intended purpose of: MECHANICAL REPAIR
OF MOTOR VEHICLES AND SHORT TERM STORAGE OF SAME,
if additional information is needed, please attached full description of request
WITH AN EXTERIOR SECURITY FENCE.

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

(SEE COPY OF ATTACHED DEED)
(SEE COPY OF ATTACHED TAX SHEET)

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

****All applications must contain a full legal description of subject property.****

V. INFORMATION ATTACHED:

- Attached Checklist complete with all required information.
- Application fees submitted.

P0420-12//2900364006011.000
1452 Montgomery Hwy.
Cond. Use for a fence
CRM Enterprises

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing. **Application must be signed by the owner of the property before a Notary and original submitted to the Office of the Clerk; no copies will be accepted**



Owner Signature/Date



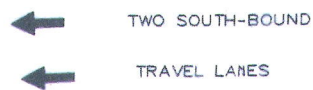
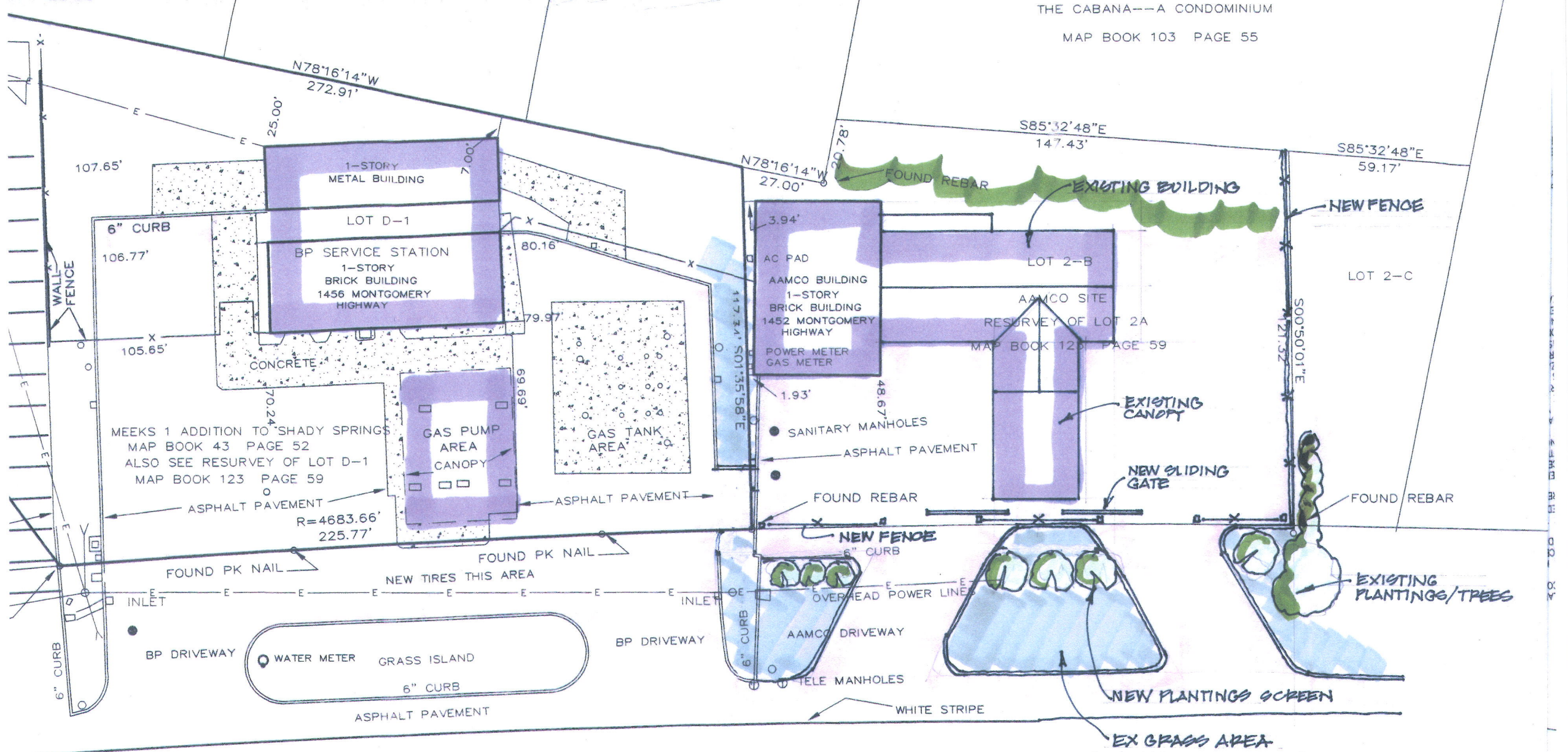
Representing Agent (if any)/date

Given under my hand and seal
this 5th day of March, 2020.



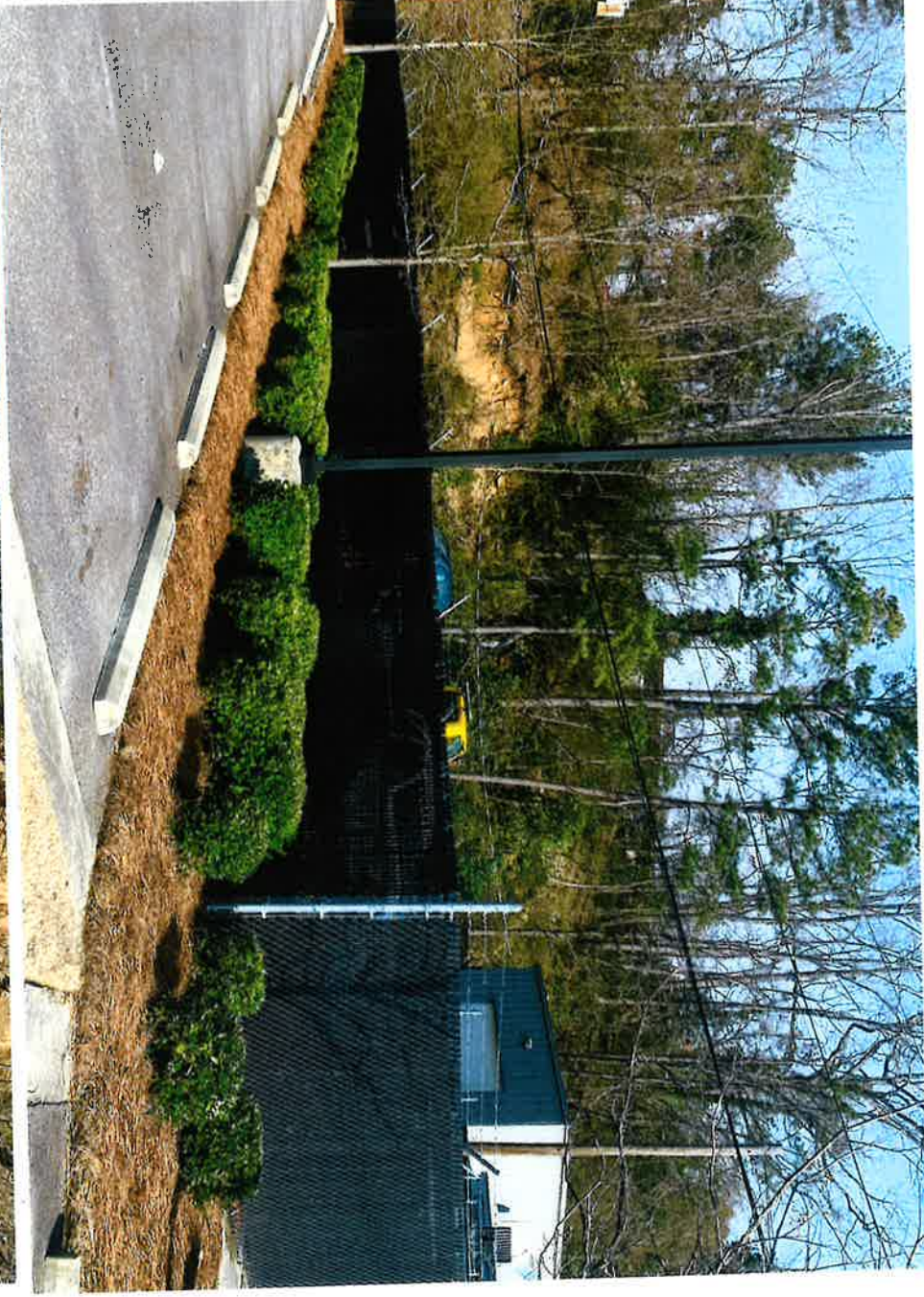
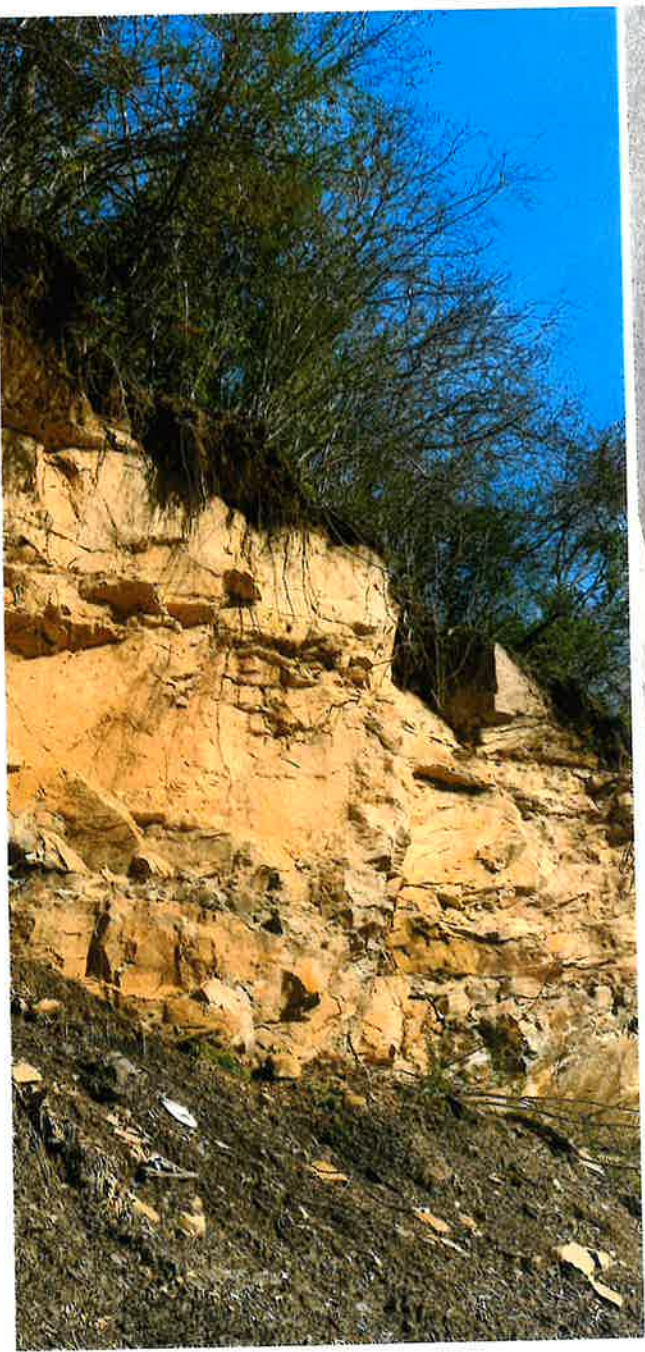
Notary Public

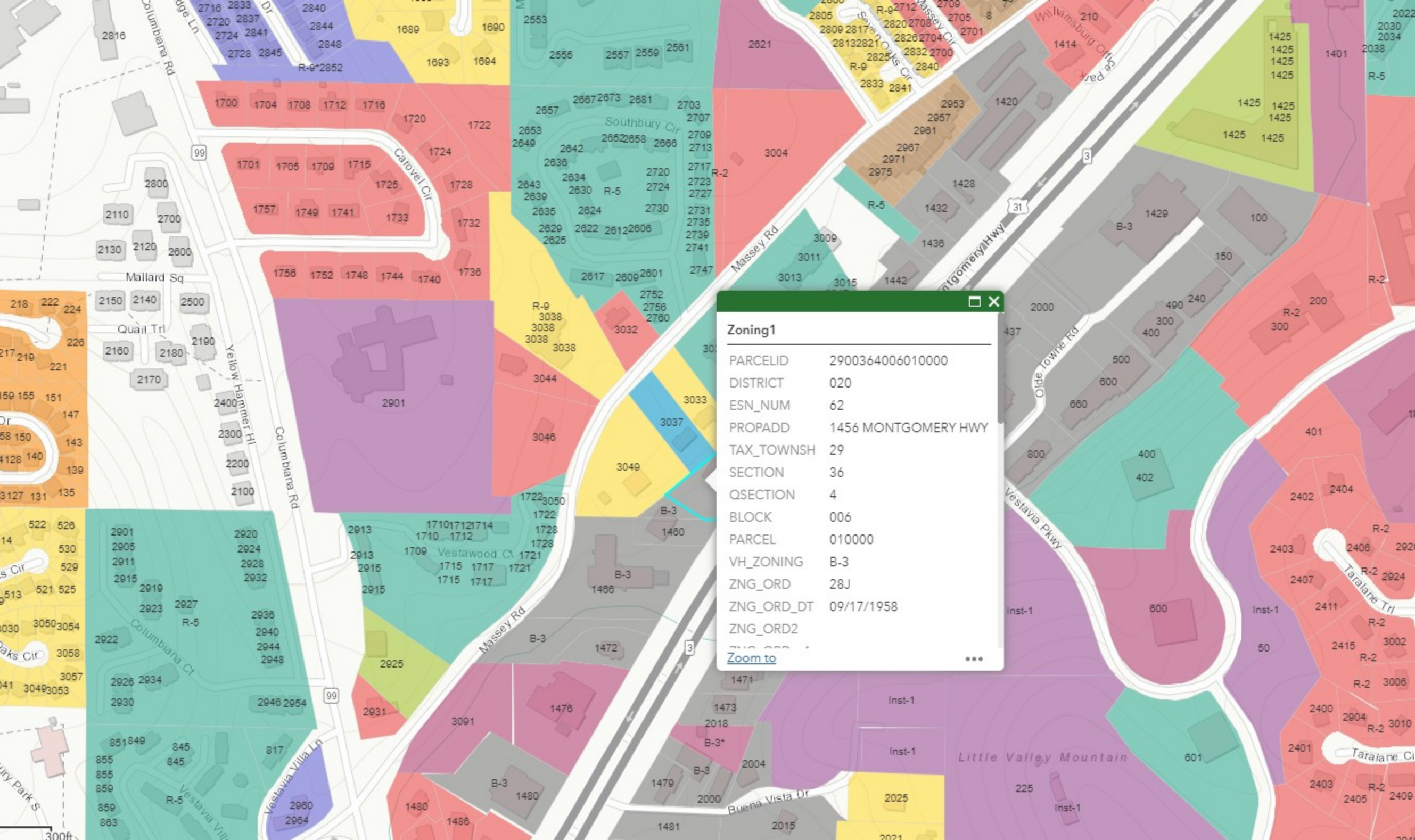
My commission expires 10th
day of October, 2023.



MONTGOMERY HIGHWAY
US 31
200' ROW

PROPOSED PLANTING AND FENCE DESIGN VESTAVIA TIRE EXPRESS





Zoning1	
PARCELID	2900364006010000
DISTRICT	020
ESN_NUM	62
PROPADD	1456 MONTGOMERY HWY
TAX_TOWNSH	29
SECTION	36
QSECTION	4
BLOCK	006
PARCEL	010000
VH_ZONING	B-3
ZNG_ORD	28J
ZNG_ORD_DT	09/17/1958
ZNG_ORD2	
ZNG_ORD3	
Zoom to ...	

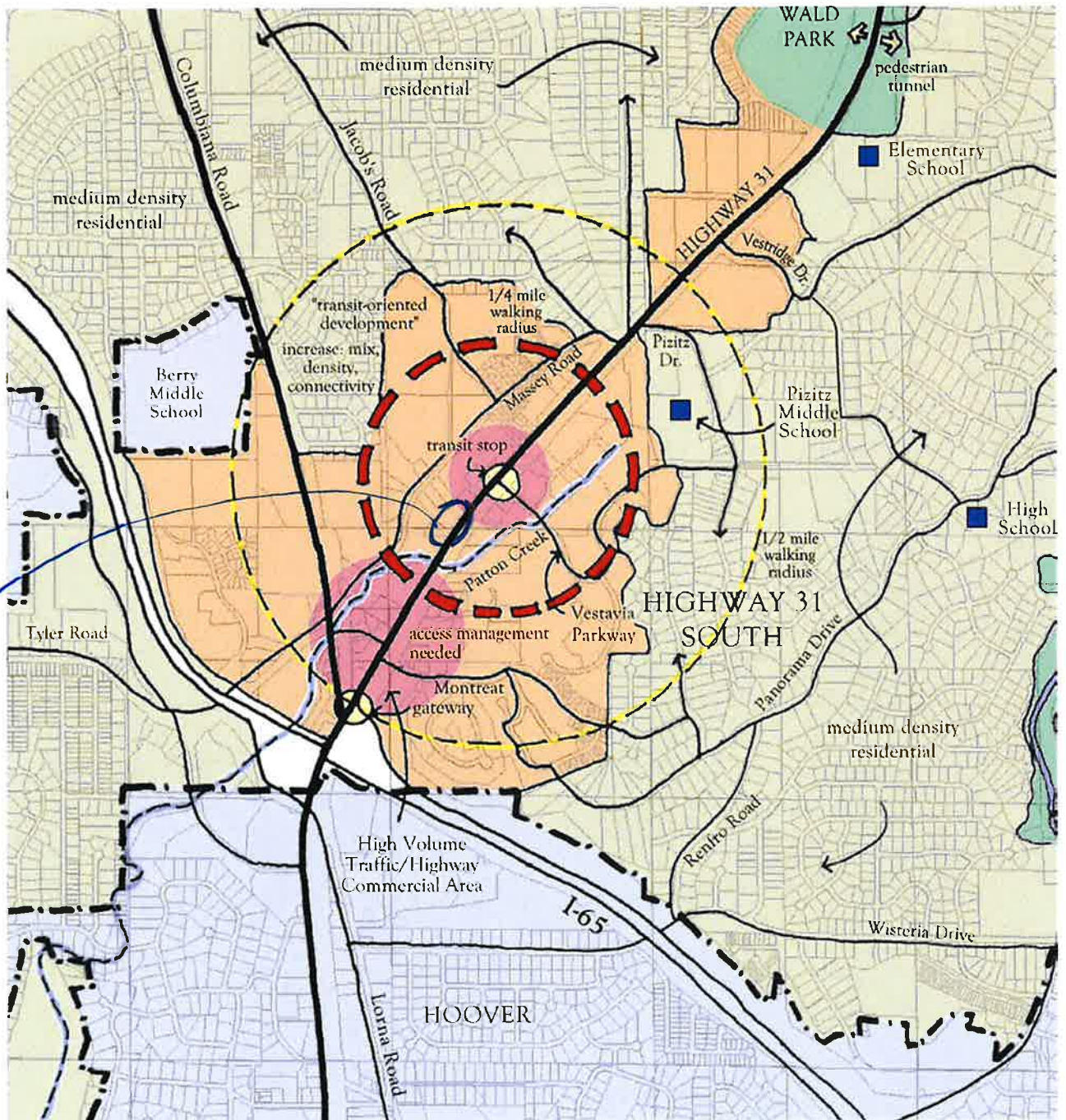


Figure 18: Highway 31 South
Land Use Analysis

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

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

