

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
August 8, 2022
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Tim Bryson, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. City Manager’s Report
8. Councilors’ Reports
9. Proclamation – National Senior Citizens Day – August 21, 2022
10. Infrastructure And Community Spaces Update – TCU – Raynor Boles
11. Approval Of Minutes – July 18, 2022 (Work Session), July 25, 2022 (Regular Meeting) and August 1, 2022 (Special Meeting)

Old Business

New Business

12. Resolution Number 5401 – Declaring Certain Personal Property As Surplus And Directing The City Manager To Sell And/Or Dispose Of Said Property
13. Public Hearing – Resolution Number 5402 – A Resolution Authorizing The Installation Of A New Support Structure For A Small Cell Facility To Be Located In The Right-Of-Way Adjacent To 3010 Columbiana Road, 2932 Columbiana Court, 2249 Jacobs Road, And 1403 Linda Vista Drive
14. Resolution Number 5403 – A Resolution For Improvements To Be Made On I-65 And SR-3 (US-31) Within The City Limits Of Vestavia Hills By Alabama Department Of Transportation For Project Designated As Project Number: CRPAA-I065(518) Installation Of Its Infrastructure (Communications, Detection, Monitoring And Messaging)

New Business Requesting Unanimous Consent)

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

15. Ordinance Number 3110 – Rezoning – 3912 Wooten Drive; Rezone From Vestavia Hills R-2 (Medium Density Residential) To Vestavia Hills B-2 (General Business District) With Conditions; Mountain Heights Lawn Care, LLC, Owner
16. Citizens Comments
17. Time Of 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, throughout our history, older people have achieved much for our families, communities, and country; and

WHEREAS, with improved healthcare and more years of productivity, older citizens are reinforcing their historical roles as leaders and sense of purpose as individuals and as a Nation; and

WHEREAS, many of them are embarking on second careers, giving younger people an example of responsibility, resourcefulness, competence, and determination; and

WHEREAS, more than 11 million senior citizens are serving as volunteers in various programs and projects that benefit every sector of society; and

WHEREAS, we can best demonstrate our gratitude for the older seniors' accomplishments by making sure that our communities enable them to participate to the fullest and find the encouragement, acceptance, assistance, and services they need to continue to lead lives of independence and dignity;

NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim August 21, 2022 as

NATIONAL SENIOR CITIZENS DAY

which is recognized annually and was authorized and requested by President Ronald Reagan in 1988 to encourage them to be active members of their community.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 8th day of August 2022.

Ashley C. Curry
Mayor

CITY OF VESTAVIA HILLS
CITY COUNCIL
WORK SESSION
JULY 18, 2022

The City Council met in special work session on this date following posting/publication as required by Alabama law. The Mayor called the work session to order and the clerk checked the roll:

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

MEMBERS ABSENT: Paul Head, Councilor

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Lori Beth Kearley, Assistant City Engineer
Cinnamon McCulley, Communication Specialist
Dan Rary, Police Chief
Shane Ware, Police Captain
Ryan Farrell, Asst. Fire Chief

DRAINAGE IN THE CITY OF VESTAVIA HILLS

The City Manager and Mayor Curry gave opening remarks and a general overview of this work session. The Mayor began the meeting by stating that the purpose of this work session would be to receive information concerning stormwater issues in the City. He showed ratings from the citizen's survey which rates the City low in the stormwater management efforts. This work session would be to receive information concerning drainage, planning, etc., of stormwater management. He indicated that the agenda is long and there'll be no public comments taken tonight. He stated that the City staff will be coordinating group meetings of stakeholders.

Mr. Downes stated that the goal of this work session which would be to share information with the staff, the Council and the public at large from the City Engineers and consultants along with some recent moves, changes in regulations. Also, to show impacts that the residents should see along with seeing newer requirements in developments. This also addresses public infrastructure projects which means various pipes, etc., which have been completed or planned. He stated that there are several master planning efforts and those will be discussed from a high

level and what the plans hold for these areas. He reminded the Council that the City Engineers can only do what they are authorized to do and they'll be discussing what authority they have been given. He stated that they'll also be discussing on how to select projects and prioritize those projects from A (the most urgent repairs) to B (planning and project development in areas of flooding concerns where construction in the public realm is helpful, or master planning efforts).

Mr. Downes stated that, prior to this work session, there was an open item for Vestavia Listens portal in which 65 people visited on the City's site with 31 comments. He stated that this was done because this work session was not going to include public comments.

Mr. Boone gave an overview of various legal opinions of private vs. public projects including statutes, court cases, supreme court cases, etc. The City's authority is limited to what the legislature allows. He gave that the City can do that have a direct bearing on drainage in the City. The City cannot spend money for private purposes or engage in private enterprise. Case law says the cities have no duty to provide surface water drainage to keep water off of property unless it accepts that responsibility. He provided definitions of public property and private property. He explained that an easement or improvement isn't the responsibility of the City unless approved by the City Council by way of Resolution.

Mr. Boone gave examples of stormwater experiences and lawsuits he's experienced over the years to demonstrate issues and decisions concerning flooding over the years. He also expanded other lawsuits and decisions in other parts of the state.

DRAINAGE STUDIES: UPPER HWY 31/SHADES CREST/VESTAVIA LAKE

- Overview of project area and update of status by Schoel Engineering
- Zoom in on few identified problem areas
- Discussion of next steps for finalize report
- Prepare for a public input meeting with residents

Mr. Brady began a Powerpoint presentation of the study done by Schoel Engineering of the Upper Highway 31/Shades Crest Road. He introduced Kaitlyn Bonner, Schoel Engineering to explain the study.

Ms. Bonner explained the drainage area of 345 which is the basin that drains to Vestavia Lake. She explained the study methodology to identify the problems, model the storm drainage system, identify restrictions and evaluate improvements. She explained the different trunklines which constitute the drainage basin.

- East Trunkline: This area has undersized pipes with lots of flooding. She stated that what they are seeing is that there is a series of pipes that get smaller as they go downstream instead of getting larger and cannot carry the 1-year storm event. One issue also includes driveway spanners. Recommendations for this area would be some minor modifications along with surface area collection and an increase in pipe size.

- Central Trunkline: Ms. Bonner explained that the majority of this area drainage take place on private properties and also contains smaller pipes with a lack of capacity through many private properties. She drew attention down Fernwood Drive with some larger areas that need to be maintained. She pointed out that this, too, is private property. This system carries the 1-year storm event and recommendation is increased piping.
- West Trunkline: Ms. Bonner stated that this crosses Hwy 31 near Chick-Fil-A and goes down a network down Eastwood Place. She stated that the pipe at Eastwood is seriously undersized and only carries the 1-year event. Recommendation is that this pipe to Vestavia Lake Drive and the church parking lot be increased in size.
- Lakewood Drive, Southern area: Ms. Bonner stated that this is a unique situation because it converges into open channels around residents' homes with the channels being larger than surrounding properties. If the water leaves this channel, it will go into the residences adjacent to it. She stated they are still working on recommendations for this area.

Ms. Bonner stated that they are working on final components which include cost estimates, prioritization of Improvement area and coordinate with city staff for public involvement meetings which will come out after the report.

Mrs. Cook asked when the study will be completed. Mr. Downes stated that this is one of a dozen different efforts and will bring the recommendation from all of the area so that the Council can prioritize.

Mr. Brady stated that they expect this study to wrap up in the next month or so. He indicated that part of this study also addresses update and input of stormwater ordinance reviews. He reviewed what the City has in place now and what is enforced. He indicated that the MS4 permit was recently issued through ADEM after the City's update on July 11, 2022. He stated that this updated the City's land disturbance, illicit discharge and post construction BMPs.

Mrs. Cook asked if today's standards can help to control and maybe even help with stormwater management and control in new developments. Mr. Brady agreed and explained those efforts.

Mr. Brady gave an overview of the City's permitting and inspections. New OpenGov permitting application process streamlines and make the application more efficient. More engineers and technicians allow more inspections, development reviews, pre-construction meetings, inspections and reporting. He explained they work closely with Public Works on maintenance on public infrastructure and inspection infrastructure.

ONGOING AND FUTURE PROJECT STATUS:

Lori Beth Kearley, Asst. City Engineer, gave a status report on each of the following projects.

- Ridgedale Drainage Area Study – Scope of work includes installation of approximately 880 LF of new 18” pip; installation of 4 new curb inlets’ and installation of approx. 1,100 LF of new 30” valley gutter. She added that a new development of 4 homes that is being constructed near this area also had to go through many requirements which should help with drainage to this area.
- Fairhaven/Poe Drainage Area Study – Scope of work includes replace concrete headwall and construct a new concrete flume and replace existing 60” corrugated metal pipe on Fairhaven Drive which are being replaced with concrete piping where possible or, if not possible they put in galvanized corrugate pipe with a longer estimated lifespan. This was addressed as critical.
- Dolly Ridge Road Drainage Area Study – Scope of work includes installation of 37 LF of 28”X18” RCP; installation new Type-S single wing inlet and installation of 2 new junction boxes. This is a Phase I project that needs to be address and be followed up with other phases as needed. Construction drawings are finished and the pipe has been ordered so this phase will be begun soon.
 - Phased Improvements
 - Oakview Project Status
- Oakview Lane – this roadway has been ongoing and the latest was declared an emergency. The pipe was ordered and will be underway this week.
- Ridgely Drive Drainage Review – Planning study to review existing conditions and develop improvement recommendations to address deficiencies and will likely involve public and private improvements.
- Ongoing or Near Future Pipe Replacement Projects
 - Kyle Lane – The scope of work includes replacement of 45 LF of existing 48” pipe with 3’X7’ box culvert; replace 2 existing inlets; replace 29 LF of existing 15” pipe with 28”X18” arch pipe; and install 54 LF of 28”x18” arch pipe. She indicated that this experienced a delay in the delivery of pipe even though the bid had been awarded. She stated that they have been awaiting a box culvert which has been scheduled to deliver in September and then it should wrap up soon after that.
 - Massey Road – Scope of work with two local projects to be completed prior to the ALDOT bid being placed. She stated that the scope of this are to replace existing 18” corrugated metal pipe with new 29”X18” reinforced concrete arch pipe, and replace exiting 18” reinforced concrete pipe with new 18” reinforced concrete pipe.
 - Blue Lake – Scope of work is to replaced existing 15” pipe with 22”X13” RCP and construct 2 headwalls. She stated that this was a recent discovery.
 - Tyler Road at Twin Branch Drive – She stated that there are several pipes that need to be replaced and requires coordination with Jefferson County so they are waiting on recommendations from the consultant and will coordinate with Jefferson County.
 - Buckhead Road – Installation of 2 new inlets and 18” pip under road and grad in grass swale and install rip rap.
 - 1957 Southwood Road – replace approximately 34 LF of existing 24” pipe under roadway; install new inlets, approximately 25 LF of new 24” pipe and head wall with rip rap.
 - 1930 Southwood Road; replace approx. 52 LF of existing 18” RECP in ROW and install headwall and rip rap at outfall.

- Comer Circle – removed
- Blind Brook Lane – install approx. 60 LF of 22”X 13” RCP and two new inlets
- Autumn Lane/Pipeline Road – install new 48” pipe under Autumn Lane and will coordinate with private property owner at that location and would try to address along with redevelopment of that area.
- Recent Flooding and Homeowner Impacts
 - Vestavia Forest and Forest Haven Lane
 - April Drive, Altadena Road Areas
 - Wister, Shallowford Area
- Prioritization of Public Roadway Impacts

IMPACTS OF RECENT FLOODING EVENTS

Mr. Brady reviewed impacted area of recent flooding events. He explained the factors he studies including the amount of rainfall and the time that the rain fell. He stated that pipes have a fixed capacity and if a rainfall event exceeds that capacity then the pipes will fill and overflow. He explained that he has 3 areas of impact that he’ll highlight.

- Vestavia Forest/Forest Haven Lane – Approx. 114-acre drainage area and the contributing factors. He explained that they are reviewing to see what, if anything that can be done since most of this is on private property. The study is being paid for by a private property owner.
- Wisteria/Shallowford Circle – Approx 540 +/- acres of drainage area and the contributing factors. He explained that they are looking into the drainage areas and what’s included in ROW to determine what, if anything, can be done to assist in alleviating some of the flooding of the area.

Discussion ensued as to consideration for studies in various areas, what’s involved in the studies and the new developments to capture and move the water elsewhere. Mr. Brady explained that with the knowledge and abilities they have now they can better address and improve reoccurring water issues with proper management.

Mr. Brady explained the prioritization of public roadway impacts, the improved mapping, inspections and assessments.

Mr. Pierce asked about SWMA. Mr. Brady explained the purpose of SWMA and the combination of cities that still rely on the membership of SWMA and the Jeffco Dept of Health to assist in reports, mapping, public outreach.

Mrs. Cook asked if one of the advantages is knowing what the infrastructure consists of and building an inventory of the information. Mr. Brady agreed and stated that they do update that information as it is discovered.

RECENTLY COMPLETED PROJECTS

Mr. Brady reviewed recently replaced pipes and projects. He explained that the City is divided into 4 maintenance areas and what was completed in each area. He stated that these are projects identified in the ROW and have been completed.

CONCLUSION AND BUDGET PLANNING

Mr. Downes explained that now that these areas have been identified. He explained that the City is going through the budget process and the Council will be presented on what can be done quickly, what needs to be further studied and recommendations for repairs and studies which will constitute the largest amount proposed for such infrastructure projects. He explained that this also might take some coordination with some private property owners. He stated that the difference between construction and design is large but these efforts are ongoing.

Discussion ensued that the primary part of the Community Spaces plan was primarily centered around recreational areas but later developed into infrastructure projects as well. Mr. Downes explained.

QUESTIONS

The Mayor asked how people will be notified about the public involvement meeting. Mr. Brady stated that he believes it'll be communicated through neighbors that have offered to be coordinators to distribute information.

Mrs. Cook stated that the City has a great newsletter and encouraged everyone to receive it for informational purposes.

Mr. Pierce suggested that everyone use the Action Center for drainage issues. Mr. Downes indicated that the City will have a web page dedicated to on-going drainage projects, areas, etc., so that the public can check that site to see where they might be on the prioritization. He reminded everyone that they City is constrained to what the staff can legally do but if possible, the City will work very hard to address some of these issues.

Mrs. Cook pointed out that the City is already spending dollars to help to determine the path forward on correcting some of these issues. She stated that she's seen many repairs in areas where she's heard from residents and knows that these projects helped in those area. She encouraged everyone to please report these issues.

There being no further business, Mrs. Cook made the motion to adjourn. The Work Session adjourned at 7:45 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JULY 25, 2022

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 members of the general public 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 Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Shane Ware, Police Captain
Marvin Green, Fire Chief
Ryan Farrell, Asst. Fire Chief
Christopher Brady, City Engineer
Lori Beth Kearley, Asst. City Engineer
Melvin Turner, III, Finance Director
Jamie Lee, Director of Parks and Leisure Services
Cinnamon McCulley, Communications Specialist
**present virtually via Zoom or telephone*

Sam Williamson, a Vestavia Hills Chaplain, led the invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE AGENDA

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

MOTION Motion to approve the agenda as presented was by Mr. 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

- The Mayor, on behalf of Mr. Pierce who was attending virtually, recognized Donnie Dobbins. Mr. Dobbins was present representing the Vestavia Hills Chamber of Commerce Board.

CITY MANAGER'S REPORT

- Mr. Downes stated that as promised from last Monday's work session, the City has dedicated a page on the City's website dedicated to stormwater management of the City. This has a lot of information about the program including a link that'll go to every drainage project to determine status on each project. He stated that the Engineering staff will be updating this periodically and progress occurs.
- Mr. Downes updated the Council on the latest progress of the Crosshaven Drive project. One side of the roadway with curbing has a roadbed installed from the UPS Store up to Leaf and Petal. Before the week is out, this roadbed will be paved and soon the lanes will shift to allow construction on the other side. Soon, the City's part of the Crosshaven Drive project is near the end. What's lagging is the County's part, which has been following along behind the city's portion.
 - Mrs. Cook asked about the location of sidewalks. Mr. Downes stated that sidewalks will be on the other side.

COUNCILOR REPORTS

- Mrs. Cook stated that she attended the Board of Education meeting just before tonight's meeting. She stated that system has retrained the Southern Regional Education Board (SREB) for the purpose of assessing where we students are and recommendation for improvement of the program. Dr. Freeman presented the Board's capital improvement plan labeled as One Rebel One Teacher. She encouraged everyone to review the plan and the recording of the meeting. It was very exciting and residents will learn more on this plan in the future.
- Mr. Weaver stated that the Planning and Zoning Commission met on July 14 with one zoning request that'll move forward to the Council soon.

FINANCIAL REPORTS

Mr. Turner presented the financial reports for month ending June 2022. He read and explained the balances.

Discussion ensued into the sales tax collections and the portions that are transferred to the Board of Education, Capital Funds, etc.

APPROVAL OF MINUTES

The Mayor stated that the approval of the minutes from the July 11, 2022 (Regular Meeting) was needed and opened the floor for a motion.

MOTION Motion to approve the minutes of the July 11, 2022 (Regular Meeting) was made by Mrs. Cook and second was 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

RESOLUTION NUMBER 5400

Public Hearing – Resolution Number 5400 – A Resolution To Appropriate Funding For The Completion Of The Sicard Hollow Pedestrian Tunnel

MOTION Motion to approve Resolution Number 5400 was by Mr. Weaver and seconded by Mr. Head.

Lori Beth Kearley, Asst. City Engineer explained that they have been working with ALDOT to close out this project. They verified the quantities, inspections, etc. Ms. Kearley detailed the cost increases which included some remediation from damages of the large rain events, changing lanes to prevent traffic impacts and the rebuilding of these temporary roadbeds as they were washed out by the rain events. She explained that the costs are reimbursable with a 20% City match at a City cost of \$66,000 to close this project.

Mrs. Cook asked about the total cost of the project.

Mrs. Kearley stated that total cost \$466,000 with all unexpected expenses.

Mrs. Cook stated that there is one place in the road that has been patched but there are no lines which is confusing at night. Is that something that'll be done as part of the closeout of the project. Mrs. Kearley stated that would be part of the project closeout and she'd check on it.

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

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SPECIAL MEETING

AUGUST 1, 2022

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 members of the general public 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 Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Ryan Farrell, Asst. Fire Chief*
Umang Patel, Court Director*
Cinnamon McCulley, Communications Specialist
Christopher Brady, City Engineer
Melvin Turner, III, Finance Director

**present virtually via Zoom or telephone*

Melvin Turner III, Finance Director, led the invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The Mayor stated that the agenda needed to be amended. He asked the Council to add a City Manager report and to move Ordinance 3107 under “New Business – Unanimous Consent Requested.” He opened the floor for a motion of approval of the agenda as amended.

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

Mrs. Cook – yes
Mr. Pierce – yes
Mayor Curry – yes

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

CITY MANAGER REPORT

Mr. Downes stated that the Cahaba Solid Waste Authority met today to discuss the 68% increase in diesel costs that the waste provider has had to endure. While the cities have benefitted from collaboration, the waste provider is requesting a fuel surcharge based upon the monthly industry accepted index. He stated that the entities will receive a model on how to accommodate that and the information will be brought back to the various entity leaders to decide on a surcharge. He stated that this will be discussed more and he will keep the Council advised. He added that the City is looking at next year's budget and this increase is contemplated in that budget.

Mr. Pierce recognized Doug Dean, Vestavia Hills Chamber Board member who was in attendance representing the Chamber of Commerce.

OLD BUSINESS

NEW BUSINESS

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor advised that the next item of business would require unanimous consent for consideration and action. He opened the floor for a motion.

MOTION Motion for unanimous consent for the consideration and action on Ordinance Number 3109 was made by Mr. Weaver and seconded by Mrs. Cook. Roll call vote as follows:

Mrs. Cook – yes
Mr. Pierce – yes
Mayor Curry – yes

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

ORDINANCE NUMBER 3107

Ordinance Number 3107 - An Ordinance Authorizing And Directing The Acceptance Of An Offer To Purchase Real Estate; The Execution And Delivery Of An Agreement Entitled "Agreement For Assignment Of Contract"; The Purchase Of Real Estate Using American Rescue Plan Act Funds; The Closing Of The Sale Of Said Real Estate; Engaging The Services Of A Professional Engineer For The Preparation Of The Necessary Documents In

Order To Advertise For Competitive Bids For Demolition/Razing Of Buildings And Other Structures Pursuant To The Requirements Of Title 39-2-2, Code Of Alabama, 1975

Mr. Downes stated that this Ordinance authorizes the City to purchase the former Days Inn which is located on Montgomery Highway. He gave a background into the proposed purchase, the details as well as the pricing. This ordinance also authorizes the City to take necessary actions to secure the premises as well as demolish the building. He reminded the Council that a key component to the Council's strategic planning was to find ways to improve the southern parts of Montgomery Highway. The City would use this property to repurpose for a better development in this area. The source of funding would be ARPA funds received from the Federal Government. He indicated that this will be in line with the first deposits of these ARPA funds.

Mr. Boone stated that he has reviewed the use of the ARPA funds to purchase this land. He cited the legal authority that allows the purchase and explained the parameters of the US Code and the American Rescue Plan authorized a source of funding for municipalities called The Coronavirus State and Local Fiscal Recovery Fund Act, effective May 2021. He explained the funding how the funding that could be used including one goal: to build a strong, resilient and equitable recovery by making investments that support long-term growth and opportunity. He iterated the requirements of the recovery. The funding must be spent by December 31, 2026 or the federal government will recoup the funding.

MOTION Motion to approve Ordinance Number 3107 was by Mr. Weaver and seconded by Mr. Pierce.

Mrs. Cook stated that the City has weathered the pandemic well. The shutdowns that were imposed during that time did hurt the City's businesses. She stated that the City Attorney has opined that this is a governmental service that qualifies and should help the businesses located in this area if this is redeveloped. Bringing new vitality to this area should help the community as a whole. Mrs. Cook stated that she's heard from many residents and many negative reports concerning this facility. She indicated she had hoped that the owner of the hotel would improve his facility and the emergency services have done a lot of work in trying to enforce the codes and the ordinances on this facility. Once the Council was aware of these funds that are available, she stated she was very much in favor of obtaining ownership of this property. This appeared to be a good opportunity. She stated that there's no doubt in her mind this will serve as a catalyst of redevelopment and vitality in that part of the City as well as the entire community.

Mayor Curry stated that the on-going illegal activity at this location including prostitution and human trafficking. The reason of health, safety and welfare of the community is a good reason to obtain ownership and redevelop this property. He, too, believes this will be a great opportunity for redevelopment.

Mr. Weaver echoed Mrs. Cook's comments. Mr. Head also agreed and stated this might be the most important action of this Council.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that the City has been allocated \$8 million. He stated that this action utilizes about half of that money. Once the building is demolished, the property isn't work as much and it sells for \$2 million. Does the City then send back the other \$2 million to the federal government?

Mr. Boone stated that the proceeds of a sale belongs to the City.

Mr. Harwell stated that the property needs to sell ASAP as the tax records show it's a \$4 million piece of property so the City will be losing \$90,000 a year.

Mrs. Cook asked about the plans to raze the property.

Mr. Downes stated that the closing would take place tomorrow with the site being fenced ASAP. Following that, demolition would occur. Later, a planning process would occur for redevelopment.

Mr. Pierce stated that earlier the City went through a condemnation procedure for the Motor Lodge which was more than a year-long process. He stated he is excited that this is the next step.

Donald Harwell, 1357 Willoughby Road, asked what will the City consider as to the final decision based upon the safety and welfare of this property.

Mrs. Cook stated that she has already addressed that. The present condition is very unhealthy along with the trafficking.

Mr. Harwell asked why did the City feels that it can do a better job than a private enterprise can do?

Mr. Weaver pointed out that the owners didn't take any actions to improve the situation or the facilities.

Discussion ensued as to earlier actions or inactions of the City over lower 31 and this gives the perfect opportunity to step in and help with the vitality of the area.

The Mayor pointed out that this property has been up for sale and if someone wanted to reinvest in the property, they would have done it.

Mr. Harwell stated that shows that the City will probably lose money in the deal.

Mr. Head stated that it was a public safety issue.

Pat Dewees, Asbury Road, stated that he emailed the Council earlier on his thoughts concerning this property. He stated that this is an egregious hotel. He indicated that his concerns

in his email were not mentioned tonight. He stated that he has concerns regarding affordable lodging which people might need from time to time. What will keep someone from putting in a luxury hotel no one can afford? He suggested that the Council could build a hotel for the homeless instead of selling this for commercial development.

Mayor Curry stated that hotels are not economically feasible for housing with a base fee of \$210 a week and no kitchens or laundry facilities.

Mrs. Cook pointed out that type of facility would be a ministry and not generally located in the primary business district of the City.

There being no one further 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)

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, stated he has a concern that real estate signage and other signage that's being posted in the road rights-of-way, on poles, etc. He stated that Mayor McCallum's administration allowed enforcement of the sign ordinance was allowed by him and his brother. He has sent the Council pictures of several real estate signs which were removed within a day or two, but they still are located all over the City and indicated that the sign ordinance isn't really being enforced. He asked that the City be more active in picking up these signs.

Mr. Pierce stated he chaired the committee that wrote that ordinance and even real estate agents agreed that the signage wasn't needed. He stated that the new agents should be reminded of the ordinance.

At 6:20 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:45 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5401

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

WITNESSETH THESE RECITALS

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

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

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

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5401 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 8th day of August, 2022.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

MEMORANDUM

TO: Jeff Downes, City Manager
FROM: Daniel Tackett, Deputy Director
RE: Surplus City Property
DATE: July 22, 2022

This memo requests that the Vestavia Hills City Council adopt a resolution declaring the following Library technology as surplus at the August 8, 2022 City Council meeting.

- 2 - Promethean ActivBoard 587 Pro
- 1 – Xerox Phaser 6700 Printer
- 1 – Xerox Phaser 6360 Printer
- 1 – Brother HL-L6400DW Printer
- 1 – HP-LJ-P4014 Printer
- 1 – Xerox Workcentre 6505DN Printer

If you have any questions or concerns, please contact me at 205.978.3683. Thank you.

RESOLUTION NUMBER 5402

A RESOLUTION AUTHORIZING THE INSTALLATION OF A NEW SUPPORT STRUCTURE FOR A SMALL CELL FACILITY TO BE LOCATED IN THE RIGHT-OF-WAY ADJACENT TO CERTAIN PROPERTIES IN THE CITY OF VESTAVIA HILLS

WHEREAS, on December 17, 2018, the City Council adopted and approved Ordinance 2814A to adopt regulations for small cell technology facilities (“Nodes”) in the City of Vestavia Hills, Alabama; and

WHEREAS, §2.B.7 recommends that said Nodes shall be collocated when possible, however, when not possible the request shall be recommended by the City Manager and then approved by the City Council following a public hearing; and

WHEREAS, on the 1st day of June, 2022, Acquanetta Love, on behalf of Crown Castle Fiber, LLC, submitted applications for a new support structure to be located in the right-of-way (“ROW”) adjacent to the following properties as detailed in Exhibit A which is attached and incorporated into this Resolution Number 5402 as if written therein; (1) 3010 Columbiana Road; (2) 2932 Columbiana Court, (3) 2249 Jacobs Road, and (4) 1403 Linda Vista Drive; and

WHEREAS, a sign was erected on the ROW and the surrounding property owners were notified of a public hearing to be held on August 8, 2022 regarding said new support request; and

WHEREAS, the City Manager and the City Staff have reviewed the application and recommend approval of said request; and

WHEREAS, the Mayor and the City Council feel it is in the best public interest to accept the recommendation and authorize installation of said new support structure.

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

1. The Mayor and City Council hereby accept the recommendation of the City Manager and authorize the installation of a new support structure to be located in the ROW adjacent to (1) 3010 Columbiana Road; (2) 2932 Columbiana Court, (3) 2249 Jacobs Road, and (4) 1403 Linda Vista Drive as detailed in the supporting information marked as Exhibit A, attached to and incorporated into this Resolution 5402 as if written fully therein; and
2. This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 8th day of August, 2022.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

OFFICIAL NOTICE OF A PUBLIC HEARING

July 12, 2022

This is an OFFICIAL NOTICE to inform you of the time, date and other details of the public hearing which will be held in the Vestavia Hills City Hall on the subject as follows:

TIME/DATE OF HEARING: 6:00 P.M. August 8, 2022 Monday

PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

ACTION REQUESTED: Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 3010 Columbiana Road; See Enclosed Details for location and visual

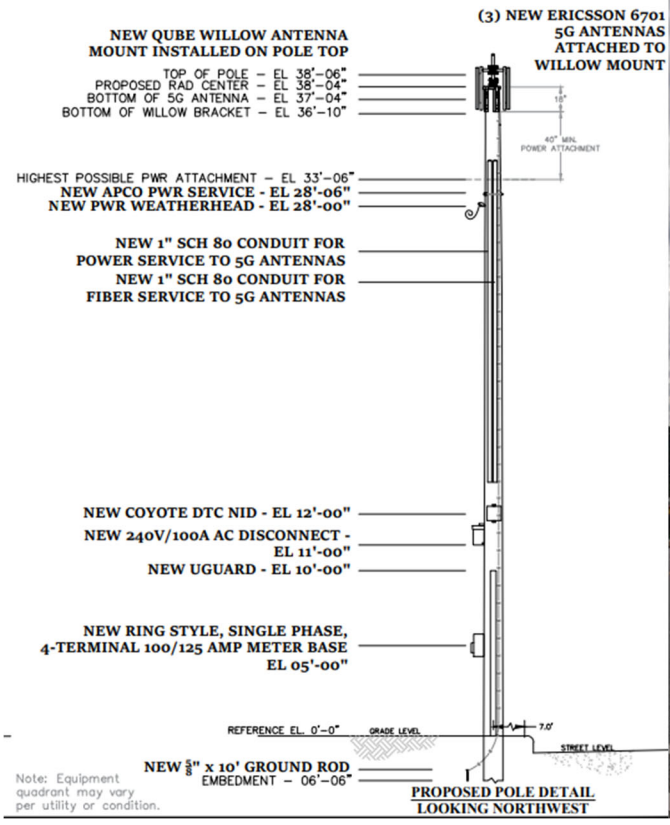
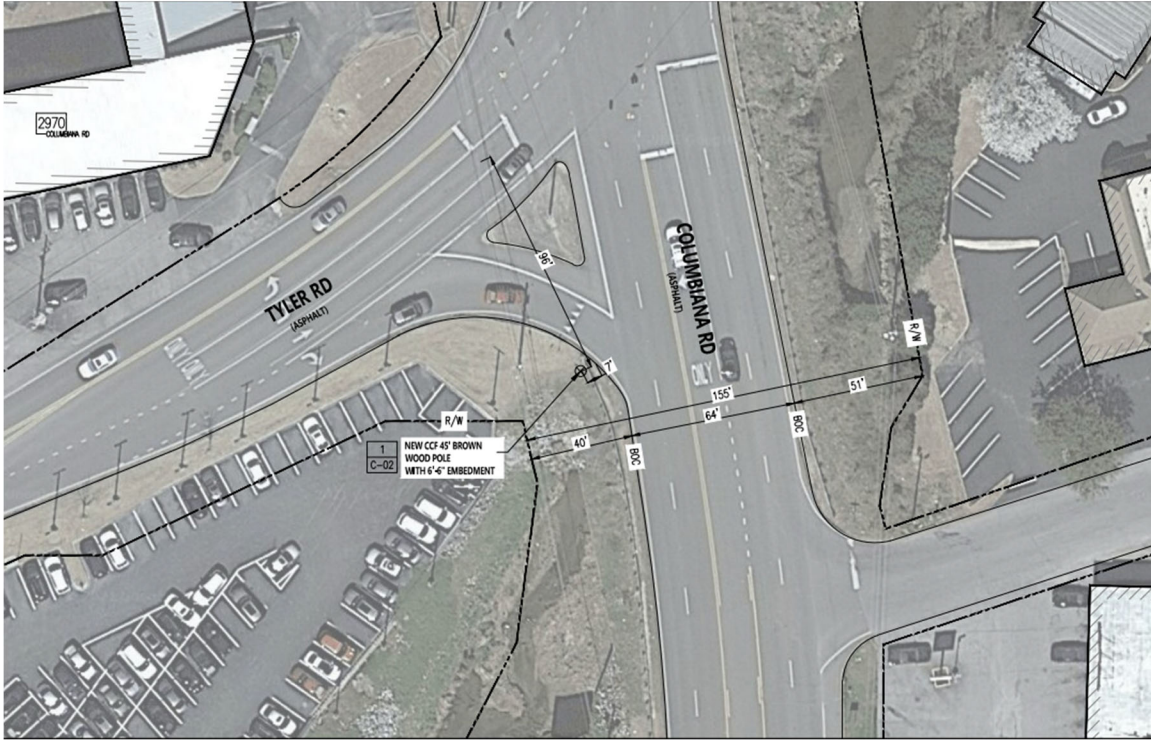
NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

Rebecca Leavings
City Clerk

INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.



CITY OF VESTAVIA HILLS
1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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1032 Montgomery Highway

BOARD: Vestavia Hills City Council

ACTION REQUESTED: Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 2932 Columbiana Court; See Enclosed Details for location and visual

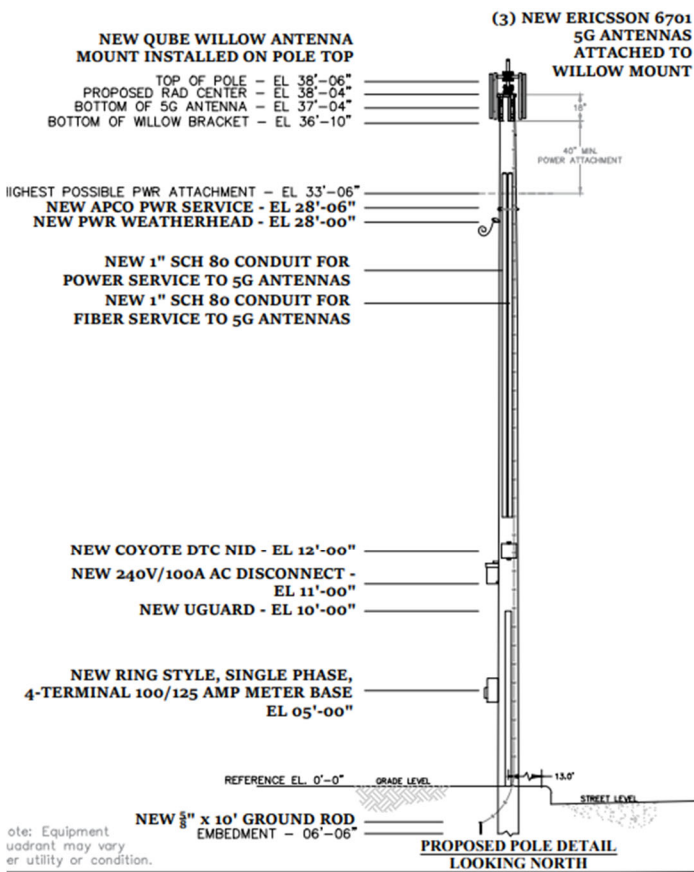
NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

Rebecca Leavings
City Clerk

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CITY OF VESTAVIA HILLS
1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

ACTION REQUESTED: Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 2249 Jacobs Road; See Enclosed Details for location and visual

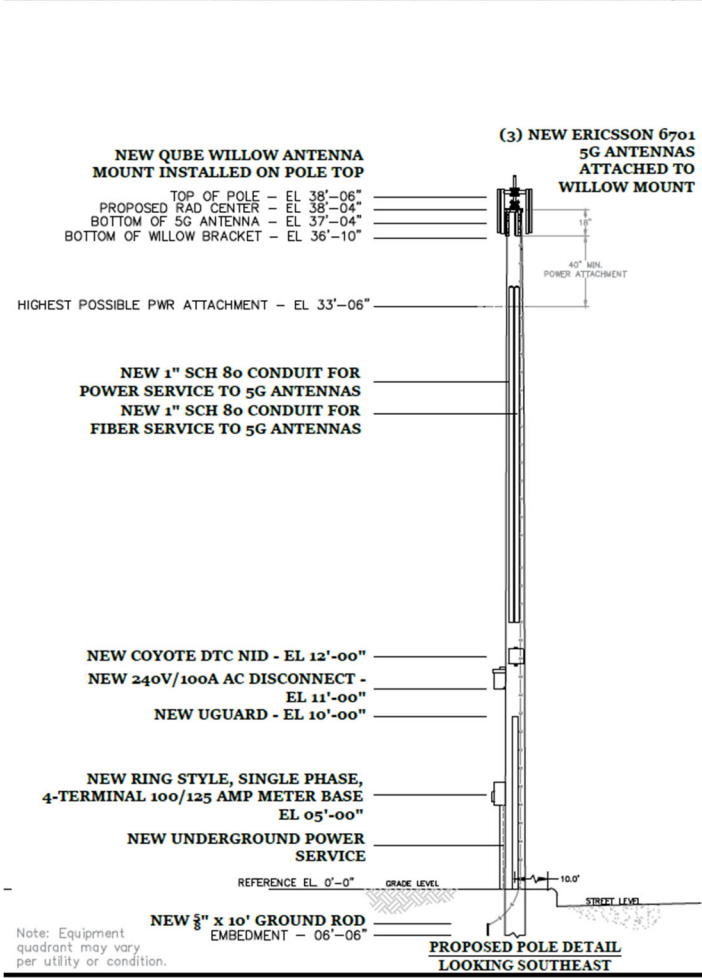
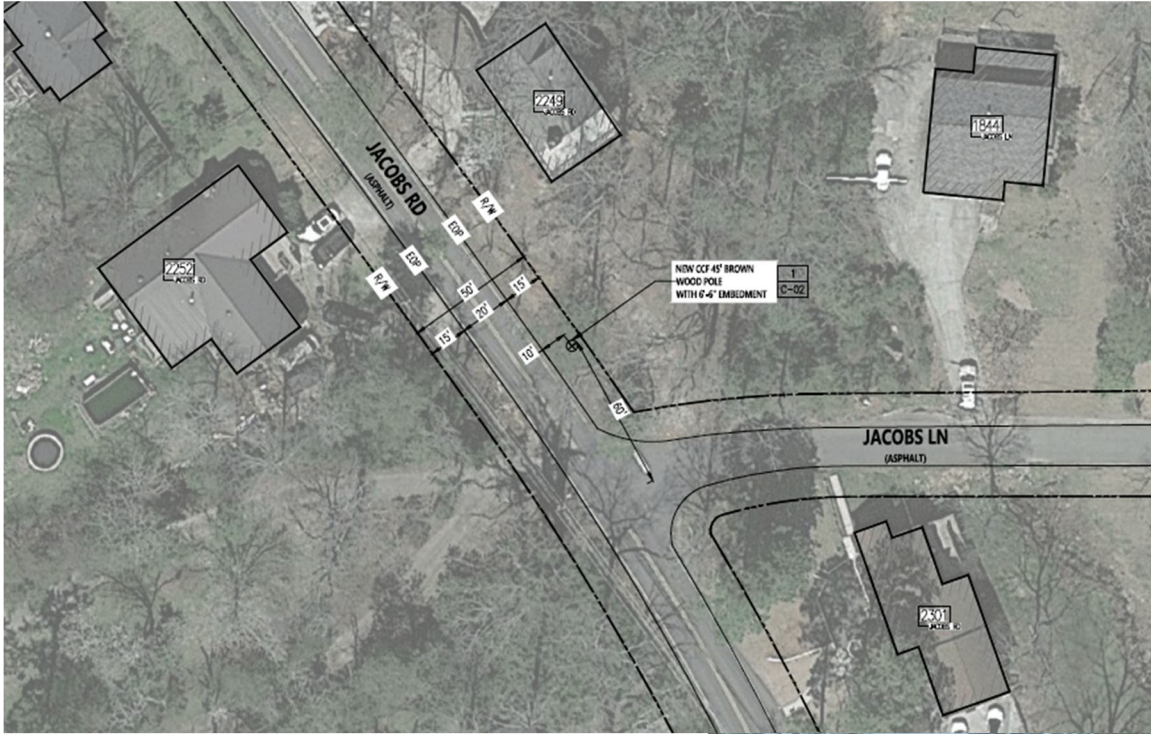
NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

Rebecca Leavings
City Clerk

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CITY OF VESTAVIA HILLS
1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

ACTION REQUESTED: Consideration of Installation of 45' Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 1403 Linda Vista Drive; See Enclosed Details for location and visual

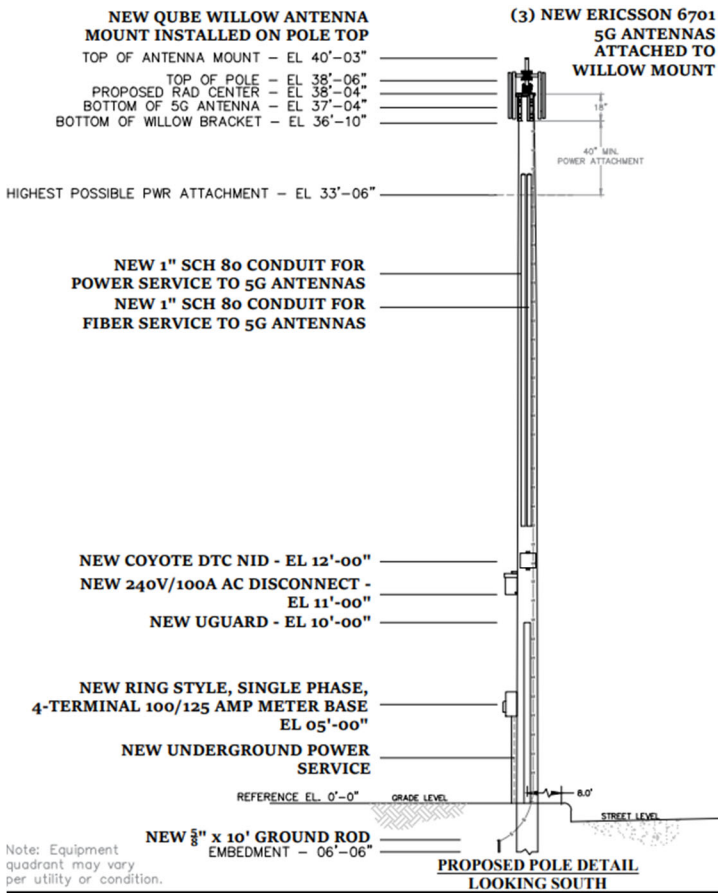
NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

Rebecca Leavings
City Clerk

INDIVIDUALS WITH DISABILITIES NEEDING SPECIAL SERVICES TO PARTICIPATE IN APPLICATIONS, ACTIVITIES, PROGRAMS OR SERVICES ARE REQUESTED TO COORDINATE THEIR NEEDS IN ADVANCE, WHEN TIME PERMITS. IF SPECIAL ACCOMMODATIONS ARE REQUIRED, PLEASE CONTACT THE CITY CLERK, (205) 978-0179.



RESOLUTION NUMBER 5403

A RESOLUTION FOR IMPROVEMENTS MADE ON I-65 AND SR-3 (US-31) WITHIN THE CITY LIMITS OF VESTAVIA HILLS BY ALABAMA DEPARTMENT OF TRANSPORTATION FOR PROJECT DESIGNATED AS PROJECT NUMBER: CRPAA-I065(518) INSTALLATION OF ITS INFRASTRUCTURE (COMMUNICATION, DETECTION, MONITORING AND MESSAGING)

WHEREAS, the City of Vestavia Hills, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on 1-65 and SR-3(US-31) within the City Limits of Vestavia Hills, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: CRPAA-I065(518) Installation of ITS Infrastructure (Communications, Detection, Monitoring and Messaging) on 1-65/SR-3/US-31; Supports Advanced Freeway Traffic Management Subsystem Component of the 1-65/SR-3/US-31 Advanced Corridor Management System - Jefferson and Shelby Counties.

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City, for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of Vestavia Hills, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the

construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A – Project does not require permanent barricade or relocation of any intersection streets.	
Please refer to: Project Note Sheet	Sheet 2E
Please refer to: General Traffic Control Plan Notes	Sheets 2F-2G
Please refer to: ITS Plan Notes	Sheets 2H-2I
Please refer to: Traffic Control Plan	Sheets 300-323

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above-mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and

regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City.
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or, if the existing road is not used, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grade separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

THIS RESOLUTION PASSED, ADOPTED, AND APPROVED this the 8th day of August, 2022.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, the undersigned, Clerk of the City of Vestavia Hills, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the 8th day of August, 2022, which resolution is on file in the office of the City Clerk.

Given under my hand and the official seal of such City this _____ day of _____, 20__.

Rebecca Leavings, City Clerk

CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

Date: August 3, 2022

To: Jeff Downes, City Manager
Brian Davis, Director of Public Services
Rebecca Leavings, City Clerk

From: Christopher Brady, City Engineer

RE: resolution of support for ALDOT CRPAA-I065(518)

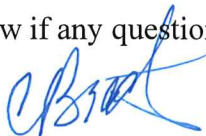
I have reviewed plans and discussed project with ALDOT project consultants. Please see the following narrative of this project scope:

Installation of ITS Infrastructure on I-65/US-31 to Support the I-65/US-31 Advanced Corridor Management System in Jefferson and Shelby Counties

Gresham Smith developed the ITS plans and cost estimates for the expansion of the I-65 Advanced Freeway Traffic Management System and the US-31 Advanced Arterial Traffic Management System for the East Central Region. The I-65 design includes expanding the existing system approximately 10 miles to the Shelby/Clinton County line. The I-65 portion of the project will include dynamic message signs, CCTV cameras, radar vehicle detectors, power, and fiber optic communications. The US-31 segment is approximately 20 miles from Hoover to Calera and will include CCTV cameras, power, and cellular communications. The goal of the final design is to enhance the existing systems to provide additional data and communications for enhanced operations and incident management.

I recommend support of this regional transportation project to improve "Intelligent Transportation Systems" (ITS) within this I65 and Hwy 31 corridors.

Please let me know if any questions,
-Christopher



ORDINANCE NUMBER 3110

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-2 TO VESTAVIA HILLS B-2 WITH CONDITIONS

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-4 (medium density residential district) to Vestavia Hills B-2 (general business district):

3912 Wooten Drive
Mountain Heights Lawn Care, LLC, Owner

More Particularly Described as Follows:

Part of Lots 12 and 13, according to Jonas Schwab Co. survey, as recorded in Map Book 5, Page 35, in the Office of the Judge of Probate of Jefferson County, Alabama, more particularly described as follows:

Begin at the northwest corner of Lot 12, run thence eastwardly along the North line of said Lot 12, for a distance of 244.40 feet; thence turn an angle to the right of 83° 27' and run southwardly for a distance of 475.25 feet; thence turn an angle to the right of 130° 23' and run northwestwardly for a distance of 161.00 feet to point of curve having a radius of 361.66 feet, a tangent distance of 107.50 feet and an intersection angle of 34° 00' left; thence continue northwestwardly around said curve for a distance of 173.2 feet, to a point in the west boundary line of said Lot 12, 9.5 feet north of the southwest corner; run thence northwardly along said west boundary line for a distance of 330.50 feet, to the point of beginning.

BE IT FURTHER ORDAINED that said zoning shall not be effective until the following conditions have been met:

1. That buffering be installed on either side of the property pursuant to the zoning code; and
2. That gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on property; and
3. That the existing buildings be relocated further back on the property and located behind the visual screening of the newly installed trees; and

4. That said buffering and landscaping be approved prior to installation by the Design Review Board; and
5. That the City Planner inspect and approve the property improvements as required herein; and
6. That all required improvements be installed and approved by the City Planner prior to 11:59 PM, December 31, 2022; and
7. That private restrictive covenants be recorded in the Office of the Judge of Probate reflecting these conditions; and
8. That a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.
9. That this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping LLC business cease to exist or the business and/or the property is sold to another owner.

APPROVED and ADOPTED this the 22nd day of August, 2022.

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 # 3110 is a true and correct copy of such 22nd day of August, 2022, 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 _____, 2022.

Rebecca Leavings
City Clerk



City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-22-2

Owner Name: Rocky Donahoo

Owner Address: 3901 Wooten Dr. Vestavia, AL 35243

Representative: Rocky Donahoo
Rep. Address:

Project Address: 3912 Wooten Dr

Legal Description:

Parcel ID Number:

Current Zoning: VH R-4

Requested Zoning: VH B-2 With Conditions

Intended Purpose: Lawn Care Business

P&Z MOTION Mr. Weaver made a motion to recommend Rezoning for 3912 Wooten Dr. Recommendation from Vestavia Hills R-4 to Vestavia Hills B-2 with the following conditions:

:

- (1) That buffering be installed on either side of the property pursuant to the zoning code;
- (2) that gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on the property;
- (3) that the existing buildings be relocated further back on the property behind the visual screening of the newly installed trees;
- (4) that said buffering and landscaping be approved by the Design Review Board;
- (5) that this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping business cease to exist or is sold to another owner;
- (6) that covenants be recorded in the Office of the Judge of Probate reflecting said conditions and (7) that the City Planner inspect and approve the property improvements as recommended herein and that a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.

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

Mr. Honeycutt – yes

Mr. Farrell – yes

Mr. Romeo – yes

Mr. Maloof – yes

Mr. Weaver– yes

Mr. Vercher– yes

Ms. Barnes– yes

Motion carried.

Date of P&Z Meeting:

July 14, 2022



Authorized by:

Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair

Issued by:




Conrad Garrison, City Planner

Rezoning Application

RZ-22-2

Submitted On: Jun 21, 2022

Applicant

 Rocky Donahoo
 2052291015
 rockydonahoo@gmail.com

Location

3912 WOOTEN DR
VESTAVIA HILLS, AL 35243

Property Information

Subject Property Address

3912 Wooten Dr

Tax Parcel ID Number

--

Legal Description

--

Existing Parking Spaces

--

Proposed Parking Spaces

--

Submission Date

05/02/2022

Type of Project

New Non-Residential Development/use

Action Requested:

From Existing Zoning Classification

VH R-4

To Requested Zoning Classification

VH B-2 With Conditions

For the Intended Purpose of:

Lawn Care Business

Acreage of Subject Property

.61

Acreage of Property to be Disturbed

.61

Setbacks

Front

--

Back

--

Side

--

Open Space

--

Lot Coverage Percentage

--

Tree Save Plan - I acknowledge that a if this is a new non-residential development or is a residential development in excess of 3 units, that I am required to submit a tree save plan concurrent with this application (excludes PUDs).

true

Owner Information

Applications must be either submitted by the owner of the property or a representative duly appointed by the owner by way of a notarized letter and/or power of attorney.

Property Owner Name

Rocky Donahoo

Company Name

--

Owner Address City State Zip

3901 Wooten Dr. Vestavia, AL 35243

Owner's Phone Number

2052291015

By checking this box, I hereby affirm that I am the owner or the representative of the owner duly authorized to represent this petition for rezoning. Simultaneously with this application, I am submitting notarized documentation from the owner which authorizes me to represent this case.

true

Email Address of Owner

rockydonahoo@gmail.com

Owner Representative/Responsible Party

Rocky Donahoo

Company Name

--

Contact Email of Responsible Party

--

Mailing Address of Responsible Party

--

Phone No. of Responsible Party

--

Email Address of Responsible Party

--

Project Engineer Information (if applicable)

Name

--

Company

--

Mailing Address

--

Phone Number

--

Email

--



City of Vestavia Hills, AL

07/06/2022

RZ-22-2

Planning Review

Rezoning Application

Status: Complete**Became Active:** 06/21/2022**Assignee:** Conrad Garrison**Completed:** 06/29/2022

Applicant

Rocky Donahoo
rockydonahoo@gmail.com
3912 Wooten Dr
Vestavia, AL 35243
2052291015

Location

3912 WOOTEN DR
VESTAVIA HILLS, AL 35243

Comments

Conrad Garrison, Jun 29, 2022 at 4:07pm

Applicant is submitting the request as part of a remediation effort due to a notice of a zoning violation. Applicants have been operating a lawn care business for a number of years at this residential location, unbeknownst to the City. Once discovered, City staff informed the applicants that they are in violation of the zoning ordinance and options for remediation, including applying for rezoning. A B-2 zoning would only apply to this lot as long as "Mountain High Landscaping" exists under its current ownership. Changes in business or ownership would result in the property reverting back to R-4. A proposed list of conditions and site plan are included.



City of Vestavia Hills, AL

07/06/2022

RZ-22-2

Zoning Review

Rezoning Application

Status: Complete**Assignee:** Rebecca Leavings**Became Active:****Completed:** 06/21/2022

Applicant

Rocky Donahoo
rockydonahoo@gmail.com
3912 Wooten Dr
Vestavia, AL 35243
2052291015

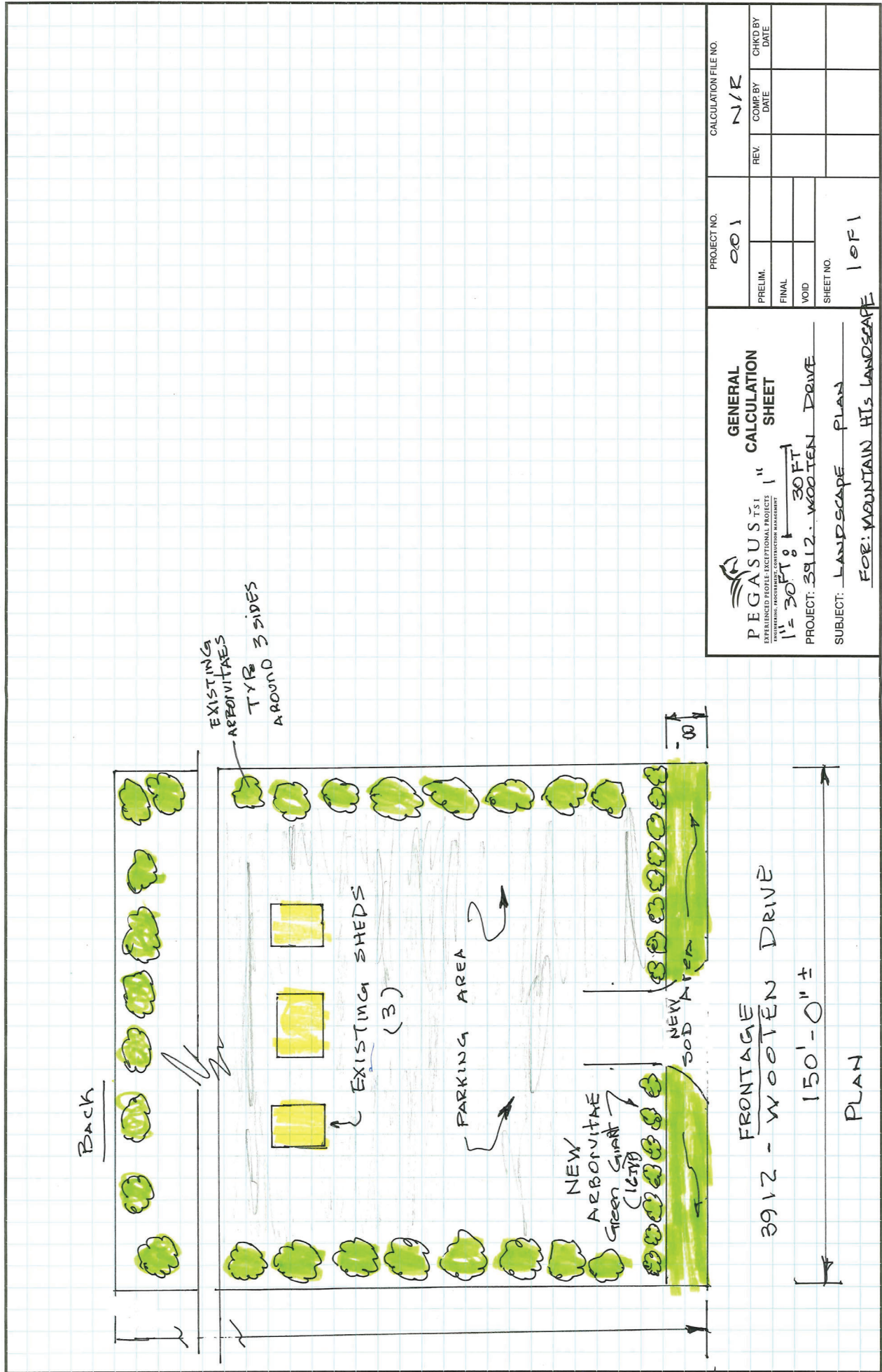
Location

3912 WOOTEN DR
VESTAVIA HILLS, AL 35243

Comments

Rebecca Leavings, Jun 21, 2022 at 4:06pm

Recommend approval based on the following conditions: (1) That buffering be installed on either side of the property pursuant to the zoning code; (2) that gravel be removed from the front of the property and a minimum of 10' of grassy area be installed followed by tree installation along the edge of the front of the property to mitigate any visual view of buildings, equipment, vehicles on the property; (3) that the existing buildings be relocated further back on the property behind the visual screening of the newly installed trees; (4) that said buffering and landscaping be approved by the Design Review Board; (5) that this zoning shall revert back to the R-4 residential zoning should the Mountain Heights Landscaping business cease to exist or is sold to another owner; (6) that covenants be recorded in the Office of the Judge of Probate reflecting said conditions and (7) that the City Planner inspect and approve the property improvements as recommended herein and that a copy of said recorded covenants be submitted to the Office of the City Clerk and filed with the ordinance of rezoning prior to effective date of rezoning.



 PEGASUS T&E <small>EXPERIENCED PEOPLE. EXCEPTIONAL PROJECTS.</small> <small>LANDSCAPE ARCHITECTURE AND CONSTRUCTION MANAGEMENT</small>		CALCULATION FILE NO. N/R	
GENERAL CALCULATION SHEET		PROJECT NO. 001	REV.
1" = 30 FT ±	PROJECT: 3912 - WOOTEN DRIVE	PRELIM.	COMP. BY DATE
SUBJECT: LANDSCAPE PLAN	SHEET NO. 1 OF 1	FINAL	CHKD BY DATE
FOR: MOUNTAIN HT'S LANDSCAPE		VOID	

L.L.C.



P0722-18//28-00-14-3-003-045.003
3912 Wooten Drive
Rezone to B2 w/Conditions
Mtn. Heights Lawn Care
R4



P0722-18//28-00-14-3-003-045.003

3912 Wooten Drive

Rezone to B2 w/Conditions

Mtn. Heights Lawn Care

R4



Sent from my iPhone

P0722-18//28-00-14-3-003-045.003
3912 Wooten Drive
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R4