

Join us! In an effort to enhance meetings post COVID-19 emergency orders, 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
October 11, 2021
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Sam Williamson, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
 - a. Upcoming Vacancy On Vestavia Hills Parks And Recreation Board
 - b. Upcoming Vacancy On The Vestavia Hills Library Board
7. Proclamation – Fire Prevention Week - October 3-9, 2021 and Fire Prevention Month, October 2021
8. City Manager’s Report
9. Councilors’ Reports
10. Financial Reports – Melvin Turner, III, Finance Director
11. Update of Infrastructure and Community Spaces Projects – TCU Consulting
12. Approval Of Minutes – September 20, 2021 (Work Session) And September 27, 2021 (Regular Meeting)

Old Business

New Business

13. Resolution Number 5352 – A Resolution Authorizing Preliminary Action For, And Reimbursement Of Qualified Expenditures From General Obligation Warrants, Series 2021

New Business (Requesting Unanimous Consent)

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

14. Resolution Number 5349 – A Resolution Authorizing The City Manager To Execute And Deliver And Easement Agreement With Cellco Partnership D/B/A Verizon Wireless To Grant An Easement On The Property Located At 509 Montgomery Highway, Aka Vestavia Hills Bill F. Towers Fire Station No. 1 *(delayed until October 25, 2021)*
15. Citizens Comments
16. Adjournment

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

Due to the COVID-19 safety advice given by the ADPH, 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/5539517181>. 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 City of Vestavia Hills, Alabama is committed to ensuring the safety and security of all those living in and visiting Vestavia Hills; and

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

WHEREAS, the first responders of Vestavia Hills are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

WHEREAS residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and

WHEREAS working smoke alarms sense smoke well before you can, alerting you to danger in the event of fire in which you may have as little as 2 minutes to escape safely; and

WHEREAS working smoke alarms cut the risk of dying in reported home fires in half; and

WHEREAS Vestavia Hills residents should be sure everyone in the home understands the sounds of the alarms and knows how to respond; and

WHEREAS, the 2021 Fire Prevention Week theme, *“Learn the Sounds of Fire Safety”* serves to remind us it is important to learn the different sounds of smoke and carbon monoxide alarms.

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 October 3-9, 2021 as Fire Prevention Week and October 2021 as

FIRE PREVENTION MONTH

throughout our community and I urge all citizens of Vestavia Hills to participate in fire safety activities and to support the many public safety activities and efforts of the Vestavia Hills Fire Department.

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

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

WORK SESSION

SEPTEMBER 20, 2021

The City Council of Vestavia Hills met in regular work session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Social distancing along with limits of attendees, this meeting was held with a portion of Staff and general public/audience members attending via Zoom.com following publication pursuant to Alabama law. The Mayor called the meeting to order. The City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Marvin Green, Fire Chief
Brian Davis, Public Services Director
Sandi Wilson, Superintendent of Programs and Senior Services
Melinda Burnett, Senior Event Manager
George Sawaya, Asst. Finance Director
Cinnamon McCulley, Communications Specialist
**present via Zoom or telephone*

REFINANCE OF DEBT

Chris Williams, Rice Advisory LLC, explained the prospect of closing of some older bond issues of the City. He explained he recommends refunding, in November, the 2015 issue to produce \$300,000 in savings which the City could pull out and use for any purpose while keeping the maturity date the same.

Discussion ensued to using the \$300,000 to a better purpose than just paying off debt.

Mr. Downes indicated that refinancing of this kind does not negatively affect the City's debt rating. Mr. Williams explained.

Mr. Williams explained that they can present a preliminary parameters Resolution for the Council's approval to go to the bond market and do the preliminary work for a later approval from the Council on the final issue.

COMMUNITY CENTER UPDATES - TCU

Ken Upchurch and Raynor Boles presented additional Civic Center program items for the Council to consider. Mr. Upchurch explained there may be some additional unforeseen conditions that could emerge, but the Civic Center project is 60% complete and it is the last project to come from Community Spaces funding. He explained the contractor has made claims, under the contract, for additional work days but TCU is still reviewing these. He explained the details of safe rooms as defined by EMS. If there is interest in adding safe room features to the Civic Center design, the City needs to define what those requirements would be.

Discussion ensued as to whether there is a local need for public shelters. Mr. Boles stated that the contract provides one room with an emergency natural gas generator capable of providing emergency lighting only. If more needs to be added for other public uses, the City needs to provide those details.

Mr. Downes stated he will work with EMA and seek answers to these questions to provide to the Council at a later date.

Mr. Boles explained some other program upgrades to be considered and how it would affect the overall programming budget. He explained the proposed access control/security features and recommended that these are typically chosen last to take advantage of the most recent features available in the industry. He explained that the equipment needs to be compatible with systems currently installed at City Hall and familiar to the IT staff.

Discussion ensued as to calculation of the original budget compared to the enhanced, proposed budget. Public Services Director Brian Davis explained the enhancement requests would reduce staffing requirements and be a more efficient use of resources.

Mr. Boles explained audio-visual requested enhancements for the various rooms in the Center. Discussion ensued as to the rental rates for use of these features which will go back into the City revenues.

Mr. Boles explained the IT enhancements recommended by the City's IT Director for technological support of the Community Center.

Mr. Boles closed by discussing the upgrades in the gym to allow more control over the facility including scoreboards and adaptable striping to allow various types of play on the same courts.

Mr. Boles explained furniture and fixture proposed enhancements, including electrical circuitry and the additional of adaptable cardio equipment that could be used by people with mobility issues. Mr. Davis explained how those features would make the equipment accessible to all people. Mr. Pierce stated he would like to see a detailed listing of all furniture and fixtures being considered. Mrs. Cook agreed. Mr. Davis stated that Ms. Wilson has a detailed listing and will provide that listing to the Council.

Melinda Burnett, Senior Event Manager, stated that most of the companies providing event rentals have gone out of business, so providing event rentals such as tables and chairs would be helpful to people renting Civic Center space.

Discussion ensued as to the Silver Sneakers program and how facilities might receive reimbursement for eligible participants. The Mayor cautioned not to do enhancements based upon projections of increased revenues, but the focus should be on assessing the benefits to the residents using the facility.

ALTADENA VALLEY PARK

Mr. Downes explained that the City held a recent planning meeting to discuss improvements to Altadena Valley Park (AVP) and that a volunteer landscape designer is working on potential plans. He stated the City plans to form a committee--to include members of the Council, residents, Park Board, and staff—to make comprehensive plans for use of AVP; however, there is an ADECA grant opportunity with a deadline in October, that has prompted the City to move quickly to propose development of a river trail head and some parking. Under terms of the grant, the City would pay 20% and this will require approval of the Council.

MICRO-TRANSIT COLLABORATION

Mr. Downes stated that Hoover wants to convene meetings of area cities to study micro-transit. This effort would include Hoover, Mtn Brook and Homewood to hopefully define the future of transit needs, and they will invite staff and city leadership to collaborate on this project.

UPDATE ON SOLID WASTE AUTHORITY

Mr. Downes stated that Hoover will be the next AmWaste customer with others, including Pelham, to follow. He stated that AmWaste is gearing up for these new customers. If the City opts into the contract, as a member of the Solid Waste Authority, there will be a suspension of increases in any fees and the change might result in a decrease of fees. He stated that the terms in the Authority are 10-year terms and, while it has its pros and cons, the greatest benefit is the ability to stabilize rates long term. He stated that the City can opt out if the service warrants it.

Discussion ensued as to the steps needed if the City were to terminate that agreement and go to another service.

EXECUTIVE SESSION

The Mayor indicated a need to go into Executive Session for an estimated one-half hour for the purpose of discussing pending/potential litigation. Mr. Boone, City Attorney, was present and indicated that this was a legal reason for the session and that he will be attending. The Mayor opened the floor for a motion.

MOTION Motion to move into Executive Session for an estimated one-half hour for the purpose of discussing pending/potential litigation with the City Attorney was by Mrs. Cook and second was by Mr. Pierce. Roll Call vote as follows:

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

At 7:20 PM, the Council exited the Council Chamber and moved into Executive Session. At 8:03 PM, the Council re-entered the Council Chamber and exited Executive Session. The Mayor called the meeting back to order.

There being no further business, the work session adjourned at 8:04 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SEPTEMBER 27, 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. A number of staff and general public/audience members also attended virtually, via Zoom.com, following publication pursuant to Alabama law. The Mayor called the meeting to order. The City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Umang Patel, Court Director/Acting City Clerk
Dan Rary, Police Chief
Marvin Green, Fire Chief
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Melvin Turner, Finance Director
George Sawaya, Asst. Finance Director
Cinnamon McCulley, Communications Specialist
**present via Zoom or telephone*

Don Richards, a 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

- Mr. Pierce welcomed Marty Martin and Donnie Dobbins, representing the Vestavia Hills Chamber of Commerce Board.

PROCLAMATION

The Mayor presented a Proclamation designating October 2021 as “Gynecologic Cancer Awareness Month.” Mr. Downes read the Proclamation aloud and the Mayor presented it to Dr. Alice Laurendine. Dr. Laurendine was the first teacher hired by the Vestavia Hills High School. She also served as principal of Vestavia Hills Elementary School West and later retired from the Vestavia Hills School System in 2005.

Dr. Laurendine thanked the Mayor and Council and indicated that, at any given time, 28,000 women suffer from gynecological cancer. She stated there needs to be more awareness to save more lives as early detection is the best tool to battling this type of cancer.

PROCLAMATION

The Mayor presented a Proclamation designating “National Down Syndrome Awareness Month – October 2021 and National Down Syndrome Day – October 1, 2021.” Mr. Downes read the Proclamation aloud and the Mayor presented it to Katherine, Bob, and Nate Gorham; Mike and Matthew Foster; and, Kelly and Wilson Taylor.

Mrs. Gorham, Vice President for the Down Syndrome Alabama Board of Directors, thanked the Mayor and Council for doing this every year and helping to bring awareness to the needs of those affected by Down Syndrome.

CITY MANAGER’S REPORT

- Mr. Downes updated the Council on the proposed Cahaba Heights parking lot/sidewalk connection. He gave a brief description of a map which brings the sidewalk by Figtree and across the Heights Village shopping center, and onto Meadowlawn Park. He stated that the City got a grant of \$7,500 and are searching for more. All total, they have a potential \$20,000 in grant money. He explained that some businesses are anxious to participate as well. He stated that the Fig Tree is expected to present an incentive agreement which may come forward soon. Other developments will be reported as the City proceeds with the “Pipeline Park Sidewalk Connector Project.”
 - Mrs. Cook stated that she really appreciates merchants who embrace and participate in these projects that enhance the community as a whole.

COUNCILOR REPORTS

- Mrs. Cook reported that she attended the Board of Education meeting just prior to this meeting. At the meeting, the Board presented the new athletic program strategic plan. She stated it is well designed with over 700 stakeholders engaged in the process. This is a part of an overall plan that will be rolled out, at a later time, to include a strategic capital plan. Mrs. Cook stated that the superintendent gave a report on the number of students sick and out for close contact. She stated the Superintendent pitched ideas concerning weekly testing for families who request it and a potential vaccine clinic, both of which would require parental approval and be sponsored by the Jefferson County Department of Health and UAB.
- Mr. Pierce stated that he spent most of the weekend at Rathmell Park on East Street in the Cahaba Heights Park. He stated he saw residents making good use of the new sidewalks the City has provided. He also thanked the police for controlling the traffic.
- Mayor Curry stated that planning continues for the Veterans Day event to be held at Vestavia Hills Methodist Church.

APPROVAL OF MINUTES

The Mayor opened the floor for approval of the following minutes: August 30, 2021 (Work Session) And September 13, 2021 (Regular Meeting).

MOTION Motion to approve the minutes of August 30, 2021 (Work Session) And September 13, 2021 (Regular Meeting) was by Mrs. Cook and seconded by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

motion carried.

OLD BUSINESS

ORDINANCE NUMBER 3037

Ordinance Number 3037 – Rezoning – 2608, 2611, 2612, 2615, 2616, 2620 And 2627 Alta Vista Circle; Lots 3, 6, 7, 10, 11, 12 & 13, Altadena Valley Country Club Sector; Rezone From Shelby County E-1 And Vestavia Hills E-2 To Vestavia Hills R-2 For The Purpose Of True Compatible Zoning For Annexed Properties And To Ensure Consistent Zoning On Said Street; Deborah Dye, Et Al, Owners (*public hearing*)

MOTION Motion to approve Ordinance Number 3037 was by Mr. Pierce and seconded by Mrs. Cook.

Mr. Weaver stated that this request came before the Commission which cleans up the zoning on this street. It was unanimously recommended for approval.

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

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

ORDINANCE NUMBER 3034

Ordinance Number 3038 – Rezoning – 4224 And 4228 Oakview Lane; Lots 3 & 31, Block 2, New Merkle Heights; Rezone From Vestavia Hills Institutional To Vestavia Hills R-9 (Planned Residential District) For Construction Of Seven Townhomes; Cahaba Heights United Methodist Church; Owners; Jason Kessler, KADCO, representing *(public hearing)*

MOTION Motion to approve Ordinance Number 3038 was by Mr. Pierce and seconded by Mrs. Cook.

Mr. Weaver explained that Planning and Zoning heard this request and recommended approval. He explained that the request is to build seven townhomes subject to the review and approval of the City Engineer regarding drainage and street improvements immediately adjacent to the property.

Mrs. Cook asked about the responsibility to do the road improvements.

Ethan Fisher, Engineering Design Group representing the developer, stated that the developer has agreed to widen the road, install valley gutters and installation of sidewalk along the front of the property to be developed.

Della Fancher, 4247 and 4245 Oakview Lane, stated that they are thrilled to see improvements and asked for more information on the roadway improvements.

Mr. Brady explained that there would be a gutter system called a “valley gutter” to help to divert stormwater along the roadway as desired. He added that the City is currently doing some stormwater improvements in the area.

Mrs. Fancher asked if there will be street parking for these townhomes because they are located so close to the road.

Mr. Weaver stated that there is a single-car garage along with a driveway providing a second space to park a car.

Discussion ensued regarding on-street parking and the narrowness of the roadway. Mr. Weaver stated that the City staff did not see any issues with parking and the roadway.

Katherine McRee asked if the City might widen the entire road.

Mr. Brady stated that they have a long-range plan to widen the road; however, right now they are constrained by right-of-way issues.

Mrs. Cook asked who were the other property owners on the street.

Mr. Brady stated that the church owns most of the property and there are an estimated six other property owners.

Mrs. Cook asked if it would be wise to do the road widening at this time. Mr. Downes stated that there is a larger Oakview drainage project that needs to be addressed first.

The Mayor opened the floor for a public hearing. There being no one to 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

ORDINANCE NUMBER 3027-A

Ordinance Number 3027-A – An Ordinance To Amend Ordinance Number 3027 To Correct A Legal Description Of Property Annexed At 2621 Red Bud Lane; Jordan Hoffman, Owner

MOTION Motion to approve Ordinance Number 3027-A was by Mr. Weaver and seconded by Mr. Pierce.

Mr. Downes explained this merely corrects a legal description of a property recently annexed.

The Mayor opened the floor for a public hearing. There being no one to 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 5351

Resolution Number 5351 – A Resolution accepting the FY 2020 Audit for the City of Vestavia Hills

MOTION Motion to approve Resolution Number 5351 was by Mrs. Cook and seconded by Mr. Weaver.

Jason Harpe, with Carr, Riggs and Ingram, presented the City's FY2020 Audit. He explained the revenues, expenditures and fund balances for the City. He stated that tax revenues have remained steady and the City added \$2 million to the General Fund balance. He stated that the City ended with about 155 days of operating expenses. He reminded the City of the pension and post-employment benefits liabilities. Both continue to creep up, but the pension liability should resolve itself over a 30-year time period.

Mr. Pierce stated that the City had 102 days in 2009, which has now increased to 155. At some point, he asked if the City look at using those funds elsewhere?

Mr. Harpe explained that is the decision of the City Council to divert excess reserve funding toward funding liabilities like post-employment benefits.

Mrs. Cook asked who initiates that decision. Mr. Downes explained that such a diversion has been mentioned before and would require a Council action. He said he will consult with financial advisors to determine that recommendation. He stated the City might also consider greater funding for the self-insurance trust because of the risks the City has with it.

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

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

ORDINANCE NUMBER 3040

Ordinance Number 3040 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver The Alabama Association Of Fire Chiefs Mutual Aid Consortium Agreement

MOTION Motion to approve Ordinance Number 3040 was by Mr. Weaver and seconded by Mrs. Cook.

Chief Green explained the mutual aid agreement which allows the City's Fire Department to render mutual aid to other municipalities, statewide, through the Alabama Fire Chief's Association. This allows a fire district to send assistance to other departments within the State of Alabama. Mr. Boone has reviewed the agreement and finds no problems.

The Mayor opened the floor for a public hearing. There being no one to 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 (UNANIMOUS CONSENT REQUESTED)

The Mayor indicated that the next item requires unanimous consent. He opened the floor for a motion for the immediate consideration and action of Resolution Number 5350.

MOTION Motion for immediate consideration and action of Resolution Number 5350 was by Mr. Weaver and seconded by Mr. Head. Roll call vote as follows:

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

RESOLUTION NUMBER 5350

Resolution Number 5350 – A Resolution Authorizing The City Manager To Make Application Through The FY 2022 Recreational Trails Program For Improvements To Altadena Valley Park (*public hearing*)

MOTION Motion to approve Resolution Number 5351 was by Mr. Weaver and seconded by Mrs. Cook.

The Mayor stated that this is for submission of an 80/20 grant for the Altadena Valley Park improvements.

Mr. Downes explained this is to meet the deadline for application for trail improvements.

Mrs. Cook asked about an archery range.

Mr. Downes stated such amenities can be added.

Mrs. Cook encouraged that as there is a group of residents that would like to see one developed. Mr. Head said this group will be presenting to the Park Board at an upcoming work session.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that this is an 80/20 match. He asked what funds the 20%.

Mr. Downes stated that, if the grant is approved, the funding would probably come from Capital Projects fund which has a healthy balance.

There being no one to 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)

- Resolution Number 5349 – A Resolution Authorizing The City Manager To Execute And Deliver And Easement Agreement With Cellco Partnership D/B/A Verizon Wireless To Grant An Easement On The Property Located At 509 Montgomery Highway, Aka Vestavia Hills Bill F. Towers Fire Station No. 1 *(delayed until October)*

CITIZEN COMMENTS

Melvin Turner, III, Finance Director, introduced Zachary Clifton who has come in to back up Mr. Sawaya as he begins his countdown to retirement in December 2022. Mr. Clifton is a CPA and has an impressive background.

At 6:46 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:47 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5352

**A RESOLUTION AUTHORIZING PRELIMINARY ACTION FOR,
AND REMIBURSEMENT OF QUALIFIED EXPENDITURES FROM GENERAL
OBLIGATION WARRANTS, SERIES 2021**

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

Section 1. Representations and Definitions of Capitalized Terms

The City Council (the "Council") of the City of Vestavia Hills, Alabama (the "City") has found and determined, and does hereby find, determine and declare:

- (a) It is necessary and desirable and in the public interest of the City to provide for:
 - (1) the refunding of those of the General Obligation Warrants, Series 2015 having stated maturities in 2023 through 2028, inclusive, to produce interest costs savings with respect thereto:
 - (2) the acquisition and construction of certain capital improvements described on Appendix A hereto (the "Proposed Capital Improvement Projects").
- (b) For the foregoing purposes, it is necessary and desirable for the City to authorize the development of proposed terms for the following general obligation warrants (the "Proposed Warrants") to be issued by the City in a primary offering by an underwriter on behalf of the City:

General Obligation Warrants, Series 2021

- (c) It is necessary and desirable for the City to engage an underwriter and bond counsel for the Proposed Warrants.

Section 2. Authorization of Engagement of Professional Services Regarding Proposed Warrants

The City does hereby adopt, approve, authorize, confirm, direct, and ratify:

(a) the engagement of Rice Advisory LLC to act as financial advisor to the City to determine, for review and approval by the City, the proposed structure and terms of the Proposed Warrants;

(b) the engagement of The Frazer Lanier Company, Incorporated (the “Underwriter”) to act as underwriter of the Proposed Warrants; and

(c) the engagement of Maynard, Cooper & Gale, PC to act as Bond Counsel to the City, and to prepare, for review and approval by the City, the financing documents, a preliminary official statement, and a final official statement, with respect to the Proposed Warrants.

Section 3. Authorization of Parameters and Structure of Proposed Warrants

(a) The City does hereby adopt, approve, authorize, confirm, direct, and ratify, subject to Section 3(b) hereof, the structure for the primary offering and sale, by the Underwriter, of the Proposed Warrants on the following terms:

(1) the issuance of the Proposed Warrants shall produce interest costs savings;

(2) the Proposed Warrants shall be general obligation warrants;

(3) the Proposed Warrants shall be issued as “tax-exempt bonds” within the meaning of Section 150(a)(6) of the Internal Revenue Code of 1986, as amended.

(b) Anything in this Resolution to the contrary notwithstanding, the Proposed Warrants shall be issued only upon:

(1) the final approval and authorization of the Proposed Warrants by the City, including without limitation the aggregate principal amount, terms of maturity and payment dates, interest rates, offering prices, redemption prices and terms, costs of issuance and credit enhancement (if any), and uses of proceeds; and

(2) the approving legal opinion of Bond Counsel to the City.

Section 4. Authorization of Officers of the City

(a) The City does hereby authorize and direct the officers of the City to take such action as shall be necessary or desirable:

(1) to cause the City to be in compliance with all written agreements and undertakings of the City in effect under 17 CFR Section 240.15c2-12; and

(2) to cause to be prepared, for review on behalf of the City, a preliminary official statement of the City with respect to the Proposed Warrants.

(b) The officers of the City are hereby authorized and directed to take all such actions, and execute and deliver:

(1) a Warrant Purchase Agreement for the Proposed Warrants, subject to Section 3(b), and

(2) such agreements, documents, instruments and notices, as shall be necessary or desirable to effect the purposes and transactions approved by this Resolution.

Section 5. Authorization of Reimbursement

In accordance with Treas. Reg. Section 1.150-2, the City does hereby declare its official intent that:

(a) proceeds of the Proposed Warrants may be used to reimburse the City for capital expenditures made with respect to the Proposed Capital Improvements, prior to the issuance of the Proposed Warrants, in amounts not exceeding the lesser of the amounts spent therefor which are eligible for reimbursement under Treas. Reg. Section 1.150-2 or the total cost of the Proposed Capital Improvements; and

(b) any such reimbursement be made in accordance with Treas. Reg. Section 1-150-2.

Section 6. Ratification of Actions

The City does hereby adopt, approve, authorize, confirm, direct, and ratify all actions taken, and all agreements, documents, instruments, and notices made or delivered, by any officer of the City in connection with the purposes and transactions approved by this Resolution.

Section 7. General

(a) All resolutions or parts thereof in conflict or inconsistent with this Resolution are hereby, to the extent of such conflict or inconsistency, repealed.

(b) This Resolution shall take effect immediately.

Appendix A

Proposed Capital Improvements

The Proposed Capital Improvements consist of:

* * * * *

Duly Passed and Adopted on this October 11, 2021.

Mayor

SEAL

City Clerk

After said resolution had been discussed and considered in full by the Council, it was moved by Councilmember _____ that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilmember _____. The question being put as to the adoption of said motion and the final passage and adoption of said resolution, the roll was called with the following results:

Ayes: Ashley C. Curry, Mayor
Kimberly Cook
Paul J. Head
George Pierce
Rusty Weaver

Nays: None

The Mayor thereupon declared said motion carried and the resolution passed and adopted as introduced and read.

* * *

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

Approval of Minutes:

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purpose of the meeting of the City Council of Vestavia Hills recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and the resolution therein.

Mayor

Member of Council

Member of Council

Member of Council

Member of Council

S E A L

Attest: _____
City Clerk

CERTIFICATE OF CITY CLERK

_____, 2021

I, the undersigned, do hereby certify that (1) I am the duly elected, qualified and acting City Clerk of the City of Vestavia Hills, Alabama (the "Municipality"); (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of its records on its behalf; (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a special meeting of the City Council of the Municipality duly held on October 11, 2021, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the minutes of the meeting of the City Council of the Municipality held on October 11, 2021 show that (a) notice of such meeting had been given as provided by law, and (b) a quorum of the members of the City Council was present and acting for the entire duration of such meeting; (5) the resolution set forth in such excerpts is a complete, verbatim and compared copy of such resolution as introduced and adopted by the City Council on such date; and (6) said resolution is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, on the above date and year.

City Clerk of the City of Vestavia Hills, Alabama

SEAL

**EXCERPTS FROM THE MINUTES OF A MEETING OF
THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA**

**Structure and Reimbursement Resolution
for
General Obligation Warrants, Series 2021**

The City Council of the City of Vestavia Hills, Alabama met in public session at City Hall in the City of Vestavia Hills, Alabama, at 6:00 p.m. on October 11, 2021.

The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: Ashley C. Curry, Mayor
Kimberly Cook
Paul J. Head
George Pierce
Rusty Weaver

Absent:

* * *

The Mayor stated that due notice of the date, time, place and purpose of this meeting had been (a) given in the manner provided by law and (b) delivered to all members of the City Council.

The Mayor stated that a quorum was present and that the meeting was open for the transaction of business.

* * *

Thereupon, the following resolution was presented at length by the Mayor in writing, and considered by the City Council:

RESOLUTION NUMBER 5349

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT GRANTING CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, AN APPURTENANT EASEMENT FOR INGRESS AND EGRESS, INSTALLATION AND OPERATION AND MAINTENANCE OF UTILITIES ON THAT SITE

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

1. The City Manager is hereby authorized to sign an agreement with Cellco Partnership d/b/a Verizon Wireless, to grant an easement, right and privilege as described in said Exhibit A, attached to and incorporated into this Resolution Number 5349 as if written fully therein; and
2. Resolution Number 5349 shall become effective immediately upon adoption and approval.

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

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Upon Recording, Return to:

Mary S. Palmer
Baker, Donelson, Bearman, Caldwell & Berkowitz, PC
1400 Wells Fargo Tower
420 20th Street North
Birmingham, AL 35203

Source of Title:
Deed Book 5266 Page 431
Deed Book 6935 Page 412
Map Book 241, Page 82
Jefferson County, AL

Parcel 28 00 19 3 012 001.001

EASEMENT

For and in consideration of the sum of ONE AND NO/100 Dollars (\$1.00) and other valuable consideration in hand paid, the receipt of which is hereby acknowledged.

CITY OF VESTAVIA HILLS, A MUNICIPAL CORPORATION (Grantor)

1032 Montgomery Hwy
Vestavia Hills, AL 35216

does hereby grant unto

CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS (Grantee)

One Verizon Way
Mail Stop 4AW100
Basking Ridge, New Jersey 07920

owners of a tract of land described as follows: Part of Section 30, Township 18 South, Range 2 West as described in Deed Book 6935 on Page 412 and Deed Book 5266 on Page 431 and further described as "Lot 2, Resurvey of Lots 4, 8, 9, 10, 11, & 12, Fourth Addition to Beacon Hill" as recorded in Map Book 241, Page 82 in the Office of the Judge of Probate, Jefferson County, Alabama Records, its successors, assigns, lessees and tenants forever, the rights and easements described in this Agreement to further Grantee's access to, and use of, the Parcel for the purposes described in this Agreement, in, under and across the following part of the aforesaid land.

Grantee leases from Crown Castle, a portion of, and has acquired leasehold and easements rights in and to, the portions of the real property in Jefferson County, Alabama (the "**Leased Property**") for the purposes of, among others, accessing and operating a communications facility and utilities.

Grantor owns the real property to the Leased Property and **Grantor** has agreed to convey to **Grantee** additional rights and easements.

WHEREAS, **Grantor** hereby grants to, and for the benefit of, **Grantee**, its successors and assigns, a perpetual non-exclusive appurtenant easement over, under and across the Grantor Property, as described in **Exhibit A** attached hereto and incorporated herein, for ingress and egress, seven (7) days a week twenty-four (24) hours a day, on foot or motor vehicle, including trucks to and from the Leased Premises to construct, maintain and operate the Facility, and for the installation, operation and maintenance of utilities serving the Facility (the "**Easement**"). This Agreement

shall commence on the first day of the month after Grantee begins installation of Grantee's communication's equipment ("**Commencement Date**").

This Agreement and the Easement are covenants running with the land, burdens on the Easement Parcel, and benefits to **Grantee** and all others entitled to use the Easement under the terms of this Agreement. **Grantee** and all others entitled to use the Easement will have peaceful and quiet possession, use, and enjoyment of the Easement, without any disturbance of their possession, use, and enjoyment.

Grantor warrants and will defend the title to said easement during its existence with the **Grantee** for its use and benefit against all parties whatsoever.

Grantee accepts this easement with the understanding and on the condition, that whenever it shall make any excavations in the above-described property the **Grantee** will properly backfill all excavations and shall restore the ground as nearly as practicable to its former condition.

NOTICES. All notices under this Agreement must be in writing and shall be deemed validly given if sent by certified mail, return receipt requested or by commercial courier, provided the courier's regular business is delivery service and provided further that it guarantees delivery to the addressee by the end of the next business day following the courier's receipt from the sender, addressed as follows (or any other address that the Party to be notified may have designated to the sender by like notice):

Grantor: City of Vestavia Hills
1032 Montgomery Hwy
Vestavia Hills, AL 35216

Grantee: Cellco Partnership d/b/a Verizon Wireless
180 Washington Valley Road
Bedminster, New Jersey 07921
Attention: Network Real Estate

Entire Agreement. This Agreement constitutes the entire agreement and understanding between Grantor and Grantee. Any amendments to this Agreement must be in writing and executed by Grantor and Grantee.

Severability. If any provision of this Agreement is invalid or unenforceable with respect to any Party, the remainder of this Agreement, or the application of such provision to persons other than those as to whom it is held invalid or unenforceable, shall not be affected, and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

Due Authorization. If either Party hereto is a corporation, partnership or other legal entity, the individual who executes this Agreement on behalf of that Party represents and warrants to the other Party that he or she is duly authorized to do so.

Binding Agreement. This Agreement shall be binding on and inure to the benefit of the successors and permitted assignees of the Parties.

****SIGNATURES APPEAR ON FOLLOWING PAGE****

Grantee Site Name: Pumphouse

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the day and year first written above.

GRANTOR:

CITY OF VESTAVIA HILLS

By: _____

Printed Name: _____

Its: _____

Date: _____

Signed, Sealed and Delivered
In the Presence of:

Witness

Notary Public, State of _____
My Commission expires: _____
(Notarial Seal)

GRANTEE:

**CELLCO PARTNERSHIP
d/b/a VERIZON WIRELESS**

By: _____

Printed Name: _____

Its: _____

Date: _____

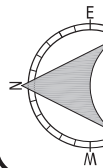
Signed, Sealed and Delivered
In the Presence of:

Witness

Notary Public, State of _____
My Commission expires: _____
(Notarial Seal)

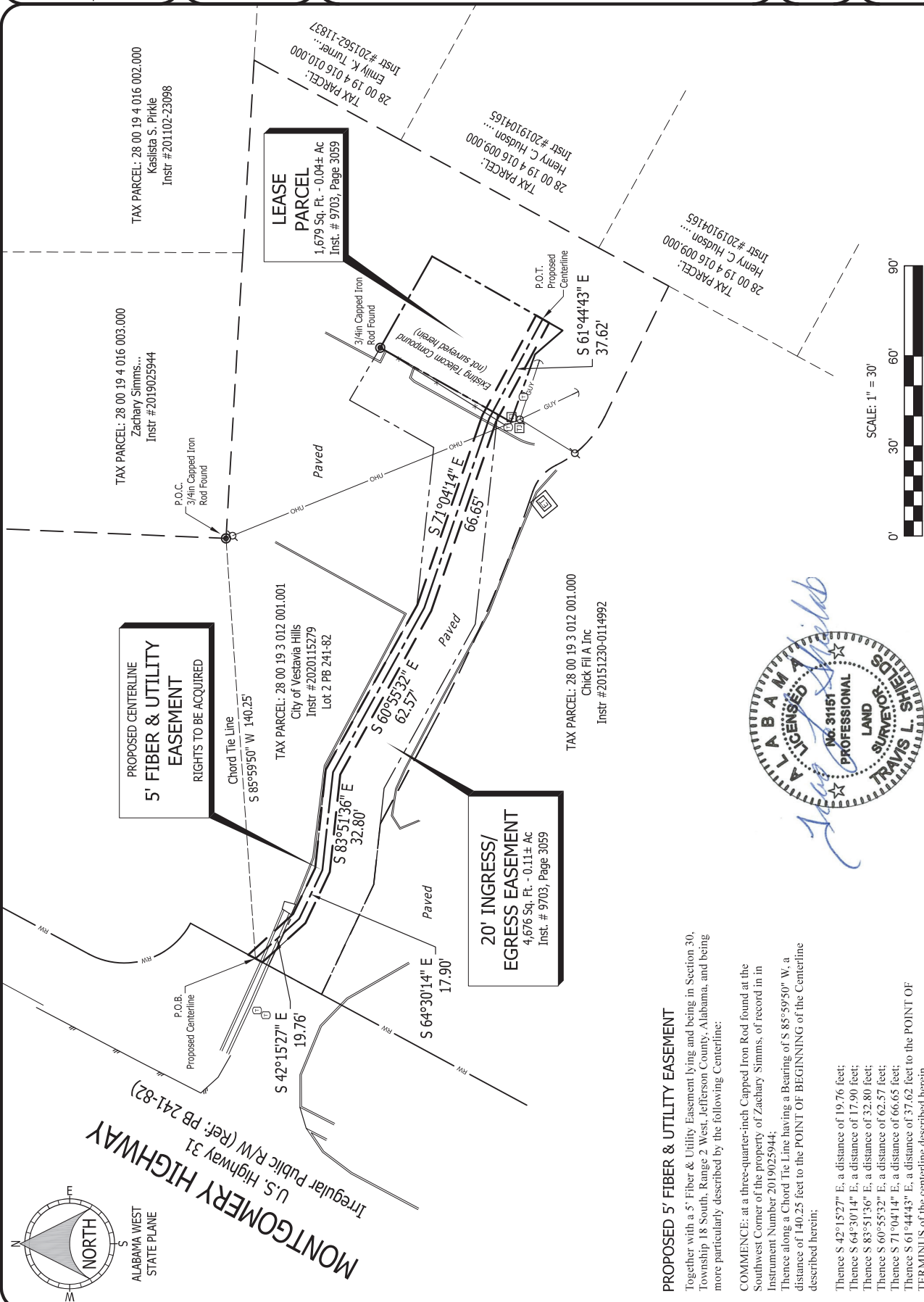
Exhibit A

(See Attached Construction Drawings)



ALABAMA WEST
STATE PLANE

MONTGOMERY HIGHWAY
U.S. Highway 31
Irregular Public R/W (Ref: PB 241-82)



THE LAND CONSULTANTS LLC
5449 Highway #41
Jasper, TN 37347
(423) 304-6722

PREPARED FOR
verizon
VERIZON WIRELESS

SPECIFIC PURPOSE SURVEY
PUMPHOUSE
Location Code: 299517
511 Montgomery Highway, Vestavia Hills, AL 35216
Section 30, Township 18 South, Range 2 West
Jefferson County, Alabama

SITE SURVEY
Resolution

Sheet 5847
DWG#: 21302
ISSUE #: 1
ISSUE DATE: 10-06-2021
SEE SHEET # 1



ALABAMA
LICENSED PROFESSIONAL
LAND SURVEYOR
TRAVIS L. SHIELDS
No. 31151

PROPOSED 5' FIBER & UTILITY EASEMENT
Together with a 5' Fiber & Utility Easement lying and being in Section 30, Township 18 South, Range 2 West, Jefferson County, Alabama, and being more particularly described by the following Centerline:

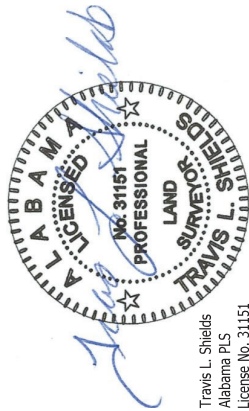
COMMENCE: at a three-quarter-inch Capped Iron Rod found at the Southwest Corner of the property of Zachary Simms, of record in Instrument Number 2019025944;
Thence along a Chord Tie Line having a Bearing of S 85°59'50" W, a distance of 140.25 feet to the POINT OF BEGINNING of the Centerline described herein;
Thence S 42°15'27" E, a distance of 19.76 feet;
Thence S 64°30'14" E, a distance of 17.90 feet;
Thence S 83°51'36" E, a distance of 32.80 feet;
Thence S 60°55'32" E, a distance of 62.57 feet;
Thence S 71°04'14" E, a distance of 66.65 feet;
Thence S 61°44'43" E, a distance of 37.62 feet to the POINT OF TERMINUS of the centerline described herein.

GENERAL NOTES:

- This Survey is prepared exclusively to show site conditions and/or for use in support of instruments related to Leases and Easements as may be shown hereon. Any property boundary information shown hereon is a composite of information gathered from current or previous Surveys, Plat & Deed Description and/or Assessor's Tax Maps as may be referenced hereon. This Survey is not a Boundary Survey of any Tax Parcels or Deed Tracts, and does not create, combine, or divide any existing properties.
- Survey shown hereon was performed under the supervision of a state-registered Land Surveyor and conforms to all applicable State Board Requirements.
- Instruments Used: One or more of: Topcon Total Station, Topcon HiPerLite Plus GPS, Carlson Surveyor Data Collector, DJI UAV.
- Where shown, improvements (utilities, buildings, trees, fences, etc.) are based on field Survey and/or aerial mapping.
- Any Underground Utilities shown according to surface markings made by others, found at time of survey. Additional marked utilities outside the area covered by this survey map may be shown in provided CAD Files. Utility Markings may not be comprehensive; this survey does not relieve design and construction personnel of the responsibility to determine the locations of underground utilities prior to land disturbance activities.
- This Survey is presented in the format required by Clients. Clients are advised that Official Jurisdictions may require the Survey to be presented in another format with additional notes and certifications. In the event other formats, notes or certifications are requested by applicable jurisdictions, it is the responsibility of the Client to request same be prepared by Surveyor. Survey as published is not intended to be suitable for recording as a Subdivision Plat.
- This survey may have been reduced or enlarged in size due to subsequent reproduction. This should be taken into consideration when obtaining scaled data.
- Geographic Coordinates, if published, meet FAA Accuracy Code 1A, accurate to within ± 20 feet horizontally and to within ± 3 feet vertically.
- Any Flood Zone information presented hereon is according to current FEMA Flood Map information as may be referenced hereon. No Flood Elevation Survey of Certification performed.
- This survey is not valid without the original signature seal of a State-Licensed Land Surveyor, and is not complete without the total of sheets as specified in Survey Title Blocks.

SURVEYOR'S CERTIFICATION

To: Verizon Wireless
I hereby certify (or 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, information, and belief



Travis L. Shields
Alabama PLS
License No. 31151

SURVEY ISSUE DATA

#	DETAILS	DATE	DRAWN	APP
0	Original Survey Issue	10-05-2021	NB	TLS
1	Easement Revised	10-06-2021	NB	TLS



THE LAND CONSULTANTS LLC
5449 Highway #41
Jasper, TN 37347
(423) 304-6722

PREPARED FOR
verizon
VERIZON WIRELESS

SPECIFIC PURPOSE SURVEY
PUMPHOUSE
Location Code: 299517
511 Montgomery Highway, Vestavia Hills, AL 35216
Section 30, Township 18 South, Range 2 West
Jefferson County, Alabama

COVER SHEET
Resolution

Sheet
Sub: 1347
DWG#: 21302
ISSUE #: 1
ISSUE DATE: 10-06-2021
SEE SHEET # 1

LEGEND

- ⊙ IRON ROD FOUND (AS NOTED)
- ⊖ UTILITY POLE
- ⌵ GUY ANCHOR
- ⊠ TELECOM JUNCTION
- ⊡ TELECOM PULLBOX
- ⊞ TRANSFORMER
- R/W RIGHT-OF-WAY
- C/L CENTER LINE
- ESMT EASEMENT
- P.O.C. POINT OF COMMENCEMENT
- P.O.B. POINT OF BEGINNING
- P.O.T. POINT OF TERMINUS
- Sq Ft SQUARE FEET
- PAVEMENT EDGE
- CURB LINE
- OVERHEAD UTILITY LINES
- GUY WIRE
- PUBLIC R/W
- TAX PARCEL BOUNDARY
- TIE LINE
- LESSEES EASEMENT(S)
- FIBER UTILITY C/L
- EXISTING LEASE & EASEMENT

PARENT TAX PARCEL
TAX PARCEL: 28 00 19 3 012 001.001
City of Vestavia Hills

NORTH ORIENTATION

ALABAMA WEST STATE PLANE COORDINATE SYSTEM
Based on GPS Survey relative to NGS CORS Network, NAD83 (2011)
ELEVATION DATUM: NAVD88, GEOID 12B
DATE OF SURVEY: [FieldDate]
Method: RTK (CORS); Confidence Level: 95%
Positional Accuracy: HZ ± 0.10'
EPOCH 2010.0000

FLOOD DATA

FEMA FLOOD MAP PANEL: 07073C0558H, Effective Date: 09-03-2010
Surveyed Area appears to lie within: ZONE X

TITLE EXAMINATION:

Not available