

**Vestavia Hills
City Council Agenda
June 11, 2012
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Sam Bryant, Vestavia Primitive Baptist Church
4. Pledge of Allegiance
5. Candidates, Announcements and Guest Recognition
6. Employee of the Month Recognition
7. Mayor's Report
8. Councilors' Reports
9. Presentation – Jefferson-Blount-St. Clair Mental Health Authority
10. Approval Of Minutes – May 9, 2012 (Special Meeting), May 17, 2012 (Meeting with the Mayor) and May 30, 2012 (Regular Meeting)

Old Business

11. Ordinance Number 2409 - Rezoning – Vestavia Hills High School Campus; Lime Rock Road; Rezone From VH R-2 To VH Inst-1 For School Use; Vestavia Hills Board Of Education, Owners

New Business

12. Resolution Number 4304 - A Resolution Approving A 032 – Club Liquor II License For Bar 31 D/B/A Bar 31, Inc., Jerry Bajalia, Edward Webber And James Mcleod, Executives.
13. Resolution Number 4305 A Resolution Authorizing The Mayor To Sign An Agreement With Jefferson County Commission For Election Equipment For The August 28, 2012 And, If Needed, The October 9, 2012 City Of Vestavia Hills Municipal Elections
14. Resolution Number 4306 - A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Items
15. Resolution Number 4307 - A Resolution Accepting A 3-Year Bid For Street Repairs/Resurfacing

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

16. Ordinance Number 2411 – An Ordinance To Repeal Ordinance 2209, Adopted June 6, 2005, And Adopt In Full Ordinance 2411 “City Of Vestavia Hills Smoke Free Ordinance Of 2012”
17. Resolution Number 4308 – A Resolution Amending Resolution Number 4233 To Amend The General Fund Budget For Fiscal Year 2012-2013 To Allocate A Planner Position
18. Citizens Comments
19. Executive Session
20. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 9, 2012

The City Council of Vestavia Hills met in special session on this date at 8:00 AM following publication/posting pursuant to Alabama law. The Council President called the meeting to order and the Deputy City Clerk called the roll with the following:

MEMBERS PRESENT: Mary Lee Rice, Council President
George Pierce
Jim Sharp

OFFICIALS ABSENT: Steve Ammons, President Pro-Tem
Linda Allison

OTHER OFFICIALS PRESENT: Mayor Alberto C. Zaragoza, Jr.
Randy Robertson, City Manager
Wendy Appling, Deputy City Clerk
Melvin Turner, III, Finance Director
George Sawaya, Deputy Treasurer

Invocation was given by Mr. Pierce, followed by the Pledge of Allegiance.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

RESOLUTION NUMBER 4292

Resolution Number 4292 – A Resolution Authorizing The Mayor To Sign An Easement Agreement With Alabama Power Company To Allow Electrical Service

MOTION Motion for unanimous consent for the consideration and action on Resolution Number 4292 was by Mr. Pierce and second was by Mr. Sharp. Roll call vote as follows:

Mr. Pierce – yes Mr. Sharp – yes
Ms. Rice – yes Motion carried.

MOTION Motion to adopt Resolution Number 4292 was by Mr. Pierce and second was by Mr. Sharp.

The Mayor stated that this is standard procedure for an easement.

Mr. Boone stated that Alabama Power Company has determined the placement of the easement.

Mr. Cole Williams agreed with Mr. Boone.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Sharp – yes
Ms. Rice – yes Motion carried.

RESOLUTION NUMBER 4293

Resolution Number 4293 - A Resolution Accepting A Bid For The Patchwork/Healthy Way Entrance Road And Turn Lane Improvements Bid For The City Of Vestavia Hills

MOTION Motion for unanimous consent for the consideration and action on Resolution Number 4293 was by Mr. Pierce and second was by Mr. Sharp. Roll call vote as follows:
Mr. Pierce – yes Mr. Sharp – yes
Ms. Rice – yes Motion carried.

MOTION Motion to adopt Resolution Number 4293 was by Mr. Pierce and second was by Mr. Sharp.

The Mayor discussed the project and bid.

Mr. Boone stated that a part-time resident inspector should be hired to represent the City since Goodwyn, Mills and Cawood represents the City and Life Time.

The Mayor stated that the City Engineer has provided an agreement for \$40,000 for the inspector.

Mr. Boone stated that it is well worth the money.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Sharp – yes
Ms. Rice – yes Motion carried.

CITIZENS COMMENTS

None.

EXECUTIVE SESSION

Ms. Rice stated that the Council needed to move into Executive Session in order to discuss the purchase/sale of property. She explained that the Session is estimated to last approximately 20 minutes and asked Mr. Boone to verify that is a legal reason for an Executive Session.

Mr. Boone concurred and Ms. Rice opened the floor for a motion.

MOTION Motion for the Council to move into Executive Session for the discussion of purchase/sale for an estimated 20 minutes was by Mr. Pierce and second was by Mr. Sharp. On a roll call vote:

Mr. Pierce – yes	Mr. Sharp – yes
Ms. Rice – yes	Motion carried.

The Council exited the Chamber at 8:25 AM and entered into Executive Session. At 8:45 PM, they re-entered the Chamber and Ms. Rice called the meeting back to order.

MOTION Motion to adjourn the meeting at 8:45 AM was by Mr. Pierce. Mr. Sharp seconded the motion, voice vote as follows:

Mr. Pierce – yes	Mr. Sharp – yes
Ms. Rice – yes	Motion carried.

Mary Lee Rice
Council President

ATTESTED BY:

Wendy Appling
Deputy City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CITY OF VESTAVIA HILLS
MEETING WITH THE MAYOR

MINUTES

MAY 17, 2012

The City Council of Vestavia Hills met in a regularly scheduled Meeting with the Mayor on this date at 4:30 PM following posting/publication pursuant to Alabama law. The Mayor called the meeting to order and the roll was checked with the following:

MEMBERS PRESENT:

Steve Ammons, President Pro-Tem
Linda Allison
George Pierce
Jim Sharp

MEMBERS ABSENT:

Mary Lee Rice, Council President

OTHER OFFICIALS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Randy Robertson, City Manager
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Jim St. John, Fire Chief

The Mayor opened the meeting and welcomed the persons in attendance.

The Mayor discussed with the Council several topics/updates, including but not limited to:

- Update on abatement of nuisances within the City.
- Update on lighting retrofits in the Municipal Center and Civic Center.
- Steve Bendall, Mr. Robertson, Mr. Davis and the Mayor met to discuss possible retrofitting of the lighting in the parks and ball fields; an analysis of the findings of this proposal will be forthcoming.
- Implementation Committee with Market Street was held on May 16, 2012 with discussions and first year projects.
- Various other city issues were discussed.

Mr. Robertson followed with updates on various City facilities, on-going studies on possibilities for future plans for City facilities.

There being no further business, the meeting adjourned at 5:46 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 30, 2012

The City Council of Vestavia Hills met in regular session on this date at 5:00 PM. The Council President called the meeting to order and the Deputy City Clerk called the roll with the following:

MEMBERS PRESENT:

Mary Lee Rice, Council President
Steve Ammons, President Pro-Tem
George Pierce
Linda Allison
Jim Sharp

OTHER OFFICIALS PRESENT:

Randy Robertson, City Manager
Wendy Appling, Deputy City Clerk
Melvin Turner, III, Finance Director
George Sawaya, Deputy Treasurer
Christopher Brady, City Engineer
Jim St. John, Fire Chief
Greg Gilchrist, Fire Marshal
Dan Rary, Police Chief
Tim Holcomb, Deputy Police Chief
Lt. Jason Hardin

OFFICIALS ABSENT:

Mayor Alberto C. Zaragoza, Jr.

Invocation was given by Jim Sharp, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUESTS

There were no announcements, candidates, or guests.

CITY MANAGER'S REPORTS

- The City Manager gave an update of the Highway 31 median project. Sod will be installed starting by the end of the week.
- City Manager Robertson announced that the Alabama Coalition of Clean Air will hold an upcoming conference at the Vestavia Hills Senior Citizens Lodge.

- City Manager Robertson announced that 1,100 pool passes have been issued.

COUNCILOR REPORTS

- Ms. Allison stated that repairs to the library will be started shortly.

APPROVAL OF MINUTES

The minutes of May 14, 2012 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the May 14, 2012 (Regular Meeting) minutes and approve them as presented was by Mr. Pierce and second by Ms. Allison. Voice vote as follows:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – yes	Mr. Ammons – yes
Ms. Rice – yes	Motion carried.

OLD BUSINESS

ORDINANCE NUMBER 2408

Ordinance Number 2408 - Annexation – 90-day final – Gresham Woods Subdivision as recorded in MB 227, MP 2 LESS and EXCEPT Lots 12 & 13; Dr. and Mrs. James Posey and Byrom Building Corporation, Inc., Owners; Stuart Sims, Representing

MOTION Motion to adopt Ordinance Number 2408 was by Mr. Pierce and second was by Mr. Ammons.

Ms. Rice asked why Lots 12 and 13 were excluded.

Mr. Pierce stated that they did not request to be included.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, she closed the public hearing and called for the question.

Mr. Pierce stated that the Board of Education is aware of the request and has no objections.

MOTION Question called on a roll call vote:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – yes	Mr. Ammons – yes
Ms. Rice – yes	Motion carried.

ORDINANCE NUMBER 2406

Ordinance Number 2406 - Rezoning – Gresham Woods Subdivision as recorded in MB 227, MP 2 LESS and EXCEPT Lots 12 & 13; Rezone from Jefferson County E-2 to Vestavia Hills R-1; compatible zoning for Annexation; Dr. and Mrs. James Posey and Byrom Building Corporation, Inc., Owners; Stuart Sims, Representing

MOTION Motion to adopt Ordinance Number 2406 was by Ms. Allison and second was by Mr. Sharp.

Ms. Rice stated that this is a compatible zoning from the annexation request.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes
Ms. Rice – yes Motion carried.

ORDINANCE NUMBER 2407

Ordinance Number 2407 – General Obligation Warrants, Series 2012

MOTION Motion to adopt Ordinance Number 2407 was by Mr. Ammons and second was by Mr. Pierce.

Representatives from Maynard, Cooper and Gale, PC discussed the general obligation warrants and the details involving the refinancing.

Ms. Rice opened the floor for a public hearing.

Mr. Bob Tarrant asked if any additional principal would be added.

Ms. Rice stated that there would not.

Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes
Ms. Rice – yes Motion carried.

RESOLUTION NUMBER 4298

Resolution Number 4298 - A Resolution Vacating A Storm Drain Easement On Lot 1, Acton Road Professional Park

MOTION Motion to adopt Resolution Number 4298 was by Mr. Sharp and second was by Ms. Allison.

Mr. Brady stated that the easement would be moved and they have met the City's requirements.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – yes	Mr. Ammons – yes
Ms. Rice – yes	Motion carried.

ORDINANCE NUMBER 2405

Ordinance Number 2405 - Rezoning – 1929 Canyon Road; Lot 12, Block 3, Southridge 2nd Add To Vestavia Hills; Rezone From Vestavia Hills Inst-1 With Conditions To Vestavia Hills Inst-1 With Amended Conditions; Alpha Sigma Tau, Owners

MOTION Motion to adopt Ordinance Number 2405 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Sharp stated that this is an appropriate business to come into the neighborhood and the neighbors welcome him.

Mr. David Upton, AMBUCS, stated that he is overwhelmed by the neighborhood and the amount of support he has. He stated that five people would like to volunteer for the organization.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – yes	Mr. Ammons – yes
Ms. Rice – yes	Motion carried.

ORDINANCE NUMBER 2381-A

Ordinance Number 2381-A- Amendment To Rezoning – 3975 Asbury Road; The Purpose Of This Request Is To Amend The Rezoning Approved By Ordinance Number 2381 In Order To Allow Limited Parking South Of The Creek; David Morrison, Owners; Jerry Salmon, Representing

MOTION Motion to adopt Ordinance Number 2381-A was by Mr. Sharp and second was by Mr. Pierce.

Mr. Brady stated that he met with the engineers and they have addressed all the City's concerns.

Ms. Rice opened the floor for a public hearing.

The following person(s) spoke:
Pat DeWeis, Asbury Park Road

Mr. Boone stated that if the Council chooses to adopt the Ordinance, it should be effective on the date of the recording and returning to the City Clerk.

Ms. Rice closed the public hearing and called for the question.

MOTION Motion to amend Ordinance Number 2381-A with the condition that it will be effective on the date of the recording and returning to the City Clerk was by Mr. Sharp and second was by Mr. Pierce.

MOTION Motion to adopt Ordinance Number 2381-A as amended was by Mr. Pierce and second was by Ms. Allison.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes
Ms. Rice – yes Motion carried.

NEW BUSINESS

ORIDNANCE NUMBER 2410

Ordinance Number 2410 – Jefferson County Municipal Tax Levy (Annual Assessment And Collection By Jefferson County)

MOTION Motion to adopt Ordinance Number 2410 was by Mr. Ammons and second was by Ms. Allison.

Ms. Rice stated that the Council has to adopt this each year.

Ms. Allison asked if the rate has changed.

Ms. Rice stated that it has not.

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Ms. Allison – yes

Mr. Sharp – yes

Mr. Ammons – yes

Ms. Rice – yes

Motion carried.

RESOLUTION NUMBER 4303

Resolution Number 4303 - A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Items

MOTION Motion to adopt Resolution Number 4303 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Ammons asked if the items would be placed on Gov Deals.

The City Manager stated that they would.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Ms. Allison – yes

Mr. Sharp – yes

Mr. Ammons – yes

Ms. Rice – yes

Motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

RESOLUTION NUMBER 4302

Resolution Number 4302 – A Resolution Authorizing The Mayor To Purchase Police Vehicles And Equipment From Police Confiscations Fund

MOTION Motion for unanimous consent for the consideration and action on Resolution Number 4302 was by Mr. Ammons and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes
Ms. Rice – yes

Ms. Allison – yes
Mr. Ammons – yes
Motion carried.

MOTION Motion to adopt Resolution Number 4302 was by Mr. Ammons and second was by Mr. Pierce.

Chief Rary stated that three vehicles will be unmarked and the amount will include equipment.

Ms. Allison asked if this would increase the Police Department's fleet.

Chief Rary stated that they will still be down one.

Ms. Rice opened the floor for a public hearing. There being no one present to address the Council, Ms. Rice closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes
Mr. Sharp – yes
Ms. Rice – yes

Ms. Allison – yes
Mr. Ammons – yes
Motion carried.

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

Ms. Rice stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting of June 11, 2012 at 5 PM.

- Ordinance Number 2409 - Rezoning – Vestavia Hills High School Campus; Lime Rock Road; Rezone From VH R-2 To VH Inst-1 For School Use; Vestavia Hills Board Of Education, Owners

CITIZENS COMMENTS

None.

EXECUTIVE SESSION

Ms. Rice stated that the Council needed to move into Executive Session in order to discuss the purchase/sale of property. She explained that the Session is estimated to last approximately 45 minutes and asked Mr. Boone to verify that is a legal reason for an Executive Session.

Mr. Boone concurred and Ms. Rice opened the floor for a motion.

MOTION Motion for the Council to move into Executive Session for the discussion of purchase/sale for an estimated 45 minutes was by Mr. Ammons and second was by Ms. Allison. On a roll call vote:

Mr. Pierce – yes	Mr. Sharp – yes
Mr. Ammons – yes	Mr. Sharp – yes
Ms. Rice – yes	Motion carried.

The Council exited the Chamber at 5:38 PM and entered into Executive Session. At 7:25 PM, they re-entered the Chamber and Ms. Rice called the meeting back to order.

MOTION Motion to adjourn the meeting at 7:25 PM was by Mr. Pierce. Mr. Ammons seconded the motion, voice vote as follows:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – yes	Mr. Ammons – yes
Ms. Rice – yes	Motion carried.

Mary Lee Rice
Council President

ATTESTED BY:

Wendy Appling
Deputy City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

ORDINANCE NUMBER 2409

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM VESTAVIA HILLS R-2 TO VESTAVIA HILLS INST-1

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-2 to Vestavia Hills Inst-1;

Vestavia Hills High School Campus
Vestavia Hills Board of Education, Owner(s)

**VESTAVIA HILLS HIGH SCHOOL PROPERTY
LEGAL DESCRIPTION**

PARCEL I: A part of the East 1/2 of the S.E. 1/4 and the S.E. 1/4 of the N.E. 1/4 of Section 31, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Lot 1, Block 7, Shades Park, as recorded in Map Book 7, page 74 in the office of the Judge of Probate of Jefferson County, Alabama; Lot 2, Block 8, First Addition to Shades Park as recorded in Map Book 8, Page 22 in the office of the Judge of Probate of Jefferson County, Alabama; all that part of Lots 7 and 8, Block 5, and that part of Lots 1, 6, 7 and 8, Block 8, First Addition to Shades Park and vacated Third Avenue, lying North and West of Lime Rock Road and lying South and East of the following subdivisions: Vestridge – Fourth Sector 1st Addition as recorded in Map Book 76, Page 92, Vestridge – Fifth Sector as recorded in Map Book 77, Page 82 and Amended Map of Vestridge – Eighth Sector as recorded in Map Book 75, Page 16, all in the office of the Judge of Probate of Jefferson County, Alabama.

PARCEL II: All that part of Lot 1, Block 8, First Addition to Shades Park as recorded in Map Book 8, Page 22 in the office of the Judge of Probate of Jefferson County, Alabama, lying South and East of Lime Rock Road and North of Morgan Drive.

PARCEL III: All that part of Lot 1, Block 8, First Addition to Shades Park as recorded in Map Book 8, Page 22 in the office of the Judge of Probate

of Jefferson County, Alabama, lying East of Lime Rock Road and South of Morgan Drive.

PARCEL IV: Lot 1-A, Block 10, Vestridge – Fourth Sector 1st Addition as recorded in Map Book 76, Page 92 in the office of the Judge of Probate of Jefferson County, Alabama.

PARCEL V: All that part of Lots 6, 7 and 8, Block 8, and Lots 1, 2, 3 and 4, Block 9, First Addition to Shades Park as recorded in Map Book 8, Page 22 in the office of the Judge of Probate of Jefferson County, Alabama, and vacated Fourth Avenue lying South of Lime Rock Road.

PARCEL VI: Lot 6, according to the Survey of Buckhead Residential Estates, as recorded in Map Book 84, Page 37, in the Probate Office of Jefferson County, Alabama.

LESS AND EXCEPT: Commence at the Northwest corner of said Lot 6 and run Southerly along the West line of said Lot 6 a distance of 248.84 feet to the Point of Beginning; thence continue along the last stated course a distance of 126.81 feet to the Southwesterly corner of said Lot 6; thence $32^{\circ}50'$ to the left in a Southeasterly direction along the line of said Lot 6 a distance of 235.52 feet to a point on the Westerly right-of-way line of Cherry Tree Lane; thence $123^{\circ}24'$ to the left in a Northeasterly direction along said right-of-way line a distance of 17.97 feet to a point; thence $56^{\circ}36'$ to the left in a Northwesterly direction a distance of 39.87 feet to a point; thence $21^{\circ}18'35''$ to the right in a Northwesterly direction a distance of 33.02 feet to a point; thence $21^{\circ}18'35''$ to the left in a Northwesterly direction a distance of 147.05 feet to a point; thence $32^{\circ}50'$ to the right in a Northerly direction a distance of 118.85 feet to a point; thence $90^{\circ}00'$ to the left in a Westerly direction a distance of 27.00 feet to the Point of Beginning.

PARCEL VII: A part of the N.E. 1/4 of the N.E. 1/4 of Section 6, Township 19 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at the Northwest corner of said 1/4 - 1/4 section and run in a Southerly direction along the West line of said 1/4 - 1/4 section 467 feet, more or less, to a point; thence in an Easterly direction along a line that is 467 feet, more or less, South of and parallel to the North line of said 1/4 - 1/4 section a distance of 510 feet, more or less to a point; thence $59^{\circ}22'02''$ to the left in a Northeasterly direction a distance of 542.93 feet to a point on the North line of said 1/4 - 1/4 section; thence in a Westerly direction along the North line of said 1/4 - 1/4 section a distance of 805 feet, more or less to the Point of Beginning.

APPROVED and ADOPTED this the 11th day of June, 2012.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

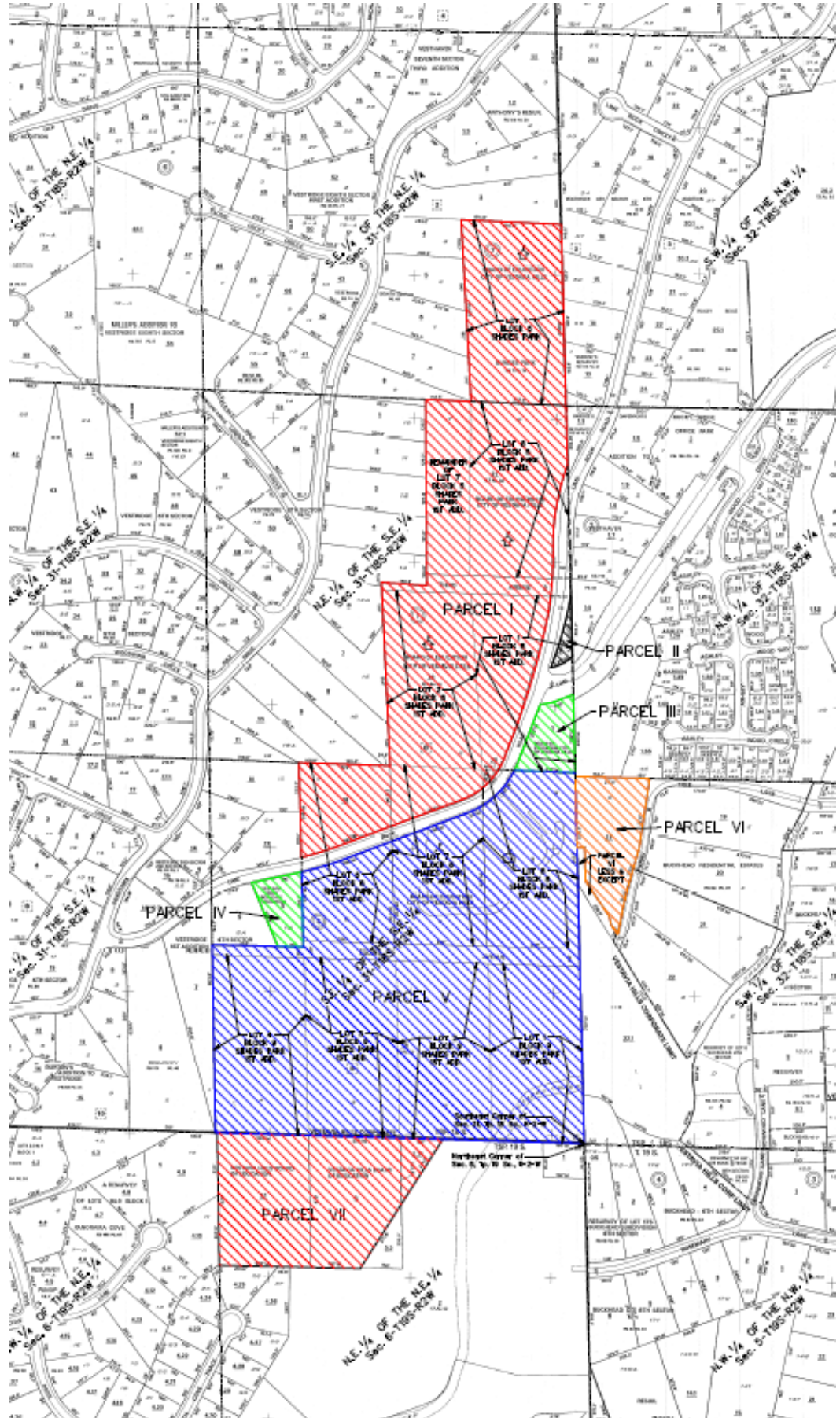
Alberto C. Zaragoza, Jr.
Mayor

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 # 2409 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 June, 2012 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, Vestavia Hills Civic Center and Vestavia Hills Library in the Forest this the _____ day of _____, 2012.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4304

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR BAR 31 D/B/A BAR 31 INC.; JERRY BAJALIA,
EDWARD WEBBER AND JAMES MCLEOD,
EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Bar 31 d/b/a Bar 31 Inc., located at 1485 Montgomery Highway Suite 21, Vestavia Hills, Alabama, for the on-premise sale of 032 - Club Liquor - Class II; Jerry Bajalia, Edward Webber and James McLeod, executives.

APPROVED and ADOPTED this the 11th day of June, 2012.

Mary Lee Rice
Council President


ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

INTEROFFICE MEMORANDUM

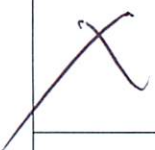
DATE: June 6, 2012
TO: Dan Rary, Acting Police Chief
FROM: Rebecca Leavings, City Clerk 
RE: Alcohol License Request – 032 - Club Liquor - Class II

Please find attached information submitted by Jerry Bajalia, Edward Webber and James McLeod who request an alcohol license to sell 032 - Club Liquor - Class II at the Bar 31 d/b/a Bar 31 Inc., 1485 Montgomery Highway, Suite 21 , Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 11th day of June, 2012 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

I have reviewed the available background information on the above referenced applicant and submit the following to the City Council:

	<i>Application cleared by P.D. This indicates that there are NO convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>
	<i>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</i>
	<i>Does not recommend. This indicates that the Police Chief has found records of convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>

Reviewed: 



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120514102521998



Type License: 032 - CLUB LIQUOR - CLASS II **State:** \$750.00 **County:** \$750.00
Type License: **State:** **County:**
Trade Name: BAR 31 **Filing Fee:** \$50.00
Applicant: BAR 31 INC **Transfer Fee:**
Location Address: 1485 MONTGOMERY HWY STE 21 VESTAVIA HILLS, AL 35216
Mailing Address: 1485 MONTGOMERY HWY STE 21 VESTAVIA HILLS, AL 35216
County: JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**
Sale of Products Containing Ephedrine: NO **Type Ownership:** CORPORATION
Book, Page, or Document info: LR201211,25278 **Do you sell Draft Beer:** Y
Date Incorporated: 03/14/2012 **State incorporated:** AL **County Incorporated:** JEFFERSON
Date of Authority: 03/14/2012 **Alabama State Sales Tax ID:** R008179383

Name: Title: Date and Place of Birth: Residence Address:

JERRY BAJALIA 3794463 - AL	VICE PRESIDENT	01/05/1964 BIRMINGHAM, AL	960 ALFORD AVE HOOVER, AL 35226
EDWARD WEBBER 3861355 - AL	PRESIDENT	09/15/1959 BIRMINGHAM, AL	2249 JACOBS RD BIRMINGHAM, AL 35216
JAMES MCLEOD 3884869 - AL	SECRETARY	07/18/1959 VALDOSTA, GA	1131 RUSHING PARC DR HOOVER, AL 35244

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES
 Does ABC have any actions pending against the current licensee? NO
 Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO
 Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO
 Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES
 Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? YES
 Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO
 Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: ED WEBBER
Business Phone: 205-266-3322
Fax:

Home Phone: 205-266-3322
Cell Phone: 205-266-3322
E-mail: EBWEBBER@AOL.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: SMACKYS II SPORTS BAR & GRILL
Applicant: WILLIAM HERSEY

Previous License Number(s)
License 1: 001958737
License 2:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



ALCOHOL LICENSE APPLICATION

Confirmation Number: 20120514102521998

If applicant is leasing the property, is a copy of the lease agreement attached? YES

Name of Property owner/lessor and phone number: DILLON EQUITIES 912-531-0415

What is lessors primary business? REAL ESTATE

Is lessor involved in any way with the alcoholic beverage business? NO

Is there any further interest, or connection with, the licensee's business by the lessor? NO

Does the premise have a fully equipped kitchen? YES

Is the business used to habitually and principally provide food to the public? NO

Does the establishment have restroom facilities? YES

Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO

Building Dimensions Square Footage: 5000 Display Square Footage:

Building seating capacity: 100 Does Licensed premises include a patio area? YES

License Structure: ONE STORY License covers: ENTIRE STRUCTURE

Number of licenses in the vicinity: 6 Nearest: 1

Nearest school: 1 miles Nearest church: 1 miles Nearest residence: 4 blocks

Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
ED WEBBER	DUI MAY 2008	MOUNTAIN BROOK POLICE DEPARTMENT	DEFERMENT



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120514102521998



Initial each

Signature page

EW

In reference to law violations, I attest to the truthfulness of the responses given within the application.

EW

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

EW

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

NA

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

EW

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

NA

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

EW

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

EW

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

EW

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): EDWARD WEBBER

Signature of Applicant: *Edward Webber*

Notary Name (print): Valencia Johnson

Notary Signature: *Valencia Johnson*

Commission expires: 1-14-14

Application Taken: 5/14/12

App. Inv. Completed:

Forwarded to District Office:

Submitted to Local Government:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:



**STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD**



ALCOHOL LICENSE APPLICATION
Confirmation Number: 20120514102521998

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members? YES
 Number of paid up members: <100
 Are meetings regularly held? YES
 How often? MONTHLY
 Is business conducted through officers regularly elected? YES
 Are members admitted by written application, investigation, and ballot? YES
 Has Agent verified membership applications for each member listed? YES
 Has at least 10% of members listed been confirmed and highlighted? YES Agent's Initials:
 For what purpose is the club organized? SOCIAL
 Does the property used, as well as the advantages, belong to all the members? YES
 Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership? YES

Special Retail

Is it for 30 days or less?
 More than 30 days?
 Franchisee or Concessionaire of above?
 Other valid responsible organization:
 Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: Ending Date:
 Special terms and conditions for special event/special retail:

Other Explanations

Are any applicants, whether individual, member of a partnership or association, or officers and directors of corporation or the corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act?: JERRY BAJALIA HAS FINANCIAL INTEREST IN IRON HORSE CAFE.

RESOLUTION NUMBER 4305

**A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO
AN AGREEMENT WITH JEFFERSON COUNTY FOR ELECTION
SERVICES**

WHEREAS, the City of Vestavia Hills, Alabama, will conduct municipal elections on August 28, 2012 for the following positions: Mayor, Council Place Number 1, Council Place Number 2, Council Place Number 3, and Council Place Number 4; and

WHEREAS, following the City's Mayoral Election on August 28, 2012, and, if required, a run off election will occur on October 9, 2012; and

WHEREAS, the City desires to purchase certain election services from the County; and

WHEREAS, Jefferson County has provided the City with a "Contract for Election Services" (the Contract) detailing the available equipment and provided the cost of said equipment; and

WHEREAS, Jefferson County requests the assistance of the City in pre-ordering and pre-paying for said equipment.

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

1. The Mayor is hereby authorized to enter into a contract for election services with Jefferson County as per attached contract; and
2. This Resolution Number 4305 is effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 11th day of June,
2012.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

CONTRACT FOR ELECTION SERVICES

This Agreement is entered into this 12 day of June, 2012, by and between Jefferson County, Alabama, political subdivision of the state of Alabama (hereinafter called "the County"), and the city of Vestavia Hills, Alabama, a municipal corporation, (hereinafter called "the City").

WHEREAS, the City's Municipal Election will occur on August 28, 2012, and, if required, a run off election will occur on 0; and

WHEREAS, the City desires to purchase certain election services from the County.

NOW THEREFORE IN CONSIDERATION OF THE ABOVE AND THE BELOW, the City and the County do mutually agree as follows:

For the election on August 28, 2012 The City shall pay to the County, in advance of the provision of any service or equipment, and before the voting machines are to be delivered, the following unit pricing rates for each service or equipment as follows:

- M100 Voting Machines----\$450.00 each Automark Units----\$450.00 each
- M650 Voting Machines----\$450.00 each
- ePollbook Laptops----\$100.00 each
- Cellular Telephone----\$15.00 each
- Voter list for posting/publishing per thousand names--\$11.00 per 1,000 names on the list rounded up to the next thousand; multiplied by the quantity of list(s) requested.

- Voter List on compact disc per thousand names--\$11.00 per 1,000 names on the list rounded up to the next thousand; multiplied by the quantity of disc(s) requested; plus \$45.00.

This **does not include** the provision of ballots or other printed materials which shall be acquired by the City separately from the vendor of such ballots and materials.

Primary Election – Requested Equipment

- a. M100 Voting Machines (\$450.00 each)
0 Machines @ \$450.00 each = \$ 0
- b. Automark Machines (\$450.00 each)
0 Machines @ \$450.00 each = \$ 0
- c. M650 Voting Machines (450.00 each)
0 Machines @ \$450.00 each = \$ 0
- d. ePollbook Laptops (\$100.00 each)
7 Laptops @ 100.00 each = \$ 700.00
- e. Cellular Telephone (\$15.00 each)
6 Telephones @\$15.00 each = \$ 90.00
- f. Voter List for posting/publishing
(\$11.00 per thousand names rounded up = 275 cost per list)
Multiplied by 1 quantity of list(s) requested = \$ 275.00
- g. Voter List on Compact Disc
((\$11.00 per thousand names rounded up = 275 cost per disc)
Multiplied by 2 quantity of disc(s) requested + \$45.00= \$ 550.00

Primary Election Equipment or Service Total Cost \$ 1,615.00

Following receipt of the City's payment, the County shall deliver the voting machines to each polling location. The County shall provide the lists, electronic data, laptops, and cell phones to the City Clerk who shall provide the County with a receipt therefore. The County shall provide Election Day service, program testing and the County shall provide assistance to the City's Election Commission for canvassing all votes cast on the voting machines used for said election. The County shall further provide the City with the following at no additional cost:

An absentee list

A supplemental absentee list

Voter books for each voting polling location

Provisional vote count

RUN OFF ELECTION ON October 9, 2017. In the event of a run off election, the County will provide the requested equipment and services under the terms and conditions set forth, herein, provided the County receives full payment for such equipment and services before the voting machines are to be delivered. Actual cost will be determined by the quantities of equipment or services requested using the specified unit pricing. Pricing will be provided in the form of an invoice for payment and will be attached as a supplement ("Attachment A"), to this agreement.

The City hereby agrees to accept liability and responsibility for all equipment and materials provided to the City hereby, upon delivery by the County; and City agrees to indemnify and reimburse the County for any loss or damage to the equipment and materials, including County's voting machines, computers or equipment, which occurs following delivery by the County and until pickup by the County following each election.

This contract contains the entire understanding of the parties hereto and no change of any term or provision of this contract shall be valid or binding unless this contract is amended by written instrument which has been executed or approved by the County and the City.

IN WITNESS WHEREOF, the parties have caused these presents to be executed by their duly authorized representatives.

JEFFERSON COUNTY, ALABAMA

By: _____ DATE _____
W. D. CARRINGTON, President
Jefferson County Commission

CITY OF Vestavia Hills ALABAMA DATE _____
ADDRESS: 573 Montgomery Hwy
Vestavia Hills, Alabama 35216

By: _____
Mayor-Signature Mayor-Print

ATTEST: _____
City Clerk

Approved as to form by the Legal Dept.

City Attorney / Date

"Attachment A" – Supplement to Contract

Run-Off Election – Requested Equipment

(Per equipment requested by City Clerk)

- a. M100 Voting Machines (\$450.00 each)
_____ Machines @ \$450.00 each = \$ 0
- b. Automark Machines (\$450.00 each)
_____ Machines @ \$450.00 each = \$ 0
- c. M650 Voting Machines (450.00 each)
_____ Machines @ \$450.00 each = \$ 0
- d. ePollbook Laptops (\$100.00 each)
7 Laptops @ 100.00 each = \$ 700.00
- e. Cellular Telephone (\$15.00 each)
6 Telephones @\$15.00 each = \$ 90.00
- f. Voter List for posting/publishing
(\$11.00 per thousand names rounded up = 275 base list cost)
Multiplied by 1 quantity of list(s) requested = \$ 275.00
- g. Voter List on Compact Disc
((\$11.00 per thousand names rounded up = 275 base disc cost)
Multiplied by 2 quantity of disc(s) requested + \$45.00= \$ 550.00

Run - Off Election Equipment or Service Total Cost

\$ 1,615.00

RESOLUTION NUMBER 4306

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

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

WHEREAS, the City has determined that said personal property is no longer needed for public purposes and that it would be in the best public interest to sell and/or dispose of said personal property.

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

1. The City Council of the City of Vestavia Hills, Alabama, also finds and determines that it would be in the best interest of the City to sell/and or dispose of said surplus personal property; and
2. The Mayor is hereby authorized to sell and/or dispose of the surplus personal property referenced in “Exhibits”.

DONE, ORDERED, APPROVED and ADOPTED on this the 11th day of June, 2012.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

General Vehicle Information Report

51-6028 - 2004 Ford Crown Victoria

General Information

Year	2004	(click to define)
Make	Ford	(click to define)
Model	Crown Victoria	(click to define)
Mileage	128,099	(click to define)
Vehicle #:	51-6028	
VIN #:	2FAFP71WX4X116028	
Type:	Tritt	
Color:		
Driver:	,	
Notes:		

Fleet Information

Department:	Police
Region:	City of Vestavia Hills
Status:	Out of service
Schedule:	Police (Detective)

RESOLUTION NUMBER 4307

A RESOLUTION ACCEPTING A BID FOR THE CITY OF VESTAVIA HILLS FOR STREET REPAIR AND RESURFACING FOR A PERIOD OF 3 YEARS

WHEREAS, the City of Vestavia Hills received and opened bids for street repair and resurfacing for a contract period of three (3) years on May 31, 2012; and

WHEREAS, five bids were received; and

WHEREAS, a detail of the bid results is attached hereto and marked as “Exhibit A” based upon sample unit measurements with base prices to be tied to the Asphalt Index as provided by Alabama Department of Transportation; and

WHEREAS, the City Engineer has reviewed the submitted bid packages and detailed his recommendation for street repair and/or resurfacing in an Interoffice Memorandum dated June 6, 2012, a copy of which is attached to this Resolution Number 4307 and incorporated by reference herein.

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

1. The bid package submitted by Good Hope Contracting, Inc., is hereby accepted at unit prices detailed in bid; and
2. Streets shall be reviewed every 6 months or on an “as needed” basis for resurfacing or repair and shall be expensed to 07 Gas Tax Revenue Fund as approved by the City Council; and
3. This Resolution Number 4307 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 11th day of June,
2012.

ATTESTED BY:

Rebecca Leavings
City Clerk

Mary Lee Rice
Council President

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CITY OF VESTAVIA HILLS
ENGINEERING DEPARTMENT
INTER-DEPARTMENT MEMO

June 6, 2012

To: Mayor Zaragoza
City Manager Robertson
CC: Brian Davis
Rebecca Leavings

From: Christopher Brady

RE: Street Resurfacing Contract

On May 31, 2012, the City received and opened bids for Street Resurfacing. This is a 36-month on-call contract, with monthly adjustments to asphalt pricing. We received the following 5 bids:

<u>bidder</u>	<u>total bid price</u>
Karma	\$ 1,325,173.00
APAC	\$ 1,355,678.00
Dunn	\$ 1,159,640.00
Wiregrass	\$ 1,191,740.40
Good Hope	\$ 1,088,054.21

After thorough review of the bids, I am offering a favorable recommendation to issue this contract to Good Hope Contracting, Inc.

Please let me know if I can provide additional information.

Sincerely,

-Christopher



2012 Street Repair and Resurfacing
 BID OPENING: May 31, 2012, 2pm

BID TABULATION

item	unit	bid qty	bidder no.1		bidder no.2		bidder no.3		bidder no.4		bidder no.5	
			Karma	APAC	Durnn	Wiregrass	Good Hope					
			unit price	total	unit price	total	unit price	total	unit price	total	unit price	total
Seal**	ton	12,000	\$ 87.00	\$ 1,044,000.00	\$ 85.30	\$ 1,023,600.00	\$ 76.00	\$ 912,000.00	\$ 73.98	\$ 887,760.00	\$ 75.12	\$ 901,440.00
Binder**	ton	80	\$ 95.00	\$ 7,600.00	\$ 113.50	\$ 9,080.00	\$ 64.50	\$ 5,160.00	\$ 63.88	\$ 5,110.40	\$ 96.77	\$ 7,741.60
G-treatment**	sy	22,000	\$ 3.06	\$ 67,320.00	\$ 2.05	\$ 45,100.00	\$ 2.25	\$ 49,500.00	\$ 2.20	\$ 48,400.00	\$ 2.17	\$ 47,740.00
Tack coat**	gal	5,000	\$ 3.10	\$ 15,500.00	\$ 3.50	\$ 17,500.00	\$ 3.30	\$ 16,500.00	\$ 4.00	\$ 20,000.00	\$ 4.00	\$ 20,000.00
Milling	ton	9,000	\$ 20.00	\$ 180,000.00	\$ 28.00	\$ 252,000.00	\$ 18.65	\$ 167,850.00	\$ 24.75	\$ 222,750.00	\$ 11.32	\$ 101,880.00
Striping	mi	3	\$ 448.00	\$ 1,344.00	\$ 400.00	\$ 1,200.00	\$ 450.00	\$ 1,350.00	\$ 415.00	\$ 1,245.00	\$ 424.00	\$ 1,272.00
Temp striping	mi	3	\$ 728.00	\$ 2,184.00	\$ 600.00	\$ 1,800.00	\$ 650.00	\$ 1,950.00	\$ 620.00	\$ 1,860.00	\$ 689.00	\$ 2,067.00
Permanent markings	sf	1,000	\$ 2.25	\$ 2,250.00	\$ 2.00	\$ 2,000.00	\$ 2.20	\$ 2,200.00	\$ 2.25	\$ 2,250.00	\$ 2.12	\$ 2,120.00
Traffic loops	lf	100	\$ 4.00	\$ 400.00	\$ 5.00	\$ 500.00	\$ 2.50	\$ 250.00	\$ 2.50	\$ 250.00	\$ 3.02	\$ 302.00
Raise manholes	ea	18	\$ 150.00	\$ 2,700.00	\$ 136.00	\$ 2,448.00	\$ 135.00	\$ 2,430.00	\$ 105.00	\$ 1,890.00	\$ 119.37	\$ 2,148.66
Valve box resets	ea	15	\$ 125.00	\$ 1,875.00	\$ 30.00	\$ 450.00	\$ 30.00	\$ 450.00	\$ 15.00	\$ 225.00	\$ 89.53	\$ 1,342.95
Total Bid Price				\$ 1,325,173.00		\$ 1,355,678.00		\$ 1,159,640.00		\$ 1,191,740.40		\$ 1,088,054.21

** unit price subject to monthly asphalt adjustment

ORDINANCE NUMBER 2411

AN ORDINANCE TO REPEAL ORDINANCE 2209, ADOPTED JUNE 6, 2005, AND ADOPT IN FULL ORDINANCE NUMBER 2411 TITLED THE “CITY OF VESTAVIA HILLS SMOKE FREE ORDINANCE OF 2012”

WHEREAS, the Council of the City of Vestavia Hills finds that numerous studies have shown that (1) exposure to secondhand smoke, a known carcinogen, causes disease and premature death in children and adults who do not smoke; (2) children exposed to secondhand smoke are at an increased risk for sudden infant death syndrome (SIDS), acute respiratory problems, ear infections, and asthma attacks, and that smoking by parents causes respiratory symptoms and slows lung growth in their children; (3) even occasional exposure of adults to secondhand smoke has adverse effects on the cardiovascular system and causes coronary heart disease and lung cancer; (4) there is no risk-free level of exposure to secondhand smoke; (5) establishing smokefree workplaces is the only effective way to ensure that secondhand smoke exposure does not occur in the workplace, because ventilation and other air cleaning technologies cannot completely control exposure of nonsmokers to secondhand smoke; and (6) evidence from peer-reviewed studies shows that smokefree policies and laws improve health and do not have an adverse economic impact on, and may positively impact, the hospitality industry.

WHEREAS, the Council finds that studies have shown that during periods of active smoking, peak and average outdoor tobacco smoke levels measured in outdoor cafés and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations. Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smokefree outdoor area.

WHEREAS, the Council finds that studies have shown that residual tobacco contamination, or “thirdhand smoke,” from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This sticky, highly toxic particulate matter, including nicotine, can linger in spaces long after smoking has ceased and cling to walls and ceilings and be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. Tobacco residue is noticeably present in dust throughout places where smoking has occurred.

This process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.

WHEREAS, the Council finds that unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. The Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.” E-cigarettes produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

WHEREAS, the Council finds that the Society of Actuaries has determined that secondhand smoke costs the U.S. economy approximately \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity.

WHEREAS, the Council finds that there is no legal or constitutional “right to smoke” and that business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke and instead have a common law duty to provide their workers with a workplace that is not unreasonably dangerous.

WHEREAS, the Council finds that smoking is a potential cause of fires and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to businesses.

NOW, THEREFORE the Council of the City of Vestavia Hills finds that secondhand smoke is a form of air pollution, a danger to health, and a material public nuisance, and deems it appropriate to enact the following ordinance to (1) protect the public health and welfare by prohibiting smoking in public places and places of employment, (2) guarantee the right of nonsmokers to breathe smokefree air, and (3) recognize that the need to breathe smokefree air shall have priority over the desire to smoke.

Section 1. BE IT HEREBY ORDAINED by the Council of the City of Vestavia Hills that Ordinance 2209, as amended is hereby repealed and the following Ordinance Number 2411 is hereby adopted to read in full as follows:

Section 2. Smoking In Public Places And Places Of Employment

(a) **Definitions.** In this Section, the following definitions shall apply:

- (1) “*Bar*” means an establishment that is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of those beverages, including but not limited to: taverns, nightclubs, cocktail lounges, and cabarets.
- (2) “*Business*” means a sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered; and private clubs.
- (3) “*E-cigarette*” means any electronic oral device, such as one composed of a heating element, battery, and/or electronic circuit, which provides a vapor of nicotine or any other substances, and the use or inhalation which simulates smoking. The term shall include any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, or under any other product name or descriptor.
- (4) “*Employee*” means a person who works for an employer, whether in consideration for direct or indirect monetary wages or profit, or as a volunteer.
- (5) “*Employer*” means a person, association, trust, or a business, including a municipal corporation, with one or more employees.
- (6) “*Enclosed Area*” means all space between a floor and a ceiling that is bounded on at least two sides by walls, doorways, or windows, whether open or closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.
- (7) “*Health Care Facility*” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to: hospitals,

- rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.
- (8) “*Place of Employment*” means an area under the control of a public or private employer, including, but not limited to: work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or healthcare facility.
- (9) “*Private Club*” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities, requires applications to be completed for membership, and maintains membership records that show the date of application, admission, name and address for each member, and serial number of the membership card issued. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.
- (10) “*Public Place*” means an area to which the public is permitted. A private residence is not a “public place” unless it is used as a child care, adult day care, or healthcare facility.
- (11) “*Restaurant*” means an eating establishment, including but not limited to: coffee shops, cafeterias, sandwich stands, and private and public school cafeterias, which gives or offers for sale food to the public, guests, or employees, as well as

- kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term “restaurant” shall include a bar area within the restaurant.
- (12) “*Service Line*” means an indoor or outdoor line in which one or more persons are waiting for or receiving service of any kind, whether or not the service involves the exchange of money, including but not limited to: ATM lines, concert lines, food vendor lines, movie ticket lines, and sporting event lines.
- (13) “*Shopping Mall*” means an enclosed public walkway or hall area that serves to connect retail or professional establishments.
- (14) “*Smoke*” or “*Smoking*” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or other tobacco or plant product intended for inhalation, in any manner or in any form. “*Smoking*” also includes the use of an e-cigarette which creates a vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking in this Section.
- (15) “*Sports Arena*” means a place where people assemble to engage in physical exercise, participate in athletic competition, or witness sports or other events, including sports pavilions, stadiums, gymnasiums, health spas, boxing arenas, swimming pools, roller and ice rinks, and bowling alleys.
- (b) ***Prohibition Of Smoking In Enclosed Public Places.*** Smoking shall be prohibited in all enclosed public places within the City of Vestavia Hills, including but not limited to, the following places:
- (1) Aquariums, galleries, libraries, and museums;
 - (2) Banks;
 - (3) Bar and lounges;
 - (4) Bingo facilities;
 - (5) Child care and adult day care facilities;
 - (6) Convention facilities;
 - (7) Educational facilities, both public and private;
 - (8) Elevators;
 - (9) Gaming facilities, including bingo facilities;

- (10) Health care facilities;
- (11) Hotels and motels;
- (12) Laundromats;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Private clubs;
- (16) Professional offices;
- (17) Public transportation vehicles, including buses and taxicabs, under the authority of the City of Vestavia Hills, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities;
- (18) Restaurants and retail food production and marketing establishments;
- (19) Restrooms, lobbies, reception areas, waiting rooms, hallways, and other common-use areas;
- (20) Retail service establishments;
- (21) Retail stores;
- (22) Rooms, chambers, places of meeting or public assembly, and other enclosed areas and vehicles owned, leased, or operated by the City of Vestavia Hills, including areas under the control of an agency, board, commission, or committee of the City, to the extent the place is subject to the jurisdiction of the City;
- (23) Service lines;
- (24) Shopping malls;
- (25) Sports arenas, including enclosed places in outdoor arenas; and
- (26) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

(c) ***Prohibition Of Smoking In Enclosed Places Of Employment.***

- (1) Smoking shall be prohibited in all enclosed areas of places of employment within the City of Vestavia Hills, including, but not limited to: common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators,

hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles. This prohibition also applies to rooms, chambers, places of meeting or public assembly, and other enclosed areas and vehicles owned, leased, or operated by the City of Vestavia Hills, including areas under the control of an agency, board, commission, or committee of the City, to the extent the place is subject to the jurisdiction of the City.

- (2) This prohibition on smoking shall be communicated to all existing employees by the effective date of this Section and to all prospective employees upon their application for employment.

(d) ***Prohibition Of Smoking In Enclosed Residential Facilities.*** Smoking shall be prohibited in the following enclosed residential facilities:

- (1) All private and semi-private rooms in nursing homes and
- (2) All hotel and motel rooms that are rented to guests.

(e) ***Prohibition Of Smoking In Outdoor Public Places.*** Smoking shall be prohibited in the following outdoor places:

- (1) Within a reasonable distance of 20 feet outside entrances, operable windows, and ventilation systems of enclosed areas where smoking is prohibited, so as to prevent tobacco smoke from entering those areas;
- (2) In, and within 20 feet of, outdoor seating or serving areas of restaurants and bars;
- (3) In all outdoor arenas, stadiums, and amphitheaters. Smoking shall also be prohibited in, and within 20 feet of, bleachers and grandstands for use by spectators at sporting and other public events;
- (4) In, and within 20 feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City of Vestavia Hills; and
- (5) In all outdoor service lines;

(f) ***Exemptions.*** Notwithstanding any other provision of this Section to the contrary, smoking shall not be prohibited in private residences, unless used as a child care, adult day care, or healthcare facility.

- (g) ***Declaration Of Establishment Or Outdoor Area As Nonsmoking.*** Notwithstanding any other provision of this Section, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 2(h) is posted.
- (h) ***Posting Of Signs And Removal Of Ashtrays.*** The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Section shall:
- (1) Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
 - (2) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.
 - (3) Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Section at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
 - (4) Remove all ashtrays from any area where smoking is prohibited by this Section, except for ashtrays displayed for sale and not for use on the premises.
- (i) ***Nonretaliation; Nonwaiver Of Rights.***
- (1) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Section or reports or attempts to prosecute a violation of this Section. Notwithstanding Section 2(k), violation of this provision shall be a misdemeanor, punishable by a fine not to exceed five-hundred dollars (\$500) for each violation.

- (2) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

(j) Enforcement.

- (1) This Section shall be enforced by the county health officer or his or her duly authorized representative, any duly sworn police officer employed by the City of Vestavia Hills, or as otherwise allowed by law.
- (2) Notice of the provisions of this Section shall be given to all applicants for a business license in the City of Vestavia Hills.
- (3) Any resident who desires to register a complaint under this Section may initiate enforcement with an entity responsible for enforcement, such as the Jefferson County Department of Health or Police Department.
- (4) The County Health Department, the Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Section.
- (5) Any owner, manager, operator, or employee of an area regulated by this Section shall direct a person who is smoking in violation of this Section to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.
- (6) Notwithstanding any other provision of this Section, an employee or private citizen may bring legal action to enforce this Section.
- (7) In addition to the remedies provided by the provisions of this Section, the City of Vestavia Hills, the county health officer, or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(k) *Violations and Penalties.*

(1) A person who knowingly or intentionally smokes in an area where smoking is prohibited by the provisions of this Section commits an offense, punishable by a fine of \$50 per offense. A charge of violation shall be treated in the same manner as a traffic violation.

(2) Except as otherwise provided in Section I (1), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of an offense, punishable by:

a. A fine of one hundred dollars (\$100) for a first violation. A charge of violation shall be treated in the same manner as a traffic violation.

b. A fine of two hundred dollars (\$200) for a second violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.

c. A fine of five hundred dollars (\$500) for each additional violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.

(3) In addition to the fines established by this Section, violation of this Section by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.

(4) Violation of this Section is hereby declared to be a public nuisance, which may be abated by the City of Vestavia Hills, the county health officer, or a designee by restraining order, preliminary and permanent injunction, or other means provided for by law, and the entity or person seeking abatement may take action to recover the costs of the nuisance abatement.

(5) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.

(l) *Other Applicable Laws.* This Section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

- (m) **Liberal Construction.** This Section shall be liberally construed so as to further its purposes.

Section 3. Public Education. The City of Vestavia Hills shall engage in a continuing program to explain and clarify the purposes and requirements of this Ordinance to residents affected by it, and to guide owners, operators, and managers in their compliance with it. The program may include publication of a brochure for affected businesses and individuals explaining the provisions of this Ordinance.

Section 4. Governmental Agency Cooperation. The City of Vestavia Hills shall annually request other governmental and educational agencies having facilities within Jefferson and Shelby Counties to establish local operating procedures in cooperation and compliance with this Ordinance. This includes urging all Federal, State, County, and School District agencies to update their existing smoking regulations to be consistent with the current health findings regarding secondhand smoke.

Section 5. Severability. If any word, provision, clause, sentence, paragraph, or subsection of this Ordinance or the application thereof to any person or circumstances shall be held invalid by a court of competent jurisdiction then the remaining provisions of this Ordinance shall be in full force and effect.

Section 6. Effective Date. This Ordinance shall be effective 30 days after approval by the Council of the City of Vestavia Hills and Mayor, and publication should be made as required by law, showing the effective date.

DONE, ORDERED, ADOPTED and APPROVED this the 25th day of June, 2012.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2411 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 25th day of June, 2012, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2012.

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4308

A RESOLUTION AMENDING RESOLUTION NUMBER 4233 - APPROVING AND ADOPTING THE GENERAL FUND BUDGET, A SPECIAL REVENUE FUND BUDGET AND A CAPITAL PROJECT FUND BUDGET FOR THE CITY OF VESTAVIA HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 2011 UNTIL SEPTEMBER 30, 2012 FOR AN ADDITIONAL \$16,000 FOR A PLANNER POSITION.

WHEREAS, on September 26, 2011, the City Council of the City of Vestavia Hills adopted and approved Resolution Number 4233 for a General Fund Budget, a Special Revenue Budget and a Capital Project Fund budget for the period beginning October 1, 2011 until September 30, 2012; and

WHEREAS, the “general fund budget” as approved for said period reflected anticipated revenues and expenditures in the amount of \$30,004,396, including transfers out, to be effective for the period beginning October 1, 2011, through September 30, 2012; and

WHEREAS, the “special fund budget” for said period reflecting anticipated revenues and expenditures in the amount of \$2,377,830, including transfers from the General Fund, to be effective for the period beginning October 1, 2011, through September 30, 2012; and

WHEREAS, the “capital projects fund budget” for said period reflected expenditures in the amount of \$394,634 to be effective for the period beginning October 1, 2011, through September 30, 2012.

WHEREAS, Title 11-43-57, Code of Alabama, 1975, provides as follows:

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this

section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the current expenses of the City and interest on the bonded and other indebtedness of the City; and

WHEREAS, the City Council agreed to approve and adopt ninety (90) percent, or \$27,003,956, of the municipal general fund budget for the City of Vestavia Hills for fiscal year 2011-2012 upon the terms conditions and provisions set forth below; and

WHEREAS, the City Council agreed to approve and adopt ninety (90) percent, or \$2,140,047, of the municipal special revenue fund budget for the City of Vestavia Hills for fiscal year 2011-2012 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agreed to approve and adopt ninety (90) percent, or \$355,170, of the capital project fund budget for the City of Vestavia Hills for fiscal year 2011-2012; and

WHEREAS, the City Manager had analyzed certain departments within the City of Vestavia Hills and determined the need for the establishment of the position of a Planner in the City's Planning and Zoning Department at a cost of approximately \$16,000 for the current fiscal year's budget; and

WHEREAS, the Mayor and City Council have concurred with the City Manager and feel it is in the best public interest to amend the City's General Fund budget to allocate the position of a Planner within the City's budget at a cost not to exceed \$16,000.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. The municipal general fund budget for the City of Vestavia Hills, Alabama, prepared by the Mayor and submitted to the City Council is hereby

amended to the extent of \$14,400 for a total of \$27,018,356, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$30,004,396 plus \$16,000 multiplied by 90% equals
\$27,018,356; and

3. The Mayor is hereby authorized to expend the sum of \$27,018,356 from the General Fund for municipal expenses for the period beginning October 1, 2011, and ending September 30, 2012.

5. This Resolution shall become effective immediately upon its approval and adoption.

APPROVED and ADOPTED this the 25th day of June, 2012.

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor