Vestavia Hills City Council Agenda August 27, 2012 5:00 PM

- 1. Call to Order
- 2. Roll Call
- 3. Invocation Michael Johnson, Crossroads Community Church
- 4. Pledge of Allegiance
- 5. Candidates, Announcements and Guest Recognition
- 6. Proclamation
- 7. Mayor's Report
- 8. Councilors' Reports
- 9. Financial Reports Melvin Turner, III, Finance Director
- 10. Approval Of Minutes August 13, 2012 (Regular Meeting)

New Business

- 11. Resolution Number 4333 A Resolution approving certain improvements on Interstate 459 as designated in Project Number IM-I-459(307) I-459 Pavement Rehabilitation from South of SR-38 (US-280) to North of CR-143 (Grants Mill Road)
- 12. Resolution Number 4334 A Resolution Approving The Final 10% Of The 2011-2012 Fiscal Year Budget For The City Of Vestavia Hills Alabama

First Reading (No Action Taken At This Meeting)

13. Resolution Number 4335 - A Resolution Ordering The Demolition Of A Building Or Structure Located At 3363 Mountainside Road, Vestavia Hills, Alabama, Parcel ID# 28-23-2-4-3-Rr-0, 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

- 14. Ordinance 409-A Rezoning 400 Vestavia Parkway, Lot 2, Koger Executive Center; Rezone From Vestavia Hills O-2 (maximum 3 stories) to Vestavia Hills O-2 (maximum 4 stories); Highpoint Office Center, LLC, Owners
- 15. Ordinance Number 2331-A An Ordinance Amending Ordinance Number 2331 To Amend §4.5 Entitled Fences
- 16. Resolution 4336 A Resolution Approving A General Fund Budget, A Special Fund Budget And A Capital Fund Budget For The City Of Vestavia Hills For Fiscal Year 2012-2013
- 17. Resolution Number 4337 A Resolution Accepting A Bid For A Hydraulic Excavator For The Public Services Department
- 18. Citizens Comments
- 19. Executive Session
- 20. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

AUGUST 13, 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

MEMBERS ABSENT: Linda Allison

OTHER OFFICIALS PRESENT: Mayor Alberto C. Zaragoza, Jr.

Randy Robertson, City Manager Patrick H. Boone, City Attorney Rebecca Leavings, City Clerk Christopher Brady, City Engineer

Dan Rary, Police Chief

Tim Holcomb, Deputy Police Chief Melvin Turner, III, Finance Director George Sawaya, Deputy Treasurer

Jim St. John, Fire Chief

Brian Davis, Director, Public Services

Jennifer Swann, Public Services Mike Swann, Public Services

Invocation was given by Dennis Anderson, Vestavia Hills Baptist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUESTS

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

EMPLOYEE OF THE MONTH

Mr. Robertson presented the Council with the Employee of the Month Mike Swann of the Vestavia Hills Public Services Department and explained his services to the City.

MAYOR'S REPORTS

- The Mayor stated that the City has continued meetings on the Mine Reclamation Project which will now include some of the property owned by Liberty Park.
- The dead tree which overhung on Shades Crest Road for years is finally down. The property owner gave signed permission to have the tree removed.
- The Library's Community Room is expected to reopen this week.
- The Budget review has begun and the Mayor stated that he expects to have a draft to Council soon.

CITY MANAGER REPORTS

Mr. Robertson updated statistics gathered from the City's newly renovated website and indicated that there is now a blog on the site.

COUNCILOR REPORTS

• Mr. Pierce thanked the Chamber for their continued success with the I Love America Day event which was held last week.

APPROVAL OF MINUTES

The minutes of July 23, 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 Mr. Sharp. Voice vote as follows:

Mr. Pierce – yes

Mr. Sharp – yes Mr. Ammons – yes Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4330

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

MOTION Motion to adopt Resolution Number 4330 was by Mr. Sharp and second was by Mr. Pierce.

Michelle Witherington was present in regard to this request. She indicated that they have a desire to open some evening hours and add beer and wine to their menu.

Chief Rary indicated that the Police Department found no problems in their investigation.

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

MOTION Ouestion called on a roll call vote:

Mr. Pierce – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4331

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

MOTION Motion to adopt Resolution Number 4331 was by Mr. Pierce and second was by Mr. Sharp.

Daniel Newton, Hilton Garden Inn, explained that this request is due to a change in hotel ownership.

Chief Rary indicated that the Police Department found no problems in their investigation.

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

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Mr. Sharp – yes Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4332

Resolution Number 4332 - A Resolution Appointing Election Officers For The Vestavia Hills Municipal Election To Be Held On August 28, 2012

MOTION Motion to adopt Resolution Number 4332 was by Mr. Pierce and second was by Mr. Sharp.

Ms. Leavings explained that this Resolution appoints the poll workers for the upcoming municipal election.

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Mr. Sharp – yes Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4325-A

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

MOTION Motion to adopt Resolution Number 4325-A was by Mr. Sharp and second was by Mr. Pierce.

The Mayor explained that this Resolution appropriates the City's commitment to an ADECA grant. The Resolution to approve the funding was approved at the last meeting but the wording needed to be changed to more accurately delineate the funding sources.

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

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

CITIZENS COMMENTS

None.

MOTION Motion to adjourn the meeting at 6:23 PM was by Mr. Pierce. Mr. Sharp

seconded the motion. Voice vote as follows:

Mr. Pierce – 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 4333

A RESOLUTION APPROVING CERTAIN IMPROVEMENTS ON INTERSTATE 459 AS DESIGNATED IN PROJECT NUMBER IM-I-459(307) I-459 PAVEMENT REHABILITATION FROM SOUTH OF SR-38 (US-280) TO NORTH OF CR-143 (GRANTS MILL ROAD)

WHEREAS, the City of Vestavia Hills, Alabama, hereinafter at times referred to as "City" is desirous of having certain improvements on Interstate 459 within the City Limits of Vestavia Hills, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: IM-I-459(307) I-459 Pavement Rehabilitation from South of SR-38 (US-280) to North of CR-143 (Grants Mill Road).

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

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

BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving and otherwise improving and constructing of said project in accordance with said plans.

The City by and through its Council, hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting

streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

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

NA

Please refer to: Project Notes (Sheet 2K)

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

Please refer to: Sequence of Construction and Traffic Control Plan (Sheets 20-38)

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

BE IT FURTHER RESOLVED BY THIS CITY COUNCIL:

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

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

THIS RESOLUTION PASSED, ADOPTED AND APPROVED this the 27th day of August, 2012.

Steve Ammons Council President

ATTESTED BY:	
Rebecca Leavings City Clerk	APPROVED BY:
	Alberto C. Zaragoza, Jr. Mayor
CERTIFICATION:	
above and foregoing is a true and correct of	y of Vestavia Hills, do hereby certify that the copy of a resolution duly and lawfully adopted its regular meeting held on the 27 th day of the Office of the City Clerk.
Given under my hand and the off day of	icial seal of such City of Vestavia Hills this, 2012.
SEAL	Rebecca Leavings, City Clerk

RESOLUTION NUMBER 4334

A RESOLUTION FOR APPROVAL OF THE FINAL 10% OF THE BUDGET FOR THE CITY OF VESTAVIA HILLS, ALABAMA FOR THE FISCAL YEAR 2011-2012

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of September 26, 2011, adopted and approved Resolution Number 4233 to adopt 90% of a General Fund budget, 90% of a Special Revenue Fund budget and 90% of a Capital Project Fund budget for the fiscal year 2011-2012; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of June 25, 2012, adopted and approved Resolution Number 4308 to amend the General Fund Budget for the position of a Planner; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, wishes to adopt the final portion (10%) of aforesaid budgets for the fiscal year 2010-2011.

Total Budget Recap

	General Funds	Special Funds	Capital Projects Funds
Total Budget Approved			
	\$ 30,020,396.00	\$ 2,377,830.00	\$ 394,634
Less 90% approved in Res.			
4308 & 4233	\$ 27,018,356.00	\$ 2,140,147.00	\$ 355,170
Final 10% to be approved	\$ 3,002,040.00	\$ 237,683.00	\$ 39,464

BE IT RESOLVED, by the City Council of the City of Vestavia Hills, Alabama, that the final portion of the annual budget amounting to \$3,002,040.00 (general funds), \$237,683.00 (special funds) and \$39,464 (capital projects funds) for the fiscal year 2011-2012 is hereby adopted.

APPROVED and ADOPTED this the 27th day of August, 2012.

Steve Ammons Council President

ATTESTED BY:

Rebecca Leavings City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr. Mayor

RESOLUTION NUMBER 4335

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR **STRUCTURE LOCATED** \mathbf{AT} 3363 **MOUNTAINSIDE** ROAD, VESTAVIA HILLS, ALABAMA, 28-23-2-4-3-RR-0, IN COMPLIANCE WITH PARCEL ID# 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**

WHEREAS, the appropriate Municipal Officials determined that the condition of the building or structure located at 3363 Mountainside Road, Vestavia Hills, Alabama, Parcel I.D. Number 28-23-2-4-3-RR-0 is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

WHEREAS, contemporaneously with the filing of "Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens" on Jeffrey A. and Terri L. Knowles; Jeffrey A. Knowles; AmSouth Bank; Mortgage Electronic Registration Systems, Inc.; GMAC Mortgage, LLC F/K/A GMAC Mortgage Corporation; Department of Treasury; Internal Revenue Service; Jefferson County Sewer Service Office and Birmingham Water Works, a copy of same was sent via certified mail, properly addressed and postage prepaid to:

- A. All person or persons, firm, association, or corporation last assessing the subject property for state taxes to the address on file in the Jefferson County Tax Collector's Office;
- B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the Office of the Judge of Probate of Jefferson County, Alabama, at the owner or owners' last known address and at the address of the subject property;
- C. All mortgagees of record as shown from a search of the records of the Office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the mortgage or, if no address for the mortgage is set forth in the mortgage, to the address determined to be the correct address by the appropriate Municipal Officials;

- D. All lien holders of record as shown from a search of the records of the Office of the Judge of Probate of Jefferson County, Alabama to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the appropriate Municipal Officials; and
- E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Officials who could have an interest in the subject property;
- WHEREAS, contemporaneously with the filing of the "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens", a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in three public places located within the City of Vestavia Hills: 1) Vestavia Hills Municipal Center, 2) Vestavia Hills Library in the Forest, and 3) Vestavia Hills Civic Center.
- **WHEREAS,** notice that the appropriate Municipal Officials have made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the *Alabama Messenger*.
- **BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama** while in regular session on Monday, September 10, 2012 at 5:00 p.m. as follows:
- Section 1. A Public Hearing was held on September 10, 2012 at 5:00 p.m. and after due deliberation, the City Council of the City of Vestavia Hills, Alabama finds that the structure standing at 3363 Mountainside Road, Vestavia Hills, Alabama, Parcel ID# 28-23-2-4-3-RR-0 is unsafe to the extent of becoming a public nuisance to the citizens of the City of Vestavia Hills, Alabama and is due to be condemned and demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975), and Ordinance Number 2382 of the City of Vestavia Hills, Alabama;
- Section 2. That said demolition is to be performed by the City of Vestavia Hills; and
- Section 3. That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

ADOPTED this the 10th day of September, 2012.

ATTESTED BY:	Steve Ammons Council President
Rebecca Leavings City Clerk	APPROVED BY:
	Alberto C. Zaragoza, Jr. Mayor
<u>CERTIFICA</u> STATE OF ALABAMA)	ATION OF CITY CLERK
JEFFERSON COUNTY)	
certify that the above and foregoing legally adopted by the City Council	erk of the City of Vestavia Hills, Alabama, do hereby is a true and correct copy of a Resolution duly and of the City of Vestavia Hills, Alabama, on the 10 th gular session on Monday, September 10, 2012, and nute book of said date of said City.
Witness my hand and seal of	office this, 20
	Rebecca Leavings, City Clerk

ORDINANCE NUMBER 409-A

AN ORDINANCE TO AMEND ORDINANCE NUMBER 409 AND 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 O-2 WITH CONDITIONS TO VESTAVIA HILLS O-2 WITH AMENDED CONDITIONS

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 O-2 with a maximum height of 3 stories as conditioned in Ordinance Number 409 to Vestavia Hills O-2 with a maximum of 4 stories;

400 Vestavia Parkway, Lot 2, Koger Executive Center Highpoint Office Center, LLC, Owner(s)

APPROVED and ADOPTED this the 10th day of September, 2012.

ATTESTED BY:	Steve Ammons Council President
Rebecca Leavings City Clerk	

Alberto C. Zaragoza, Jr. Mayor

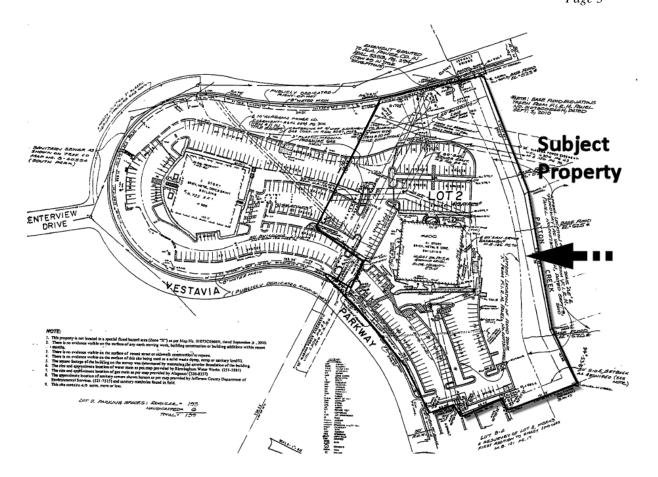
APPROVED BY:

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 # 409-A 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 10 th day of September, 2012 as same appears in the official records
of said City.

	Posted	at	Vestavia	Hills	Municipal	Center,	Vestavia	Hills	New	Merkle	Hous	e,
Vesta	via Hills	Civ	vic Center	and	Vestavia H	ills Libra	ary in the	Fores	t this	the	da	ıy
of			, 2012.				-					-

Rebecca Leavings City Clerk



ORDINANCE NUMBER 2331-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 2331 TO AMEND §4.5 ENTITLED FENCES

WHEREAS, the City Council of the City of Vestavia Hills, Alabama adopted and approved Ordinance Number 2331, also known as the "Vestavia Hills Zoning Code" ("Code"); and

WHEREAS, the Vestavia Hills Planning and Zoning Commission, following a public hearing on August 9, 2012, recommended approval of an amendment of §4.5 "Fences" of said Code; and

WHEREAS, the City Council feels it is in the best public interest to amend §4.5 "Fences" of said Code.

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

1. §4.5 "Fences" of Ordinance Number 2331, the Vestavia Hills Zoning Code, is hereby amended in its entirety to read as follows:

"§4.5 Fences.

- 4.5.1 Visibility. No fence or wall shall be permitted between the building line and the front lot line except as provided in §4.5.3 below. Fences shall not be placed within the clear sight triangle as determined by the City Engineer.
- 4.5.2 No fence shall be erected, installed, constructed or otherwise structurally altered in the City except in strict compliance with the terms and provisions of this ordinance.
- 4.5.3 Any person, firm, corporation, partnerships or other entity desiring to build a fence on any property located within the City shall follow the procedure and comply with the following requirements:
 - 1. Unless it has been approved as part of a valid Building Permit, no fence shall be erected, installed, constructed or otherwise structurally altered on any property until a fence permit is issued by the City.
 - 2. No approval for the issuance of a permit shall be made until such time as the Building Official and Fire Marshal have approved the plans and specifications for the erection, installation, construction or structural

- alteration of said wall or fence and certifies that the same meet the requirement of paragraphs 3 and 4 below.
- 3. The person, firm, corporation, partnership or other entity applying for a permit shall submit plans and specifications for the erection, installation, construction or structural alteration of the fence. The plans and specifications shall include the following:
 - a. A map or survey of the lot upon which the fence will be located.
 - b. The location of the fence on the property.
 - c. The dimensions of the fence, including the height, width and length.
 - d. Estimated cost.
 - e. List and description of materials to be used.
- 4. No fence shall be erected, installed, constructed, or otherwise structurally altered unless the material utilized therefore is such that the grade and quality of said material is the same on all sides, including the front and back.
- 5. In all residential zoning district, fences, regardless of height, shall be set back behind the front building line or behind the minimum front yard setback of an abutting residential property, whichever is greater except as provided in Sections 6 and 7 below.
- 6. In all residential zoning districts, fences may be located between the front building line and the front setback line provided said fences are open, ornamental in style, finished on both sides and excluding any chain link or privacy wood fencing.
- 7. For security purposes, in all residential zoning districts, fences may be located between the front building setback and the front lot line providing that all of the following criteria are met:

- a. The residential property must be a lot of record recorded in the Office of the Judge of Probate; and
- b. The recorded lot must consist of a minimum one (1) acre of property; and
- c. The primary residential unit constructed upon the property must be located a minimum 100' from the front lot line; and
- d. The fence and gate shall be constructed so as to be open, ornamental and decorative in style and constructed of finished stone, masonry and/or metal. Said fencing located within the front yard setback shall exclude wood and/or chain link fencing; and
- Said fencing shall be located a minimum of 2' inside the front lot line or a minimum of 5' from any public improvements, within the right-of-way, whichever is greater. Said location shall be approved by City Planner and/or City the Engineer in order to mitigate adverse effects to the subject or adjacent properties. NOTE: All public improvements, including utilities, shall be designated on required drawings in the form of a survey and certified by an Engineer and/or Surveyor licensed by the State of Alabama: and
- f. Said security gate shall be setback from the public improvements and the front lot line so as to allow a minimum of two (2) vehicles to stack minimum 20' from public improvements located within the right-of-way or 10' from the front lot line, whichever is greater; and
- g. A Knox switch/switches shall be installed and gate shall be at proper width in order to allow access for emergency vehicles and shall be

approved by Fire Marshall prior to permitting."

2. Severability: If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision or portion of this Ordinance, which is not in and of itself invalid or unconstitutional.

3.	Effective Date:	This Ordinance	shall become e	effective immediately upon its
	approval, adopti	on and publication	on as required b	y law.
A	APPROVED and	ADOPTED this	s the	_ day of,
2012.				
			Steve Ammon	
ATTEST	ΓED BY:		Council Presid	lent
Rebecca City Cle	Leavings			
city cic	T K		APPROVED I	BY:

Alberto C. Zaragoza, Jr.

Mayor

CERTIFICATION:

I, Rebecc	a H. Leavings	s, as City Clerk of the	ne City of Vestavia	a Hills, Alabama, hereby
certify that the a	bove and fore	going copy of 1 (or	ne) Ordinance Nu	mber 2331 is a true and
correct copy of s	such Ordinano	ce that was duly ad	lopted by the City	Council of the City of
Vestavia Hills o	n the	day of	, 2012,	as same appears in the
official records o	f said City.			
Posted at	Vestavia Hil	ls Municipal Center	r, Vestavia Hills I	New Merkle House, and
Vestavia Hills R	ecreational Ce	enter and Vestavia 1	Hills Library in th	e Forest this the
day of	, 2012			

Rebecca Leavings City Clerk

PATRICK H. BOONE

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

TELEPHONE (205) 324-2018 FACSIMILE (205) 324-2295

July 31, 2012

By Hand Delivery

City Clerk Rebecca Leavings Vestavia Hills Municipal Center P. O. Box 660854 Vestavia Hills, Alabama 35266-0854

In Re: Ordinance Number 2331-A Authorizing Fences in Certain Circumstances

Dear Mrs. Leavings:

On July 26, 2012, you sent me a copy of proposed Ordinance Number 2331-A to allow certain fences under certain conditions with a request that I review the same and advise with you. The purpose of this letter is to comply with your request.

It is my legal opinion that Ordinance Number 2331-A is valid and legally enforceable. I base my legal opinion upon the following legal authorities:

I. STATUTORY AUTHORITY

With respect to zoning and regulation of land use, municipalities have the following statutory authorities:

A. <u>TITLE 11-52-70, CODE OF ALABAMA, 1975</u>: Title 11-52-70, Code of Alabama, 1975, provides as follows:

"§11-52-70. Districts; Powers of Municipalities As To. Each municipal corporation in the State of Alabama may divide the territory within its corporate limits into business, industrial and residential zones or districts and may provide the kind, character and use of structures and improvements that may be erected or made within the several zones or districts established and may, from time to time, rearrange or alter the boundaries of such zones or districts and may also adopt such ordinances as necessary to carry into effect and make effective the provisions of this article."

- B. <u>TITLE 11-52-73, CODE OF ALABAMA, 1975</u>: Title 11-52-73, Code of Alabama, 1975, provides as follows:
 - "§11-52-73. Regulations; Buildings and Yards. For the purpose of promoting the health, safety, morals or general welfare of the community, the legislative body of incorporated cities and towns is hereby empowered to regulate and restrict the height, number of stories and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other spaces, the density of population and the location and use of buildings, structures and land for trade, industry, residences or other purposes."

II. SUPREME COURT OF ALABAMA

The Alabama Supreme Court recognizes that a municipality may establish a comprehensive land-use plan and effectuate that plan through a scheme of comprehensive zoning regulations. The Court affords deference to a municipal zoning ordinance, which is the product of a municipality's legislative function, and will review it only to determine if it is arbitrary or capricious (*Budget Inn of Daphne v. City of Daphne*, 789 So.2d 154 (2000)).

III. ELEMENTS OF THE VALIDITY OF AN ORDINANCE

The Appellate Courts in Alabama have decided the validity vel non of numerous zoning ordinances over the years. Those decisions set forth the elements that must be present in a zoning ordinance for it to be valid and legally enforceable. As I read the cases, those elements are:

- A. The zoning ordinance must be definite.
- B. The zoning ordinance must be clear.
- C. The zoning ordinance must not contravene a state statute.
- D. The zoning ordinance must not be arbitrary or capricious.
- E. The restrictions and requirements of the zoning ordinance must be reasonable.
- F. The zoning ordinance must be comprehensive.
- G. The zoning ordinance must bear a substantial relationship to the public health, safety, morals and general welfare of the city.
- H. The zoning ordinance must be in compliance with the state enabling statutes set forth in Section I above.

I find that Ordinance Number 2331-A contains all of the above referenced elements. In my judgment the ordinance is valid, legally enforceable and has been needed for a long time.

Please call me if you have any questions regarding this matter.

Sincerely,

Patrick H. Boone Attorney for City of Vestavia Hills

PHB:gp

cc:

Mayor Alberto C. Zaragoza, Jr. City Manager Randy Robertson

RESOLUTION NUMBER 4336

A RESOLUTION 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, 2012 UNTIL SEPTEMBER 30, 2013.

WHEREAS, the Mayor has prepared and presented a "general fund budget" which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$30,539,772, including transfers out, to be effective for the period beginning October 1, 2012, through September 30, 2013; and

WHEREAS, the Mayor has prepared a "special fund budget" for said period reflecting anticipated expenditures in the amount of \$2,457,508 including transfers from the General Fund, to be effective for the period beginning October 1, 2012, through September 30, 2013; and

WHEREAS, the Mayor has prepared a "capital projects fund budget" for said period reflecting expenditures in the amount of \$1,533,725 to be effective for the period beginning October 1, 2012, through September 30, 2013.

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 agrees to approve and adopt ninety (90) percent, or \$27,485,795, of the municipal "general fund budget" for the City of Vestavia Hills for fiscal year 2012-2013 upon the terms conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$2,211,753, of the municipal "special revenue fund budget" for the City of Vestavia Hills for fiscal year 2012-2013 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$1,380,353, of the "capital project fund budget" for the City of Vestavia Hills for fiscal year 2012-2013 upon the terms, conditions and provisions set forth below.

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 approved and adopted to the extent of expenditures of \$27,485,795, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$30,539,772 multiplied by 90% equals \$27,485,795; and

2. The municipal "special revenue fund budget" for the City of Vestavia Hills, Alabama, prepared by the Mayor and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$2,211,753 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,457,508 multiplied by 90% equals \$2,211,753; and

3. The "capital projects fund budget" for the City of Vestavia

Hills, Alabama, prepared by the Mayor and submitted to the City Council is hereby

approved and adopted to the extent of revenue of \$1,380,353 which said amount is not

exceeding the aggregate within ten (10) percent of the estimated expenses:

\$1,533,725 multiplied by 90% equals \$1,380,353; and

3. The Mayor is hereby authorized to expend the sum of

\$27,485,795 from the General Fund, \$2,211,753 from the Special Revenue Fund and

\$1,380,353 from the Capital Projects Fund for municipal expenses for the period

beginning October 1, 2012, and ending September 30, 2013.

4. A copy of the budgets is attached hereto, marked as Exhibit "A"

and incorporated into this Resolution by reference as though set out fully herein.

5. This Resolution shall become effective immediately upon its

approval and adoption.

APPROVED and ADOPTED this the 10th day of September, 2012.

Steve Ammons Council President

ATTESTED BY:

Rebecca Leavings City Clerk APPROVED BY:

Alberto C. Zaragoza, Jr. Mayor

City of Vestavia Hills

Proposed Fiscal Year (FY) 2013 Budget Executive Summary

OVERVIEW:

Greetings Councilors:

The purpose of this paper is to provide you with a brief overview of the proposed FY13 Vestavia Hills municipal budget, and to elaborate on a few of the basic conceptual underpinnings within the proposal. As the on-set, please know the proposed budget was a mutual collaboration between Mayor Zaragoza and I, residing on both the city's historical fiscal trends, as well as the projected fiscal picture provided by Mr. Tuner and Mr. Sawaya. As with any future-based projections, a certain degree of speculation and prediction comes into play. However, short of regional or national-level trends, like the 07 to 09 recession, the availability of historical data provides a high degree of confidence in the numbers.

Overall, we continue to see favorable momentum and growth across most revenue generating elements of the city. Likewise, as we begin the conversion from Mayor-Council to City Manager-Council forms of government, my perception is the community is highly supportive of the delivery and forward thinking programming of municipal services in VH. Some citizens, particularly those who've lived here for many years, have used the term "transformational" to describe the volume and pace of changes they've seen. At the same time, there are some who are opposed to any growth and have vocalized their concerns. However, inside City Hall, the observation is most residents of VH understand change is going to occur, and ask that we concentrate our efforts on creating and managing orderly growth. As VH's elected leaders, I trust you see, hear and feel this transformational atmosphere exists not only within the confines of City Hall, but in the attitudes we reflect and services we provide.

Below are just a few of the conditions we've experienced and accomplishments seen this year:

- For the first time in several years, extensive road paving was accomplished. All totaled over 3 miles of roads were milled and paved this Spring, with another 3 miles projected to be paved in the Rocky Ridge area within the next month. The Public Services crew has also repainted several hundred stop bars, parking lines, median stripes, etc., in the last few months. With the acquisition of a new spray painting machine that uses a heated plastic resin to adhere to the streets, we'll have the ability to be much more aggressive in our street maintenance efforts, while extending the life-expectancy of the

- work by several years. Additionally, hundreds of unnecessary, outdated or damaged street and traffic signs have been removed or replaced in the last few months.
- As you were briefed last month, with one of the smallest per-capita police forces in Central Alabama (1.88 to a regional average of 2.8 per 1k), we have seen selective yearover-year decreases in crime across the city, specifically those related to theft, auto theft and burglaries. While certain target areas of criminal activity, specifically narcotics and computer related crime, must be focused on with more resources and attention, overall the changes in pro active policing and responsiveness Chief Rary has drilled into the force resulted in across the board improvements in the Department and their morale.
- After being closed for nearly a year, the Community Room at the Library in the Woods will be reopened by the EOM August. Despite the long closure, Library visits continue to grow at a near exponential rate.
- The city's Animal Control element has been placed under the operational control of the Police Department. This move has demonstrated some significant oversight needs within that program that will begin to be addressed, along with cross-training within the PD. Partnering with the VH Animal Clinic, through the city's new web page we can provide visibility for adoptable animals.
- Active preventive measures coupled with aggressive on-site suppression intervention in the last full calendar year resulted in an overall fire loss rate of 21% of the city's composite inventory of at risk properties. We remain concerned that, as outlined in your VHFD July 2012 Staffing Study, the city's estimated fire loss has increased several fold from 2009 through 2011.
- To improve customer services and performance capability, operational oversight and management of the Court Clerk has been realigned under the City Clerk's Office
- "If you build it they will come." Record breaking numbers and use of the VH Parks and Rec services is becoming the "new norm." With Sicard Hollow Park coming on line for the full year, we continue to experience bell weather growth within the community's athletic programs, with year-over-year usage up for each activity. Through the efforts of the VH Friends of the Park, over \$1.250m in donations has been committed for the expansion of Sicard Hollow and McCallum Parks, while approximately \$100k in various grants have been secured for the bridge and trail system at McCallum Park.
- The city's new, user friendly web page is seeing fantastic use. This initiative reduces the web's sustainment and maintenance cost from nearly \$4k per year to just several hundred. Over 9k visitors clicked on the site in a 30 day period between June and July, with 42% of them new and unique. In another move to improve the use of technology, several departments have created "Facebook" accounts and a "City Blog" is now up and running.

- Over 3,000 building inspections were conducted between January and July; beating last year's five year record.
- We are seeing nearly one new business and building permit issued each working day.
- VH's financials are rock solid. Moody's and Fitch's latest ratings demonstrate the city's strength and superlative financial management. Through consolidation of accounts and aggressively seeking the best deal within the market, we will capture over \$40k in interest that had been transparent under previous banking arrangements.
- Through integrating the Public Works, Parks and Rec and city's Engineering units into the new Public Services Department, the groundwork has been laid to provide more efficient, responsive and cheaper infrastructure services to the community. Overall cost reductions with this effort were nearly \$75k.

GENERAL FUND:

On the revenue side, Mr. Turner's projections reflect approximately \$33.5m, while expenditures are forecasted to be \$31.3m. As of this writing, the projected EOY fund balance for FY12 is over \$750k more than projected. With this amount, the FY 13 budget proposes to "earmark" \$300k as a "prepaid" for debt services and insurance during the FY. Highlights from the GF budget proposal are:

- Approximately \$164k for a retention allowance (+ FICA) that would go to those who do not receive the traditional 5% merit pay. Nearly 130 employees who are "topped out," or otherwise would not receive the merit pay, would be paid \$1k for if they have less than 15 YOS, and \$1.5k for those with 15 or more YOS.
- Provides for two new full time Police officers. They will be field based officers, with a focus on drug issues.
- Provides for two replacement firefighters.
- Covers compensation for new personnel authorized by the City Council, but not yet on board in FY12 (e.g., Planner and Economic Development Director).
- Provides for additional part-time personnel in the Public Services Department, City
 Garage and the PD. It also allows us to have a part time graduate intern.
- Moves the IT Department towards a consolidated, one-stop service center by controlling city-wide IT acquisitions and management. This initiative establishes a systematic replacement plan for 25 units over the next five years, guiding VH towards a more robust "life cycle" IT plan based on predictable turnover at prescribed thresholds.

Although there is an appreciable increase in expenditures compared to FY12 (approximately \$1.7m), only 60% of it is going to new personnel related expenditures with the rest directed towards operational needs. Executing to this budget, FY13 is projected to have an EOY fund balance of over \$200k.

CAPITAL BUDGET:

Overall, the FY13 budget proposal recommends approximately \$1.533m in expenditures. The Capital Fund balance currently stands at over \$5.5m, with a projected annual resourcing stream of nearly \$600k from earmarked tax sources as revenue. If the expenditures are approved as outlined in this proposal, the FY13 Capital Fund budget will show an EOY fund balance of over \$4.9m, hopefully sufficient to undertake any City Hall expansion or relocation efforts. Highlights from the Capital Fund proposal include:

- Replacement of nearly \$1m in rolling stock for the FD, including 2 new pumper trucks and an EMS vehicle. Chief St. Johns has been able to drive down the initial pumper estimates by nearly \$50k if we acquire two.
- Directing nearly \$200k to the PD and \$250k to the Public Services Departments for necessary equipment replacement or upgrades and operational services support items.
 Within the PD allocation, \$40k was earmarked for improvements to their downstairs facilities.
- \$20k to the City Garage for diagnostic and mechanical equipment.
- \$40k for IT initiatives that will prepare the city for an evolutional move to cloud computing capabilities.

CONCLUSION:

Team Vestavia Hills has, and will continue, to well serve you and our community. The FY13 proposed budget is a well developed, executable, but relatively austere fiscal roadmap that recognizes our commitment to sustain quality, customer-focused programming/services. Per your guidance, the General Fund proposed budget makes inroads in addressing long standing personnel shortages, while the Capital Fund Budget lays the groundwork to address outstanding cyclical capital needs while preserving nearly \$5m as a fund balance for future needs. I recommend approval and await your questions.

Most Respectfully,

R. Robertson

CITY OF VESTAVIA HILLS ANNUAL BUDGET

SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES FISCAL YEAR ENDING SEPTEMBER 30, 2013

REVENUE:	GENERAL	SPECIAL	CAPITAL	TOTAL
STATE REVENUE	120,334			120,334
COUNTY REVENUE	13,825,410			13,825,410
CITY REVENUE	17,197,946			17,197,946
PARKS & RECREATION	401,250			401,250
4 CENT GASOLINE TAX		156,600		156,600
5 CENT GASOLINE TAX		76,020		76,020
7 CENT GASOLINE TAX		887,000		887,000
E-911 FUNDS		630,000		630,000
COURT & CORRECTIONS		172,500		172,500
LIBRARY STATE AID		18,010		18,010
LIBRARY BOOKS & DONATIONS		80,000		80,000
	204 544 242	00.000.400		*** ***
TOTAL REVENUE	\$31,544,940	\$2,020,130	\$0	\$33,565,070

CITY OF VESTAVIA HILLS ANNUAL BUDGET

SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES FISCAL YEAR ENDING SEPTEMBER 30, 2013

EXPENDITURES:	GENERAL	SPECIAL	CAPITAL	TOTAL
NON DEPARTMENTAL	6,061,740	<u> </u>	30,000	6,091,740
CITY COUNCIL	62,507		55,555	62,507
MAYOR & ADMINISTRATION	1,022,036			1,022,036
CITY CLERK	296,140			296,140
MUNICIPAL COMPLEX	253,135			253,135
INFORMATION SERVICES / TECHNOLOGY	291,935		40,000	331,935
POLICE	6,178,219		194,000	6,372,219
FIRE	8,406,296		999,725	9,406,021
BUILDING SAFETY & INSPECTIONS	393,858			393,858
ENGINEERING	266,579			266,579
PUBLIC WORKS	3,005,457			3,005,457
CITY GARAGE	286,286		20,000	306,286
PUBLIC LIBRARY	1,690,197			1,690,197
PARKS & RECREATION	2,325,387		250,000	2,575,387
4 CENT GASOLINE TAX		156,600		156,600
5 CENT GASOLINE TAX		76,020		76,020
7 CENT GASOLINE TAX		887,000		887,000
E-911 FUNDS		1,021,621		1,021,621
COURT & CORRECTIONS		193,257		193,257
LIBRARY STATE AID		18,010		18,010
LIBRARY BOOKS & DONATIONS		105,000		105,000
SUB-TOTAL EXPENDITURES	\$30,539,772	\$2,457,508	\$1,533,725	\$34,531,005
TRANSFER-OUT:				
Special Funds (from General Fund)	412,378			412,378
Capital Reserve Fund (from GF - Sales Tax %)	592,790			592,790
AND THE RESIDENCE OF THE PARTY				
TOTAL - TRANSFER-OUT	1,005,168			1,005,168
TOTAL EXPENDITURES	\$31,544,940	\$2,457,508	\$1,533,725	\$35,536,173
TOTAL LAPENDITORES	φυ1,044,340	Ψ2,431,300	Ψ1,000,720	ψυυ,υυυ, 173

CITY OF VESTAVIA HILLS ANNUAL BUDGET

SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES FISCAL YEAR ENDING SEPTEMBER 30, 2013

OTHER REVENUE SOURCES:	GENERAL	SPECIAL	CAPITAL	TOTAL
TRANSFER-IN: Special Funds (from General Fund) Capital Items (use of projected 2013 Capital Reserve Fund TOTAL - OTHER REVENUE SOURCES	ds)	412,378	592,790	412,378 <u>592,790</u> \$1,005,168
USE OF RESERVES / FUND BALANCE		25,000	940,935	\$965,935
REVENUE OVER / (UNDER) EXPENDITURES	\$0	\$0	\$0	\$0

RESOLUTION NUMBER 4337

A RESOLUTION ACCEPTING A BID FOR THE CITY OF VESTAVIA HILLS FOR A HYDRAULIC EXCAVATOR

WHEREAS, the City of Vestavia Hills received and opened bids for a hydraulic excavator on June 14, 2012; and

WHEREAS, three (3) bids and one (1) "no bid" were received; and

WHEREAS, a detail of the bid results is attached hereto and marked as "Exhibit A". The City Engineer, in a memorandum dated August 22, 2012, recommended the acceptance of Tractor & Equipment Co. in an amount of \$106,475; and

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

- 1. The bid package submitted by Tractor & Equipment Co. is hereby accepted in an amount of \$106,475; and
- 2. This Resolution Number 4337 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 10th day of September, 2012.

Steve Ammons Council President

ATTESTED BY:

Rebecca Leavings City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr. Mayor

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

August 23, 2012

To: Mayor Zaragoza

CC: Randy Robertson, City Manager

Rebecca Leavings, City Clerk

Brian Davis, Director of Public Services

From: Christopher Brady

RE: Hydraulic Excavator Bids

Mayor:

Bids for new equipment, Hydraulic Excavatior, for the Department of Public Services were received on 8/14/12 and are as summarized on the following attachments.

This equipment was originally budgeted in 2011 at an approximate expense of \$79,000. The lowest responsible bid received is \$106,475. The request to purchase of this equipment will require an additional unbudgeted amount of \$29,348.

The Department of Public Services has analyzed needs and determined this is an essential needs item to assist with many daily functions provided and performed by the Department, including drainage and grading improvement projects.

Please let me know if you have questions or would like to discuss in detail.

Sincerely,
-Christopher

CITY OF VESTAVIA HILLS INTER-DEPARTMENT MEMO

August 23, 2012

TO: Members of the City Council

FROM: Mayor Alberto C. Zaragoza, Jr. A. C. 2. Ju

Re: Hydraulic Excavator Bid

I concur with Christopher Brady's recommendation that we award the bid of \$106,475 to Tractor and Equipment Co. for the hydraulic excavator for Public Services.

Hydraulic Excavator



Hydralic Excavator Bid Tab

Thompson Cat Rental	Warrior Tractor & Equip.	Tractor & Equip. Co.	TriGreen Equip.
\$99,875.00 \$0.00 3YR/1500 HR \$1,400.00 4 YR EPTW \$1,600.00 6 YR EPTW \$1,800.00 3 ADDN YRS PL \$103,275.00 \$7,200.00 TOTAL 15 YRS PL \$110,475.00 Spec. PL required as Standard for Lifetime	\$102,000.00 \$0.00 3YR/1500 HR \$102,000.00 \$1,800.00 3 ADDN YRS PL \$103,800.00 \$7,200.00 TOTAL 15 YRS PL \$11,000.00 Spec. PL required as Standard for Lifetime 3 YR / 1500 HR FULL + 5 YR / 4000 HR FULL + 5 YR / 4000 HR FULL + 6 SYR / 4000 HR FULL +	Y \$106,475.00 6 YEAR FULL MACHINE WARRANTY INC. PL INC. LIFETIME	No Bid
\$99,875.00 \$0.00 3YR/1500 HR \$1,400.00 4 YR EPTW \$1,600.00 6 YR EPTW \$1,800.00 3 ADDN YRS PL \$103,275.00 \$7,200.00 TOTAL 15 YRS PL \$110,475.00 Spec. PL required as Standard for Lifetime	\$102,000.00 \$102,000.00 \$1,800.00 3 ADDN YRS PL \$103,800.00 \$7,200.00 TOTAL 15 YRS PL \$111,000.00 Spec. PL required as Standard for Lifetime 3 YR / 1500 HR FULL + 5 YR / 4000 HR PTW BID REQUIRED 6 YRS PTW (Bidder) 5 yr their max. warranty	STON, WARRANTY II	C

Bid Bond Total Bid Warranty The following are the items which differ from the Bid Specs.

OTHER/GENERAL

- The machine shall be equipped with a wireless machine monitoring system as standard equipment (lifetime) that provides: machine location, fleet map, hour meter reading, high water temperature mark, cautions, abnormalities, maintenance replacement notifications, monthly attachment usage ratio, monthly working ratio.
 (See bid tab for additional info.)
 - WTE 3 Yr. included. \$600.00/yr thereafter
 - TCR 3 Yr. included. \$600.00/yr thereafter
 - TEC –Lifetime

BASIC SPECIFICATIONS

- Maximum digging depth shall not be less than 15' 0".
 - WTE 14'8"
 - TCR 15'5"
 - TEC 15'2"
- Tail swing radius shall be no more than 4' 6"...
 - WTE 4'11" (85D)
 - TCR 4'9"
 - TEC 4'5"

ENGINE

Engine displacement shall not be less than 173 cubic inches (2.84L).

- WTE 133 cu
- TCR 203,2 cu
- TEC 199 cu

BOOM, STICK, AND BUCKET

Bucket force shall not be less than 13,400 lbf.

- WTE 12,368 lb
- TCR 13,534 lbs
- TEC 13,780 lbs

- Stick force shall not be less than 7,800 lbf.
 - WTE 7100 lbs
 - TCR 7891 lbs
 - TEC 8160 lbs

MINIMUM SERVICE FILL CAPACITIES

Cooling system shall have a minimum capacity of 2.9 gal.

- WTE − 2.7 gal
- TCR 3.7 gal
- TEC 3.0 gal

OWNING AND OPERATING COSTS / WARRANTY REQUIREMENTS

(See bid Tab Sheet for Cost and Bid Coverage)

A Three (3) Year / 1500 Hour full machine warranty shall be provided, as well as, a Six (6) Year /4,000 Hour extended power-train warranty. The warranty shall cover both materials & workmanship and shall cover the cost of both the replacement parts and labor during the warranty periods. Also, all travel cost and mileage shall be covered during the first 180 days.