

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
May 10, 2021
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Sam Williamson, Vestavia Hills City Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. Presentation – The Exceptional Foundation; Robbie Lee, Public Relations Director
8. Proclamation – National Police Week – May 9-15, 2021 And Peace Officers Memorial Day – May 15, 2021
9. Proclamation – National Public Works Week – May 16-23, 2021
10. City Manager’s Report
11. Councilors’ Reports
12. Approval Of Minutes – April 15, 2021 (Work Session) and April 26, 2021 (Regular Meeting)

Old Business

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

New Business

14. Resolution Number 5319 – A Resolution For An Alcohol License For D And K Scott Enterprises, LLC D/B/A Snapper Grabbers For 050 Retail Beer And 070 Retail Table Wine (Off-Premises Only); Karen And Dusty Scott, Executives *(public hearing)*

New Business (Requesting Unanimous Consent)

15. Resolution Number 5320 – A Resolution Authorizing The City Manager To Accept A Proposal To Replace A 3-Ton Split Gas Furnace At Vestavia Hills Alberto C. Zaragoza Jr. Fire Station No. 4 (*public hearing*)
16. Resolution Number 5321 – A Resolution Authorizing The City Manager To Accept A Proposal To Replace A Rheem Sure Comfort Split HVAC System For The Concession Stand At SHAC (*public hearing*)

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

17. Ordinance Number 3007 – Rezoning – 1121 Winward Lane; Lot 13A, Resurvey Of Lots 13, 14, 15 & 16, Block 1, TH Payne Subdivision; Rezone From Vestavia Hills R-3 (Medium Density Residential District) To Vestavia Hills R-9 (Planned Residential District) For Construction Of Four Single-Family Homes; Kim And Jo Marie Parker, Owners (*public hearing*)
18. Ordinance Number 3008 – An Ordinance Authorizing The Formation Of The Cahaba Solid Waste Disposal Authority (*public hearing*)
19. Resolution Number 5322 – A Resolution Appointing A Member To The Cahaba Solid Waste Disposal Authority (*public hearing*)
20. Citizens Comments
21. Adjournment

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

Due to the COVID-19 “Safer Apart” 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.

WHEREAS, the Congress and President of the United States have designated the week of May 9 – 15, 2021 as “National Police Week” and May 15, 2021 as “Peace Officers Memorial Day;” and

WHEREAS, the members of the Vestavia Hills Police Department play an essential role in safeguarding the rights and freedoms of the public and provide a critical public service to the community; and

WHEREAS, it is important that all citizens understand the challenges, duties, and responsibilities of their police department; and, that members of our Police Department recognize their duty to serve the people by safeguarding life and property, by protecting them against violence and disorder, and by protecting the innocent against deception and the weak against oppression and intimidation; and

WHEREAS, it is well known and accepted that law enforcement is an inherently dangerous and demanding profession in which dedicated professionals knowingly place their lives in harm’s way to protect others who are unable to protect themselves.

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 May 9 – 15, 2021 and May 15, 2021 as

**NATIONAL POLICE WEEK
and
PEACE OFFICERS MEMORIAL DAY**

and hereby express our continued support of the Vestavia Hills Police Department and all peace officers throughout our nation in their efforts to build safer and more secure communities.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 10th day of May 2021.

—
Ashley C. Curry
Mayor

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Vestavia Hills, Alabama; and

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees at all levels of government and the private sector, who are responsible for rebuilding, improving and protecting our nation’s transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Vestavia Hills to gain knowledge of and to maintain an ongoing interest and understanding of the importance of public works and public works programs in their communities; and

WHEREAS, “Stronger Together” is the theme for the 61st annual National Public Works Week sponsored by the American Public Works Association.

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 May 16 – 23, 2021 as

NATIONAL PUBLIC WORKS WEEK

in Vestavia Hills and urge all citizens to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 10th day of May 2021.

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

APRIL 15, 2021

The City Council of Vestavia Hills met in a special work session on this date at 7:30 AM, following publication and posting pursuant to Alabama law. Due to the COVID-19 pandemic, in coordination with a Proclamation from Governor Ivey and pursuant to orders from the Jefferson County Health Department Official requiring social distancing along with limits of attendees, some of this meeting was held with a portion of the City Council digitally attending the meeting via remote computer locations utilizing a Zoom.us application. Staff and general public/audience members also were invited to attend via Zoom.com following publication pursuant to Alabama law. Mayor Curry called the work session to order and the Clerk checked the roll with the following:

MEMBERS PRESENT:

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

OTHERS OFFICIALS PRESENT:

Jack Wakefield, Acting Clerk

The Mayor called the work session to order.

EXECUTIVE SESSION

The Mayor announced that there was a need for an executive session for the purpose of the possible purchase/sale of real estate for an estimated 30 minutes. He stated that no business will be conducted following this session with the exception of the scheduled interviews for the Board of Education. He opened the floor for a motion:

MOTION Motion to enter into executive session for the possible purchase/sale of real estate for an estimated 30 minutes was by Mr. Weaver, seconded by Mrs. Cook. Roll call vote was as follows:

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

At 7:32 the Council exited the Chambers and entered into Executive Session. At 8:01 AM, the Council re-entered the Chambers and exited Executive Session. The Mayor called the work session back to order.

Mrs. Cook led the following interviews for the Vestavia Hills Board of Education. The following individuals were interviewed by the City Council.

8:00 AM	Karl Julian
9:00 AM	James “Jay” Stewart
10:00 AM	Ryan Jeffrey Blackenburg
11:00 AM	Blair Moss
12 – 1 PM	Lunch
1:00 PM	Cynthia A. Anderson
2:00 PM	Connie Goodman
3:00 PM	Brian T. Corley

AT 3:55 PM, the Mayor recessed the meeting. The meeting reconvened on Monday, April 19, 2021 at 8:00 AM. The Mayor called the meeting to order and the Clerk checked the roll.

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

OTHERS OFFICIALS PRESENT: Conrad Garrison, Acting Clerk
**attended via Zoom*

The following applicants were interviewed.

8:00 AM	Clark Williamson
9:00 AM	Brian Demarco
10:00 AM	Gina G. Pickering
11:00 AM	Ashley W. Smith

Each applicant was interviewed and Mrs. Cook thanked each and indicated that the Council would appoint a new member at the April 26th meeting.

There being no further business, the work session adjourned at 12:00 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

APRIL 26, 2021

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
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Brian Davis, Public Services Director
Ryan Farrell, Asst. Fire Chief
Melvin Turner, III, Finance Director
Cinnamon McCulley, Communications Specialist
**present via Zoom or telephone*

Don Richards, Asst. Senior Vestavia Hills City Chaplain, led the invocation which was 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. Weaver seconded by Mrs. Cook. 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

- Mrs. Cook welcomed State Representative David Wheeler to the meeting.
- Mr. Pierce welcomed Rachel Patterson and Keri Bates, Vestavia Hills Chamber of Commerce Board members, who were participating in the meeting via Zoom.
- Mr. Pierce reported that this past weekend in Cahaba Heights, the merchants hosted the “Height’s Hangout” event that turned out to be a great event. He asked Katherine McCree to speak to the event.
 - Mrs. McCree stated that the City designated this area as an entertainment district several years ago, and cups have been designed in recognition of the district. He stated that this annual event has been called “The Heights Hangout”. She stated that the event began in 2018 and was held close to April 27 in recognition of the April 27, 2011 tornadoes that ravaged much of the State of Alabama, however the first of the damages occurred in Cahaba Heights. The proceeds would be for beautification efforts in Cahaba Heights. She stated that they have seen growth in the event over the years (except last year because of Covid-19). She stated that this year was overwhelming and it raised almost \$7,000 for beautification for Cahaba Heights. Altogether there’s \$25k to help to beautify Cahaba Heights and soon they’ll be approaching the City Council on their first beautification project.
 - Mr. Pierce stated that he hopes that the other districts will take that same initiative and create unique cups and interchange where the beverages are refilled. He explained the location of the City’s three districts and indicated that these benefit the merchants.
 - Mrs. Cook stated that she dropped by and visited and it was a great event to see the community out celebrating together.
- Mayor Curry stated that tomorrow will be a day of remembrance of April 27, 2011, when 62 tornados came through Alabama with 254 deaths and many more injured. He asked that everyone take a moment of remembrance.

PROCLAMATION

Mayor Curry a proclamation designating May 3-7, 2021 as “Municipal Clerk’s Week.” Mr. Downes read the proclamation and the Mayor presented it to Municipal Clerk, Rebecca Leavings. He indicated that Mrs. Leavings has been employed by the City for a number of years. Mr. Pierce stated that when he speaks to clerks of other municipalities, they always say that Rebecca is their “go to” clerk when they need information.

Ms. Leavings thanked the Mayor and Council for the recognition and for the privilege of serving the City.

CITY MANAGER'S REPORT

- Mr. Downes announced the opening of the New Merkel House on will open Thursday morning at 10 AM. He invited everyone to attend.
- This morning, sales of pool badges went up for sale. Mr. Downes announced that, 7 hours in, there have been 7,000 badges have been sold on the new pool. The pool will be a popular site this summer.
- Mr. Downes stated that the ETC Institute, a top surveying company in the US, surveys over 400 cities in the US. He indicated that they study all these cities and award “leading the way” awards to leading cities. Vestavia Hills was in the top 4 in four categories of the awards. He read off those categories which include: (1) Satisfaction with Public Safety Services; (2) Satisfaction with Overall Feeling of Safety (Mountain Brook was only 1 point ahead in this category); (3) Satisfaction with Leadership provided by the Local Elected Officials (second again to Mountain Brook); and (4) Satisfaction with Overall Quality of Police Services.

COUNCILOR REPORTS

- Mrs. Cook stated she just attending the Board of Education meeting where the Board took action to extend Dr. Freeman’s contract an additional year. She stated that this is about the third year that the Board has extended the contract to the maximum allowed by Alabama Law. She stated that Dr. Freeman has provided exceptional leadership for the School System even in the trying times of the pandemic. The Board announced that their proposed Capital Plan will not be ready until September or October. They outlined the remote learning plan which will be more extensive than it was in the past. She stated that the Board’s emphasis is still on in-person learning. She stated that people can go to the Board’s website for more information.
- Mr. Pierce announced that he recently attended the first in-person Chamber luncheon held in over a year. He stated it was different because social distancing practices were observed, but was nice getting back in person.
- Mr. Head announced a regular meeting of the Parks and Recreation Board scheduled for May 18, 2021 at 7 :00 AM in the Executive Conference Room.

FINANCIAL REPORTS

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

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: April 12, 2021 (Regular Meeting).

Mr. Davis explained that the Park Board discussed rules and regulations for the upcoming opening of the City's dogparks at their February meeting. He stated that signage will be posted and it'll fall back on staff to ensure enforcement, however, the users of the park will be primarily responsible for self-policing.

Mr. Pierce asked about staffing.

Mr. Davis stated they have staffing to ensure the parks are clean but not constant monitoring. There'll be numbers posted for residents to contact them.

Mr. Pierce asked about dogs in other areas of the park.

Mr. Davis explained that dogs are allowed as long as they are under control other than on the athletic fields.

The Mayor opened the floor for a public hearing for Ordinance Number 3005.

David Harwell, 1803 Catala Road, asked about hours of operation.

Mr. Davis stated 7 AM until 1 hour after sunset.

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 5315

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

MOTION Motion to approve Resolution Number 5315 was by Mr. Weaver, and seconded by Mr. Pierce.

Mr. Downes stated that one of these vehicles was a hand me down from the fire department vehicle. The VHPD utilized it for a SWAT vehicle and now no longer has use for it. The other is also a police vehicle. Both are deemed unusable at this time.

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
Mayor Curry – yes

Mr. Weaver – yes
motion carried.

RESOLUTION NUMBER 5318

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

MOTION Motion to approve Resolution Number 5318 was by Mrs. Cook, and seconded by Mr. Weaver.

MOTION Motion to amend Resolution Number 5318 to insert the name of Jay Stewart was by Mrs. Cook, and seconded by Mr. Weaver.

Mr. Pierce stated that the Council received eleven applications for the Board of Education appointment this year. In going through the interviews, the Council had to determine who was the best fit for the Board. He stated that he comes from a family of educators and has several grandchildren. He indicated that he felt the Board needed someone with children in elementary school this time because of the changes these children are going through in their elementary years. He stated that he had received several recommendations for Blair Moss and that along with her experience, he stated that he felt she was best for this position. He wants some representation for the elementary schools.

Mrs. Cook stated that this is always a difficult decision as this City is blessed with gifted applicants. Each one has a certain set of talents and experience and this is an extremely difficult task. This is a group effort of the Council and must be carefully considered.

Mr. Weaver concurred that this is one of the hardest decisions made annually by this Council. This time there were several truly qualified applicants.

Roll call vote on the amendment was as follows:

Mrs. Cook – yes
Mr. Pierce – no
Mayor Curry – yes

Mr. Head – yes
Mr. Weaver – yes
motion carried.

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. Pierce – no
Mayor Curry – yes

Mr. Head – yes
Mr. Weaver – yes
motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor stated that there are two resolutions that require unanimous consent for immediate consideration and action: Resolution Numbers 5316 and 5317. He opened the floor for a motion.

MOTION Motion for immediate consideration and action of Resolution Number 5316 and Resolution Number 5317 was made by Mr. Weaver seconded by Mr. Pierce. Roll call vote as follows:

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

RESOLUTION NUMBER 5316

Resolution Number 5316 – A Resolution Authorizing The City Manager To Purchase A New Police Vehicle To Replace A Recently Totaled Police Vehicle (*public hearing*)

MOTION Motion to approve Resolution Number 5316 was by Mr. Pierce, and seconded by Mr. Weaver.

Mr. Downes stated that this is a replacement for a recently totaled Ford truck. An insurance payment is expected that will fund a portion of this and some equipment will be reused. He explained the supply of these vehicles are limited and timing is of the essence in order to get this vehicle replaced.

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.

RESOLUTION NUMBER 5317

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*)

MOTION Motion to approve Resolution Number 5317 was by Mr. Weaver, and seconded by Mrs. Cook.

Mr. Downes explained that the City Engineer is expected to be off for a few weeks because his daughter will have a series of surgeries and this would help the City to do plan reviews and get tasks completed in his absence.

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.

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

- Ordinance Number 3006 – Renewing An Electric Franchise To Alabama Power Company, Its Successors And Assigns In The City Of Vestavia Hills, Alabama (*public hearing*)

CITIZEN COMMENTS

Donald Harwell, 1357 Willoughby Road, stated that the City has several franchises with utility companies. He indicated that Alabama Power has done a good job of maintaining their facilities. He wanted to know why some utilities still have backyard utility lines. He referenced a time in the past when Patrick Boone had explained some historical agreements with the City. He stated that the franchise says to maintain their facilities but doesn't address the easements in which these utilities are located. The City doesn't own the easements.

Mayor Curry asked Mr. Harwell to contact his office and they will get them in touch with the people from these utilities to address these problems.

At 6:56 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 6:57 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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

page 2

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
page 3

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.

March 22, 2021
page 4

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)

RESOLUTION NUMBER 5319

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR D AND K SCOTT ENTERPRISES LLC D/B/A
SNAPPER GRABBERS; KAREN D. SCOTT AND
DUSTY S. SCOTT, EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for D and K Scott Enterprises LLC d/b/a Snapper Grabbers, located at 8021 Liberty Parkway; Suite 101, Vestavia Hills, Alabama, for the sale of 050 - Retail Beer (off-premises only) and 070 - Retail Table Wind (off-premises only); Karen D. Scott and Dusty S. Scott, executives.

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

INTEROFFICE MEMORANDUM

DATE: May 4, 2021

TO: Dan Rary, Police Chief

FROM: Rebecca Leavings, City Clerk


RE: Alcohol License Request – 050 - Retail Beer (off-premises only) and 070 - Retail Table Wind (off-premises only)

Please find attached information submitted by Karen D. Scott and Dusty S. Scott who request an alcohol license to sell 050 - Retail Beer (off-premises only) and 070 - Retail Table Wind (off-premises only) at the D and K Scott Enterprises LLC d/b/a Snapper Grabbers, 8021 Liberty Parkway; Suite 101, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 10th day of May, 2021 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

I have reviewed the available background information on the above referenced applicant and submit the following to the City Council:

	Application cleared by P.D. This indicates that there are NO convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests
	Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests
	Does not recommend. This indicates that the Police Chief has found records of convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20210422075729861

Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: \$150.00 County: \$75.00
Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: \$150.00 County: \$75.00
Trade Name: SNAPPER GRABBERS Filing Fee: \$100.00
Applicant: D AND K SCOTT ENTERPRISES LLC Transfer Fee:
Location Address: 8021 LIBERTY PKWY STE 101 VESTAVIA HILLS, AL 35242
Mailing Address: 8021 LIBERTY PKWY STE 101 VESTAVIA HILLS, AL 35242
County: JEFFERSON Tobacco sales: NO Tobacco Vending Machines:
Product Type: Type Ownership: LLC
Book, Page, or Document info: 202000047490

Do you sell Draft Beer?:

Date Incorporated: 07/06/2020 State incorporated: AL County Incorporated: MADISON

Date of Authority: 07/06/2020

Federal Tax ID: 851878840

Alabama State Sales Tax ID: R010776814

Table with 4 columns: Name, Title, Date and Place of Birth, Residence Address. Rows include Karen Danita Scott and Dusty Shawn Scott.

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DUSTY SCOTT

Business Phone: 205-908-2481

Fax:

Home Phone: 205-908-2481

Cell Phone: 205-908-2481

E-mail: SNAPPERGRABBERS2020@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20210422075729861

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **HARBERT REALTY SERVICE 205-903-0303**
 What is lessors primary business? **COMMERCIAL REALESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **NO**
 Is the business used to habitually and principally provide food to the public? **NO**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **NO**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **1663** Display Square Footage:
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**
 Number of licenses in the vicinity: **0** Nearest: **0**
 Nearest school: **0 miles** Nearest church: **0 miles** Nearest residence: **0 miles**
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
DUSTY SCOTT	DUI AND LICENSING REGISTRATION CARRY PISTOL 03/02/2000	JEFFERSON COUNTY	DISPUTED CONVICTED 07/07/2001 FINE \$25.00

RESOLUTION NUMBER 5320

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A PROPOSAL TO REPLACE THE HVAC SYSTEM AT VESTAVIA HILLS ALBERTO C. ZARAGOZA FIRE STATION NO. 4 AND TO TAKE ALL ACTIONS NECESSARY TO REPLACE SAID SYSTEM

WHEREAS, the City of Vestavia Hills contracts with Comfort Systems USA for HVAC maintenance at City facilities; and

WHEREAS, Comfort Systems USA has serviced the HVAC unit at Vestavia Hills Alberto C. Zaragoza Fire Station No. 4 (Station 4) but cannot keep it working properly and has recommended that the unit be replaced; and

WHEREAS, the Public Services Director and the City Manager have researched the issues associated with the HVAC system and recommend that the system be replaced at a cost not to exceed \$6,800 as detailed in a proposal marked "Exhibit A" attached to and incorporated into this Resolution Number 5320 as though written fully therein; and

WHEREAS, the Mayor and City Council feel it is in the best interest of the public to accept the proposal by Comfort Systems USA and replace the HVAC unit at a cost not to exceed \$6,800.

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

1. The City Manager is hereby authorized to execute and deliver the proposal from Comfort Systems USA as detailed in the attached Exhibit A; and
2. This Resolution Number 5320 shall become effective immediately upon adoption and approval.

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



3100 Richard Arrington Jr Blvd. N
Birmingham, Al. 35203
205-664-3300

April 30, 2021

Vestavia Fire Department
13041 Liberty Parkway
Vestavia, Al 35216

Re: Fire Station #4 Unit Replacement

Comfort Systems USA proposes to replace (1) 3 ton split gas furnace. Comfort Systems USA standard terms and conditions apply. Our estimated price for this work will be:

Pricing is not to exceed: \$6,800.00.

Work to be performed:

- Demo and remove existing Carrier condensing unit, gas furnace and evaporator coil.
- Furnish and install (1) new Carrier condensing unit, gas furnace and evaporator coil.
- Reuse existing power and disconnects.
- Reuse existing gas supply.
- Make ductwork alterations as required to accommodate new unit design changes.
- Work verification and start up.
- Work to be performed during normal business hours (Monday-Friday 8 a.m. to 5 p.m.)

Proposal does not include:

- Anything not listed in this proposal.
- Portable cooling or heating equipment during the job.

Please do not hesitate to call if you have any further questions. We look forward to doing business with you.

Thanks,

Brian Fancher



Quality People. Building Solutions.

Cell: 205-552-2777
brian.fancher@comfortsystemsusa.com

Please return this proposal with a signature which I will use as our “letter to proceed with work”

Authorized Signature _____ Date _____

RESOLUTION NUMBER 5321

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER A PROPOSAL TO REPLACE THE HVAC SYSTEM AT THE CONCESSION STAND AT SHAC AND TO TAKE ALL ACTIONS NECESSARY TO REPLACE SAID SYSTEM

WHEREAS, the City of Vestavia Hills contracts with Comfort Systems USA for HVAC maintenance at City facilities; and

WHEREAS, Comfort Systems USA has serviced the HVAC unit at the Concession Stand at Sicard Hollow Sports Complex (SHAC) but cannot keep it working properly and has recommended that the unit be replaced; and

WHEREAS, the Public Services Director and the City Manager have researched the issues associated with the HVAC system and recommend that the system be replaced at a cost not to exceed \$7,500 as detailed in a proposal marked "Exhibit A" attached to and incorporated into this Resolution Number 5321 as though written fully therein; and

WHEREAS, the Mayor and City Council feel it is in the best interest of the public to accept the proposal by Comfort Systems USA and replace the HVAC unit at a cost not to exceed \$7,500.

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

1. The City Manager is hereby authorized to execute and deliver the proposal from Comfort Systems USA as detailed in the attached Exhibit A; and
2. This Resolution Number 5321 shall become effective immediately upon adoption and approval.

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



3100 Richard Arrington Jr Blvd. N
Birmingham, Al. 35203
205-664-3300

April 9, 2021

City of Vestavia / Sicard Sports Complex
4516 Sicard Hollow Road
Vestavia, 35242

Re: Concession Stand Unit Replacement

Comfort Systems USA proposes to furnish and install (1) Rheem Sure Comfort split system serving the concession stand. Comfort Systems USA standard terms and conditions apply. Our estimated price for this work will be:

Pricing not to exceed: \$7,500.00.

Work to be performed:

- Demo and remove (1) existing Goodman/Nordyne split HVAC system.
- Furnish and install (1) new Rheem Sure Comfort split HVAC system.
- Reuse existing power supply and disconnect.
- Make ductwork alterations as needed due to unit design changes.
- Flush and reuse existing refrigerant line sets.
- Pull a vacuum and test for potential unit leaks.
- Charge system with 410A refrigerant to factory recommended specifications.
- Work verification and start up.
- Work to be performed during normal business hours (Monday-Friday 8 a.m. to 5 p.m.)

Proposal does not include:

- Anything not listed in this proposal.
- Portable cooling or heating equipment during the job.

Please do not hesitate to call if you have any further questions. We look forward to doing business with you.

Thanks,

Brian Fancher



Quality People. Building Solutions.

Cell: 205-552-2777

brian.fancher@comfortsystemsusa.com

Please return this proposal with a signature which I will use as our "letter to proceed with work"

Authorized Signature _____ Date _____

ORDINANCE NUMBER 3007

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-3 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-3 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

1121 Winward Lane
Lot 13A, Resurvey of Lots 13, 14, 15 & 16, Block 1, TH Payne Subdivision
Kim and Jo Marie Parker, Owner(s)

APPROVED and ADOPTED this the 24th day of May, 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 # 3007 is a true and correct copy of such 24th day of May, 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: APRIL 8, 2021

- **CASE: P-0421-11**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-2 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 1121 Winward Ln
- **APPLICANT/OWNER:** Kim & Jo Marie Parker
- **GENERAL DISCUSSION:** The request rezone property at the corner of Winward Ln. and Mayland Ln. for four single family lots. The new development would be modeled after neighboring developments with narrow lots and rear access drives from an alley. Additional pavement would be added by the developers in Winward Ln. to allow for temporary parking/deliveries. Lots would range in size from 8,500 square feet to 9,300 square feet. Proposed setbacks would be 50' in the front, 0-10' on the sides, and 20' in the rear.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is compatible with the comprehensive plan for neighborhood..
- **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: Staff recommends the following conditions: A. Approval based on site plan presented. B. Rezoning not completed until the final map has been recorded CC&R's for the subdivision are recorded.
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Larson made a motion to recommend Rezoning from Vestavia Hills R-2 to Vestavia Hills R-9 for the property located at 1121 Winward Ln. with the following conditions:

1. Project to be developed based on materials submitted;
2. CC&R's to be submitted at the time of submittal of the final plat.

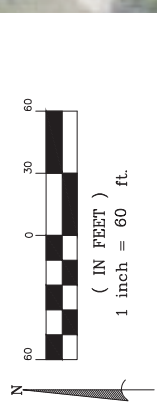
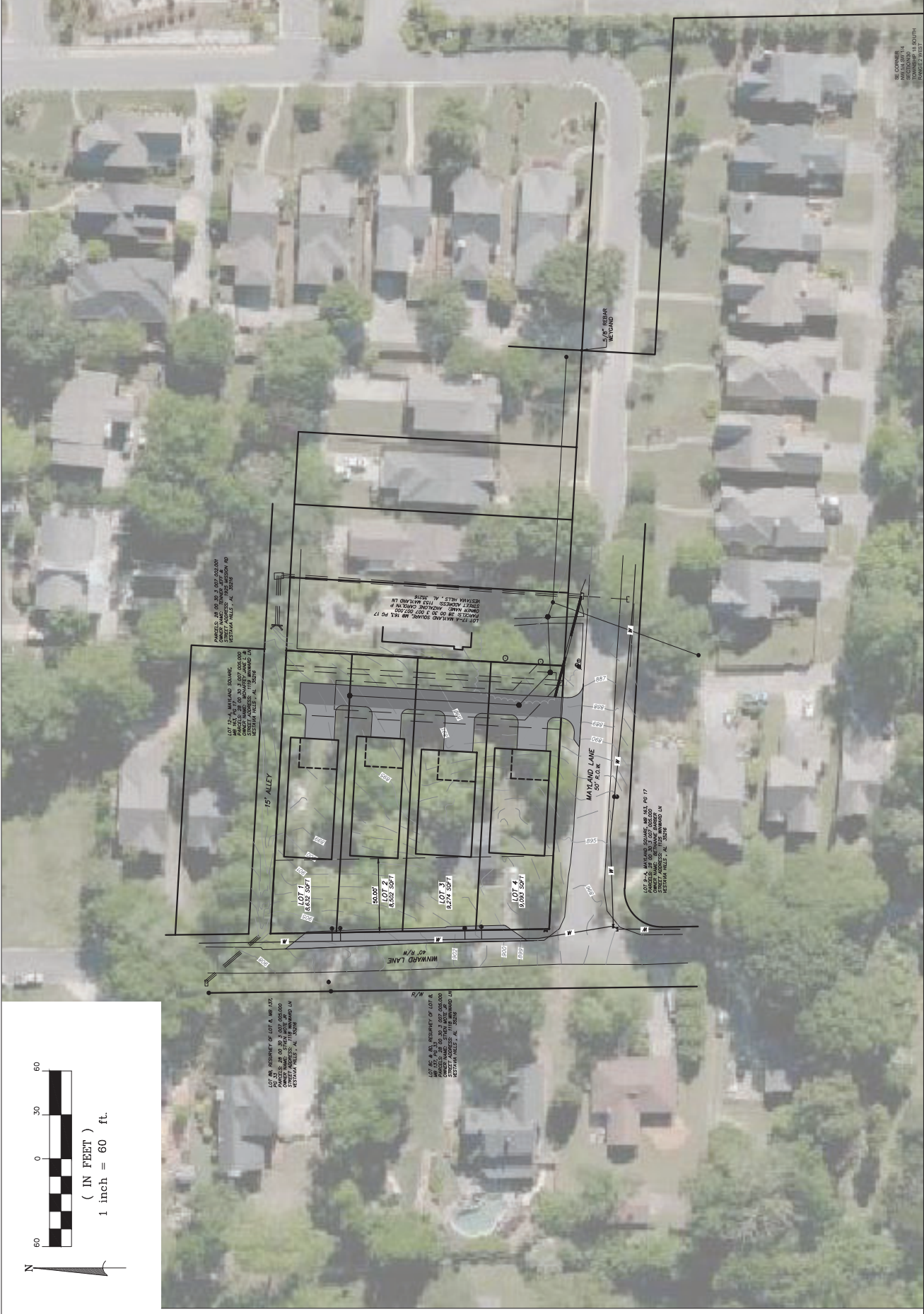
Second was by Mr. Ferrell. Motion was carried on a roll call; vote:

Mr. Maloof – yes
Mr. Ferrell – yes
Ms. Vercher – yes
Mr. Larson – yes
Motion carried.

Mr. Romeo – yes
Mr. Honeycutt – yes
Mr. Weaver – yes
Mr. Barnes – yes

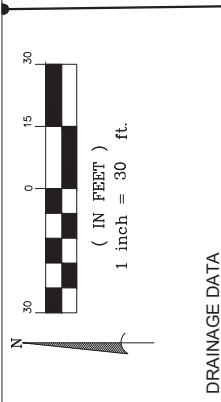
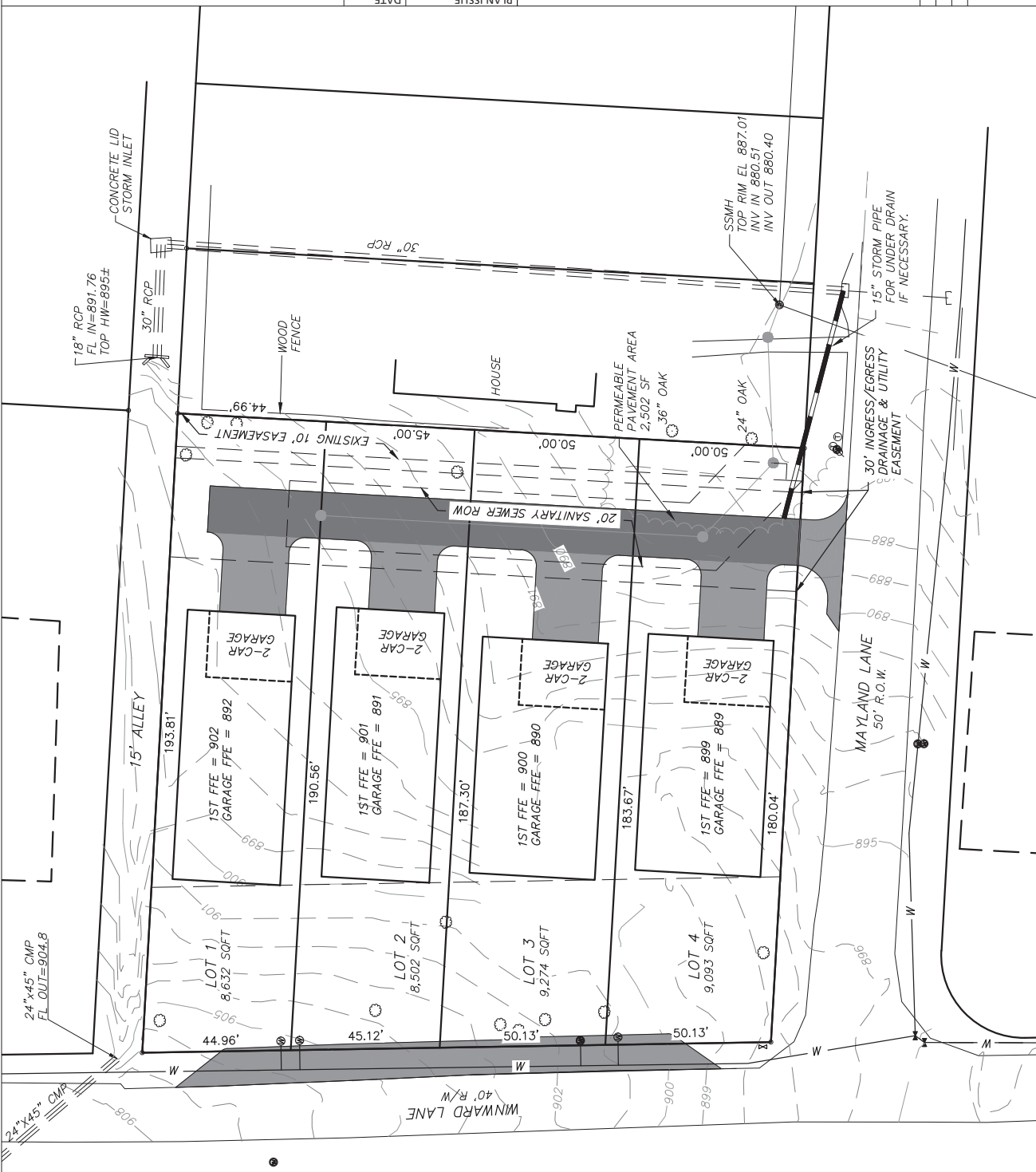
DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	

AERIAL VIEW



BE COURTESY OF
 BIRMINGHAM SOUTH
 BIRMINGHAM, AL

DATE	04.08.2021
PLAN ISSUE	
FOR REVIEW	

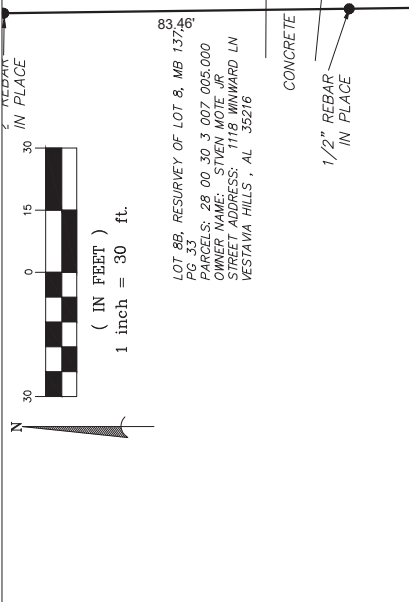
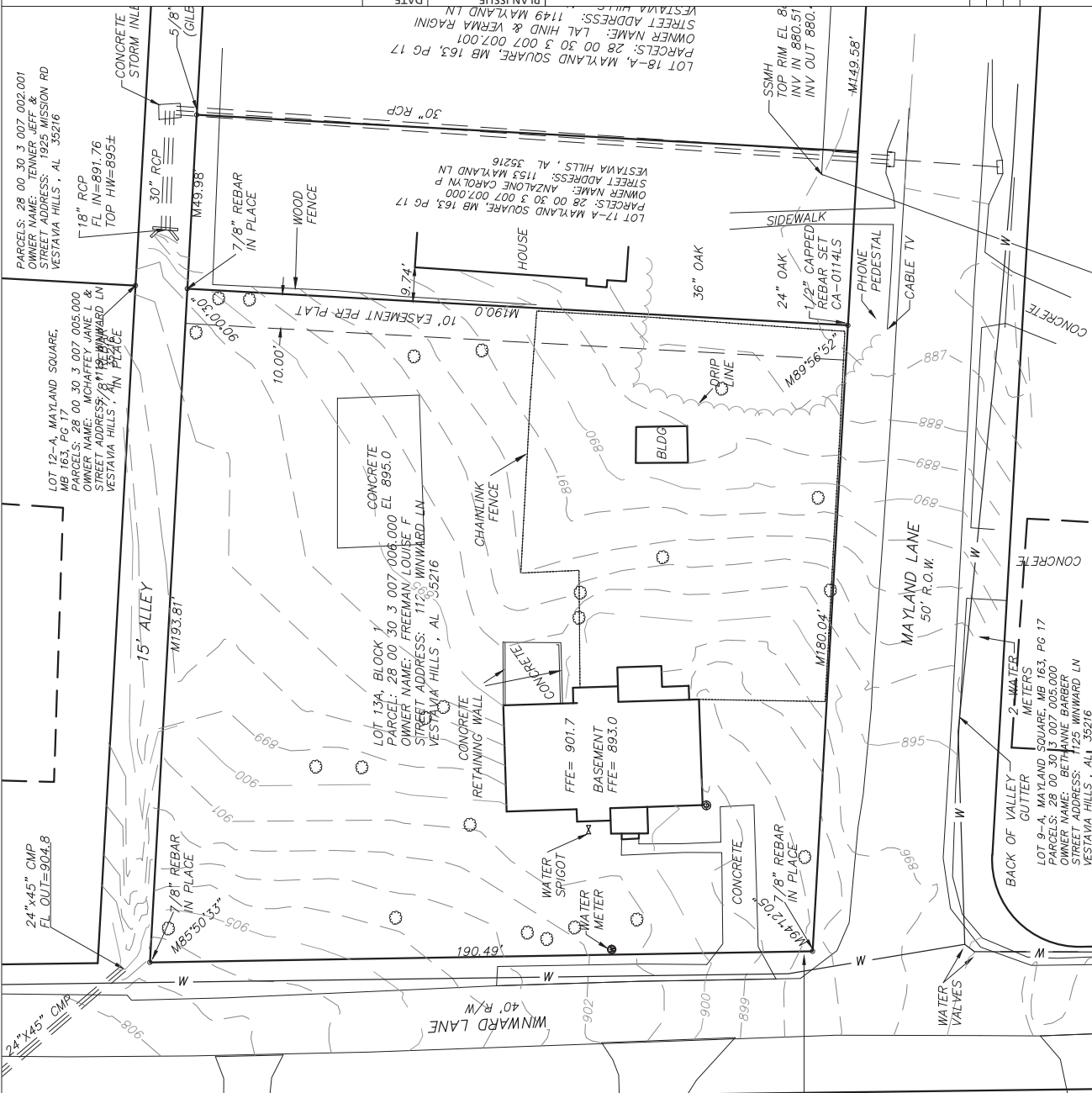


DRAINAGE DATA

PRE: WEIGHTED CN = 82	PERVIOUS AREA = 34,970 SF (CN 80)	IMPERVIOUS AREA = 4,492 SF (CN 98)	RUNOFF 1 YR = 2.07 CFS	RUNOFF 25 YR = 5.47 CFS	
POST: WEIGHTED CN = 87	PERVIOUS AREA = 22,373 SF (CN 80)	PERVIOUS PAVEMENT = 2,502 SF (CN 80)	IMPERVIOUS AREA = 14,587 SF (CN 98)	RUNOFF 1 YR = 2.50 CFS	RUNOFF 25 YR = 5.94 CFS
RUNOFF 25 YR - INCREASE IN VOLUME = 1,917 CUFT					
STORAGE IN PERMEABLE PAVEMENT = 2,002 CUFT					
DRIVEWAY TO BE 6" PERMEABLE PAVEMENT					
18" STONE BASE AGGREGATE					

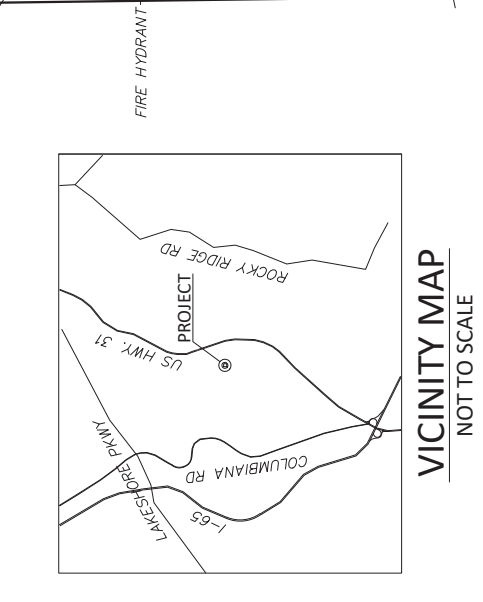
R/W

DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	



LOT 8B, RESURVEY OF LOT 8, MB 137.46
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: STEVEN MOLE JR.
 STREET ADDRESS: 1118 WINWARD LN
 VESTAVIA HILLS, AL 35216

LOT 8C & 8D, RESURVEY OF LOT 8,
 MB 137, PG 33
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: STEVEN MOLE JR.
 STREET ADDRESS: 1118 WINWARD LN
 VESTAVIA HILLS, AL 35216



VICINITY MAP
 NOT TO SCALE

EXISTING CONDITIONS

LOT 18-A, MAYLAND SQUARE, MB 163, PG 17
 PARCELS: 28 00 30 3 007 007.001
 OWNER NAME: LAL HIND & VERMA RAGINI
 STREET ADDRESS: 1149 MAYLAND LN
 VESTAVIA HILLS, AL 35216

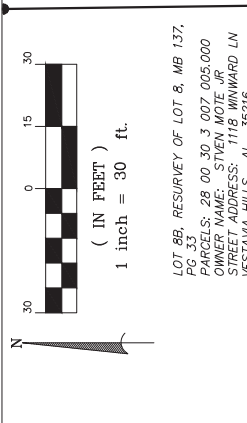
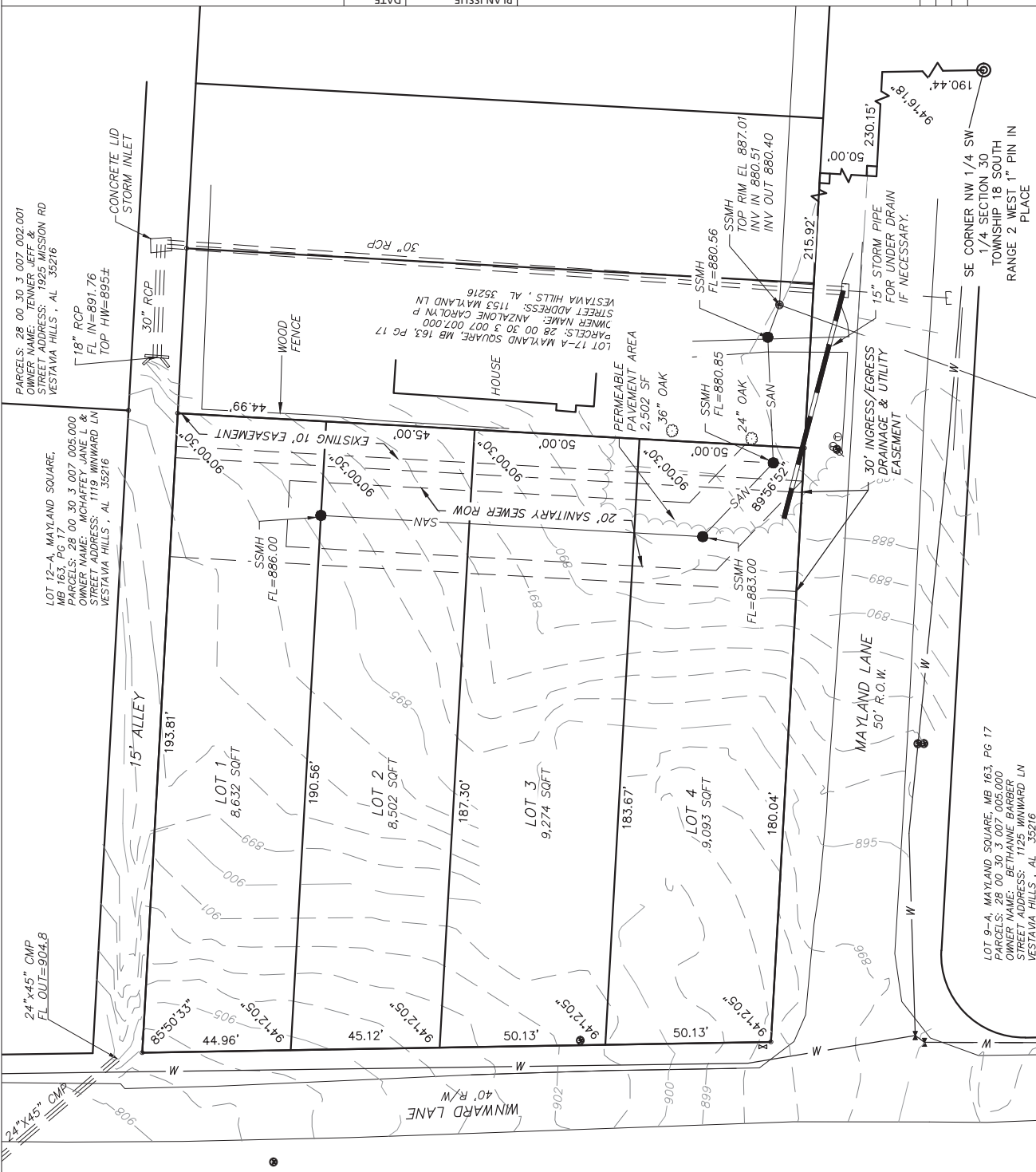
LOT 17-A MAYLAND SQUARE, MB 163, PG 17
 PARCELS: 28 00 30 3 007 007.000
 OWNER NAME: ANZALONE CAROL N P
 STREET ADDRESS: 1153 MAYLAND LN
 VESTAVIA HILLS, AL 35216

LOT 12-A, MAYLAND SQUARE,
 MB 163, PG 17
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: MCHAFFEY JANE L &
 STREET ADDRESS: 1125 WINWARD LN
 VESTAVIA HILLS, AL 35216

LOT 13A, BLOCK Y
 PARCEL: 28 00 30 3 007 006.000 EL 895.0
 OWNER NAME: FREEMAN LOUISE F
 STREET ADDRESS: 1123 WINWARD LN
 VESTAVIA HILLS, AL 35216

LOT 9-A, MAYLAND SQUARE, MB 163, PG 17
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: BETHANIE BARBER
 STREET ADDRESS: 1125 WINWARD LN
 VESTAVIA HILLS, AL 35216

DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	



LOT 8B, RESURVEY OF LOT 8, MB 137, PG 33
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: STEVEN MOYE JR.
 STREET ADDRESS: 1118 WINWARD LN VESTAVIA HILLS, AL 35216

LOT 8C & 8D, RESURVEY OF LOT 8, MB 137, PG 33
 PARCELS: 28 00 30 3 007 005.000
 OWNER NAME: STEVEN MOYE JR.
 STREET ADDRESS: 1118 WINWARD LN VESTAVIA HILLS, AL 35216

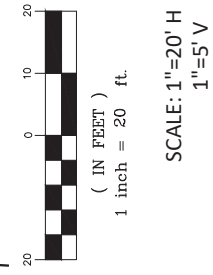
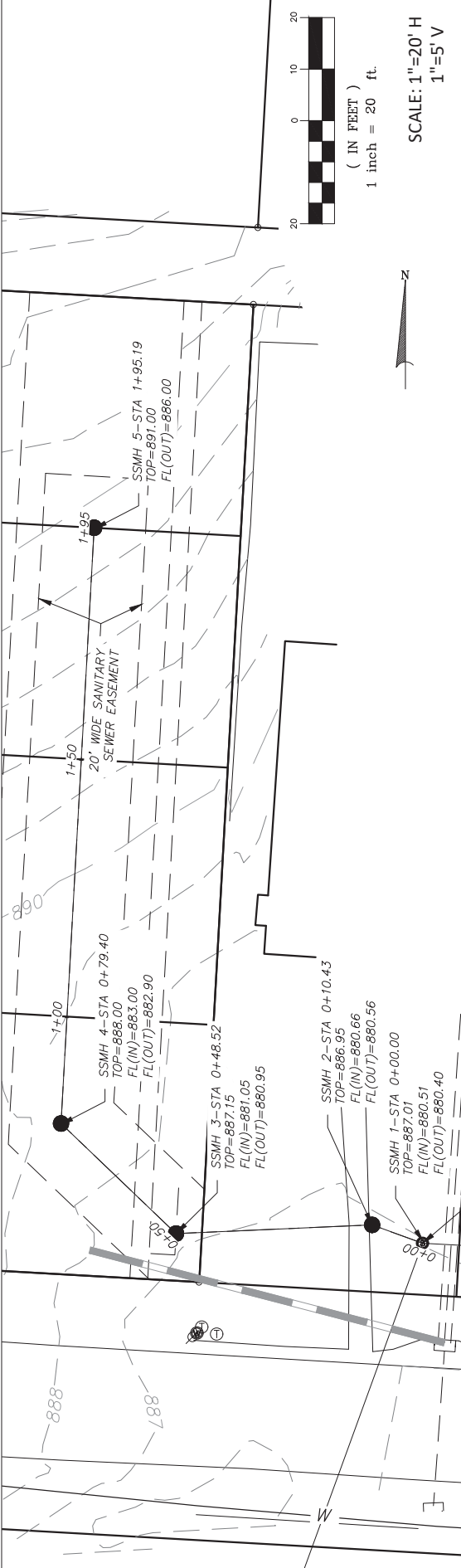
NAME OF SUBDIVISION: RESURVEY NO. 2 LOTS 13-16, BLK1 T.H. PAYNE SUBDIVISION
 NAME OF OWNER: KIM & JO MARIE PARKER
 ADDRESS OF OWNER: 1148 WINWARD LANE VESTAVIA HILLS, AL 35216

NAME OF DESIGNER: NICHOLAS OSTRYE, P.E.
 ADDRESS OF OWNER: 200 OFFICE PARK DRIVE, STE. 215 BIRMINGHAM, AL 35223

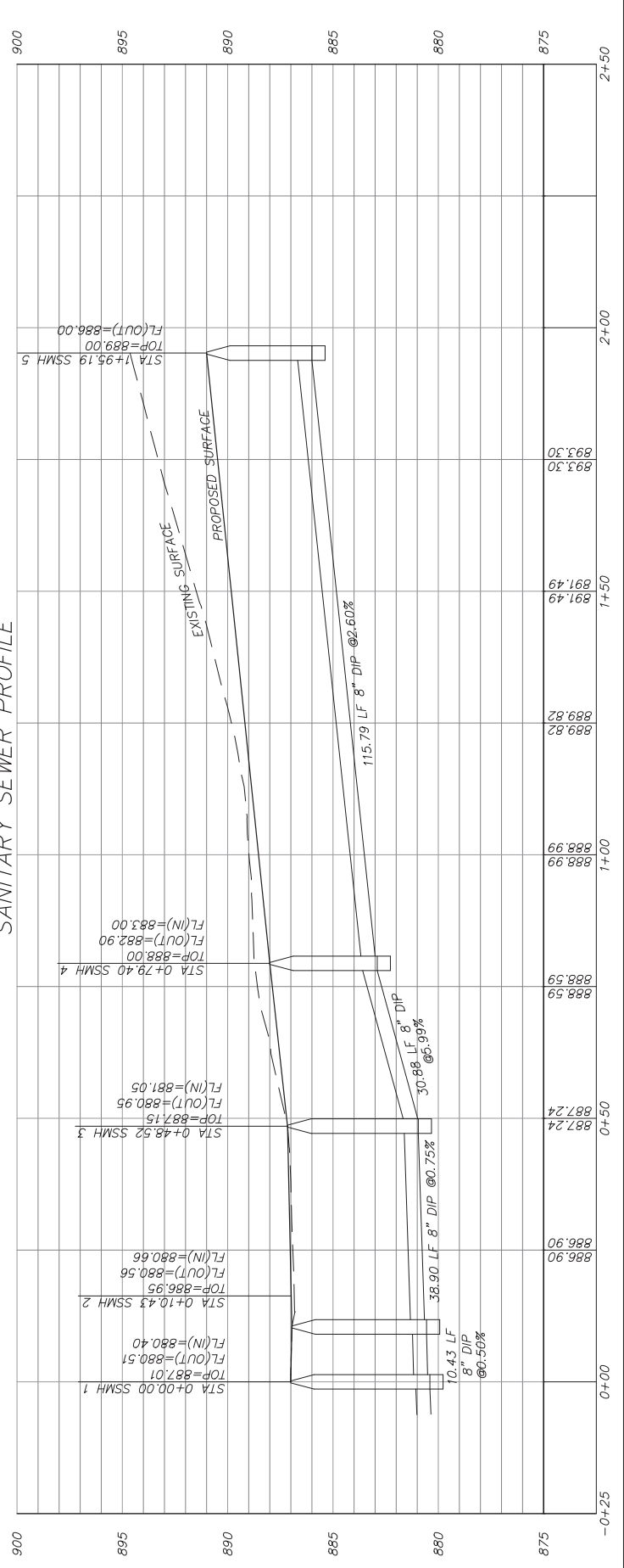
ANY LOT TRANSFERRED WILL HAVE A MINIMUM WIDTH, SUBSTANTIALLY THE SAME AS THOSE OF THE PLATTED LOTS, AND THAT ONLY ONE (1) PRINCIPAL BUILDING WILL BE PERMITTED ON ANY SUCH LOT UNLESS OTHERWISE PERMITTED BY THE ZONING ORDINANCE.

DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	

SANITARY SEWER PLAN AND PROFILE

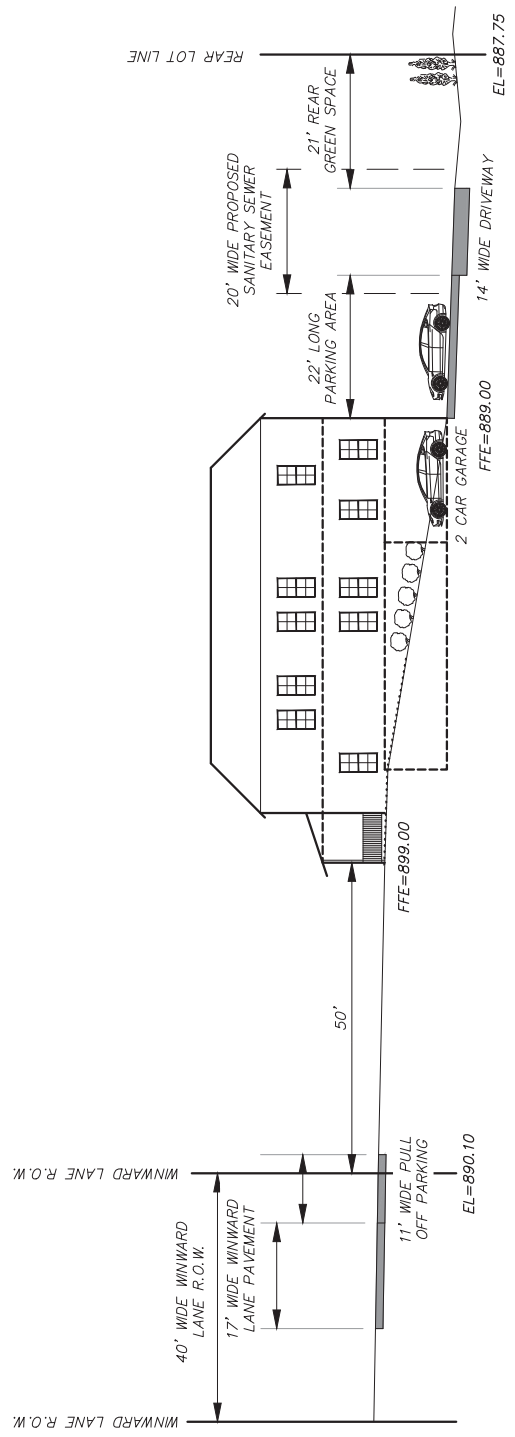
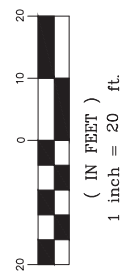


SANITARY SEWER PROFILE

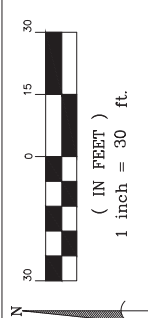


DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	

SECTION ELEVATION



SITE ELEVATION VIEW
 FROM MAYLAND LANE



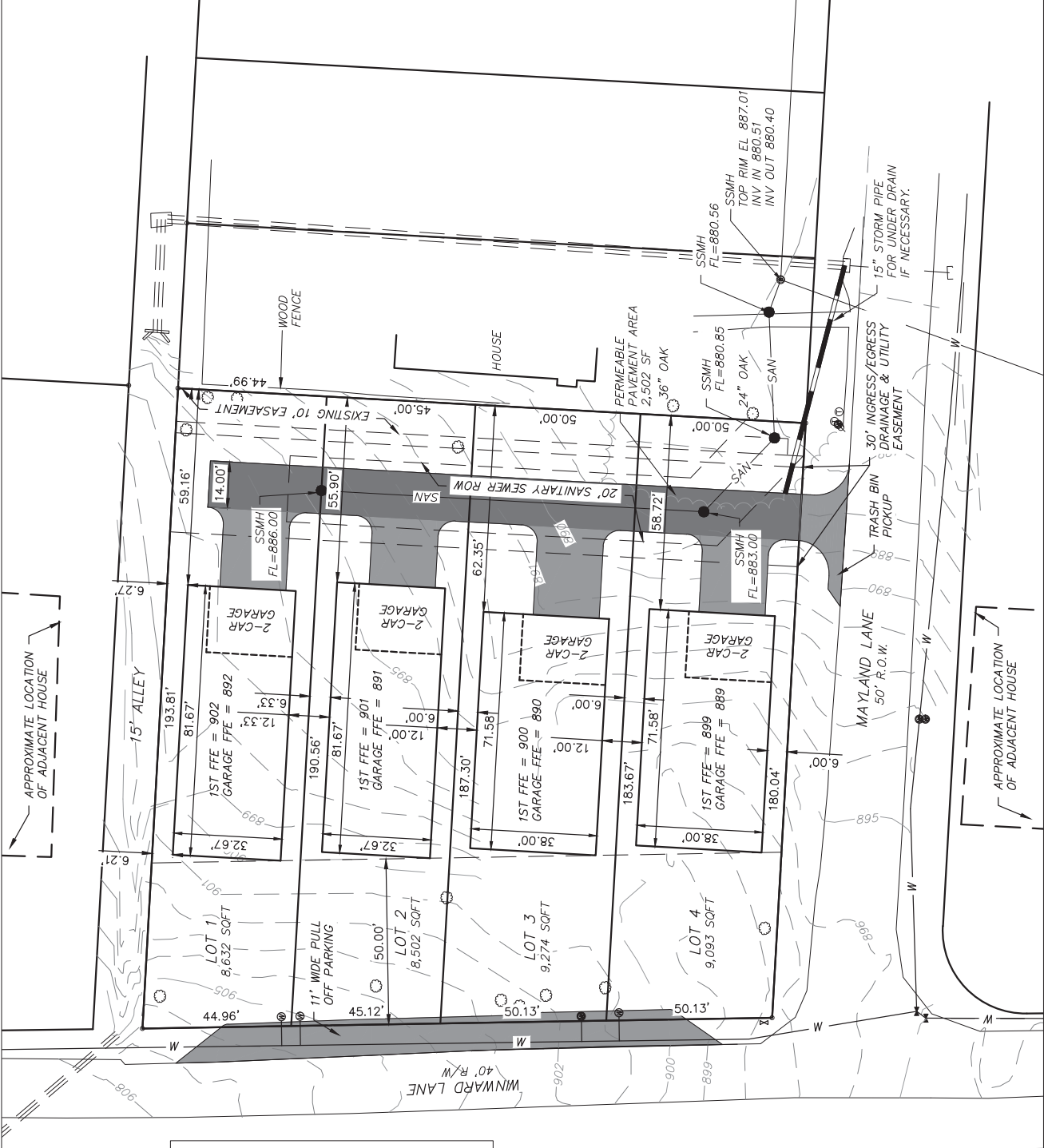
SITE DATA

SITE DATA:
 MUNICIPALITY: CITY OF VESTAVIA HILLS
 CURRENT LOT SIZE: 35.501± (0.81AC±)
 CURRENT ZONING: R-3 - MEDIUM DENSITY RESIDENTIAL DISTRICT
 PROPOSED ZONING: R-9 - PLANNED RESIDENTIAL DISTRICT

PARKING:
 REQUIRED: 2 SPACES PER SINGLE FAMILY DWELLING
 PROVIDED: 5 SPACES PER SINGLE FAMILY DWELLING

SETBACKS:
 FRONT (FROM HARDSCAPE): 12 FEET
 SIDE: 0/10 FEET
 REAR: 20 FEET

TREES:
 HARDWOODS WITH TRUNKS OVER 6" TO REMAIN = 12
 HARDWOODS WITH TRUNKS OVER 6" TO BE REMOVED = 11
 HARDWOODS TO BE PLANTED = 15



CAPRINE
 PLANNING - CIVIL ENGINEERING - CONSULTING
 200 OFFICE PARK DRIVE, SUITE 215 BIRMINGHAM, ALABAMA 35223 (205) 423-5092

DATE	04.08.2021
FOR REVIEW	
PLAN ISSUE	

WYNARD LANE - SINGLE FAMILY HOMES
 1121 WYNARD LANE
 VESTAVIA HILLS, AL 35216

SITE PLAN

PROJECT NO. 1001
 SCALE: 1"=30'
 DRW: NOT IN USE

0003 OF
 SHEET



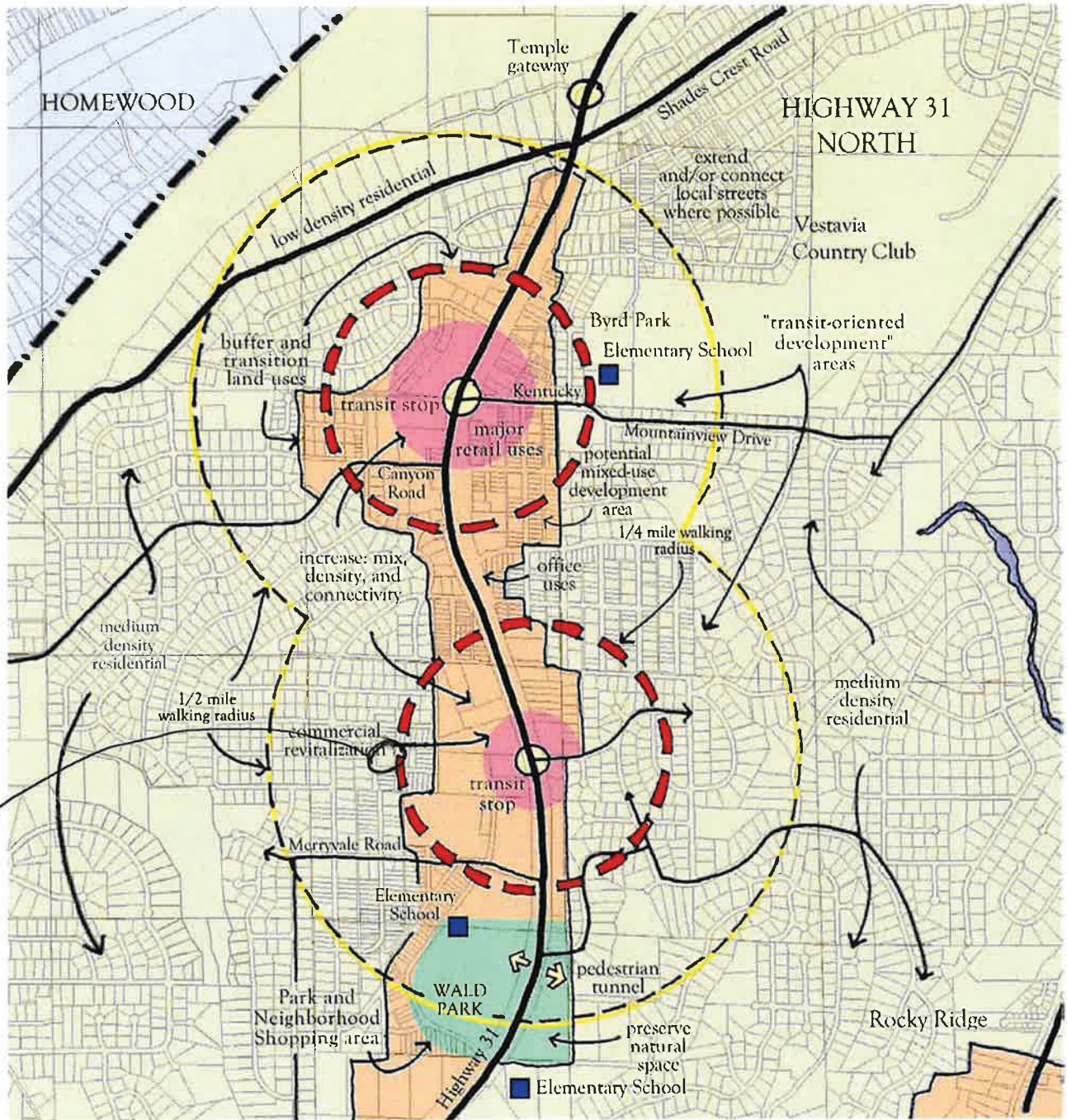


Figure 17: Highway 31 North
Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center** - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core** - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes** - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.
- Professional Offices** - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space** - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads** - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools** - School facilities administered by the Vestavia Hills School System.



ORDINANCE NUMBER 3008

AN ORDINANCE AUTHORIZING THE FORMATION OF THE CAHABA SOLID WASTE DISPOSAL AUTHORITY

BE IT THEREFORE ORDAINED, on this 24th day of May, 2021, by the City Council of the City of Vestavia Hills, Alabama in a regularly scheduled meeting with a quorum presents as follows:

Section 1. The Council of the City of Vestavia Hills, Alabama as the governing body of this City and governing subdivision in accordance with Chapter 89A of Title 11 of the Code of Alabama (1975)(the “Enabling Act”) does hereby find and determine (1) that it is wise, expedient, and necessary that a solid waste authority be formed to alleviate the burden and increased cost of solid waste removal and treatment in accordance with the Enabling Act, as amended; (2) that formation of a solid waste authority is proper as comprised of the following determining subdivisions: the Cities of Vestavia Hills, Hoover, and Mountain Brook, Alabama, whose neighboring borders and/or/ need for innovative solutions to address residential and commercial garbage and recycling, create an opportunity to streamline and otherwise provide for greater fiscal responsibility and administration of solid waste removal; (3) that application has been made and is in due form where each person filing the application is a duly qualified elector of a determining subdivision referred to in the application attached hereto (Exhibit A); and (4) that approval of the formation of said authority and the certificate of incorporation of the authority is to be had in substantially the same form as set forth in Exhibit B).

Section 2. That the Council of the City of Vestavia Hills, Alabama does hereby grant permission to form, incorporate and organize the Authority permission to incorporate, under the provisions of the Enabling Act, a public corporation to be known as the “Cahaba Solid Waste Disposal Authority,” and does hereby authorize filing the Certificate of Incorporation and to take all other necessary action to incorporate and organize the Authority pursuant to and in accordance with the Enabling Act.

Section 3. This Ordinance shall take effect immediately upon publication hereof as provided by law.

ADOPTED this 24th day of May, 2021.

Mayor

ATTEST: _____
City Clerk

CERTIFICATION

I, the undersigned City Clerk of the City of Vestavia Hills, Alabama hereby certify that the foregoing Ordinance No. 3008 authorizing formation of the Cahaba Solid Waste Disposal Authority, constitutes a true, correct and complete copy of said Ordinance adopted by the City Council of the City of Vestavia Hills, Alabama on the 24th, day of May, 2021, pertaining to the matters set out therein, as same appear in the records of the City.

Under my signature as City Clerk and under seal of the City of Vestavia Hills, this ____ day of _____, 2021.

[SEAL]

City Clerk

RESOLUTION NUMBER 5322

A RESOLUTION APPOINTING A MEMBER TO THE CAHABA SOLID WASTE DISPOSAL AUTHORITY

BE IT THEREFORE RESOLVED, on this 24th day of May, 2021, by the City Council of the City of Vestavia Hills, Alabama in a regularly scheduled meeting with a quorum presents as follows:

Section 1. The Cahaba Solid Waste Disposal Authority was formed by Ordinance No.3008 and authorized to form in accordance with Chapter 89A of Title 11 of the Code of Alabama (1975)(the “Enabling Act”) to alleviate the burden and increase cost of solid waste removal and treatment in accordance with the Enabling Act, as amended, in conjunction with other determining subdivisions, where each city appoints a qualified elector of their jurisdiction upon such qualifications as it otherwise determines (except said appointment shall not to exceed a six (6) year term), and as such the City Council of the City of Vestavia Hills, Alabama hereby appoints, _____ to serve as a member of the Authority’s Board of Directors in **Place** _____ for a term of three (3) years, beginning May ____, 2021 to December 31, 2024.

Section 3. This resolution shall take effect immediately upon publication hereof as provided by law.

ADOPTED and APPROVED this 24th day of May, 2021.

Mayor

ATTEST: _____
City Clerk
City Clerk

**CERTIFICATE OF INCORPORATION
OF
A SOLID WASTE DISPOSAL AUTHORITY**

MAY __, 2021

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in order to incorporate the **CAHABA SOLID WASTE DISPOSAL AUTHORITY** (hereinafter referred to as the "Authority") a public corporation under and pursuant to the provisions of Chapter 89A of Title 11 of the Code of Alabama (1975) (hereinafter referred to as the "Enabling Act"), do hereby make, sign, execute, acknowledge and file this Certificate of Incorporation:

ARTICLE ONE

*Authorization of Incorporation
Incorporators*

1.01 The names of the determining subdivision(s) authorizing incorporation and formation of this Authority who duly adopted the same by resolution are:

Determining Subdivision(s)	Resolution Number	Date of Adoption
<i>City of Hoover, Alabama</i>	_____ - _____	<i>May __, 2021</i>
<i>City of _____, Alabama</i>	_____ - _____	_____, 2021
<i>City of _____, Alabama</i>	_____ - _____	_____, 2021
<i>City of _____, Alabama</i>	_____ - _____	_____, 2021
<i>City of _____, Alabama</i>	_____ - _____	_____, 2021

and other such jurisdictions as amended, where a certified copy of each resolution is attached hereto as **Exhibit " __ "** and made a part hereof.

1.02 Each incorporator of the authorizing determining subdivision as undersigned are duly qualified electors of the same and are identified as follows:

- City of Hoover, Alabama
- Incorporator 1:*
- Incorporator 2:*
- Incorporator 3:*

ARTICLE TWO

Name Reservation and Powers Vested

- 2.01 The Authority is established as a separate legal entity and public body corporate. The name of the Authority shall be "**CAHABA SOLID WASTE DISPOSAL AUTHORITY**". Attached hereto as **Exhibit "A"** is a Certificate by the Alabama Secretary of State, that the name proposed for the Authority is not identical with that of any other corporation in the state or so nearly similar thereto as to lead to confusion and uncertainty.
- 2.02 The Authority is vested with all powers as contained in the Enabling Act and shall have in addition, all powers conferred on corporations generally by the law of Alabama not in conflict with the provisions of the Enabling Act and contained herein, including specifically, the powers conferred on a nonprofit corporation enumerated in Section 10A-1-2.11, Code of Alabama, 1975 or as set forth in Chapter 3 of Title 10A, Code of Alabama (1975), not otherwise in conflict with the Enabling Act.

ARTICLE THREE

Board of Directors: Number, Qualification

- 3.01 A Board of Directors (hereinafter referred to as the "Board") shall govern the Authority and the number of directors of the Authority shall consist of five (5) members. Each appointment of a director (with exception of the initial directors named herein) whether a full term or to complete an unexpired term, shall be made not earlier than thirty (30) days prior to the date on which the director is to take office. Any appointed director may be eligible for reappointment by the determining subdivision pursuant to such qualifications as determined by each determining subdivision, subject to the limitations provided herein and contained in the Enabling Act, as amended.

ARTICLE FOUR

Term and Appointment

- 4.01 Members of the Board shall serve a minimum of a three (3) year term in office, except such initial term of office may be less than three (3) years. Otherwise, the term of appointment shall not exceed a six (6) year term and each determining subdivision may determine the length of appointment time not to exceed the timeframe as provided by the Enabling Act and as stated herein.
- 4.02 The Mayor for the governing body of each determining subdivision shall appoint one (1) member. Upon expiration of his or her term, a board director is eligible for reappointment, unless said term of office expires or lapses by virtue of other provisions contained in this certificate. In accordance with the below listing, each member appointment shall be as follows:

Seat	Jurisdiction
<i>Place 1</i>	<i>City of Hoover, Alabama</i>
<i>Place 2</i>	
<i>Place 3</i>	
<i>Place 4</i>	
<i>Place 5</i>	

- 4.03 *Expiration of Term of Office.* In a year in which the term of a member of the board of directors is to expire, his term shall not expire until (i) the adjournment of the annual meeting of the board of directors for that year, and (ii) unless a successor is appointed or there is a decrease in the number of members of the board of directors resulting elimination of the member seat on the board of directors. An officer of a determining subdivision may serve as a member of the board of directors only for the term for which the director is appointed or during the director's tenure as an officer of such determining subdivision, which ever expires first.
- 4.04 *Required Ethics Training.* All Directors must complete an Alabama Ethics Law course during their first year on the Board, Any reappointments of the same Director shall not be excluded from this requirement.
- 4.05 *Absences.* If a director is absent for more than half of the board's meetings in a twelve-month period, the director may be removed from the Board by a vote of the respective City Council of the determining subdivision for their appointed Director in accordance with the by-laws of the authority.
- 4.06 *Vacancies.* If at any time there should be a vacancy on the board of directors, whether by death, resignation, incapacity, disqualification, or otherwise, a successor director to serve for the unexpired term applicable to such vacancy shall be appointed by the governing body of the determining subdivision that appointed the predecessor director. In the event, a governing body of the determining subdivision that appointed a predecessor director does not desire to appoint its member to the board of directors, a resolution from said determining subdivision indicating their desire to no longer participate in the Authority must occur. Upon receipt thereof, the Board shall resolve the seat vacant and subsequently request by resolution of all remaining determining subdivisions amendment to the incorporation to fill the vacancy or otherwise dissolve the Authority.
- 4.07 *Limitations on appointment.* The Authority is established as a benefit for its members and if a determining subdivision appoints a director but chooses not to utilize the Authority for services within its jurisdiction by either (i) within 365 days following expiration of solid waste collection agreement which exists at time of formation (where applicable) or (ii) fails to utilize the services for any subsequent renewal of any contract for solid waste collection between the Authority and that determining subdivision, , this will constitute a disqualification of its director to serve on the Board, where the determining subdivision will surrender its voting seat. This limitation on appointment shall remain in effect for the duration of the Authority's existence and any determining subdivision no longer utilizing the services of the Authority for a period of one year at any time will be subject to disqualification. A resolution of the Board indicating disqualification of a member shall be forwarded to all determining subdivisions. As soon as practicable thereafter (but not more than 40 days), each determining subdivision shall pass an amendment to fill the vacancy or otherwise dissolve the Authority.

ARTICLE FIVE

Principal Office

- 5.01 Initially, the location of the principal office of the Authority shall be Hoover City Hall, 100 Municipal Lane, Hoover, Alabama 35216 and the registered agent shall be the City Clerk of the City of Hoover, Office of the City Clerk. Thereafter, the Authority shall designate a new registered agent at its first regular meeting.

ARTICLE SIX

Duration

- 6.01 The duration of the Authority shall be perpetual, subject to Section 11-89A-21 of the Code of Alabama, as amended and the provisions of the Enabling Act.

ARTICLE SEVEN

By-Laws and Officers

- 7.01 The Board shall adopt by-laws for the Authority within three (3) months of its incorporation. The Authority shall have all of the powers, duties, functions, rights, privileges, immunities, and responsibilities of a solid waste authority pursuant to the Enabling Act.
- 7.02 The Board shall elect as officers of the Authority from time to time as deemed necessary and shall have President, Vice President, and Secretary/Treasurer from the members of the Authority. All officers shall serve for terms of one year terminating at the next annual meeting of the board of directors or until their successors are elected and qualified.
- 7.03 Any one or more person may be engaged by the Authority to serve as assistant secretary (including recording secretary) or assistant treasurer of the Authority and may be given duties of the keeping books, records, minutes, giving of notices as required by By-Laws, and any such other duties or functions of the office of secretary or treasurer as the Board of Directors may determine. An assistant secretary or assistant treasurer may be elected by the board of directors and serve at the pleasure of the board of directors.

ARTICLE EIGHT

Organization Pursuant to Statute

- 8.01 The Authority shall be organized and operated as a solid waste authority under the provisions of the Enabling Act.

ARTICLE NINE

Nonprofit Designation

- 9.01 The Authority shall be a public corporation, and no part of the net earnings thereof shall inure to any individual, firm or corporation, pursuant to the provisions of §11-89A-16, §11-89A-18, and the provisions of the Enabling Act, as amended person or entity of any nature whatsoever.

ARTICLE TEN

Meetings and Reports

- 10.01 The Authority shall convene, at minimum, bi-annually, and may convene such called meetings as necessary to conduct business of the Authority. The Authority shall provide an annual public report of activities to each determining subdivision who makes up the Solid Waste Disposal Authority at least one month prior to the end of each fiscal year of said City. Said report shall provide information related to the activities and finances of the Authority, including such other information as any member city may request and a tally of attendance of Directors to each called meeting of the Board.

ARTICLE ELEVEN

No Obligation of Determining Subdivisions

- 11.01 The Authority shall not obligate a determining subdivision nor shall any obligation of the Solid Waste Disposal Authority constitute an obligation of any determining subdivision. The same shall apply for any other municipalities who become members by unanimous vote of the members of the Solid Waste Disposal Authority and that subsequent amendment by each determining subdivision who subsequently becomes a part of the Authority hereafter.

ARTICLE TWELVE

Dissolution and Distribution therefrom

- 12.01 The Authority may be dissolved by joint action of the Authority and each governing subdivision who appointed a director; and upon completion of the following (1) payment of all liabilities of the Authority, (2) the title to all funds and properties owned by the Authority is conveyed and distributed on a pro rata basis to each member city, and (3) a dissolution is recorded with the Probate Court of Jefferson County, Alabama attaching thereto the resolution of the Authority and its member cities indicating dissolution, dissolution shall then occur.

ARTICLE THIRTEEN

Amendments to Certificate and By-Laws

- 13.01 The Authority shall have the power to adopt, alter, and repeal by-laws, regulations and rules, and amendments to the Certificate of Incorporation, not inconsistent with the provisions of Chapter 89A of Title 11, Code of Alabama, 1975, as amended, for the regulation and conduct of its affairs and business. Removal of a member from the Authority shall require an amendment to the Certificate of Incorporation as approved by the determining subdivisions of the Authority and require simultaneous amendment by

resolution and subsequent recording of the same with the Probate Court of Jefferson County, Alabama.

ARTICLE FOURTEEN

Filing

14.01 The Authority is a collaboration of the City of Hoover, Alabama and such other determining subdivisions as provided in Section 1.01 of Article 1 to assist one another in addressing the increasing costs of solid waste removal for their respective residents. As a result, this Authority will not exist until the requisite minimum three (3) members one from each determining subdivision, establishes by such resolution to form the Authority and a copy of the same is filed simultaneously with the Judge of Probate by all determining subdivisions wishing to participate in the formation thereof. Once recording of this occurs, the Authority will exist in accordance with the provisions of the Enabling Act. Thereafter each determining subdivision may then by agreement enter into a contract with the Authority in accordance with the Enabling Act and other applicable laws of the State of Alabama. Exhibits to be filed are as follows:

- (a) A copy of applications of the incorporators;
- (b) A copy of the resolutions of the determining subdivisions;
- (c) A certificate by the Secretary of State that the name proposed for the Authority is not identical to that of any other corporation organized under the laws of the state or so nearly similar thereto as to lead to confusion and uncertainty; and
- (d) A copy of this Certificate of Incorporation.

ARTICLE FIFTEEN

Signatures

15.01 Each of the incorporators named below has provided a notarized signature as indicated of this Certificate of Incorporation on and as of the date and year above first written.

IN WITNESS WHEREOF, I have set my hand and seal on this ____ day of _____, 2021.

PRINT NAME:

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify, that _____, a resident of the City of _____, Alabama, whose name is signed to the foregoing Certificate of Incorporation, and who is known to me, acknowledged to me on this day, that being informed of the contents of the document, executed the same voluntarily on the day of the same bears date.

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

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, I have set my hand and seal on this ____ day of _____, 2021.

PRINT NAME:

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify, that _____, a resident of the City of _____, Alabama, whose name is signed to the foregoing Certificate of Incorporation, and who is known to me, acknowledged to me on this day, that being informed of the contents of the document, executed the same voluntarily on the day of the same bears date.

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

Notary Public

My Commission Expires: _____

IN WITNESS WHEREOF, I have set my hand and seal on this ____ day of _____, 2021.

PRINT NAME:

STATE OF ALABAMA

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public in and for said County, in said State, hereby certify, that _____, a resident of the City of _____, Alabama, whose name is signed to the foregoing Certificate of Incorporation, and who is known to me, acknowledged to me on this day, that being informed of the contents of the document, executed the same voluntarily on the day of the same bears date.

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

Notary Public

My Commission Expires: _____

RESOLUTION NUMBER 5322

**A RESOLUTION APPOINTING A MEMBER TO THE CAHABA SOLID
WASTE DISPOSAL AUTHORITY**

BE IT THEREFORE RESOLVED, on this 24th day of May, 2021, by the City Council of the City of Vestavia Hills, Alabama in a regularly scheduled meeting with a quorum presents as follows:

Section 1. The Cahaba Solid Waste Disposal Authority was formed by Ordinance No.3008 and authorized to form in accordance with Chapter 89A of Title 11 of the Code of Alabama (1975)(the “Enabling Act”) to alleviate the burden and increase cost of solid waste removal and treatment in accordance with the Enabling Act, as amended, in conjunction with other determining subdivisions, where each city appoints a qualified elector of their jurisdiction upon such qualifications as it otherwise determines (except said appointment shall not to exceed a six (6) year term), and as such the City Council of the City of Vestavia Hills, Alabama hereby appoints, _____ to serve as a member of the Authority’s Board of Directors in **Place** _____ for a term of three (3) years, beginning May ____, 2021 to December 31, 2024.

Section 3. This resolution shall take effect immediately upon publication hereof as provided by law.

ADOPTED and APPROVED this 24th day of May, 2021.

Mayor

ATTEST: _____
City Clerk
City Clerk