

**Vestavia Hills
City Council Agenda
October 8, 2012
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Brad Allison, Altadena Valley Presbyterian Church
4. Pledge of Allegiance
5. Candidates, Announcements and Guest Recognition
6. Mayor's Report
7. City Manager's Report
8. Councilors' Reports
9. Approval Of Minutes – September 24, 2012 (Regular Meeting) and September 27, 2012 (Special Called Meeting);

Old Business

10. Resolution Number 4340 – A Resolution Accepting Dedication Of The Final Portion Of A Street Called Ves Trace; Phil Nichols, Developer
11. 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

New Business

12. Resolution Number 4346 – A Resolution Approving A 060 Retail Table Wine License For Interveston Wines, Inc., D/B/A The Wine Cellar, 1080 Montgomery Highway; Danny O. Meadows And Werner H. Beiersdoerfer, Executives (*This Request Is A Change Of Location Only*)

13. Resolution Number 4347 – A Resolution Approving A 240 Non-Profit Tax Exempt Liquor License For Ducks Unlimited; 1973 Merryvale Road; Randy L. Graves, James A. Flood And Daniel P. Theil, Executives
14. Resolution Number 4348 - A Resolution Authorizing The Mayor To Enter Into An Agreement With Alabama Department Of Transportation (ALDOT) For Project Number STPBH-9802(88) TOPICS – Phase VIII Roadway Intersection And Signal Improvements
15. Resolution Number 4349 – A Resolution For The Installation And Maintenance Of Traffic Control Signals And/Or Street Lighting For Projects STPBH-9802(88) TOPICS – Phase VIII – Roadway Intersection And Signal Improvements

New Business (Requesting Unanimous Consent)

16. Resolution Number 4350 – A Resolution Authorizing The Mayor To Utilize Veterans Landscaping To Haul Dirt To The Sicard Hollow Mine Reclamation Property

First Reading (No Action Taken At This Meeting)

17. Resolution Number 4315 – A Resolution To Perform Drainage Repair And Improvements At 4025 And 4045 Meadowview Circle
18. Resolution Number 4316 – A Resolution To Perform Drainage Repair And Improvements At 1317 Parliament Lane And 1901 Balfour Drive
19. Resolution Number 4317 – A Resolution To Perform Drainage Repair And Improvements At 1804 And 1808 Glendmere Drive
20. Ordinance Number 2418 - An Ordinance Regulating Soliciting, Peddling And Panhandling In The City Of Vestavia Hills, Alabama
21. Citizens Comments
22. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SEPTEMBER 24, 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
Linda Allison
John Henley

MEMBERS ABSENT:

George Pierce

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
Melvin Turner, III, Finance Director
George Sawaya, Deputy Treasurer
Jim St. John, Fire Chief

Invocation was given by Bryan Gunn, Shades Mountain Baptist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, CANDIDATES, GUESTS

- Virginia Vinson, candidate for Jefferson County Circuit Judge, Place 27, introduced herself and asked for support in the November election.
- Sherri Colman Friday, candidate for Jefferson County Probate Judge, Place 2, introduced herself and asked for support in the November election.
- Jill Ganus, candidate for Jefferson County District Judge, Bessemer Cutoff, introduced herself and asked for support in the November election.
- Wendy Appling presented Certificates of Recognition to each of the City's Poll Chiefs who served in the August Municipal election.

EMPLOYEE OF THE MONTH

Mr. Robertson presented Wendy Appling, Office of the City Clerk, with the Employee of the Month award. He stated that Wendy has been employed with the City for almost 13 years and has been an outstanding employee. Wendy's son, Luke Appling, was present to accept the award with her.

MAYOR'S REPORTS

- The Mayor stated that the annual "National Night Out" will be held on Tuesday, October 2, 2012 and invited everyone to take part in the event.
- The annual induction of the Vestavia Hills Sports Hall of Fame will be held on October 11, 2012 at the Vestavia Country Club beginning at 6 PM. This event recognizes local athletes and coaches.
- The Mayor reported a recent meeting with ALDOT made some progress in beginning again to construct sidewalks in the community.
- The Holiday in the Hills celebration is moving forward beginning with an open house in November hosted by the Chamber of Commerce.
- The Mayor stated that Mr. Robertson and Brian Davis have been working on a Veterans Day celebration to be held on November 12, 2012 at 6 PM. Two esteemed keynote speakers are invited.
- LifeTime Fitness has indicated that progress is so good on the construction of their facility that they moved the anticipated opening date to March of 2013. This is 2 months ahead of schedule.
- The Friends of the Library will host their annual book sale on October 5-8, 2012, with a wine and cheese party on October 5.

CITY MANAGER REPORTS

- None.

COUNCILOR REPORTS

- Mr. Ammons stated that Mr. Pierce was not in attendance tonight because his daughter was in labor with his grandchild.

APPROVAL OF MINUTES

The minutes of September 4, 2012 (Special Called Meeting) and September 4, 2012 (Work Session) were presented for approval.

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

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

The minutes of September 10, 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. Henley and second by Ms. Allison. Voice vote as follows:

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

NEW BUSINESS

RESOLUTION NUMBER 4341

Resolution Number 4341 – A Resolution Authorizing The Mayor To Change Insurance Providers On The Workers’ Compensation Insurance Coverage For The City Of Vestavia Hills

MOTION Motion to adopt Resolution Number 4341 was by Mr. Sharp and second was by Ms. Allison.

Mayor Zaragoza stated that the City’s insurance was scheduled to expire soon and Mr. Robertson has been working with carriers in order to provide for a new one effective October 1.

Mr. Robertson stated that after working with several carriers, the best vendor for the City’s workers’ compensation insurance should be awarded to J.R. Prewitt based upon their proposal, a copy of which is included in the Resolution.

John Prewitt was in attendance. He and Mr. Robertson answered questions posed by the City Council concerning the premiums, deductibles and provisions of the coverage.

Mr. Robertson indicated that this will decrease the premiums that are currently paid by the City with basically the same coverage.

Mr. Boone indicated that he, too, attended the meetings with the vendors and he recommends this coverage based upon: (1) price; (2) discounts from hospitals and physicians given to this company; (3) no requirement of a letter of credit; (4) the claim handling process described by the vendor; (5) settlement input from the City; and (6) the proactive safety training offered.

MOTION Question called on a roll call vote:

Ms. Allison – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

RESOLUTION NUMBER 4342

Resolution Number 4342 – A Resolution Authorizing The Mayor To Enter Into An Agreement With Chase Commercial Realty Inc., As An Exclusive Agent To Procure The Sale Of Certain Real Estate Owned By The City

Mr. Ammons opened the floor for unanimous consent for the immediate consideration and action on proposed Resolution Number 4342.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 4342 was by Mr. Sharp. Second was by Ms. Allison. Roll call vote as follows:

Ms. Allison – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

MOTION Motion to adopt Resolution Number 4342 was by Mr. Henley and second was by Mr. Sharp.

Mr. Robertson explained that this Resolution would allow Chase Commercial Realty to exclusively market the City's Public Works facility. He explained the terms and provisions of the agreement and the agents' ability to sell and market and the resources available.

Mr. Boone stated that he has reviewed the agreement and made some slight revisions from the original. The agreement in the Resolution tonight meets all legal requirements.

Questions from the Council included recommending a price. However, the Council concurred it was better not to opt for a particular price at this time.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, Mr. Ammons closed the public hearing and called for the question.

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

RESOLUTION NUMBER 4343

Resolution Number 4343 – A Resolution Authorizing The Mayor To File Application With Alabama Department Of Transportation And Provide Such Additional Information To ALDOT As May Be Required

Mr. Ammons opened the floor for unanimous consent for the immediate consideration and action on proposed Resolution Number 4343.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 4343 was by Ms. Allison. Second was by Mr. Henley. Roll call vote as follows:
Ms. Allison – yes Mr. Henley – yes
Mr. Sharp – yes Mr. Ammons – yes
Motion carried.

MOTION Motion to adopt Resolution Number 4343 was by Mr. Henley and second was by Mr. Sharp.

The Mayor explained that this is a request to file application for ATRIP funding to assist with the street repaving in three areas of the City: Tyler Road/Columbiana Road and portions of Rocky Ridge Road in cooperation with Hoover and Jefferson County; and Overton Road from I-459 to Overton in cooperation with Mountain Brook.

Mr. Brady stated that this is an 80/20 match of funding and the City would have to adopt a resolution pledging the 20% match. He indicated that this funding does not include any design costs or incidental costs such as moving of utilities.

Discussion ensued concerning the breakdown of cost per municipality, the cost of moving utilities, priority of funding, etc.

The Council exited the Chamber at 5:55 PM and entered into Executive Session. At 7:40 PM, they re-entered the Chamber and Mr. Ammons called the meeting back to order.

MOTION Motion to adjourn the meeting at 8:44 PM was by Mr. Henley. Mr. Sharp seconded the motion. Voice vote as follows:

Ms. Allison – yes

Mr. Henley – 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

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SEPTEMBER 27, 2012

The City Council of Vestavia Hills met in special session on this date at 4:30 PM following posting/publication as required by Alabama law. The Council President called the meeting to order and the City Clerk checked the roll with the following:

MEMBERS PRESENT:

Steve Ammons, Council President
Jim Sharp, President Pro-Tem
George Pierce
Linda Allison*
John Henley
**arrived at 4:40 PM*

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
Tim Holcomb, Deputy Police Chief
Melvin Turner, III, Finance Director
George Sawaya, Deputy Treasurer
Jim St. John, Fire Chief

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

RESOLUTION NUMBER 4344

Resolution Number 4344 – A Resolution To Change Insurance Providers On Certain Policies Of The City Of Vestavia Hills

Mr. Ammons opened the floor for unanimous consent for the immediate consideration and action on proposed Resolution Number 4344.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 4344 was by Mr. Pierce. Second was by Mr. Henley. Roll call vote as follows:

Mr. Pierce – yes Mr. Henley – yes
Mr. Sharp – yes Mr. Ammons – yes

Motion carried.

MOTION Motion to adopt Resolution Number 4344 was by Mr. Pierce and second was by Mr. Henley.

Mr. Robertson explained that this Resolution would change the City's insurance carrier for general liability to One Beacon Insurance effective October 1, 2012. He stated that the premiums are a bit higher than the previous carrier; however, altogether the premiums for all of the City's insurance will be less.

He explained that he has worked with a group of individuals from J. Smith Lanier and Company who shopped for these carriers. He explained the next Resolution will change the property insurance to Federal Insurance Company (Chubb).

Questions from the Council included recommending the premiums, the deductible, the companys' ratings, etc.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, Mr. Ammons closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4345

Resolution Number 4345 – A Resolution To Change Insurance Providers On Certain Policies Of The City Of Vestavia Hills

Mr. Ammons opened the floor for unanimous consent for the immediate consideration and action on proposed Resolution Number 4345.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 4345 was by Mr. Pierce. Second was by Mr. Sharp. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

MOTION Motion to adopt Resolution Number 4345 was by Mr. Pierce and second was by Mr. Sharp.

Ms. Allison arrived at the meeting and Mr. Ammons apprised her of the prior conversation.

Mr. Ammons opened the floor for a public hearing. There being no one present to address the Council concerning this Resolution, Mr. Ammons closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

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

CITIZENS COMMENTS

None.

MOTION Motion to adjourn the meeting at 4:45 PM was by Mr. Pierce. Mr. Sharp seconded the motion. Voice vote as follows:

Ms. Allison – yes	Mr. Pierce – yes
Mr. Henley – 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 4340

A RESOLUTION ACCEPTING THE DEDICATION OF THE FINAL PORTION OF A STREET KNOWN AS VES TRACE

WHEREAS, Phil Nichols is the developer for Ves Trace Subdivision in Vestavia Hills, Alabama. This dedication consists of the final portion of a street named Ves Trace; such dedication not to include any improvements other than the streets named in this Resolution.

WHEREAS, the streets were built according to the Vestavia Hills specifications and the development company is presenting them to the City of Vestavia Hills for acceptance complete with a guarantee against any defects for a period of one (1) year from date of dedication.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the City hereby accepts the offer of dedication made by Phil Nichols for the final portion of Ves Trace and is hereby a public street.

ADOPTED and APPROVED this the 8th day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

Rebecca Leavings

From: Nichols, Philip [Philip.Nichols@morgankeegan.com]
Sent: Tuesday, September 11, 2012 8:07 PM
To: Rebecca Leavings; Christopher Brady; vbwiggins (vbwiggins@bellsouth.net); pgn6228@aol.com; Nichols, Philip
Subject: FW: Ves Trace Manor - Street Dedication

Becky , Per our conversations and my conversations with Christopher , I would like to officially request / offer, the Streets and neighborhood of Ves Trace Manor up for dedication.

Our contractor , Vic Wiggins , did a fabulous job . The neighborhood is a huge positive for the City of Vestavia Hills with many of the homes selling for well over one million dollars .

I appreciate you help in the process . I await your response . Please feel free to call 24/7.

Phil

PHILIP G. NICHOLS
MANAGING DIRECTOR

(205) 802-4228
(800) 786-6445 Toll Free
(205) 802-7339 Fax
(205) 862-1935 Cell

GINGER R. JONES
FIRST VICE PRESIDENT
REGISTERED SALES ASSISTANT
FOR PHILIP NICHOLS

(205) 802-4293

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

September 19, 2012

To: Rebecca Leavings

From: Christopher Brady

RE: Vestrace Manor Street Dedication

Becky,

I have reviewed all public improvements within the Vestrace Manor subdivision and am hereby recommending approval for dedication.

This includes roadway improvements of 500 LF extension of Ves Trace and 450 LF of Vestrace Circle dedicated as Public right-of-way. All improvements are complete and satisfy City requirements.

Please let me know if you have any questions or need additional information.

-Christopher



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 8th day of October, 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 8th day of October, 2012 while in regular session on Monday, October 8, 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

RESOLUTION NUMBER 4346

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR INTERVESTON WINES, INC., D/B/A THE
WINE CELLAR; DANNY O. MEADOWS AND
WERNER H. BEIERSDOERFER, EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Interveston Wines, Inc., d/b/a The Wine Cellar, located at 1080 Montgomery Highway, Vestavia Hills, Alabama, for the on- or off-premise sale of 060 Retail Table Wine; Danny O. Meadows and Werner H. Beiersdoerfer, executives.

APPROVED and ADOPTED this the 8th day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Charles A. McCallum
Mayor

INTEROFFICE MEMORANDUM

DATE: October 4, 2012

TO: Dan Rary, Acting Police Chief

FROM: Rebecca Leavings, City Clerk



RE: Alcohol License Request – 060 - Retail Table Wine

Please find attached information submitted by Danny O. Meadows and Werner H. Beiersdoerfer who request an alcohol license to sell 060 - Retail Table Wine at the Interveston Wines, Inc d/b/a Wine Cellar, 1080 Montgomery Highway, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 8th day of October, 2012 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

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

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

Reviewed: _____



City of Vestavia Hills, Alabama
2012 Business License

THIS LICENSE EXPIRES OCTOBER 14, 2012

Date Issued: 09/14/2012
Issued To: Intervestion Wines LLC

License Number: TEMP
Account Number: 175312

DBA: The Wine Cellar

Mailing Address: 101 Carrington Lane
Ste 100
Calera, AL 35040

Physical Address: 1080 Montgomery Hwy
Vestavia Hills, AL 35216

The licensee named herein is authorized to do business at the above specified business location as provided for in the License Schedules listed below:

<u>Schedule No</u>	<u>Unit #</u>	<u>Description</u>
455131		Table Wine – On/Off Premise
453220		Misc. Retailer

THIS LICENSE EXPIRES IN 30 DAYS

THIS LICENSE DOES NOT PERMIT BUSINESS OPERATION UNLESS YOUR BUSINESS IS PROPERLY ZONED, AND/OR IN COMPLIANCE WITH ALL APPLICABLE LAWS/RULES.

This is NOT A BILL.
This license must be posted.

RDS
issuing Authority

Questions regarding this license should be addressed to RDS at 800-556-7274.

RESOLUTION NUMBER 4347

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR DUCKS UNLIMITED INC; RANDY L.
GRAVES, DANIEL P. THEIL AND JAMES A.
FLOOD, EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Ducks Unlimited Inc, located at 4857 Willow Bend Road, Decatur, Alabama 35603 for the sale of 240 - Non profit tax exempt special event; Randy L. Graves, Daniel P. Theil and James A. Flood, executives.

APPROVED and ADOPTED this the 8th day of October, 2012.

Steve Ammons
Council President


ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

INTEROFFICE MEMORANDUM

DATE: October 4, 2012
TO: Dan Rary, Acting Police Chief
FROM: Rebecca Leavings, City Clerk 


RE: Alcohol License Request – 240 – Non-Profit Tax Exempt


Please find attached information submitted by Randy L. Graves, James A. Flood and Daniel P. Theil who request an alcohol license to sell 240 Non-Profit Tax Exempt license on-premise at the 1973 Merryvale Road, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 8th day of October, 2012 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

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

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

Reviewed: 



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION
Confirmation Number: 20121002144125248



Type License: 240 - NON-PROFIT TAX EXEMPT State: \$0.00 County: \$0.00

Type License: State: County:

Trade Name: OVER THE MOUNTAIN DUCKS UNLIMITED BANQUET Filing Fee: \$0.00

Applicant: DUCKS UNLIMITED INC Transfer Fee:

Location Address: 1973 MERRYVALE RD VESTAVIA HILLS, AL 35603

Mailing Address: 4857 WILLOW BEND RD DECATUR, AL 35603

County: JEFFERSON Tobacco sales: NO Tobacco Vending Machines:

Sale of Products Containing Ephedrine: NO Type Ownership: CORPORATION

Book, Page, or Document info: NO 24186 Do you sell Draft Beer: N

Date Incorporated: 01/29/1937 State incorporated: DC County Incorporated: N/A

Date of Authority: 01/29/1937 Alabama State Sales Tax ID: 000000000000

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

RANDY L GRAVES 062361107 - TN	CFO	11/24/1951 MEMPHIS TN	9351 ROCKY VALLEY COVE CORDOVA, TN 38618
JAMES A FLOOD 078642505 - TN	GENERAL COUNSEL	12/04/1950 EVANSTOWN IL	500 KONCO COVE EADS, TN 38028
DANIEL P THEIL 097755787 - TN	EXECUTIVE SECRETARY	03/23/1961 TERRA HAUTE IN	5715 HERALD SQUARE MEMPHIS, TN 38120

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of cooperation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: DOUGLAS LASHER

Business Phone: 256-751-5930

Fax:

Home Phone: 256-227-7361

Cell Phone: 256-227-7361

E-mail: DLASHER@DUCKS.ORG

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20121002144125248



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

Name of Property owner/lessor and phone number: VESTAVIA HILLS PARK AND RECREATION BOARD 205-978-0166

What is lessors primary business? **CITY GOVERNMENT**

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

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

Does the premise have a fully equipped kitchen? **NO**

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

Does the establishment have restroom facilities? **YES**

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

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

Building Dimensions Square Footage: 2000 Display Square Footage:

Building seating capacity: 200 Does Licensed premises include a patio area? **NO**

License Structure: **ONE STORY** License covers: **OTHER**

Number of licenses in the vicinity: 0 Nearest: 0

Nearest school: 1 blocks Nearest church: 1 blocks Nearest residence: 1 blocks

Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
 Confirmation Number: 20121002144125248



Initial each

Signature page

- In reference to law violations, I attest to the truthfulness of the responses given within the application.
- In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
- In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
- In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
- NA* In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
- NA* In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
- In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
- The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
- I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Douglas N. Lasher*

Signature of Applicant: *[Signature]*

Notary Name (print): *Wanda F. Peppers*

Notary Signature: *Wanda F. Peppers* Commission expires: *8-13-16*

Application Taken: App. Inv. Completed: Forwarded to District Office:
 Submitted to Local Government: Received from Local Government:
 Received in District Office: Reviewed by Supervisor: Forwarded to Central Office:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
 ALCOHOL LICENSE APPLICATION
Confirmation Number: 20121002144125248



Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

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

Special Retail

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

Special Events / Special Retail (7 days or less)

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

Other Explanations

License Covers: This license will cover the structure of the Senior citizens lodge only. Alcohol will be restricted to this structure.
 Are there any special restrictions, instructions, and/or conditions for this license?:
 DATE OF EVENT 10/25/2012. Alcohol will be consumed on premise and not for sale for off premise.

RESOLUTION NUMBER 4348

WHEREAS, the City of Vestavia Hills, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements on Green Valley Road At Crosshaven Drive within the City Limits of Vestavia Hills, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: STPBH-9802(088) TOPICS – Phase VIII Roadway Intersection and Signal Improvements.

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 its 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 Vestavia Hills 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 to are 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 construction 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 relocate certain intersecting 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:

N/A

Please refer to: Site #3 Green Valley Road @ Crosshaven Drive - Plan and Profile (Sheets 7 - 10)

Please refer to: Project Notes (Sheet 2J)

Please refer to: Traffic Control Plan Notes (Sheet 2K)

Please refer to: Sequence of Construction and Traffic Control Plan (Sheets 41 - 45)

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, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the 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 in keeping with applicable statutes, 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 highways 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 existing 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 crossing of the denied access line.
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 in this Resolution or Agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

APPROVED and ADOPTED this the 8th day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

I, the undersigned, Clerk of the City of Vestavia Hills, do hereby certify that the above and foregoing is a true and correct copy of a resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the _____ day of _____, 20____, which resolution is on file in the office of the City Clerk.

Given under my hand and the official seal of such _____ this _____ day of _____, 20__.

City Clerk

RESOLUTION NUMBER 4349

A RESOLUTION FOR THE INSTALLATION AND MAINTENANCE OF TRAFFIC CONTROL SIGNALS AND/OR STREET LIGHTING FOR PROJECTS STPBH-9802(088) TOPICS – PHASE VIII – ROADWAY INTERSECTION AND SIGNAL IMPROVEMENTS

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the City enter into an agreement with the State of Alabama acting by and through the Alabama Department of Transportation for:

The installation and/or maintenance of traffic control signals and/or street lighting for:
STPBH-9802(088) TOPICS – Phase VIII
- Roadway Intersection and Signal Improvements

Which agreement is before this Council, and that the agreement be executed in the name of the City, by the Mayor for and in its behalf and that it be attested by the City Clerk and the seal of the City be affixed thereto.

BE IT FURTHER RESOLVED, that upon the completion of the execution of the agreement by all parties, that a copy of such agreement be kept on file by the City Clerk.

ADOPTED and APPROVED this the 8th day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

Permit Number _____

Project Number STPBH-9802(088)

Division Third

County JEFFERSON

7/18/90

EXHIBIT M

CERTIFICATION

This certification is applicable to the instrument to which it is attached whether attached directly or indirectly with other attachments to such instrument.

The prospective participant/recipient, by causing the signing of and the submission of this Federal contract, grant, loan, cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U.S. Code, and the person signing same for and on behalf of the prospective participant/recipient each respectively certify that to the best of the knowledge and belief of the prospective participant or recipient and of the person signing for and on behalf of the prospective participant/recipient, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the prospective participant/recipient or the person signing on behalf of the prospective participant/recipient as mentioned above, to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any Federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, or other instrument as might be applicable under Section 1352, Title 31, U.S. Code, the prospective participant/recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

The prospective participant/recipient also agrees by submitting this Federal contract, grant, loan, cooperative agreement or other instrument as might be applicable under Section 1352, Title 31, U.S. Code, that the prospective participant/recipient shall require that the language of this certification be included in all lower tier subcontracts, which exceed \$100,000 and that all such sub-recipients shall certify and disclose accordingly.

7 ✓

<i>For Official Use Only:</i> Legal Reference Number: _____ ALDOT Permit Number: _____

Division Permit Number: _____ Project Number: STPBH-9802(088)
Division: THIRD County: Jefferson

**STATE OF ALABAMA acting by and through the
ALABAMA DEPARTMENT OF TRANSPORTATION: PERMIT/AGREEMENT for the
INSTALLATION and/or MAINTENANCE OF TRAFFIC CONTROL SIGNALS and/or ROADWAY LIGHTING**

This Permit/Agreement, in accordance with resolution number _____ dated (or minutes dated) _____ attached hereto and made part of this Permit/Agreement, is made and entered into by and between the Alabama Department of Transportation (herein referred to as STATE), the CITY OF VESTATIVA HILLS (herein referred to as OWNER), and the [applicable not applicable] _____ (herein referred to as PERMITTEE, if applicable and so indicated) for the accomplishment of the following work as hereinafter indicated by the alphabetic letter of "X" marked in the check-boxes below, to wit:

	(A) New Installation	(B) Equipment Upgrade	(C) Complete Removal	(D) Operation & Maintenance
Traffic Control Signal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Intersection Flashing Signal/Beacon:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Roadway Lighting:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other: _____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

The accomplishment of the work above indicated by the alphabetic letter of "X" marked in the check-boxes above and hereinafter signified by the use of the corresponding alphabetic letter A, B, C, and/or D as applicable, will be at the following location(s): {Example: AL-3/US-31 @ Main Street [A & D] denotes the installation, operation, and maintenance of the equipment installed} **NOTE** – if more space is needed, please use continuation sheets.

B and D Green Valley Road @ Crosshaven Drive

1. In the event the work to be accomplished is herein above identified by (A) and/or (B), the STATE OWNER PERMITTEE will furnish and the STATE OWNER PERMITTEE will install the equipment and/or associated hardware utilized in the accomplishment of the work. In the event the STATE contributes funds to the work and the OWNER will be credited or debited for under-runs or overruns respectively, the "Exhibit O" is attached to and made part of this Permit/Agreement.
2. The equipment and/or associated hardware shall be installed in accordance with the applicable following:
 - A. Manual on Uniform Traffic Control Devices for Streets and Highways (MUTCD), current ALDOT approved edition.
 - B. The State of Alabama Project Details and Special and Standard Highway Drawings, current year version.
 - C. The National Electrical Code, current edition.
 - D. Alabama Department of Transportation (ALDOT) Standard Specifications for Highway Construction, current edition and applicable special provisions.
 - E. Code of Alabama, 1975 (as Amended) with specific reference to:
 - (1) §23-1-113, Municipal Connecting Link Roads – Stipulations and Conditions [specifically subparagraphs (6) and (7)].
 - (2) §32-5A-32, Traffic – Control signal legend.
 - (3) §32-5A-33, Pedestrian – Control signals.
 - (4) §32-5A-34, Flashing signals.
 - (5) §32-5A-35, Lane – Direction – Control signals.

Initials: Owner _____, Permittee _____, Div. Engineer 27, Legal _____
Page 1 of 5 rev – 02/2011

3. The STATE shall determine the quantity of the equipment and/or associated hardware to be utilized in the accomplishment of the work identified by (A) and/or (B) above. In the event the OWNER or PERMITTEE, as applicable, furnishes the equipment and/or associated hardware to be utilized in the accomplishment of the work identified by (A) and/or (B) above, the OWNER or PERMITTEE, as applicable, shall ascertain that the type and quality of the equipment and/or associated hardware is in accordance with the STATE's Materials, Sources, and Devices with Special Acceptance Requirements (APL) as maintained by the STATE's Bureau of Materials and Tests.
4. Ownership of any and all equipment and/or associated hardware furnished by the STATE shall be transferred to the OWNER upon completion of the work indicated herein.
5. The equipment and/or associated hardware shall be operated and maintained at the sole expense of the OWNER. The OWNER agrees to provide electrical energy on a continuing basis as required, beginning at the time of the initial electrical service connection during the construction of the system. The OWNER agrees further to maintain said equipment and/or associated hardware in a good state of repair at all times, as required in accordance with the applicable documents: Manual on Uniform Traffic Control Devices for Streets and Highways and the Alabama Department of Transportation Standard Specifications for Highway Construction and applicable special provisions. Any traffic control signal equipment and/or associated hardware must also be in accordance with any traffic signal operating plan of the STATE which is in effect at the applicable time of such maintenance. If a malfunction of the equipment and/or associated hardware should ever occur, the OWNER shall effect repairs immediately. If said malfunction presents a potential hazard to the motoring public and the OWNER is unable to repair the equipment and/or associated hardware in a timely manner as determined by the STATE, the STATE reserves the right to repair the equipment and/or associated hardware, and invoice the OWNER for all costs incurred. The OWNER agrees to pay the STATE all such costs incurred by the STATE promptly upon receipt of the invoice from the STATE.
- 5a. In instances where ALDOT maintains a fiber-optic trunk line that is used in conjunction with a closed-loop signal system, the OWNER shall maintain the fiber-optic cable from the splice point in the trunk line out to the traffic control equipment.

6. A. Unwarranted traffic control signal. (Mark with "X" if applicable in check-box)

If the installation is identified on page one as (A) "New Installation" or (B) "Equipment Upgrade" with "Traffic Control Signal:" marked, and this installation is requested by a school authority or a local government on behalf of a school authority and the signal is unwarranted as marked above, then upon installation of the equipment and/or associated hardware, the OWNER agrees to accept all responsibility for any injury that may be caused by or related to the installation, location, operation, sequencing, and/or maintenance of the equipment and/or associated hardware.

- B. Warranted traffic control signal. (Mark with "X" if applicable in check-box)

If the location identified on page one has "Traffic Control Signal:" marked, and the signal is warranted as marked above, the OWNER PERMITTEE (mark with "X" as applicable for the party identified on page one, section 1) shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, and its agents, servants, employees, in their official or individual capacities and/or facilities from and against all claims, damages, losses and expenses, including but not limited to attorney's fees, arising out of or resulting from the installation of the equipment and/or associated hardware, or any claim, damage, loss, or expense to the person or property caused in whole or in part by the deliberate, wanton, willful, intentional, reckless, or negligent acts or omissions of the OWNER or PERMITTEE, as applicable, anyone employed by the OWNER or PERMITTEE, as applicable, or anyone for whose acts the OWNER or PERMITTEE, as applicable, may be liable.

Additionally, the OWNER shall defend, indemnify, and hold harmless the State of Alabama, the Alabama Department of Transportation, its officers, officials, agents, servants, employees, in both their official and individual capacities, from and against any and all claims, damages, losses, and expenses, including

Initials: Owner _____, Permittee _____, Div. Engineer RD, Legal _____

but not limited to attorney's fees, arising out of or resulting from the OWNER'S operation and maintenance of the equipment and/or associated hardware, or any claim, damage, loss or expense to the person or property caused in whole or in part by the deliberate, wanton, willful, intentional, reckless, or negligent acts or omissions of the OWNER, anyone employed by the OWNER, or anyone for whose acts the OWNER may be liable.

The term "hold harmless" includes the obligation of the OWNER or the PERMITTEE, as applicable, to pay damages on behalf of the State of Alabama, the Alabama Department of Transportation, and its agents, servants, and/or employees.

7. Complete removal of the equipment and/or associated hardware, hereinabove identified by (C), will be at the sole expense of the STATE OWNER PERMITTEE.
8. The STATE reserves the right to demand the removal of the equipment and/or associated hardware should the STATE deem its condition or operation hazardous. Further, the STATE shall have the right to remove the equipment and/or associated hardware should the OWNER fail to do so upon demand by the STATE. Any equipment and/or associated hardware which is deemed by the STATE to be non-uniform or obsolete will be removed and disposed of by the OWNER. None of the non-uniform or obsolete equipment and/or associated hardware which has been removed shall be reused on the STATE highway system.
9. If future traffic conditions require changes and/or adjustments to said equipment and/or associated hardware (other than ordinary timing), the OWNER shall obtain the approval of the STATE before such changes are implemented and the STATE shall make a determination on whether a new Permit/Agreement is required to be submitted for the UPGRADING, OPERATION, and MAINTENANCE of the new equipment and/or associated hardware. All such changes shall be at the sole cost and expense of the OWNER.
10. In the event Federal funds are utilized in the accomplishment of the work hereinbefore described, "Exhibit M" is attached to and made a part of this Permit/Agreement.
11. FUNDS SHALL NOT BE CONSTITUTED AS A DEBT

It is agreed that the terms and commitments contained herein shall not be construed as a debt of the State of Alabama in violation of Article 11, Section 213 of the Constitution of Alabama, 1901, as amended by Amendment Number 26. It is further agreed that if any provision of this Permit/Agreement shall contravene any statute of Constitutional Provision or Amendment, be enacted, then the conflicting provision in this Permit/Agreement shall be deemed null and void.

For any and all disputes arising under the terms of this Permit/Agreement, the parties hereto agree, in compliance with the recommendations of the Governor and Attorney General, *when considering* settlement of such disputes, to utilize appropriate forms of non-binding alternative dispute resolution including, but not limited to, mediation by and through the Attorney General's Office of Administrative Hearings or where appropriate, private mediators.

12. TERMINATION DUE TO INSUFFICIENT FUNDS
 - A. If this Permit/Agreement term is to exceed more than one fiscal year, then said Permit/Agreement is subject to termination in the event that funds should not be appropriated for the continued payment of the Permit/Agreement in subsequent fiscal years.
 - B. In the event of proration of the fund from which payment under this Permit/Agreement is to be made, this Permit/Agreement will be subject to termination.
13. Traffic volume counts, traffic signal warranting criteria, traffic signal diagrams, and final construction plans, as applicable, are attached hereto and made part of this Permit/Agreement.

Initials: Owner _____, Permittee _____, Div. Engineer *h* , Legal _____

14. The type and number of signal & pedestrian heads per intersection or roadway lighting hardware are as follows: {Example: 5 – 3 sec, 12”, red ball, yellow/green left arrow. OPTION: If plans are available to convey information below, just enter “SEE ATTACHED PLANS”.} NOTE – If more space is needed, please use continuation sheets.

Traffic Control Unit -

5 - Vehicular Signal Head 3 - Section Type LED

4 - Vehicular Signal Head 5 - Section Type LED

TYPE OF SIGNAL		CONTROLLER	
<input checked="" type="checkbox"/> Traffic Control	<input type="checkbox"/> Pedestrian Control	Make:	Model #:
<input type="checkbox"/> Flashing	<input type="checkbox"/> Lane Control	<input type="checkbox"/> Fixed Time	<input type="checkbox"/> Two Phase
<input type="checkbox"/> School Flasher	<input type="checkbox"/> Railroad Crossing	<input type="checkbox"/> Semi Actuated	<input type="checkbox"/> Four Phase
<input type="checkbox"/> Other: _____		<input type="checkbox"/> Full Actuated	<input checked="" type="checkbox"/> Eight Phase
		<input type="checkbox"/> Other: _____	
		SYSTEM <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	

15. Distance in feet to the nearest adjacent traffic control signal: NOTE – if this Permit/Agreement covers more than one intersection, please use a continuation sheet.

North 1400 South 2200 East N/A West 7100

16. Vertical and horizontal clearances for all traffic control signal equipment and/or associated hardware shall be in accordance with the Manual on Uniform Traffic Control Devices for Streets and Highways and the Alabama Department of Transportation Special and Standard Highway Drawings, current year edition.

17. The cycle length for actuated controllers shall be dictated by traffic actuation of the detectors, with minimum time ratios established from data contained in the traffic volume count. The cycle length and green time for fixed time controllers shall be dictated by the traffic volume count with adjustments when STATE approved.

18. In the event the warranting of the traffic control signal(s) is(are) based on projected traffic volumes developed and generated by a qualified Transportation Engineering Consulting firm using computer programs, data, and methodology noted in the Transportation Research Board’s Highway Capacity Manual and the Institute of Transportation Engineers’ Trip Generation Handbook, the following shall apply: If after the traffic signal is installed, the actual traffic volumes do not meet the Manual on Uniform Traffic Control Devices for Streets and Highways projected warranting criteria, the STATE reserves the right to demand the removal of the traffic control signal and/or associated hardware from the STATE highway system.

19. In the event the work to be accomplished is hereinbefore identified by (A), (B), and/or (C) and [1] in part or wholly constitutes an interconnected, coordinated, fixed time relationship, signal control operation between two or more intersections (herein referred to as a SYSTEM and hereinabove indicated by the SYSTEM check-box for YES marked in the controller box above), [2] is located within the limits of a SYSTEM, or [3] is within close proximity as to adjoin a SYSTEM, the STATE OWNER PERMITTEE shall substantiate the work identified by (A), (B), and/or (C) to be SYSTEM compatible. Evidence of substantiation shall be submitted to the STATE prior to the execution of this Permit/Agreement and shall include a minimum of three (am peak, pm peak, and off peak) timing plans (cycles, split, and offset combinations) for all phasing sequences with associated time/space diagrams for each intersection location identified hereinbefore by (A), (B), and/or (C) and any immediately adjoining intersection(s) **NOT** identified hereinbefore but part of a SYSTEM. Said submittals may be computer generated; submittals may include simulation file data. The STATE reserves the right to require the use of any existing timing plan(s) in effect prior to the execution of this Permit/Agreement if the work constitutes an addition to or a part of a SYSTEM; any use of the existing number of timing plans may

Initials: Owner _____, Permittee _____, Div. Engineer _____, Legal _____

supersede the hereinabove required minimum of three. Submittal data described herein, as applicable, are attached hereto and made a part of this Permit/Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Permit/Agreement to be executed by those officers, officials, and persons thereunto duly authorized, and the Permit/Agreement is deemed to be dated and to be effective on the date stated hereinafter as the date of the approval of the Maintenance Engineer.

(Seal of OWNER)

Legal Name of PERMITTEE (if applicable)
By: _____
Authorized Signature for PERMITTEE

Legal Name of OWNER

Attest: _____
(Seal or notary signature)

By: _____
Authorized Signature for OWNER

Recommended for approval:

Approved as to form:

By: _____
Division Engineer Signature

By: _____
Jim R. Ippolito, Jr.
Chief Counsel
Alabama Department of Transportation

STATE OF ALABAMA acting by and through the ALABAMA DEPARTMENT OF TRANSPORTATION

The within and foregoing Permit/Agreement is hereby approved on this _____ day of _____, 20____.

APPROVED:

By: _____
State Traffic Engineer Signature

By: _____
State Maintenance Engineer Signature

RESOLUTION NUMBER 4350

**A RESOLUTION AUTHORIZING THE MAYOR TO UTILIZE
VETERANS LANDSCAPING FOR HAULING DIRT TO THE
SICARD HOLLOW MINE RECLAMATION PROPERTY**

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

1. The Mayor is hereby authorized to utilize the services of Veterans Landscaping to haul dirt to the Sicard Hollow Mine Reclamation Property at the rate of \$60 per load for a total expense not to exceed \$49,000; and
2. This Resolution Number 4350 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 8th day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

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

October 4, 2012

To: Rebecca Leavings

From: Christopher Brady



RE: dirt hauling

Becky,

The City has an opportunity to acquire "free" fill material to assist with future improvements at the Sicard Hollow Sports Park. This material, while no charge to acquire, will have costs associated with hauling to our property.

Veterans Landscaping is removing material from Vestavia Hills High School parking lot improvements. They have proposed to haul this material to our Sicard Hollow site at a rate of about \$60 per hour. We anticipate acquiring about 15,000 CY of material. The hauling cost will be set not to exceed \$49,000.

Please let me know if you have any questions or need additional information.

-Christopher

RESOLUTION NUMBER 4315

A RESOLUTION TO PERFORM DRAINAGE REPAIR AND IMPROVEMENTS AT 4025 AND 4045 MEADOWVIEW CIRCLE

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

1. Pursuant to Resolution Number 979, duly adopted and approved by the Vestavia Hills City Council on June 17, 1985, the City Engineer is hereby authorized to perform certain drainage repair and improvements at the following location: 4025 and 4045 Meadowview Circle; and
2. An engineering report completed by the City Engineer is hereby attached to and incorporated into this Resolution Number 4315 as though written fully therein; and
3. Pursuant to Resolution Number 2004, adopted and approved on October 6, 1986, the property owners of said properties shall pay all costs and charges incurred by the City subject to payment by the property owner for said work upon completion of work; and
4. This Resolution Number 4315 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 22nd day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

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

October 4, 2012

To: Rebecca Leavings
From: Christopher Brady
RE: various drainage pipe repairs

Becky,

I am attaching information on 3 projects proposed for the City to perform drainage pipe repairs on private properties.

1317 Parliament Lane/ 1901 Balfour Drive
1804/1808 Glendmere Drive
4045/4025 Meadowview Circle

These are drainage pipes that cross or are along the shared property lines of these properties. We are requesting City Council consent that these be declared a public need. The homeowners/property owners have consented to cover the cost of materials if the City will agree to install. I have broken down approximate costs of materials, as well as approximate costs for City labor and equipment use.

Please let me know if you have any questions or need additional information.

-Christopher



Preliminary Cost Estimate for Pipe Replacement
4045 and 4025 Meadowview Circle
08/01/2012

This is a deteriorated section of "homemade" drainage system suspected to have been installed by previous property owner; it no longer functions.

Approximate property owner costs

Material \$ 6,131.30

Approximate City labor and equipment use costs

Labor \$ 3,445.46

Equipment \$ 3,065.07

\$ 6,510.53

NOTE: These are approximations of anticipated costs.
These are not a lump sum costs.

PRICING

4045

Project: Meadowview Circle
Description: Pipe Replacement

Page No: 1
Sheet No: 1
Date: 6-30-12
T.O. by: Jeff Hughes

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit	Unit		
		Total	Unit	Unit	Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft	No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost				Equip Subtotal	
18" Plastic Pipe		200	LF	12.59	3273.40	custom	100	2.60	20.80	skwk	1	18.82	1037.29	backhoe	224	582.4	4893.10	18.82	LF	
										eqt	1	16.29								
										clab	1	14.76								
												49.87								
Excavation 1' to 4' Deep 4' x 4' x 253'		150	cy			custom	150	1.00	8.00	skwk	1	18.82	398.98	backhoe	224	224	1285.04	8.57	cy	
										eqt	1	16.29		skis steer	168	168.00				
										clab	1	14.76		dump truck	344	358.33				
												49.87				750.33				
							144	1.04	8.33	br	1	16.29	135.75							
												534.71								
Bedding # 57 Stone		64	ton	10.50	672.00	custom	64	1.00	8.00	skwk	1	18.82	398.98	backhoe	224	224	2411.60	37.68	ton	
										eqt	1	16.29		skis steer	168	168.00				
										clab	1	14.76		dump truck	344	688.00				
												49.87				1080.00				
							32	2.00	16.00	br	1	16.29	260.64							
												659.60								
Fill 2' x 4' x 253'		75	cy			custom	100	0.75	8.00	skwk	1	18.82	299.22	backhoe	224	166	1087.30	14.50	cy	
										eqt	1	16.29		skis steer	168	128.00				
										clab	1	14.76		dump truck	344	358.33				
												49.87				652.33				
							72	1.04	8.33	br	1	16.29	135.75							
												434.97								

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit	Unit		
		Total	Unit	Unit	Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft	No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost				Equip Subtotal	
Block		143	ea	1.30	185.90	custom	71	2.01	16.11	skwk	1	18.82	778.68				964.78	6.75	ea	
										clab	2	14.76								
												48.34								
Tree Removal		2	ea	1000.00	2000.00												2000.00	1000.00	ea	
Sod																				

\$ 6,131.30

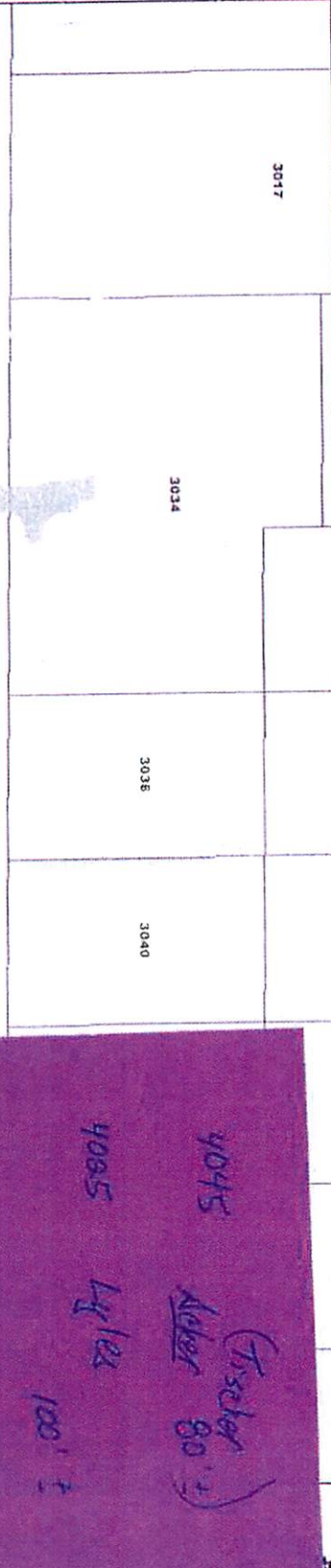
\$ 3,445.46

\$ 3,085.07

\$ 12,641.83



JEFFERSON COUNTY, ALABAMA GIS



4045
4045
100' ±

(Tischer 80' ±)
Acker

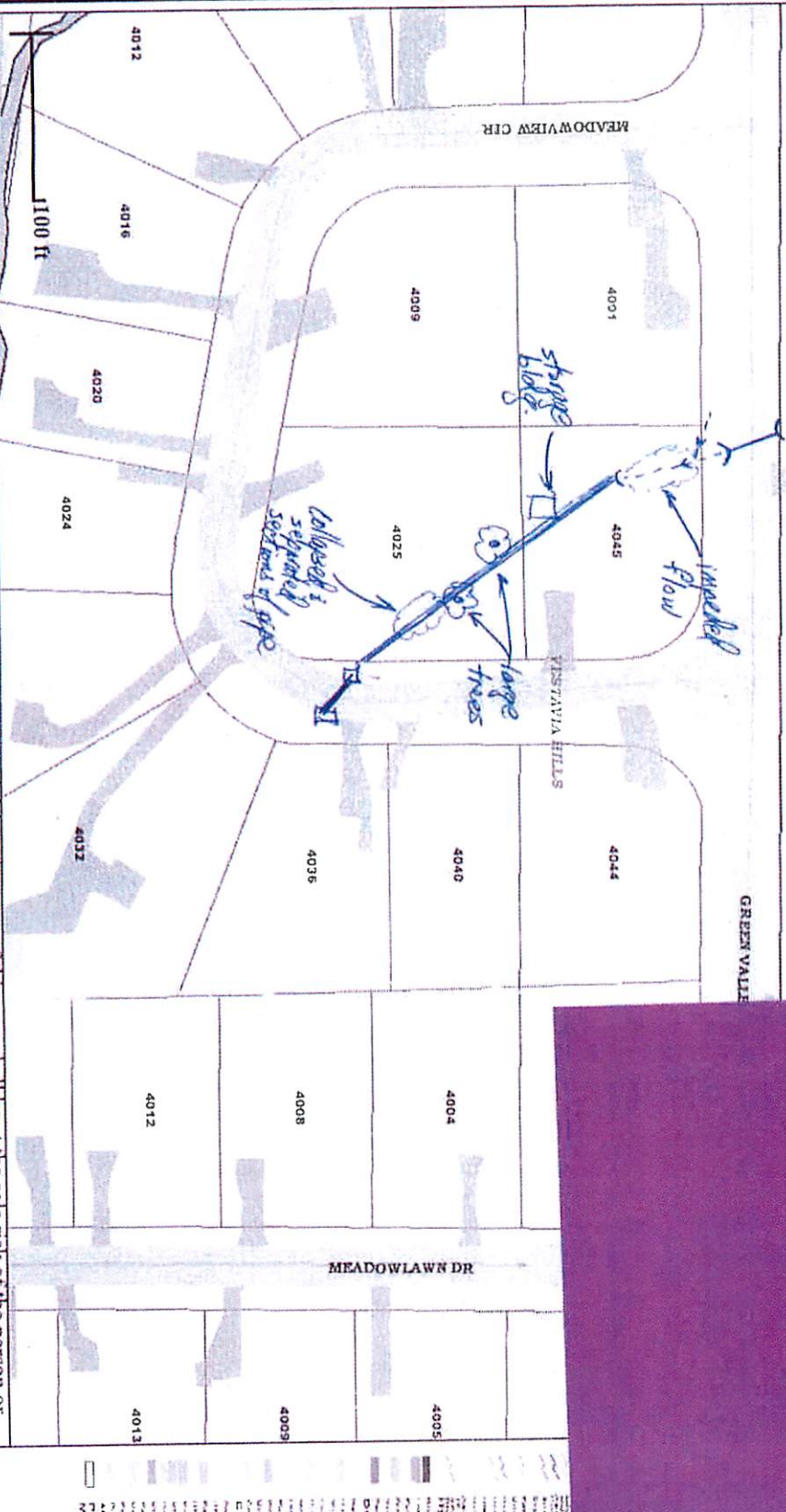
4045
4045
100' ±

marked flow

storge hole

collapsed & separated sections of pipe

large trees



- 1. County Boundary
- 2. City Boundary
- 3. Interstate
- 4. State Route
- 5. County Road
- 6. Local Road
- 7. Water
- 8. Wetland
- 9. Floodplain
- 10. Easement
- 11. Enclosed Area
- 12. Unimproved Area
- 13. Improved Area
- 14. Building
- 15. Utility
- 16. Power Line
- 17. Telephone Line
- 18. Cable Line
- 19. Sewer Line
- 20. Water Line
- 21. Gas Line
- 22. Electric Line
- 23. Railroad
- 24. Airway
- 25. Canal
- 26. Ditch
- 27. Embankment
- 28. Trench
- 29. Bridge
- 30. Tunnel
- 31. Pier
- 32. Wharf
- 33. Dock
- 34. Marina
- 35. Pierhead
- 36. Breakwater
- 37. Jetty
- 38. Shoal
- 39. Sandbar
- 40. Spit
- 41. Point
- 42. Headland
- 43. Neck
- 44. Isthmus
- 45. Causeway
- 46. Dike
- 47. Levee
- 48. Embankment
- 49. Trench
- 50. Canal
- 51. Ditch
- 52. Embankment
- 53. Trench
- 54. Canal
- 55. Ditch
- 56. Embankment
- 57. Trench
- 58. Canal
- 59. Ditch
- 60. Embankment
- 61. Trench
- 62. Canal
- 63. Ditch
- 64. Embankment
- 65. Trench
- 66. Canal
- 67. Ditch
- 68. Embankment
- 69. Trench
- 70. Canal
- 71. Ditch
- 72. Embankment
- 73. Trench
- 74. Canal
- 75. Ditch
- 76. Embankment
- 77. Trench
- 78. Canal
- 79. Ditch
- 80. Embankment
- 81. Trench
- 82. Canal
- 83. Ditch
- 84. Embankment
- 85. Trench
- 86. Canal
- 87. Ditch
- 88. Embankment
- 89. Trench
- 90. Canal
- 91. Ditch
- 92. Embankment
- 93. Trench
- 94. Canal
- 95. Ditch
- 96. Embankment
- 97. Trench
- 98. Canal
- 99. Ditch
- 100. Embankment

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RESOLUTION NUMBER 4316

A RESOLUTION TO PERFORM DRAINAGE REPAIR AND IMPROVEMENTS AT 1317 PARLIAMENT LANE AND 1901 BALFOUR DRIVE

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

1. Pursuant to Resolution Number 979, duly adopted and approved by the Vestavia Hills City Council on June 17, 1985, the City Engineer is hereby authorized to perform certain drainage repair and improvements at the following locations: 1317 Parliament Lane and 1901 Balfour Drive; and
2. An engineering report completed by the City Engineer is hereby attached to and incorporated into this Resolution Number 4316 as though written fully therein; and
3. Pursuant to Resolution Number 2004, adopted and approved on October 6, 1986, the property owners of said properties shall pay all costs and charges incurred by the City subject to payment by the property owner for said work upon completion of work; and
4. This Resolution Number 4316 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 22nd day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

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

October 4, 2012

To: Rebecca Leavings
From: Christopher Brady
RE: various drainage pipe repairs

Becky,

I am attaching information on 3 projects proposed for the City to perform drainage pipe repairs on private properties.

1317 Parliament Lane/ 1901 Balfour Drive
1804/1808 Glendmere Drive
4045/4025 Meadowview Circle

These are drainage pipes that cross or are along the shared property lines of these properties. We are requesting City Council consent that these be declared a public need. The homeowners/property owners have consented to cover the cost of materials if the City will agree to install. I have broken down approximate costs of materials, as well as approximate costs for City labor and equipment use.

Please let me know if you have any questions or need additional information.

-Christopher



Preliminary Cost Estimate for Pipe Replacement
1317 Parliament Ln and 1901 Balfour Drive
08/01/2012

This is an area of drainage pipe that has separated and broken loose and an appearant headwall failure.

Approximate property owner costs

Material \$ 6,457.50

Approximate City labor and equipment use costs

Labor \$ 5,028.15

Equipment \$ 3,968.46

\$ 8,996.61

NOTE: These are approximations of anticipated costs.
These are not a lump sum costs.

PRICING

Project: ¹³¹⁷1317 Parliament Lane
 Description: Pipe Replacement

Page No: 1
 Sheet No: 1
 Date: 6-30-12
 T.O. by Jeff Hughes

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit Cost	Unit		
		Total	Unit	Unit Cost	Material Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost	Equip Subtotal					
18" Concrete Pipe		144	LF	12.00	1728.00	custom	72	2.00	16.00	skwk	1	18.82	797.92	hyd exc	180	360	2885.92	20.04	LF	
										eqll	1	16.29								
										clab	1	14.76								
												49.87								
Excavation 6' to 10' Deep 5' x 9' x 145'		241	cy			custom	100	2.41	19.28	skwk	1	18.82	961.48	hyd exc	180	433.6	2943.28	12.21	cy	
										eqll	1	16.29		skis steer	168	404.88				
										clab	1	14.76		dump truck	344	829.04				
												49.87				1687.72				
							100	2.41	19.28	trfl	1	16.29	314.07							
												1275.50								
Bedding # 57 Stone		50	ton	10.50	525.00	custom	72	0.69	5.56	skwk	1	18.82	277.06	hyd exc	180	125	1784.85	35.70	ton	
										eqll	1	16.29		skis steer	168	116.67				
										clab	1	14.76		dump truck	344	537.50				
												49.87				779.17				
							32	1.56	12.50	trfl	1	16.29	203.63							
												480.68								
Fill 5' x 7' x 145'		188	cy			custom	112	1.68	13.43	skwk	1	18.82	669.68	hyd exc	180	302.143	2050.01	10.90	cy	
										eqll	1	16.29		skis steer	168	282.00				
										clab	1	14.76		dump truck	344	577.43				
												49.87				1161.57				
							112	1.68	13.43	trfl	1	16.29	218.76							
												888.43								

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit Cost	Unit	
		Total	Unit	Unit Cost	Material Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost	Equip Subtotal				
Block		156	ea	1.30	202.80	custom	78	2.00	16.00	skwk	1	18.82	773.44				976.24	8.26	ea
										clab	2	14.76							
												46.34							
Bnck		530	ea	0.23	121.90	custom	300	1.77	14.13	skwk	1	18.82	883.21				805.11	1.52	ea
										clab	2	14.76							
												48.34							
Tree Removal		2	ea	1500.00	3000.00												3000.00	1500.00	ea
Trench Box Rental		1	Ls	800.00	800.00												800.00	800.00	Ls
Pine Straw		20	ea	3.95	79.80	custom	60	0.33	2.67	skwk	1	18.82	128.91				208.71	10.44	ea
										clab	2	14.76							
												48.34							
					6457.50								5028.15				3968.46	15,454.11	

18" Plastic Pipe 12.59 Lf



JEFFERSON COUNTY, ALABAMA GIS



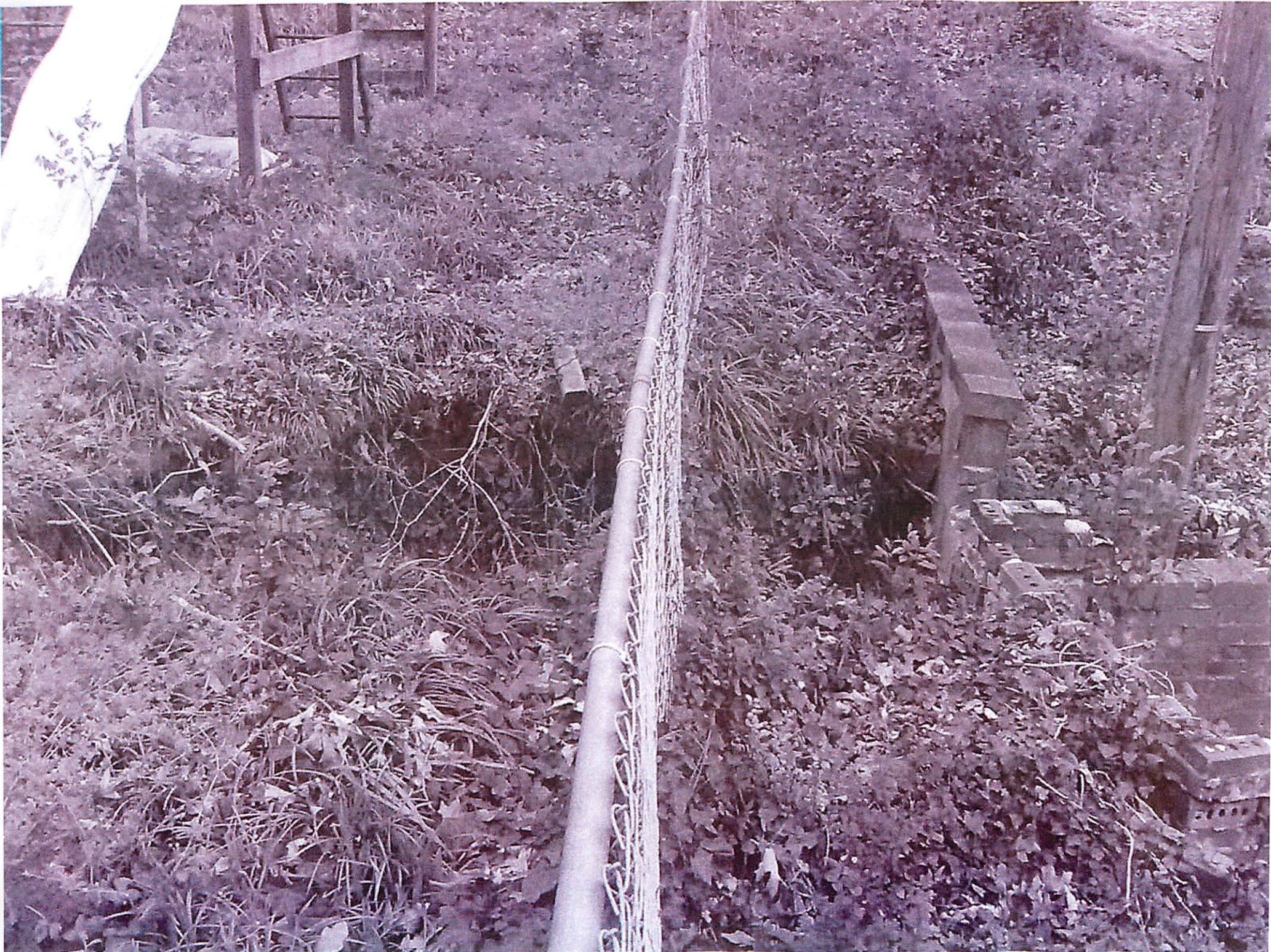
- Jefferson County Lines
- Bessemer Cutoff
- Public Land Survey Quarter Sections
- Parcel Addresses
- Utility Poles
- Sewer Lift Stations
- Sewer Treatment Plants
- Sewer Manholes
- Sewer Gravity Main
- Sewer Pressurized Main
- Street Centerline
- Hydrologic Area
- Hydrologic Polygon
- Building
- Edge of Pavement

100 ft

2709

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RESOLUTION NUMBER 4317

A RESOLUTION TO PERFORM DRAINAGE REPAIR AND IMPROVEMENTS AT 1804 AND 1808 GLENDMERE DRIVE

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

1. Pursuant to Resolution Number 979, duly adopted and approved by the Vestavia Hills City Council on June 17, 1985, the City Engineer is hereby authorized to perform certain drainage repair and improvements at the following location: 1804 and 1808 Glendmere Drive; and
2. An engineering report completed by the City Engineer is hereby attached to and incorporated into this Resolution Number 4317 as though written fully therein; and
3. Pursuant to Resolution Number 2004, adopted and approved on October 6, 1986, the property owners of said properties shall pay all costs and charges incurred by the City subject to payment by the property owner for said work upon completion of work; and
4. This Resolution Number 4317 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 22nd day of October, 2012.

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

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

October 4, 2012

To: Rebecca Leavings
From: Christopher Brady
RE: various drainage pipe repairs

Becky,

I am attaching information on 3 projects proposed for the City to perform drainage pipe repairs on private properties.

1317 Parliament Lane/ 1901 Balfour Drive
1804/1808 Glendmere Drive
4045/4025 Meadowview Circle

These are drainage pipes that cross or are along the shared property lines of these properties. We are requesting City Council consent that these be declared a public need. The homeowners/property owners have consented to cover the cost of materials if the City will agree to install. I have broken down approximate costs of materials, as well as approximate costs for City labor and equipment use.

Please let me know if you have any questions or need additional information.

-Christopher



Preliminary Cost Estimate for Pipe Replacement
1804 and 1808 Glendmere Drive
08/01/2012

This is a section of drainage pipe that has separated, broken loose, and deteriorated over time.

Approximate property owner costs

Material \$ 2,765.25

Approximate City labor and equipment use costs

Labor \$ 3,017.52

Equipment \$ 2,317.30

\$ 5,334.82

NOTE: These are approximations of anticipated costs.
These are not a lump sum costs.

PRICING

Project: 1804 Glendmere Drive
Description: Pipe Replacement

Page No: 1
Sheet No: 1
Date: 6-30-12
T.O by: Jeff Hughes

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit Cost	Unit		
		Total	Unit	Unit Cost	Material Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft	No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost				Equip Subtotal	
18" Plastic Pipe		105	LF	12.59	1321.95	custom	60	1.75	14.00	skwk	1	18.82	698.18	backhoe	224	392	2412.13	22.97	LF	
										eqll	1	16.29								
										clab	1	14.76								
												49.87								
Excavation 6' to 10' Deep 5' x 5' x 105'		97	cy			custom	97	1.00	8.00	skwk	1	18.82	398.96	backhoe	224	224	1265.28	13.04	cy	
										eqll	1	16.29		skis steer	168	168.00				
										clab	1	14.76		dump truck	344	344.00				
												49.87				736				
							97	1.00	8.00	lrit	1	16.29	130.32							
													579.28							
Bedding # 57 Stone		40	ton	10.50	420.00	custom	72	0.56	4.44	skwk	1	18.82	221.64	backhoe	224	124.444444	1491.85	37.30	ton	
										eqll	1	16.29		skis steer	168	93.33				
										clab	1	14.76		dump truck	344	458.67				
												49.87				676.44				
							30	1.33	10.67	lrit	1	16.29	173.76							
													395.40							
Fill 5' X 3' X 105'		58.33	cy			custom	112	0.52	4.17	skwk	1	18.82	207.78	backhoe	224	116.66	637.56	14.36	cy	
										eqll	1	16.29		skis steer	168	87.50				
										clab	1	14.76		dump truck	344	308.70				
												49.87				512.86				
							65	0.90	7.18	lrit	1	16.29	116.95							
													324.73							

Description	WS Ref	Quantity		Material Cost		Labor Cost							Equipment Cost			Total Cost	Unit Cost	Unit		
		Total	Unit	Unit Cost	Material Subtotal	Crew	Daily Prod.	Crew Days	Crew Hours	Craft	No	Hourly Rate	Labor Subtotal	Equip Piece	Daily Cost				Equip Subtotal	
Block		76	ea	1.30	101.40	custom	76	1.00	8.00	skwk	1	18.82	386.72				488.12	6.29	ea	
										clab	2	14.76								
												48.34								
Brick		530	ea	0.23	121.90	custom	300	1.77	14.13	skwk	1	18.82	683.21				805.11	1.52	ea	
										clab	2	14.76								
												48.34								
Tree Removal		0	ea	1500.00	0.00												0.00	#DIV/0!	ea	
Trench Box Rental		1	ts	800.00	800.00												800.00	800.00	ea	
Sod																				

\$ 2,765.25
\$ 3,017.52
\$ 2,317.30
\$ 8,100.07

ORDINANCE NUMBER 2418

AN ORDINANCE REGULATING SOLICITING, PEDDLING, AND PANHANDLING

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, WHILE IN A REGULAR SESSION ON THE 8th DAY OF October, 2012, AT 5:00 P.M. AS FOLLOWS:

SECTION 1. Definitions.

For the purposes of this Ordinance, the following words shall have the following meanings:

Solicitation means any of the following activities:

- (a) Seeking to obtain orders for the sale or exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;
- (b) Seeking to obtain prospective customers to apply for or to purchase insurance, publications or subscriptions to publications;
- (c) Seeking to obtain contributions or donations of any thing of value for the benefit of any individual, association, organization, corporation, or program;
- (d) Seeking to obtain orders or prospective customers for goods or services;
- (e) Requesting monies or contributions of other goods or services for any charity or non-profit organization or for-profit organization or any other type or form of entity.
- (f) Distributing handbills, written advertisements, or publications.

Solicitor means a person engaged in the activities defined in this Ordinance as soliciting.

Residence means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the definition of "residence" as defined in the Zoning Ordinance of the City of Vestavia Hills, Alabama.

Registrant or registered solicitor means any person who is subject to this Ordinance and who has obtained a valid certificate of registration from the City of Vestavia Hills, Alabama.

Charity or non-profit organization means any enterprise entered into with the primary purpose to pursue social, charitable, or other benevolent activities and that is classified as a tax-

exempt organization under applicable provisions of the United States Internal Revenue Code and the regulations thereunder.

Person means a natural person.

SECTION 2. Retailing merchandise from vehicles; solicitation within rights-of-way.

- (a) It shall be unlawful for any person to park any motor vehicle or other vehicle for the purpose of making retail sales of merchandise from such vehicle while so parked within rights-of-way. However, this Section shall not be construed to limit the right to park motor vehicles on the portions of the streets for the purpose of unloading merchandise sold at wholesale for delivery to duly licensed retail stores, nor to limit the right to park motor vehicles and other vehicles on the portions of the streets for any other purpose except the purpose of making retail sales of merchandise from such vehicles while so parked.
- (b) It shall be unlawful to solicit or otherwise make retail sales of any merchandise upon the sidewalks and in or upon the parkways running along or abutting upon any street except as allowed by the zoning ordinance of the City and after being duly licensed.

SECTION 3. Registration requirements for door-to-door solicitation.

- (a) *Registration.* All persons desiring to engage in soliciting at residences in the city shall apply to the City at a cost of twenty-five dollars (\$25.00), paid in cash or cash equivalent, for a monthly certificate of registration. The certificate, executed by the city clerk or his designee, shall be maintained by the city clerk and a legible copy shall be carried by the registrant at all times while soliciting. Upon request for inspection by an occupant of a residence or a police officer or a city license and tax examiner while the registered solicitor is transacting his business or seeking to transact his business at any residence, the registrant shall show his or her copy of the registration certificate. In addition to the registration fee, all other city ordinances levying business license fees and other license fees and taxes are applicable, including the business license ordinance requiring transient vendors to obtain a business license.
- (b) *Application for certificate.* The city shall provide a standard form for use for registration of solicitors. The applicant for the registration certificate shall state in writing upon his or her oath or affirmation that the information is truthfully provided to the best of his or her knowledge and belief. The applicant shall supply with or upon the registration form the following information:
 - 1. Applicant's true, correct, and legal name and the name of the organization for which he/she will be soliciting.

2. Address and phone number of applicant's home and applicant's place of business.
3. Names and addresses of the corporate officers or the partners and the managers, if any, of the entity for which the applicant will be soliciting.
4. The purpose for which soliciting will be done.
5. A brief description of the method of presentation that will be made.
6. Whether a permit, license, or certificate of registration from any city in connection with soliciting has ever been revoked, explaining the circumstances.
7. A statement as to whether or not the applicant has ever been convicted of a misdemeanor or a felony.
8. Documentation that the person is authorized to solicit for the organization.
9. Two (2) passport-sized photos taken within sixty (60) days of application.

(c) *Non-endorsement.* In addition, the applicant shall certify on the application form that if his or her registration is granted, he or she will not state, imply, or represent to any person that the issuance of the certificate is an endorsement by the City of the product, service, solicitor, or the organization represented by the solicitor.

(d) *Proof of identification required.* No certificate of registration shall be issued except upon proof of identification, including a photograph of the applicant, in one (1) of the following forms:

1. A valid driver's license of any state in the United States.
2. A valid United States Uniform Service Identification.
3. A valid passport.
4. A valid identification issued by any agency of a state for the purpose of identification of the holder.

(e) *Registration complete with issuance.* Registration shall be complete when the city issues the certificate of registration, which shall not be unreasonably withheld or delayed.

(f) *Form of certificate.* Each certificate shall be numbered, shall list the name of the individual solicitor and of all organizations on whose behalf he or she is authorized to solicit, the date on which the certificate will expire, and shall be dated and signed by the city clerk or his designee.

(g) *Maintenance of registry.* The city shall maintain, available for public inspection during normal business hours, a record of every application received and acted upon, together with any information pertaining thereto, all certificates of registration issued, and all denials of applications. Each application shall be numbered in consecutive order as filed, and each certificate issued shall be assigned a number exclusive to the registrant.

(h) *Expiration.* Certificates shall be valid for one month and shall expire at 11:59 p.m. on the date one month from the date of issuance.

(i) *Non-transferability.* Certificates of registration shall be issued only in the name of the applicant and the firms, corporations or associations on whose behalf he or she is authorized to solicit. Each natural person soliciting must obtain a certificate of registration. Certificates shall be nontransferable. It shall be a violation for a solicitor whose certificate authorizes soliciting on behalf of a firm named in the certificate to solicit on behalf of any other firm, organization, or association or for any purpose other than that specified on the application.

SECTION 4. Exemptions from registration.

The registration provisions of this Ordinance do not apply to the following:

- (a) Persons making solicitations solely for a church, religious organization or charitable organization, including any unincorporated association or corporation under the supervision and control of any church, a charitable organization or religious organization, if the church or organization is tax exempt under the provisions of the United States Internal Revenue Code.
- (b) Students soliciting contributions to finance extracurricular academic, social, athletic, artistic, scientific, or cultural programs, provided that the solicitation and its purpose have been approved by the principal, president, or chief administrator of the school that the students attend and said approval has been filed in writing with the City.
- (c) Persons canvassing for the purpose of distributing political literature or materials on behalf of a political party, candidate, or public issue or introducing themselves as supporters of a candidate, political party, cause, or issue.
- (d) Persons making solicitations solely for a nationally recognized youth organization such as the YMCA, YWCA, scouting, or boys' and girls' clubs.

All other provisions of this Ordinance apply to those who qualify for an exemption.

SECTION 5. Deceptive soliciting practices prohibited.

- (a) No solicitor or canvasser shall intentionally or recklessly make any materially false or fraudulent statement in the course of soliciting.
- (b) No solicitor shall use a fictitious name, an alias, or any name other than his or her true, correct, and legal name.
- (c) No solicitor shall represent, directly or by implication, that the City or any other governmental entity endorses the solicitation or that the granting of a certificate of registration implies any endorsement of the solicitor's product or service or of the individual solicitor.

SECTION 6. No registration of felons.

No certificate of registration shall be issued to any person who has been convicted of a federal or state felony.

SECTION 7. Revocation of certificate.

Any certificate of registration issued hereunder shall be revoked by the City if the registrant is convicted of a violation of this Ordinance, if the registrant has falsified the application, or otherwise becomes disqualified for the issuance of a certificate of registration. Notice of revocation shall be given to the registrant by personal service or by certified mail to the address listed on the application. Immediately upon the giving of such notice, the certificate of registration shall become null and void and shall remain so unless the revocation is ordered rescinded by the City Clerk.

SECTION 8. Appeal.

An applicant whose registration was denied or registrant whose certificate was revoked shall have the right to appeal to the City Clerk. An applicant shall also have the right to appeal any adverse decision of the City Clerk to the City Council. Any appeal must be demanded in writing sent by certified mail to the City Clerk within seven (7) calendar days of the decision that is being appealed. The right of appeal to the City Council is not in derogation of any other rights in law or equity the applicant might have.

SECTION 9. Residential “no soliciting” notices.

- (a) Any occupant of a residence or occupants of a multi-family dwelling who desire(s) not to have solicitors call on said residence(s) shall give notice of the desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the private property and not within the public right-of-way.
- (b) Residents of a residential subdivision may indicate their desire not to have solicitors call on any residences in that subdivision by giving notice of the desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the subdivision on private property and not within the public right-of-way.
- (c) The display of said placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to invite solicitors.

SECTION 10. Duties of solicitors.

- (a) Every solicitor shall, upon entering premises on which a residence is located, examine the main entrance to the premises for any “No Soliciting” placard, and if one is posted, desist in any efforts to solicit or to leave any literature concerning the solicitation at that residence. Possession of a certificate of registration does not relieve any solicitor of this duty.
- (b) It is unlawful for any person to appear at any private residence and canvass or solicit whereon a placard bearing the words “No Soliciting” or words of similar import is posted for public view. Possession of a certificate of registration does not relieve any solicitor of this duty.
- (c) Any solicitor who is asked to leave any residence by the occupant shall immediately and peacefully depart. Possession of a certificate of registration does not relieve any solicitor of this duty.
- (d) Every solicitor shall at all times, while exercising the privilege in the city incident to the permit, carry upon his person his permit and the same shall be exhibited by such person at all times while soliciting and whenever he is requested to do so by any police officer or by any person who is solicited.

SECTION 11. Time and day restrictions on soliciting.

It is a violation of this Ordinance for any person, whether registered or not, to solicit any person at his or her residence before 9:00 a.m. or after 7:00 p.m. local time, unless the solicitor has express permission from the resident to do so.

It is also a violation of this Ordinance for any person, whether registered or not, to solicit any person at his or her residence on Sunday or any Federal holiday.

SECTION 12. Panhandling prohibited.

It shall be unlawful for any person to engage in panhandling, which is defined as any solicitation made in person upon any street, sidewalk, public way, or public place, or upon the premises of any business establishment or other private property that is routinely or customarily frequented by the general public, requesting an immediate donation of money or other thing of value for oneself or another person or entity.

SECTION 13. Penalties.

Any person violating any provision of this Ordinance shall be issued a citation and shall be required to appear in the Vestavia Hills Municipal Court. Upon conviction, any such person

shall be subject to any fines and other applicable court costs which may be assessed by the Vestavia Hills Municipal Court.

SECTION 14. Severability.

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

SECTION 15. Effective date.

This Ordinance shall become effective immediately upon its adoption and publication or by its otherwise becoming a law.

DONE, ORDERED, ADOPTED AND APPROVED on this 8th day of October, 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 # _____ 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 _____, 20____ 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