

**Vestavia Hills
City Council Agenda
August 13, 2012
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Dennis Anderson, Vestavia Hills Baptist Church
4. Pledge of Allegiance
5. Candidates, Announcements and Guest Recognition
6. Employee of the Month
7. Mayor's Report
8. Councilors' Reports
9. Approval Of Minutes – June 21, 2012 (Meeting with the Mayor), July 19, 2012 (Special Called Meeting) and July 23, 2012 (Regular Meeting)

New Business

10. Resolution Number 4330 – A Resolution Approving An Alcohol License For Klingler's Inc., D/B/A Klingler's Bakery For The Sale Of 040 Retail Beer And 060 Retail Wine; Michelle Witherington, Executive
11. Resolution Number 4331 – A Resolution Approving An Alcohol License For Summit Hotel TRS 087 LLC D/B/A Hilton Garden Inn Liberty Park For An 020 – Restaurant Retail Liquor License; Summit Hotel TRS, Inc., Executives
12. Resolution Number 4332 - A Resolution Appointing Election Officers For The Vestavia Hills Municipal Election To Be Held On August 28, 2012
13. Resolution Number 4325-A - A Resolution Amending Resolution Number 4325 Appropriating Matching Funds For ADECA Grant Entitled *2012 Recreational Trails Program 2nd Level Application – McCallum Park Connector Trail*
14. Citizens Comments
15. Motion For Adjournment

**CITY OF VESTAVIA HILLS
MEETING WITH THE MAYOR**

MINUTES

JUNE 21, 2012

The City Council of Vestavia Hills met in a regularly scheduled Meeting with the Mayor on this date at 6:00 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:

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

OTHER OFFICIALS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Patrick H. Boone, City Attorney
Randy Robertson, City Manager

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:

- Various city issues were discussed.

There being no further business, the meeting adjourned at 6:45 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Wendy Appling
Deputy City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JULY 19, 2012

The City Council of Vestavia Hills met in special session on this date at 4:30 PM. The Council President called the meeting to order and the City Clerk called the roll with the following:

MEMBERS PRESENT: Steve Ammons, Council President
Jim Sharp
George Pierce
Linda Allison

OTHER OFFICIALS PRESENT: Mayor Alberto C. Zaragoza, Jr.
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Jim St. John, Fire Chief
Greg Gilchrist, Fire Marshal

ELECTION OF PRESIDENT PRO-TEM

Mr. Ammons explained that Ms. Rice has moved to Chattanooga. Since he now moves to President of the Council, the Council now needs to elect a President Pro-Tem. He opened the floor for a motion.

MOTION Motion to nominate Jim Sharp as Council President Pro-Tem was made by Mr. Pierce and second was by Ms. Allison. Roll call vote as follows:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes
Motion carried.

EXECUTIVE SESSION

Mr. Ammons stated that the Council needed to move into Executive Session in order to discuss the purchase/sale of property. He explained that the Session is estimated to last approximately 4 hours and asked Mr. Boone to verify that is a legal reason for an Executive Session.

Mr. Boone concurred and Mr. Ammons 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 60 minutes was by Mr. Pierce and second was by Mr. Sharp. On a roll call vote:

Mr. Pierce – yes

Ms. Allison – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

The Council exited the Chamber at 4:34 PM and entered into Executive Session. At 8:42 PM, they re-entered the Chamber and Mr. Ammons called the meeting back to order.

MOTION Motion to adjourn the meeting at 8:50 PM was by Mr. Pierce. Mr. Sharpe seconded the motion, voice vote as follows:

Mr. Pierce – yes

Ms. Allison – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

Meeting adjourned at 8:50 PM.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JULY 23, 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 City Clerk called the roll with the following:

MEMBERS PRESENT:

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

OTHER OFFICIALS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Randy Robertson, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, III, Finance Director
George Sawaya, Deputy Treasurer
Christopher Brady, City Engineer
Jim St. John, Fire Chief
Greg Gilchrist, Fire Marshal
Keith Blanton, Building Official
Dan Rary, Police Chief
Tim Holcomb, Deputy Police Chief

Invocation was given by Danny Wood, Shades Mountain Baptist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUESTS

- Deloye Burrell, candidate for City Council, Place Number 1, introduced himself and asked for support in the upcoming municipal election.
- John Henley, candidate for City Council, Place Number 1, introduced himself and asked for support in the upcoming municipal election.
- Bob Elliott, candidate for City Council, Place Number 4, introduced himself and asked for support in the upcoming municipal election.
- George Pierce, candidate for City Council, Place Number 4, introduced himself and asked for support in the upcoming municipal election.

Mr. Ammons welcomed his parents Don and Maxine Ammons to the meeting.

MAYOR'S REPORTS

- The Mayor reminded everyone of the I love America Day celebration scheduled for August 10 at Wald Park.
- The Mayor stated that he attended the Library in the Forest Beer and Bingo night which was a successful fund-raiser for the Library.
- Mayor Zaragoza stated that the flags at all government buildings are at half staff by a decree of the President in memory of those slain in Aurora, Colorado and will remain that way until Wednesday.

CITY MANAGER REPORTS

Mr. Robertson detailed statistics gathered from the City's newly renovated website and indicated that in 31 days, 9,337 hits were gathered on the site.

COUNCILOR REPORTS

- none.

FINANCIAL REPORTS

Mr. Turner presented the financial reports for the month of June 2012. He read and explained the balances.

APPROVAL OF MINUTES

The minutes of July 9, 2012 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes and approve them as presented was by Mr. Pierce and second by Ms. Allison. Voice vote as follows:

Mr. Pierce – yes

Mr. Sharp – yes

Ms. Allison – yes

Mr. Ammons – yes

Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4322

Resolution Number 4322 - A Resolution Ordering The Demolition Of A Building Or Structure Located At 1459 Montgomery Highway, Vestavia Hills, Alabama, Parcel ID# 39-01-1-001-002.000-RR2 And 29-36-4-007-005.000-RR6, In Compliance With Sections 11-40-30 Through 11-40-36, Sections 11-53b-1 Through 11-53b-16, Inclusive, Of The Code Of Alabama, And In Compliance With Ordinance Number 2382 Of The City Of Vestavia Hills, Alabama; And Calling For Said Demolition To Be Performed By The City Of Vestavia Hills And Directing The City Attorney And The City Clerk To Cause The Cost Of Such Demolition To Be Charged Against The Land On Which The Building Or Structure Exists As A Municipal Lien Or Cause Such Cost To Be Recovered In A Suit At Law Against The Owner Or Owners

MOTION Motion to adopt Resolution Number 4322 was by Mr. Pierce and second was by Mr. Sharp.

Mayor Zaragoza introduced Mark Waggoner and Ben Goldman of the law firm of Hand Arendall, LLC. Mayor Zaragoza gave a brief background of Ordinance Number 2382, the City's dangerous buildings ordinance, that details the demolition process and asked Mr. Goldman to explain Resolution Number 4322.

In preparation for this hearing, a packet was submitted to the Mayor and members of the City Council. The packet contains 1.) the Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*; 2.) the *Alabama Messenger* Affidavit of Publication of Notice; 3.) printouts of thirty-six selected photographs of the conditions of the Vestavia Motor Lodge; and 4.) a CD containing 299 photographs of the conditions of the Vestavia Motor Lodge. A copy of the packet was also filed with the City Clerk, and during the hearing, a packet was admitted into evidence in support of the proposed demolition. A copy of the packet will remain available for inspection in the office of the City Clerk.

At Mr. Goldman's offer, the Council also received into evidence 1.) an August 6, 2007, Property Maintenance Inspection Report; 2.) a December 23, 2009, Fire Inspection Report; 3.) a December 23, 2009, letter of the Jefferson County Department of Health; 4.) a December 5, 2011, Fire Inspection Report; 5.) a December 13, 2011, Property Maintenance Inspection Report; 6.) a March 9, 2012, Property Maintenance Inspection Report; and 7.) 2012 Assessment Records for the Jefferson County Tax Assessor for the Vestavia Motor Lodge. A copy of these materials will remain available for inspection in the office of the City Clerk. Mr. Goldman used these materials to outline the lengthy circumstances of public nuisance, structural problems, sanitary problems, vagrancy, and attractive nuisance that led the City's Appropriate Municipal Officials to declare the Vestavia Motor Lodge a dangerous building and to seek its demolition. Moreover, the

history of the building showed that the owner of the Vestavia Motor Lodge had been repeatedly given notice of the building's defective conditions and failed to make the necessary improvements.

The Council received testimony from Keith Blanton, Building Official and one of the City's Appropriate Municipal Officials for the purpose of administering Ordinance Number 2382. Mr. Blanton explained his findings from his inspections of the Vestavia Motor Lodge. Based upon his inspections, Mr. Blanton opined that the Vestavia Motor Lodge is a danger to the health and safety of the neighborhood, and in its present state is a public nuisance, has structural problems, has sanitary problems, promotes vagrancy, and is an attractive nuisance. Mr. Blanton confirmed his findings in the Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*, including that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land) and that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 2382. Furthermore, it is Mr. Blanton's opinion that the Vestavia Motor Lodge should be demolished. According to Mr. Blanton, the property owner has not made any of the necessary repairs for which notice was provided. Mr. Blanton confirmed that the photographs offered into evidence fairly and accurately depict the conditions shown at the Vestavia Motor Lodge.

The Council received testimony from Greg Gilchrist, Fire Marshal, Battalion Chief, and one of the City's Appropriate Municipal Officials for the purpose of administering Ordinance Number 2382. Chief Gilchrist explained his findings from his inspections of the Vestavia Motor Lodge. Based upon his inspections, Chief Gilchrist determined that the Vestavia Motor Lodge poses a fire hazard because the building lacks a functioning sprinkler system, lacks an adequate fire alarm system, and has improper fire separation from floor to floor. Furthermore, it is Chief Gilchrist's opinion that the Vestavia Motor Lodge is a public nuisance and should be demolished. Chief Gilchrist confirmed that the photographs offered into evidence fairly and accurately depict the conditions shown at the Vestavia Motor Lodge.

Mr. Goldman stated that John Robbins, legal counsel for Maddox Enterprises LP, has filed an objection to the demolition. Mr. Goldman asked the Council to receive the objection into evidence and give it due consideration.

Mr. Goldman explained the methods used to give notice to all interested parties as set forth in the Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens* executed on May 15, 2012, and as set forth in the *Alabama Messenger* Affidavit of Publication of Notice. He indicated that the methods of service had the desired effect of obtaining the actual notification of the interested parties who had, in fact, appeared at the public hearing to voice their objections to the proposed demolition. Mr. Goldman gave dates of telephone calls and meetings prior to the present public hearing from the representatives of Maddox Enterprises LP, including John Robbins, Karen Maddox, Larry Maddox, Steve LaFoy, and Michael Parker.

Mr. Robbins clarified that he was present at the public hearing to represent Maddox Enterprises LP. He indicated that the corporation includes of Larry Maddox, its Corporate Agent; Richard Maddox; Karen Maddox and Ivy Maddox (a granddaughter that inherited interest in the property). He stated that all those individuals with the exception of Richard Maddox were present at the meeting. Mr. Robbins stated that the hotel has not been in operation since 2009 and he asked Larry Maddox to explain.

Larry Maddox stated that he closed the hotel in 2009 following the death of his child. He stated that he felt he could not keep up the hotel and keep his family together under the trying circumstances. Mr. Maddox acknowledged several required repairs that the Fire Marshal and the Building Official have listed and stated that he has attempted to repair them as funding has become available and as his health has permitted. He indicated they are working with investors for additional funding to bring the hotel to code.

Mr. Robbins submitted a letter from James Keeton, a local contractor with Keeton General Contractors, Inc., dated July 23, 2012, who offered to “provide a proposal for the improvements with a turn-key design-build scope of work . . . [to] bring the property up to the quality standards of the City of Vestavia Hills.” However, at the time of the public hearing, such a plan had not yet been developed. Mr. Maddox stated that he would like the opportunity to develop a plan for renovation of the Vestavia Motor Lodge.

Discussion ensued as the Councilors questioned Mr. Maddox regarding the photographs taken of the property and his recent work on it. He stated that he has experienced health problems and tried to repair what he could and that he estimated the total cost of repairs would be approximately \$300,000 to \$400,000. Mr. Pierce asked about the Health Department reports, and Mr. Maddox explained those were in 2010.

Karen Maddox provided the Council with some quotes in the amount of \$50,000 that she had collected for repairs of the stairwells. Discussion ensued as to whether these were active contracts or quotes; it was established that they were quotes.

Mr. Maddox stated that he is unaware of any deficiencies in the building supports or posts that are leaning and unanchored. Discussion ensued about the structural integrity of the building. Mr. Maddox indicated that he has not sought a report from a structural engineer, but he has had a number of individuals to inspect the property and provide data.

Mr. Goldman gave closing remarks and indicated that there has been no structural engineering report for the building submitted, there has been no management plan to put in place should the property be renovated and reopened; and all repairs and quotes appear to be mostly cosmetic. Steve LaFoy, who on behalf of Maddox Enterprises LP had previously discussed making a redevelopment proposal for the Vestavia Motor Lodge, was not in the audience to question regarding his findings on the integrity of the building.

Mr. Ammons opened the floor for a public hearing.

Iva Krukowski, 137 Maple Street, Maylene, Alabama stated that she has not been active in the family business but her family has been through some trying times and asked the Council to grant them time to have the opportunity to repair and reopen the hotel.

Donald Harwell, 1357 Willoughby Road, stated that the property has been a hazard for years and asked the Council to move forward with the abatement.

There being no further comments, Mr. Ammons closed the floor and asked for the question.

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

RESOLUTION NUMBER 4323

Resolution Number 4323 – A Resolution Authorizing The City To Bid Out The Cost Of Demolition Of The Property Described In Resolution Number 4322

MOTION Motion to adopt Resolution Number 4323 as amended was by Mr. Pierce and second was by Ms. Allison.

The Mayor stated that this Resolution follows up the previous Resolution authorizing the City to invite bids for the demolition of the property.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council regarding the request, Mr. Ammons closed the public hearing and asked for the question.

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

ORDINANCE NUMBER 2416

Ordinance Number 2416 – Rezoning – 2665 Alta Glen Drive; Rezone From Jefferson County E-1 To Vestavia Hills E-2; Compatible Zoning For Annexation (Property Was Annexed In The 90s But Never Compatibly Rezoned); Susan Henry, Owner

MOTION Motion to adopt Ordinance Number 2416 was by Mr. Sharp and second was by Ms. Allison.

Ms. Leavings explained that this property annexed in the 90s but was never compatibly rezoned. When the owner came in asking about the zoning of the property, she was advised to seek the compatible zoning and this is her request.

Susan Henry was present in regard to the request.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council regarding the request, Mr. Ammons closed the public hearing and asked for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Ms. Allison – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

ORDINANCE NUMBER 2415

Ordinance Number 2415 – Rezoning – 4240 Oakview Lane; Rezone From Vestavia Hills R-4 To Vestavia Hills B-1, With Conditions For An Artist Studio; Maude Powell, Owner

MOTION Motion to adopt Ordinance Number 2415 was by Mr. Pierce and second was by Mr. Sharp.

Ms. Leavings explained that this property was recommended for rezoning to B-2 by the Planning Commission with the stipulation that the only use allowed on the property was for an artist studio. However, the owner has indicated she will be required to bring the building to commercial code, do some landscape buffering and remove some on-street parking in the front. This will cost a good deal of money so the owner is appealing the request with some stipulations. She is requesting that the Council rezone it to B-1 with the following stipulations which are detailed in the Ordinance: (1) uses on the property are limited to prohibit convenience stores, laundry or dry cleaning businesses, produce markets, fast food restaurants, bars, lounges and veterinary hospitals or practices; (2) property lines to the rear shall be screened with a combination of privacy fencing and evergreen plantings; and (3) said conditions will be executed in the form of private restrictive covenants to be filed and recorded in the Jefferson County Office of the Judge of Probate and a copy filed with the Office of the City Clerk to be affixed and incorporated into this Ordinance Number 2415 as if written fully therein. She stated that there were some objections from some residents abut portions of the property, but only one of them contacted her in regard to this meeting and he withdrew his objections. She stated that no one from Pruitt Place contacted her regarding this proposal.

Maude Powell was present in regard to the request and answered questions from the Council.

Mr. Boone explained conditional zoning and recommended that the Ordinance not be posted until the owner has filed the covenants.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council regarding the request, Mr. Ammons closed the public hearing and asked for the question.

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

NEW BUSINESS

RESOLUTION NUMBER 4326

Resolution Number 4326 – A Resolution To Issue A Certificate Of Election To Alberto C. Zaragoza, Jr. As Mayor

MOTION Motion to adopt Resolution Number 4326 was by Ms. Allison and second was by Mr. Pierce.

The Mayor explained that he was unopposed in the upcoming election; therefore is notifying the Council in order to issue a Certificate of Election.

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

CERTIFICATE OF ELECTION – ALBERTO C. ZARAGOZA, JR.

Mr. Ammons explained that this is to adopt the Certificate of Election for Mayor Zaragoza for the upcoming office of Mayor, beginning November 2012. He opened the floor for a motion and called for the question:

MOTION Motion to adopt the Certificate of Election of Alberto C. Zaragoza, Jr., for Mayor was by Mr. Sharp. Second was by Mr. Pierce and on a roll call vote:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4327

Resolution Number 4327 - A Resolution To Issue A Certificate Of Election To Jim Sharp As Councilor, Place Number 2

MOTION Motion to adopt Resolution Number 4327 was by Ms. Allison and second was by Mr. Pierce.

The Mayor explained that Mr. Sharp was unopposed for City Council, Place Number 2, in the upcoming election; therefore, he is notifying the Council to issue a Certificate of Election.

MOTION Question called on a roll call vote:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – abstained	Mr. Ammons – yes

Motion carried.

CERTIFICATE OF ELECTION – JIM SHARP

Mr. Ammons explained this is to adopt the Certificate of Election for Mr. Sharp for the upcoming office of City Council, Place Number 2, beginning November 2012. He opened the floor for a motion and called for the question:

MOTION Motion to adopt the Certificate of Election of Jim Sharp, for City Council, Place Number 2, was by Mr. Pierce. Second was by Ms. Allison and on a roll call vote:

Mr. Pierce – yes	Ms. Allison – yes
Mr. Sharp – abstained	Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4328

Resolution Number 4328 - A Resolution To Issue A Certificate Of Election To Steve Ammons As Councilor, Place Number 3

MOTION Motion to adopt Resolution Number 4328 was by Mr. Pierce and second was by Mr. Sharp.

The Mayor explained that Mr. Ammons was unopposed for City Council, Place Number 3, in the upcoming election; therefore, he is notifying the Council to issue a Certificate of Election.

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

CERTIFICATE OF ELECTION – STEVE AMMONS

Mr. Ammons explained that this is to adopt the Certificate of Election for him for the upcoming office of City Council, Place Number 3, beginning November 2012. He opened the floor for a motion and called for the question:

MOTION Motion to adopt the Certificate of Election of Steve Ammons, for Council Place Number 3, was by Mr. Pierce. Second was by Ms. Allison and on a roll call vote:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – abstained
Motion carried.

RESOLUTION NUMBER 4329

Resolution Number 4329 – A Resolution Authorizing The Mayor To Execute An Agreement With ES&S For Voting Machines

MOTION Motion to adopt Resolution Number 4329 was by Mr. Pierce and second was by Mr. Sharp.

The Mayor explained that this Resolution authorizes the Mayor to enter into an agreement with ES&S for the programming and setup of the voting machines for the municipal elections. He indicated that the costs of the machines are above what the City paid the County for the services, but the budget should cover the expenses.

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

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

RESOLUTION NUMBER 4325

Resolution Number 4325 – A Resolution Approving Matching Funds For 2012 Recreational Trails Program 2nd Level Application – McCallum Park Connector Trail

Mr. Ammons opened the floor for a motion for unanimous consent for immediate consideration and action on Resolution Number 4325.

MOTION Motion for unanimous consent for consideration and action on Resolution Number 4325 was by Mr. Sharp and second was by Ms. Allison.

MOTION Motion to adopt Resolution Number 4325 was by Mr. Pierce and second was by Ms. Allison.

The Mayor explained that this Resolution pledges funding for the 2nd stage of McCallum Park. He stated that the estimated cost of the project is \$120,000 with the City's match being 50 percent or \$60,000. He indicated that the Park and Recreation Foundation.

Chief Rary indicated that the Police Department found no problems with the request.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council, he 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

Motion carried.

ORDINANCE NUMBER 2417

Ordinance Number 2417 – An Ordinance Authorizing And Directing The Purchasing And Closing Of The Sale Of Real Estate

Mr. Ammons opened the floor for a motion for unanimous consent for immediate consideration and action on Ordinance Number 2417.

MOTION Motion for unanimous consent for consideration and action on Ordinance Number 2417 was by Mr. Pierce and second was by Ms. Allison.

MOTION Motion to adopt Ordinance Number 2417 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Ammons gave a brief background on the proposed Ordinance to purchase the “big box” store at the Vestavia Hills Plaza Shopping Center. He explained that this came before the Council previously and was defeated, but some additional information was obtained and the Council is reconsidering it.

Mr. Boone explained the terms of the proposed contract in which Southpace Properties will close on the property on August 3; Planning and Zoning will hear the proposed resurvey to break out the big box property on August 9 and the City will purchase and close the sale on August 15. Mr. Boone asked Brian Holt of Southpace to assign the first right of refusal on the remaining property to the City. He indicated that two amendments needed to be adopted concerning the proposed Ordinance to meet the terms and conditions upon which the final agreement has been discussed. The first would be to extend the City’s deadline to August 15 in order to close, following P&Z approval of a plat.

Mr. Ammons opened the floor for said amendment.

MOTION Motion to amend Ordinance Number 2417 to move the date of closing to August 15 was by Mr. Sharp and second was by Ms. Allison. Roll call vote as follows:

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

Mr. Boone explained a second amendment to assign the first right of refusal to the City on the remainder of the property.

MOTION Motion to amend Ordinance Number 2417 to allow the City first right of refusal on the remainder of the property was by Mr. Sharp and second was by Mr. Pierce. Roll call vote as follows:

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

Mr. Ammons opened the floor for a public hearing. The following individuals addressed the Council concerning this Ordinance: John Henley, 2114 Shades Avenue; Deloye Burrell, 3273 Farrington Woods Drive; Donald Harwell, 1357 Willoughby Road and Bob Elliott, Riverview Cove.

An in-depth discussion ensued concerning the need to purchase and control the property, a pending lawsuit on the property, the possibility of relocation of the Municipal Center facilities, etc. Each Councilor spoke at length about his/her opinion of the purchase of the property.

There being no further discussion, Mr. Ammons closed the public hearing and called for the question.

MOTION Question called on a roll call vote:
Mr. Pierce – no Ms. Allison – no
Mr. Sharp – yes Mr. Ammons – yes
Motion failed.

CITIZENS COMMENTS

Deloye Burrell reported that they delivered some homemade goodies to the Cahaba Heights Fire Station and commended their work last week during the bomb scare in the community.

Donald Harwell congratulated Mayor Zaragoza, Councilor Ammons and Councilor Sharp for being unopposed in the upcoming municipal election and then wished the other candidates luck in their campaigns.

Mr. Ammons also thanked the Police and Fire Departments for the work they did during the crisis last week.

MOTION Motion to adjourn the meeting at 8:30 PM was by Mr. Pierce. Ms. Allison seconded the motion. Voice vote as follows:
Mr. Pierce – yes Ms. Allison – yes
Mr. Sharp – yes Mr. Ammons – yes
Motion carried.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

RESOLUTION NUMBER 4330

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR KLINGLERS INC D/B/A KLINGLERS
BAKERY; MICHELLE WITHERINGTON,
EXECUTIVE**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Klingler's Inc d/b/a Klingler's Bakery, located at 621 Montgomery Hwy, Vestavia Hills, Alabama, for the sale of 040 Retail Beer and 060 Retail Wine (on or off premises); Michelle Witherington, executive.

APPROVED and ADOPTED this the 13th day of August, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk


APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

INTEROFFICE MEMORANDUM

DATE: August 9, 2012

TO: Dan Rary, Acting Police Chief

FROM: Rebecca Leavings, City Clerk 


RE: Alcohol License Request – 040 Retail Beer and 060 Retail Beer (on or off premises)

Please find attached information submitted by Michelle Witherington who request an alcohol license to sell 040 Retail Beer and 060 Retail Beer (on or off premises) at the Klinglers Inc d/b/a Klinglers Bakery, 621 Montgomery Hwy, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 13th day of August 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: 20120727102628301

Type License: 040 - RETAIL BEER (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Type License: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES) **State:** \$150.00 **County:** \$75.00

Trade Name: KLINGLERS BAKERY **Filing Fee:** \$100.00

Applicant: KLINGLERS INC **Transfer Fee:**

Location Address: 621 MONTGOMERY HWY VESTAVIA HILLS, AL 35216

Mailing Address: P O BOX 660765 VESTAVIA HILLS, AL 35266

County: JEFFERSON **Tobacco sales:** NO **Tobacco Vending Machines:**

Sale of Products Containing Ephedrine: NO **Type Ownership:** CORPORATION

Book, Page, or Document info: LR201210 2071 **Do you sell Draft Beer:** Y

Date Incorporated: 01/04/2012 **State incorporated:** AL **County Incorporated:** JEFFERSON

Date of Authority: 01/04/2012 **Alabama State Sales Tax ID:** R000734895

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

MICHELLE WITHERINGTON 5048752 - AL	PRESIDENT	06/14/1966 BIRMINGHAM, AL	2201 LIME ROCK RD VESTAVIA HILLS, AL 35216

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? NO
 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: MICHELLE WITHERINGTON
Business Phone: 205-823-4560
Fax: 205-823-5563

Home Phone: 205-823-1825
Cell Phone: 205-914-1288
E-mail: KLINGLER621@YAHOO.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:
Applicant:

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



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20120727102628301

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **MACKY AND NORMA WARREN 205-822-0195**
 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? **YES**
 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: **2100** Display Square Footage:
 Building seating capacity: **55** Does Licensed premises include a patio area? **YES**
 License Structure: **ONE STORY** License covers: **ENTIRE STRUCTURE**
 Number of licenses in the vicinity: **10** Nearest: **1**
 Nearest school: **2 blocks** Nearest church: **3 blocks** Nearest residence: **1 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:

Name:	Violation & Date:	Arresting Agency:	Disposition:
<i>Michelle Luthermyr</i>			



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20120727102628301

Initial each

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

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

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.

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.

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

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

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.

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.

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): *Michelle Witherington*

Signature of Applicant: *Michelle Witherington*

Notary Name (print): *Valencia Johnson*

Notary Signature: *Valencia Johnson*

Commission expires: *1-4-14*

Application Taken: *7-27-12* App. Inv. Completed:

Submitted to Local Government: *7-27-12*

Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:

Received from Local Government:

Forwarded to Central Office:

Receipt Confirmation Page

Receipt Confirmation Number: **20120727102628301**
Application Payment Confirmation Number: **3405656**

Payment Summary	
Payment Item	Fee
Application Fee for License 040 and License 060	\$100.00
Total Amount to be Charged	\$100.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
040 - RETAIL BEER (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
060 - RETAIL TABLE WINE (ON OR OFF PREMISES)	\$75.00	\$150.00	\$225.00
Total Amount to be Charged	\$150.00	\$300.00	\$450.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 040 - RETAIL BEER (ON OR OFF PREMISES)
License Type 2: 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)
License County: JEFFERSON
Business Type: CORPORATION
Trade Name: **KLINGLERS BAKERY**
Applicant Name: **KLINGLERS INC**
Location Address: 621 MONTGOMERY HWY
VESTAVIA HILLS, AL 35216
Mailing Address: P O BOX 660765
VESTAVIA HILLS, AL 35266
Contact Person: MICHELLE WITHERINGTON
Contact Home Phone: 205-823-1825
Contact Business Phone: 205-823-4560
Contact Fax: 205-823-5563
Contact Cell Phone: 205-914-1288
Contact Email Address:
Contact Web Address:

RESOLUTION NUMBER 4331

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR SUMMIT HOTEL TRS 087 LLC D/B/A HILTON
GARDEN INN LIBERTY PARK; SUMMIT HOTEL
TRS, INC., EXECUTIVE**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Summit Hotel TRS 087 LLC d/b/a Hilton Garden Inn Liberty Park, located at 2090 Urban Center Pkwy, Vestavia Hills, Alabama, for the on-premise sale of 020 Restaurant Retail Liquor; Summit Hotel TRS, Inc., executive.

APPROVED and ADOPTED this the 13th day August, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk


APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

INTEROFFICE MEMORANDUM

DATE:

TO: Dan Rary, Acting Police Chief

FROM: Rebecca Leavings, City Clerk 


RE: Alcohol License Request – 020 Restaurant Retail Liquor


Please find attached information submitted by Summit Hotel Trs, Inc. who request an alcohol license to sell 020 Restaurant Retail Liquor at the Summit Hotel TRS 087 LLC d/b/a Hilton Garden Inn Liberty Park, 2090 Urban Center Pkwy, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 13th day August 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: 20120521103225471

Type License: 020 - RESTAURANT RETAIL LIQUOR **State:** **County:**
Type License: **State:** **County:**
Trade Name: HILTON GARDEN INN LIBERTY PARK **Filing Fee:**
Applicant: SUMMIT HOTEL TRS O87 LLC **Transfer Fee:** \$50.00
Location Address: 2090 URBAN CENTER PKWY VESTAVIA HILLS, AL 35242
Mailing Address: 2090 URBAN CENTER PKWY VESTAVIA HILLS, AL 35242
County: JEFFERSON **Tobacco sales:** YES **Tobacco Vending Machines:** 0
Sale of Products Containing Ephedrine: YES **Type Ownership:** LLC
Book, Page, or Document info: 5090278 **Do you sell Draft Beer:** Y
Date Incorporated: 01/03/2012 **State incorporated:** DE **County Incorporated:**
Date of Authority: 01/31/2012 **Alabama State Sales Tax ID:** R008130522

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

SUMMIT HOTEL TRS, INC 02571699 - TX DE, NULL	DAN HANSEN/PRESIDENT Incorporated:08/11/2010	05/12/1969 MINNEAPOLIS, MN	4806 PARAISO PKWY AUSTIN, TX 78738 Authority:01/31/2012

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? NO
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? NO
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: ERIC STEVENSON
Business Phone: 205-782-2012
Fax: 605-362-9388

Home Phone: 205-542-2828
Cell Phone: 205-542-2828
E-mail: ERIC.STEVENSON@HILTON.COM

PREVIOUS LICENSE INFORMATION:
Trade Name: HILTON GARDEN INN
Applicant: STONEGATE, LLC

Previous License Number(s)
License 1: 001416737
License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20120521103225471

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **SUMMIT HOTEL OP, LP 605-362-2012**
 What is lessors primary business? **HOTEL OWNERSHIP, MANAGEMENT**
 Is lessor involved in any way with the alcoholic beverage business? **YES**
 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? **YES**
 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: **73000** Display Square Footage:
 Building seating capacity: **47** Does Licensed premises include a patio area? **YES**
 License Structure: **MOTEL/HOTEL** License covers: **ENTIRE STRUCTURE**
 Number of licenses in the vicinity: **3** Nearest: **1**
 Nearest school: **1 miles** Nearest church: **2 miles** Nearest residence: **1 miles**
 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:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20120521103225471

Initial each

Signature page

MG
MG

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

MG

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.

JA

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

MG

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

MG

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.

MG

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.

MG

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): *MARK L. GAINES*

Signature of Applicant: *Mark L. Gaines*

Notary Name (print): *Velma Allen*

Notary Signature: *Velma Allen*

Commission expires: *1/3/16*

Application Taken: *5/21/12* App. Inv. Completed:
 Submitted to Local Government:
 Received in District Office: Reviewed by Supervisor:

Forwarded to District Office:
 Received from Local Government:
 Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 Confirmation Number: 20120521103225471



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

NOTE: A Copy of Operating Agreement Must be Attached To Application

CURRENT LICENSEE:
 STONEGATE, LLC
 Address: 2090 URBAN CENTER PARKWAY
 VESTAVIA HILLS, AL 35242
 Telephone: 205-879-7004

NEW APPLICANT:
 SUMMIT HOTEL TRS O87 LLC
 Address: 2090 URBAN CENTER PKWY
 VESTAVIA HILLS, AL 35242
 Telephone: 205-782-2012

Current License No: 001416737

LICENSED PREMISES ADDRESS: 2090 URBAN CENTER PKWY VESTAVIA HILLS, AL 35242

THE AFORENAMED HEREBY SERVE NOTICE TO THE ABC BOARD OF THE ATTACHED CONTRACTUAL AGREEMENT GOVERNING THE CONTINUATION OF SALES OF ALCOHOLIC BEVERAGES ON THE LICENSED PREMISES.

The Parties to this agreement hereby acknowledge and affirm that the New (Applicant) Licensee will, at all times, act as the AGENT for the Current (Named) Licensee, and the Current Licensee shall act as PRINCIPAL for the purposes of the attached Agreement. The Principal shall be bound by all acts and/or omissions of the Agent in the operation of the licensed premises.

The Current Licensee is now and shall remain liable for any violations of ABC Rules and Regulations or other Alabama Law for the duration of the attached Agreement; and, further, that the Current Licensee has the right and authority, under Alabama Law, to surrender the ABC License to the ABC Board at any time.

The parties acknowledge that the operation of the licensed premises shall remain subject to inspection by ABC Enforcement, and must comply with all State and Local regulations and Laws, and that the local ABC Enforcement District Office must be immediately notified of any change in the attached Agreement.

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 21st day of May, 20 12.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

MARK L. GAINES
 Print Name:
 Title: Attorney

MARK L. GAINES
 Print Name:
 Title: Attorney

WITNESS: (By ABC Enforcement) B. V. G.
 Revised 9/08

Receipt Confirmation Page

Receipt Confirmation Number: **20120521103225471**
Application Payment Confirmation Number: 2922644

Payment Summary	
Payment Item	Fee
Transfer Fee for License 020	\$50.00
Total Amount to be Charged	\$50.00

Application Type

Application Type: TRANSFER

Applicant Information

License Type 1: 020 - RESTAURANT RETAIL LIQUOR
License Type 2:
License County: JEFFERSON
Business Type: LLC
Trade Name: **HILTON GARDEN INN LIBERTY PARK**
Applicant Name: **SUMMIT HOTEL TRS O87 LLC**
Location Address: 2090 URBAN CENTER PKWY
VESTAVIA HILLS, AL 35242
Mailing Address: 2090 URBAN CENTER PKWY
VESTAVIA HILLS, AL 35242
Contact Person: ERIC STEVENSON
Contact Home Phone: 205-542-2828
Contact Business Phone: 205-782-2012
Contact Fax: 605-362-9388
Contact Cell Phone: 205-542-2828
Contact Email Address:
Contact Web Address:

RESOLUTION NUMBER 4332

**A RESOLUTION APPOINTING ELECTION OFFICERS
FOR THE MUNICIPAL ELECTION TO BE HELD IN THE
CITY OF VESTAVIA HILLS, ALABAMA ON AUGUST 28,
2012.**

WHEREAS, a regular municipal election for the City of Vestavia Hills, Alabama, will be held on the 28th day of August, 2012; and

WHEREAS, according to Title 37, Section 34 (26), Code of Alabama, 1975, the municipal governing body, or a majority of them, must appoint from the qualified electors of respective wards or voting districts, officers to hold the election as follows: a Chief Inspector and an Assistant Chief Inspector.

WHEREAS, the pay rates for each Chief Inspector will be at a rate of \$250.00 per day; each Assistant Chief Inspector will be at a rate of \$200.00 per day; and for each Clerk will be at a rate of \$175.00 per day. Poll worker hours begin at 6:30 a.m. and last until the Chief Inspector dismisses each clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, that the election officers for said election shall be as follows:

Horizon Church

Shawn Manning, Chief
Teresa Roberts, Asst. Chief
Mary Ann Appling
Margaret Curry
Sue Edfeldt
Paul Edfeldt
Martha Graves
Cecelia Greer
Barbara Howell
Jane Mahaffey

Audrey Cornutt
Muzaffar Sheikh
Joseph Anzalone
Kay Eddins

**Mountaintop Community
Church**

Kenneth Lundberg, Chief
Cynthia Bartlett, Asst. Chief
Rita Blair
Anne Boston

Jeanell Knight
George Luckie, Jr.
James Medley
Sheila Piery

Town Village

Sue Stapleton, Chief
Jimmy Stapleton, Asst. Chief
Virginia Holland
James Holland
Nancy Kirk
Nadene Siniard
Frank Bates

VH United Methodist Church

Nell Rush
Vivian Smith
Ann Friend
Patricia Hamilton
Eleanor Howze
Sammie Leach
Jeannie Radecke
Sue Wills

New Merkle

Margaret Crawford
Shane Acton
Bartie Acton
Bonnie Carr
Willis Jackson
Franklin Meredith
Glenn Rice
Micky Rubenstein
Barbara Smith

Liberty Park

Lucy Mason, Chief
Nanci Pate, Asst. Chief
Jerome Billings
Dan Harper
Alice Harper
William Pate

Absentee

Gayle England, Chief
Ruby Denson, Asst. Chief
Peggy Maddox

APPROVED and ADOPTED this the 13th day of August, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

RESOLUTION NUMBER 4325-A

A RESOLUTION APPROPRIATING MATCHING FUNDS FOR ADECA GRANT ENTITLED *2012 RECREATIONAL TRAILS PROGRAM 2ND LEVEL APPLICATION – MCCALLUM PARK CONNECTOR TRAIL*

WHEREAS, the City of Vestavia Hills proposes to have constructed recreational resources at McCallum Park to provide for the health and well being of the general public; and

WHEREAS, the City of Vestavia Hills intends to make application for the Alabama Department of Economic and Community Affairs for grant assistance to develop a connector trail along Little Shades Creek in McCallum Park (formerly known as Little Shades Creek Park) from the Federal Highway Administration Recreational Trails Program; and

WHEREAS, funds requested for a diverse-use trail through this Program are in the amount of \$50,000 which is 41.7% of the proposed project costs estimated at \$120,000 and will be used to develop a trail along Little Shades Creek; and

WHEREAS, the Vestavia Hills Parks and Recreation Foundation has included the development of McCallum Park in the “Partners in Healthy Living” Campaign and has committed available funds up to \$50,000 for the cash match to fulfill RTP program requirements and to provide for completion of the trail project; and

WHEREAS, the breakdown of the City match is as follows: \$5,000 in-kind professional services; \$10,000 City labor, \$5,000 volunteer labor and \$50,000 City funds provided by the Vestavia Hills Parks and Recreation Foundation.

NOW, THEREFORE, BE IT RESOLVED, that the City of Vestavia Hills hold in reserve \$50,000 which is 41.7 percent (41.7%) of the proposed project cost for the purpose of matching the Recreational Trails Program assistance; and

BE IT FURTHER RESOLVED, that in the event a grant is awarded, the City of Vestavia Hills understands that it will sign assurances to comply with all applicable Federal and State laws, rules and regulations.

ADOPTED and APPROVED this the 23rd day of July, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

MEMORANDUM

DATE: 18 July 2012

FROM: Melissa Hipp

TO: Mayor Alberto C. Zaragoza, Jr.
Randy E. Robertson, City Manager
Vestavia Hills City Council
✓ Rebecca H. Leavings, City Clerk

RE: Unanimous Consent for Matching Funds Resolution
2012 Recreational Trails Program 2nd Level Application – McCallum Park Connector Trail

Our pre-application submitted to ADECA for Recreational Trails Program funding to construct a connector trail along Little Shades Creek at McCallum Park has been successfully promoted to second-level consideration.

This grant requires a match from the project sponsor, the City of Vestavia Hills. The Vestavia Hills Parks and Recreation Foundation has agreed to supply the match from its campaign funds.

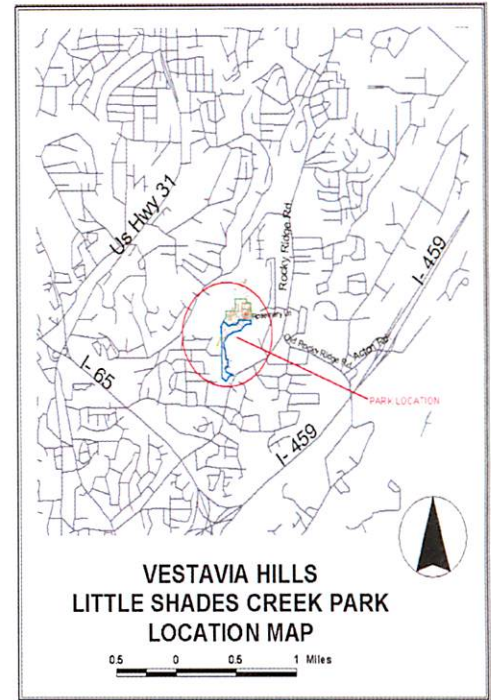
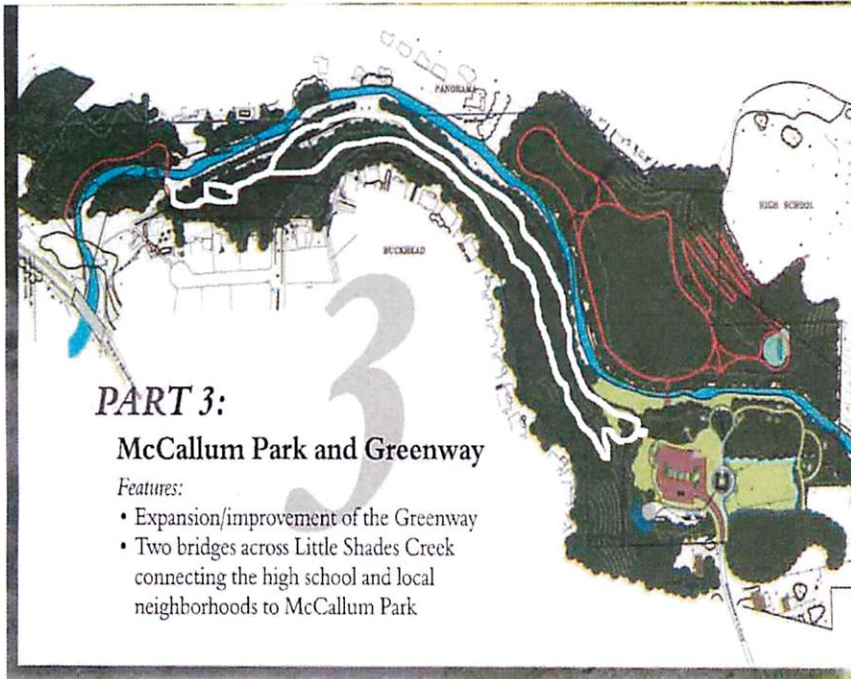
Enclosed is a draft resolution committing the matching funds in the amount of \$60,000. Because there is not a second Council meeting prior to the grant deadline, unanimous consent is needed. Enclosed with this memo is the following information pertaining to the grant, which is in preparation (postmark due August 9, 2012).

Thank you for your consideration of this request. I am happy to assist with any questions you may have.

Enclosures:

- Draft Resolution
- Executive Summary
- RTP Application Cover Sheet
- RTP Application Budget Worksheet
- Pre-Application submitted May, 2012

McCallum Park Connector Trail



The project is to construct a single 6' wide, 1.25 mile looping diverse-use connector trail that will run along Little Shades Creek in McCallum Park. McCallum Park is 17.33 acres of 34 acres of dedicated public-use natural area located between Rocky Ridge Road and Morgan Drive in Vestavia Hills (Jefferson County, AL). The trail will be constructed of crushed stone and will be suitable for pedestrians and cyclists using mountain/hybrid bicycles.

The proposed trail will connect with the Vestavia Hills sidewalks system, a trail planned by the City of Hoover which will also run alongside Little Shades Creek, and planned trails across the adjacent 17 acres owned by the Fresh Water Land Trust.

This project is part of the continued implementation of the multi-phase Little Shades Creek Park plan which is included in the overall Jefferson County Greenways Plan in place when the land was purchased in 2003. The project purpose is also complementary to the current Red Rock Ridge and Valley regional trails plan developed by the Fresh Water Land Trust.

<u>Item</u>		<u>Additional (In-Kind) Sources</u>	
Design	\$10,000	L/A - inspection	5,000
Educational/Interpretive Components	\$15,000		
		City Engineer-engineering oversight	5,000
Materials	30,000		
Trail clearing	45,000	VH Public Works – site preparation	5,000
	\$100,000		
		Boy Scouts, VH P&R – trail development	5,000
	PROJECT TOTAL:		\$20,000
	\$120,000		

RTP APPLICATION COVER SHEET

****COMPLETE ALL SPACES – DO NOT LEAVE ANY BLANK ****

1) SPONSOR		2) PROJECT LOCATION CODES	
a. Name	Mayor Alberto C. Zaragoza, Jr.	a. Congressional Dist	6
b. Organization	City of Vestavia Hills	b. State House Dist	47, 48, 45, 58
c. Street/P.O. Box	513 Montgomery Highway	c. State Senate Dist	16
d. City	Vestavia Hills	d. Federal ID Number	63-6002218
e. County	Jefferson	e. Latitude (Deg/Min/Sec)	33.418547
		Longitude (Deg/Min/Sec)	-86.778345
f. Zip Code	35216		
g. Contact Person	Melissa Hipp, Grants Administrator		
h. E-mail address	Mayor.sec2@ci.vestaviiahills.al.us		
i. Phone/Fax Number	205.978.0130 / 205.978.0189		

3) PROPOSED OR EXISTING PROJECT SITE CONTROL			
a. Acres to be Purchased	n/a	f. Acres owned by Sponsor	17.33
b. Acres to be Donated	n/a	g. Date Acquired (MM/YY)	2002
c. Total Acres to be Assisted	8 of 34 total	h. Acres Leased by Sponsor	n/a
d. ROW/Easement Purchased	n/a	i. Years Remaining on Lease	n/a
e. Total Acquisition (Sum a:d)	n/a	j. Leased From?	n/a

4) PROJECT TITLE: McCallum Park Connector Trail (35 Characters Maximum)

5) PROJECT DESCRIPTION: Construction of a single 6' wide, 1.25 mile looping diverse-use connector trail that will run along Little Shades Creek in Vestavia Hills. The trail will be constructed of crushed stone and will be suitable for pedestrians and cyclists using mountain/hybrid bikes. Will connect to VH sidewalks system, Little Shades Creek trail planned by Hoover, and other trails in McCallum Park. Near to high school, retirement facility, and commercial district.

6) SOURCE OF PROJECT FUNDING			
SOURCE	TOTAL	CASH	DONATED LABOR OR EQUIPMENT
a. RTP	50,000	50,000	
b. Sponsor	70,000	50,000	\$5K in-kind L/A, \$10K City labor, \$5K volunteer labor, \$50K donations from Vestavia Hills P&R Foundation Partners in Healthy Living Campaign.
c. Other			
TOTAL	120,000		

7) SOURCE OF PROJECT SPONSOR MATCHING SHARE:			
a. Park Revenue	%	d. Donated Labor & Equip	14.2%
b. Bonds	%	e. General Fund	14.3%
c. Cash Donations	71.5%	f. Other Federal Programs	%

8) CERTIFICATION: The applicant certifies that the data contained in the attached application is true and correct; the application has been duly authorized; and, the applicant understands that incorrect or incomplete information may cause the application to be rejected.

a. Typed Name and Title	b. Signature	c. Date
Mayor Alberto C. Zaragoza, Jr.		

PROJECT COST ESTIMATE

The Recreational Trails Program provides **80/20 matching** fund grants. That is, the RTP will fund 80 percent of the project cost and the grant recipient must provide the other 20 percent in the form of cash, in-kind or donated contributions.

ELIGIBLE COSTS

1. Design, engineering, construction oversight services (may not exceed 10% of the total grant amount).
2. Direct labor
3. Special tradesmen secured under a service purchase contract
4. Rental of equipment
5. Construction contracts
6. Project materials
7. Signage¹
8. Land acquisition
9. Professional project administration (grant consultant) (may not exceed 5% of total grant amount).

PROJECT DEVELOPMENT BUDGET

BUDGET ITEM	TOTAL	RTP SHARE	MATCHING SHARE
Acquisition	0		
Construction Contracts	45,000	45,000	0
Equipment Rental	1,500		1,500
Labor	10,000	0	10,000
Signage	500	0	500
Supplies/Materials	43,000	5,000	38,000
Administration	0		
Engineering	20,000		20,000
TOTAL PROJECT COST	120,000	50,000	70,000

Public Employee Costs

To verify allowable costs for state and local government employees, see OMB Circular A-87, Attachment B, item 11. Public labor is **not** volunteer or a donation. If a public employee is paid for time on a project, then the labor would be counted as part of the project cost (provided the labor is an appropriate allowable cost under OMB Circular A-87). It is not an "in-kind donation" since money is paid to the employee.² However, the dollar value of the employee's time may be counted toward

¹ Signs which function as traffic control devices must conform with the Manual on Uniform Traffic Control Devices (MUTCD). Part IX of the MUTCD, Traffic Controls for Bicycle Facilities, covers the bicycle related signs, pavement markings, and signals which may be used on highways or bikeways. Part IX is applicable to shared use paths (nonmotorized multiple-use trails which may provide a transportation purpose). The publication Standard Highway Signs has the detailed drawings for the highway signs prescribed in the MUTCD. These documents are available for purchase from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

Signs which do not function as traffic control devices are not subject to the MUTCD. However, informational signs and kiosks must take into consideration the needs of various users, such as: people who are blind or who have low vision, people who use wheelchairs, and children.

² Example: Given a \$62,500 RTP project, where \$31,250 is the allowable cost for right-of-way and materials and \$31,250 is allowable for public agency labor, then of the total \$62,500 cost, the federal share payable from the RTP is \$50,000. The public agency pays \$62,500 in cash (for right-of-way, materials, and labor) and submits a voucher for a \$50,000 reimbursement.

Given a \$62,500 project where \$31,250 is for materials, \$21,875 is allowable public labor, and \$9,375 is the allowable value of private volunteer labor, the federal share payable from the RTP is still \$50,000. The public

the project sponsor's matching funds. For federal agency sponsors the value of a federal employee's time may be counted toward the federal agency's share.

agency pays \$62,500 cash, claims the \$9,375 value of the private volunteer labor, and submits a voucher for \$50,000.

* Given a \$62,500 project where \$12,500 is for materials, \$18,750 is privately donated materials, \$12,500 is allowable public labor, and \$18,750 is private volunteer labor, in this case, the federal RTP payment is limited to \$25,000, because the cash outlay was only \$25,000. This would be a case of the private in-kind match exceeding the federal share.