

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
April 26, 2021
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Don Richards, Asst. Senior Vestavia Hills City Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. City Manager’s Report
8. Councilors’ Reports
9. Financial Reports – Melvin Turner, III – Finance Director
10. Approval Of Minutes – April 12, 2021 (Regular Meeting)

Old Business

11. Ordinance 2818-A – An Ordinance To Amend Ordinance Number 2818 To Rezone Properties Located At 3782 Fairhaven Drive; Lots 31A-D, Overton Investments, LLC Resurvey Of A Part Of Block 1 New Merkle From Vestavia Hills R-9 (Planned Residential District For Construction Of Four Townhomes) To Vestavia Hills R-9 (Planned Residential District For Construction Of Three Detached Single-Family Homes); Overton Investments, LLC; Owners (*public hearing*)
12. Ordinance Number 3005 - An Ordinance Establishing Rules For Dog Parks To Be Opened Soon In The City Of Vestavia Hills (*public hearing*)

New Business

13. Resolution Number 5315 – A Resolution Determining Certain Property Is Surplus And Authorizing The City Manager To Dispose/Sell Said Property

14. Resolution Number 5318 – A Resolution Appointing A Member To The Vestavia Hills Board Of Education

New Business (Requesting Unanimous Consent)

15. Resolution Number 5316 – A Resolution Authorizing The City Manager To Purchase A New Police Vehicle To Replace A Recently Totaled Police Vehicle (*public hearing*)
16. Resolution Number 5317 – A Resolution Authorizing The City Manager To Expend An Additional \$20,000 For Engineering Services During The Absence Of The City Engineer (*public hearing*)

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

17. Ordinance Number 3006 – Renewing An Electric Franchise To Alabama Power Company, Its Successors And Assigns In The City Of Vestavia Hills, Alabama (*public hearing*)
18. Citizens Comments
19. 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 choose 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.

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mr. Pierce welcomed Marty Martin and Gary Jordan, Vestavia Hills Chamber of Commerce Board members, who were participating in the meeting via Zoom.

PROCLAMATION

The Mayor gave a brief background of David Barber's time serving the public and then later, becoming Director of the Prescott House. He explained that the idea of the Prescott House and what an invaluable asset to this area it has been. The Mayor presented Mr. Barber with a Certificate of Appreciation for his dedication in the protection of children in this community. Mr. Downes read the Certificate aloud.

The Mayor presented a Proclamation designating the month of April 2021 as "Child Abuse Prevention Month." Mr. Downes read the Proclamation aloud and the Mayor presented it to Mr. Barber and Mary Melton, Prescott House Development and Event Coordinator.

CITY MANAGER'S REPORT

- Mr. Downes stated that the City's Fire Department received delivery of a new ladder truck for Liberty Park on Friday. He invited the Council to go outside and view the truck. The Council exited the Chamber to view the new apparatus at 6:10 PM. At 6:15 PM, the Council re-entered the Chamber and the Mayor called the meeting back to order.

COUNCILOR REPORTS

- Mr. Pierce announced that he will attend the Chamber of Commerce's first in-person luncheon for the year. He stated that occupancy at each table will be reduced but that he was glad to see things getting more back to normal.
- Mr. Pierce made the following announcement on behalf of Councilor Mrs. Cook. He announced that the following applicants had submitted applications to the School Board vacancy: Karl Julian; James "Jay" Stewart; Ryan Blacknborg; Blair Moss; Cynthia Anderston; Connie Goodman; Brian Corley; Clark Williamson; Brian Demarco; Gina Pickering; Ashley Smith. The Council will vote on the appointment at the meeting of April 26, 2021. Personal interviews with the applicants are scheduled for the 15th and 16th of April.
- Mr. Weaver stated that the Planning and Zoning Commission met in their regular April meeting with one rezoning which will come to Council soon.

FINANCIAL REPORTS

Mr. Turner, Finance Director, presented the financial reports for month ending February 2021. He read and explained the balances.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: March 15, 2021 (Work Session), March 22, 2021 (Work Session), and March 22, 2021 (Regular Meeting).

MOTION Motion to approve the minutes of March 15, 2021 (Work Session), March 22, 2021 (Work Session), and March 22, 2021 (Regular Meeting) was by Mr. Weaver and seconded by Mr. Pierce. Roll call vote as follows:

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

OLD BUSINESS

RESOLUTION NUMBER 5305

Resolution Number 5305 – A Resolution Approving And Assenting To The Vacation Of A Portion Of Pine Tree Drive; John Boone, representing (public hearing)

MOTION Motion to approve Resolution Number 5305 was by Mr. Weaver, and seconded by Mr. Pierce.

Mr. Downes explained that this was a request to vacate a portion of unopened right-of-way. Engineering has reviewed the request and finds no issues with it. He showed the Council a map of where the property was located.

John Boone, owner of the properties adjacent to this right-of-way, was present in regard to this matter.

The Mayor opened the floor for a public hearing for Resolution Numbers 5305 and 5306 which sets a value for this right-of-way. 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:

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

RESOLUTION NUMBER 5306

Resolution Number 5306 – A Resolution Determining The Value Of Vacated Right-Of-Way Vacated By Resolution Number 5305 (public hearing)

MOTION Motion to approve Resolution Number 5306 was by Mr. Weaver, and seconded by Mr. Pierce.

John Boone, owner of the properties adjacent to this right-of-way, was present in regard to this matter.

The Mayor indicated that the public hearing was done previously and called for the question. Roll call vote was as follows:

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

NEW BUSINESS

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor stated that a situation exists here at City Hall that needs to be repaired ASAP and would require unanimous consent. He opened the floor for a motion.

MOTION Motion for immediate consideration and action of Resolution Number 5314 was made by Mr. Weaver, seconded by Mr. Pierce. Roll call vote as follows:

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

RESOLUTION NUMBER 5314

Resolution Number 5314 – A Resolution Declaring That A Water Leak At City Hall Is An Emergency That Requires Immediate Repair And Authorizing The City Manager To Accept A Proposal From Trinity Contractors To Repair Said Leak (public hearing)

MOTION Motion to approve Resolution Number 5314 was by Mr. Weaver, and seconded by Mr. Pierce.

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:

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

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

- Ordinance 2818-A – An Ordinance To Amend Ordinance Number 2818 To Rezone Properties Located At 3782 Fairhaven Drive; Lots 31A-D, Overton Investments, LLC Resurvey Of A Part Of Block 1 New Merkle From Vestavia Hills R-9 (Planned Residential District For Construction Of Four Townhomes) To Vestavia Hills R-9 (Planned Residential District For Construction Of Three Detached Single-Family Homes); Overton Investments, LLC; Owners (*public hearing*)
- Ordinance Number 3005 - An Ordinance Establishing Rules For Dog Parks To Be Opened Soon In The City Of Vestavia Hills

CITIZEN COMMENTS

None.

At 6:26 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 6:27 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2818-A

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 VESTAVIA HILLS INST 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-9 (planned residential district) for construction of four townhomes to Vestavia Hills R-9 (planned residential district) for construction of three detached single-family residences:

3783 Fairhaven Drive
Lots 31 A-D, Overton Investments, LLC Resurvey of a
Part of Block 1 New Merkle as recorded in PB 29 PG 35
Recorded in PB 250, PG 1
Overton Investments, LLC, Owner(s)

APPROVED and ADOPTED this the 26th day of April, 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 # 2818-A 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 26th day of April, 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

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

Date: **MARCH 11, 2021**

- **CASE:** P-1218-53
- **REQUESTED ACTION:** Amendment To Ordinance 2818 To allow for the Construction Of Three Single Family Homes
- **ADDRESS/LOCATION:** 3783 Fairhaven Drive
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to amend Ordinance 2818, which rezoned property to Vestavia Hills R-9. The applicant was previously approved to build 3 new townhomes on 3771 Fairhaven Drive and also build 4 luxury townhomes on 3783 Fairhaven Drive. The three townhomes have been constructed at 3771 Fairhaven Dr. However, due to a changing market the applicants would like to exchange the remaining four townhomes at 3783 Fairhaven Dr. to three single family lots. The setbacks for the lots would be 20' in the front, 25' in the rear and 5' on the sides. All current easements will remain and the property would be re-platted at the conclusion of zoning. The amended site plan and original ordinance is attached.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The Community Plan call for Institutional Uses for these two sites, however, this was written when the assisted care facility owned the lots.
- **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: No recommendation
 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. Vercher made a motion to recommend an Amendment To Ordinance 2818 based on the site plan presented. Second was by Mr. Ferrell. Motion was carried on a roll call; vote as follows:

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

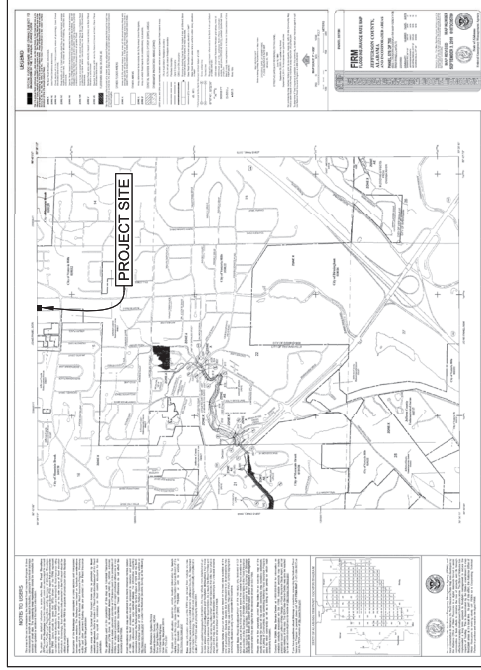
Mr. Romeo – yes
Mr. Sykes– yes
Mr. Larson – yes

CIVIL ENGINEERING PLANS

FOR

FAIRHAVEN DRIVE R-9 RE-ZONING

3781, 3783, 3785, 3787 FAIRHAVEN DRIVE



PER FEMA PANEL 01073C0578H, THIS SITE DOES NOT LIE WITHIN A FLOODPLAIN.

FEMA FLOOD MAP
N.T.S.



VICINITY MAP
N.T.S.

SHEET INDEX

- NS NOTES SHEET
- 10F1 BOUNDARY & TOPOGRAPHIC SURVEY
- C1.0 PRELIMINARY PLAT
- C2.0 SITE LAYOUT PLAN
- C3.0 EROSION CONTROL PLAN

PROJECT CONTACTS

CITY OF VESTAVIA HILLS ENGINEERING
CONTACT: CHRISTOPHER BRADY
(205) 979-0100

CITY OF VESTAVIA HILLS PLANNING
CONTACT: CONRAD GARRISON
(205) 979-0179

BIRMINGHAM WATER WORKS BOARD
CONTACT: DOUG STOCKHAM
(205) 244-4186

JEFFERSON COUNTY ENVIRONMENTAL SERVICES
CONTACT: EMILY KEMP
(205) 325-5231

OWNER/DEVELOPER

OVERTON INVESTMENTS
3505 BENT RIVER ROAD
BIRMINGHAM, AL 35216
(205) 985-7171
CONTACT: JASON KESSLER

ENGINEERING BY

ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 409-9158
CONTACT: WADE LOWERY, P.E.

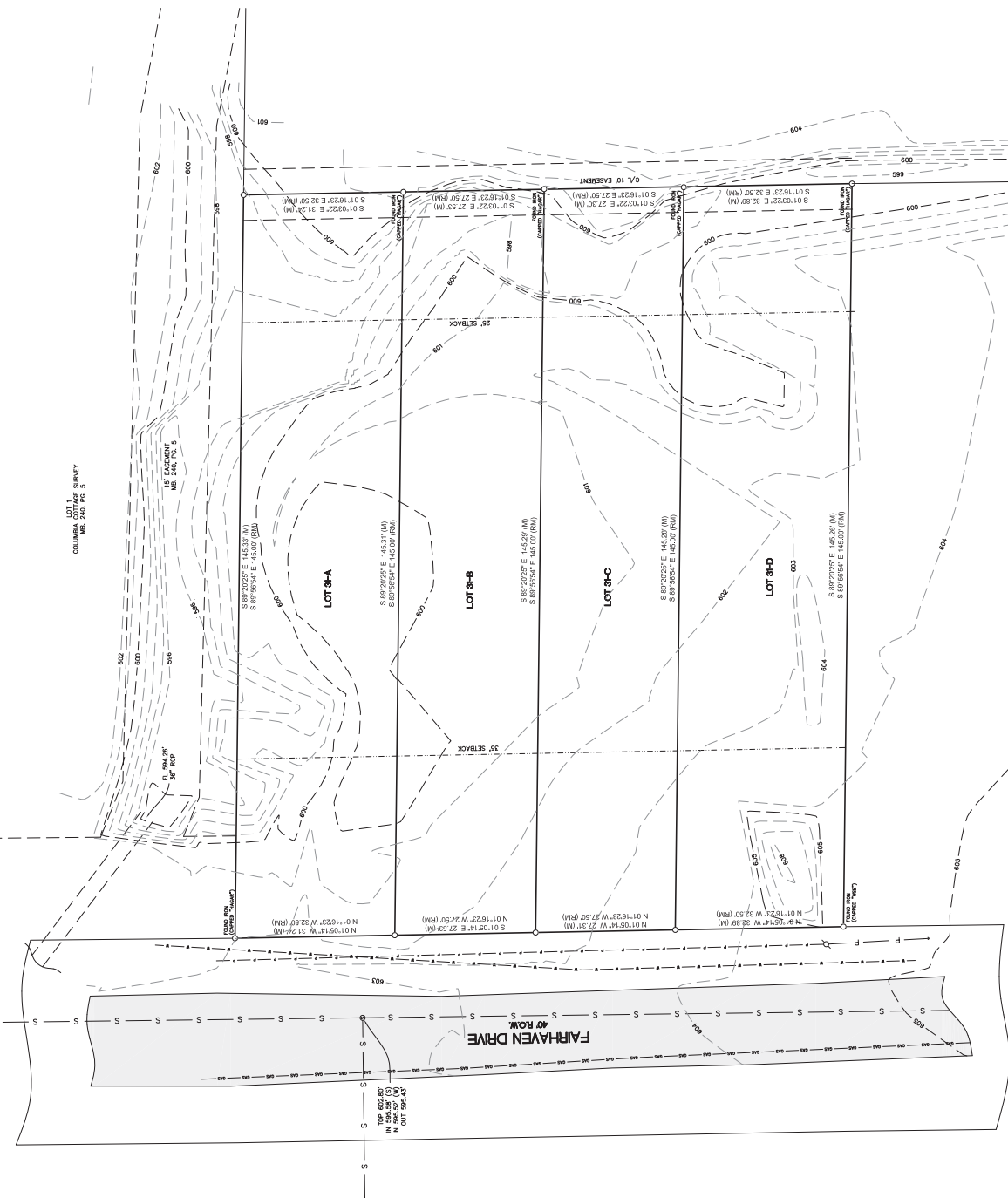
SURVEYING BY

ENGINEERING DESIGN GROUP, LLC
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
(205) 409-9158
CONTACT: RODNEY CUNNINGHAM, P.L.S.



BOUNDARY AND TOPOGRAPHIC SURVEY OF LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D OVERTON INVESTMENTS, LLC RESURVEY OF PART OF BLOCK 1 NEW MERKLE

SITUATED IN THE NORTHEAST 1/4 OF SECTION 15,
TOWNSHIP 18 SOUTH, RANGE 2 WEST,
JEFFERSON COUNTY, ALABAMA



DATE:	January 10, 2020
PROJECT NO.:	KES50086
CHECKED BY:	RGC
DRAWN BY:	MBA
SCALE:	1" = 10'

PROJECT: **LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D OVERTON INVESTMENTS, LLC RESURVEY**

TITLE: **BOUNDARY SURVEY**

120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
TEL - (205) 403-9158
FAX - (205) 403-9175

ENGINEERING DESIGN GROUP, LLC

 0000 900-403-9158
 ALABAMA PROFESSIONAL ENGINEERS
 No. 26013
 PROFESSIONAL ENGINEER
 ROONEY KEITH CUNNINGHAM
 ALABAMA LICENSE NO. 26013

DESCRIPTION:
 LOT 31-A, LOT 31-B, LOT 31-C, AND LOT 31-D, ACCORDING TO THE SURVEY OF OVERTON INVESTMENTS, LLC - RESURVEY OF PART OF BLOCK 1 NEW MERKLE, AS SHOWN IN MAP BOOK 250, PAGE 1, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.
 I HEREBY STATE THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN COMPLETED IN ACCORDANCE WITH THE CURRENT REQUIREMENTS OF THE STANDARDS OF PRACTICE FOR SURVEYING IN THE STATE OF ALABAMA TO THE BEST OF MY KNOWLEDGE, SKILL AND BELIEF.
 SURVEYOR:

 ROONEY KEITH CUNNINGHAM
 ALABAMA LICENSE NO. 26013
 DATE: January 10, 2020

- NOTES:
- NO TITLE SEARCH OF THE PUBLIC RECORDS HAS BEEN PERFORMED BY THIS FIRM AND LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS AND/OR RIGHTS OF WAY. RECORD OR PUBLIC RECORD OF ANY CHAIN SURVEY HEREON IS SUBJECT TO SETBACKS, EASEMENTS, ZONING, AND OTHER RESTRICTIONS.
 - ALL EASEMENTS AND RIGHT-OF-WAY OF WHICH THE SURVEYOR HAS KNOWLEDGE HAVE BEEN SHOWN HEREON.
 - THE UNDERGROUND UTILITIES HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND/OR EXISTING DRAWINGS. HOWEVER, THESE MAY EXIST UNDEGROUND UTILITIES OR BEING NOT LOCATED OR BEING LOCATED AT A LOCATION OTHER THAN THAT SHOWN HEREON. THE SURVEYOR MAKES NO WARRANTY AS TO THE LOCATION OR DEPTH OF ANY UTILITIES SHOWN HEREON. THE LOCATION OF ANY UTILITIES SHOWN HEREON IS NOT GUARANTEED.
 - BEARINGS SHOWN HEREON ARE RELATIVE TO THE ALABAMA STATE PLANE COORDINATE SYSTEM 680 ADZMITH (ALABAMA WEST ZONE) (NAD 83) AND WERE DETERMINED USING GPS OBSERVATION.
 - SURVEY PREPARED FOR OVERTON INVESTMENTS, LLC
 - (M) = MEASURE, (RM) = RECORD MAP
 - THIS SURVEY IS VALID ONLY WITH AN ORIGINAL SIGNATURE AND A LEGIBLE SEAL.



KADCO HOMES

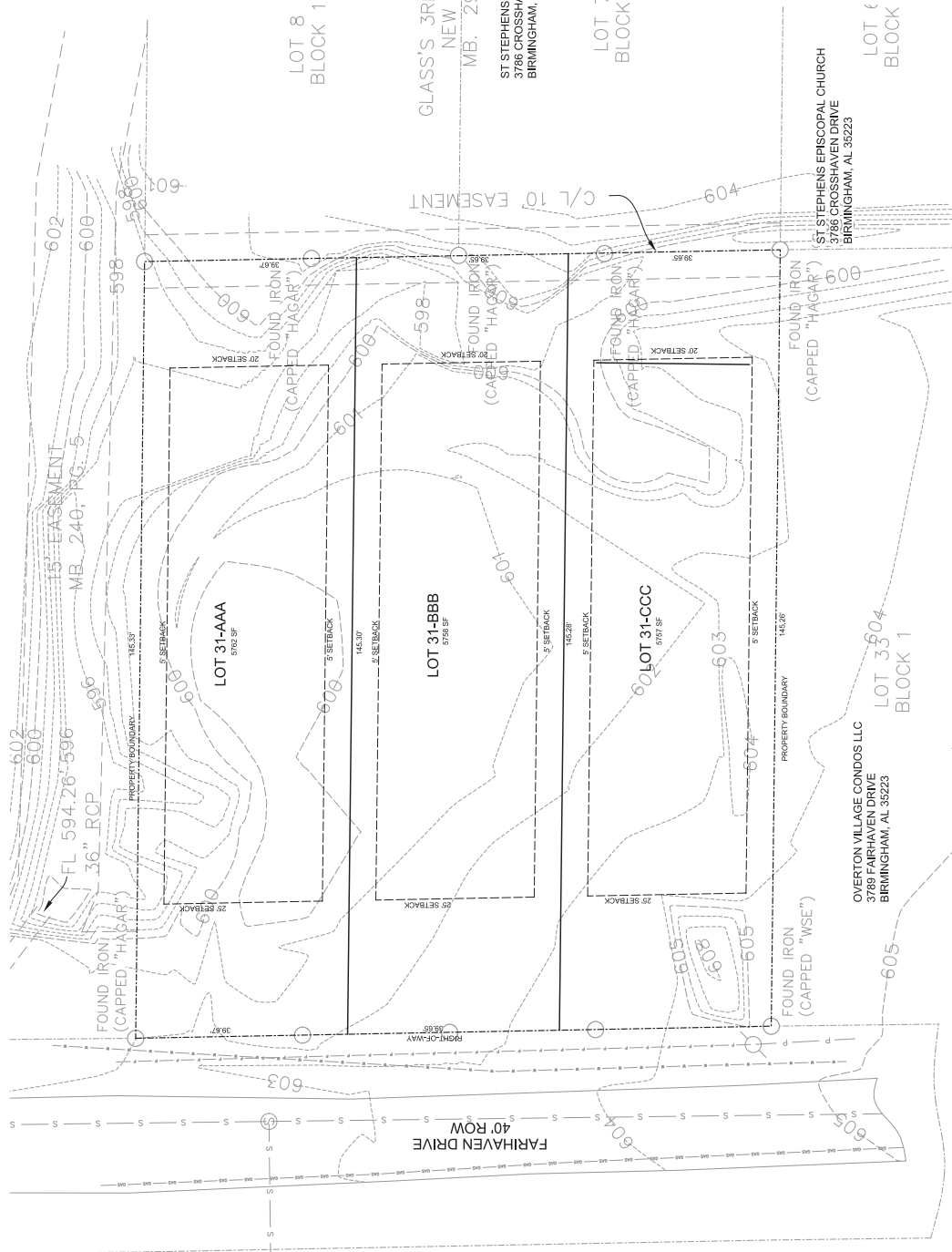
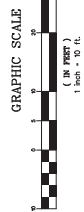
OWNER/DEVELOPER
 OVERTON INVESTMENTS LLC
 596 BENT RIVER ROAD
 BIRMINGHAM, AL 35216

3785 FARRHAVEN DR (LOT 24-A)
 3777 FARRHAVEN DR (LOT 24-B)
 3773 FARRHAVEN DR (LOT 24-C)
 ZONING: R-9
 PROPOSED USE: LUXURY TOWNHOMES
 SETBACKS: 20' FRONT
 20' REAR
 5' SIDE

3781, 3783, 3785 FARRHAVEN DR
 (LOTS 31-AAA, 31-BBB, 31-CCC)
 ZONING: R-9
 PROPOSED USE: GARDEN HOMES
 PROPOSED SETBACKS: 20' FRONT
 20' REAR
 5' SIDE

THE PURPOSE OF THIS DRAWING IS TO RESURVEY
 LOTS 31-AA, 31-BB, 31-CC, AND 31-DD FROM 4 LOTS
 INTO 3 LOTS 31-AAA, 31-BBB, AND 31-CCC.

EXISTING ZONING, LOTS, AND SETBACKS PREVIOUSLY ESTABLISHED BY
 OVERTON INVESTMENTS LLC - RESURVEY OF A PART OF
 BLOCK 1 (RESURVEY RECORDED AS MAP BOOK 2501601)



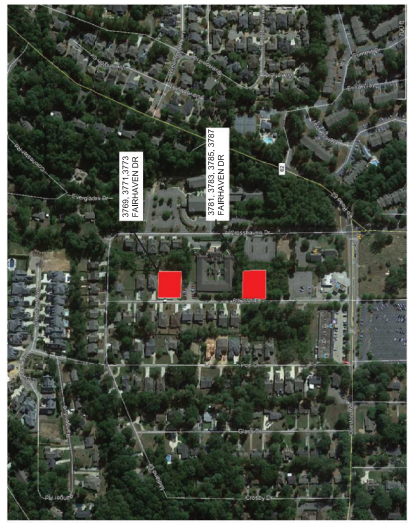
NOTE:
 LOTS 31-AAA, 31-BBB, AND 31-CCC REMAIN UNCHANGED
 AND ARE CURRENTLY UNDER CONSTRUCTION.

PROJECT: KKDCCO HOMES
 FARRHAVEN DRIVE, AL
 CITY OF VESTAVIA HILLS, AL
 TITLE: SITE LAYOUT PLAN

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124
 TEL - (205) 403-9158
 FAX - (205) 403-9175

ENGINEERING DESIGN GROUP, LLC
 (205) 403-1158
EDG
 CIVIL ENGINEERING • LAND SURVEYING

PROJECT: C2.0



VICINITY MAP

GLASS'S 3RD ADDITION TO
 NEW MERKLE
 MB. 29, PG. 35
 ST STEPHENS EPISCOPAL CHURCH
 3786 CROSSHAVEN DRIVE
 BIRMINGHAM, AL 35223

LOT 7
 BLOCK 1

ST STEPHENS EPISCOPAL CHURCH
 3786 CROSSHAVEN DRIVE
 BIRMINGHAM, AL 35223

LOT 6
 BLOCK 1

GLASS'S 3RD ADDITION TO
 NEW MERKLE
 MB. 29, PG. 35
 OVERTON VILLAGE CONDOS LLC
 5789 FARRHAVEN DRIVE
 BIRMINGHAM, AL 35223
 LOT 31-AAA
 5792 SF
 LOT 31-BBB
 5784 SF
 LOT 31-CCC
 5787 SF

FARRHAVEN DRIVE
 40' ROW



DATE:	02-03-2021
PROJECT:	BASE LAYOUT.DGN
PROJECT NO.:	KES30086
DRAWN BY:	WHL
CHECKED BY:	TLH
REVISIONS:	

SITE LAYOUT PLAN
KKADCO HOMES
CITY OF VESTAVIA HILLS, AL
FAIRHAVEN DRIVE

120 BISHOP CIRCLE, SUITE 300
 PELHAM, AL 35124
 TEL - (205) 403-9158
 FAX - (205) 403-9175

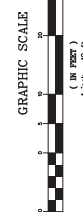
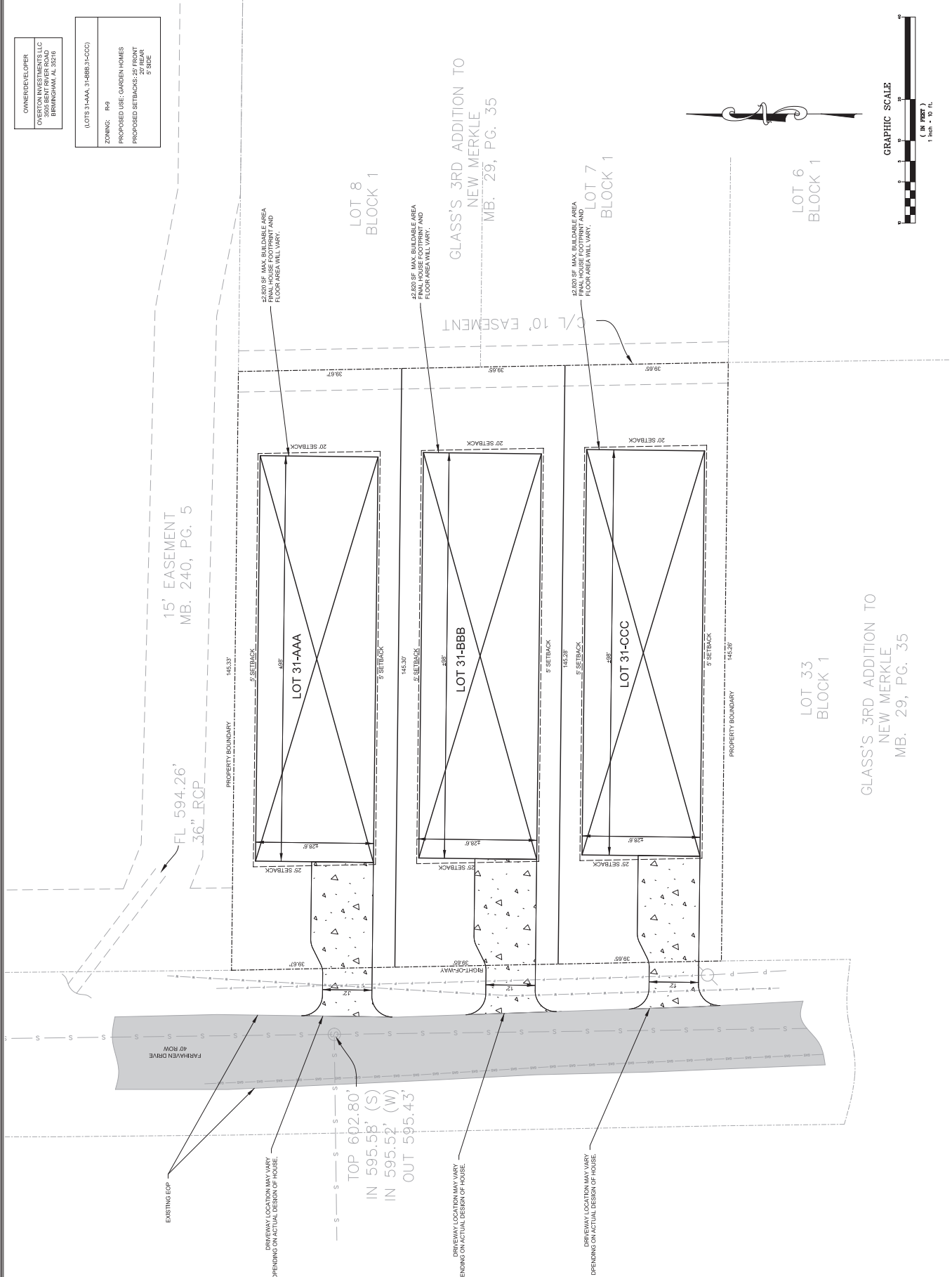
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 CIVIL ENGINEERING • LAND SURVEYING
 (205) 403-1316

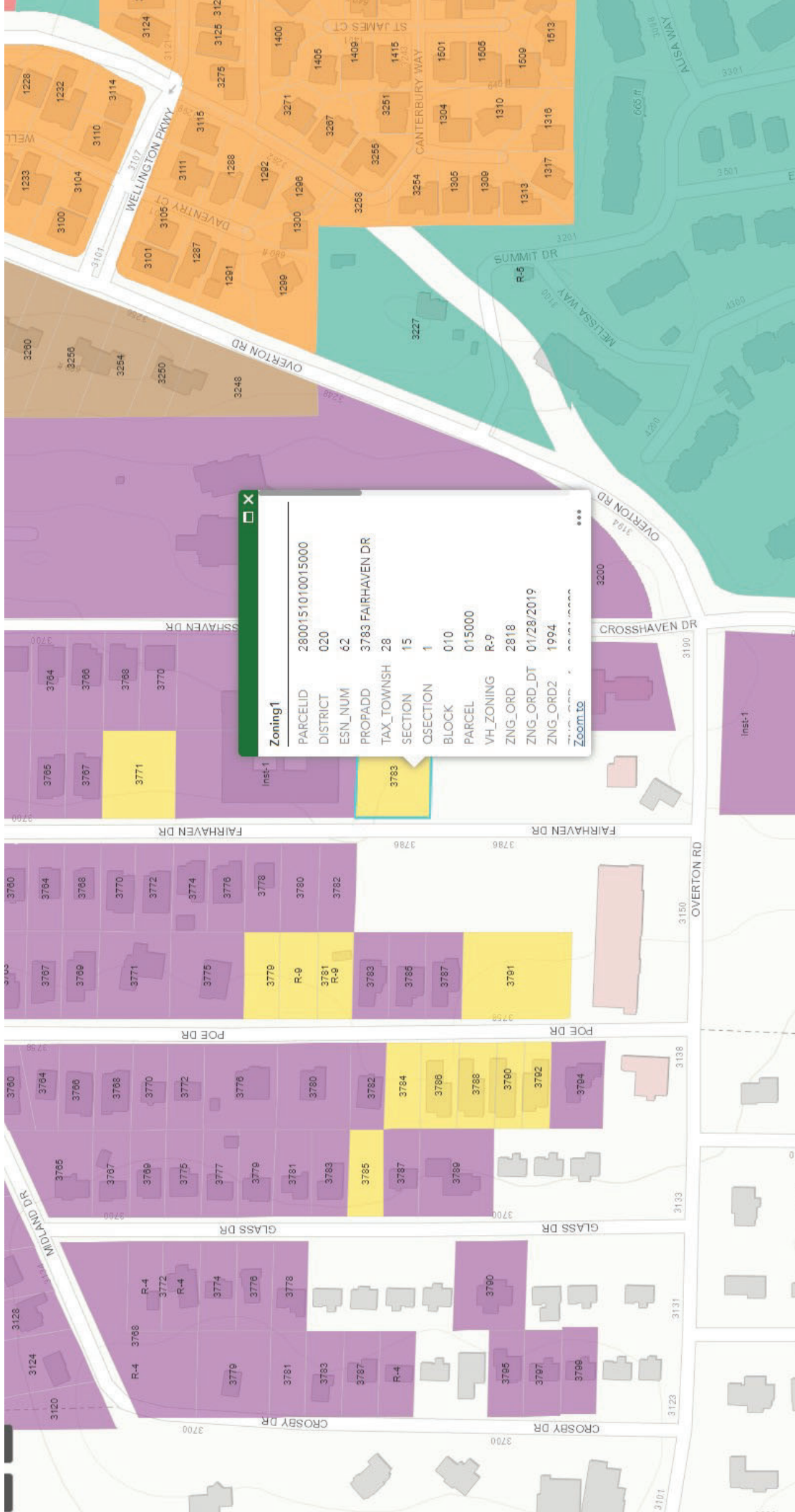
C2.0
 SHEETS

OWNER/DEVELOPER
OVERTON INVESTMENTS LLC
 10000 WOODBRIDGE BLVD
 BRISTOLVALE, AL 35201

(LOT 31-AAA, 31-BBB, 31-CCC)

ZONING: RM
 PROPOSED USE: GARDEN HOMES
 PROPOSED SETBACKS: 40' FRONT
 20' REAR
 5' SIDE





Future Land Use

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

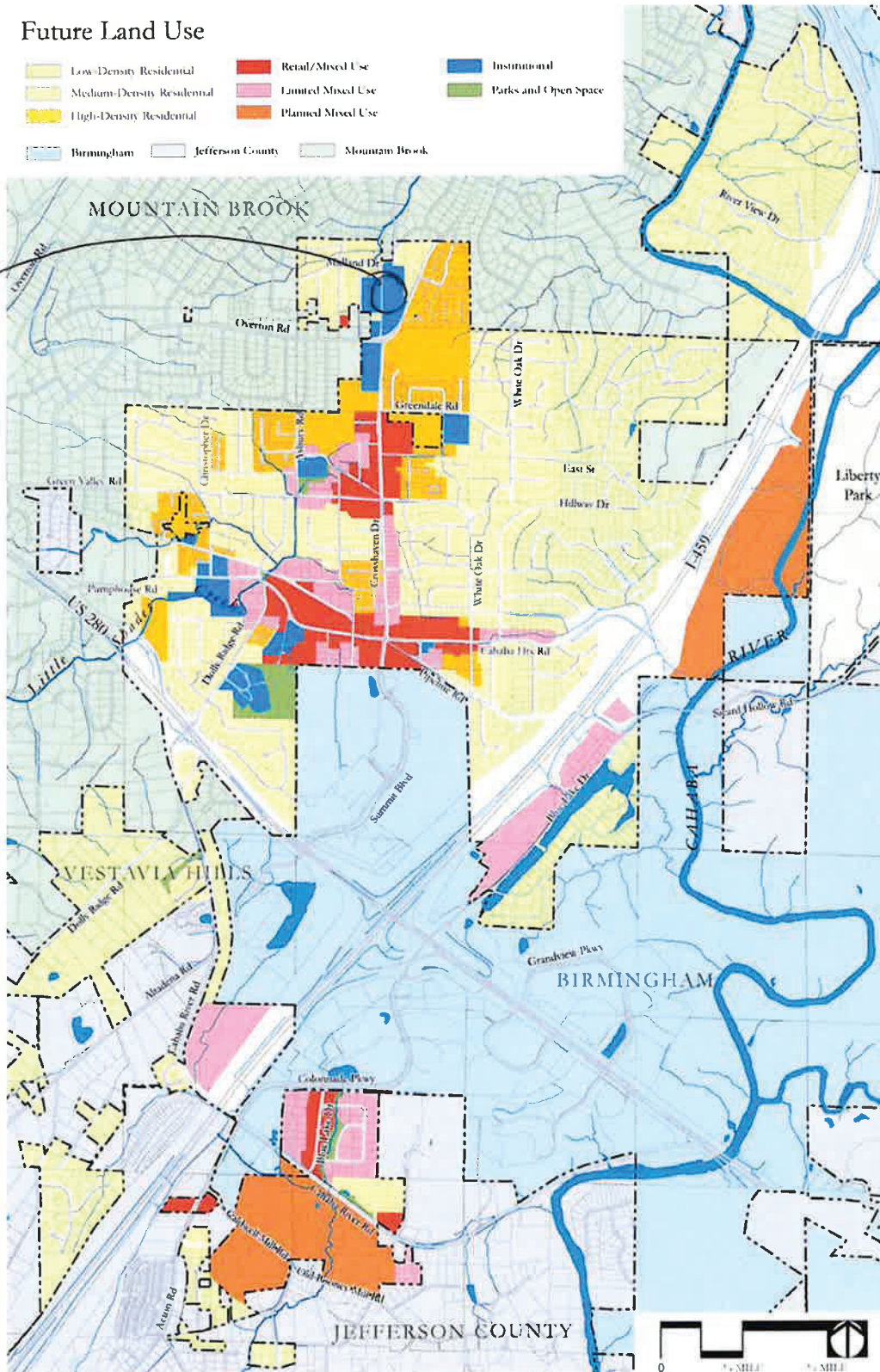


Figure 4: Future Land Use Map

ORDINANCE NUMBER 3005

AN ORDINANCE TO ESTABLISH RULES FOR THE PUBLIC DOG PARKS LOCATED IN THE CITY OF VESTAVIA HILLS, ALABAMA

WHEREAS, the City of Vestavia Hills is preparing to open dog parks in various Vestavia Hills Parks; and

WHEREAS, on February 5, 2021, the Vestavia Hills Parks and Recreation Board, in a special called meeting voted to establish rules for these various dog parks; and

WHEREAS, following review, the Mayor and the City Council find it is in the best public interest to accept and codify these rules for the City's various public dog parks.

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

1. The City's dog parks located in various City parks will be opened and operated pursuant to the rules listed below:

Vestavia Hills Dog Park Rules

- Hours 7:00 AM – One hour past sunset
 - All children under the age of 13 must be accompanied by an adult.
 - Use at your own risk - Owners are legally responsible for the actions and behavior of their dog(s) at all times.
 - Owners must be within the dog park and supervise their dog(s) at all times with leash readily available.
 - Dogs must enter and exit on leash.
 - Dogs in heat and puppies under 4 months of age are not allowed.
 - All dogs must have current vaccinations.
 - Aggressive, disruptive and sick dogs are prohibited and must be removed immediately.
 - Dog must be well behaved and under control at all times, whether by voice or leash.
 - Owners must clean up after their dogs immediately, including properly removing waste and filling in holes.
 - Prohibited items: Pet treats, food, glass containers
2. Signs shall be erected by the Parks Department in each Dog Park detailing said rules; and
 3. It shall be unlawful to violate any of the terms and provisions of this Ordinance. Any person, firm or corporation violating any of the said terms and provision of this Ordinance shall, upon conviction, be punished in accordance with Title 11-45-9, Code of Alabama,

1975, for a misdemeanor violation for each such offense. Each day any violation of this Ordinance shall constitute a separate offense.

4. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and
5. This Ordinance Number 3005 shall be effective immediately upon adoption and approval and posting and publication pursuant to Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of April, 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 # 3005 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 26th day of April, 2021, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5315

**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 5315 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 26th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

04/13/21

To: Rebecca Leavings

From: CPT Sean Richardson, Vestavia Hills Police Department

CC: COP Danny P. Rary, CPT Johnny Evans, SGT Randall Jones, CPL Rob Wilson

Re: Surplus City Property

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

2000 Freightliner FL50

Mileage – 124,413

VIN # 1FV3EFBC9YHB83007

Please contact me if you need any further information, or have questions or concerns regarding this action.

Very Respectfully,

Sean E. Richardson
Captain, VHPD
Patrol Division
Ext: 1118 – Cell: (205)470-2409
srichardson@vhal.org

04/19/21

To: Rebecca Leavings

From: CPT Sean Richardson, Vestavia Hills Police Department

CC: COP Danny P. Rary, CPT Shane Ware SGT Randall Jones, CPL Rob Wilson

Re: Surplus City Property

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

2012 Chevrolet Tahoe

Mileage – 123,000

VIN # 1GNLC2E09CR186668

Please contact me if you need any further information, or have questions or concerns regarding this action.

Very Respectfully,

Sean E. Richardson
Captain, VHPD
Patrol Division
Ext: 1118 – Cell: (205)470-2409
srichardson@vhal.org

RESOLUTION NUMBER 5318

**A RESOLUTION APPOINTING A MEMBER OF THE
VESTAVIA HILLS BOARD OF EDUCATION FOR A
TERM OF FIVE YEARS**

WITNESSETH THESE RECITALS:

WHEREAS, Section 11-16-3, Code of Alabama, 1975, provides that the City Council shall appoint members of the City Board of Education to serve for a term of five (5) years; and

WHEREAS, the five-year term of Lisa Baker as a member of the Vestavia Hills Board of Education expires at May 2021; and

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

1. The City Council does hereby elect and appoint _____ as a member of the Vestavia Hills Board of Education for a term of five (5) years, beginning with the first regularly scheduled meeting of the Vestavia Hills Board of Education in June 21, 2021 at 4:00 PM and ending at 4:00 PM on the date of the first regularly scheduled meeting of the Board in June of the year 2026; and

2. This Resolution shall become effective upon the approval and adoption by the City Council of the City of Vestavia Hills, Alabama.

RESOLVED, DONE, ORDERED, APPROVED and ADOPTED, on this the 26th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5316

**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 F-150 Police Pickup Truck, 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 at an expense not to exceed \$40,000; and
2. The City is expecting an insurance settlement for the previous vehicle in the amount of approximately \$25,000.00 which will partially fund this replacement vehicle; and
3. Any additional funds needed for this purchase shall be derived from the General Fund; and
4. This Resolution Number 5316 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 26th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

VESTAVIA HILLS POLICE DEPARTMENT

To: Mr. Downes

MEMO

From: Chief Dan Rary

CC: Becky Leavings

Date: 16 April 2021

Re: Request for Council agenda

Mr. Downes,

I am requesting that the following item be placed on the City Council agenda for 26 April 2021 for unanimous consent.

I am requesting to purchase a 2021 Ford F-150, a replacement vehicle for a vehicle that was recently totaled, and up-fit it with all the necessary emergency equipment. The total cost of the replacement vehicle is not to exceed \$40,000 and I am requesting that the funds needed for this purchase be derived from the General Fund.

The city is in the process of receiving an insurance settlement for the previous vehicle.

I am requesting that this vehicle be purchased as soon as possible due to the fact that these vehicles are currently extremely difficult to find, due to production issues at the manufacturing plants. We have been able to locate one, at Stivers Ford and they have agreed to hold it for us for a limited time.

RESOLUTION NUMBER 5317

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO EXPEND AN ADDITIONAL \$20,000 FOR ENGINEERING SERVICES IN THE ABSENCE OF THE CITY ENGINEER

WHEREAS, the City Engineer has given notice of a medical absence for a few weeks;
and

WHEREAS, the City Manager has indicated a need for additional engineering services for the City of Vestavia Hills during the time that the City Engineer will be absent. He has estimated a need for approximately \$20,000 for said engineering services; and

WHEREAS, the City Council has determined it is in the best public interest and accept the recommendation of the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Vestavia Hills, Alabama, that the City Manager shall be authorized to expend an additional \$20,000 for engineering services during the absence of the City Engineer.

This Resolution Number 5317 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 26th day of April, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Rebecca Leavings

From: Brian Davis
Sent: Wednesday, April 21, 2021 10:15 AM
To: Jeff Downes
Cc: Rebecca Leavings; Lori Beth Kearley; Christopher Brady
Subject: Engineering Assistance

Jeff, per our conversation yesterday, I would like to ask for supplemental funding in the amount of \$20,000 for assistance in engineering for traffic calming studies and plan reviews. As you are aware, Christopher will be out of the office for the next several weeks with his daughter.

Thank you for your consideration of this request.

Please let me know if you have any questions.



Brian Davis, Director of Public Services
bdavis@vhal.org
205.978.0150

1032 Montgomery Highway
Vestavia Hills, AL 35216
www.vhal.org

ORDINANCE NO. 3006

GRANTING AN ELECTRIC FRANCHISE TO ALABAMA POWER COMPANY, ITS SUCCESSORS AND ASSIGNS IN THE CITY OF VESTAVIA HILLS, ALABAMA

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

Section 1. In consideration of the benefits that will accrue to the CITY of VESTAVIA HILLS and the inhabitants thereof, Alabama Power Company, its successors and assigns, hereinafter referred to as the Grantee, is hereby given and vested with the right, authority, easement, privilege and franchise to construct, erect, suspend, install, renew, repair, maintain, operate and conduct in said CITY a system of poles, towers, conduits, cables, conductors, transforming stations, fittings and all appliances or appurtenances necessary or desirable to the transmission, distribution or sale of electric current for all purposes whatsoever in, over, under, along, upon and across all streets, avenues, alleys, ways, bridges, and public places in said CITY as they now exist or may hereafter be laid out or extended, together with the further right, privilege, and franchise to construct, erect, suspend, install, renew, repair, maintain and operate such poles, towers, conduits, cables, wires, conductors, transforming stations, fittings and all appliances and appurtenances necessary or desirable to the transmission within, unto, through, over and beyond said CITY and furnishing, supplying and distributing to said CITY and to the inhabitants and corporations, both within and beyond the limits thereof, electric energy for lighting, heating, power and all other purposes for which electric energy may be used now or hereafter, and for the purpose of extending its lines and furnishing electric current beyond the limits of said CITY.

Section 2. The poles, towers, conduits, cables, conductors, transforming stations, fittings, appliances and appurtenances composing said lines shall be so constructed as not to unreasonably interfere with the proper use of the streets, avenues, alleys, ways, bridges and public places in said CITY and shall be maintained in a reasonably good condition and repair.

Section 3. Whenever the Grantee shall cause any opening or alteration to be made in any of the streets, avenues, alleys, ways, bridges or public places of said CITY for the purpose of installing, maintaining, operating, or repairing any poles, towers, conduits, cables and other

appliances, the work shall be completed within a reasonable time and the Grantee shall upon the completion of such work restore such portion of the streets, avenues, alleys, ways, bridges or other public places to as good condition as it was before the opening or alteration was so made.

Section 4. The Grantee shall hold said CITY harmless from any and all liability or damages resulting from the negligence of the Grantee in the construction, maintenance or operation of said poles, towers, conduits, wires, cables and other appliances.

Section 5. The Grantee may, from time to time, declare, make and enforce reasonable rules and regulations as a condition for the sale or distribution by it of electric current to any person, firm or corporation.

Section 6. In the event the supply of electric energy should be interrupted or fail by reason of accident or otherwise beyond the control of the Grantee, the Grantee shall restore the service within a reasonable time, and such interruption shall not constitute a breach of this franchise, nor shall the Grantee be liable for damages by reason of such interruption or failure.

Section 7. The Grantee shall install and maintain, free of charge, meters for measuring current, and shall have free access to the premises of the consumer, from time to time, for the purpose of reading, repairing, testing and maintaining the meters and appurtenances and shall have the right to make the minimum charges prescribed or approved by the Alabama Public Service Commission for the electric service furnished hereunder, whether electric current of that value is used or not. Such meters shall remain the property of the Grantee.

Section 8. The Grantee shall not have the right to make charges for electricity furnished under this franchise in excess of the rates and charges prescribed or approved by the Alabama Public Service Commission and set forth in the Grantee's respective Service Classifications and rates applicable to the service so furnished by it.

The Grantee shall not be required to furnish electricity to any person, firm or corporation until satisfied of their financial responsibility and may require reasonable security to insure payment for electric energy to be furnished hereunder.

Section 9. The rates and charges for electric energy furnished hereunder shall at all times be subject to alteration, regulation and revision by the Alabama Public Service Commission, or other State Commission vested with such power.

Section 10. Wherever in this ordinance either the CITY or the Grantee is named or referred to, it shall be deemed to include the respective successor, successors or assigns of either, and all

rights, privileges and obligations herein conferred shall bind and inure to the benefit of such successor, successors, or assigns of said CITY or of the Grantee.

Section 11. The Grantee, its successors or assigns, shall, within ninety (90) days after the approval of this ordinance by the Mayor, file a written acceptance of the franchise herein granted with the CITY Clerk.

Section 12. The duration of this franchise shall be for a period of thirty (30) years from the effective date of this ordinance.

ADOPTED and APPROVED this the 10th day of May, 2021.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION OF ORDINANCE

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Rebecca Leavings, hereby certify that I am Clerk of the City of Vestavia Hills; that I have in my possession the books and records of such municipality, including the minute book in which are recorded the minutes of the meetings of the Council thereof, and that the foregoing is a true and correct copy of an ordinance of such Council which was duly and legally adopted by it on the 10th day of May, 2021, and approved by the Mayor thereof on the 11th day of May, 2021, and that such ordinance has been duly recorded in the ordinance book kept for that purpose by such municipality.

IN WITNESS WHEREOF, I hereunto affix my signature as Clerk of such municipality, and the seal thereof, on this the _____ day of May, 2021.

Rebecca Leavings
City Clerk

CERTIFICATION OF POSTING

STATE OF ALABAMA

COUNTY OF JEFFERSON

I, Rebecca Leavings, hereby certify that I am Clerk of the City of Vestavia Hills, that I have in my possession the books and records of such municipality, including the minute book in which are recorded the minutes of the meetings of the Council thereof, and that the foregoing is a true and correct copy of an ordinance of such Council which was duly and legally adopted by it on the 10th day of May, 2021, and approved by the Mayor thereof on the _____ day of May, 2021, and was published by posting copies in three public places within the limits of such municipality on the _____ day of May, 2021, one of which places was the Mayor's office.

IN WITNESS WHEREOF, I hereunto affix my signature as Clerk of such municipality, and the seal thereof, on this the _____ day of May, 2021.

Rebecca Leavings
City Clerk

CERTIFICATION OF PUBLICATION

STATE OF ALABAMA
COUNTY OF JEFFERSON

I, Rebecca Leavings, hereby certify that I am Clerk of the City of Vestavia Hills, Alabama, that I have in my possession the books and records of such municipality, including the minute book in which are recorded the minutes of the meetings of the Council thereof, and that the foregoing is a true and correct copy of Ordinance No. 3006 of such Council which was duly and legally adopted by it on the 10th day of May, 2021, and approved by the Mayor thereof on the _____ day of May, 2021, and which a synopsis of Ordinance No. 3006 was published in The Birmingham News, a newspaper of general circulation published in such County, in its issue of the 12th day of May, 2021, and that such ordinance has been duly recorded in the ordinance book kept for that purpose by such municipality.

IN WITNESS WHEREOF, I hereunto affix my signature as Clerk of the City of Vestavia Hills, Alabama.

Rebecca Leavings
City Clerk

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

TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

March 22, 2021

By Electronic Mail

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

In Re: Alabama Power Company Franchise Agreement

Dear Mr. Downes:

On March 19, 2021, you sent to me via electronic mail certain documents relative to a Franchise Agreement with Alabama Power Company and its successors and assigns with a request that I review the same and provide you with my comments. The documents included:

- A. A proposed Ordinance Granting an Electric Franchise to Alabama Power Company, Its Successors and Assigns in the City of Vestavia Hills, Alabama.
- B. Certification of Minutes.
- C. Certification of Ordinance.
- D. Certification of Posting.
- E. Certification of Publication.

From a legal standpoint, I approve the proposed ordinance and four certifications. In the meantime, I want to furnish you with some of the Alabama laws applicable to Franchise Agreements with utility companies that sell electric current power.

March 22, 2021

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I. DEFINITION

A franchise is a contract. *Phoenix City v. Alabama Power Company*, 239 Ala. 547, 195 So. 894 (1940).

II. AUTHORITY

Title 11-40-1, *Code of Alabama, 1975*, declares municipalities bodies corporate and gives them the power to contract and be contracted with forming the basis for franchise agreements.

III. MAXIMUM TERM OF FRANCHISE

Section 228 of the *Alabama Constitution of 1901* sets a maximum term of a franchise in cities over 6,000 of 30 years.

IV. FRANCHISE MUST BE NONEXCLUSIVE

Section 22 of the *Alabama Constitution of 1901* in essence prohibits exclusive grants of franchises, as well as irrevocable or non alterable franchises.

V. USE OF PUBLIC STREETS

A. Section 220 of Alabama Constitution of 1901: This Constitutional provision prohibits any person or firm from using municipal streets or public places of a city for the construction or operation of a public utility or private enterprise without city consent. This statute is the principal authority for municipal franchising of public utilities.

B. Title 11-49-1, Code of Alabama, 1975: This statute is the companion to Section 220 of the *Alabama Constitution of 1901* concerning general franchising authority of municipalities. Fundamentally, it prohibits any person, firm, association or corporation from using the streets, alleys or other public places of a city or a town with the construction or operation of any public utility or private enterprise without first obtaining the consent of the proper authorities of said city or town.

C. Title 11-49-3, Code of Alabama, 1975: This statute, in essence, grants to municipalities, the authority to require any public utility using the streets to prescribe the manner in which they will use them.

D. Title 11-43-62, Code of Alabama, 1975: This statute similarly authorizes the municipal council to regulate the use of streets for the erection of telegraph, telephone and electric and all other systems of wires and conduits, and authorizes the municipality to acquire the same to be placed underground if deemed necessary for the public convenience and safety, and generally to control and regulate the use of streets for any and all purposes.

March 22, 2021
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VI. MAXIMUM AMOUNT OF PRIVILEGE OR LICENSE TAX

Title 11-51-129, *Code of Alabama, 1975*, provides that the maximum amount of privilege or license tax, which a municipality within the State of Alabama may annually assess and collect of entities operating electric light and power companies shall not exceed three percent (3%) of the gross receipts of the business done by the utility in the municipality during the preceding year.

VII. ORDINANCE NUMBER 2202

The City of Vestavia Hills Ordinance Number 2202 requires Alabama Power Company and its successors and assigns to pay a privilege or license tax each and every year during the term of the franchise in an amount of three percent (3%) of the gross receipts of the business done by Alabama Power Company during the preceding year.

Section 23(10c) on page 35 of Ordinance Number 2202 provides as follows:

“10c. Each person, firm, company or corporation engaged in the business of selling or distribution of electric current power shall pay an amount equal to 3% of the gross receipts of the business transacted by such person, firm, company, or corporation in the City during the preceding year from the sale of such electric current power sold or distributed within the City.”

VIII. REGULATION OF RATES

Title 37-1-31, et seq., *Code of Alabama, 1975*, gives to the Public Service Commission (PSC) the sole right to control the rates, service regulations and equipment of utilities and gives it jurisdiction over the same and not cities.

IX. POWER TO REQUIRE REPAIR OF STREETS

Title 37-1-35, *Code of Alabama, 1975*, reserves certain powers to municipalities such as control of streets and highways, the right to limit and require utilities to maintain and pave portions of streets and the right of cities to adopt regulations to protect the public in regard to the utility.

X. REASON FOR GRANTING A FRANCHISE

It is important to remember that the authority to grant this franchise is premised upon the use of the streets and not the collection of revenue. The central purpose then is to protect the streets and the public by regulating the use of the same by the public utility or private enterprise in such a manner as not to impair or interfere with the public's use in the streets or the municipality's rights thereto.

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If you have any questions, please let me know.

Sincerely,



Patrick H. Boone
Attorney for Vestavia Hills

PHB:gp

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