

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
January 11, 2021
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Phillips, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. Proclamation – Firefighter Cancer Awareness Month – January 2021
8. City Manager’s Report
9. Councilors’ Reports
10. Financial Reports – Melvin Turner, III
11. Approval Of Minutes – December 21, 2020 (Work Session) and December 28, 2020 (Regular Meeting)

Old Business

New Business

1. Resolution Number 5295 – A Resolution Declaring Certain Personal Property As Surplus And Authorizing The City Manager To Sell/Dispose Of Said Property
2. Ordinance Number 2990 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With The Birmingham Water Works Board For A Water Line Easement At SHAC

New Business (Requesting Unanimous Consent)

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

3. Ordinance Number 2989 – Rezoning – 3412 Ridgedale Drive; Lot 6, Rocky Ridge Estates; Request To Rezone From Vestavia Hills R-1 (Low Density Residential District) To Vestavia Hills R-9 (Planned Residential District) For The Construction Of Four Single-Family Homes; Scott Thomson, Owner; Jason Kessler, Representing (*public hearing*)
4. Resolution Number 5297 – A Resolution Authorizing The City Manager To Purchase A Police Vehicle To Replace A Police Vehicle Which Was Recently Totaled (*public hearing*)
5. Citizens Comments
6. Motion for Adjournment

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 page may open to a waiting room. The host will open the meeting and bring all into the meeting room at that time. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, activate the “Raise Hand” feature and unmute yourself by toggling the mute button. When the Mayor recognizes you and gives you the floor, state your name and address for the record and then you may address the Council.

Using the icons on the Zoom screen, you can:

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

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

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

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

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

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

DECEMBER 14, 2020

The City Council of Vestavia Hills met in special work 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. The Mayor called the work session to order and the City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Brian Davis, Public Services Director*
Christopher Brady, City Engineer
Lori Beth Kearley, Asst. City Engineer
Umang Patel, Court Director*
Ryan Farrell, Asst. Fire Chief
Marvin Green, Fire Chief*

**via Zoom*

The Mayor called the work session to order. He indicated that the work session this evening is dedicated to the discussion of the future development of Liberty Park. He stated that some Liberty Park residents have formed a committee and also wish to meet with the City Council to address their concerns. Because of holiday travels, they wish to meet in January on a date to be determined later because the regular January work session falls on a holiday. He stated that minutes will be posted at a later date along with video of tonight's meeting which will be provided on the website.

The Mayor introduced John Gunderson, President of Daniel Communities. He indicated that Mr. Gunderson's firm, Daniel Communities, has been retained by Drummond Company for the development of the remainder of Liberty Park.

LIBERTY PARK

Mr. Gunderson thanked the Council for the opportunity to address them. He stated he is the President of Daniel Communities, professional developers. He indicated that they were retained by Drummond Companies to come aboard as an advisor, and they were humbled and excited to join that team. He stated that they are consultants and are not owners of the property. A PowerPoint presentation was shown, as he spoke, to further illustrate his comments.

Mr. Gunderson described the overall plan and vision for the remaining undeveloped portions of Liberty Park. He stated that they met with residents at Old Overton Club on November 17, 23 and 30. The meeting was supplemented, virtually, with WebEx simulcast. He indicated that this was a true learning experience for them to help guide them as to what they were doing right and what areas needed further discussion. He stated that there was much discussion to explain what was already zoned by right in areas of Liberty Park. This was followed by a discussion of some additional "for rent" residential in the new plans, which became the focus of some impassioned discussion among residents. He stated other priorities of residents included keeping in the same character of Liberty Park that they have today for another 30 years. Finally, concerns were brought forth by residents that existing neighborhoods might be left behind as future development occurs in The Bray area.

The current Liberty Park PUD land-use map was shown of the 808 acres to the south of Liberty Parkway, most of which still lies vacant. He explained that 1,238 residential units were still allowed with 47% to include townhomes, duplexes and condominiums. The remaining commercial site included several million square feet of non-residential which was oriented toward big box options. He explained that all of their obligations to the City have been met.

The plan is to take this property and remove much of the commercial development and re-align the traditional residential. The vision is to establish a self-sufficient town center, with higher densities closer to the town center and becoming more spread-out the further you go from the center. He stated this request means to move the 570 multi-family units from owner-occupied to a "for rent" arrangement, which would include 270 luxury apartments, 180 age-restricted apartments and 120 senior-care apartments. This would also include an additional 644 fee-simple residential lots distributed across the remaining property.

Elements of the town center included hospitality and entertainment; retail and commercial services; work place and business services; and healthcare services--all with a central activity area (great lawn) along with a diversity of types of housing units. Some architectural renditions of the town center were then shown.

Mr. Gunderson indicated that the residents seemed excited about the concept, but quickly expressed concerns regarding the multi-family units. He showed tables reflecting the current ad valorem revenues compared to the children yielded by three existing apartment complexes which

he said most closely reflect the apartments being considered. The charts depicted the higher revenues from said housing compared to single-family residential. He stated that the revenues shown do not include sales tax revenue from the planned commercial development within the town center. In all, the projected economic impact, over 25 years, is \$230,192,391, with \$117,970,110 of that going to support schools. In addition to the revenues, LPJV has some acreage located near the sports complex which might be used for additional educational purposes.

Mrs. Cook stated that four of the five school board members are attending the meeting virtually, along with the superintendent, Dr. Freeman. She stated that she informed some of the Councilors that the school system is working on a capital plan. She also wanted to let the public know that the City is gathering its own numbers for revenue projections, school population projections, and impacts to the city budget. She commended the letter received from the resident group that are expected to meet with the Council in January. She stated that they requested the capital plan, and that she and Councilor Weaver had already met with Dr. Freeman to request this information. She understands the capital plan is being drafted. She stated that residents also asked about updated master plans for sidewalks and the Liberty Park area. She stated the Council already has this on the agenda for the winter annual planning sessions. She asked for an answer to the citizens' question about the disclosure of monies that the City has paid to Daniel.

Mr. Downes stated that Daniel acted as the master developer for Patchwork Farms and a summary of the fees has already been sent to the Liberty Park residents who have requested it. This included information about payments for the construction of Healthy Way, which was done by Daniel.

Discussion ensued as to the planning activities and construction work that Daniel performed on behalf of the City at Patchwork Farms. Mr. Downes explained that the City was the owner of the property at Patchwork and, following an RFP process, the City partnered with Daniel to develop Patchwork Farms. In this situation, Drummond Companies has partnered with Daniel to develop Drummond's property, so the City is playing a different role in this request.

Mayor Curry stated that his understanding was that the original plan was for there to be a regional mall placed on this property, but the plan became moot because no interstate interchange was allowed.

Mrs. Cook indicated that the Mayor made the statement, in a recent article, that the City is in strong financial position, and this is true. She explained that the school system monies, however, are not the City's monies and that she believes the school system, while on good financial footing for current operating expenses, will need more revenue to accommodate future capital needs over the next 10 to 12 years.

Mr. Pierce stated he has seen a lot of emails from Liberty Park. He stated when they allowed the apartments of Patchwork Farms, there was a limit on the number of 3-bedroom apartments, which, in turn, limited the number of children. He stated that the concern is that the age-restricted apartments might not always remain age-restricted and that the luxury apartments might lose value. He asked the impact if the apartments are taken out of the equation.

Mr. Gunderson stated that the for-rent apartments are an essential component of the commercial development. If you wait on the equivalent of 270 single-family homes, you will lose the commercial appeal. There will be no patronage. He also indicated that a hotelier will only be lured on this property with critical mass, which would be provided through the luxury and senior apartments. He stated that the simple answer to that question is it all falls if there are no apartments.

Mr. Pierce asked why there is a rush for a need of these apartments?

Mr. Gunderson stated they have looked at the market demands, but there is never a guarantee. This development, as described, makes the town center develop as desired and planned.

Discussion ensued relative to the apartments near the Grand Bohemian in Mountain Brook and the advance planning for students that would be incoming from new development.

Mr. Pierce stated that he needs to hear back from Dr. Freeman and the school system.

Mr. Weaver stated that one of the hurdles that they face is there is a ton of information in all of these presentations and a large portion of the residents get their information from social media. He asked if there is a website where people can post questions and obtain needed information so that misinformation does not spread. He stated it would be nice if there was a way to have continuing dialogue. Also, the current plan for Liberty Park is 30 years old and this City is hurting from the lack of planning throughout the years. The school system officials are working on facts and figures as we speak, and he would urge everyone to know that they are working based on an outdated plan, and that everyone is trying to determine what the options really are; the only way to address that is continuing dialogue. He asked what the remaining multi-family would look like without the apartments.

Mr. Gunderson stated the existing entitlement includes primarily townhomes, but could include condominiums.

Mr. Weaver stated that he, too, will be anticipating receiving the information from the school system.

Mrs. Cook stated that she is working with Mrs. McCulley to try assemble all the information in one place for people to reference. She also asked Mr. Gunderson if Liberty Park would be putting together a website for these discussions also, as they had promised.

Mr. Weaver and Mrs. Cook encouraged Mr. Gunderson to get that site set up quickly.

Mr. Head stated that a master plan and a PUD are two separate animals. He stated that a master plan is a guide. He indicated that things change through the years and PUDs need the ability to change. Assuming that 954 kids are coming eventually, how will we pay for them? He added that the plan looks great, but how will they know it will build. How viable is this plan? He

stated that multi-family rental housing is an emotional game, no matter the numbers. He stated that the City and schools have to pay for these expected kids somehow.

Mr. Gunderson stated that there is never a guarantee but the development as presented is based on the need for critical mass to support the commercial that will provide services and shopping for residential owners. He stated that Patchwork Farms finally came together with retail, office, recreational, and multi-family and it is a nice area that provides positive economic impact to the City.

Mr. Pierce reflected that the City held onto Patchwork for years and could not develop it. Later a planning charette was done and, eventually, Daniel was retained. Daniel assisted immensely in getting Patchwork developed.

Mrs. Cook stated that Mr. Head's point that there will be an additional 954 students in the school system at some point in the future is a very important point, and that this is the last large development area in the City. She stated this is a critical point that the residents need to understand.

At 7:42 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 7:43 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

DECEMBER 28, 2020

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to Orders from the 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. The Mayor called the meeting to order. The City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Jason Hardin, Police Captain
Marvin Green, Fire Chief
Melvin Turner, Finance Director
Christopher Brady, City Engineer
Lori Beth Kearley, Asst. Engineer*
Cinnamon McCulley, Communications Specialist*
**present via Zoom or telephone*

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

APPROVAL OF THE AGENDA

The Mayor opened the floor for a motion of approval of the agenda as presented.

MOTION Motion to approve the agenda as presented was by Mr. Head, seconded by Mr. Pierce. Roll call vote was, as follows:

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

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- None.

CITY MANAGER’S REPORT

- Mr. Downes wished everyone a Merry Christmas. He advised everyone that AmWaste is picking up Christmas trees curbside, however, they also will provide rollouts in strategic parts of the City for Christmas tree drop-off and disposal.

COUNCILOR REPORTS

- Mr. Pierce stated that the AmWaste representative asks residents to put a separation between multiple receptacles so the mechanical arms can get between the cans to pick up and empty.
- Mrs. Cook announced that Hoover City Councilor Casey Middlebrooks has arranged for a tour at RePower South. She stated that she will provide the information to the Council for anyone wants to attend.
- Mr. Weaver stated that the Planning and Zoning Commission will have their regular meeting on January 14, 2021.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: December 14, 2020 (Work Session) and December 14, 2020 (Regular Meeting).

MOTION Motion to approve the minutes of December 14, 2020 (Work Session) and December 14, 2020 (Regular Meeting) was by Mrs. Cook and 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

ORDINANCE NUMBER 2986

**Ordinance Number 2986 – An Ordinance Appropriating An Additional \$26,750 To The
Fy2021 Budgeted Funds To Cover Increased Cost Of A New Transport Unit**

For Vestavia Hills Alberto C. Zaragoza, Jr. Fire Station No. 4 (Public Hearing)

MOTION Motion to approve Ordinance Number 2986 was by Mr. Head, and seconded by Mr. Pierce.

Mr. Downes stated that this was a part of the FY21 budget for an EMS vehicle at Liberty Park. He stated that market conditions have forced a price increase during the last few months and this will cover the increase in the vehicle so it can be acquired. Mr. Downes stated that even with this increase it is still more economical than the previous EMS vehicle purchased in a previous year.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, asked if this vehicle was put out for bid and, if so, why was an increase allowed.

Chief Green explained that it was through a cooperative bid and was accepted by the State of Alabama auditor. He stated that the ambulance was priced last March to provide an estimate for the budget. He stated that, at that time, the bids from the cooperative bidding were not locked-in, and that was why the price changed.

The Mayor explained that they got an estimate ahead of time for the budget. When the unit prices were locked in, the budget had already been approved.

Mrs. Cook asked Mr. Boone to explain cooperative bidding as allowed in the bid law. Mr. Boone explained.

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

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

ORDINANCE NUMBER 2987

Ordinance Number 2987 – An Ordinance Rescinding Ordinance Number 2769 And Amending Chapter 5.5; Article II, Entitled “Erosion And Sediment Control” Of The Vestavia Hills Code Of Ordinances (public hearing)

MOTION Motion to approve Ordinance Number 2987 was by Mrs. Cook, and seconded by Mr. Head.

Mr. Downes stated that this was discussed at length at a previous work session. He explained that these are the City’s stormwater regulation ordinances and this was to strengthen

these ordinances to more effectively control stormwater within the City and include an escalation of penalties for violation including beginning working with no permit, etc. He stated this also provides a process for appeal.

Mr. Brady was present to answer questions.

Mrs. Cook commended the city staff for taking actions to strengthen these ordinances. She stated that she has heard many citizen complaints concerning unpermitted work and repeated violations of stormwater permit requirements, and she believes this is a positive step.

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 was as follows:

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

ORDINANCE NUMBER 2988

Ordinance Number 2988 – An Ordinance Rescinding Ordinance Number 2770 And Amended Section 5.5, Article IV Entitled Stormwater Management Illicit Discharge, Establishing Methods For Controlling The Introduction Of Pollutants Into Municipal Separate Storm Sewer System In Order To Comply With The Requirements Of The National Pollutant Discharge Elimination System (NPDES) Permit Process (public hearing)

MOTION Motion to approve Ordinance Number 2988 was by Mrs. Cook, and seconded by Mr. Head.

Mr. Brady stated that this Ordinance changes the appeal process.

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 was as follows:

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

NEW BUSINESS

RESOLUTION NUMBER 5294

Resolution Number 5294 – A Resolution Approving An Alcohol License For Magic City Grocery LLC d/b/a The Backyard Market; Jeffrey Benjamin Gentry, Executive (public hearing)

MOTION Motion to approve Resolution Number 5294 was by Mr. Head, and seconded by Mr. Pierce.

Jeff Gentry, executive, was present in regard to this request.

Mr. Gentry explained that this is a specialty market which is about to open on Montgomery Highway in the former Joel's Restaurant space. He stated he will sell grab-and-go meals, frozen dinners, etc. This request is to allow on- or off-premise wine and beer sales. He stated they will probably close around 9 or 10 PM and will be family-oriented.

Mr. Pierce asked about training of employees to prevent sales to minors.

Mr. Gentry stated that they use the ABC-recommended responsible vendor training.

Mr. Pierce asked about Mr. Gentry's previous DUI charges listed on the application.

Mr. Gentry stated that he made some mistakes in college. He indicated that he is an adult now and that is far into his past. He stated that he resides in Vestavia Hills and wants to open this business in his own community.

The Mayor asked about anticipated opening.

Mr. Gentry stated they will open, hopefully, right after the first of the year.

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

- None.

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, stated that, at the last meeting, he asked if a property to be annexed and accepted by the city was in a floodplain. He stated he was told it was not in the floodplain, but the minutes reflect that “most” of it is in the floodplain, implying some of it is in the floodplain.

Mr. Brady stated that most of the property is not in the floodplain, but a very small percentage is in the floodplain.

Mr. Harwell stated that he was specifically told none of it was in the floodplain. He asked how much of it is in the floodplain.

Mr. Brady estimated less than 1%.

At 6:29 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:30 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

WHEREAS, the City of Vestavia Hills, Alabama is committed to ensuring the safety and security of all those living in and visiting Vestavia Hills; and

WHEREAS, fighting fires is one of the most hazardous professions, requiring physical strength, stamina, extensive training, courage, and selfless concern for the welfare of our residents; and

WHEREAS, research shows that fire fighters are more likely to be diagnosed with certain types of cancer than the general public; and

WHEREAS the health and well-being of our fire fighters is a top priority and education and training that focuses on the best practices for preventing and reducing the risk of occupational cancer is essential; and

WHEREAS in order to help save lives, the International Association of Fire Fighters and the Firefighter Cancer Support Network will partner to increase awareness and deliver targeted education and provide resources to reduce the impact of cancer on fire fighters this January.

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 January 2021 as

FIRE FIGHTER CANCER AWARENESS MONTH

throughout our community and I urge all employees of the Vestavia Hills Fire Department to participate in fire safety training and activities in order to enjoy a long, safe career and a healthy retirement.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 11th day of January 2021.

Ashley C. Curry
Mayor

RESOLUTION NUMBER 5295

**A RESOLUTION DETERMINING THAT CERTAIN
PERSONAL PROPERTY IS NOT NEEDED FOR
PUBLIC OR MUNICIPAL PURPOSES AND
DIRECTING THE SALE/DISPOSAL OF SAID
SURPLUS PROPERTY**

WITNESSETH THESE RECITALS

WHEREAS, the City of Vestavia Hills, Alabama, is the owner of personal property detailed in the attached “Exhibit A”; and

WHEREAS, the City has determined that it would be in the best public interest to sell or dispose of said property.

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

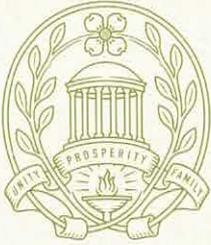
1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5295 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 11th day of January, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS

A LIFE ABOVE

ASHLEY C. CURRY
Mayor

TANEISHA YOUNG TUCKER
Library Director

MEMORANDUM

TO: Rebecca Leavings, City Clerk
FROM: Taneisha Tucker, Library Director *JKY*
RE: Surplus City Property
DATE: December 23, 2020

This memo requests that the Vestavia Hills City Council adopt a resolution declaring the following property surplus at the January 11, 2021 Council meeting:

1999 Ford Crown Victoria (23N3LZ)
VIN 2FAFP71W0XX153240
Mileage 173,264

Please contact me at 205.978.0161 if there are questions or concerns. Thank you.

01/06/21

To: Rebecca Leavings

From: Cpt. Sean Richardson

Re: Surplus City Property

Please request that the City Council deem the following property surplus at the next meeting:

2019 Ford Explorer VIN # 1FM5K8AR7KGA12700

2019 Ford Explorer VIN # 1FM5K8AR6KGB14182

2017 Ford Explorer VIN # 1FMK58AR9HGB34466

2019 Ford Explorer VIN # 1FM5K8AR4KGA12699

Please contact me with any questions or concerns.

Thank you, Cpt. Sean Richardson ext. #0118

Rebecca Leavings

From: Brian Davis
Sent: Thursday, January 7, 2021 9:24 AM
To: Rebecca Leavings
Cc: Jeff Downes
Subject: FW: Surplus Equipment
Attachments: Surplus Equipment.xlsx

Please add the following items for surplus for the council agenda on January 25. Thanks.

“When a train goes through a tunnel and it gets dark, you don’t throw away the ticket and jump off. You sit still and trust the engineer.”

Corrie ten Boom



Brian C. Davis, CPSI
Director of Public Services
1032 Montgomery Highway
Vestavia Hills, AL 35216
P 205 978 0150 | vhal.org

  WWW.ALIFEABOVE.ORG

From: Jeff Hughes
Sent: Thursday, December 17, 2020 9:40 AM
To: Brian Davis <BDavis@vhal.org>
Subject: Surplus Equipment

Brian,
Attached is the equipment we want to surplus.
Thanks
Jeff

2002 Caterpillar 420 D backhoe PIN# CAT0420DTFDP03227

Toro Z master model 75295. Serial# 310001016

Toro Z master model 75296. Serial# 310002530

2008 Kubota utility vehicle RTV900 DIESEL 4X4. Serial# 94369

6 1/2' X 12' utility trailer

ORDINANCE NUMBER 2990

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE BIRMINGHAM WATER WORKS BOARD TO GRANT A UTILITY EASEMENT FOR WATER MAIN SERVICE AT SHAC

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

1. The Mayor and City Manager are hereby authorized to sign an agreement with the Birmingham Water Works Board (BWWB) to grant an easement, right and privilege as described in said Exhibit A, attached to and incorporated into this Ordinance Number 2990 as if written fully therein; and
2. Ordinance Number 2990 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 11th day of January, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

THIS INSTRUMENT PREPARED BY:
Janice Acoff
The Birmingham Water Works Board
3600 1st Avenue, North
Birmingham, AL 35222
(205) 244-4265

RIGHT-OF-WAY AGREEMENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

In consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid to The City of Vestavia Hills, (hereinafter called Grantor, whether one or more), the receipt of which the Grantor hereby acknowledges, the Grantor does hereby grant, bargain, sell and convey unto The Water Works Board of the City of Birmingham, a public corporation organized under and by virtue of the laws of the State of Alabama (hereinafter called Grantee), its successors and assigns, a free, uninterrupted and unobstructed right-of-way thirty feet (30') in width, located within the boundaries of the NW ¼ of the NW ¼ of Section 17, Township 18, Range 1 West in the City of Vestavia Hills, to accommodate the relocation of an existing 24" water main, approximately as shown in on the maps attached hereto and made a part hereof, being fifteen feet (15') on either side of the center line of the first water pipeline and/or appurtenances installed in said real estate under the terms of this instrument, for the purposes of, at such times and from time to time in the future as the Grantee may elect, laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing at will one or more pipelines and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, deemed by the Grantee to be necessary or useful in connection with the transportation, distribution and sale of

water (hereinafter collectively called Pipelines). Together with all rights and privileges necessary or convenient for the full enjoyment or use of the rights herein granted, including, but not limited to the free right of ingress and egress over said right-of-way and real estate and over any property which is owned by the Grantor and is adjacent to said real estate, together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and keep clear all trees, brush, undergrowth and other obstructions, whether located upon or near said right-of-way, to the extent necessary to permit the full enjoyment of the rights and privileges herein conveyed, and the protection of the Pipelines. The Grantee's rights of ingress and egress over the real estate and property which is owned by the Grantor and is adjacent to said right-of-way shall be limited to those times when the Grantee requires access to and from the right-of-way for the purposes of laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing the Pipelines within such right-of-way and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, which the Grantee deems to be necessary or useful in connection with the Pipelines.

The rights and privileges herein conveyed are given granted and accepted upon the following conditions and subject to the following stipulations:

1. The Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of said premises, that they are free from all encumbrances and that it has a good right to grant to the Grantee the right-of-way granted hereby and that it will warrant against all claims, liens and encumbrances, except the lien for current real estate ad valorem taxes which are not delinquent, and any other liens or encumbrances which are approved in writing by the Grantee.
2. The Grantor retains ownership of said property and reserves the right to use said real estate

for any purpose and in a manner which will not unreasonably endanger or interfere with the Pipelines or the use or enjoyment of the rights and estates granted to the Grantee by this instrument. The Grantor further agrees not to construct, cause to be constructed, or permit to be constructed, on said right-of-way any lake or pond or any building or structure of any kind other than roadways.

3. The Grantee agrees that the water pipeline or pipelines placed within said right-of-way shall be buried so that the top thereof shall be not less than thirty inches (30") below the surface of the ground, and further agrees that following the construction, repair, relocation or removal of any such pipeline, Grantee will cause the surface of the ground to be restored as nearly as practicable to its former condition.

4. The Grantee shall have the right to lease, sell, assign, transfer and/or convey to others, in whole or in part, and to encumber, in whole or in part, the right-of-way, easement, estate, interests, rights and privileges granted to it by this instrument. The Grantee agrees that should the Grantor at any time following the installation of a water main, convey a road right-of-way to the governing body, along said right of way, the right-of-way granted herein shall expire and cease to exist and become a part of the governing body's public right-of-way.

5. No delay of the Grantee in establishing the location of the right-of-way hereby conveyed, or in the use of any other right or easement hereby granted or in laying or installing the Pipelines in or along said right-of-way shall result in the loss, limitation or abandonment of any right, title, interest, easement or estate granted hereby.

6. This instrument states the entire agreement between the Grantor and the Grantee and merges in this instrument all statements, representations and covenants heretofore made and any agreements not included in this instrument are void and of no force and effect. This instrument may

be modified only by a written instrument signed by the Grantor and Grantee.

7. This instrument shall inure to the benefit of, and be binding upon, the Grantor and Grantee and their respective heirs, successors and assigns.

To have and to hold unto the Grantee, its successors and assigns forever.

In witness whereof, the Grantor has executed this instrument on the _____ day of _____, 2021.

WITNESS:

The City of Vestavia Hills:

Name

Title

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, the undersigned authority, in and for said County in said State, hereby certify that _____, whose name as _____ of _____, a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he as such officer and with full authority, executed the same voluntarily for and as the act of said corporation.

Given under my hand and official seal, this _____ day of _____, 2021.

Notary Public

My Commission Expires:

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

January 8, 2021

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Right-of-Way Agreement With Birmingham Water Works Board

Dear Mr. Downes:

On January 6, 2021, you sent to me via electronic mail a proposed Right-of-Way Agreement by and between the City of Vestavia Hills, Alabama ("City") and Birmingham Water Works Board ("BWW") with a request that I review the same and provide you with my written legal opinion. The purpose of this letter is to comply with your request.

I. FACTS

On October 13, 2014, the City Council of the City of Vestavia Hills, Alabama approved and adopted Resolution Number 4643 authorizing and directing you to execute and deliver an Agreement with Alabama Department of Transportation ("ALDOT") for Project Number TAPAA-TA14(931) for the construction of a pedestrian tunnel to connect LPSC and SHAC. Among other things, the agreement provides that the Federal Highway Administration will provide federal funding equal to eighty percent (80%) of the cost of the construction; provided, however, that the maximum federal money does not exceed Three Hundred Seventy-eight Thousand Nine Hundred Sixty-six Dollars (\$378,966.00). The City will be required to pay the remaining twenty percent (20%) and the cost of preparing the design plans for construction of the project.

On January 12, 2015, the City Council approved and adopted Resolution Number 4667 approving the execution and delivery of an Agreement with Volkert, Inc. to provide engineering design services for the construction of the pedestrian tunnel.

On May 20, 2019, the City Council approved and adopted Resolution Number 5158 accepting a bid from Gillespie Construction, LLC for the construction of the pedestrian tunnel. On the same date, the City Council approved and adopted Resolution Number 5159 authorizing the execution and delivery of an Agreement with Volkert, Inc. for CEI services for the construction of the pedestrian tunnel.

The Birmingham Water Works Board now needs to relocate the water pipe and has submitted the Right-of-Way Agreement for approval by the City Council.

II. MY COMMENTS

A. This Right-of-Way Agreement must be approved by an ordinance enacted by the City Council (*Van Antwerp v. Mobile*, 217 Ala. 201, 115 So. 239 (1928); *Ex Parte Ballew*, 771 So.2d 1040; and *Town of Boligee v. Greene Co.*, 77 So.3d 1166 (2011)).

B. If approved by the City Council, then in such event the Right-of-Way Agreement must be signed by the Mayor (Title 11-43-83, *Code of Alabama, 1975*) and the City Manager (Title 11-43-21(7), *Code of Alabama, 1975*.) I have taken the liberty to add the signature lines and the acknowledgments at the end of the agreement.

C. The City covenants in Section 1 of the Right-of-Way Agreement that it owns the land where the water pipe will be installed. Title 11-49-80(b), *Code of Alabama, 1975*, provides that the annexation of unincorporated territory into a municipality shall result in the municipality assuming responsibility to control, manage, supervise, regulate, repair maintain and improve all public streets or parts thereof lying within the territory annexed.

In 1997, the Court of Civil Appeals of Alabama held that a city has the responsibility for the maintenance and control of a road situated in an area that had been annexed to the municipality (*McCool v. Morgan County Commission*, 716 So.2d 1201). Therefore, if any of the water pipe is installed on the public right-of-way of Sicard Hollow Road, then in such event it will be located on City property.

D. The Right-of-Way Agreement prepared by BWB is virtually the same agreement that it uses in similar situations. For instance, the Vestavia Hills Board of Education and BWB entered into a Right-of-Way Agreement on June 28, 2017 for a project at East Elementary School (filed in Jefferson County Probate Court on July 18, 2017 and recorded at AL040 Inst.#2017073011, Pages 1-6) that is virtually identical to the one under consideration.

III. LEGAL OPINION

From a legal standpoint, I approve the Right-of-Way Agreement with BWB provided it is executed in the manner set forth above as modified in the attached document. Please call me if you have any questions.

Very truly yours,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

Attachment

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

THIS INSTRUMENT PREPARED BY:
Janice Acoff
The Birmingham Water Works Board
3600 1st Avenue, North
Birmingham, AL 35222
(205) 244-4265

RIGHT-OF-WAY AGREEMENT

STATE OF ALABAMA)
JEFFERSON COUNTY)

In consideration of the sum of one dollar (\$1.00) and other valuable considerations in hand paid to The City of Vestavia Hills, (hereinafter called Grantor, whether one or more), the receipt of which the Grantor hereby acknowledges, the Grantor does hereby grant, bargain, sell and convey unto The Water Works Board of the City of Birmingham, a public corporation organized under and by virtue of the laws of the State of Alabama (hereinafter called Grantee), its successors and assigns, a free, uninterrupted and unobstructed right-of-way thirty feet (30') in width, located within the boundaries of the NW ¼ of the NW ¼ of Section 17, Township 18, Range 1 West in the City of Vestavia Hills, to accommodate the relocation of an existing 24" water main, approximately as shown in on the maps attached hereto and made a part hereof, being fifteen feet (15') on either side of the center line of the first water pipeline and/or appurtenances installed in said real estate under the terms of this instrument, for the purposes of, at such times and from time to time in the future as the Grantee may elect, laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing at will one or more pipelines and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, deemed by the Grantee to be necessary or useful in connection with the transportation, distribution and sale of

water (hereinafter collectively called Pipelines). Together with all rights and privileges necessary or convenient for the full enjoyment or use of the rights herein granted, including, but not limited to the free right of ingress and egress over said right-of-way and real estate and over any property which is owned by the Grantor and is adjacent to said real estate, together with the right, from time to time, in connection with the enjoyment of the privileges herein conveyed, to cut and keep clear all trees, brush, undergrowth and other obstructions, whether located upon or near said right-of-way, to the extent necessary to permit the full enjoyment of the rights and privileges herein conveyed, and the protection of the Pipelines. The Grantee's rights of ingress and egress over the real estate and property which is owned by the Grantor and is adjacent to said right-of-way shall be limited to those times when the Grantee requires access to and from the right-of-way for the purposes of laying, constructing, installing, maintaining, operating, renewing, repairing, changing the size of, relocating, removing and/or replacing the Pipelines within such right-of-way and such appurtenances, appliances, fixtures and equipment, whether above or beneath the surface of the ground, which the Grantee deems to be necessary or useful in connection with the Pipelines.

The rights and privileges herein conveyed are given granted and accepted upon the following conditions and subject to the following stipulations:

1. The Grantor hereby covenants with the Grantee that the Grantor is lawfully seized in fee simple of said premises, that they are free from all encumbrances and that it has a good right to grant to the Grantee the right-of-way granted hereby and that it will warrant against all claims, liens and encumbrances, except the lien for current real estate ad valorem taxes which are not delinquent, and any other liens or encumbrances which are approved in writing by the Grantee.
2. The Grantor retains ownership of said property and reserves the right to use said real estate

for any purpose and in a manner which will not unreasonably endanger or interfere with the Pipelines or the use or enjoyment of the rights and estates granted to the Grantee by this instrument. The Grantor further agrees not to construct, cause to be constructed, or permit to be constructed, on said right-of-way any lake or pond or any building or structure of any kind other than roadways.

3. The Grantee agrees that the water pipeline or pipelines placed within said right-of-way shall be buried so that the top thereof shall be not less than thirty inches (30") below the surface of the ground, and further agrees that following the construction, repair, relocation or removal of any such pipeline, Grantee will cause the surface of the ground to be restored as nearly as practicable to its former condition.

4. The Grantee shall have the right to lease, sell, assign, transfer and/or convey to others, in whole or in part, and to encumber, in whole or in part, the right-of-way, easement, estate, interests, rights and privileges granted to it by this instrument. The Grantee agrees that should the Grantor at any time following the installation of a water main, convey a road right-of-way to the governing body, along said right of way, the right-of-way granted herein shall expire and cease to exist and become a part of the governing body's public right-of-way.

5. No delay of the Grantee in establishing the location of the right-of-way hereby conveyed, or in the use of any other right or easement hereby granted or in laying or installing the Pipelines in or along said right-of-way shall result in the loss, limitation or abandonment of any right, title, interest, easement or estate granted hereby.

6. This instrument states the entire agreement between the Grantor and the Grantee and merges in this instrument all statements, representations and covenants heretofore made and any agreements not included in this instrument are void and of no force and effect. This instrument may

be modified only by a written instrument signed by the Grantor and Grantee.

7. This instrument shall inure to the benefit of, and be binding upon, the Grantor and Grantee and their respective heirs, successors and assigns.

To have and to hold unto the Grantee, its successors and assigns forever.

IN WITNESS WHEREOF, the Grantor has executed this instrument on the _____ day of _____, 2021.

CITY OF VESTAVIA HILLS, ALABAMA
A Municipal Corporation

By _____
Ashley C. Curry
Its Mayor

By _____
Jeffrey D. Downes
Its City Manager

ATTESTED

By _____

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, 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, a municipal corporation, is signed to the foregoing Right-of-Way Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer 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 the _____ day of _____, 2021.

Notary Public

My Commission Expires:

SEAL

**STATE OF ALABAMA
JEFFERSON COUNTY**

ACKNOWLEDGMENT

I, the undersigned authority, 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, a municipal corporation, is signed to the foregoing Right-of-Way Agreement, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer 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 the _____ day of _____, 2021.

Notary Public

My Commission Expires:

SEAL

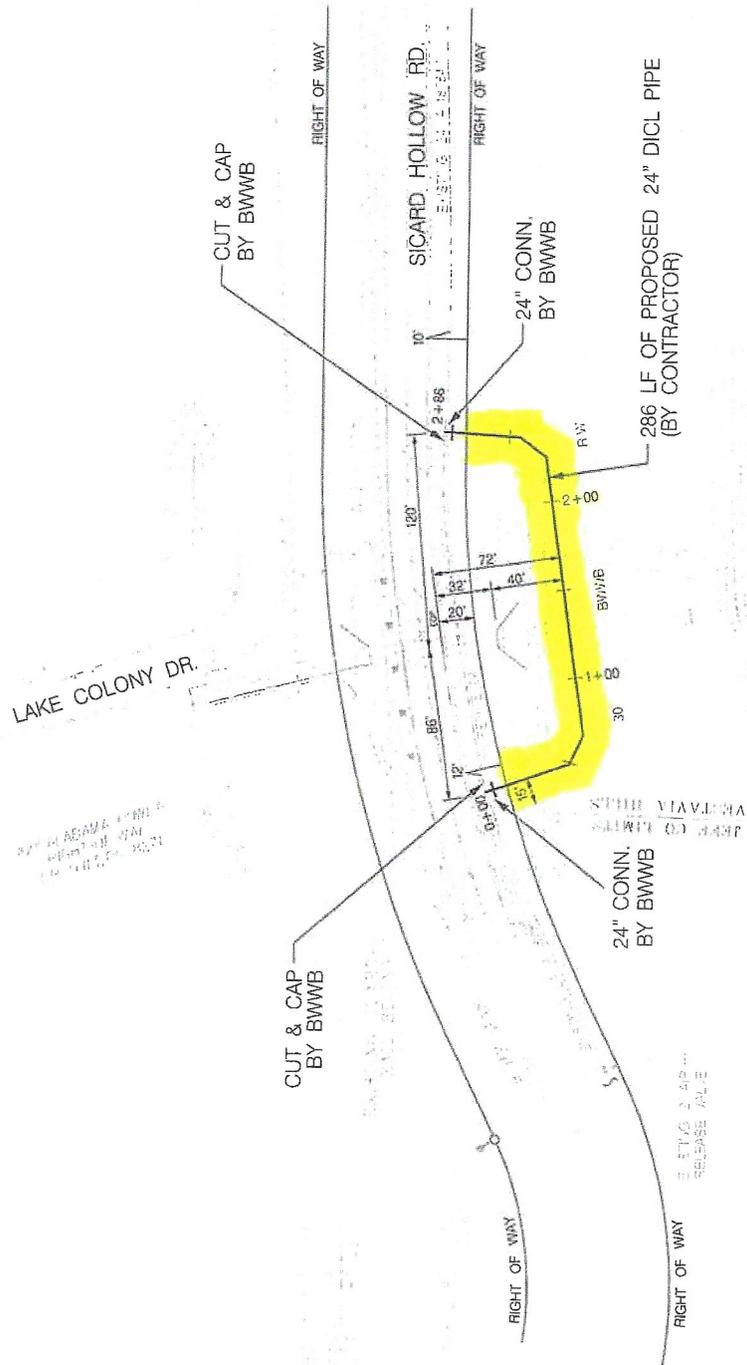
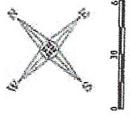
DATE: 08-20-2020
 DRAWN BY: JAVIER
 CHECKED BY: JAVIER
 APPROVED BY: JAVIER
 REC: 08-20-20
 REC: 08-20-20
 SCALE: 1"=30'
 WORK: CHDSR PROJECT

VESTAVIA PEDESTRIAN TUNNEL



LEGEND
 24" PROPOSED WATER MAIN
 RIGHT OF WAY (RW)
 1"=30'

SHEET 1 OF 7



NOTE:
 SEE SHEET 7 FOR TRAFFIC CONTROL PLAN

STATIC PRESSURE: +/- 151 P.S.I.

THIS DRAWING IS THE PROPERTY OF THE WATER WORKS BOARD OF THE CITY OF BIRMINGHAM. IT IS TO BE USED ONLY FOR THE PROJECT AND SHALL NOT BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION OF THIS DRAWING IS STRICTLY PROHIBITED. THE USER OF THIS DRAWING SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.

ANY CHANGE ALTOUGH CHANGE MUST BE APPROVED BY THE PROJECT COORDINATOR AND FIELD BEFORE IMPLEMENTATION. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE, AND FEDERAL AGENCIES.

LEGEND

- 24" PROPOSED WATER MAIN
- RIGHT OF WAY (RW)

VESTAVIA PEDESTRIAN TUNNEL

VESTAVIA PEDESTRIAN TUNNEL

STATION 2+85
 RELEASE DATE

ORDINANCE NUMBER 2989

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-1 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-1 (low density residential district) to Vestavia Hills R-9 (planned residential district):

3412 Ridgedale Drive
Lot 6, Rocky Ridge Estates
Scott Thomson, Owner(s)

APPROVED and ADOPTED this the 25th day of January, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

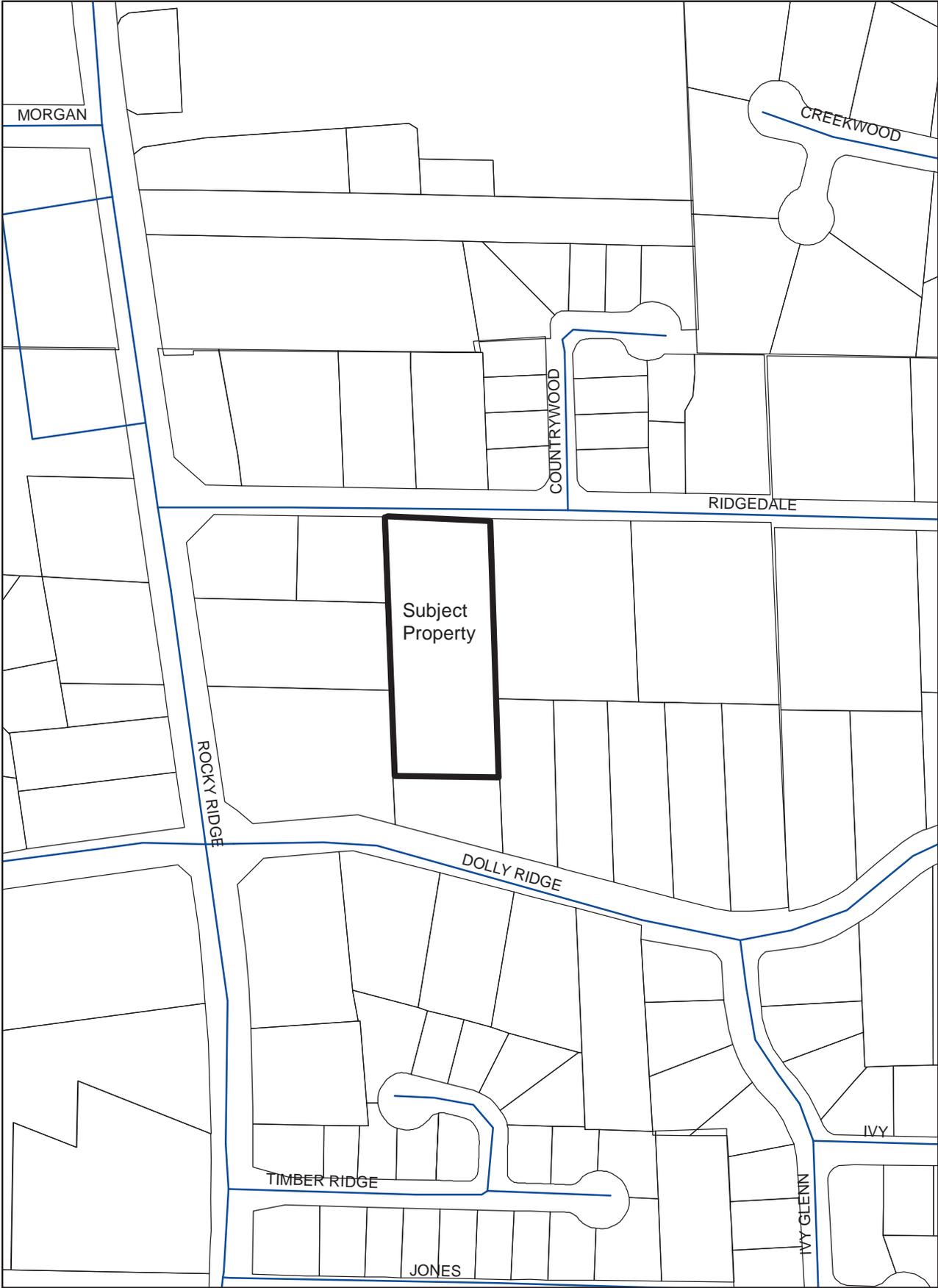
CERTIFICATION:

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 # 2989 is a true and correct copy of such 25th day of January, 2021, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2021.

Rebecca Leavings
City Clerk

3412 Ridgedale Drive



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

Date: NOVEMBER 12, 2020

- **CASE: P-1120-35**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-1 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3412 Ridgedale Dr.
- **APPLICANT/OWNER:** Scott Thomson
- **REPRESENTING AGENT:** Jason Kessler
- **GENERAL DISCUSSION:** Applicant is seeking rezoning Ridgedale Dr. for a four lot single family development. This property is +/- 1.25 acres and is adjacent to El Poblano, Andy's Farmers Market, and a gas station. The request would remove any existing structures and plat four lots that back up to the commercial development. The lots would be serviced by a newly created public street. Proposed setbacks are 25' in the front, 20' un the rear, and 10' on each side.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The Comprehensive Plan designates this area for low/medium density. With lots just under a quarter of an acre this development could be considered medium density. The development could also be considered transitional due to the nature of uses next door.
- **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: Final plat must be recorded before rezoning is final.
 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 Mrs. Barnes made a motion to recommend Rezoning from Vestavia Hills R-1 to Vestavia Hills R-9 for the property located at 3412 Ridgedale Dr. Second was by Mr. Maloof. Motion was carried on a roll call; vote as follows:

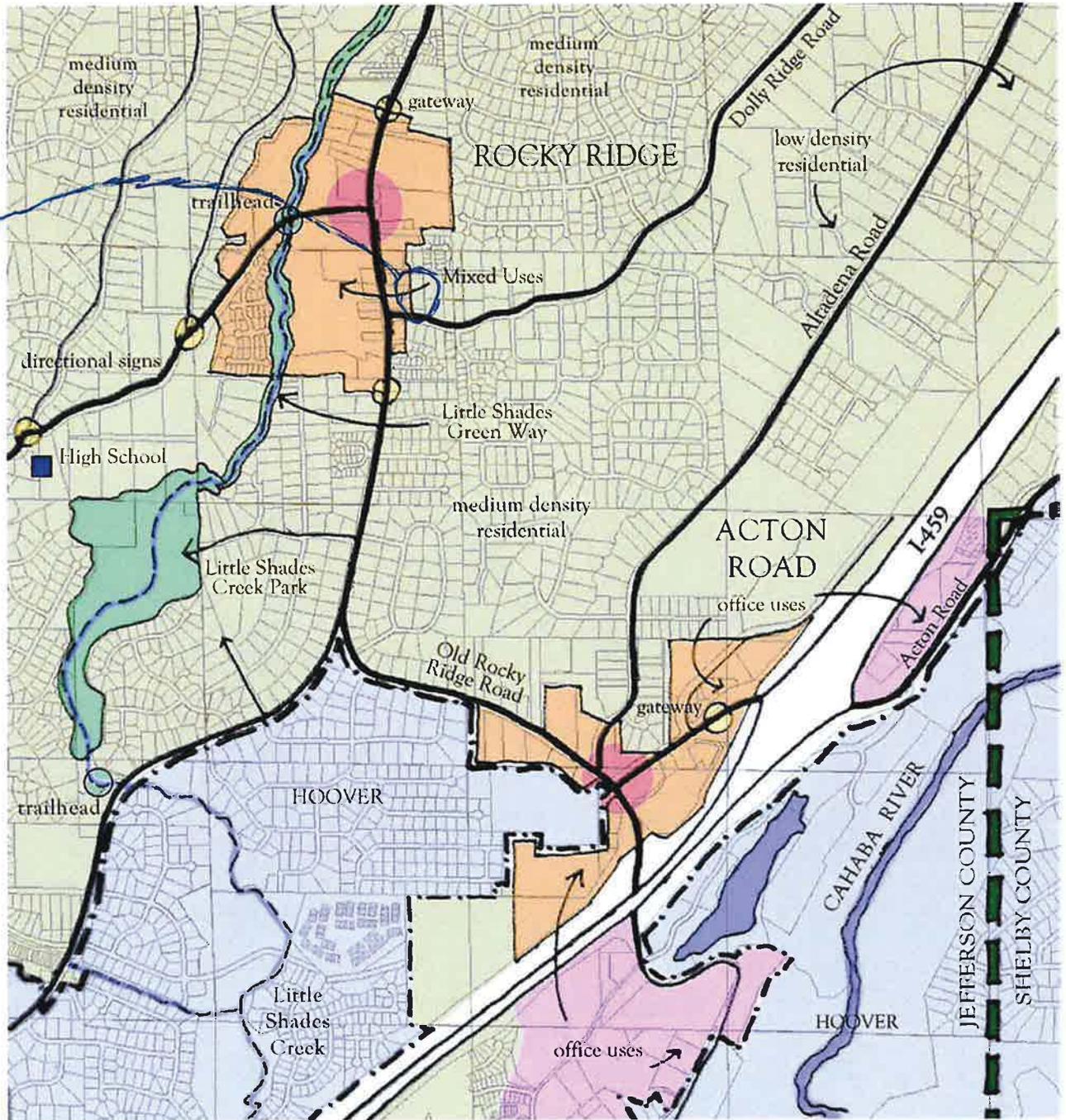
Mr. Maloof – yes
Mr. Ferrell – yes
Ms. Vercher – yes
Mrs. Barnes – yes
Motion carried.

Mr. Romeo – yes
Mr. Sykes – yes
Mr. Weaver – yes
Mr. Larson – yes

- R-2
- PUD-PR-1
- R-1
- R-4
- R-6
- R-9
- R-3
- R-8
- R-5
- R-9*
- RC-1
- B-3
- A
- E-2
- B-2
- Inst-1
- R-1*
- O-1
- PUD-PB
- R-8*
- R-6*
- B-1
- B-3
- Inst
- B-2
- O-1
- R-7
- R-4



Zoning1	
PARCELID	2800323003003000
DISTRICT	020
ESN_NUM	62
PROPADD	3412 RIDGEDALE DR
TAX_TOWNSHIP	28
SECTION	32
CSECTION	3
BLOCK	003
PARCEL	003000
VH_ZONING	R-1
ZNG_ORD	1203
ZNG_ORD_DT	05/06/1991
ZNG_ORD2	
Zoom to	



Subject Parcel

Figure 21: Rocky Ridge Road / Acton Road West
Land Use Analysis

- Neighborhood - primarily low / medium density single-family residential areas with higher densities near village centers). 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.

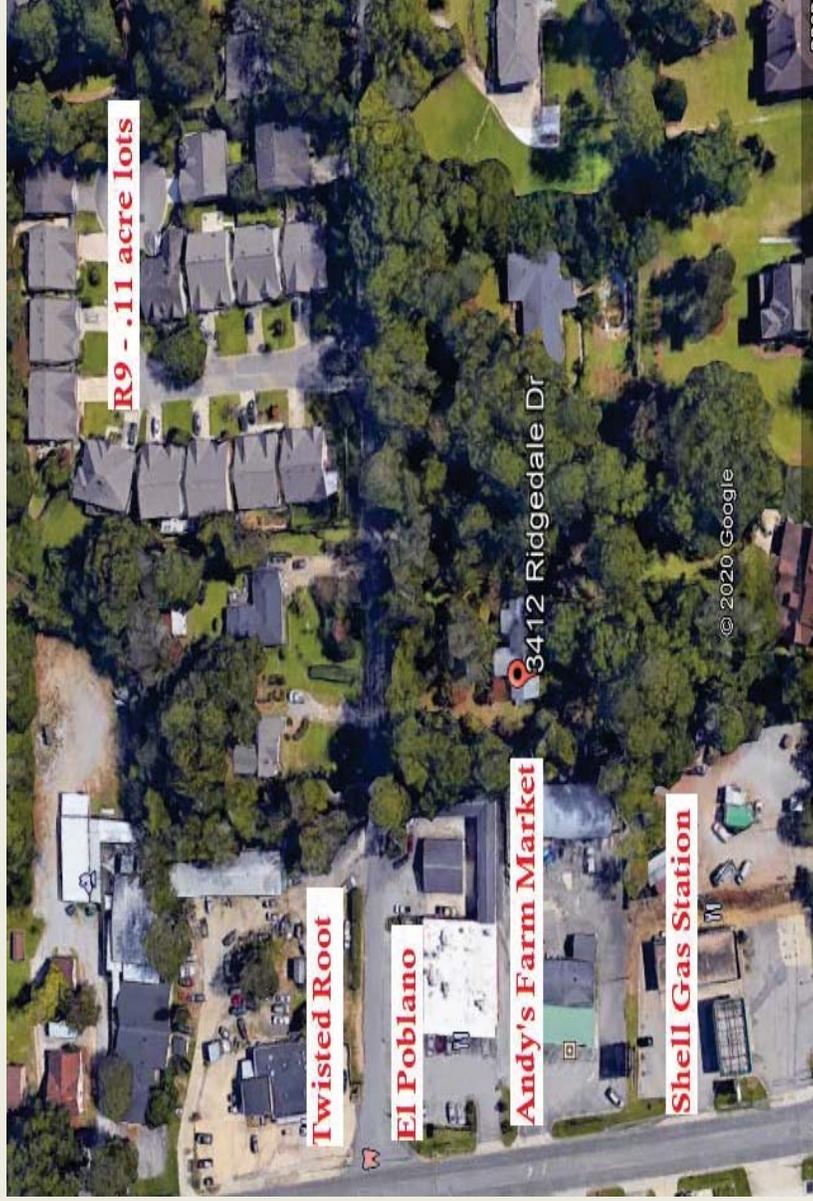
- Professional Offices - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space - public and private recreation facilities 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.



3412 RIDGEDALE DRIVE

Vestavia Hills, Alabama

Existing Property



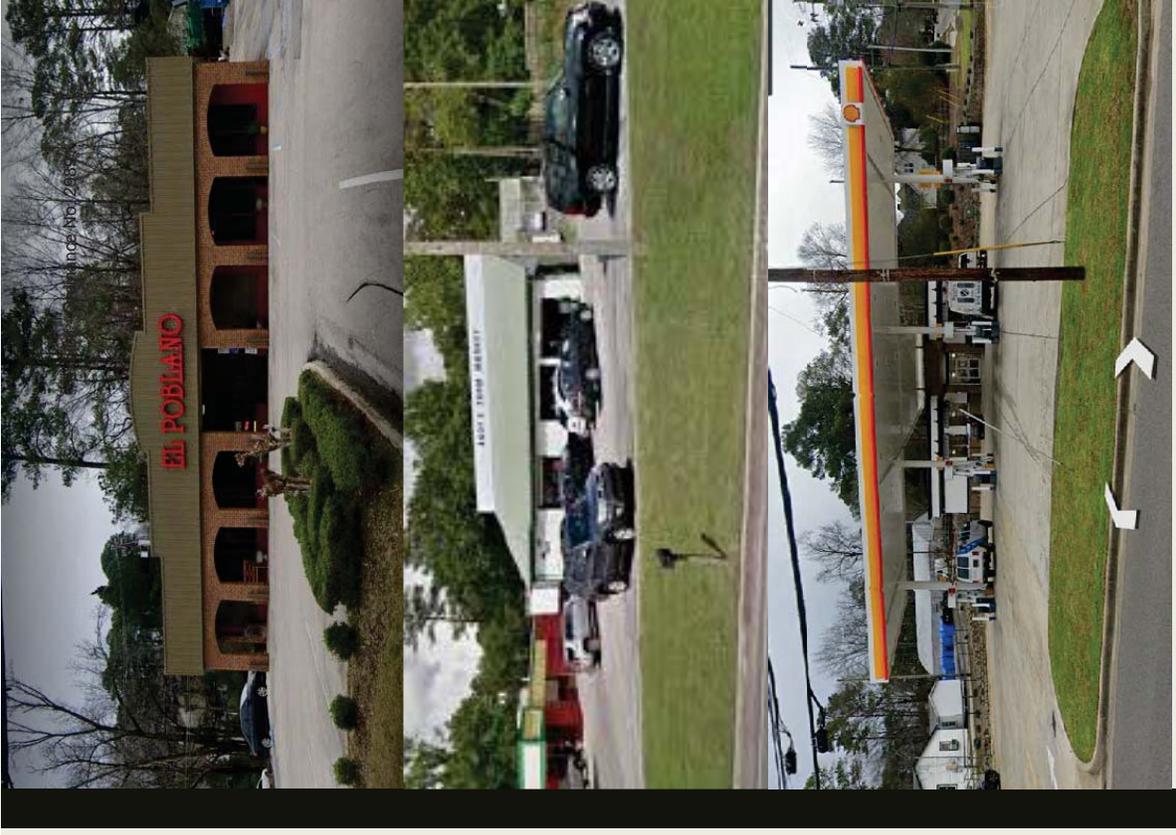
3412 Ridgedale Drive is a 1.23 acre piece of property that is contiguous to multiple commercial properties and is across the street from a densely populated garden home development. We believe a 4 lot subdivision would create the perfect transitional zoning from commercial on Rocky Ridge, to our proposed lots, to larger lots on Ridgedale.

In an effort to create the best and most sensible design, our homes have been placed away from the single family home to the East and closer to the commercial properties to the West. This helps create a buffer between the residential properties. Additionally, we plan to plant a landscape buffer and fence between the home to the East and our newly constructed public road to provide privacy and an aesthetic appeal.

The current zoning would allow for 2 homes to be built on the subject property without a rezone or variance. Ultimately, we are asking to increase the allowed density from 2 to 4 homes and with it will come property value increases and substantial infrastructure improvements that would likely not occur without a rezoning. For these reasons, we feel this would be a great addition to the area that would benefit everyone.

Neighboring Property

Contiguous to the West of the subject property are three separate commercial properties. El Poblano restaurant, Andy's Farm Market, and Shell Gas Station all located on Rocky Ridge Road. Turning onto Ridgedale Drive from Rocky Ridge, the properties transition to single family residential.

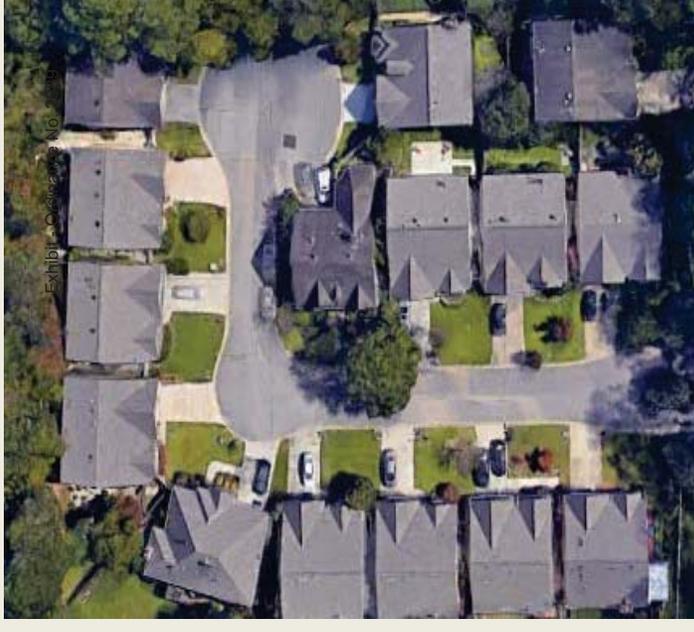


Neighboring Property

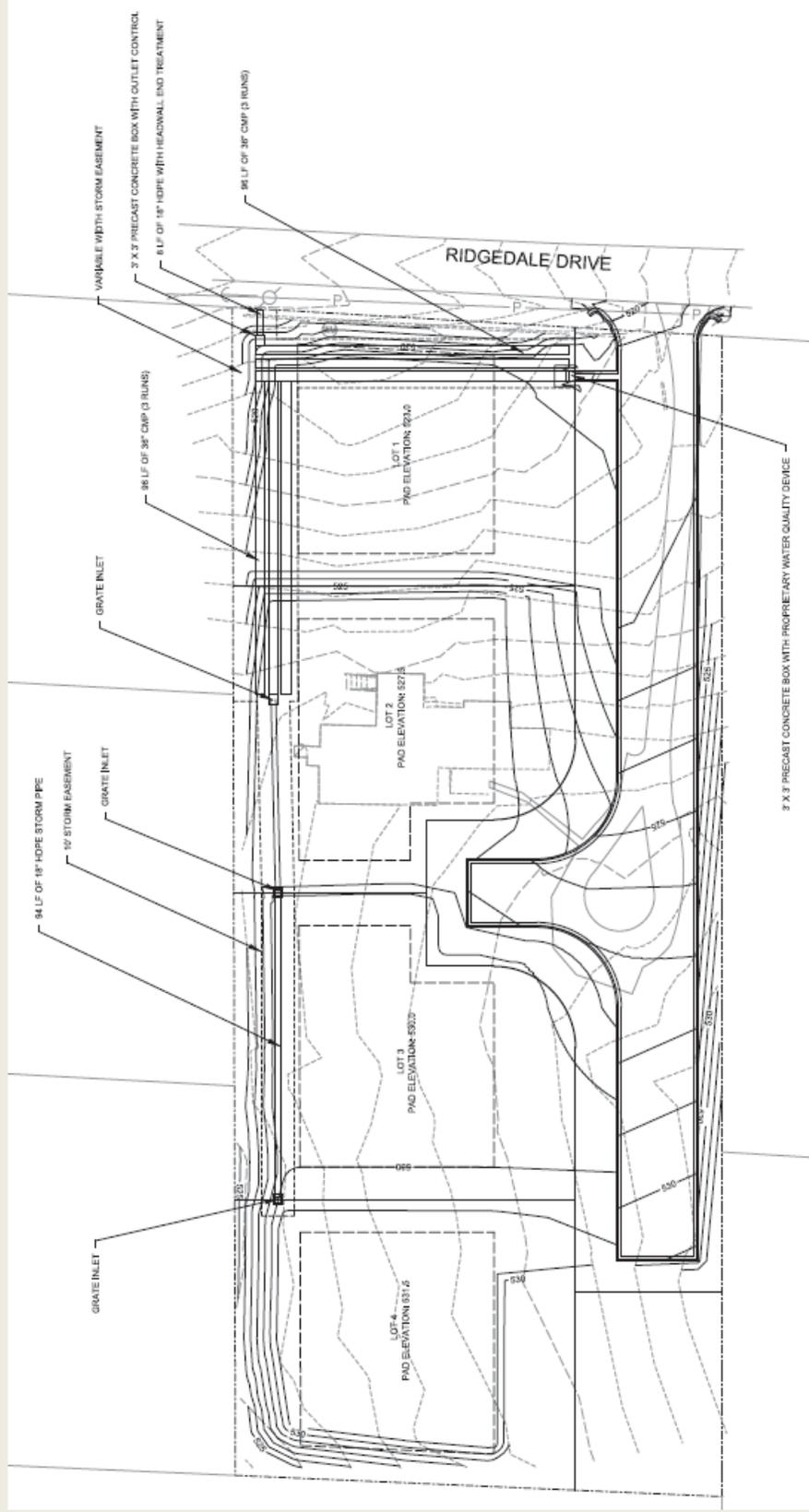
To the North of the subject property is the Country Wood Trace subdivision. This is a garden home development with the majority of lots being about .11 acres a piece. The homes are roughly 10 feet apart from one another.

Conversely, our proposed plan would offer lots that are almost twice that size at .20 acres a piece. The homes would also be a minimum of 20 feet apart.

Ridgedale Drive features homes on larger lots as well. It is our belief that our proposed subdivision is a good fit as medium sized lots interspersed with the garden home lots and larger lots.



Grading and Drainage Plan



Grading and Drainage Plan

One stated concern regarding the property is the current drainage situation. A big part of the problem is there is no storm water infrastructure to speak of on the property. If our rezoning is approved, we will be installing a substantial storm water system that has been designed by Engineering Design Group and reviewed and approved by the City of Vestavia engineers.

The plan currently shows several runs of underground pipe. We are exploring an alternate system that would bury the water in underground chambers. Either way, the drainage situation will only be improved by the system we would install.

Traffic

- We used the Institute of Transportation Engineers' Trip Generation, 8th Edition to determine changes in traffic if our rezoning request is approved. What we found is if we built our proposed 4 homes, there would be an increase of about 1 trip per hour to the existing traffic flow. This is a miniscule amount of traffic to be added to the neighborhood.
- We also set up a time lapse camera to document the number of cars that use Ridgedale Drive on a given day. During the hours of 2pm-6pm, the hours in which school and "rush hour" traffic are highest, the traffic averaged out to roughly 1 car every 2 minutes. This is not, by any means, a high volume of traffic.
- We have agreed to work with the City in their attempts to widen Ridgedale Drive to improve traffic conditions.
- We have also reached out to the City to ask for Ridgedale Drive to be added to the repaving priority list. It currently does not show on the list on the City's website. It is our hope that if we are going to perform infrastructure improvements such as installing sidewalks, helping to widen the road, and installing storm water systems, that the City will agree to expedite repaving of the road, which is needed.

Schools

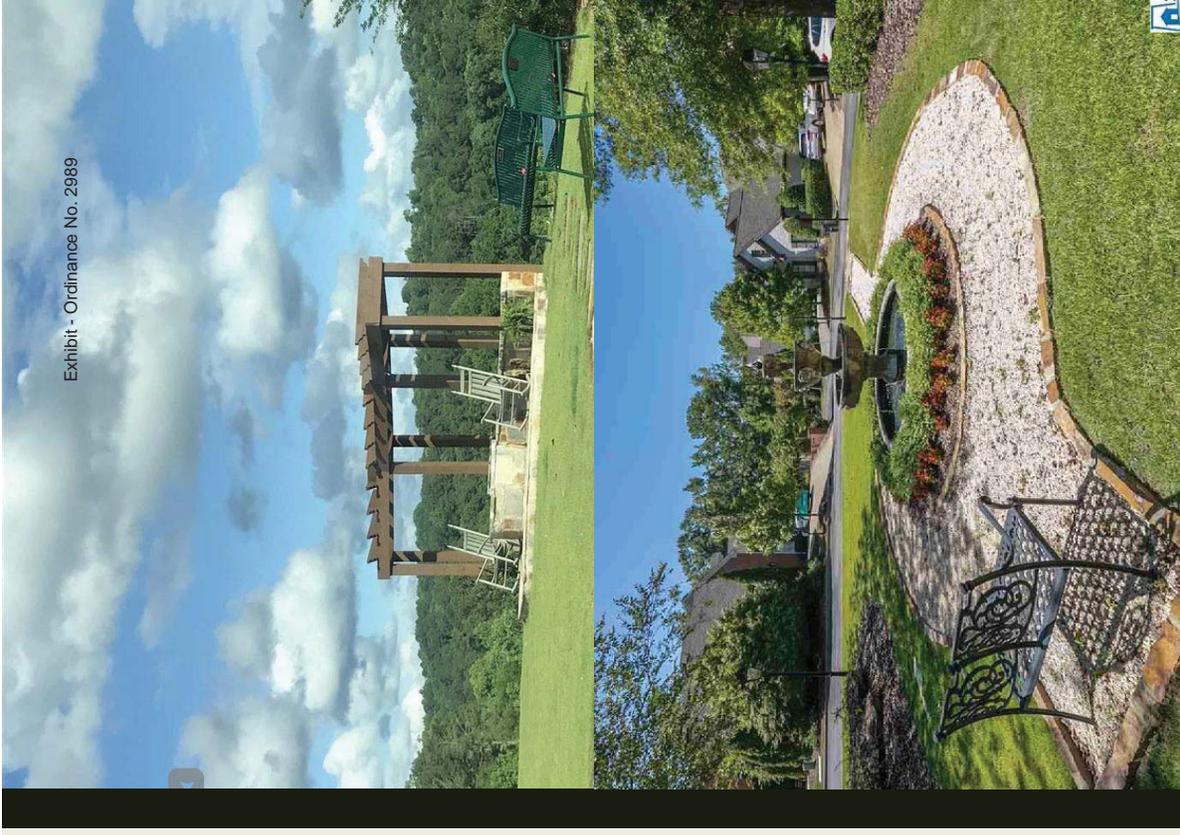
- We contacted the Board of Education regarding any potential school capacity issues. We were informed that the City Council discusses school capacity with the BOE and would ultimately decide if a rezoning would present any issues. It is our opinion that an increase of a possible 2 homes under the current zoning to our proposed 4 would not create an issue.
- In addition, in different parts of Vestavia we are currently building similar homes to what we are proposing here. Of 6 current clients, only 1 have school aged children and the majority of our clients are empty nesters. We have found that homes of this size, with mostly main level living, and smaller yards are very attractive to people without school aged children.

Common Area/Green Space

In addition to substantial infrastructure improvements, our plan incorporates a common area/green space into the design as opposed to trying to add another home to the subdivision.

We believe a green space in which to congregate with neighbors and friends is a positive benefit to any neighborhood. That is even more true in a walkable area such as this one and it should only add to the village-like atmosphere we are all trying to responsibly add to surrounding Rocky Ridge.

These are a couple examples of small common areas we have designed in the past. One from our Westminster neighborhood in Vestavia and Lennox community in the Hoover area.



Previous Work - Pumpphouse Village Vestavia Hills - Selling mostly in the \$600's to \$700's



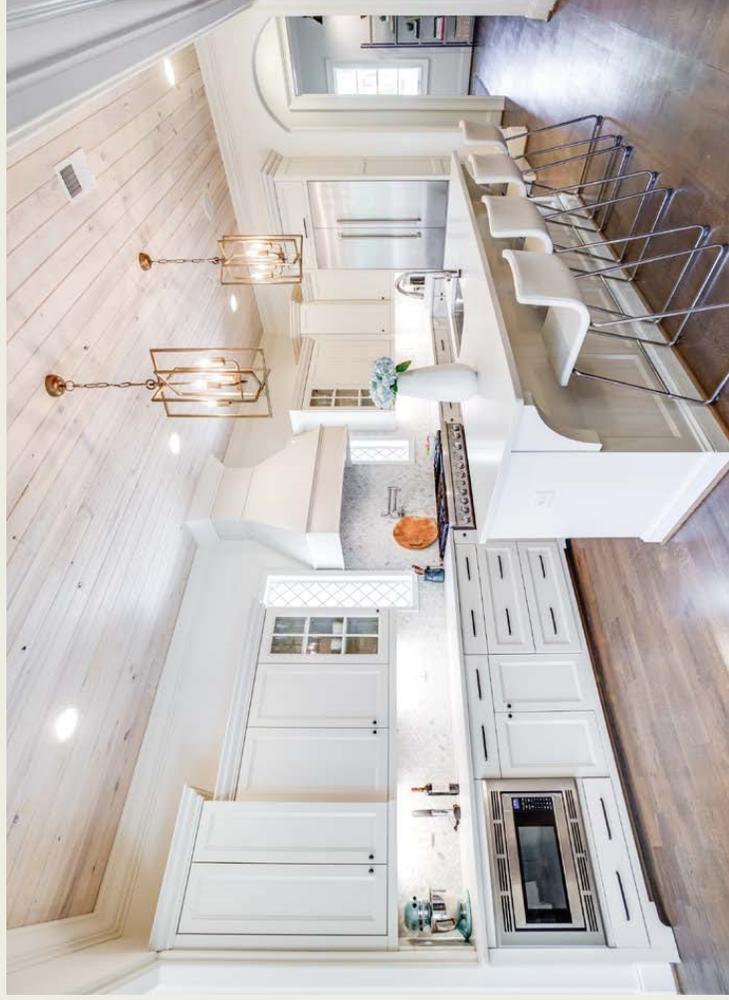
Exhibit - Ordinance No. 2989

Previous Work - The Cove at Overton Vestavia Hills & Mountain Brook - \$800's to \$1mm+



Exhibit - Ordinance No. 2989

Previous Work - The Cove at Overton Vestavia Hills & Mountain Brook - \$800's to \$1mm+



Previous Work - Calton Hill Mountain Brook - \$800's to \$900's

Exhibit - Ordinance No. 2989



Exhibit - Ordinance No. 2989

Previous Work - The Cove at Edgewood

Homewood - \$600's to \$900's



Conceptual Front Elevations

- Our plan is to build homes in the range of 2,800 – 3,000 square feet with Master Bedrooms and 2 car garages on the main level. We would likely offer these homes in the mid \$600's and up which is a substantial part of our niche market. The homes will feature brick and stone exteriors, stainless steel appliances, quartz counters, and other amenities commonly found in our homes. Homes with this type of square footage, amenities, and lot size are very popular and we are confident these homes will sell as well as they do in other parts of Vestavia and other areas.



Exhibit - Ordinance No. 2989





About KADCO Homes

We have been in business here in Birmingham for over 35 years. With a strong and consistent focus on the Vestavia area market, we have helped create communities such as Wellington Park, Cambridge, Kensington, Panorama Brook, Crossbridge, Cobblestone, Westminster, The Cove at Overton, Pumphouse Village, & more.

We are currently working on several communities in Vestavia such as Vestavia Terrace townhomes, Natchez Drive, Poe Drive at Overton Village, Fairhaven Manor, and Winward Lane. You can find out more about us by visiting kadcohomes.com



RESOLUTION NUMBER 5297

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE
A NEW POLICE VEHICLE TO REPLACE A RECENTLY TOTALED
POLICE VEHICLE**

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

1. The City Manager is hereby authorized to purchase a 2021 Ford Explorer Police Interceptor, a replacement vehicle for a police vehicle recently totaled, and up-fit it with all the necessary emergency equipment re-using as much equipment from the previous vehicle as possible; and
2. The City will be receiving an insurance settlement for the previous vehicle in the amount of \$39,471.85 which will partially fund this replacement vehicle; and
3. Any additional funds needed for this purchase shall be derived from the Vehicle Maintenance budget for the Vestavia Hills Police Department; and
4. This Resolution Number 5297 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of January, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Rebecca Leavings

From: Danny Rary
Sent: Monday, January 4, 2021 10:17 AM
To: Jeff Downes; Rebecca Leavings
Cc: Sean Richardson
Subject: Wrecked unit 108

Mr. Downes,

I am requesting that we place an item on the council agenda for normal process on Monday 11 January 2021.

The city has reached a settlement on the wreck of Unit 108 VIN # 1FM5K8AR7KGA12700 with Travelers insurance. This settlement was for \$39,471.85.

I am requesting this council action to purchase a 2021 Ford Explorer Police Interceptor and up-fit it with all the necessary emergency equipment. We will re-use every piece of equipment possible from Unit 108 in order to maximize the money from the settlement.

Any funds above the settlement amount for this purchase will come from Vehicle Maintenance.

This item will be purchased from Woody Anderson Ford located in Huntsville Alabama, through the North Alabama Cooperative Purchasing Association.

Thank you,

Dan



Danny P. Rary
Chief of Police
Vestavia Hills Police Department
1032 Montgomery Highway
Vestavia Hills, Alabama 35216
205-978-0109
drary@vhal.org