



**Vestavia Hills
City Council Agenda
December 11, 2023
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation - City Chaplain Butch Williams
4. Pledge Of Allegiance
5. Approval Of The Agenda
6. Swearing in of Shane Ware, Police Chief - Oath of Office administered by Judge Jim Sturdivant
7. Announcements, Candidates and Guest Recognition
8. City Manager's Report
9. Councilors' Reports
10. Financial Reports - Melvin Turner, III, Finance Director
11. Approval Of Minutes - November 27, 2023 Regular Meeting

Old Business

12. Resolution Number 5486 - A Resolution Authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way adjacent to certain properties in the City of Vestavia Hills
13. Resolution Number 5487 - A Resolution authorizing and directing the City Manager to take any and all legal actions necessary to complete the dispute resolution process for replacement and installation of a new chiller at the Vestavia Hills Civic Center
14. Resolution Number 5488 - Vacation of a Public Utility Easement on the property located at 1636 Panorama Drive; Lot 3, Caffee's Addition to Panorama; David Brouillette, Owner
15. Ordinance Number 3204 - An Ordinance defining Short-term rentals and prohibiting said use in dwellings and/or dwelling units

New Business

16. Resolution Number 5489 - A Resolution Authorizing a Sign Replacement Project Designated as Project Number IM-I459(322) on I-459 Within the City Limits of Vestavia Hills.
17. Resolution Number 5490 - A Resolution Appointing a Member to the Vestavia Hills Parks and Recreation Board
18. Resolution Number 5491 - A Resolution Appointing a Member to the Vestavia Hills Library Board for an unexpired term
19. Resolution Number 5492 - A Resolution Appointing a Member to the Vestavia Hills Library Board

New Business Requesting Unanimous Consent

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

20. Citizens Comments
21. Time Of Adjournment

PUBLIC HEARING PROCEDURES

The following procedures shall be followed for every public hearing of the City Council:

- All comments shall be limited to **3 minutes**. A countdown clock will be provided on the video screens.
- Do not duplicate comments made by previous speakers. For example, if traffic is mentioned as an issue, do not readdress that issue.
- All comments shall be directed to the Mayor and/or presiding officer. Do not address the audience or the applicant.
- Each speaker shall identify himself, including full name and address.

SPECIAL NOTICE CONCERNING CITY COUNCIL MEETINGS

If you prefer not to attend a City Council meeting or work session in person, you may participate remotely:

- **Videoconference:** To participate by videoconference, you may access the meeting via Zoom at <https://us02web.zoom.us/j/5539517181>. When the Zoom.us window opens in your browser, click "Allow" to be placed in a virtual "waiting room." The host will open the meeting and allow all participants to join the meeting 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 "video" 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. Some useful Zoom functions include: microphone Mute/Unmute; Start/Stop Video; and View Participants – opens a pop-out screen that includes the "Raise Hand" icon that you may use to raise a virtual hand.
- **Teleconference:** To participate by telephone, dial 312.626.6799 and enter the meeting ID: 5539517181. All participants will be automatically muted upon entrance to the meeting. If you wish to speak during time(s) identified for public input, unmute yourself by pressing *6 on your keypad. 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.

Meetings may be recorded. By participating in the meeting, you are consenting to be recorded.

"Zoom-bombing." 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 terminated 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.

Summary
Financial Report
October 2023-2024

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1.) Reconciled Cash Balance

The overall reconciled cash balance for the month of October was \$46,299,634, which is comprised of the following funds:

General Funds	\$37,622,154
Restricted Funds	\$8,674,500
Petty Cash	<u>\$2,980</u>
Total	<u>\$46,299,634</u>

2.) The "Financial Overview" for the month and YTD through October is as follows:

Monthly Revenues	\$4,982,188	YTD Revenues	\$4,982,188
Monthly Expenses	<u>\$5,980,674</u>	YTD Expenses	<u>\$5,980,674</u>
Monthly Fund Balance	<u>(\$998,486)</u>	YTD Fund Balance	<u>(\$998,486)</u>

3.) Comparative Fund Balances:	<u>YTD</u>	<u>Variance</u>
Actual - 2023-2024	(\$998,486)	
Budget - 2023-2024	(\$2,062,742)	\$1,064,256
Last Year - 2022-2023	(\$1,115,604)	\$117,118

Note:

The "Actual Fund Balance" is \$1,064,256 greater than the "Budgeted Fund Balance" and \$117,118 greater than "Last Year Fund Balance" .

Summary
Financial Report
October 2023-2024

CURRENT MONTH - ACTUAL						YTD			Variance	
		Actual	Budget	Last Year		Actual	Budget	Last Year	Act vs. Bdgt	Act vs LY
REVENUES		4,982,188	3,765,725	3,396,064		4,982,188	3,765,725	3,396,064	1,216,463	1,586,124
EXPENSES		5,980,674	5,828,467	4,511,668		5,980,674	5,828,467	4,511,668	(152,207)	(1,469,006)
FUND BALANCE		(998,486)	(2,062,742)	(1,115,604)		(998,486)	(2,062,742)	(1,115,604)	1,064,256	117,118
Advalorem - Real		1,481,959	717,241	159,208		1,481,959	717,241	159,208	764,718	1,322,751
Sales Tax		2,267,421	2,260,256	2,324,672		2,267,421	2,260,256	2,324,672	7,165	(57,251)
Utility Franchise Fees		69	132	45		69	132	45	(63)	24
Business License		51,054	41,510	77,369		51,054	41,510	77,369	9,544	(26,315)
Advalorem - Personal		285,163	212,505	247,036		285,163	212,505	247,036	72,658	38,128
October 2023 (1 month)						2022-2023				
		Actual	Budget Total	Outstanding Bal		% Received	% Outstdings	Verification		
Advalorem - Real		1,481,959	18,855,007	(17,373,048)		7.86%	92.14%	100.00%		
Sales Taxes		2,267,421	28,351,365	(26,083,944)		8.00%	92.00%	100.00%		
Utility Franchise Fees		69	2,466,893	(2,466,824)		0.00%	100.00%	100.00%		
Business License		51,054	3,975,640	(3,924,586)		1.28%	98.72%	100.00%		
Advalorem - Personal		285,163	2,016,972	(1,731,809)		14.14%	85.86%	100.00%		
OCTOBER		MTD				MTD				
				Variance		Last Year	Act vs LY			
Advalorem - Real		1,481,959	717,241	764,718		159,208	1,322,751			
Sales Taxes		2,267,421	2,260,256	7,165		2,324,672	(57,251)			
Utility Franchise Fees		69	132	(63)		45	24			
Business License		51,054	41,510	9,544		77,369	(26,315)			
Advalorem - Personal		285,163	212,505	72,658		247,036	38,128			

CITY OF VESTAVIA HILLS MONTHLY CASH REPORT "RECONCILED BALANCES"															
General Funds	Banking Institutions	APR	Oct 2022	Nov 2022	Dec 2022	Jan 2023	Feb 2023	March 2023	April 2023	May 2023	June 2023	July 2023	August 2023	Sept 2023	October 2023
General / Operational Funds	Region Bank	4.97%	5,565,982.62	4,801,445.10	5,599,579.93	16,459,200.47	24,217,752.68	14,342,621.96	12,018,312.32	11,759,702.36	11,590,713.02	7,066,588.69	5,063,164.63	4,111,462.41	6,779,150.23
Enhanced Cash Strategy	Region Bank	5.25%	9,970,136.53	10,004,892.48	10,033,846.24	10,079,701.89	10,084,683.50	10,163,965.58	10,189,384.32	10,191,577.01	10,204,945.93	10,243,233.98	10,286,223.41	10,311,308.65	9,936,408.24
Payroll Fund	Region Bank	0.25%	720.93	720.93	720.93	720.93	720.93	720.93	720.93	5,648.68	5,648.68	5,648.68	6,082.04	6,082.04	6,159.15
Emergency Reserve Fund	Morgan Stanley/Region	2.50%	15,401,924.13	15,469,278.74	15,508,437.79	15,585,494.46	15,544,687.62	15,723,723.88	17,600,611.65	17,597,102.85	17,637,280.09	17,714,753.81	17,794,062.04	17,865,878.82	17,941,009.73
Court & Corrections Fund	Region Bank	0.25%	996,489.37	1,098,973.37	430,062.37	574,310.77	719,529.33	902,593.63	1,043,983.69	411,577.03	123,750.03	139,387.03	81,431.83	84,101.83	137,357.88
American Rescue Plan (COVID-19)	SouthPoint	4.40%	4,452,571.95	4,356,508.94	4,358,378.84	4,357,653.60	4,369,028.87	4,341,120.29	4,352,374.03	4,119,174.25	3,551,189.79	2,790,490.26	2,800,937.32	2,811,084.36	2,822,068.50
Total - Balance			\$36,387,825.53	\$35,731,819.56	\$35,931,026.10	\$47,057,082.12	\$54,936,402.93	\$45,474,746.27	\$45,205,386.94	\$44,084,782.18	\$43,113,527.54	\$37,960,102.45	\$36,031,901.27	\$35,189,918.11	\$37,622,153.73
Restricted Funds															
Court Cash Bonds	Regions Bank	0.25%	116,135.20	122,085.20	127,130.20	141,930.20	141,120.20	139,685.20	139,025.20	145,324.20	147,989.20	147,723.00	151,737.20	155,927.20	158,135.20
Contractors' Bonds & CDs on Hand	City Clerk's Office	n/a	6,442,249.56	6,442,249.56	6,442,249.56	6,247,607.06	6,247,607.06	6,247,607.06	6,247,607.06	4,258,644.42	6,314,702.42	6,314,702.42	4,474,038.42	4,474,038.42	4,474,038.42
Contractors' Cash Bonds	SouthPoint	0.25%	923,093.29	915,459.54	888,154.29	855,033.33	814,694.62	796,919.40	742,683.86	757,009.15	757,967.11	744,330.84	706,333.77	696,630.28	698,351.23
Confiscated Funds	SouthPoint	1.25%	462,440.83	286,473.35	286,777.48	287,081.94	287,357.22	287,662.29	287,957.83	288,263.54	288,559.70	288,866.05	289,172.72	289,469.82	289,777.13
Community Spaces	SouthPoint	1.65%	50.92	51.53	52.16	52.79	53.36	454.99	455.60	456.23	456.84	457.47	458.11	458.72	0.04
2013 GOW - QEBIC Sinking Fund	Bank of New York	2.35%	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,701,396.09	1,891,162.76	1,891,162.76	1,891,162.76	1,891,162.76	1,891,162.76	1,891,162.76	1,911,964.89
Library Campaign Fund/Donations	Pinnacle	earnings offset fees	310,327.13	317,635.51	332,006.02	337,344.68	338,450.14	344,930.72	351,677.17	374,885.75	382,167.51	387,465.56	429,604.48	433,701.36	438,732.28
Lease Escrow Funds	Truist & Robertson		n/a	n/a	n/a	n/a	n/a	n/a	2,160,736.32	2,162,359.34	1,407,636.58	1,409,264.98	1,410,896.12	1,412,477.26	703,500.95
Total Balance			\$9,955,693.02	\$9,785,350.78	\$9,777,765.80	\$9,570,446.09	\$9,530,678.69	\$9,518,655.75	\$11,821,305.80	\$9,878,105.39	\$11,190,642.12	\$11,183,973.08	\$9,353,403.58	\$9,353,865.82	\$8,674,500.14
Cash on Hand															
Petty Cash - City Depts.			880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00	880.00
Petty Cash - Courts/Jail			500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00	500.00
Petty Cash - Library			600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00	600.00
Petty Cash - Vehicle Tags			1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00	1,000.00
Total - Petty Cash			\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00	\$2,980.00
Grand Total - All Funds			\$46,346,498.55	\$45,520,150.34	\$45,711,771.90	\$56,630,508.21	\$64,470,061.62	\$54,996,382.02	\$57,029,672.74	\$53,965,867.57	\$54,307,149.66	\$49,147,055.53	\$45,388,284.85	\$44,546,763.93	\$46,299,633.87
Petty Cash Itemization															
City Clerk Dept.	none														
Court Dept.	\$500.00														
Finance Dept. & Vehicle Tags	\$1,050.00	Tags & City Depts													
Fire Dept.	\$100.00	City Depts													
Inspection Dept.	\$30.00	City Depts													
Library	\$600.00														
Mayor's Office	\$200.00	City Depts													
Parks & Leisure Services	\$300.00	City Depts													
Police Dept.	\$200.00	City Depts													
Public Services	none														
Total	\$2,980.00														

FINANCIAL SUMMARY REPORT
"OCTOBER 2023-2024"

1	MONTH OF OCTOBER 2023							YEAR-TO- DATE THROUGH OCTOBER 2023						
	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	2023-2024	2023-2024	2022-2023	Actual to	Budget	Actual to	Last Year	2023-2024	2023-2024	2022-2023	Actual to	Budget	Actual to	Last Year
REVENUE SUMMARY	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage	Actual	Budget	Actual	Amount	Percentage	Amount	Percentage
STATE REVENUE	13,979	13,472	14,293	507	3.77%	(314)	-2.20%	13,979	13,472	14,293	507	3.77%	(314)	-2.20%
COUNTY REVENUE	1,794,898	960,647	435,716	834,251	86.84%	1,359,182	311.94%	1,794,898	960,647	435,716	834,251	86.84%	1,359,182	311.94%
CITY REVENUE	2,969,974	2,715,950	2,830,803	254,024	9.35%	139,171	4.92%	2,969,974	2,715,950	2,830,803	254,024	9.35%	139,171	4.92%
PARK & LEISURE SERVICES	203,337	75,656	115,252	127,681	168.77%	88,085	76.43%	203,337	75,656	115,252	127,681	168.77%	88,085	76.43%
TOTAL REVENUE	4,982,188	3,765,725	3,396,064	1,216,463		1,586,124		4,982,188	3,765,725	3,396,064	1,216,463		1,586,124	
EXPENDITURE SUMMARY														
NON DEPARTMENTAL	2,287,560	2,111,955	1,161,849	(175,605)	-8.31%	(1,125,711)	-96.89%	2,287,560	2,111,955	1,161,849	(175,605)	-8.31%	(1,125,711)	-96.89%
CITY COUNCIL	15,389	15,675	16,531	286	1.82%	1,141	6.90%	15,389	15,675	16,531	286	1.82%	1,141	6.90%
ADMINISTRATION & FINANCE	218,825	224,953	187,543	6,128	2.72%	(31,282)	-16.68%	218,825	224,953	187,543	6,128	2.72%	(31,282)	-16.68%
CITY CLERK	59,149	53,276	45,629	(5,873)	-11.02%	(13,520)	-29.63%	59,149	53,276	45,629	(5,873)	-11.02%	(13,520)	-29.63%
MUNICIPAL COMPLEX	26,994	25,756	23,321	(1,238)	-4.81%	(3,674)	-15.75%	26,994	25,756	23,321	(1,238)	-4.81%	(3,674)	-15.75%
INFORMATION SERVICES	52,798	63,808	48,863	11,010	17.25%	(3,935)	-8.05%	52,798	63,808	48,863	11,010	17.25%	(3,935)	-8.05%
POLICE	1,134,036	1,181,218	994,847	47,182	3.99%	(139,189)	-13.99%	1,134,036	1,181,218	994,847	47,182	3.99%	(139,189)	-13.99%
FIRE	1,088,806	1,104,329	1,000,663	15,523	1.41%	(88,142)	-8.81%	1,088,806	1,104,329	1,000,663	15,523	1.41%	(88,142)	-8.81%
INSPECTION	69,016	70,216	53,227	1,200	1.71%	(15,789)	-29.66%	69,016	70,216	53,227	1,200	1.71%	(15,789)	-29.66%
PUBLIC SERVICES	453,113	477,207	493,848	24,094	5.05%	40,735	8.25%	453,113	477,207	493,848	24,094	5.05%	40,735	8.25%
PUBLIC LIBRARY	229,013	238,208	231,368	9,195	3.86%	2,356	1.02%	229,013	238,208	231,368	9,195	3.86%	2,356	1.02%
PARKS & LEISURE SERVICES	345,974	261,866	253,978	(84,108)	-32.12%	(91,996)	-36.22%	345,974	261,866	253,978	(84,108)	-32.12%	(91,996)	-36.22%
TOTAL EXPENDITURES	5,980,674	5,828,467	4,511,668	(152,207)		(1,469,006)		5,980,674	5,828,467	4,511,668	(152,207)		(1,469,006)	
SURPLUS / (DEFICIT)	(998,486)	(2,062,742)	(1,115,604)	1,064,256		117,118		(998,486)	(2,062,742)	(1,115,604)	1,064,256		117,118	



**Vestavia Hills
City Council Minutes
November 27, 2023
6:00 PM**

1. Call to Order

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 and the City Clerk called the roll with the following:

2. Roll Call

Roll call was called as follows:

MEMBERS PRESENT: Ashley Curry, Mayor; Rusty Weaver, Mayor Pro-Tem; Kimberly Cook, Councilor; Paul Head, Councilor; George Pierce, Councilor

MEMBERS ABSENT: None

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager; Patrick H. Boone, City Attorney; Cinnamon McCulley, Assistant City Manager; Rebecca Leavings, City Clerk; Shane Ware, Police Chief; Marvin Green, Fire Chief; Lori Beth Kearley, Public Works Director; Melvin Turner III, Finance Director; Zachary Clifton, Assistant Finance Director; Umang Patel, Court Director*; Taneisha Tucker, Library Director; Jamie Lee, Parks and Leisure Services Director; Keith Blanton, Building Safety Official*

3. Invocation - Sam Williamson, Vestavia Hills Chaplain

4. Pledge of Allegiance

5. Approval Of Agenda

MOTION: Approve the agenda as presented. Motion By: Rusty Weaver. Seconded By: George Pierce. Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

6. Announcements, Candidates and Guest Recognition

- Mr. Pierce welcomed Chamber of Commerce Board member, Marty Martin. Mr. Martin was attending via zoom to represent the Chamber.
- Mayor Curry stated that the Tree Lighting Festival will be held here on the City Hall campus, November 28, 6pm. Activities will also take place in the new Civic Center including the tree lighting ceremony.
- The Mayor announced that starting Thursday, November 30, there would be a pop-up adult-only bar called "Elf Zun Zun," on the patio of El Zun Zun located in Cahaba Heights. The Mayor stated that this is a new activity for this area and the hope is to draw in new business from all areas. The bar opens at 4 PM, Thursday thru Saturday, and will continue through the holidays, ending 12/23.
- The Annual Christmas parade in Liberty Park will be held on Sunday, December 3, with a rain date the following Sunday.
- Mr. Head recognized Kirk McCulley, a long-time Park Board member who was in attendance.

7. City Manager's Report

- Mr. Downes announced the appointment of Shane Ware as the new Police Chief. He stated that the entire city was saddened by the loss of Chief Rary and, in the selection process, he wanted to honor what Chief Rary brought to that department. The City conducted a deliberative interview process to initiate a search that would preserve the integrity of the department, and maintain the strength and trust of interdepartmental relationships. He didn't have to look far to find many in-house qualified candidates who were interviewed. Mr. Downes stated that the formal oath of office will be forthcoming on December 11.
 - Chief Ware introduced his family members who were present and thanked the City Manager, the Mayor, and Council for the honor of serving the City in this capacity. He stated that being a Chief of Police was always his dream, and it is special serving here in the City of Vestavia Hills. He stated he would honor Chief Rary's legacy.
 - The Mayor stated that he is proud of the police department and the fact that the City had many quality people to choose from within the department. He congratulated Chief Ware.
 - Mrs. Cook stated that she is so proud of this department and what has been established in training, equipping, and recruitment of fine officers. She stated she and the Council are 100% behind Chief Ware and the entire department.
 - Mr. Pierce stated that he has known Chief Ware since he was an SRO at his wife's school, Liberty Park Middle School, and that he has come a long way since that time. He dealt with kids in the beginning, and now, in his new capacity, will work with many more. He feels fortunate to have him here in this new capacity.
 - Mr. Weaver stated that there was a great pool to choose from and congratulated Chief Ware on the promotion, as echoed by Mr. Head.
 - Mrs. Cook commended the City Manager's thoughtful, careful, and deliberative approach to the search and appointment of the new Police Chief.
- Mr. Downes stated that on December 7, 2023, both Wald Park Phase III and Altadena Park improvements will be opened to the public with a grand opening expected later in the warmer months.

- Mr. Downes stated that Phase I of the annual paving plan will begin December 4.
- A stormwater master plan project off of Shades Crest was embraced by the Council. Mr. Downes announced that the first part of these planned improvements, on the Eastern Trunk Line, will begin December 4 as well.

9. Approval Of Minutes - November 13, 2023 Work Session and November 13, 2023 Regular Meeting

MOTION: Approve The minutes of the November 13, 2023 Work Session and Regular Meeting as presented. Motion by Kimberly Cook. Seconded by: Rusty Weaver. Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

Old Business

10. Resolution Number 5485 - A Resolution Approving and Assenting to a Declaration of Vacation of certain undefined easements located at 1459 and 1467 Montgomery Highway; Vestavia 31 RE, LLC., owners; Chris Eckroate, Caprine Engineering, representing

MOTION: Approve Resolution 5485 as presented. Motion by Rusty Weaver. Seconded by: George Pierce.

Chris Eckroate, Caprine Engineering, was present in regard to this request.

Mr. Downes showed the easements to be vacated and the reason for the vacation was to develop a small shopping center on the property.

Mr. Eckroate stated that these easements were dedicated in the 60s and no one knows why. All release letters have been obtained in order to vacate the property easements and move the lot line with a resurvey of the property. Discussion ensued about the assemblage of the property and the plans not to affect anything downstream from this development. However, all engineering will be taken care of in the permitting process.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

11. Ordinance Number 3201 - Conditional Use Approval - 3010 Healthy Way; Lot 1, Patchwork Farms Retail Venture Resurvey of Lot 1D, Patchwork Farms Final Plat; Conditional Use to allow construction and operation of an indoor/outdoor plant nursery; Patchwork Retail Venture LLC, Owner

MOTION: Approve Ordinance 3201 as presented. Motion by Rusty Weaver. Seconded by: George Pierce.

Mr. Weaver stated that this came to the Planning and Zoning Commission for a request to construct and operate an indoor/outdoor plant nursery. He stated this is also approved by the Patchwork Commercial Association.

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

Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

- 12. Ordinance Number 3203 - An Ordinance authorizing the Mayor and City Manager to execute and deliver an agreement for purposes of a mine reclamation effort at the Sicard Hollow Athletic Complex (SHAC), acceptance of a masterplan, and declaration of surplus and conveyance of property between the City of Vestavia Hills and the Liberty Park Joint Venture to facilitate said masterplan. Ordinance Number 3203 - An Ordinance authorizing the Mayor and City Manager to execute and deliver an agreement for purposes of a mine reclamation effort at the Sicard Hollow Athletic Complex (SHAC), acceptance of a masterplan, and declaration of surplus and conveyance of property between the City of Vestavia Hills and the Liberty Park Joint Venture to facilitate said masterplan.**

MOTION: Approve Ordinance 3203 as presented. Motion by Rusty Weaver. Seconded by: Kimberly Cook.

Mr. Downes explained that this had been discussed at length at the Council's previous meetings and work session. This grants a right of entry to allow the Department of Labor to come in and do some mass grading on a mine reclamation project to get rid of a high wall that could pose a public hazard so near the playing fields. This master plan serves as a guide post to further develop the property for several things, including additional parking, a police training facility, a public works facility, and a library outpost as funding permits. It would involve a land trade with Liberty Park giving them some lesser acreage that fronts Sicard Hollow Road.

Mr. Pierce stated that the mine reclamation projects have been very good for this area, giving the City many improvement opportunities at SHAC.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this issue, the Mayor closed the public hearing and called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

8. Councilors' Reports

The Mayor indicated that this item was missed in the agenda and he needed to go back to receive the Councilor Reports.

- Mrs. Cook stated that she attended the School Board meeting earlier today. She indicated that, at that meeting, they recognized the Cross Country Team for winning their second state championship in a row.
- Mrs. Cook stated that Jim Carns was present at the Board meeting. Rep. Carns had requested and announced receipt of grants totalling \$3.1 million for facility funding including energy improvements that will save the schools approximately \$600,000 annually in expenses. The first item will be to install LED lighting and other conservation efforts.
- Mrs. Cook stated that Dr. Bosnick gave test results which indicated the City was second in testing scores in the state, and the schools are very proud of that.
- Mr. Pierce stated that he would be attending the Coffee and Classrooms Chamber of Commerce event tomorrow. He stated that this is the second year for this event, and he encouraged everyone to attend. He stated that this would be held at each of the schools. It begins at 8:30 tomorrow morning and will go school by school.

New Business

13. Ordinance Number 3199 - A - An Ordinance Amending Ordinance Number 3199 to Amend Language in the Joint Services Agreement (Exhibit A) Between City of Vestavia Hills, Jefferson County, and City of Birmingham In Order to Share Responsibilities for Improvements to the Blue Lake Drive and Sicard Hollow Road Intersection for Jefferson County Project No. 37-19-400

MOTION: Approve Ordinance 3199-A as presented. Motion by Kimberly Cook. Seconded by: George Pierce.

Mr. Downes explained that a previous agreement had been approved by the Council, but Birmingham had requested some minor changes in the agreement. This allows the approval of an amended agreement.

Mrs. Kearley gave an update indicating there were no major changes, just some very minor changes. She stated that the improvements are out to bid now and should start construction next spring.

Mrs. Cook added that she requested that the term "Vestavia" in the agreement be changed to "Vestavia Hills."

There being no further discussion, the Mayor called for the question.

VOTE: Roll call vote as follows: Yes: Ashley Curry, Rusty Weaver, Kimberly Cook, Paul Head, George Pierce. No: None. Abstain: None. Motion passed.

New Business Requesting Unanimous Consent

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

- 14. Resolution Number 5486 - A Resolution Authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way adjacent to certain properties in the City of Vestavia Hills**
- 15. Resolution Number 5487 - A Resolution authorizing and directing the City Manager to take any and all legal actions necessary to complete the dispute resolution process for replacement and installation of a new chiller at the Vestavia Hills Civic Center**
- 16. Resolution Number 5488 - Vacation of a Public Utility Easement on the property located at 1636 Panorama Drive; Lot 3, Caffee's Addition to Panorama; David Brouillette, Owner**
- 17. Ordinance Number 3204 - An Ordinance defining Short-term rentals and prohibiting said use in dwellings and/or dwelling units**
- 18. Citizens Comments**

- None

19. Time Of Adjournment

There being no further business, Mr. Pierce made a motion to adjourn. The Mayor adjourned the meeting at 6:36 PM.

Ashley C. Curry, Mayor

ATTESTED BY:

Rebecca Leavings, City Clerk



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

December 11, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings, City Clerk

RE: Resolution Number 5486 - A Resolution Authorizing the installation of a new support structure for a small cell facility to be located in the right-of-way adjacent to certain properties in the City of Vestavia Hills

Background:

Ordinance Number 2814A regulates the installation of new support structures for small cell deployment. Applications for these locations were submitted more than a year ago. However, the proposed improvements to Massey Road postponed approval of three proposed locations. Also, Council action postponed the approval of a structure on Forest Haven Lane. These locations have been studied and relocated and are now being submitted for approval. Notifications were sent to property owners on November 9, 2023 with information to refer to the City's website for an abundance of information concerning small cell deployment.

Recommendation:

n/a

Fiscal Impact:

n/a

Attachments:

1. Resolution 5486
2. Lewis Objection The Falls

RESOLUTION NUMBER 5486

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

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

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

WHEREAS, on the 11th day of October, 2022, Acquanetta Love, on behalf of Crown Castle Fiber, LLC, submitted applications for a new support structure to be located in the right-of-way (“ROW”) adjacent to the following properties as detailed in Exhibit A which is attached and incorporated into this Resolution Number 5486 as if written therein: (1) 1829 Forest Haven Drive; (2) 210 Williamsburg Office Park; (3) 2007 Massey Road and (4) 3049 Massey Road; and

WHEREAS, a sign was erected on the ROW and the surrounding property owners were notified of the request and contact information on November 9, 2023 and a public hearing to be held on December 11, 2023 regarding said new support request; and

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

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

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

1. The Mayor and City Council hereby accept the recommendation of the City Manager and authorize the installation of a new support structure to be located in the ROW adjacent to (1) 1829 Forest Haven Drive; (2) 210 Williamsburg Office Park; (3) 2007 Massey Road and (4) 3049 Massey Road as detailed in the supporting information marked as Exhibit A, attached to and incorporated into this Resolution 5486 as if written fully therein; and
2. This Resolution shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS
A LIFE ABOVE

ASHLEY C. CURRY
Mayor

REBECCA LEAVINGS
City Clerk

November 3, 2023

RE: Small Cell/Fiber Deployment

Dear Property Owner:

A new technology for cellular phone data and fiber internet is currently being deployed across the USA. Crown Castle, one of the companies deploying this technology, has indicated a need to locate a small micro-site cellular pole in the City of Vestavia Hills right-of-way adjacent/near your property and has submitted application for a support pole to be erected there. (See attached for location information.)

Small micro-site cellular poles are located in strategic areas which help to offload the larger macro cell towers as the need for cellular data increases in urban areas. Additional information concerning this technology is available on the City of Vestavia Hills website at <https://vhal.org/small-cell-technology>.

Please note that this request has not been approved by the City Council, but City staff is in the process of evaluating this request from Crown Castle and a public hearing on this matter has been set. Please review the included information along with the information on our website. If you need additional information, have questions or would like to discuss any concerns that you may have, please contact me at releavings@vhal.org or call 205.978.0184. If I am unable to assist you, I will share your contact information with a Crown Castle representative and have them contact you directly.

Thank you in advance for your attention to this request.

Sincerely,

A handwritten signature in blue ink, appearing to read "Rebecca Leavings".

Rebecca Leavings
City of Vestavia Hills City Clerk

VESTAVIA HILLS CITY HALL
1032 Montgomery Highway | Vestavia Hills, AL 35216
P. O. Box 660854 | Vestavia Hills, AL 35266-0854
205.978.0131 | VHAL.ORG

CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

OFFICIAL NOTICE OF A PUBLIC HEARING

November 9, 2023

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

TIME/DATE OF HEARING: 6:00 P.M. December 11, 2023 Monday

PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

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

LOCATION OF PROPERTY: ROW adjacent to 1829 Forest Haven Lane; See Enclosed Details for location and visual

NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,



Rebecca Leavings
City Clerk

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

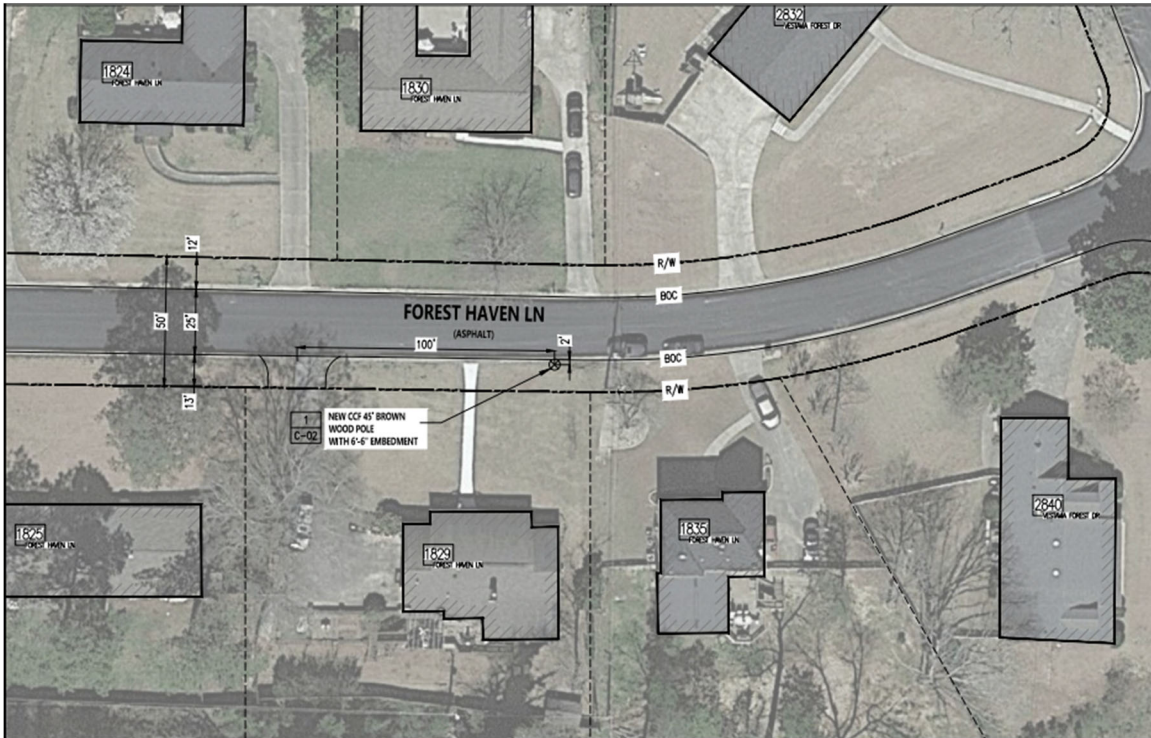
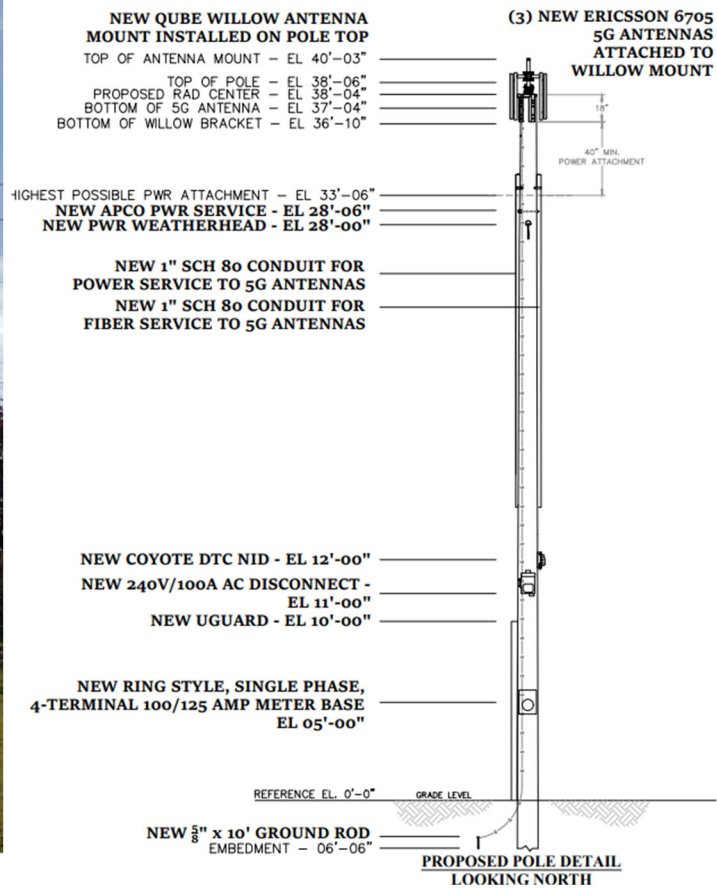


PHOTO SIMULATION



CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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1032 Montgomery Highway

BOARD: Vestavia Hills City Council

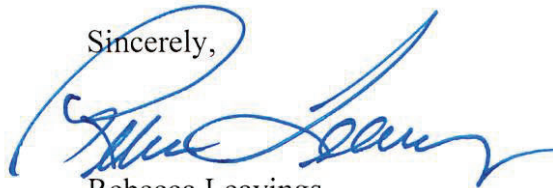
ACTION REQUESTED: Consideration of Installation of 45' Brown Wood Utility Pole with 6'6" embedment to be placed within the public right-of-way for Node Placement, Small Cell Wireless Facility

LOCATION OF PROPERTY: ROW adjacent to 220 Williamsburg Office Park; See Enclosed Details for location and visual

NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,



Rebecca Leavings
City Clerk

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

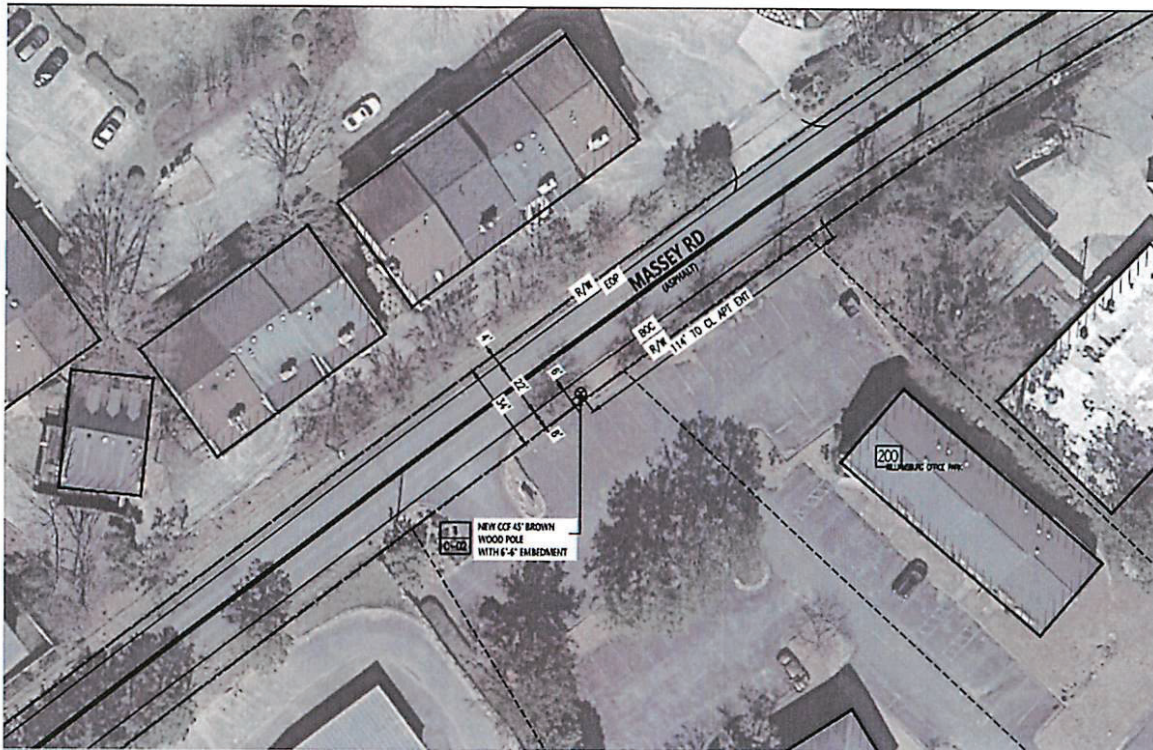
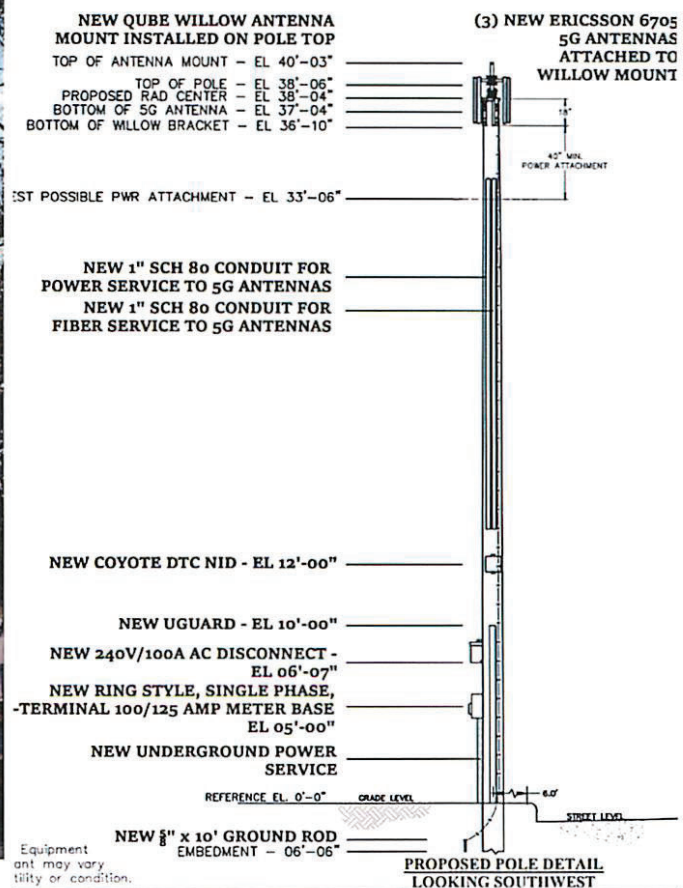


PHOTO SIMULATION



CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

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

LOCATION OF PROPERTY: ROW adjacent to 3007 Massey Road; See Enclosed Details for location and visual

NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

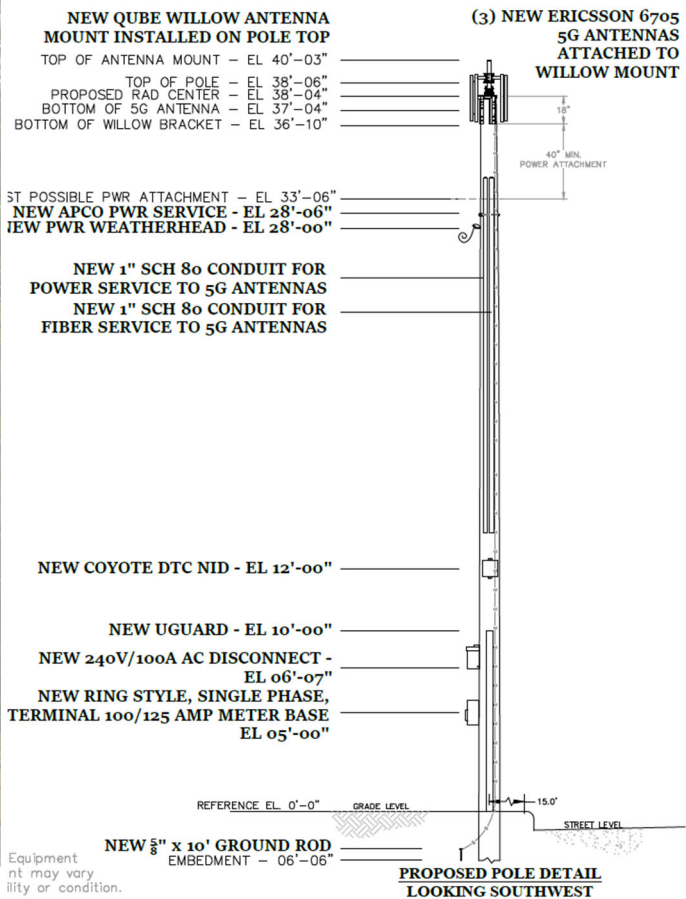


Rebecca Leavings
City Clerk

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PHOTO SIMULATION



CITY OF VESTAVIA HILLS

1032 MONTGOMERY HIGHWAY
VESTAVIA HILLS, ALABAMA 35216

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November 9, 2023

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TIME/DATE OF HEARING: 6:00 P.M. December 11, 2023 Monday

PLACE OF HEARING: Vestavia Hills City Hall
1032 Montgomery Highway

BOARD: Vestavia Hills City Council

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

LOCATION OF PROPERTY: ROW adjacent to 3049 Massey Road; See Enclosed Details for location and visual

NAME OF APPLICANT: Crown Castle Fiber LLC

REPRESENTED BY: Acquanetta Love

Sincerely,

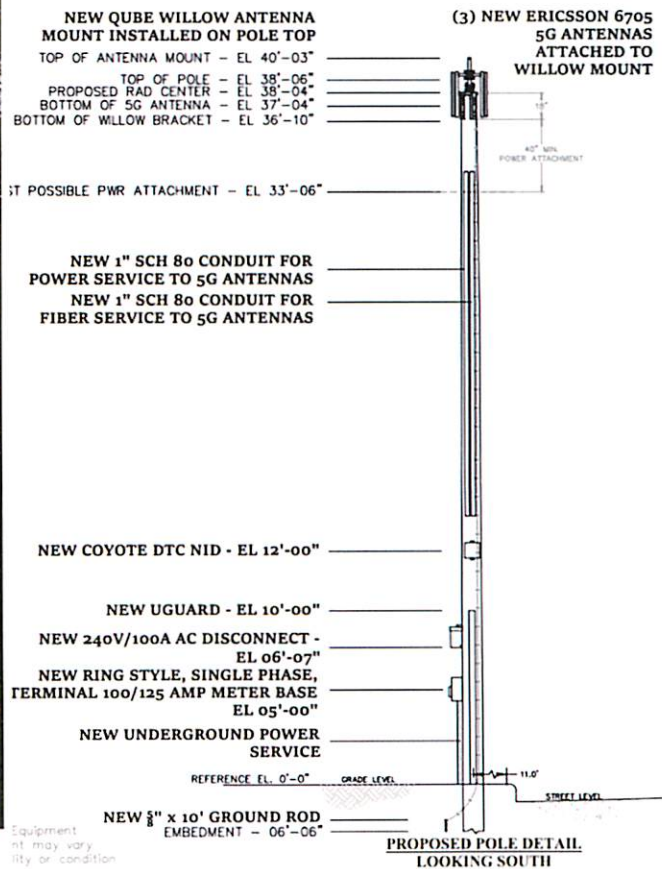


Rebecca Leavings
City Clerk

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



PHOTO SIMULATION



Equipment
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RESOLUTION NUMBER 5487

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO TAKE ANY AND ALL LEGAL ACTIONS NECESSARY TO COMPLETE THE DISPUTE RESOLUTION PROCESS FOR REPLACEMENT AND INSTALLATION OF A NEW CHILLER AT THE VESTAVIA HILLS CIVIC CENTER.

WITNESSETH THIS RESOLUTION NUMBER 5487 approved and adopted by the Vestavia Hills City Council on this the 11th day of December, 2023.

WITNESSETH THESE RECITALS:

WHEREAS, on June 15, 2020, the City of Vestavia Hills, as “Owner,” and Amason & Associates, Inc., as “Contractor,” entered into a contract for the construction of a new Vestavia Hills Civic Center at an agreed upon contract sum in the amount of Thirteen Million Six Hundred Twenty-three Thousand Nine Hundred Dollars (\$13,623,900.00); and

WHEREAS, Alabama law at Title 39-2-8, *Code of Alabama, 1975*, requires that the contractor for a public works project furnish a performance bond executed by a surety company duly authorized and qualified to make such bonds in the State of Alabama equal to one hundred percent (100%) of the amount of the contract price; and

WHEREAS, the Contractor furnished the required Performance Bond in the amount of \$13,623,900.00 with Contractor, Amason & Associates, Inc., as Principal, and Liberty Mutual Insurance Company, as Surety; and

WHEREAS, the chiller installed on the new building prior to the opening thereof is defective and needs replacement; and

WHEREAS, TCU Consulting Services, LLC (“TCU”) is the Owner’s representative that advised the Contractor about the defective chiller prior to the opening of the new Civic Center; and

WHEREAS, the Owner and Contractor agreed pursuant to Section 5.1.7 of the Contract that the City would withhold the sum of Three Hundred Thousand Dollars (\$300,000.00) as retainage, which said sum would be used for the rental of a chiller until a new chiller is replaced and installed; and

WHEREAS, the City has spent approximately Thirteen Thousand Dollars (\$13,000.00) per month for the rental of a chiller pending the replacement and installation of a new chiller by the Contractor; and

WHEREAS, certain negotiations by and among the Contractor, the electrical subcontractor for the Contractor, the mechanical subcontractor for the Contractor and the manufacturer of the chiller have taken place; and

WHEREAS, those negotiations have made little progress to date; and

WHEREAS, the City Council finds and determines that it is in the best public interest for the City to initiate any and all legal processes for dispute resolution pursuant to the contract documents so that the chiller will be replaced and installed without further delay.

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

1. The recitals set forth above are incorporated herein by reference as though set out fully herein.

2. The City Manager is hereby authorized and directed to take any and all actions necessary for the City to complete the dispute resolution process set forth in and required by the contract documents to have the Contractor to replace and install a new chiller at the Civic Center, specifically including but not limited to, the hiring of experts, attorneys, consultants and others and the execution and delivery of any and all documents necessary for the completion of the dispute resolution process.

3. This resolution shall become effective immediately upon adoption and approval.

RESOLVED, DONE, ADOPTED and ORDERED, on this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

E-Mail: patrickboone@bellsouth.net

November 17, 2023

By Electronic Mail

City Clerk Rebecca Leavings
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Resolution Number 5481/Dispute Resolution Process/Chiller

Dear Becky:

I forward you in "Word" format Resolution Number 5481 authorizing and directing the City Manager to take any and all legal actions necessary to complete the dispute resolution process for the replacement and installation of a new chiller at the Vestavia Hills Community Center.

It is my understanding that Resolution Number 5481 will be introduced for a first read at the City Council meeting on November 27, 2023. It is my further understanding that the matter will be on the agenda for the last meeting in December for consideration of approval.

With the Thanksgiving holidays approaching, I wanted to send you Resolution Number 5481 early in order to make your job easier in preparing the agenda for the meeting scheduled on November 27, 2023. Regards.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

Enclosure

cc: City Manager Jeffrey D. Downes



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

December 11, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings, City Clerk

RE: Resolution Number 5488 - Vacation of a Public Utility Easement on the property located at 1636 Panorama Drive; Lot 3, Caffee's Addition to Panorama; David Brouillette, Owner

Background:

The owner is attempting to make improvements to his property and is relocating a pipe. To do this, he must vacate the original easement and file a plat to relocate the new easement in order to continue his property improvements. This resolution has been requested as the first step to vacate the original easement.

Recommendation:

This request has been reviewed by the City Engineer who find no problems with the request, conditioned that it be followed by a plat to relocate the easement.

Fiscal Impact:

Attachments:

1. Resolution 5488

RESOLUTION NUMBER 5488

**A RESOLUTION APPROVING AND ASSENTING TO A
DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, a Declaration signed by the owners of all the lands abutting the following described public utility easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said public utility easement, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, the above-referenced public utility easement are commonly referred to as “public utility easement” and is more particularly described as follows:

A 15-foot easement located on lot 3, block 1 of Caffee's Addition to Panorama South, as recorded in map book 138, page 5 in the office of the judge of probate in Jefferson County, Alabama. Said 15-foot easement is located in the northeasterly portion of said lot 3, running in a southeasterly direction from the north line of said lot 3 to its intersection with the westerly right of way line of panorama drive. Said right of way line also being the most easterly property line of said lot 3, said 15 foot easement being more particularly described as follows: commence at the northeast corner of said lot 3; thence westerly along the north line of said Lot 3, 131.00 feet to the point of beginning of the centerline of said 15 foot easement; thence deflect left from said north line of lot 3 138 degrees 36 minutes 41 seconds in a southeasterly direction, 147.91 feet to the intersection with said westerly right of way line of Panorama Drive and end of herein described 15 foot easement. Said 15-foot easement lying 7.5 feet each side of and parallel to described centerline.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described public utility easement is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

RESOLVED, DONE AND ORDERED, on this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION

I, the undersigned qualified Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 11th day of December, 2023, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2023.

Rebecca Leavings
City Clerk

STATE OF ALABAMA
JEFFERSON COUNTY

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting 1636 Panorama Drive as same appears on the Plat of Coffees addition Panorama ^{South} which Plat is recorded in Plat Book 133, at Page 5, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said storm sewer as the same appears of record on the Plat to be vacated, and said storm sewer is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of storm sewer is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that storm sewer be closed and vacated.

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

4. storm sewer is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at 1636 Panorama Drive Lot 3, Block 1 Coffees addition Panorama South

_____. A copy of the map reflecting the location of storm sewer is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting storm sewer and the names and addresses of the owner of said abutting properties are as follows:

6. All of the undersigned do hereby declare storm sewer to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of storm sewer and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the 22nd day of October, 2023.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)

Pam B

Katin Bell

Will W. Adams

Kathryn Adell

STATE OF ALABAMA

JEFFERSON COUNTY

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that [Signature] and Krista Bell, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

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

Notary Public

STATE OF ALABAMA

JEFFERSON COUNTY

GENERAL ACKNOWLEDGMENT

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Frederick W Aderholt and Kathryn G. Aderholt, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24th day of October, 2023.

[Signature]
Notary Public



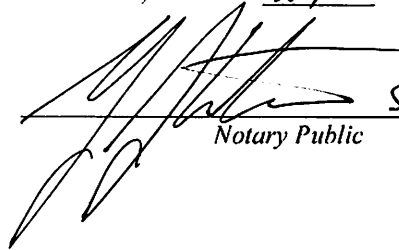
STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Kristi Bell and Paula B..., whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 25 day of October, 2023.



Notary Public 5-6-2024

STATE OF ALABAMA

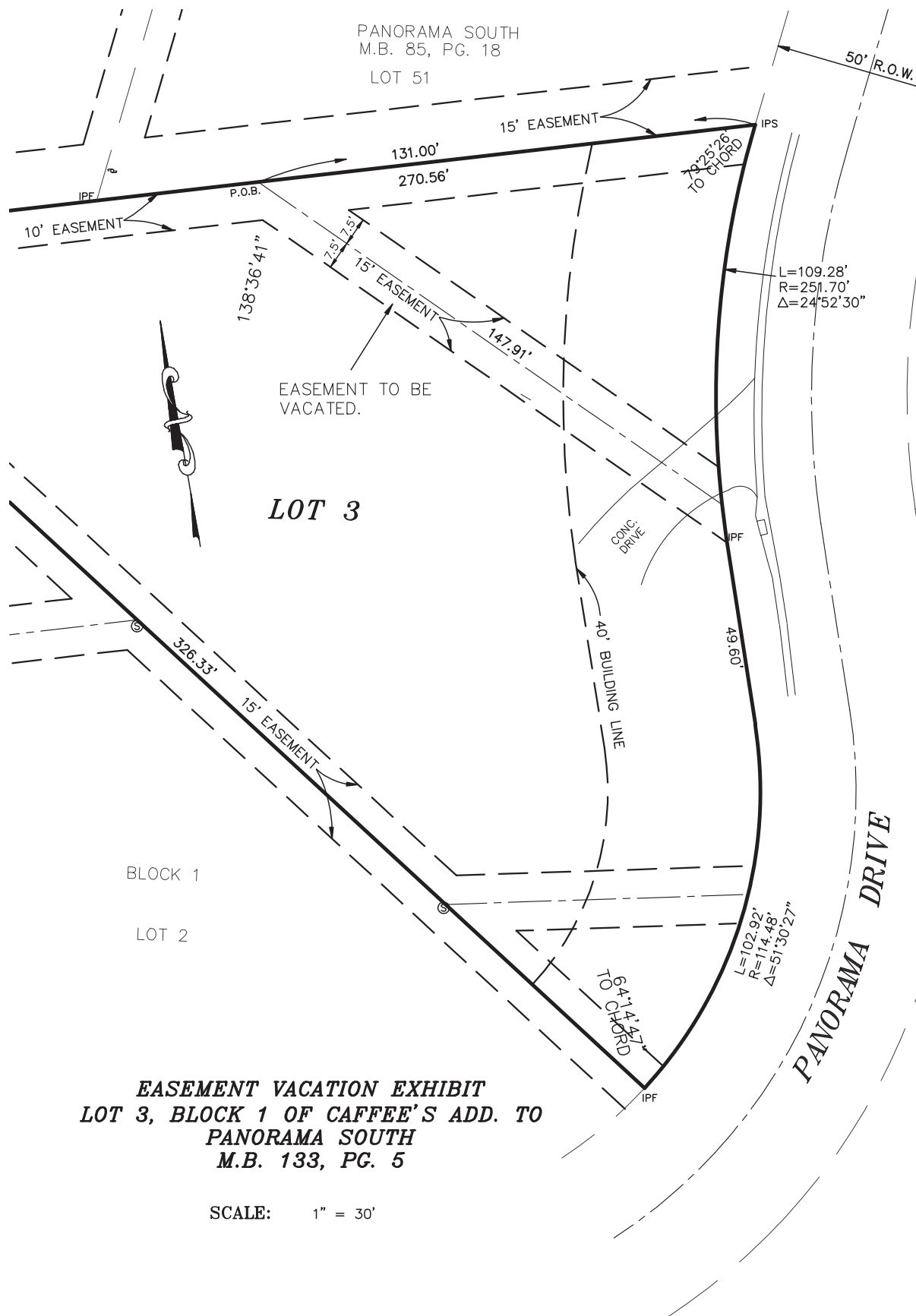
GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that _____ and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

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

Notary Public



15 FOOT EASEMENT VACATION DESCRIPTION

A 15 FOOT EASEMENT LOCATED ON LOT 3, BLOCK 1 OF CAFFEE'S ADDITION TO PANORAMA SOUTH, AS RECORDED IN MAP BOOK 138, PAGE 5 IN THE OFFICE OF THE JUDGE OF PROBATE IN JEFFERSON COUNTY, ALABAMA. SAID 15 FOOT EASEMENT IS LOCATED IN THE NORTHEASTERLY PORTION OF SAID LOT 3, RUNNING IN A SOUTHEASTERLY DIRECTION FROM THE NORTH LINE OF SAID LOT 3 TO ITS INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF PANORAMA DRIVE. SAID RIGHT OF WAY LINE ALSO BEING THE MOST EASTERLY PROPERTY LINE OF SAID LOT 3, SAID 15 FOOT EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID LOT 3; THENCE WESTERLY ALONG THE NORTH LINE OF SAID LOT 3, 131.00 FEET TO THE POINT OF BEGINNING OF THE CENTERLINE OF SAID 15 FOOT EASEMENT; THENCE DEFLECT LEFT FROM SAID NORTH LINE OF LOT 3 138 DEGRESS 36 MINUTES 41 SECONDS IN A SOUTHEASTERLY DIRECTION, 147.91 FEET TO THE INTERSECTION WITH SAID WESTERLY RIGHT OF WAY LINE OF PANORAMA DRIVE AND END OF HEREIN DESCRIBED 15 FOOT EASEMENT. SAID 15 FOOT EASEMENT LYING 7.5 FEET EACH SIDE OF AND PARALLEL TO DESCRIBED CENTERLINE.



VEAS-23-1

Engineering Approval

Vacation of Easement

Status: Complete

Became Active: Nov 13, 2023

Assignee: Christopher Brady

Completed: Nov 16, 2023

Applicant

David Brouillette
david@bbholdings.biz
1636 Panorama Drive
Vestavia Hills, Alabama 35216
2059199081

Primary Location

1636 PANORAMA DR
VESTAVIA HILLS, AL 35216

Owner:

David Brouillette
1636 Panorama Drive Vestavia Hills, Alabama
35216

Comments

David Brouillette, Nov 14, 2023

Christopher Brady, would you please call me today, I have a question about VEAS-23-1 and Driveway permit. Thanks David B. 205-919-9081

Christopher Brady, Nov 16, 2023

I added attachment pulled from other permit requests files to show the area of easement vacation, and the needed new easement to be dedicated at work completion.

Approval of this vacation is contingent.of storm drainage pipe being relocated as shown and a new easement to be dedicated.

David Brouillette, Nov 16, 2023

Christopher, does this mean we may proceed with relocating pipe?

Rebecca Leavings, Nov 16, 2023

Mr. Brouillette, this needs to be approved by the City Council and the resolution recorded. Then I will give you the information to be added to the plat that your engineer needs to prepare and bring to P&Z for approval. Once the new resurvey is recorded and a copy given to my department, then Mr.

JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS – PRESIDENT
LASHUNDA SCALES
SHEILA TYSON
Mike Bolin
T. JOE KNIGHT

CAL MARKERT
CHIEF EXECUTIVE OFFICER

DAVID DENARD
Director of Environmental Services Department
SUITE A300
716 Richard Arrington Jr. Blvd. N
Birmingham, Alabama 35203
Telephone (205) 325-5496
Fax (205) 325-5981

MEMORANDUM

TO: David Brouillette

FROM: Emily Kemp, Chief Civil Engineer *ek*
Environmental Services Department

DATE: October 27, 2023

RE: Proposed Vacation of Public Utility Easement, City of Vestavia Hills
1636 Panorama Drive, Vestavia Hills
Lot 3, Block 1 of Caffee's Addition to Panorama South; Map Book 138, Page 5
SE ¼ -NW ¼- 6-19S-2W; PID 40-00-06-2-001-081.001

This memo responds to a public utility easement vacation request received for the above referenced property. (said easement is highlighted yellow on attached drawing) It appears, to the best of our knowledge, that no County maintained sanitary sewer exists within this public utility easement. Based on the aforementioned, we have no objection to the vacation of said public easement insofar as sanitary sewers are concerned. This memorandum should not be construed that this department warrants the accuracy of information provided to us by others.

cc: Hubert Chapman, Senior Land Acquisition Agent
Ben Pate, ESD Plans Examiner
File



October 29, 2023

#618

David Brouillette
1636 Panorama Drive
Vestavia Hills, Alabama 35216

To whom it may concern:

You may present this letter to interested parties as evidence that The Water Works Board of the City of Birmingham has no existing facilities within that portion of a 15' utility easement proposing to be vacated within Lot 3 Block 1 Caffee's Addition to Panorama South as recorded in Map Book 133 Page 5 Probate Court of Jefferson County Alabama, situated in the SE¼ of the NW¼ of Section 06, Township 19 South, Range 2 West, located in the City of Vestavia Hills, Alabama. Therefore, the Water Board has no objection to the vacation of said easement.

Should you have questions or need additional information, please feel free to contact Ms. Antris Betts, at (205) 244-4262; or you may reach Ms. Betts via email at antris.betts@bwwb.org.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'Douglass W. Stockham, IV'.

Douglass W. Stockham, IV
Manager - System Development

AB/
D.P. J-483-1
Gradient: CVS



11/2/2023

David Brouillette
Property Owner
1636 Panorama Dr
Vestavia Hills, AL 35216

RE: Vacation of Easement

Dear Mr. Brouillette,

We are in receipt of your request regarding the Subject Property that is located at:

Lot 3, Block 1
Caffees addition to Panorama south
Map 133, Page 5
1636 Panorama Drive,
Vestavia Hills, AL. 35216

This letter is to confirm that there is no conflict with our facilities related to the vacation and relocation of the storm sewer easement at the above referenced location.

Please let me know if anything else is needed.

Sincerely,

A handwritten signature in blue ink that reads "Lee Walden".

Lee Walden
Construction Supervisor
Lee.Walden@charter.com
Office: 205-573-6815
Cell: 205-490-3098

2 Industrial Park Drive | Pelham, AL 35124



APC Doc #72292695-001

October 24, 2023

David Brouillette
1636 Panorama Dr
Vestavia Hills, AL 35216

RE: Proposed vacation of the fifteen-foot wide utility easement shown on the plat (attached) of the subject property address above and more particularly described as follows: Lot 3, Block 1, according to the Map of Caffees Addition to Panorama South, as recorded in Map Book 138, Page 5, in the Probate Office of Jefferson County, Alabama. Said property lies in the Southeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 6, Township 19 South, Range 2 West, City of Vestavia Hills, Alabama in Jefferson County, Alabama.

Mr. Brouillette,

Alabama Power Company presently has no facilities (and makes no claim of any being there) and has no objection to the vacation of above said easement as shown on the Survey mentioned above (and attached).

However, should the need arise in the future for any power line to be installed on the property described above, Alabama Power Company will acquire the necessary rights of way from the owner of record on that date.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dean Fritz", written over a horizontal line.

Dean Fritz
Real Estate Specialist
Corporate Real Estate
Alabama Power Company
205-226-1754



October 23, 2023

David Brouillette
1636 Panorama Dr
Vestavia Hills Al, 35216

Dear Mr. David Brouillette,

We have examined the easements and find no conflicts associated with the provided documents. Accept this as your no objection letter to vacate those easements. If you have any additional questions or concerns, please let me know.

Sincerely,

Dennis Russ
SR SPECIALIST-OSP DESIGN ENGINEER
• ACCESS - CONSTRUCTION & ENGINEERING
205-531-1211, dr8424@att.com



**CITY OF VESTAVIA HILLS
CITY CLERK
INTER-DEPARTMENT MEMO**

December 11, 2023

To: Jeff Downes, City Manager

Cc:

From: Rebecca Leavings, City Clerk

RE: Ordinance Number 3204 - An Ordinance defining Short-term rentals and prohibiting said use in dwellings and/or dwelling units

Background:

Short-term rentals have been opening in various parts of the City and becoming a frequent complaint from area residents. The City issued a report many years ago addressing said businesses, however, the existing ordinances never gave a clear definition of a short-term rental or remedies for compliance. This ordinance clearly defines a short-term rental and prohibits this type of business in dwellings within the City.

Recommendation:

Fiscal Impact:

Attachments:

1. Ordinance 3204

ORDINANCE NUMBER 3204

AN ORDINANCE DEFINING SHORT-TERM RENTALS AND PROHIBITING SAID USE IN DWELLINGS AND/OR DWELLING UNIT

WHEREAS, The City of Vestavia Hills is committed to maintaining and preserving the quality of its residential neighborhoods, scenic beauty, and the natural resources that are the foundation of its economic strength and quality of life; and

WHEREAS, The rental of residences for short-term occupancy has been identified as a community concern due to the potential for increased traffic, noise, and population density; high rate of occupant turnover; and general diminution of residential neighborhood character; and

WHEREAS, the allowance of short-term rentals in residential neighborhoods has the potential to negatively impact the health, safety, and general welfare of property owners, residential neighborhoods, and nearby residential properties; and

WHEREAS, The restrictions established by this ordinance are necessary to protect the integrity and residential character of the city's residential neighborhoods, and promote the health, safety, and general welfare of the residents of Vestavia Hills; and

WHEREAS, This ordinance is required to prohibit the short-term rental of residences and the promotion and advertisement of short-term rentals of residences for periods of less than ninety (90) consecutive days, in order to protect the public health, safety, and welfare, and maintain the existing community standards in the City of Vestavia Hills relating to residentially zoned property;

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

ARTICLE I. DEFINITIONS: For the purposes of this article, the following definitions shall apply:

1. "Advertise" or "advertisement." Any written, electronic, or oral publication, dissemination, solicitation, or circulation which is intended to directly or indirectly induce any person to enter into an agreement for the rental of a residence in violation of this article or other applicable provisions of the Zoning Ordinance of the City of Vestavia Hills. This definition includes but is not limited to mailings, print advertisements, internet listings, e-mail publications, Facebook publications, or other oral, printed, or electronic means.
2. (b) "Dwelling." A building containing one or more dwelling units. For a part of a building to constitute a separate dwelling unit it must be separated from the remainder

- of the building by one or more party walls. The word "dwelling" shall not include boarding houses, rooming houses, tents, hotels, mobile homes or other structures designed or used primarily for transients.
3. " Dwelling unit." Any building or any part of a building used or designed as a separate residence for a family, including an apartment or one or more rooms forming a single residential unit.
 4. "Enterprise." Any corporation, association, firm, partnership, LLC, or other legal entity.
 5. "Facilitate." A person, operator, or enterprise "facilitates" if, acting with knowledge that an operator, managing agency or rental agent is committing or intends to commit the offense of renting a residence in violation of this article, the person or enterprise knowingly provides the operator, managing agency or rental agent with means or opportunity for the commission of said offense.
 6. "Managing agency" or "rental agent." A person, operator, enterprise, or agency representing the owner of the residence, or a person, enterprise or agency owning more than one residence.
 7. "Operator." A person or enterprise who is owner or proprietor of a residence, whether in the capacity of owner, lessee, sub-lessee, mortgagee in possession, licensee, managing agency, rental agent, or any other capacity. Where the operator performs his or her functions through a managing agency of any type or character, or where the operator performs his or her functions through a managing agency or the rental agent, the operator has the same duties as its principal.
 8. "Person." Any individual or a group of individuals, enterprise, managing agency, rental agent, operator, or any entity.
 9. "Remuneration." Compensation, money, or other consideration given in return for occupancy, possession, or use of real property.
 10. "Rent." The consideration or remuneration charged whether or not received, for the occupancy or possession of space in a residence, valued in money, whether to be received in money, goods, labor, or otherwise, including all receipts, cash, credits, property or services of any kind.
 11. "Rental." An arrangement between a transient and an operator whereby rent is received in exchange for the right to possess a residential structure.
 12. "Residence." Any dwelling, dwelling unit, or structure (in whole or in part) located in any residential zoning district as defined in the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, including detached single-family dwellings, attached single family dwelling, duplexes, and multi-family dwellings.
 13. "Short Term Rental" shall mean the rental of any Residence or any part thereof to a Transient for overnight occupancy for a period less than ninety (90) consecutive calendar days, counting portions of calendar days as full days.
 14. "Solicit" A person "solicits" if, with the intent to promote or facilitate the short-term rental of a residence in violation of this article, or if such person commands, encourages, requests or solicits another person to engage in conduct which would constitute a violation of this article.
 15. "Transient." Those who reside, possess, or inhabit a residence (or a portion thereof) as defined by this article for a period of less than ninety (90) consecutive calendar days, counting portions of calendar days as full days.

ARTICLE II. PROHIBITED RENTAL DURATION: It shall be unlawful for any Person to rent or possess to rent for any type of remuneration, any residence, as defined by this article, for a period of time of less than Ninety (90) consecutive days in duration to any transient.

ARTICLE III. ADVERTISEMENT OF SHORT-TERM RENTALS OR RESIDENCES PROHIBITED. It shall be unlawful for any person to advertise, solicit, or facilitate the rental for a duration less than ninety (90) consecutive days of any residence as defined by this article. Such activity is prohibited, whether by mailings, print advertisements, internet listings, or any other means for communicating such advertisement.

ARTICLE V. REPEALER. All ordinances or parts of ordinances heretofore adopted by the City Council of the City of Vestavia Hills, Alabama that are inconsistent with the provisions of this ordinance are hereby expressly repealed.

ARTICLE VI. SEVERABILITY. 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.

ARTICLE VII. FINES AND PUNISHMENT. It shall be unlawful to violate any of the terms and provisions of this ordinance. Any person, firm or corporation violating any of the said terms and provisions of this ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fines and penalties as allowed by the State of Alabama for a misdemeanor violation for each such offense. Each day any violation of this ordinance shall continue shall constitute a separate offense.

ARTICLE VIII. EFFECTIVE DATE. This ordinance shall become effective immediately upon adoption and posting/publication as provided by law.

DONE, ORDERED, ADOPTED and APPROVED this the 11th day of December, 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 3204 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 11th day of December, 2023 as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk



**CITY OF VESTAVIA HILLS
PUBLIC SERVICES
INTER-DEPARTMENT MEMO**

December 11, 2023

To: Jeff Downes, City Manager

Cc: Rebecca Leavings, City Clerk

From: Lori Beth Kearley, Public Services Director

RE: Resolution Number 5489 - A Resolution Authorizing a Sign Replacement Project Designated as Project Number IM-I459(322) on I-459 Within the City Limits of Vestavia Hills.

Background:

The Alabama Department of Transportation has prepared plans for a signage replacement project along I-459 from I-59/20 (Exit 0) to I-59 (Exit 33). ALDOT is requesting consideration and approval of the portions of the project within the city limits of Vestavia Hills via City Council Resolution. The project is currently scheduled to bid in February 2024.

Recommendation:

I have reviewed the plans and find no issues with the plans as prepared.

Fiscal Impact:

There is no financial impact to the City.

Attachments:

1. ALDOT Letter & Resolution
2. Resolution 5489



Kay Ivey
Governor

ALABAMA DEPARTMENT OF TRANSPORTATION

EAST CENTRAL REGION
OFFICE OF REGION ENGINEER
100 CORPORATE PARKWAY
SUITE 450
Hoover, AL 35242
TELEPHONE: (205) 327-4962



John R. Cooper
Transportation Director

November 17, 2023

The Honorable Ashley Curry
Mayor, City of Vestavia Hills
City Hall
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

RE: Jefferson County
Project Number: IM-I459(322)
Sign Replacement on I-459 from I-59/20
(Exit 0) to I-59 (Exit 33)

Dear Mayor Curry:

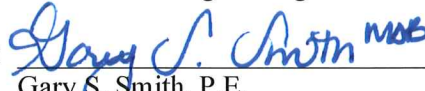
Attached you will find the Standard Project Resolution and Plans concerning the above referenced project.

Please review these documents and, if all is in order, present them to the City Council of Vestavia Hills for consideration and approval. It is important to emboss the official City of Vestavia Hills Seal on each signature sheet. A certified resolution, which authorizes the Mayor to sign the agreement, affixed with the City Seal should also be included with the agreement. After execution, please return this document, with original signatures (no stamps), to this office, ATTN: Mrs. Sandra F. P. Bonner to avoid possible delays to the letting schedule.

If I can supply you with any additional information or clarify any point contained herein, please feel free to contact me at your convenience.

Sincerely,

DeJarvis Leonard, P.E.
East Central Region Engineer

By: 
Gary S. Smith, P.E.
Asst. East Central Region Engineer, Pre-Construction

DL/GSS/MB/sfpb
Attachment
C: Mrs. Sandra F. P. Bonner
File w/att.

RESOLUTION NUMBER 5489

A RESOLUTION AUTHORIZING THE ALABAMA DEPARTMENT OF TRANSPORTATION TO PROCEED WITH CERTAIN IMPROVEMENTS ON INTERSTATE 459 WITHIN THE CITY LIMITS OF VESTAVIA HILLS FRO PROJECT NUMBER: IM-I459(322) SIGN REPLACMENT ON I-459 FROM I-59/20 (EXIT 0) TO I-59 (EXIT 33)

WHEREAS, the City of Vestavia Hills, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on Interstate 459 within the City Limits of Vestavia Hills, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: IM-1459(322) Sign Replacement on I-459 from I-59/20 (Exit 0) to I-59 (Exit 33); and

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

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

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referenced to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans; and

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and

hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

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

This project does not require the relocation or barricading of any intersecting streets.

Please refer to: Project Notes (Sheet 2)

Please refer to: Traffic Control Plan Notes (Sheet 2-A)

Please refer to: General Signing Plan Notes (Sheet 2-B)

Please refer to: Temporary Traffic Control Plan (Sheets 60-69)

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

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

BE IT FURTHER RESOLVED, by this City Council:

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

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

This Resolution passed, adopted and approved on this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, the undersigned, Clerk of the City of Vestavia Hills do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the 11TH day of December, 2023, which resolution is on file in the office of the City Clerk.

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

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5490

**APPOINTING A MEMBER TO THE VESTAVIA HILLS
PARKS AND RECREATION BOARD**

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

WHEREAS, _____ is hereby appointed as a member of the City of
Vestavia Hills Parks and Recreation Board; and

WHEREAS, the appointment shall be effective January 1, 2024, and shall expire
December 31, 2028.

APPROVED AND ADOPTED this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5491

**APPOINTING A MEMBER TO THE
VESTAVIA HILLS LIBRARY BOARD TO
FILL AN UNEXPIRED TERM**

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

WHEREAS, a current member of the Vestavia Hills Library Board submitted a resignation from his appointment due to circumstances beyond his control; and

WHEREAS, _____ is hereby appointed as a member of the City of Vestavia Hills Library Board to fill the unexpired term of Greg Jones; and

WHEREAS, the said appointment shall be effective immediately and shall expire December 31, 2024.

APPROVED AND ADOPTED this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5492

**APPOINTING MEMBERS TO THE
VESTAVIA HILLS LIBRARY BOARD**

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

WHEREAS, _____ is hereby appointed as a member of the
City of Vestavia Hills Library Board; and

WHEREAS, the said appointment shall be effective January 1, 2024 and shall
expire December 31, 2027.

APPROVED AND ADOPTED this the 11th day of December, 2023.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS

INTER-DEPARTMENT MEMO

December 11, 2023

To: Jeff Downes, City Manager

Cc:

From:

RE: Citizens Comments

Background:

Recommendation:

Fiscal Impact:

Attachments:

None