

**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 23<sup>rd</sup> 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

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 6<sup>th</sup> 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 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 Methodist Church: One voting and polling place for municipal elections in the City of Vestavia Hills, Alabama shall be at the Vestavia Hills 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 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 23<sup>rd</sup> 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