

**Vestavia Hills
City Council Agenda
September 10, 2012
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Steve West, Saint Mark United Methodist Church
4. Pledge of Allegiance
5. Candidates, Announcements and Guest Recognition
6. Presentation – Jefferson County Health Action Partnership
7. Mayor's Report
8. Councilors' Reports
9. Approval Of Minutes –August 27, 2012 (Regular Meeting)

New Business

10. Resolution Number 4339 – A Resolution Appointing A Council Member To Fill The Unexpired Term Of Mary Lee Rice
11. Oath of Office – John Henley

Old Business

12. 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
13. 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
14. Ordinance Number 2331-A – An Ordinance Amending Ordinance Number 2331 To Amend §4.5 Entitled Fences

15. 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
16. Resolution Number 4337 – A Resolution Accepting A Bid For A Hydraulic Excavator For The Public Services Department

First Reading (No Action Taken At This Meeting)

17. Citizens Comments
18. Executive Session
19. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

AUGUST 27, 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
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 Michael Johnson, Crossroads Community Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUESTS

- Ginger M. Barbee, candidate for Probate Judge, Place Number 2, introduced herself and asked for support in the upcoming general election.
- John Henley, candidate for City Council, Place Number 1, 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 the following Boy Scouts:
 - Brendan Thomas; 801 Comer Circle; Troop 93

- Daniel Darwin; 2912 Jimmie Lane; Troop 93

PROCLAMATION

The Mayor presented a proclamation designating the month of September 2012 as “National Recovery Month.” He read the proclamation and presented it to Carol Williams, Addiction Coalition.

PROCLAMATION

The Mayor presented a proclamation designating the month of September 2012 as “Ovarian Cancer Awareness Month.” He read the proclamation and presented it to Phyllis Lawrence, survivor of Ovarian Cancer.

MAYOR’S REPORTS

- Mr. Robertson presented Derrick Marshall with a Certificate of Appreciation for his service to the City as a volunteer intern.
- The Mayor stated that the Municipal Center will be closed on Monday, September 3, 2012 for Labor Day.
- ALDOT has begun installation of the “smart lights” on Highway 280
- The sinkhole north of Wal-mart Neighborhood Market has continued to grow and the City has made ALDOT aware of the repairs needed. ALDOT has indicated that they will repair the work. Until then, the area has been cordoned off with caution markers. The Mayor stated that he hopes they will repair it soon.
- Public Services has an evening crew that has been spraying for mosquitoes. The Mayor stated that they also have tablets to place in standing water to kill the mosquito larvae.
- Chief Rary presented a certificate to Officer Derrick Wilcox for a prostitution/drug bust he made based on observances of a local motel and previous complaints.
- Lt. Brian Gilham introduced a new program through Project 365 called “Operation Overwatch” sponsored by the Vestavia Hills Police Department, Kelly Sturwold of Two Men and a Truck and the Fire Department with Fire Marshal Greg Gilchrist. Lt. Gilham stated that this program follows last year’s “Shades of Vestavia” program.

CITY MANAGER REPORTS

- Lt. Tim Holcomb showed a sampling of videos taken from the PD’s new onboard video cameras.

COUNCILOR REPORTS

- Mr. Pierce encouraged residents to check their property for standing water to avoid mosquito infestation.
- Ms. Allison announced the grand re-opening of the Community Room at the Library on September 5.

FINANCIAL REPORTS

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

APPROVAL OF MINUTES

The minutes of August 13, 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

Ms. Allison - abstained

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4333

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)

MOTION Motion to adopt Resolution Number 4333 was by Ms. Allison and second was by Mr. Sharp.

Mayor Zaragoza explained that this agreement allows improvements on and around I-459. He stated that only a short section of the roadway is in the City, but in order to receive federal funding, ALDOT needs this approval.

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

RESOLUTION NUMBER 4334

Resolution Number 4334 – A Resolution Approving The Final 10% Of The 2011-2012 Fiscal Year Budget For The City Of Vestavia Hills Alabama

MOTION Motion to adopt Resolution Number 4334 was by Mr. Sharp and second was by Mr. Pierce.

Mayor Zaragoza stated that this is the final 10% of the current year's budget. This approval is procedural pursuant to Alabama law because 90% was approved at the beginning of the fiscal year.

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

FIRST READING (NO ACTION TAKEN AT THIS MEETING)

- 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
- 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

- Ordinance Number 2331-A – An Ordinance Amending Ordinance Number 2331 To Amend §4.5 Entitled Fences
- 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
- Resolution Number 4337 – A Resolution Accepting A Bid For A Hydraulic Excavator For The Public Services Department

CITIZENS COMMENTS

None.

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 30 minutes 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 30 minutes was by Mr. Pierce and second was by Ms. Allison. 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 5:52 PM and entered into Executive Session. At 7:46 PM, they re-entered the Chamber and Mr. Ammons called the meeting back to order.

MOTION Motion to adjourn the meeting at 7:47 PM was by Mr. Pierce. Mr. Sharp 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 4339

**A RESOLUTION APPOINTING A COUNCIL MEMBER TO FILL
THE UNEXPIRED TERM OF MARY LEE RICE, COUNCIL
PLACE NUMBER 1**

WHEREAS, in the 2008 City of Vestavia Hills Municipal Election, Mary Lee Rice qualified as the sole candidate for City Council Place Number 1; and

WHEREAS, on July 21, 2008, the City Council adopted Resolution Number 3872, Certificate of Election to Mary Lee Rice for Place Number 1, Vestavia Hills City Council; and

WHEREAS, on July 18, 2010, Mary Lee Rice moved her residency to Tennessee and tendered her resignation from the Vestavia Hills City Council; and

WHEREAS, Section 11-43-41, Code of Alabama, 1975, requires that the vacancy of Council Place Number 1 be filled by the City Council; and

WHEREAS, the Council has determined it would be in the best public interest to appoint John Henley to fill the unexpired term of Mary Lee Rice, Council Place Number 1.

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

1. John Henley is hereby appointed to fill the unexpired term of Mary Lee Rice, Council Place Number 1; and
2. Said Resolution Number 4339 is effective September 10, 2012 following adoption and approval.

DONE, ORDERED 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

OATH OF OFFICE

STATE OF ALABAMA

JEFFERSON COUNTY

CITY OF VESTAVIA HILLS

I, John Henley, solemnly swear that I am eligible for the Office of Council Member of Vestavia Hills and will execute the duties of same according to the best of my ability and that I will support the Constitutions and will obey the laws of the United States and of the State of Alabama; that I will in all respects, observe the provisions of the Ordinances of the City of Vestavia Hills, and will faithfully discharge the duties of the Office of Council Member.

I, John Henley, solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Alabama, so long as I continue a citizen thereof; and that I will faithfully and honestly discharge the duties of the office upon which I am about to enter, to the best of my ability, so help me God.

John Henley

Sworn and subscribed before me this the 10th day of September, 2012.

Judge Alan L. King

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

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 mortgagee 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.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Vestavia Hills, Alabama, on the 10th day of September, 2012 while in regular session on Monday, September 10, 2012, and the same appears of record in the minute 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.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

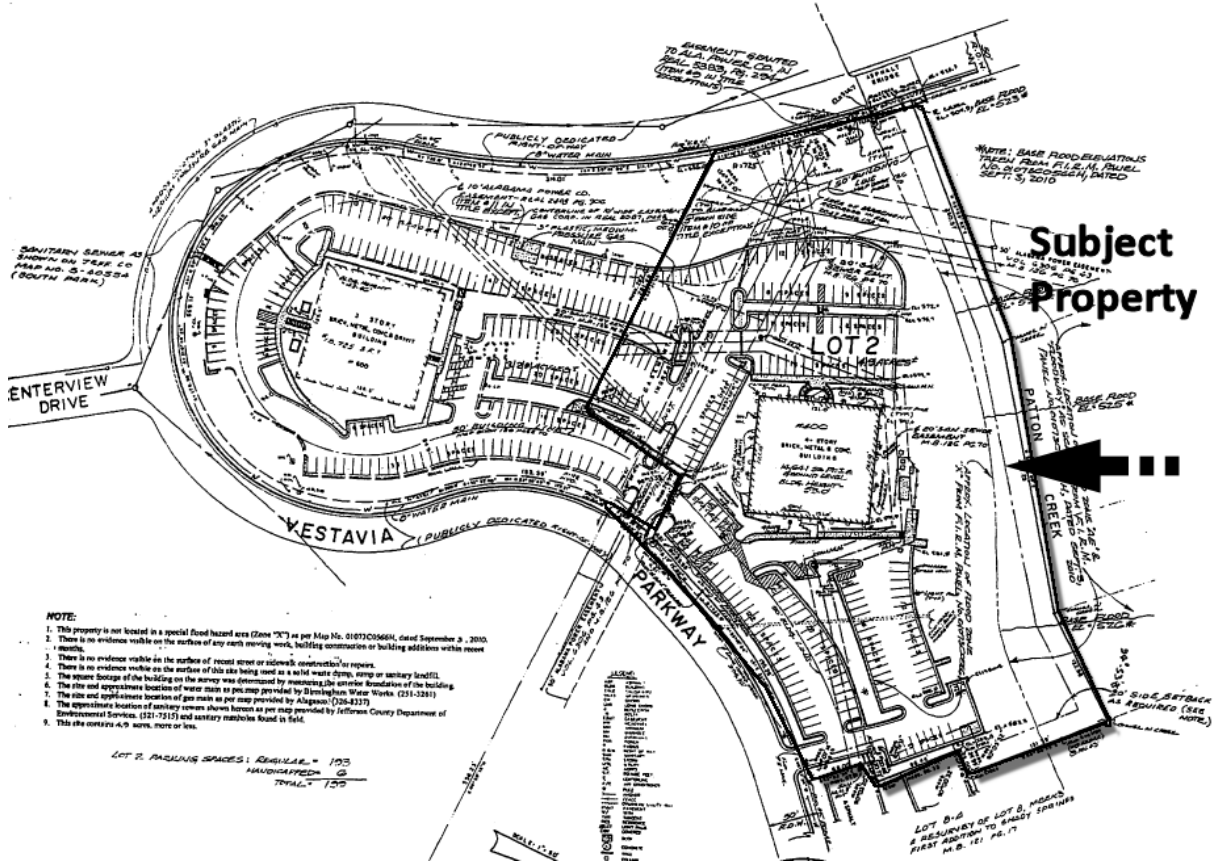
Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 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 10th day of September, 2012 as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk



- NOTE:**
1. This property is not located in a special flood hazard area (Zone "X") as per Map No. 01073206664, dated September 2, 2010.
 2. There is no evidence visible on the surface of any earth moving work, building construction or building additions within recent months.
 3. There is no evidence visible on the surface of recent street or sidewalk reconstruction or repairs.
 4. There is no evidence visible on the surface of this site being used as a solid waste dump, dump or sanitary landfill.
 5. The square footage of the building on the survey was determined by measuring the exterior boundaries of the building.
 6. The size and approximate location of water tanks as per map provided by Birmingham Water Works (251-2281).
 7. The size and approximate location of gas main as per map provided by Algonon (726-8217).
 8. The approximate location of sanitary sewers shown herein as per map provided by Jefferson County Department of Environmental Services (251-7517) and sanitary manholes found in field.
 9. This site contains 0,9 more, more or less.

LOT 2 PARKING SPACES: REGULAR = 103
HANDICAPPED = 6
TOTAL = 109

SCALE: 1" = 40'

LOT 2 IS A SUBDIVISION OF LOT 2, MOBILE FIRST ADDITION TO SANDY SPRINGS M.B. 181 P.B. 17

CITY OF VESTAVIA HILLS
SYNOPSIS AND STAFF RECOMMENDATION CONCERNING
APPLICATION BEFORE THE PLANNING AND ZONING COMMISSION

Date: July 31, 2012

- **CASE:** P-0812-29
-
- **REQUESTED ACTION:** Application for rezoning from Vestavia Hills O-2 with maximum 3 stories to Vestavia Hills O-2 with maximum 4 stories
-
- **PROPOSED USE(S):** O-2 office
- **ADDRESS/LOCATION:** 400 Vestavia Parkway, Vestavia Hills AL 35216
- **APPLICANT/OWNER:** Highpoint Office Center LLC; c/o McNamara & Carver, PA, 2907 Bay to Bay Blvd, Suite 201, Tampa FL 33629
- **REPRESENTING AGENT:** Laurence D. Weygand, Weygand Surveying, Homewood AL 35209
- **GENERAL DISCUSSION:** This property is located on Vestavia Parkway on the side of the mountain and currently has a 4-story office building constructed upon it. The property recently was purchased and a zoning certificate was requested. As staff pulled zoning information and examined the building, it was noted that the building would be considered a 4-story building by the definitions set forth in the City's Zoning Code and recommendation was made to the owner to modify the existing zoning from a maximum of 3-stories to 4-stories. The Owner has already requested and received a variance for required parking since that was also deficient from the Zoning Code.
- **CITY OF VESTAVIA HILLS COMPREHENSIVE PLAN:** This property is located in Figure 18 of the Vestavia Hills Comprehensive Master Plan, located in an area designated as Village Center. The use as a professional office building is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Clerk Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the zoning.

City Clerk Recommendation: Recommend approval

2. **City Engineer Review:** No problems noted.

3. **City Fire Marshal Review:** No problems noted

4. **Building Safety Review:** No problems noted with request

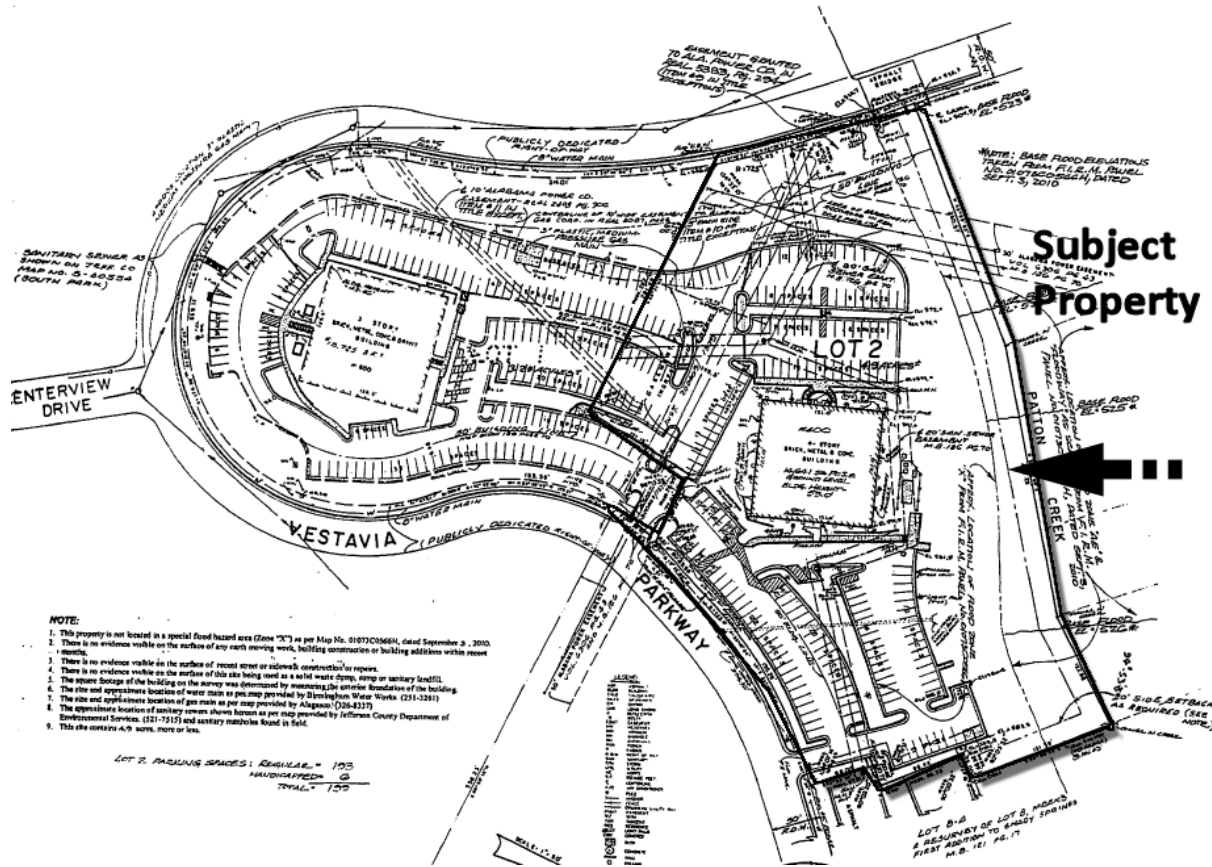
P&Z Recommendation:

MOTION Mr. Farrell made a motion to recommend the rezoning of 400 Vestavia Parkway, Lot 2, Koger Executive Center from Vestavia Hills O-2 with a maximum of 3-stories to Vestavia Hills O-2 with a maximum of 4-stories as presented. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Ms. Fancher – yes
Mr. Burrell – yes
Mr. Gilchrist – yes
Mr. Sharp – yes

Mr. House – yes
Mr. Brooks – yes
Mr. Farrell – yes
Mr. Larson – yes

Motion carried.



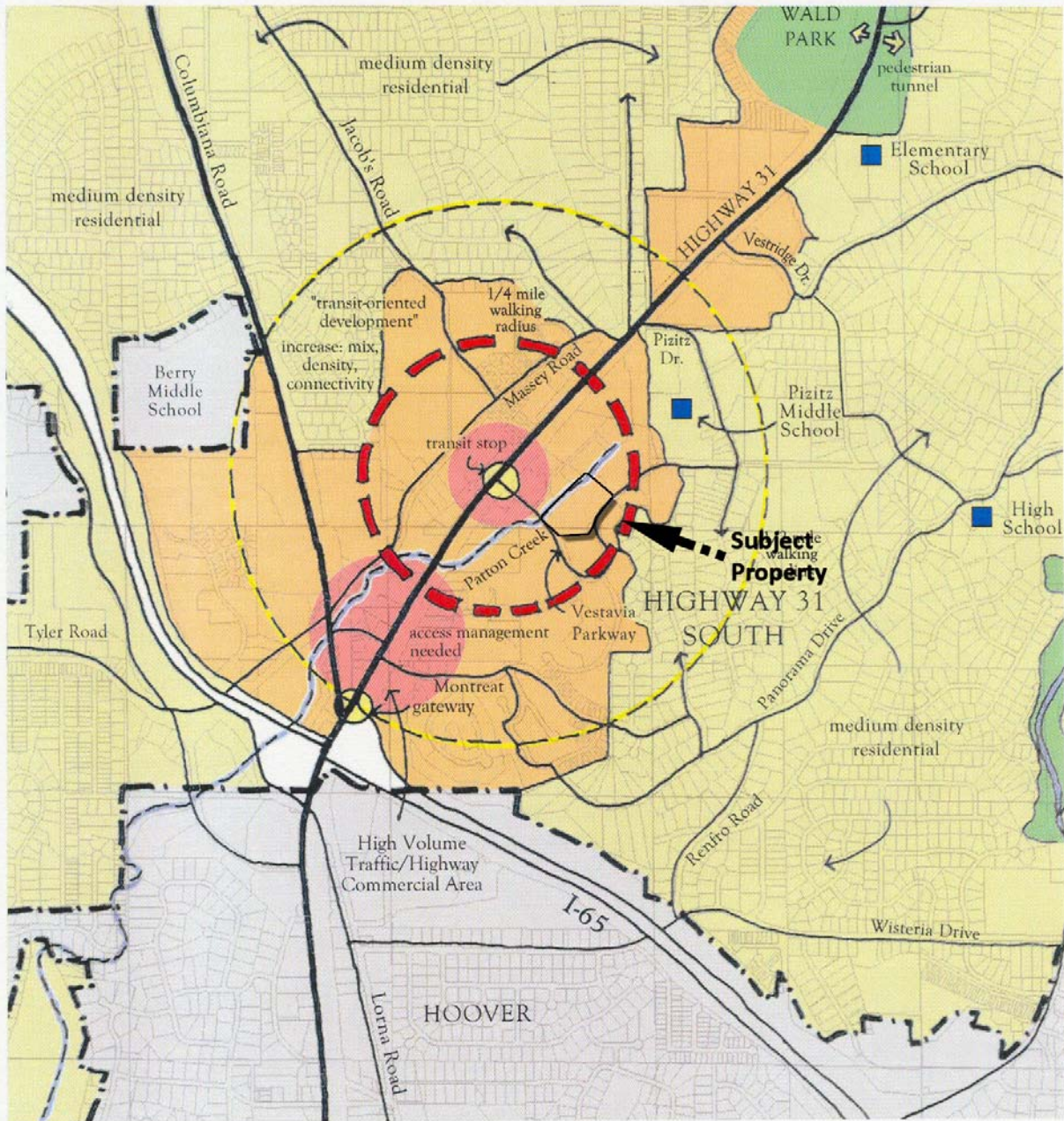
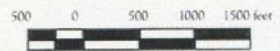


Figure 18: Highway 31 South
Land Use Analysis

- Neighborhood - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.

- Professional Offices - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- Schools - School facilities administered by the Vestavia Hills School System.



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
- e. 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 the City Planner and/or City 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 set back minimum 40' from the edge of pavement or at least 2' inside of the private property 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 effective immediately upon its approval, adoption and publication as required by law.

APPROVED and ADOPTED this the _____ day of _____,
2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2331 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 _____ day of _____, 2012, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, and Vestavia Hills Recreational Center and Vestavia Hills Library in the 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. **TITLE 11-52-70, CODE OF ALABAMA, 1975**: 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. TITLE 11-52-73, CODE OF ALABAMA, 1975: 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,

A handwritten signature in black ink, appearing to read "Patrick H. Boone", with a long horizontal flourish extending to the right.

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 year-over-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 evolutionary 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

<u>REVENUE:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>TOTAL</u>
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		<u>80,000</u>
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

<u>EXPENDITURES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>TOTAL</u>
NON DEPARTMENTAL	6,061,740		30,000	6,091,740
CITY COUNCIL	62,507			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		80,000	371,935
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		<u>105,000</u>
SUB-TOTAL EXPENDITURES	\$30,539,772	\$2,457,508	\$1,573,725	\$34,571,005
<u>TRANSFER-OUT:</u>				
Special Funds (from General Fund)	412,378			412,378
Capital Reserve Fund (from GF - Sales Tax %)	<u>592,790</u>			<u>592,790</u>
TOTAL - TRANSFER-OUT	1,005,168			1,005,168
TOTAL EXPENDITURES	\$31,544,940	\$2,457,508	\$1,573,725	\$35,576,173

CITY OF VESTAVIA HILLS
 ANNUAL BUDGET
 SUMMARY OF **"ALL FUNDS"** REVENUE & EXPENDITURES
 FISCAL YEAR ENDING SEPTEMBER 30, 2013

<u>OTHER REVENUE SOURCES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>TOTAL</u>
TRANSFER-IN:				
Special Funds (from General Fund)		412,378		412,378
Capital Items (use of projected 2013 Capital Reserve Funds)			592,790	<u>592,790</u>
TOTAL - OTHER REVENUE SOURCES				\$1,005,168
 USE OF RESERVES / FUND BALANCE		 25,000	 980,935	 \$1,005,935
 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 August 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 Excavator, 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. Z. Jr*

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



Hydraulic Excavator Bid Tab

Thompson Cat Rental
Warrior Tractor & Equip.
Tractor & Equip. Co.
TriGreen Equip.

Bid Bond	Y	\$99,875.00					
Total Bid		\$0.00	3YR/ 1500 HR				
Warranty		\$1,400.00	4 YR EPTW				
		\$1,600.00	6 YR EPTW				
		\$1,800.00	3 ADDN YRS PL				
		\$103,275.00	TOTAL 15 YRS PL				
		\$7,200.00					
		\$110,475.00					

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

	Y	\$102,000.00					
		\$0.00	3YR/ 1500 HR				
		\$102,000.00					
		\$1,800.00	3 ADDN YRS PL				
		\$103,800.00	TOTAL 15 YRS PL				
		\$7,200.00					
		\$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

	Y	\$106,475.00					

6 YEAR FULL MACHINE WARRANTY INC.
PL INC. LIFETIME

No Bid

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.