

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
January 9, 2023
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – David Phillips, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Announcements, Candidates and Guest Recognition
7. City Manager’s Report
8. Councilors’ Reports
9. Financial Reports – Melvin Turner, III, Finance Director
10. Infrastructure And Community Spaces Update – Wald Park Phase III – TCU Consulting
11. Approval Of Minutes – December 12, 2022 (Regular Meeting) And December 19, 2022 (Regular Meeting)

Old Business

New Business

12. Resolution Number 5436 – A Resolution Authorizing The City Manager To Issue A Refund On Sales Taxes Which Were Remitted To The City In Error
13. Resolution Number 5437 – A Resolution Authorizing The City Manager To Execute And Deliver A Right-Of-Way Deed For A Sewer Easement At The Altadena Valley Park

New Business Requesting Unanimous Consent

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

14. Public Hearing – Resolution 5435 – A Resolution Proposing An Increase In An Ad Valorem School Tax Levied In The City Of Vestavia Hills

15. Public Hearing – Ordinance Number 3145 – Rezoning – 4553 Pine Tree Circle; Lot 15, Topfield Subdivision; Rezone From Vestavia Hills B-1.2 (Neighborhood Mixed Use District) To Vestavia Hills O-1 (Office Park District); Mark Hancock, Owner
16. Public Hearing – Ordinance Number 3146 – Rezoning – 3105 Blue Lake Drive; Lot 26, Topfield Subdivision; Rezone From Vestavia Hills R-1 (Low Density Residential District) To Vestavia Hills O-1 (Office Park District); Lauran Savage, Owner
17. Public Hearing – Ordinance Number 3147 – An Ordinance Establishing Voting And Polling Places For All Municipal Elections For The City Of Vestavia Hills, Alabama
18. Public Hearing – Ordinance Number 3148 – An Ordinance Adopting And Enacting Supplement V For The Vestavia Hills Code Of Ordinances Republished 2013
19. Citizens Comments
20. Executive Session – Threatened Or Pending Litigation
21. 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.

Zoom meetings may be recorded. By participating in the meeting, you are consenting to be recorded. Zoom-bombing is a cyber-crime and is punishable by law. In the event of an attendee intruding into any City of Vestavia Hills Zoom meeting, the online broadcast will be ended immediately. Council and/or board members may be readmitted but online attendees will not. Although Zoom-bombing is not a frequent occurrence, those wishing to make public comment should attend the meeting in person.

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

DECEMBER 12, 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 H. Boone, City Attorney
Cinnamon McCulley, Asst. City Manager*
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Zach Clifton, Asst. Finance Director
Ryan Farrell, Asst. Fire Chief*
Brian Davis, Public Services Director*
Christopher Brady, City Engineer
Jamie Lee, Director of Parks and Leisure Services
Umang Patel, Court Director*
**present virtually via Zoom or telephone*

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

APPROVAL OF THE AGENDA

The Mayor opened the floor for a motion to approve of the agenda.

MOTION Motion to approve the agenda as presented was made by Mr. Weaver and seconded by Mrs. Cook. Roll call vote 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 recognized Marty Martin, member of the Chamber of Commerce Board, attending via Zoom.
- Mr. Weaver stated that his son paid for his membership at the Civic Center last week and has been there every day, since then, enjoying the facility. He remarked on the number of activities for youth going on there.
- Mayor Curry echoed Mr. Weaver's comments on the Civic Center and stated that the symphony orchestra RISE benefit performance, held in the ball room, was fantastic as well as the senior's lunch that was held today.

CITY MANAGER'S REPORT

- Mr. Downes stated that there have been a series of meetings of residents from the areas studied in the City regarding drainage issues. Following these meetings, public input will be taken, studies completed, and then there will be a series of recommendations presented to the Council at the annual strategic meeting. He added that only 27 people commented on the sidewalk public input so far.

COUNCILOR REPORTS

- Mrs. Cook asked for an update regarding the proposed round-about at Sicard Hollow and Pumphouse Road. Mr. Downes stated that the 50% of the drawings are complete, and the City has been working with the Water Works Board. He stated they hope that, after the first of the year, the designs will be completed including an estimate of cost of construction. Originally, the project was estimated to be about \$2 million with the Council committing to pay for about half of that.
- Mrs. Cook stated she attended the Sound of the Season event to benefit RISE and cancer research, and she noted it was a great event. She stated she has asked the City Manager if there is a way to get acoustical tile panels to allow a better sound projection and understands that is being reviewed possibly in partnership with the Board of Education. She indicated that many were disappointed as to the cancellation of the holiday parade.
- Mr. Pierce asked about the demolition of the Days Inn. Mr. Downes stated that a consultant is making progress on specifications for bid that, hopefully, will go out in February. In addition, the City is putting together a design charrette in March to try and determine the highest and best use. The goal will be to demolish the property, start the charrette with a clean slate and, then, present ideas to the Council. The charrette will be a multi-day process, with interested parties invited to come forward with their ideas. Mrs. Cook encouraged advertising that exercise to the greatest extent possible..
- Mr. Pierce stated that he attended the RISE fundraising event Friday night, also, and indicated that "they did it right." He stated that it was a well-planned event. He stated that people were taking tours of the new Civic Center, and the lobby outside was a great way to celebrate the holidays and the opening of the building to the public.

- Mr. Downes stated that the following morning there were hundreds of kids having breakfast with Santa.
- Mr. Pierce stated that he will be attending the monthly Chamber luncheon, tomorrow, and the Board meeting Thursday in the Chamber's new office at the Civic Center.
- Mr. Weaver reported that the Planning and Zoning Commission met in regular meeting last week with two rezoning requests which will be forthcoming to Council. Both are consistent with the changes happening in the neighborhood.
- Mr. Head stated that the Parks and Recreation Board will meet on December 20, 2022, beginning at 7:30 AM, in the new Civic Center.
- Mr. Pierce asked about the number of Parks and Recreation memberships sold last week. Mr. Lee explained he didn't have the numbers, but the building is busy.

APPROVAL OF MINUTES

The Mayor stated that the approval of the minutes November 21, 2022 (Work Session) and November 28, 2022 (Regular Meeting) are open for approval. He asked for a motion:

MOTION: Motion to approve the minutes of the November 21, 2022 (Work Session) and November 28, 2022 (Regular Meeting) was made by Mrs. Cook and seconded by Mr. Pierce. Roll call vote as follows:

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

OLD BUSINESS

NEW BUSINESS

RESOLUTION NUMBER 5427

Resolution Number 5427 - A Resolution Declaring Certain Personal Property As Surplus And Authorizing The City Manager To Sell/Dispose Of Said Property

MOTION Motion to approve Resolution Number 5427 was made by Mr. Weaver and seconded by Mr. Pierce.

Mr. Downes stated that this pertains to some Fire Department equipment that was budgeted for replacement this year; this older equipment will be traded in for credit on future purchases.

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

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

Mr. Weaver – yes
motion carried.

ORDINANCE NUMBER 3139

Ordinance Number 3139 – An Ordinance Authorizing And Directing The Conveyance By The City Of Vestavia Hills, Alabama Of The Real Estate And Improvements Situated At 1973 Merryvale Road In The City Of Vestavia Hills, Alabama, Commonly Referred To As “The Old Community Civic Center” (As More Particularly Described Below) To The Board Of Education Of The City Of Vestavia Hills, Alabama

MOTION Motion to approve Ordinance Number 3139 was made by Mrs. Cook and seconded by Mr. Weaver.

Mr. Downes stated that this is consistent with the Memorandum of Understanding with the Board that was done many years ago and will convey the old Civic Center to the Board of Education.

Mrs. Cook mentioned this property was promised some time ago in consideration of Board property near Cahaba Heights Athletic Park that was given to the city by the Board of Education.

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

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

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

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor opened a motion for unanimous consent for the immediate consideration and action on Resolution Number 5427.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 5427 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.

RESOLUTION NUMBER 5427

Public Hearing – Resolution Number 5433 - A Resolution Authorizing The City Manager To Issue A Refund To The State Of Alabama For An Erroneous Tax Sale

MOTION Motion to approve Resolution Number 5433 was made by Mrs. Cook and seconded by Mr. Pierce.

The Mayor stated that there was a parcel sold in a tax sale, and the property's assessed value was vastly overstated. The sale was cancelled, and this returns the city's portion of the remitted tax to the intended purchaser.

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
Mayor Curry – yes	motion carried.

The Mayor passed the gavel to Mr. Weaver.

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

- Public Hearing – Ordinance Number 3137 – Rezoning – 3419 Ronlea Circle; Rezone From Vestavia Hills Agriculture To Vestavia Hills R-2 To Combine Parcels To Include Into Two Residential Lots; Gladys Bailey, Owners
- Public Hearing – Resolution Number 5425 – 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: (1) 1445 Linda Vista Lane, (2) 2604 Kingwood Road, (3) 2733 Southview Drive, (4) 1829 Forest Haven Lane, and (5) 2857 Vestavia Forest Drive
- Public Hearing – Resolution Number 5426 – A Resolution Approving The Dedication Of Streets In Helen Ridge; Helen Ridge Drive And Helen Ridge Circle
- Public Hearing – Ordinance Number 3138 - An Ordinance To Approve A 3-Year Bid For Street Resurfacing And Repair For The City Of Vestavia Hills
- Public Hearing – Resolution Number 5428 – Annexation – 90 Day – 2608 Rillwood Road; Lot 9, Altadena Park, Andrew and Marie Davis, Owner(s)
- Public Hearing – Ordinance Number 3140 – Annexation – Overnight – 2608 Rillwood Road; Lot 9, Altadena Park, Andrew and Marie Davis, Owner(s)
- Public Hearing – Resolution Number 5429 – Annexation – 90 Day – 2594 Acton Road; Lot 2, Altadena Valley Country Club, Al and Patricia Foster, Owner(s)
- Public Hearing – Ordinance Number 3141 – Annexation – Overnight – 2594 Acton Road; Lot 2, Altadena Valley Country Club, Al and Patricia Foster, Owner(s)
- Public Hearing – Resolution Number 5430 – Annexation – 90 Day – 2401 Rocky Ridge Road; Lot 9, Buckhead, 1st Sector, Charles Kessler, Owner(s)

- Public Hearing – Ordinance Number 3142 – Annexation – Overnight – 2401 Rocky Ridge Road; Lot 9, Buckhead, 1st Sector, Charles Kessler, Owner(s)
- Public Hearing – Resolution Number 5431 – Annexation – 90 Day – 2565 Rocky Ridge Road, Grace Covenant Baptist Church; R. O Hughes, Representing
- Public Hearing – Ordinance Number 3143 – Annexation – Overnight – 2565 Rocky Ridge Road, Grace Covenant Baptist Church; R. O Hughes, Representing
- Public Hearing – Resolution Number 5432 – Annexation – 90 Day – 1420 Branchwater Circle; Leon R. Gorman, Jr., Owner(s)
- Public Hearing – Ordinance Number 3144 – Annexation – Overnight – 1420 Branchwater Circle; Leon R. Gorman, Jr. Owner(s)

Mr. Weaver passed the gavel back to the Mayor.

CITIZEN COMMENTS

David Carrington stated that his wife was involved in an accident at the intersection of Gentilly Road and Columbiana Road. He stated that Google Maps advised her to take a left from Gentilly onto Columbiana Road. When she attempted the turn, she found there was a cement island that prevented that turn. He stated her vehicle was totaled by an oncoming truck. He stated there is no signage on the road indicating that is a right-in/right-out intersection and there was nothing reflective on the island to mark it. He stated he talked to the County regarding the lack of striping and signage and that the County installed some yellow striping on the island. He stated that there are a lot of kids near there and the rate of speed is pretty high approaching this intersection. He asked the City and the County to re-evaluate the traffic engineering to prevent future accidents.

Mr. Downes explained that the County installed the island barrier in conjunction to the opening of the new Pizitz Middle School campus. This road is a Jefferson County through-road.

EXECUTIVE SESSION

The Mayor stated there was a need for the Council to go into Executive Session to discuss pending/existing litigation and possible sale/purchase of real estate for an estimated 30 minutes. Mr. Boone, City Attorney, concurred the law allows the Council to go into executive session for such purposes.

MOTION Motion for the Council to go into Executive Session to discuss pending/existing litigation and possible sale/purchase of real estate for an estimated 30 minutes was made 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.

At 6:31 PM the Council exited the Chambers and entered into Executive Session. At 6:47 PM the Council re-entered the Chamber and the Mayor called the meeting back to order.

At 6:47 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 6:48 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

DECEMBER 19, 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 H. Boone, City Attorney
Cinnamon McCulley, Asst. City Manager
Rebecca Leavings, City Clerk
Danny Rary, Police Chief
Jason Hardin, Asst. Police Chief
Melvin Turner, III, Finance Director
Zach Clifton, Asst. Finance Director
Christopher Brady, City Engineer
Keith Blanton, Building Official

**present virtually via Zoom or telephone*

Ron Higey, Vestavia Hills Chaplain, led the invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE AGENDA

The Mayor opened the floor for a motion to approve of the agenda.

MOTION Motion to approve the agenda as presented was made by Mr. Pierce and seconded by Mrs. Cook. Roll call vote as follows:

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

ANNOUNCEMENTS, CANDIDATES, GUEST RECOGNITION

- Mayor Curry announced that there will be a Menorah lighting ceremony tomorrow evening beginning at 6:00 PM.
- Mr. Head announced that the Parks and Recreation Board will meet in the new Civic Center at 7:30 AM Tuesday morning.

PROCLAMATION

The Mayor presented proclamations designating the City of Vestavia Hills as a “Human Trafficking Free Zone” and the month of January 2023 as “Human Trafficking Awareness Month.” The Mayor presented these two proclamations to James Barrett of the Child Trafficking Solutions Project/Children’s Aid Society of Alabama and Jamie Willett, Community Engagement and Awareness Chair. Barbara Fowler, Director, Trafficking Free Zone Coalition also participated via Zoom.

Ms. Fowler stated that the City of Vestavia Hills was the first city in Alabama to proclaim itself as a Human Trafficking Free Zone and they all were there today to thank the City for the partnership and support in these campaigns. She stated City staff have participated in training on how to recognize and respond to these victims. She provided statistics to demonstrate how these efforts have helped to prevent this type of criminal activity.

Ms. Willett explained her group’s engagement with law enforcement, legislators, and the community to bring awareness to the issue. Mr. Barrett echoed the previous comments and expressed appreciation for the City’s awareness and support of the program.

The Mayor thanked them all for their efforts.

CITY MANAGER’S REPORT

- None.

COUNCILOR REPORTS

- Mrs. Cook stated that she attended the Board of Education meeting held earlier today. She explained that the Board’s “Rebel Future Plan” has a heavy emphasis on school facilities along with programming needs of the schools. The Board voted this evening to ask the City to “take such steps as necessary” to allow voters to decide on an additional 9.8 mills of ad valorem property tax for the use of schools. This will also require the help of the Jefferson County Legislative Delegation to get such a referendum on the ballot in early May. She indicated that this can only happen if the voters of Vestavia Hills vote to approve this property tax increase and that ad valorem tax rates cannot be increased by

the City Council. She stated that she has reviewed the Board's plan at length and feels it is a great opportunity to improve our school system if the voters approve it.

APPROVAL OF MINUTES

None.

OLD BUSINESS

ORDINANCE NUMBER 3137

Public Hearing – Ordinance Number 3137 – Rezoning – 3419 Ronlea Circle; Rezone From Vestavia Hills Agriculture To Vestavia Hills R-2 To Combine Parcels To Include Into Two Residential Lots; Gladys Bailey, Owners

MOTION Motion to approve Ordinance Number 3137 was made by Mr. Pierce and seconded by Mr. Weaver.

Mr. Weaver stated that this item came to the Commission and was recommended for approval. This is to rezone the property to R-2, similar to the adjacent properties in order to combine it with adjacent properties. He stated that the Engineering Department noted an unpermitted soil erosion problem that encroaches on this property, but the City Engineer indicated that staff would ensure this is corrected by the property owner.

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
Mayor Curry – yes	motion carried.

RESOLUTION NUMBER 5425

Public Hearing – Resolution Number 5425 – 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: (1) 1445 Linda Vista Lane, (2) 2604 Kingswood Road, (3) 2733 Southview Drive, (4) 1829 Forest Haven Lane, And (5) 2857 Vestavia Forest Drive

MOTION Motion to approve Resolution Number 5425 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Downes stated that all five of these requests is for a new pole installation, one for each small cell facility. This application and approval process is defined in the City's small cell ordinance.

Mike Isaac, Crown Castle, was present in regard to this request.

Mrs. Cook asked Mr. Isaac to comment on how Crown Castles decides the locations of these type poles.

Mr. Isaac stated these are precisely located to fill in holes where coverage is not as good as other areas. He explained that engineers determine placement to provide the best coverage with the least number of poles. They collocate devices on existing poles, when possible, but, sometimes, they have to request new poles.

Discussion ensued as to the required location of the support structures, if the poles are desirable, whether or not there is any energy emitted that could be harmful.

Mr. Isaac stated that Crown Castle goes above and beyond when it comes to safety standards and as long as everyone is 7' away from the antennae, there is no adverse effect to anyone. He stated that Crown has the franchise with the City to place poles and that multiple vendors have access to locate devices on their poles.

The Mayor opened the floor for a public hearing.

Anthony Krontiras, 1829 Forest Haven Lane, stated that an additional pole in his yard is a nuisance. He explained that he has transmission lines already at the back of his property and he is afraid a new pole will detract from his land value. He stated that Alabama Power might take their utilities underground, and suggested Crown Castle can use one of those excess poles instead of installing a new one.

Mr. Isaac stated that Crown Castle cannot collocate on any power transmission poles, but if Alabama Power were to release ownership of a pole, they would jump on it as a win/win with everyone.

Jim Sharp, 1601 Frontier Drive, asked if that pole will be in the middle of the Krontiras yard.

Mr. Isaac stated that it will be at the property line. A photo depiction of the proposed pole was shown.

Mr. Sharp stated that he is the "self-appointed" chair of the Gentilly Forest Homeowners Association and is present to speak about this request. He stated that two of these poles are in Gentilly Forest. He is present to find out why the poles are required in the specified locations.

Mr. Weaver stated that it is the Council's role to evaluate this utility's application to use the City's right-of-way, and that is the purpose of a right-of-way, to allow necessary utilities that

benefit the community. He stated that he did not like the pole that was in his former yard, but he understands these utility poles are not randomly placed, and they serve an important purpose. He reminded the Council to focus on evaluating the utility request, in City right-of-way that is allowed by City ordinance for the public good.

Mrs. Cook stated that there is one distinction for the Forest Haven request, in that there are existing power transmission poles near the Krontiras home that might or might not eventually be available for use instead of installing a new pole. She stated she would be amiable to delete this particular address from the approvals so it can be reviewed further.

Mr. Isaac stated he has no problem continuing this request.

MOTION Motion to deleted the address 1829 Forest Haven Lane from the Resolution for further study was made by Mrs. Cook and seconded by Mr. Pierce.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

motion carried.

Hank Robbin, 2805 Vestavia Forest Drive, asked why the pole near his house could not be collocated. He stated Crown has already shaved the road, dug in some areas, and installed concrete. If they are asking permission tonight, why has work has already been done? He stated that the paving was new and now it has been shaved down and is noticeable. There are visible utilities running behind his house; he asked why Crown Castle could not also put their poles back there as well. He stated he does not want to set a precedent with these being located along the street at the front of the homes.

Mr. Downes clarified that there are two ordinances applicable to this request. The first granted Crown Castle the franchise to install fiber optics within the City rights-of-way and that is the work Mr. Robbins described that disturbed the pavement. He explained Crown Castle uses the new method of shaving the pavement and simultaneously installing the fiber within the pavement, a method which has no adverse effect on the new pavement. He stated what is being addressed tonight is only the application to install a small cell technology support structure. This approval is necessary only because it is a new pole. If it were a collocation on an existing pole, it would not come before the Council.

David Harwell, 1803 Catala Road, stated that when Vestavia was being developed years ago, the developer purposely designed the subdivisions to locate power poles in the backyards so the front yards would be attractive. He objected to giving Crown Castle the ability to put poles in the front where they were never designed to be located. He stated that his daughter lives where a new pole was recently approved and these are the regular brown poles like you see all over. He asked what will happen in the future when these need to be maintained.

Mrs. Cook asked why these poles cannot go into the back easement.

Mr. Isaacs stated that they cannot use the back poles because they are primary power poles and they cannot collocate there. He stated they try first to collocate and, if they cannot, they try

to match what they can and they do allow other carriers to use their poles. He stated that they provide infrastructure for many providers on the rights-of-way.

Mr. Downes stated that the City has a re-occurring fee from small cell which last year totaled about \$7,000.

Mr. Harwell asked why the Crown's poles cannot be in the easement even if they cannot collocate.

Mr. Isaac stated that APCO owns the back easement in question and regulates it. The front is right-of-way and is reserved for other utilities.

Mr. Boone explained that the front right-of-way is owned by the City of Vestavia Hills. He stated that his street's right-of-way is 40' and it has 27' right-of-way on either side. He stated the Alabama Legislature gave these companies the right to install these devices, and the City had to fight hard, when that bill was being considered, to even get authority to hold these hearings and make these approvals. He stated that the right-of-way for these purposes is in the front of the house, not in the back.

Mr. Downes stated that the City passed the Ordinance before the State passed the law so that the Council could hold these hearings and have these discussions so that, if a small adjustment can be made, it can be discussed. Had the City not passed this ordinance, these hearings could not be held and the public or its elected officials would have no say in where poles are located.

Mr. Boone stated that Alabama state law provides for installation of small cell facilities throughout the state to enhance cellular coverage especially in rural areas.

John Rhodes, 2716 Southview Drive, asked if the poles require the underground power service.

Mr. Isaacs stated that they do require power.

Mr. Rhodes stated that circles back to Alabama Power wanting to bury their service but there's no power service to the location of the new pole. He stated that, when Alabama Power abandons those poles, would it not be better for Crown Castle to utilize them?

Mr. Weaver stated that legislators and electrical engineers, with whom he has discussed underground utilities, say that the cost is exorbitant to relocate utility lines and take them underground. He stated that he has heard no mention that these lines are likely to go underground.

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.

RESOLUTION NUMBER 5426

Public Hearing – Resolution Number 5426 – A Resolution Approving The Dedication Of Streets In Helen Ridge; Helen Ridge Drive And Helen Ridge Circle

MOTION Motion to approve Resolution Number 5426 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Downes stated that the Engineering Department has recommended dedication and exchange of the bonds for the one-year pavement warranty.

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
Mayor Curry – yes	motion carried.

ORDINANCE NUMBER 3138

Public Hearing – Ordinance Number 3138 - An Ordinance To Approve A 3-Year Bid For Street Resurfacing And Repair For The City Of Vestavia Hills

MOTION Motion to approve Ordinance Number 3138 was made by Mr. Pierce and seconded by Mrs. Cook.

Mr. Downes stated that this is a three-year paving contract and the lowest bidder was Central Alabama Asphalt and Construction Company and this company performed as a subcontractor with Dunn. The quality of work was good and they are the low bidder.

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
Mayor Curry – yes	motion carried.

RESOLUTION NUMBER 5428

Public Hearing – Resolution Number 5428 – Annexation – 90 Day – 2608 Rillwood Road; Lot 9, Altadena Park, Andrew and Marie Davis, Owner(s)

MOTION Motion to approve Resolution Number 5428 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Pierce gave the report submitted by the Standing Annexation Committee which found no adverse information. He indicated that the Committee met with most of the applicants in December.

The Mayor explained that this Resolution will be followed by the Overnight annexation of the same property. There will be one public hearing for each of the five properties considered for annexation tonight, items 16 through 25 of the agenda.

Mr. Head stepped out of the room.

The Mayor opened the floor for a public hearing for this Resolution and the following Ordinance Number 3140. 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. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

ORDINANCE NUMBER 3140

Public Hearing – Ordinance Number 3140 – Annexation – Overnight – 2608 Rillwood Road; Lot 9, Altadena Park, Andrew and Marie Davis, Owner(s)

MOTION Motion to approve Ordinance Number 3140 was made by Mrs. Cook and seconded by Mr. Weaver.

The Mayor stated that the public hearing was previously held. 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. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

RESOLUTION NUMBER 5429

Public Hearing – Resolution Number 5429 – Annexation – 90 Day – 2594 Acton Road; Lot 2, Altadena Valley Country Club, Al and Patricia Foster, Owner(s)

MOTION Motion to approve Resolution Number 5429 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Pierce gave the report submitted by the Standing Annexation Committee which found no negative information.

Mr. and Mrs. Foster were present in regard to this request.

The Mayor explained that this Resolution will be followed by the Overnight annexation of the same property. He indicated there will be one public hearing for the annexation of this property.

The Mayor opened the floor for a public hearing for this Resolution and the following Ordinance Number 3141. 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. Pierce – yes
Mr. Weaver – yes	Mayor Curry – yes
	motion carried.

ORDINANCE NUMBER 3141

Public Hearing – Ordinance Number 3141 – Annexation – Overnight – 2594 Acton Road; Lot 2, Altadena Valley Country Club, Al and Patricia Foster, Owner(s)

MOTION Motion to approve Ordinance Number 3141 was made by Mrs. Cook and seconded by Mr. Pierce

Mr. Head returned to the meeting.

The Mayor stated that the public hearing was previously held. 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.

RESOLUTION NUMBER 5430

Public Hearing – Resolution Number 5430 – Annexation – 90 Day – 2401 Rocky Ridge Road; Lot 9, Buckhead, 1st Sector, Charles Kessler, Owner(s)

MOTION Motion to approve Resolution Number 5430 was made by Mrs. Cook and seconded by Mr. Pierce.

Mr. Pierce gave the report submitted by the Standing Annexation Committee which found no negative information.

Charles Kessler was present in regard to this request.

The Mayor explained that this Resolution will be followed by the Overnight annexation of the same property. He indicated there will be one public hearing for the annexation of this property.

The Mayor opened the floor for a public hearing for this Resolution and the following Ordinance Number 3141. 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.

ORDINANCE NUMBER 3142

Public Hearing – Ordinance Number 3142 – Annexation – Overnight – 2401 Rocky Ridge Road; Lot 9, Buckhead, 1st Sector, Charles Kessler, Owner(s)

MOTION Motion to approve Ordinance Number 3142 was made by Mrs. Cook and seconded by Mr. Pierce

The Mayor stated that the public hearing was previously held. 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.

RESOLUTION NUMBER 5431

Public Hearing – Resolution Number 5431 – Annexation – 90 Day – 2565 Rocky Ridge Road, Grace Covenant Baptist Church; R. O Hughes, Representing

MOTION Motion to approve Resolution Number 5431 was made by Mr. Pierce and seconded by Mr. Head.

Mr. Pierce gave the report submitted by the Standing Annexation Committee which found no negative information.

The Mayor explained that this Resolution will be followed by the Overnight annexation of the same property. He indicated there will be one public hearing for the annexation of this property.

The Mayor opened the floor for a public hearing for this Resolution and the following Ordinance Number 3141. 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.

ORDINANCE NUMBER 3143

Public Hearing – Ordinance Number 3143 – Annexation – Overnight – 2565 Rocky Ridge Road, Grace Covenant Baptist Church; R. O Hughes, Representing

MOTION Motion to approve Ordinance Number 3143 was made by Mr. Pierce and seconded by Mr. Weaver.

The Mayor stated that the public hearing was previously held. 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.

RESOLUTION NUMBER 5432

Public Hearing – Resolution Number 5432 – Annexation – 90 Day – 1420 Branchwater Circle; Leon R. Gorman, Jr., Owner(s)

MOTION Motion to approve Resolution Number 5432 was made by Mrs. Cook and seconded by Mr. Head.

Mr. Pierce gave the report submitted by the Standing Annexation Committee which found no negative information.

The Mayor explained that this Resolution will be followed by the Overnight annexation of the same property. He indicated there will be one public hearing for the annexation of this property.

David Harwell, 1803 Catala Road, stated he has looked at these and this property shows on tax records that this person does not pay taxes on this property.

Mrs. Cook restated, for the benefit of virtual attendees, that a realtor present who is managing the sale of this property, just stated, from the audience, that this home is for sale and will go on the tax roll once it is sold.

The Mayor opened the floor for a public hearing for this Resolution and the following Ordinance Number 3141. 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.

ORDINANCE NUMBER 3144

Public Hearing – Ordinance Number 3144 – Annexation – Overnight – 1420 Branchwater Circle;
Leon R. Gorman, Jr. Owner(s)

MOTION Motion to approve Ordinance Number 3144 was made by Mrs. Cook and seconded by Mr. Head.

The Mayor stated that the public hearing was previously held. 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.

NEW BUSINESS

RESOLUTION NUMBER 5434

Resolution Number 5434 – A Resolution Re-Appointing And Appointing Members To The Vestavia Hills Design Review Board

MOTION Motion to approve Resolution Number 5434 was made by Mrs. Cook and seconded by Mr. Head.

The Mayor explained that advertisements for upcoming vacancies on the Design Review Board were done and three of the existing members applied for re-appointment with only one new request received. He stated since there are four vacancies, he recommends the re-appointment of Joe Ellis, Dave Giddens and Chris Pugh and the appointment of John Wood to replace Rip Weaver who now lives outside of the city limits.

Mrs. Cook stated that each of the re-appointees are extremely well qualified and that she knows the new appointee, Mr. Wood, who will also be a great asset to the Board.

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

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

Mr. Weaver – yes
motion carried.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

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

- None.

CITIZEN COMMENTS

Donald Harwell, 1357 Willoughby Road, stated that tonight the City is distinguishing the difference between the right-of-way and an easement. The property owner has to provide access to these easements and the utility company is supposed to maintain this easement and restore any damage that the utility causes. He stated that AT&T has been in his area to install fiber and he's not sure how they are installing these fiber cables. He stated that, when there are problems with these utility installations, residents do not have a point of contact.

The Mayor stated that City staff can provide that information.

Mr. Boone thanked the Mayor and Council for the opportunity to serve "on the team" wished each member Happy Holidays.

At 7:32 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 7:33 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5436

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ISSUE
A REFUND ON PRIVILEGE LICENSE AND/OR SALES TAXES
WHICH WERE REMITTED TO THE CITY IN ERROR**

WHEREAS, the City of Vestavia Hills has received a petition from Hoover Subs Inc. (Subway), requesting a refund totaling \$27,035.01 due to an error in remitted sales taxes which should have been remitted to a neighboring City; and

WHEREAS, the Finance Director has reviewed the petition, investigated and verified that the refund is due and payable; and

WHEREAS, the City Manager has also reviewed the petition and recommended a refund; and

WHEREAS, the City Council feel it is in the best public interest to issue a refund to Hoover Subs Inc. (Subway), in the amount of \$27,035.01 as requested.

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

1. The City Manager is hereby authorized to issue a refund to Hoover Subs Inc. (Subway), in the amount of \$27,035.01 as requested; and
2. This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 9th day of January, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

600 Beacon Parkway West Suite 900
Birmingham, AL 35209

Exhibit - Resolution No. 5436

#67115
Cortey Rice
12/15/22



Refund Petition

For Inquiries Only

Toll-Free Phone: (800) 556-7274
Email: refunds@avenuinsights.com
Website: www.avenuinsights.com

Refund Petitions must be mailed in.
Emailed/Faxed petitions cannot be processed.

Remittance address:
Attn: Avenu Refund Department
600 Beacon Parkway West Suite 900
Birmingham, AL 35209

Business Name & Address:

Hoover Subs Inc (Subway)
3305 Lorna Rd Suite 13
Hoover, AL 35216

Telephone # (256) 270-9123

Contact Name: Sarah Nielsen

Avenu Account No.: _____

FEIN or SSN#: 85-1497331

Joint Refund Petition Direct Refund Petition

Note: Separate petitions are required for each type of tax and for each city or county. (Instructions on page 2)

The undersigned hereby makes application for refund of

(\$ 27,035.01) Twenty Seven Thousand and Thirty Five & $\frac{01}{100}$ Dollars.

Taxes paid by said undersigned to the Tax Trust Account for (city or county) Vestavia Hills

for the period(s) December 2020 - November 2021, which amount was erroneously paid or paid in excess of the amount due or was paid through mistake of fact or law.

Explain in detail the reasons for refund claim (attach additional pages if necessary):

Subway is located in Hoover city limits. Amounts should have been paid to Hoover, not Vestavia Hills. We will be remitting sales tax amounts refunded from Vestavia Hills to Hoover upon receipt. We have requested an Address update through M.A.T.

Signatures: The petition must bear the signature of the party involved. If a petitioner is an individual, the individual must sign. If a petitioner is a partnership or limited liability partnership, a partner must sign. If a petitioner is a corporation, an officer of the corporation must sign. If a petitioner is a limited liability company, a member must sign.

Karan Patel
Petitioner's Name (Seller)

Petitioner's Name (Consumer-Purchaser)

Avenu Account # _____ Telephone # _____

Avenu Account # _____ Telephone # _____

[Signature] President
Petitioner's Signature/Title

Petitioner's Signature/Title

sarah@absbsv.com
Petitioner's Email Address

Petitioner's Email Address

3314 Bob Wallace Ave. SW
Mailing Address

Mailing Address

Huntsville AL 35805
City State Zip

City State Zip

2/4/22
Date Signed

Date Signed

NOTE: Must be signed by an Officer, Member, Owner, Partner or Legal Representative.

RESOLUTION NUMBER 5437

A RESOLUTION GRANTING JEFFERSON COUNTY A RIGHT-OF-WAY DEED FOR A SEWER EASEMENT FOR CONNECTION OF SANITARY SEWER SERVICE

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 a right-of-way deed with Jefferson County to grant an easement, right and privilege as described in said Exhibit A, attached to and incorporated into this Resolution Number 5437 as if written fully therein; and
2. Resolution Number 5437 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 9th day of January, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

This instrument prepared by:
Engineering Design Group LLC
120 Bishop Circle, Suite 300
Pelham, Al. 35124

STATE OF ALABAMA)

JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of One and no/100s Dollars (\$1.00) cash in hand paid by Jefferson County, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby grant, bargain, sell and convey unto the said Jefferson County, its successors and assigns, a right-of-way and easement for sanitary sewer purposes, including the installation and maintenance of sewer pipelines, underground and on the surface, and underground and surface support facilities, including stations, access points, stubouts and manholes, said right-of-way and easement being located in Jefferson County, Alabama and described as follows, to-wit:

Sewer Easement

A Sanitary sewer easement situated in the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at a 1 $\frac{1}{2}$ " Open pipe being the Southwest corner of the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West, Jefferson County, Alabama; Thence run north along the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ section a distance of 335.26 feet to a point; Thence leaving the west line of said $\frac{1}{4}$ - $\frac{1}{4}$ section turn a deflection angle right of 90°00'00" and run easterly a distance of 2284.36 feet to an existing Jefferson County sanitary sewer manhole reference # 4014-154 and the Point of Beginning of a 20' wide sanitary sewer easement, lying 10 feet each side of, parallel and abutting the following described line; Thence turn a deflection angle to the right 84°16'35" and run southerly a distance of 35.00 feet to End of said centerline and easement.

For the consideration aforesaid, the undersigned do grant bargain sell and convey unto the said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or Maintenance of any improvement or obstruction (except fencing) or the placement of spoil or fill dirt and/or heavy equipment over or on top of the easement/right-of-way without the written permission of the Jefferson County Commission or its authorized agent.

In consideration of the benefit to the property of the undersigned by reason of the construction of said sewer facility, the undersigned hereby release Jefferson County, the State of Alabama, and/or the

United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said sewer facility, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said Jefferson County that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this _____ day of _____ 20__.

OWNER: City Of Vestavia Hills

OWNER: City Of Vestavia Hills

Jeff Downes, City Manager

Ashley Curry, Mayor

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, THE UNDERSIGNED AUTHORITY, in and for said County, in said State, hereby certify that _____ as _____ of City of Vestavia Hills, owner, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, he or she, as such officer, and with full authority, has executed the same voluntarily for and as the act of said Corporation.

Given under my hand and official seal, this _____ day of _____, 20____.

My commission expires _____.

Notary Public



EDG
 ENGINEERING DESIGN GROUP
 2108 STATE HIGHWAY 88
 FOLEY, ALABAMA 36530
 PHONE: 251-948-2228
 FAX: 251-948-2229
 WWW.EDGALABAMA.COM

REVISIONS	

PROJECT ADDRESS:
**LAKELAND TRAIL
 VESTAVIA HILLS, ALABAMA**

SHEET TITLE:
**AND PROFILE
 SANITARY PLAN**

PROJECT NAME:
**ALTADENA VALLEY
 PARK PHASE 1**

DRAWN BY:
 WHL

CHECKED BY:
 WHL

PROJECT NO.
 COWR016

CAD FILE NO.
 COWR016

DATE
 12/15/2022

ISSUED BY
 JAZZ

C5.1



- NOTES:
- EASEMENTS FOR SANITARY SEWER LINES, IF NOT PREVIOUSLY DEDICATED TO JEFFERSON COUNTY, ARE FOR CONSTRUCTION AND ACCESS IN THE INSTALLATION OF SANITARY SEWERS AND THEIR APPURTENANCES ONLY.
 - ALL SEWER SERVICE LATERALS SHALL BE 4" CLASS 300 DUCTILE IRON PIPE.
 - BEARINGS AND ELEVATIONS SHOWN ARE RELATIVE TO THE ALABAMA STATE PLANE COORDINATE SYSTEM GRID (NAD83/ALABAMA WEST ZONE) (NAD83).

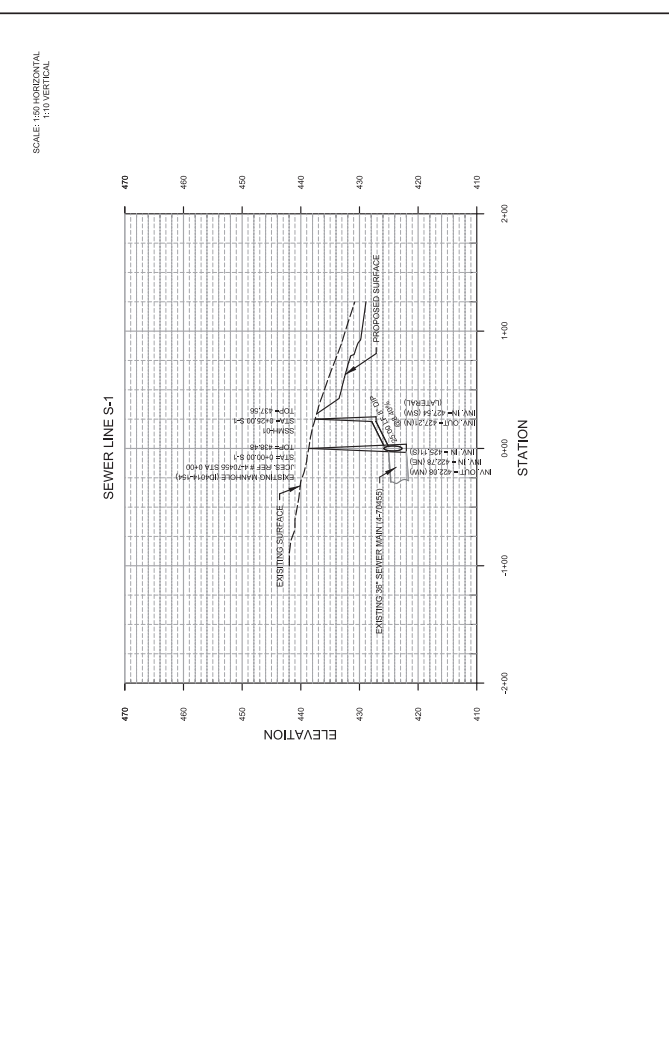
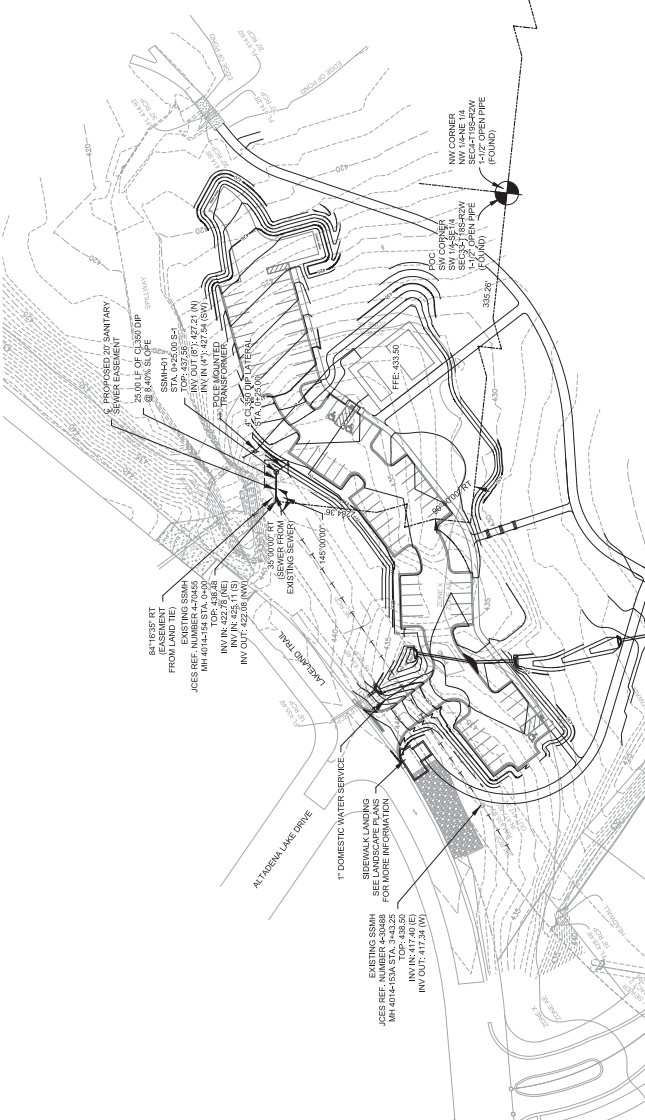
SITE INFORMATION:
 PARCEL ID: 28 00 33 4 002 001 000
 COUNTY: BARBOURS
 VESTAVIA HILLS ALABAMA 35203
 SE# 533 T185 RW

OWNER/DEVELOPER:
 CITY OF VESTAVIA HILLS
 1000 VESTAVIA HILLS AL 35215
 CONTACT: JEFFREY W. GRIFFIN, CITY ENGINEER
 PHONE: 256-834-9101

DESIGN ENGINEER:
 ENGINEERING DESIGN GROUP
 2108 STATE HIGHWAY 88
 FOLEY, ALABAMA 36530
 CONTACT: JEFFREY W. GRIFFIN, PE
 PHONE: 256-834-9101

SUBCONTRACTOR:
 ENGINEERING DESIGN GROUP
 2108 STATE HIGHWAY 88
 FOLEY, ALABAMA 36530
 CONTACT: ROBERT L. CUNNINGHAM, PLS
 PHONE: 256-834-9151

JEFFERSON COUNTY STANDARD NOTES FOR 4" AND LARGER SANITARY SEWERS:
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF JEFFERSON COUNTY, ALABAMA, AND THE STATE ENGINEERING SOCIETY OF ALABAMA, LOCAL MUNICIPALITY AND/OR THE STATE HIGHWAY DEPARTMENT AND APPLICABLE O.S.H.A. REGULATIONS, AS APPLICABLE.
 2. THE CONTRACTOR SHALL NOTIFY THE JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT 252-54127 AT LEAST 24 HOURS PRIOR TO BEGINNING CONSTRUCTION. THERE SHALL BE NO CHANGES IN DRAWINGS WITHOUT WRITTEN APPROVAL BY THE JEFFERSON COUNTY ENVIRONMENTAL SERVICES DEPARTMENT.
 3. DUCTILE IRON PIPE SHALL BE CLASS 300 OR BETTER.
 4. PVC PIPE SHALL BE AWWA C900, CAST IRON (CI) STANDARD DIMENSIONS, DIMENSION RATION (DR) 18, PRESSURE CLASS (PC) 150 PSI OR BETTER.
 5. ALL REPAIRS TO EXISTING STONE SEWERS SHALL BE USED UNDER SERVICE LINES OF 18 INCHES IN DIAMETER OR SMALLER. REPAIRS TO EXISTING 24 INCHES AND LARGER STONE SEWERS SHALL BE MADE BY BACK FILLING WITH ROCK TRENCHES. SIX INCHES OF CRUSHED STONE SHALL BE PLACED UNDER ALL SEWERS THAT SHALL BE BACK FILL WITH TOTAL BACKFILL SHALL BE CRUSHED STONE AND PROPERLY COMPACT.
 6. AT THE DISCRETION OF THE DESIGNER, A CONNECTION OF SANITARY SEWER PIPES (8 INCH THROUGH 18 INCH) OF DISSIMILAR SIZES OR FOR REPAIR OF SANITARY SEWER PIPES OF SIMILAR MATERIALS MAY BE MADE BY MEANS OF AN APPROVED MECHANICAL SEAL. MECHANICAL SEAL TYPE SHALL HAVE NUT AND BOLT TIGHTENING CLAMPS OR DEVICES MADE OF 316 STAINLESS STEEL WITH AN APPROVED MECHANICAL SEAL. THE MANUFACTURER'S NAME AND REQUIRED DIMENSIONS OF THE PIPE MATERIALS TO BE CONNECTED, COUPLINGS OF THE STANDARD DRAWING 5020B IS REQUIRED. THE ADJUSTABLE COUPLING SHALL BE INSTALLED AS RECOMMENDED AND SPECIFIED BY THE MANUFACTURER. EACH COUPLING SHALL BEAR THE MANUFACTURER'S NAME AND REQUIRED MARKINGS.
 7. MANHOLES SHALL MEET ASTM SPECIFICATION C-76. JOINTS BETWEEN THE MANHOLE SECTIONS SHALL BE OFFSET TONGUE AND GROOVE JOINTS. MANHOLES SHALL BE CONSTRUCTED OF 18 INCH OR LARGER DIAMETER. MANHOLES SHALL HAVE A MINIMUM MEETING THE REQUIREMENTS OF ASTM C422. EACH JOINT SHALL ALSO BE SUPPLIED WITH CONSOL. GCS-21 WATER TIGHT SEALANT AS MANUFACTURED BY CONCRETE SEALANTS, IN WIDTHS AS RECOMMENDED BY THE MANUFACTURER. MANHOLES SHALL HAVE A MINIMUM CLEARANCE OF 18 INCHES TO THE TOP OF THE MANHOLE. THE MANHOLE SHALL BE FINISHED TO STREET GRADE WITH BRICK AND MORTAR. THIS ADJUSTMENT HEIGHT SHALL NOT EXCEED FINISHES.
 8. STUBOUTS FOR SANITARY SEWER SERVICE LINES SHALL END ON OR NEAR THE PROPERTY LINE UNLESS OTHERWISE NOTED. ON "DOWNHILL" SIDE LOTS INSTALL LATERALS ON A MINIMUM 1% GRADE. ON "UPHILL" SIDE LOTS, INSTALL SERVICE LINES TO GRADE THAT DUCTILE IRON PIPE 32 OR BETTER MINIMUM 8 FEET. ANY BUILDING SERVICE LINE SET OUTSIDE OF EASEMENT OR ROW MUST BE INSTALLED BY A MASTER PLUMBER AND HAVE A SEWER CONNECTION PERMIT FOR EACH LOT.
 9. IF THE CONTRACTOR IS INSTALLING SERVICE LINES AT THE SAME TIME AS MAIN LINES, THE SERVICE LINE SHALL BE INSTALLED IN TRENCHES WITH MAIN LINES. THE SERVICE LINE SHALL BE INSTALLED IN TRENCHES WITH MAIN LINES AND INSPECTED BY COUNTY INSPECTOR BEFORE IT IS BACKFILLED.
 10. ALL SERVICE LINE STUBOUTS INSTALLED AT ROAD ROW OR UNDER ASPHALT SHALL BE PER STANDARD SPECIFICATIONS FOR SANITARY SERVICE LINES AND CONNECTIONS SECTION 4.
 11. CONSTRUCTION SIGNS FOR WORK WITHIN AND ADJACENT TO PUBLIC ROADS, HIGHWAYS, AND ALLEYS SHALL BE IN ACCORDANCE WITH ALDOT STANDARDS.
 12. CONTRACTOR WILL BE RESPONSIBLE FOR THE CONTINUOUS AND PROPER OPERATION OF ALL EXISTING UTILITIES LOCATED ON OR ADJACENT TO THE PROJECT SITE AND WITHIN THE CONSTRUCTION LIMITS OF THE PROJECT.
 13. ALL EMBANKMENT FILL AREAS SHALL BE FILLED AND COMPACTED PRIOR TO EXCAVATION OF SEWER LINE TRENCHES.
 14. CONTRACTOR WILL BE RESPONSIBLE FOR THE CONSTRUCTION AND MAINTENANCE OF EROSION AND SEDIMENTATION CONTROLS AND FOR ACQUISITION OF ALL PERMITS DURING CONSTRUCTION TO INSURE THAT DAMAGE DOES NOT OCCUR TO ADJACENT PROPERTIES, PUBLIC ROADS AND/OR OTHER UTILITIES (CREEKS, STREAMS).
 15. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS OF JEFFERSON COUNTY, ALABAMA, AND THE STATE ENGINEERING SOCIETY OF ALABAMA, LOCAL MUNICIPALITY AND/OR THE STATE HIGHWAY DEPARTMENT AND APPLICABLE O.S.H.A. REGULATIONS, AS APPLICABLE. ALL TESTS SHALL BE CONDUCTED IN THE PRESENCE OF THE COUNTY ENGINEER OR HIS REPRESENTATIVE. GRADY SANITARY SEWERS WILL BE PRESSURE TESTED WITH WATER. GRADY SANITARY SEWERS WILL BE VACUUM TESTED. ALL TESTS WILL BE CONDUCTED IN THE PRESENCE OF THE COUNTY ENGINEER OR HIS REPRESENTATIVE. GRADY SANITARY SEWERS WILL BE TELEVISION INSPECTED FOLLOWING AIR TESTING WITH THE FINAL VIBRO TAP AND LOG FURNISHED TO THE COUNTY FOR RECORD INFORMATION.



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

January 3, 2023

To: Jeff Downes, City Manager

CC: Brian Davis, Director of Public Services
Rebecca Leavings, City Clerk

From: Christopher Brady, City Engineer

RE: consent of easement for Sanitary Sewer to Altadena Park improvements, Lakeland Trail

I have reviewed the request of an easement to be granted as Jefferson County Environmental Services Right-of-way across a portion of City-owned property along Lakeland Trail at the former Altadena Valley Country Club to allow sanitary sewer main extension. This is needed in order to provide service to proposed park improvements.

I see no concerns with this request and recommend City approvals.

Please let me know if questions,

Sincerely,
-Christopher



RESOLUTION NUMBER 5435

A RESOLUTION PROPOSING AN INCREASE IN AN AD VALOREM SCHOOL TAX LEVIED IN THE CITY

BE IT RESOLVED BY THE CITY COUNCIL (herein called "the Council") of the City of Vestavia Hills (herein called "the City"), in the State of Alabama, as follows:

Section 1. Definitions. The following words and phrases used in this Resolution, and others evidently intended as the equivalent thereof, shall, in the absence of a clear implication herein otherwise, be given the following respective interpretations herein:

- "Amendment No. 373" means that certain amendment to the Constitution that was proposed by Act No. 6 enacted at the 1978 Second Special Session of the Legislature of Alabama.
- "Board" means the Vestavia Hills City Board of Education.
- "Constitution" means the Constitution of Alabama of 1901.
- "Special School Tax" means the special annual ad valorem tax for public school purposes authorized in Amendment No. 56 to the Constitution and pursuant to elections held in the City on April 28, 1970, May 8, 1990, and March 11, 2014, to be levied and collected on taxable property situated in the City, the rate of which has, pursuant to proceedings heretofore taken by the Council under the Constitution, been increased to \$2.56 on each one hundred dollars of assessed value of taxable property (25.6 mills on each dollar).

Section 2. Findings. The Council has ascertained and does hereby find and declare as follows:

- a. The City is presently authorized to levy and collect the Special School Tax at a rate of \$2.56 on each one hundred dollars (25.6 mills on each dollar) of assessed value pursuant to Amendment No. 56 to the Constitution and proceedings heretofore taken under the Constitution.
- b. The Board has requested that the City increase the rate at which the Special School Tax is levied and the Board and the Council have agreed that the said increase should be to a maximum rate, for any tax year of the City, which is

equal to \$3.54 on each one hundred dollars (35.4 mills on each dollar) of assessed value.

- c. Pursuant to a notice posted in five public places (viz., the Vestavia Hills City Hall, Vestavia Hills City Board of Education central office, Vestavia Hills Civic Center, Vestavia Hills Library in the Forest and the New Merkel House) in the City, the Council called a special public hearing to be held at 6:00 p.m. on Monday, January 23, 2023, on the proposed increase in the rate at which the Special School Tax is levied.
- d. At the said special public hearing held on January 23, 2023, all members of the public were afforded the opportunity to express their views, orally and in writing, on the proposed increase in the Special School Tax.
- e. It is necessary and desirable and in the public interest that the Council, acting pursuant to the request of the Board and of its own initiative, propose an increase in the rate at which the Special School Tax is levied in accordance with Section 3 of this Resolution, subject to the conditions set forth in Section 4 of this Resolution.

Section 3. Proposed Increase in Rate of Special School Tax. Pursuant to subsection (f) of Amendment No. 373 and after the said public hearing, the Council proposes to increase the rate at which the City is authorized to levy and collect the Special School Tax to a maximum rate, for any tax year of the City, which is equal to \$3.54 on each one hundred dollars (35.4 mills on each dollar) of assessed value.

Section 4. Proposed Increase Subject to Approval of Legislature and Electorate. The proposed increase in the rate at which the Special School Tax may be levied and collected pursuant to this Resolution is subject to (a) the approval of the Legislature to be evidenced by an act thereof, and (b) the approval of a majority of the qualified electors of the City who vote on the proposed increase at a special election called and held for such purpose pursuant to the provisions of subsection (f) of Amendment No. 373.

DONE, ORDERED, ADOPTED and APPROVED this the 23rd day of January, 2023.

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) Resolution Number 5435 is a true and correct copy of such 24th day of October, 2022, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkel House, Vestavia Hills City Board of Education (central office) and Vestavia Hills Recreational Center this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 3145

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 B-1.2 TO VESTAVIA HILLS O-1

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 B-1.2 (neighborhood mixed use district) to Vestavia Hills O-1 (office park district):

4553 Pine Tree Circle
Lot 15, Topfield Subdivision
Mark Hancock, Owner(s)

APPROVED and ADOPTED this the 23rd day of January, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

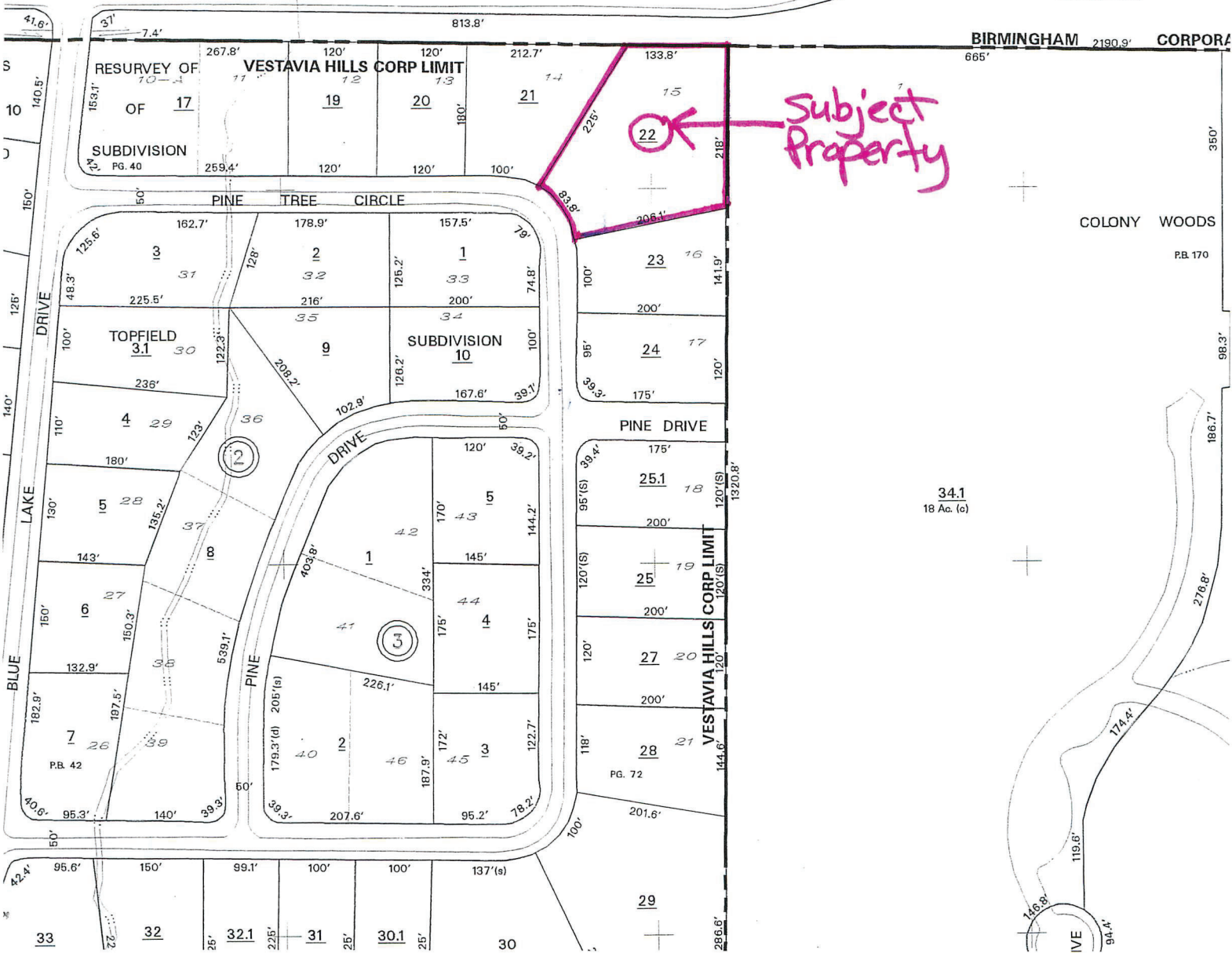
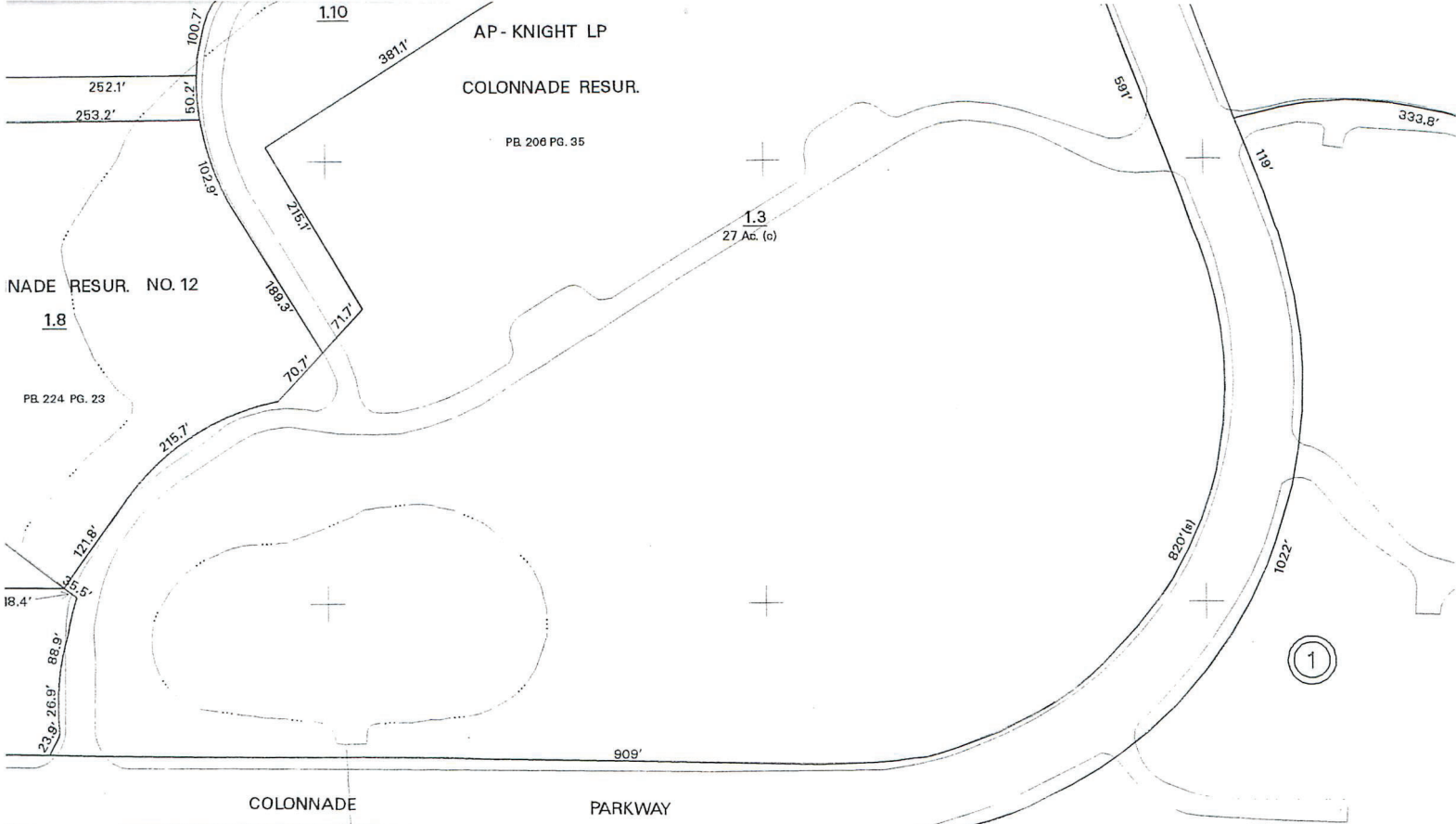
Rebecca Leavings
City Clerk

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 # 3145 is a true and correct copy of such 23rd day of January, 2023, 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 _____, 2023.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-22-8

Representative: Mark Hancock

Owner Name: Mark Hancock

Rep. Address: 2828 Old 280 Court Suite 200 Vestavia, AL 35243

Owner Address: 2828 Old 280 Court Suite 200 Vestavia, AL 35243

Project Address: 4553 Pine Tree Cir. Vestavia, AL 35243

Legal Description: Lot 15, according to the Survey of Topfield Subdivision, as record in map book 42, Page 72, in the Probate Office of Jefferson County, Alabama.

Parcel ID Number: 2800274001022

Current Zoning: B-1.2

Requested Zoning: O-1

Intended Purpose: Construction of an office building.

MOTION Mr. Weaver made a motion to recommend Rezoning for 4553 Pine Tree Cir. from Vestavia Hills B-1.2 to Vestavia Hills O-1 as presented. Second was by Mr. Sykes. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes

Mr. Sykes – yes

P&Z Recommendation: Ms. Barnes – yes

Mr. Larson – yes

Mr. Romeo – yes

Mr. Weaver – yes

Mr. Vercher – yes

Motion carried.




Date of P&Z Meeting: December 8, 2022

Authorized by:

Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair

Issued by:

Conrad Garrison, City Planner

Rezoning Application**Applicant****Primary Location****RZ-22-8** Mark Hancock 2054973284 amanda@hancockbuilt.com

4553 PINE TREE CIR

VESTAVIA HILLS, AL 35243

Submitted On: Nov 3, 2022

Property Information**Subject Property Address**

4553 Pine Tree Cir. Vestavia, AL 35243

Tax Parcel ID Number

2800274001022

Legal Description

Lot 15, according to the Survey of Topfield Subdivision, as record in map book 42, Page 72, in the Probate Office of Jefferson County, Alabama.

Existing Parking Spaces

0

Proposed Parking Spaces

50

Submission Date

10/04/2022

Type of Project

New Commercial Development

Action Requested:**From Existing Zoning Classification**

R-1

To Requested Zoning Classification

O-1

For the Intended Purpose of:

Construction of an office building.

Acreage of Subject Property

1

Acreage of Property to be Disturbed

.9

Setbacks**Front**

50

Back

15

Side

15

Open Space

--

Lot Coverage Percentage

0.75

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

Property Owner Name

Mark Hancock

way of a notarized letter and/or power of attorney.

Company Name

West Bham Rentals LLC

Owner Address City State Zip

2828 Old 280 Court Suite 200 Vestavia, AL 35243

Owner's Phone Number

205-222-5260

Email Address of Owner

mark@hancockbuilt.com

By checking this box, I hereby affirm that I am 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. If no authorization is provided, this application cannot be processed.

Owner Representative/Responsible Party

Mark Hancock

true

Company Name

West Bham Rentals, LLC

Contact Email of Responsible Party

mark@hancockbuilt.com

Mailing Address of Responsible Party

2828 Old 280 Court Suite 200 Vestavia, AL 35243

Phone No. of Responsible Party

1

Email Address of Responsible Party

mark@hancockbuilt.com

Project Engineer Information (if applicable)

Name

J.T. Murphy

Company

CCI Planning and Engineering

Mailing Address

3528 Vann Road Suite 105 Birmingham, AL 35235

Phone Number

205-655-1991

Email

jmurphy@ccipe.com



City of Vestavia Hills, AL

12/02/2022

RZ-22-8

Planning Review

Rezoning Application

Status: Complete**Became Active:** 11/03/2022**Assignee:** Conrad Garrison**Completed:** 11/03/2022

Applicant

Mark Hancock
amanda@hancockbuilt.com
2828 Old 280 Court
Suite 200
Vestavia Hills, AL 35243
2054973284

Primary Location

4553 PINE TREE CIR
VESTAVIA HILLS, AL 35243

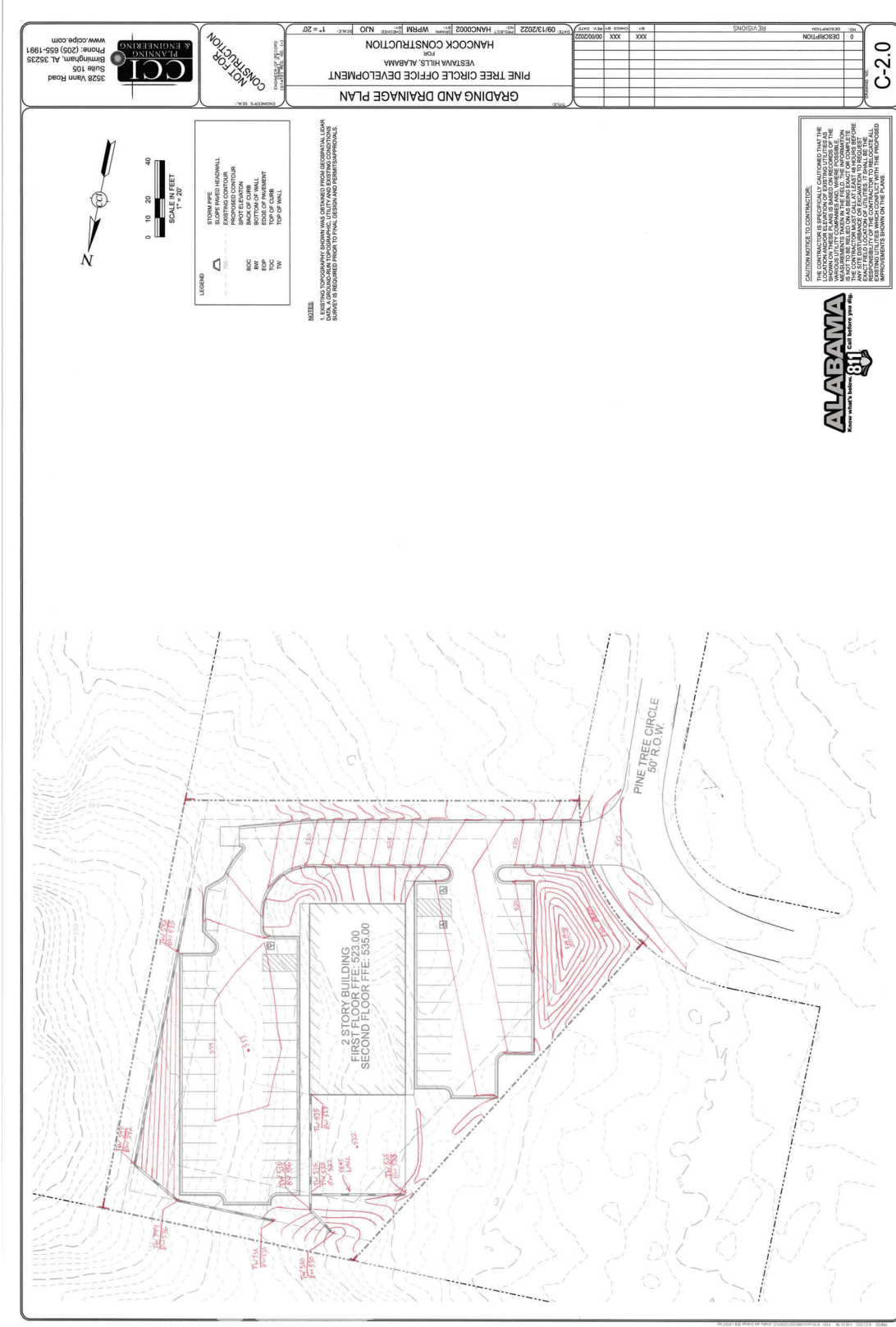
Owner:

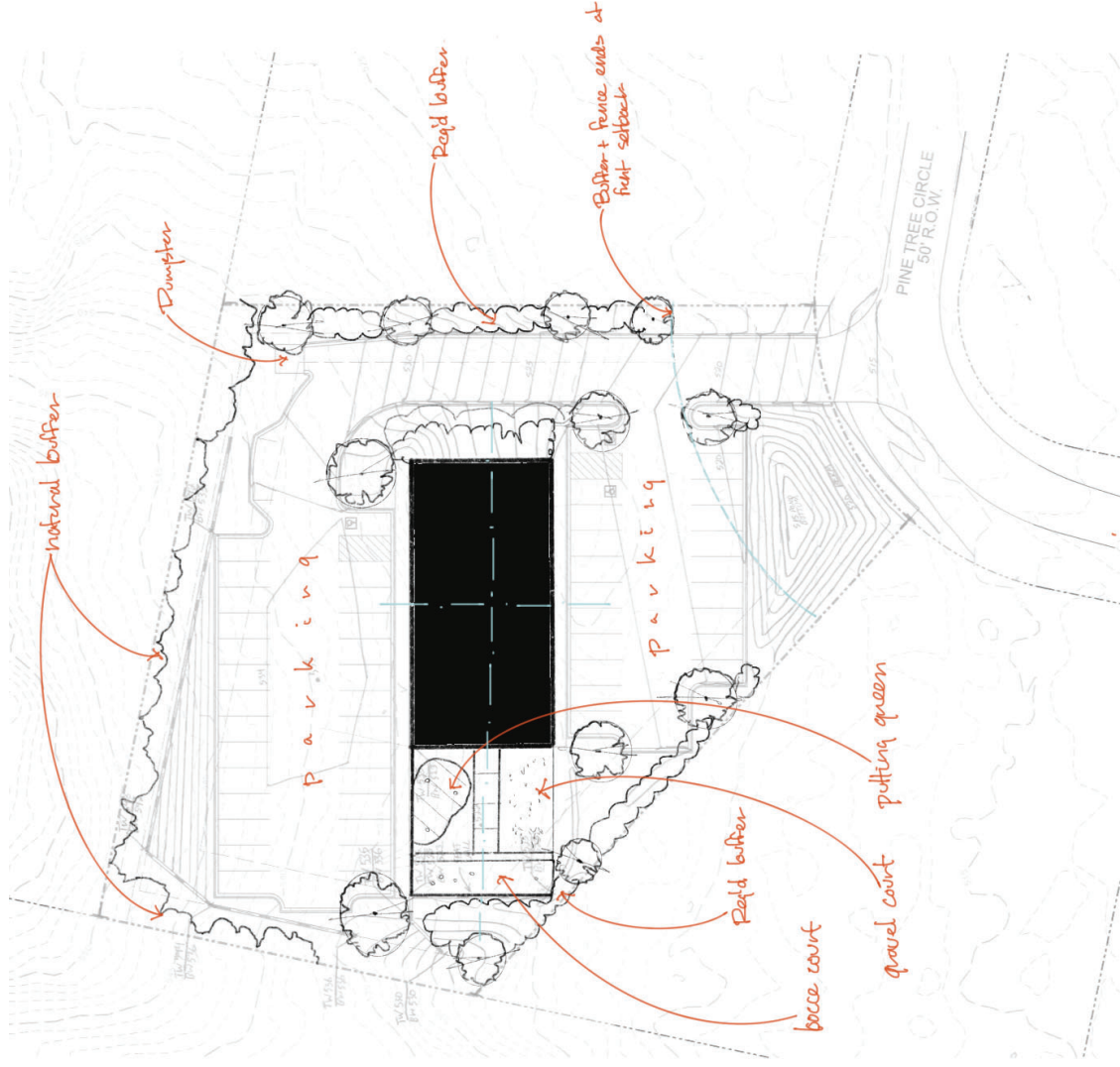
West Bham Rentals
2828 Old 280 Court Vestavia, AL 35243

Comments

Conrad Garrison, Nov 30, 2022 at 11:18am

Applicant is seeking to rezone from the current, defunct B-1.2 zoning to O-1 for a new office building. The proposed office building would be 2 stories, have sidewalks along the frontage, and overall conform to the O-1 zoning. A site plan and rendering is attached.





Rezoning Presentation

Proposed Building





ORDINANCE NUMBER 3146

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

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

3105 Blue Lake Drive
Lot 26, Topfield Subdivision
Lauran Savage, Owner(s)

APPROVED and ADOPTED this the 23rd day of January, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

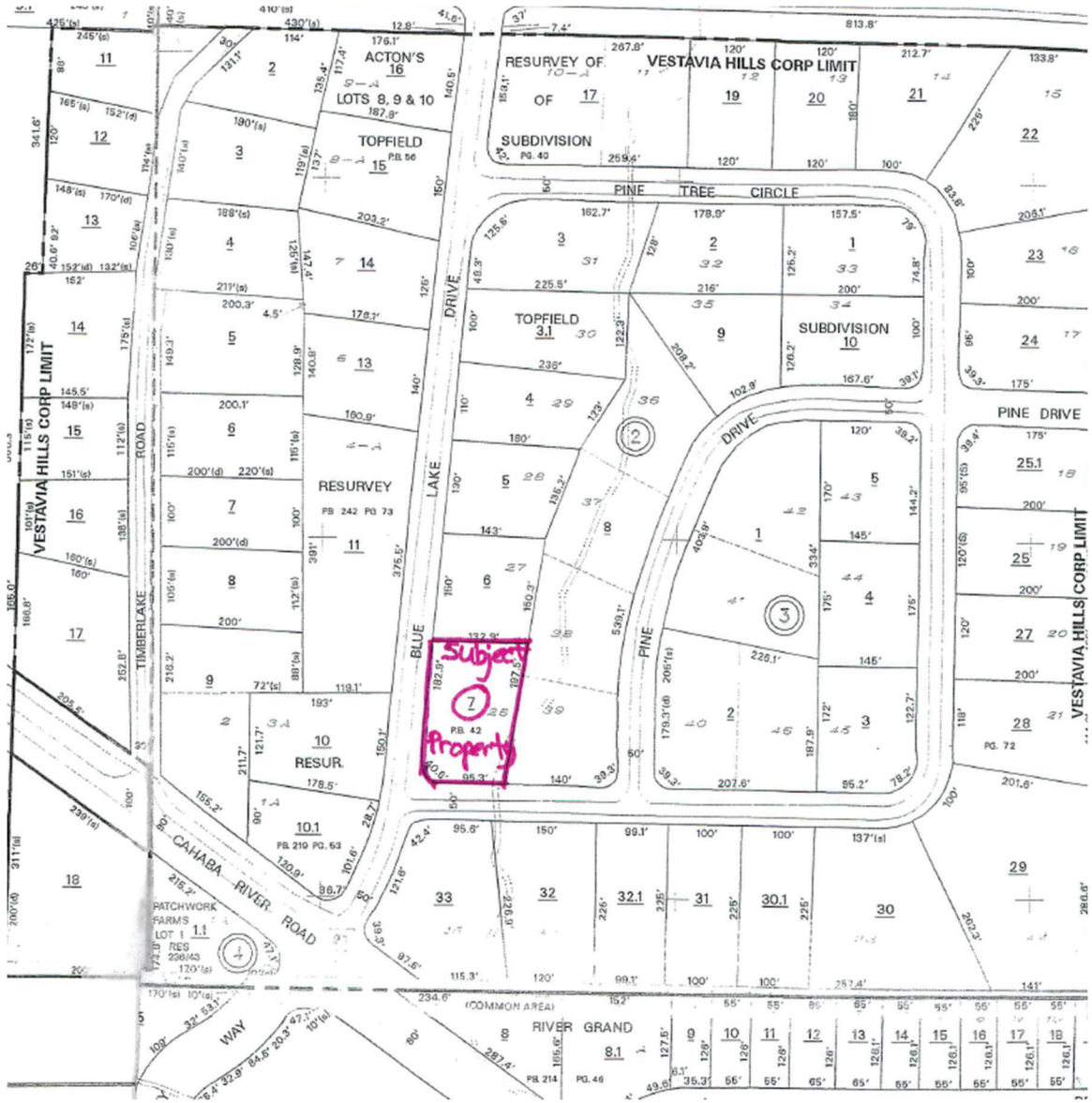
Rebecca Leavings
City Clerk

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 # 3146 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 23rd day of January, 2023 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel Houser this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk





City of Vestavia Hills

Planning and Zoning Commission Review and Recommendation



Case Number: RZ-22-9

Representative: Jamie Collins

Owner Name: Lauren Savage

Rep. Address: 1950 Stonegate Drive, Suite 200, Birmingham, AL 35242

Owner Address: 1801 Gadsden Highway, Trussville, AL 35173

Project Address: 3105 Blue Lake Drive

Legal Description: Lot 26, according to the Survey of Topfield Subdivision, as recorded in Map Book 42 page 72 in the Probate Office of Jefferson County, Alabama.

Parcel ID Number:

Current Zoning: VH R-1: Low Density Residential District

Requested Zoning: VH 0-1: Office Park District

Intended Purpose: Medical Office Building

MOTION Ms. Barnes made a motion to recommend Rezoning for 3105 Blue Lake Dr. from Vestavia Hills R-1 to Vestavia Hills O-1 as presented. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Farrell – yes

Mr. Sykes – yes

P&Z Recommendation: Ms. Barnes – yes

Mr. Larson – yes

Mr. Romeo – yes

Mr. Weaver – yes

Mr. Vercher – yes

Motion carried.

Date of P&Z Meeting: December 8, 2022

Authorized by:

Vestavia Hills Planning and Zoning Commission, Michael Vercher, Chair

Issued by:




Conrad Garrison, City Planner

Rezoning Application

Applicant

Primary Location

RZ-22-9

 James Collins
 205-278-6287
 jcollins@turnerbatson.com

3105 BLUE LAKE DR
VESTAVIA HILLS, AL 35243

Submitted On: Nov 3, 2022

Property Information

Subject Property Address

3105 Blue Lake Drive

Tax Parcel ID Number

--

Legal Description

Lot 26, according to the Survey of Topfield Subdivision, as recorded in Map Book 42 page 72 in the Probate Office of Jefferson County, Alabama.

Existing Parking Spaces

0

Proposed Parking Spaces

18

Submission Date

11/02/2022

Type of Project

New Commercial Development

Action Requested:

From Existing Zoning Classification

VH R-1: Low Density Residential District

To Requested Zoning Classification

VH 0-1: Office Park District

For the Intended Purpose of:

Medical Office Building

Acreage of Subject Property

0.58

Acreage of Property to be Disturbed

0.5

Setbacks

Front

30

Back

30

Side

20

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

Property Owner Name

Lauren Savage

way of a notarized letter and/or power of attorney.

Company Name

--

Owner Address City State Zip

1801 Gadsden Highway, Trussville, AL 35173

Owner's Phone Number

205-999-4907

Email Address of Owner

plsjr5@msn.com

By checking this box, I hereby affirm that I am 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. If no authorization is provided, this application cannot be processed.

Owner Representative/Responsible Party

Jamie Collins

true

Company Name

TurnerBatson Architects

Contact Email of Responsible Party

jcollins@turnerbatson.com

Mailing Address of Responsible Party

1950 Stonegate Drive, Suite 200, Birmingham, AL 35242

Phone No. of Responsible Party

205-278-6287

Email Address of Responsible Party

jcollins@turnerbatson.com

Project Engineer Information (if applicable)

Name

Andrew Phillips

Company

Schoel Engineering

Mailing Address

1001 22nd Street South, Birmingham, AL 35205

Phone Number

205-313-1154

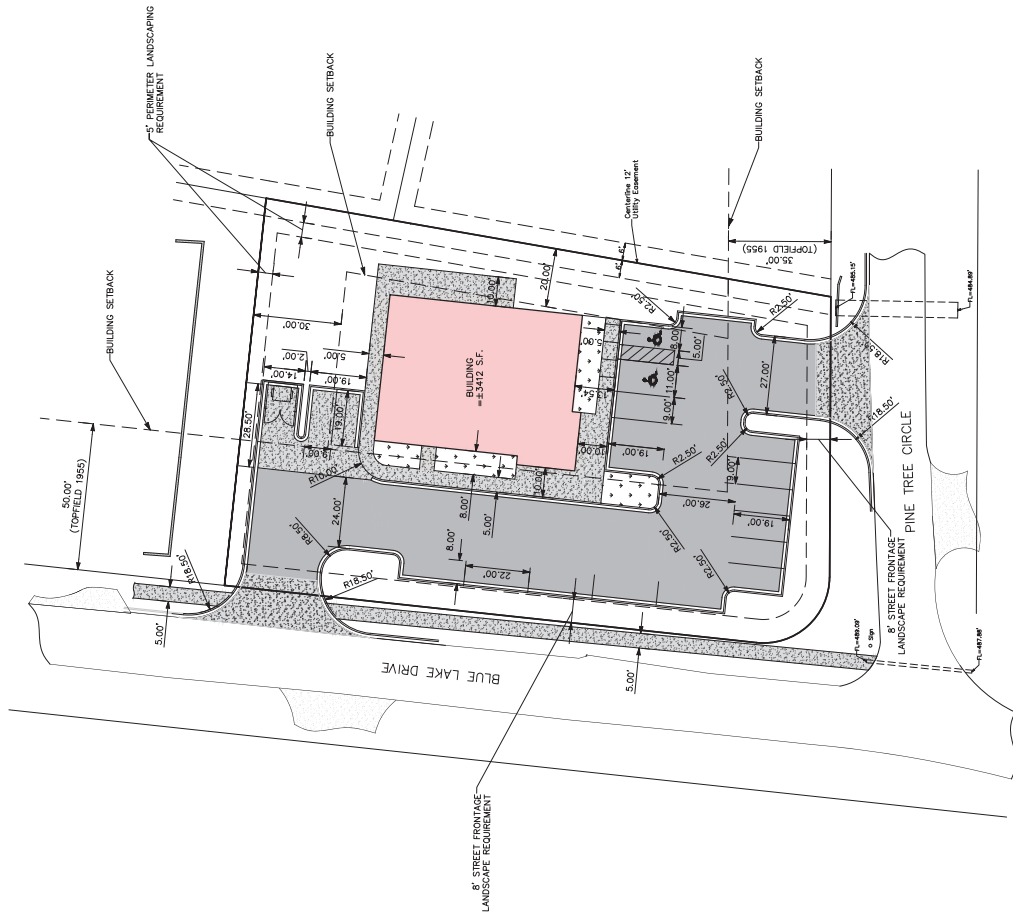
Email

aphillips@schoel.com

VICINITY MAP

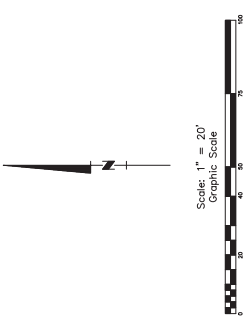


(NTS)



PROPERTY INFORMATION:

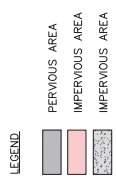
JURISDICTION: VESTAVIA HILLS, AL
 PROPERTY AREA: ±25262.34 SF = ±0.58 AC
 CURRENT ZONING: R-1 (LOW DENSITY RESIDENTIAL DISTRICT)
 REZONING TO: O-1 (OFFICE PARK DISTRICT)
 MINIMUM LOT AREA REQ'D: 0000 SF
 MAXIMUM BUILDING HEIGHT: 35 FT OR 2 STORIES, WHICHEVER IS LESS
 MINIMUM YARD SETBACKS FOR O-1:
 FRONT 30 FT
 REAR 30 FT
 SIDE 20 FT
 MINIMUM BUILDING SETBACKS PER RECORDED PLAT (TOPFIELD 1955):
 FRONT ALONG BLUE LAKE DRIVE 50 FT
 FRONT ALONG PINE TREE CIRCLE 35 FT
 LANDSCAPING REQUIREMENTS FOR O-1:
 PERIMETER LANDSCAPING: 8 FT
 STREET FRONTAGE LANDSCAPING: 5 FT
 PARKING REQUIREMENT FOR O-1:
 MEDICAL AND DENTAL 4 SPACES PER DOCTOR
 OFFICES, CLINICS PLUS 1.0 SPACES PER EMPLOYEE
 SPACES REQUIRED: 8 SPACES (1 DOCTOR AND 4 EMPLOYEES)
 SPACES PROVIDED: 18 SPACES (PARALLEL=5, STANDARD=11, ACCESSIBLE=2)
 PARKING SPACE SIZE: PARALLEL = 8 FT X 23 FT
 STANDARD = 9 FT X 19 FT



Scale: 1" = 20'
 Graphic Scale

IMPERVIOUS VS. PERVIOUS

PROPERTY AREA: ±25262.34 SF = ±0.58 AC
 PRE-DEVELOPED CONDITIONS:
 IMPERVIOUS AREA = 0.021 AC
 PERVIOUS AREA = 0.559 AC
 POST DEVELOPED CONDITIONS:
 IMPERVIOUS AREA = 1.143 AC
 PERVIOUS AREA = .437 AC
 MAX. BUILDING AREA FOR O-1:
 WITH BASEMENT PARKING = 30%
 WITHOUT BASEMENT PARKING = 25%
 CALCULATION:
 0.137 AC / 0.58 AC = 0.245
 = 24.5% IMPERVIOUS AREA



UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE FROM LOCAL UTILITY COMPANY RECORDS AND SHOULD BE VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
 JOB SAFETY IS NOT THE RESPONSIBILITY OF THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION SITE SAFETY.

SCHOBEL
 Civil Engineering | Land Surveying | Landscape Architecture
 Environmental | Water Resources | Laser Scanning | Modeling
 1001 25th Street South Birmingham, Alabama 35205
 205.939.6144
 205.939.1231
 7300 Montclair Pkwy Ste 209 Birmingham, Alabama 35202
 205.939.1231

3105 BLUE LAKE DRIVE, VESTAVIA HILLS, AL
BLUE LAKE MRI
EXHIBIT A - SITE PLAN

REVISIONS:
 Exhibit - Ordinance No. 3146
 EXHIBIT
 DATE: 10/20/22
 DRAWN BY: K.J.F.
 CHECKED BY: A.S.P.
 FIELD DATE:
 PROJECT NO.: 2420
 1 OF 1



DRAFT

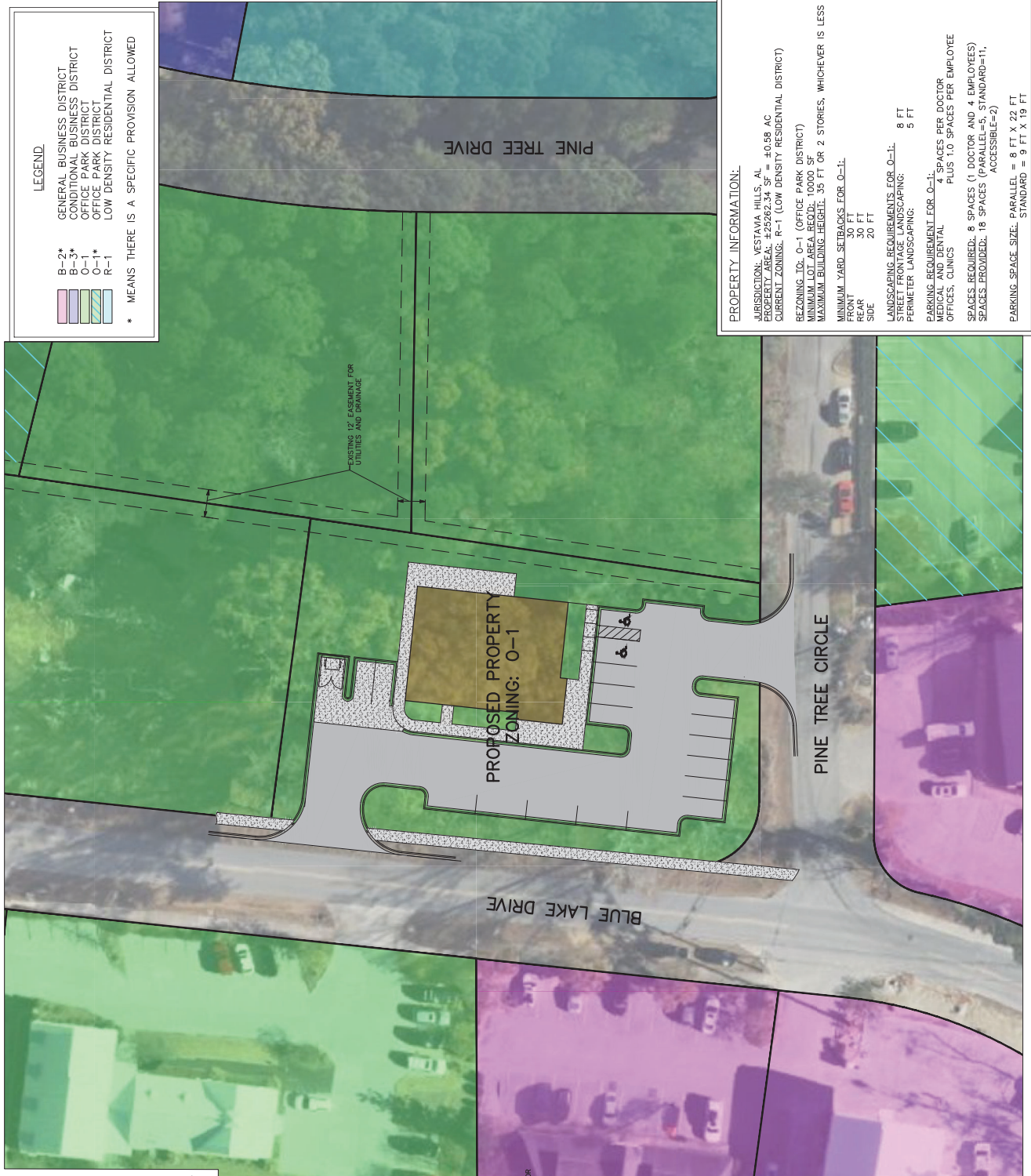


LEGEND

	B-2*	GENERAL BUSINESS DISTRICT
	B-3*	CONDITIONAL BUSINESS DISTRICT
	O-1	OFFICE PARK DISTRICT
	O-1*	OFFICE PARK DISTRICT
	R-1	LOW DENSITY RESIDENTIAL DISTRICT

* MEANS THERE IS A SPECIFIC PROVISION ALLOWED

PROPERTY INFORMATION:
 JURISDICTION: VESTAVIA HILLS, AL
 PROPERTY AREA: ±29262.34 SF = ±0.68 AC
 CURRENT ZONING: R-1 (LOW DENSITY RESIDENTIAL DISTRICT)
 REZONING TO: O-1 (OFFICE PARK DISTRICT)
 MINIMUM LOT AREA REQ'D: 10000 SF
 MAXIMUM BUILDING HEIGHT: 35 FT OR 2 STORES, WHICHEVER IS LESS
 MINIMUM YARD SETBACKS FOR O-1:
 FRONT 30 FT
 REAR 30 FT
 SIDE 20 FT
 LANDSCAPING REQUIREMENTS FOR O-1:
 STREET FRONTAGE LANDSCAPING: 8 FT
 PERIMETER LANDSCAPING: 5 FT
 PARKING REQUIREMENT FOR O-1:
 OFFICES, CLINICS PLUS 1.0 SPACES PER EMPLOYEE
 OFFICES, CLINICS PLUS 1.0 SPACES PER EMPLOYEE
 SPACES REQUIRED: 8 SPACES (1 DOCTOR AND 4 EMPLOYEES)
 SPACES PROVIDED: 18 SPACES (PARALLEL=5, STANDARD=11, ACCESSIBLE=2)
 PARKING SPACE SIZE: PARALLEL = 8 FT X 22 FT
 STANDARD = 9 FT X 19 FT



Scale: 1" = 20'
 Graphic Scale

UNDERGROUND UTILITIES SHOWN ON THIS MAP ARE NOT TO BE FIELD VERIFIED IN THE FIELD PRIOR TO CONSTRUCTION.
 JOB SAFETY IS NOT THE RESPONSIBILITY OF THE ENGINEER. THE CONTRACTOR IS RESPONSIBLE FOR CONSTRUCTION SITE SAFETY.

ORDINANCE NUMBER 3147

AN ORDINANCE ESTABLISHING VOTING AND POLLING PLACES FOR ALL MUNICIPAL ELECTIONS FOR THE CITY OF VESTAVIA HILLS, ALABAMA.

THIS ORDINANCE NUMBER 3147 IS APPROVED AND ADOPTED ON THIS THE 23rd DAY OF JANUARY, 2023.

WITNESSETH THESE RECITALS:

WHEREAS, Alabama law at Title 11-46-21, *Code of Alabama, 1975*, provides that the regular municipal elections in cities and towns in Alabama shall be held on the fourth Tuesday in August 1984, and quadrennially thereafter and, when necessary as provided in subsection (d) of Title 11-46-55, a second or runoff election shall be held on the first Tuesday of October following said regular election; and

WHEREAS, Alabama law at Title 11-46-24, *Code of Alabama, 1975*, requires the municipal governing body to designate voting places for municipal elections; and

WHEREAS, the City of Vestavia Hills, Alabama adopted Ordinance Number 152 on June 3, 1968 to establish voting and polling sites at the following locations: (1) Vestavia Hills City Hall at 513 Montgomery Highway and (2) Vestavia Hills Shopping Center at 700 Montgomery Highway; and

WHEREAS, Ordinance Number 1818 adopted on June 5, 2000 established the voting and polling sites in the City of Vestavia Hills for municipal elections at the following locations: (1) Vestavia Hills Municipal Center, 513 Montgomery Highway and (2) Vestavia Hills Civic Center, 1973 Merryvale Road, relocating the second polling site because of the closure and renovation of the Vestavia Hills Shopping Center; and

WHEREAS, the City of Vestavia Hills, Alabama adopted Ordinance Number 1849 on November 6, 2000 for the addition of a voting and polling site at the Liberty Park Fire Station located at 13041 Liberty Parkway in the Liberty Park community of Vestavia Hills; and

WHEREAS, in 2001, the Jefferson County Board of Registrars relocated the voting and polling site at the Vestavia Hills Municipal Center to the Vestavia Hills United Methodist Church at 2061 Kentucky Avenue at the request of the City of Vestavia Hills

due to problems in parking at the Municipal Center. This location is used for all Federal, County and State elections; and

WHEREAS, in 2002, the Jefferson County Board of Registrars established a voting and polling site at the Liberty Park Baptist Church located at 12001 Liberty Parkway in the Liberty Park community of Vestavia Hills for use in all Federal, County and State elections; and

WHEREAS, the City of Vestavia Hills experienced extensive growth in an easterly direction through annexation of many unincorporated portions of Jefferson County between Vestavia Hills proper and the Vestavia Hills Liberty Park community; and

WHEREAS, on the 6th day of October, 2003, the Mayor and City Council adopted and approved Ordinance Number 2370 to relocate existing polling and voting sites as well as locating additional polling and voting sites within the corporate limits to better serve the voting public with more convenient access to polling and voting locations within the City and established six (6) voting and polling places for all municipal elections at the following locations: (1) the Vestavia Hills United Methodist Church, 2061 Kentucky Avenue; (2) the Vestavia Hills Civic Center, 1973 Merryvale Road; (3) the Liberty Park Baptist Church, 12001 Liberty Parkway; (4) the MountainTop Community Church, 225 Centerview Drive; (5) the Town Village Vestavia Hills, 2385 Dolly Ridge Road; and (6) the Cahaba Heights Community and Senior Citizens Center, 4401 Dolly Ridge Road. All of these locations were also regular polling and voting sites utilized by the Jefferson County Board of Registrars for all Federal, County and State elections and are within corporate limits of City of Vestavia Hills; and

WHEREAS, development occurred within the site of the Vestavia Hills Civic Center in which traffic flow became extremely congested with the carpool traffic of two schools, activities from the Senior Citizens Community Room as well as the location of the Vestavia Hills Chamber of Commerce. Following repeated complaints from citizens on polling days, it was found that traffic flow was virtually impassable at certain times which tended to disenfranchise voters at that location; and

WHEREAS, at the request of the Mayor of the City of Vestavia Hills, the Jefferson County Board of Registrars investigated and has determined it is in the best public interest to relocate its polling location from the Vestavia Hills Civic Center at 1973 Merryvale

Road, Vestavia Hills, Alabama to a new polling location at Vestavia Alliance Church at 1380 Montgomery Highway for all Federal, State and County elections; a change which was submitted to the U.S. Department of Justice by letter dated February 8, 2011 from Barry Stephenson, Chairman, Jefferson County Board of Registrars and was subsequently precleared; and

WHEREAS, on July 25, 2011, the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 2370 to relocate the municipal polling location from Vestavia Hills Civic Center at 1973 Merryvale Road, Vestavia Hills, Alabama to a new polling location at Vestavia Alliance Church at 1380 Montgomery Highway for all municipal elections. This new polling location was subsequently precleared by the U. S. Department of Justice by letter dated November 7, 2011; and

WHEREAS, on March 13, 2012, primary elections for Federal, State and County offices were held and the new polling location at the Vestavia Alliance Church (now named Birmingham International Church) at 1380 Montgomery Highway proved to be an extremely bad location for polling. Numerous complaints by voters were received by the Jefferson County Registrar as well as Mayor Alberto C. Zaragoza, Jr., citing confusing parking, dismal lighting within the facilities and inaccessibility onto Montgomery Highway.

WHEREAS, the City Council of the City of Vestavia Hills, Alabama has determined that it is in the best public interest to again relocate the third precinct polling location from the Vestavia Alliance Church (now called Birmingham International Church), 1380 Montgomery Highway, Vestavia Hills, Alabama to a new polling location at Horizon Church, 2345 Columbiana Road, Vestavia Hills, Alabama for all municipal elections. The new polling location will allow controlled access to Columbiana Road as well as ample space and parking to accommodate all voters at this location; and

WHEREAS, on April 9, 2012, the City Council adopted and approved Ordinance Number 2396 to move the polling location to Horizon Church, 2345 Columbiana Road; and

WHEREAS, continued growth and construction at the Vestavia Hills Cahaba Heights Elementary School, traffic concerns and reconstruction of the Cahaba Heights Sports Complex has warranted a change in the Cahaba Heights Community and Senior

Citizens Center located at 4401 Dolly Ridge Road voting location. In February 2019, Jefferson County Board of Registrars moved the County polling location to Cahaba Heights Baptist Church, 3800 Crosshaven Road, Vestavia Hills, Alabama; and

WHEREAS, the Mayor and City Council feel it is in the best interest of the public to mirror the County's actions and move the City's polling place from the Cahaba Heights Community and Senior Citizens Center located at 4401 Dolly Ridge Road to the Cahaba Heights Baptist Church, 3800 Crosshaven Road, Vestavia Hills, Alabama; and

WHEREAS, on May 11, 2020, due to pandemic Covid restrictions, the City Council adopted Ordinance Number 2930 to relocate the polling place located at Town Village to the former Vestavia Hills Central Elementary School temporarily until a more permanent polling place can be found; and

WHEREAS, in November, 2021, Jefferson County, at the request of the County Registrar, relocated two polling locations in the City: (1) the relocation of the polling place located at the former Vestavia Hills Central Elementary School to the new Vestavia Hills Civic Center located at 1090 Montgomery Highway; and (2) the relocation of the polling place from Horizon Church to Shades Mountain Baptist Church located at 2017 Columbiana Road; and

WHEREAS, the City Clerk has recommended that the City Council mirror the actions of Jefferson County and move these two polling places to the new locations; and

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

1. The seven (7) voting and polling places for all municipal elections for the City of Vestavia Hills, Alabama, shall be at the following sites:
 - A. The Church at Liberty Park: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at The Church At Liberty Park in the Liberty Park community located at 12001 Liberty Parkway, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote in the Precinct Numbers 5140, 5250, 5080 shall vote at The Church at Liberty Park.
 - B. Vestavia Hills United Methodist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the

Vestavia Hills United Methodist Church located at 2061 Kentucky Avenue, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote at the Precinct Number 5020 shall vote at the Vestavia Hills United Methodist Church.

- C. Shades Mountain Baptist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Shades Mountain Baptist Church located at 2017 Columbiana Road, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote at Precinct Numbers 5050, 5120 and 5035 shall vote at the Shades Mountain Baptist Church.
- D. MountainTop Community Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the MountainTop Community Church located at 255 Centerview Drive, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote at Precinct Numbers 5200 and 5030 shall vote at the MountainTop Community Church.
- E. Vestavia Hills Civic Center: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Vestavia Hills Civic Center located at 1090 Montgomery Highway, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote at Precinct Numbers 5220 and 5040 shall vote at the Vestavia Hills Civic Center.
- F. Cahaba Heights Baptist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Cahaba Heights Baptist Church located at 3800 Crosshaven Drive, Vestavia Hills, Alabama. All qualified electors of the City of Vestavia Hills who regularly vote at Precinct Numbers 5160, 5070, 5130 and any Shelby County polling location shall vote at the Cahaba Heights Baptist Church.
- G. Vestavia Hills City Hall. All absentee voting for municipal elections shall be held at the Vestavia Hills City Hall, 1032 Montgomery Highway.

2. Any and all ordinances or resolutions in conflict with this Ordinance are hereby repealed.
3. If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance which shall continue in full force and effect notwithstanding such holding.
4. This Ordinance shall become effective upon approval and adoption in its publication and/or posting as required by Alabama law.

DONE, ORDERED, APPROVED and ADOPTED, on this the 23rd day of January, 2023.

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 Number 3147 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 23rd day of January, 2023 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkel House and Vestavia Hills Civic Center this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 3148

AN ORDINANCE ADOPTING AND ENACTING SUPPLEMENT V FOR THE VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2013 PROVIDING FOR THE REPEAL OF CERTAIN ORDINANCES NOT INCLUDED THEREIN; PROVIDING A PENALTY FOR THE VIOLATION THEREOF; AND PROVIDING WHEN SUCH SUPPLEMENTS AND THIS ORDINANCE SHALL BECOME EFFECTIVE.

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

Section 1. Supplement No. 5 to the Code entitled "Vestavia Hills Code of Ordinances, Republished 2013," is adopted.

Section 2. All Ordinances of a general and permanent nature enacted on or before December 20, 2021, and in conflict with the Ordinances included in the supplement or recognized and continued in force by reference therein, are repealed.

Section 3. The repeal provided for in Section 2 hereof shall not be construed to revive any Ordinance or part thereof that has been repealed by a subsequent Ordinance that is repealed by this Ordinance.

Section 4. Unless another penalty is expressly provided, every person convicted of a violation of any provision of the Supplement or any Ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a fine of not less than \$1.00 nor more than \$500.00 or by imprisonment at hard labor for not exceeding six months or by both such fine and imprisonment. Each act of violation and each day upon which any such violation shall continue or occur shall constitute a separate offense. In addition to the penalty prescribed above, the City may pursue other remedies such as abatement of nuisances, injunctive relief and revocation of licenses or permits.

Section 5. The Ordinances included in this Supplement shall be deemed to be incorporated in the Code, so that reference to the Code includes such Ordinances.

Section 6. Ordinances adopted after December 20, 2021 that amend or refer to Ordinances that have been included in the supplement shall be construed as if they amend or refer to like provisions of the Code.

Section 7. This Ordinance shall become effective upon adoption, approval and publication as required by law.

ADOPTED and APPROVED this 23rd day of January, 2023.

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 # 3148 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 23rd day of January, 2023 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills Civic Center and Vestavia Hills New Merkel Houser this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk