

**Vestavia Hills
City Council Agenda
August 26, 2013
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Ron Hige, Birmingham International Church
4. Pledge of Allegiance
5. Announcements, Candidate and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner III, Finance Director
9. Approval Of Minutes –August 12, 2013 (Regular Meeting), August 15, 2013 (Meeting With The Mayor) And August 20, 2013 (Work Session)

Old Business

10. Resolution Number 4485 – A Resolution Amending Resolution Number 4425 To Allow Validation Of Additional Incentives For The City Of Vestavia Hills, Alabama (*public hearing*)
11. Resolution Number 4486 – A Resolution Directing The City Manager And Mayor To Take All Actions Necessary To Delivery And Request Validation Of An Incentive Package Submitted By Hollywood Imports (*public hearing*)
12. Ordinance Number 2462 – An Ordinance Rescinding Ordinance Number 1687 – Establishing The Speed Limit For Liberty Parkway, Vestlake Communities And All Areas Of Liberty Parkway (*public hearing*)
13. Ordinance Number 2463 – An Ordinance To Repeal Ordinance Number 2099 And Ordinance Number 2411, To Reaffirm Ordinance Number 2209 And Adopt In Full Ordinance Number 2463 Titled The “City Of Vestavia Hills Smoke-Free Ordinance Of 2012” (*public hearing*)

New Business

14. Resolution Number 4487 – A Resolution Declaring Personal Property As Surplus And Directing The Sale/Disposal Of Said Surplus Item

15. Resolution Number 4488 – A Resolution Authorizing The City Manager To Accept A Proposal From Suntrust Bank Regarding Leasing Of Certain Vehicles And/Or Heavy Equipment
16. Resolution Number 4499 – A Resolution Authorizing The Leasing And Subsequent Reimbursement Of Certain Vehicles And/Or Equipment
17. Resolution Number 4489 – A Resolution Accepting The Final 10% Of The City Of Vestavia Hills Budget For Fiscal Year 2012-2013
18. Resolution Number 4490 – Alcohol License – Five Star Mart LLC D/B/A Dolly Creek Shell; 050 Retail Beer And 070 Retail Table Wine (Off Premise); Robert Lee Cayse, Jr., Executive (*public hearing*)

First Reading (No Action Taken At This Meeting)

19. Resolution Number 4491 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement For Renewal Of The Contract For Collection Of Garage And Trash For The City Of Vestavia Hills (*public hearing*)
20. Resolution Number 4492 – A Resolution Authorizing The City Manager To Purchase Technology Equipment For The Vestavia Hills Library In The Forest With A Portion Of A \$300,000 Grant From The Public School And College Authority (PSCA)
21. Resolution Number 4493 – A Resolution Accepting A Bid For Janitorial Services For The Civic Center And Authorizing The Mayor And City Manager To Execute And Deliver A 3-Year Agreement For Said Services (*public hearing*)
22. Resolution Number 4494 – A Resolution Ordering The Demolition Of A Building Or Structure Located At 3128 Autumn Court, Vestavia Hills, Alabama, Parcel Id# 28-15-4-016-009.000, 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 The City Of Vestavia Hills To Cause Said Demolition To Be Performed 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 (*public hearing*)
23. Resolution Number 4495 – A Resolution Ordering The Demolition Of A Building Or Structure Located At 1939 Old Creek Trail, Vestavia Hills, Alabama, Parcel Id# 28-30-2-014-001.000, 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

The City Of Vestavia Hills To Cause Said Demolition To Be Performed 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 (*public hearing*)

24. Resolution Number 4496 – A Resolution Approving And Adopting The General Fund Budget, A Special Revenue Fund Budget And A Capital Project Fund Budget For The City Of Vestavia Hills For The Period Beginning October 1, 2013 Until September 30, 2014 (*public hearing*)
25. Resolution Number 4497 – A Resolution Approving A Two-Percent (2%) COLA For Employees Effective October 1, 2013
26. Resolution Number 4498 – A Resolution Authorizing The City Manager To Remit Payment Of The Balance For The Republication Of The City’s Municipal Code From The Fiscal Year 2012-2013 General Fund (*public hearing*)
27. Citizens Comments
28. Executive Session
29. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

AUGUST 12, 2013

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

MEMBERS PRESENT:

Mayor Alberto C. Zaragoza, Jr.
Steve Ammons, Mayor Pro-Tem
George Pierce
John Henley
Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick Boone, City Attorney
Rebecca Leavings, City Clerk
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Melvin Turner III, Finance Director
George Sawaya, Dep. Finance Director
Danny Rary, Police Chief
Tim Holcomb, Deputy Police Chief
Fred Baughman, Economic Dev. Director
Conrad Garrison, City Planner
Jim St. John, Fire Chief
Lynn Bonner, Deputy Fire Chief
Greg Gilchrist, Fire Marshal

Invocation was given by Brad Allison, Altadena Valley Presbyterian Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mayor Zaragoza welcomed the following Boy Scouts to the meeting: Grant Lang Cedarwood Road; and Jeff Culver, 1828 Mission Road.

COUNCILOR REPORTS

- Mr. Ammons indicated that he had a meeting with the Public Safety Committee and was happy to report that the transition of Communications to Shelby County went smoothly without any major mishaps. The turnover went live at 10 AM last Monday.
- Mr. Pierce announced that the final activities for the Chamber's I Love America Day celebration will be held on August 16 with free swimming, music and a movie. He invited everyone to attend.
- Mr. Henley stated that the Board of Education is ready to kick off the upcoming school year.

PROCLAMATION

The Mayor presented a proclamation designating August 21, 2013 as "National Senior Citizens Day." Mr. Downes read the proclamation and the Mayor presented it to Julie Harper and Cindy Monk.

APPROVAL OF MINUTES

The minutes of the July 18, 2013 (Meeting with the Mayor) and July 22, 2013 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the July 18, 2013 (Meeting with the Mayor) and approve them as presented was by Mr. Pierce and second by Mr. Ammons. Roll Call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mr. Sharp – abstained
Mayor Zaragoza – yes	Motion carried.

MOTION Motion to dispense with the reading of the minutes of the July 22, 2013 (Regular Meeting) and approve them as presented was by Mr. Henley and second by Mr. Sharp. Roll Call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

OLD BUSINESS

ORDINANCE NUMBER 2442

Ordinance Number 2442 – Annexation – 90-Day Final – 4918 Cahaba River Road; Shannon Waltchack, LLC, Owner (public hearing)

MOTION Motion to approve Ordinance Number 2442 was by Mr. Pierce and second was by Mr. Ammons.

Len Shannon, Shannon Waltchack and Cole Williams, Goodwyn Mills and Caywood were present in regard to this request.

Mr. Pierce gave the report of the Annexation Committee which indicated no adverse information was found. The annexation was begun several months ago and is coming along with a request for rezoning to commercial for a medical equipment supply firm.

The Mayor opened the floor for a public hearing.

Nick Callahan, representing the property owner adjacent to the subject property, stated that he was speaking for several of the surrounding property owners. He stated that he had originally opposed this request but now withdraws all objections. He asked questions regarding the development of the property concerning parking and access.

There being no one else to speak to this request, the Mayor 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
Mayor Zaragoza – yes	Motion carried.

ORDINANCE NUMBER 2443

Ordinance Number 2443 – Rezoning – 4918 Cahaba River Road; Rezone From Jefferson County E-2 To Vestavia Hills B-3 With A Conditional Use For Storage/Warehousing Of Inventory; Shannon Waltchack LLC, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2443 was by Mr. Pierce and second was by Mr. Ammons.

Len Shannon, Shannon Waltchack and Cole Williams, Goodwyn Mills and Cawood were present in regard to this request.

Mr. Garrison stated that the request is to rezone for the construction of a medical equipment supplier which requires a conditional use for 75 percent of the building to be used for storage of inventory. He indicated that the zoning staff and the Planning and Zoning Commission have reviewed the request and recommended approval.

The Mayor opened the floor for a public hearing. There being no one to speak to this request, the Mayor 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

Mayor Zaragoza – yes

Motion carried.

RESOLUTION NUMBER 4473

Resolution Number 4473 – A Resolution Ordering The Demolition Of A Building Or Structure Located At 3348 Ridgely Circle, Vestavia Hills Alabama, Parcel ID# 28-00-23-2-007-32.000, 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 (*public hearing*)

MOTION Motion to approve Resolution Number 4473 was by Mr. Ammons and second was by Mr. Henley.

Ben Goldman, Hand Arendall, was present in regard to this request to abate a nuisance at 3348 Ridgely Circle. A booklet was presented to each Councilor and the Mayor describing the nuisance, detailing photographs and the lis pendens served on the property owners. He explained that the owner of the property is also present and has filed an agreement for remediation of the structure on the property with the Clerk's office. A timeline has been given and the owner has proven that he has the financial means to finish the structure.

Billy Franklin, property owner, stated that the house was purchased by him following foreclosure and his intention was to rehab the facility. He indicated that the foreclosure got tied up in appellate court and once the lawsuit was over, he experienced some personal and financial problems that kept him from finishing the project. He indicated that he is now willing to finish the renovations needed to make the structure safe and habitable.

Discussion ensued concerning the leeway given by the Council, the timeline for the remediation of the property and what happens if the City needs to step in and demolish the structure.

The Mayor opened the floor for a public hearing. There being no one to speak to this request, the Mayor 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
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4474

Resolution Number 4474 – A Resolution Ordering The Demolition Of A Building Or Structure Located At 2713 Millwood Road, Vestavia Hills Alabama, Parcel ID# 28-00-28-2-002-001.000, 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 (*public hearing*)

MOTION Motion to approve Resolution Number 4474 was by Mr. Ammons and second was by Mr. Pierce.

Ben Goldman, Hand Arendall, was present in regard to this request to abate a nuisance at 2713 Millwood Road. A booklet was presented to each Councilor and the Mayor describing the nuisance, detailing photographs and the lis pendens served on the property owners. He explained that the property has recently changed ownership and in that transaction, the new owner has taken responsibility for the property and plans to demolish the structure at his expense. Mr. Goldman indicated that the new owner lives within the same subdivision and has purchased the property as an investment and doesn't have plans to immediately rebuild.

James Sanders, Estates, Sanders Attorneys, representing the new owner, stated that he just closed the sale of the property to his client, Ms. Deerman, who is working on completing the demolition within the allotted 90 days.

The Mayor opened the floor for a public hearing. There being no one to speak to this request, the Mayor 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
Mayor Zaragoza – yes Motion carried.

NEW BUSINESS

RESOLUTION NUMBERS 4476, 4479, 4480 and 4481

Resolution Number 4476 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The National Bank Of Commerce

Resolution Number 4479 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Regions Bank

Resolution Number 4480 - A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Southpoint Bank

Resolution Number 4481 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Wells Fargo Bank

MOTION Motion to adopt Resolution Numbers 4476, 4479, 4480 and 4481 was by Mr. Henley and second was by Mr. Sharp.

The Mayor explained that these Resolutions change the signers on various accounts of the City in order to add Mr. Downes as an authorized signer. He stated that the signatures on each of these accounts are identical so he was taking the Resolutions together in one vote.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4477

Resolution Number 4477 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Pinnacle Bank

MOTION Motion to adopt Resolution Number 4477 was by Mr. Pierce and second was by Mr. Henley.

The Mayor stated that this account is set up with additional signers because it is an account for the Library. This Resolution will add Mr. Downes as an authorized signer.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4478

Resolution Number 4478 – A Resolution Changing The City Officials Designated And Authorized To Sign Checks And Drafts For Payments From City Of Vestavia Hills Accounts On Deposit In The Regions Bank – Court Bond Account

MOTION Motion to adopt Resolution Number 4478 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor stated that this account is set up with additional signers because it is an account for court bonds. This Resolution will add Mr. Downes as an authorized signer.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4482

Resolution Number 4482 – A Resolution Granting A License For The Sale Of Off-Premise Retail Beer And Retail Wine For Vestavia Texaco D/B/A Food Max LLC; Max McMoezam, Executive (public hearing)

MOTION Motion to adopt Resolution Number 4482 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes explained that this convenience store has undergone a change in ownership and this is a request for the off-premise sale of beer and wine.

Chief Rary indicated that his Department has reviewed the request and found no problems.

Max McMoezam was present and explained the request and his past experience in the sale of beer and wine.

The Mayor opened the floor for a public hearing. There being no one else present to address the Council concerning this issue, the Mayor closed the public hearing and called for the question.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4483

Resolution Number 4483 – A Resolution Granting Alabama Power Company A Utility Easement For Power To The Tennis Courts At Wald Park (*public hearing*)

MOTION Motion to adopt Resolution Number 4483 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes explained that this conveys a power easement at Wald Park for installation of the new energy efficient lighting of the facility.

Mr. Davis gave an update on the progress of the lighting retrofits.

The Mayor opened the floor for a public hearing. There being no one else present to address the Council concerning this issue, the Mayor closed the public hearing and called for the question.

MOTION Question called on a roll call vote:
Mr. Pierce – yes Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

RESOLUTION NUMBER 4484

Resolution Number 4484 – A Resolution Granting Alabama Power Company A Utility Easement For Park Facilities In Cahaba Heights (*public hearing*)

MOTION Motion to adopt Resolution Number 4484 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that this conveys a power easement at the Cahaba Heights fields for installation of the new energy efficient lighting of the facility.

The Mayor opened the floor for a public hearing. There being no one else present to address the Council concerning this issue, the Mayor closed the public hearing and called for the question.

MOTION Question called on a roll call vote:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

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

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council’s next regularly scheduled meeting of August 26, 2013 at 5 PM.

- Ordinance Number 2462 – An Ordinance Rescinding Ordinance Number 1687 – Establishing The Speed Limit For Liberty Parkway, Vestlake Communities And All Areas Of Liberty Parkway (*public hearing*)
- Ordinance Number 2463 – An Ordinance To Repeal Ordinance Number 2099 And Ordinance Number 2411, To Reaffirm Ordinance Number 2209 And Adopt In Full Ordinance Number 2463 Titled The “City Of Vestavia Hills Smoke-Free Ordinance Of 2012” (*public hearing*)
- Resolution Number 4485 – A Resolution Amending Resolution Number 4425 To Allow Validation Of Additional Incentives For The City Of Vestavia Hills, Alabama (*public hearing*)
- Resolution Number 4486 – A Resolution Directing The City Manager And Mayor To Take All Actions Necessary To Delivery And Request Validation Of An Incentive Package Submitted By Hollywood Imports (*public hearing*)

CITIZENS COMMENTS

Ray Lebeau, 2330 Lime Rock Circle, thanked the Fire Department for the services rendered during his house fire last week. He stated that the service was tremendous and the professionalism of the firefighters helped his family through a difficult time.

Breanna Kinsley, 3232 Wisteria Drive, showed footage of flooding occurring at her home. She stated that Mr. Brady came out and reviewed the situation and indicated the problem appears to be on private property which is located in unincorporated Jefferson County. She stated that any assistance the Council could give her to get the area drainage fixed would be appreciated.

CITY MANAGER REPORT

- Mr. Downes stated that the budgets will be presented to the Council soon and a work session is planned to discuss it with them.
- Senior Citizens Day will be held on August 21, 2013 from 4 to 6 PM at the Lodge.
- Mr. Downes stated that the Fire Department has received two new pumpers and a transport vehicle and he invited everyone to Station One to view a ceremony to push the truck into the bay.

The City Council and the audience recessed to Station One at 6:00 PM. AT 6:07 PM, the Council re-entered the Chamber and the Mayor called the meeting back to order.

EXECUTIVE SESSION

The Mayor stated that the Council needed to enter into executive session for an estimated 90 minutes to discuss the possible sale/purchase of property. Mr. Boone concurred that was a legal reason to enter into the session. The Mayor opened the floor for a motion:

MOTION Motion to move into Executive Session for an estimated 90 minutes for the sale/purchase of property was by Mr. Henley and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

The Council exited the Chamber and entered into Executive Session at 6:09 PM. At 7:15 PM, the Council re-entered the Chamber and the Mayor called the meeting back to order.

MOTION Motion to adjourn was by Mr. Pierce. Meeting adjourned at 7:16 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
MEETING WITH THE MAYOR

MINUTES

AUGUST 15, 2013

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

MEMBERS PRESENT:

Alberto Zaragoza, Mayor
Steve Ammons, Mayor Pro-Tem
John Henley
George Pierce*
Jim Sharp**

**arrived at 5:30 PM*

*** left at 6:35 PM*

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Lynn Bonner, Deputy Fire Chief

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

The Mayor turned over discussion to representatives from Williams Blackstock, Architects regarding preliminary designs for the proposed City Hall facility. Stephen Allen explained the preliminary designs and thoughts concerning the facility, the conversations with department heads concerning their needs, and requested information from the Council regarding their expectations of the facility and indicated that they would continue to progress on preliminary designs.

There being no further business, the meeting adjourned at 7:10 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

WORK SESSION

AUGUST 20, 2013

The City Council of Vestavia Hills met in work session on this date at 4:00 PM following posting/publication as required by Alabama law. The Mayor called the meeting to order and the Clerk checked the roll with the following:

MEMBERS PRESENT:

Alberto C. Zaragoza, Mayor
Steve Ammons, Mayor Pro-Tem
George Pierce
John Henley
Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Jim St. John, Fire Chief
Dan Rary, Police Chief
Melvin Turner, III, Finance Director
George Sawaya, Deputy Finance Director

The Mayor opened the meeting and indicated that he and Mr. Downes had presented the proposed budget to members of the Council a few days earlier. He stated that they have had some time to review and opened line item discussion for any Councilor that had questions, comments or suggestions for amendment.

The Council discussed several portions of the proposed revenue and expense projections, the requested budgets, etc. A few amendments were proposed and the Mayor and Mr. Downes indicated that they would take the amendments under advisement.

The Mayor indicated the budget balances with a 2% COLA for employees. He pointed out there has been no COLA for several years. He also noted that the health insurance premiums had increased but the City was picking up that increase leaving the employees portion the same.

Following discussion, the Mayor advised the Council that he would recommend a first reading of the proposed budget at the next Council meeting. The Council concurred.

There being no further discussion, work session adjourned at 6:10 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4485

A RESOLUTION AMENDING RESOLUTION NUMBER 4425 FOR ADDITIONAL INCENTIVES FOR THE CITY OF VESTAVIA HILLS NOT TO EXCEED A MAXIMUM OF \$15 MILLION

WHEREAS, on September 12, 2011, the City Council of the City of Vestavia Hills adopted and approved Resolution Number 4232 to establish an Economic Development Incentive Policy for the City of Vestavia Hills; and

WHEREAS, on March 11, 2013, the City Council adopted and approved Resolution Number 4425 for additional incentives for the City of Vestavia Hills; and

WHEREAS, the Economic Development Director has recommended additional incentives to be added to the policy as detailed in “Exhibit A” which is attached and incorporated into this Resolution Number 4485 as though written fully therein; and

WHEREAS, said incentive policy requires validation through Jefferson County Probate Court following the approval of the execution and delivery of a Special Economic Development Agreement from certain businesses in the City in a cumulative amount not to exceed \$15 million; and

WHEREAS, the City Manager, Mayor and City Council have reviewed the attached information and feel it is in the best public interest to adopt the additional incentives up to said maximum of \$15 million.

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

1. Resolution Number 4425 is hereby amended so as to include the authorization of the City Manager and Mayor to take all actions necessary in order to validate additional incentives

for businesses in the City as detailed in the attached “Exhibit A” up to a cumulative maximum of \$15 million; and

2. The City Manager and Mayor are hereby authorized to execute any and all documentation necessary in order to validate said Incentive Package as required by Alabama Law; and
3. This Resolution Number 4485 shall become effective immediately upon adoption.

ADOPTED and APPROVED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Exhibit A

TEMPORARY SALES TAX REBATE PROGRAM

A portion of the City of Vestavia Hills' share of non-dedicated sales tax will be temporarily rebated to qualifying businesses located within the corporate boundaries of the City of Vestavia Hills, Alabama.

NOTE: The portion of the City's sales tax dedicated to Vestavia Schools and Capital Reserve are not included within the rebate program.

Only businesses that in whole, or in majority part, provide sales of goods and/or services subject to general sales tax will be eligible to participate in the program. In addition, each business must also meet the eligibility criteria for its corresponding category as outlined below.

New Business: New retail businesses that locate within the City of Vestavia Hills may apply for a sales tax rebate from the City. Such rebate will consist as follows:

Year	Rebate
1	50%
2	40%
3	30%
4	20%
5	10%

The rebate for new business shall not in any given year exceed \$150,000. For a business to participate in the program as a new business, the business must meet each of the following criteria:

- The business must generate a minimum of \$50,000 in annual taxable sales.
- The business must not have been established at any other location within the city limits of the City of Vestavia Hills prior to January 1, 2013.
- In order to qualify as a new business, the application must be filed with the City's Economic Development Director prior to the business receiving its initial license to do business within the City of Vestavia Hills, Alabama.

For Existing Businesses that are accepted into the program, the rebate for the five (5) years will be calculated using the baseline figure on the application from the previous 12-months sales tax remittance. If a business was closed for part of the 12-months or has been in business less than 12-months, then the base rate of the months available will be used.

Existing Business: Existing businesses currently located in the City of Vestavia Hills, Alabama, may also apply for a sales tax rebate from the City of Vestavia Hills. The rebate will apply only to the portion of taxable retail sales in excess of the business' preceding 12-month taxable sales. Such rebate will consist as follows:

Year	Rebate
1	50%
2	40%
3	30%
4	20%
5	10%

The rebate for an existing business shall not in any given year exceed \$150,000. In addition, to participate as an existing business, the business must meet at least **one** of the following criteria:

- The business must expand its interior floor space by at least 25% during the 12-month period following its application.
- The business must create at least 2 FTE jobs during the 12-month period following its application. To qualify through job creation, the job created must provide an average wage for a retail position in the City of Vestavia Hills (to be determined by the City’s Economic Development Director at time of application).
- The business must make an investment of at least \$5,000 in streetscape or façade improvements during the 12-month period following its application.

APPLICATION PROCESS OVERVIEW

Application packets can be downloaded from the City of Vestavia Hills’ website, or can also be picked up in person at the Economic Development Office in the Vestavia Hills City Hall, 513 Montgomery Highway, Vestavia Hills, Alabama.

Instructions:

1. Complete and sign application.
2. Attach the following to the application:
 - a. A copy of business license from the City of Vestavia Hills showing the address of the business and certifying that business is located within the City of Vestavia Hills, Alabama.
 - b. A copy of the Alabama Sales Tax Permit.
 - c. If existing or relocating business, previous 12-months sales tax reports.
3. Contact the Economic Development Director at City Hall to schedule an application review appointment.
4. Application submitted to City Council for acceptance into the program. First year of the program begins on the first day of the month following acceptance into the program.
5. Rebate request forms with verifications attached must be received within 90 days of 12-month anniversary of acceptance into the program.
6. Rebate requests must be submitted to the City Council from the City Manager within 60 days of submission of completed and verified rebate request. Missing or incorrect information will delay the presentation to the City Council for the rebate.

EXAMPLE OF SALES TAX REBATE COMPUTATION

Annual Retail Sales		\$10,000,000
Prior Year Annual Retail Sales		\$0
Sales for Rebate Computation		\$10,000,000
SALES TAX:		
Total	9%	\$900,000
State of Alabama	4%	\$400,000
Jefferson County	2%	\$200,000
City of Vestavia Hills	3%	\$300,000

Schools	30% of 1/12 th	\$7,500
Capital Reserve	70% of 1/12 th	\$17,500
City (Eligible of Rebate)	11/12 th	\$275,000

<u>Year</u>	<u>Rebate %</u>	<u>Rebate \$</u>	<u>Retained \$</u>
1	50%	\$137,500	\$137,500
2	40%	\$110,000	\$165,000
3	30%	\$82,500	\$192,500
4	20%	\$55,000	\$220,000
5	10%	<u>\$27,500</u>	<u>\$247,500</u>
		\$412,500	\$962,500

RESOLUTION NUMBER 4425

A RESOLUTION AMENDING RESOLUTION NUMBER 4232 FOR ADDITIONAL INCENTIVES FOR THE CITY OF VESTAVIA HILLS

WHEREAS, on September 12, 2011, the City Council of the City of Vestavia Hills adopted and approved Resolution Number 4232 to establish an Economic Development Incentive Policy for the City of Vestavia Hills; and

WHEREAS, the Economic Development Director has recommended additional incentives to be added to the policy as detailed in “Exhibit A” which is attached and incorporated into this Resolution Number 4425 as though written fully therein; and

WHEREAS, the City Manager, Mayor and City Council have reviewed the attached information and feel it is in the best public interest to adopt the additional incentives.

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

1. Resolution Number 4232 is hereby amended so as to include additional incentives as detailed in the attached “Exhibit A”; and
2. The City Manager is hereby authorized to execute any and all documentation necessary in order to validate said Incentive Package as required by Alabama Law; and
3. This Resolution Number 4425 shall become effective immediately upon adoption.

ADOPTED and APPROVED this the 11th day of March, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

TEMPORARY SALES TAX REBATE PROGRAM

“Exhibit A”

A portion of the City of Vestavia Hills’ share of non-dedicated sales tax will be temporarily rebated to qualifying businesses located within the corporate boundaries of the City of Vestavia Hills, Alabama.

NOTE: The portion of the City’s sales tax dedicated to Vestavia Schools and Capital Reserve are not included within the rebate program.

Only businesses that in whole, or in majority part, provide sales of goods and/or services subject to general sales tax will be eligible to participate in the program. In addition, each business must also meet the eligibility criteria for its corresponding category as outlined below.

New Business: New retail businesses that locate within the US-31 Corridor Redevelopment district may apply for a sales tax rebate from the City of Vestavia Hills. Such rebate will consist as follows:

Year	Rebate
1	50%
2	40%
3	30%
4	20%
5	10%

The rebate for new business shall not in any given year exceed \$150,000. For a business to participate in the program as a new business, the business must meet each of the following criteria:

- The business must generate a minimum of \$50,000 in annual taxable sales.
- The business must not have been established at any other location within the city limits of the City of Vestavia Hills prior to January 1, 2013.

For Existing Businesses that are accepted into the program, the rebate for the five (5) years will be calculated using the baseline figure on the application from the previous 12-months sales tax remittance. If a business was closed for part of the 12-months or has been in business less than 12-months, then the base rate of the months available will be used.

Existing US-31 Corridor Business: Existing businesses currently located in the City of Vestavia Hills, Alabama, may also apply for a sales tax rebate from the City of Vestavia Hills. The rebate will apply only to the portion of taxable retail sales in excess of the business’ preceding 12-month taxable sales. Such rebate will consist as follows:

Year	Rebate
1	50%
2	40%
3	30%
4	20%
5	10%

The rebate for an existing business shall not in any given year exceed \$150,000. In addition, to participate as an existing business, the business must meet at least **one** of the following criteria:

- The business must expand its interior floor space by at least 25% during the 12-month period following its application.
- The business must create at least 2 FTE jobs during the 12-month period following its application. To qualify through job creation, the job created must provide an average wage for a retail position in the City of Vestavia Hills (to be determined by the City’s Economic Development Director at time of application).
- The business must make an investment of at least \$5,000 in interior renovations, streetscaping or façade improvements during the 12-month period following its application.

APPLICATION PROCESS OVERVIEW

Application packets can be downloaded from the City of Vestavia Hills’ website, or can also be picked up in person at the Economic Development Office in the Vestavia Hills City Hall, 513 Montgomery Highway, Vestavia Hills, Alabama.

Instructions:

1. Complete and sign application.
2. Attach the following to the application:
 - a. A copy of business license from the City of Vestavia Hills showing the address of the business and certifying that business is located within the City of Vestavia Hills, Alabama.
 - b. A copy of the Alabama Sales Tax Permit.
 - c. If existing or relocating business, previous 12-months sales tax reports.
3. Contact the Economic Development Director at City Hall to schedule an application review appointment.
4. Application submitted to City Council for acceptance into the program. First year of the program begins on the first day of the month following acceptance into the program.
5. Rebate request forms with verifications attached must be received within 90 days of 12-month anniversary of acceptance into the program.
6. Rebate requests must be submitted to the City Council from the City Manager within 60 days of submission of completed and verified rebate request. Missing or incorrect information will delay the presentation to the City Council for the rebate.

EXAMPLE OF SALES TAX REBATE COMPUTATION

Annual Retail Sales	\$10,000,000		
Prior Year Annual Retail Sales	\$0		
Sales for Rebate Computation	\$10,000,000		
SALES TAX:			
Total	9%	\$900,000	
State of Alabama	4%	\$400,000	
Jefferson County	2%	\$200,000	
City of Vestavia Hills	3%	\$300,000	
Schools	30% of 1/12 th		\$7,500

Capital Reserve	70% of 1/12 th	\$17,500
City (Eligible of Rebate)	11/12 th	\$275,000

<u>Year</u>	<u>Rebate %</u>	<u>Rebate \$</u>	<u>Retained \$</u>
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5	10%	<u>\$27,500</u>	<u>\$247,500</u>
		\$412,500	\$962,500

Previous Resolution

**EXCERPTS FROM THE MINUTES OF A REGULAR MEETING OF
THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA**

The City Council of the City of Vestavia Hills met in regular public session at the Vestavia Hills Municipal Center in the City of Vestavia Hills, Alabama, at 5:00 p.m. on August 26, 2013. The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: Alberto C. Zaragoza, Jr., Mayor
 Steve Ammons, Mayor Pro-Tempore
 John Henley
 George Pierce
 Jim Sharp

Absent: None

* * *

The Mayor stated that a quorum was present and that the meeting was open for the transaction of business.

* * *

Thereupon, the following ordinance was introduced in writing by the Mayor, and considered by the City Council:

RESOLUTION NO. 4486

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT
AGREEMENT
BY THE CITY OF VESTAVIA HILLS, ALABAMA
AND
HOLLYWOOD IMPORTS, INC.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA (THE "COUNCIL"), AS GOVERNING BODY OF THE CITY OF VESTAVIA HILLS, ALABAMA (the "Municipality"), as follows:

Section 1. The Council, upon evidence duly presented to and considered by it, has found and determined, and does hereby find, determine and declare as follows:

(a) Pursuant to the applicable laws of the State of Alabama, the Municipality and Hollywood Imports, Inc. (the "Owner") have prepared that certain Special Economic Development Agreement to be dated the date of delivery (the "Special Economic Development Agreement"), as set forth hereinafter, for the purposes referenced therein.

(b) The Municipality is without absolute authority or power under any local constitutional amendment to do any of the actions or undertakings referenced in Amendment No. 772 of the Constitution of Alabama of 1901, as amended ("Amendment No. 772").

(c) The Municipality is authorized under Amendment No. 772 to become indebted, and to issue obligations as referenced therein, upon the full faith and credit of the Municipality, to a principal amount not exceeding 50% of the assessed value of taxable property therein, as determined for state taxation, in furtherance of the powers and authorities granted in Amendment No. 772.

(d) Pursuant to, and for the purposes of, Amendment No. 772, it is necessary, desirable and in the public interest for the Municipality to grant public funds for the economic development of the Municipality, and for such purposes to issue its Limited Obligation Economic Development Revenue Warrant in maximum principal amount of \$750,000 (the "Warrant"), pursuant to the terms of the Special Economic Development Agreement.

(e) The expenditure of public funds for the purposes specified in the Special Economic Development Agreement will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(f) (1) On August 14, 2013, the Municipality caused to be published in *The Birmingham News*, which newspaper has the largest circulation in the Municipality, the notice required by Amendment No. 772(c)(2), a true and correct copy of which notice is set forth as follows:

**LEGAL NOTICE
OF
PUBLIC HEARING
OF
CITY COUNCIL OF VESTAVIA HILLS, ALABAMA**

Notice is hereby given that the City Council (the "Council") of the City of Vestavia Hills, Alabama (the "City") will meet in public session at 5:00 p.m. on August 26, 2013 at the Vestavia Hills Municipal Center in the City of Vestavia Hills, Alabama for the purpose of considering the transaction of business that may properly come before the Council, such business to include, but not be limited to, the authorization by the Council, pursuant to Amendment No. 772 of the Constitution of Alabama of 1901, as amended, of a resolution (the "Resolution") approving the execution and delivery of a Special Economic Development Agreement (the "City Agreement") by the City and Hollywood Imports, Inc., to be dated the date of delivery, pursuant to which City Agreement the City shall issue its \$750,000 maximum principal amount Limited Obligation Economic Development Revenue Warrant (the "City Warrant") to Hollywood Imports, Inc., for purposes referenced in the City Agreement.

The City Warrant shall evidence the agreement of the City to make economic development grants to Hollywood Imports, Inc. (based upon net sales tax proceeds received by the City from Hollywood Imports, Inc. in excess of a stated base amount, for a period of five years), for the purpose of promoting the economic development of the City and in consideration of the improvement and operation of commercial and related facilities in the City.

The City seeks to achieve, by undertaking its obligations pursuant to the City Agreement and the Resolution, to promote the local economic and industrial development of the City, to increase employment in the City, and to increase the tax and revenue base of the City.

The business entities to whom or for whose benefit the City propose to lend its credit or grant public funds or thing of value is Hollywood Imports, Inc.

All interested persons may examine and review the City Agreement, the Resolution, and all relevant documents pursuant to which the City Warrant is to be issued and secured, and make copies thereof at personal expense, at the offices of the City Manager during normal business hours, before and after the meeting referenced herein.

Further information concerning the information in this notice can be obtained from the City Clerk at the offices thereof during normal business hours.

(2) The information set forth in said notice is true and correct.

(3) Publication of said notice is hereby ratified and confirmed.

(h) (1) The assessed valuation of the taxable property in the Municipality for the preceding fiscal year (ending September 30, 2012 and on the basis of which taxes became due and payable on October 1, 2012) was not less than \$622,104,176.

(2) The total indebtedness of the Municipality chargeable against the debt limitation for the Municipality prescribed by Section 225 of the Constitution of Alabama of 1901, as amended, (which indebtedness does not include the Warrant issued under Amendment No. 772), is not more than twenty percent of said assessed valuation.

(3) The total indebtedness of the Municipality chargeable against the debt limitation for the Municipality prescribed by Amendment No. 772(a)(4) (which indebtedness does include the Warrant), is not more than fifty percent of said assessed valuation.

Section 2. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

(a) the agreements, covenants, and undertakings of the Municipality set forth in the Special Economic Development Agreement, and

(b) the terms and provisions of the Special Economic Development Agreement, in substantially the form and of substantially the content as set forth as follows, with such changes thereto (by addition or deletion) as the President shall approve, which approval shall be conclusively evidenced by execution and delivery of the Special Economic Development Agreement as hereinafter provided:

Section 3.

(a) The Mayor and the City Manager are each hereby authorized and directed to execute and deliver the Special Economic Development Agreement and the Warrant for and on behalf of and in the name of the Municipality. The City Clerk is hereby authorized and directed to affix the official seal of the Municipality to the Special Economic Development Agreement and the Warrant and to attest the same.

(b) The Mayor, the City Manager, and the officers of the Municipality are each hereby authorized and directed to take all such actions, and execute, deliver and perform all such agreements, documents, instruments, notices, and petitions and proceedings, with respect to the Special Economic Development Agreement and the Warrant, as the Mayor and such officers shall determine to be necessary or desirable to carry out the provisions of this resolution or the Special Economic Development Agreement or duly and punctually observe and perform all agreements and obligations of the Municipality under the Special Economic Development Agreement.

Section 4. The Municipality desires, before the issuance of the Warrant referenced in the Special Economic Development Agreement, to validate the legality of all proceedings had or taken in connection therewith, the validity of the means provided for the payment of the Warrant, and the validity of all covenants and provisions contained in this resolution and the Special Economic Development Agreement and the Warrant, by filing a petition against the taxpayers and citizens of the Municipality in the Circuit Court of Jefferson County, Alabama. A complaint to validate such Warrant, proceedings, and covenants shall be filed and validation proceedings shall be instituted in the name of the Municipality and the members of the governing body of the Municipality. Maynard, Cooper & Gale, P.C., Birmingham, Alabama, and Patrick H. Boone, Esq., are hereby designated and appointed as the attorneys of the Municipality to file such complaint, institute such proceedings, and to take all steps necessary to complete such validation proceedings in accordance with the provisions of Article 17 of Chapter 6 of Title 6 of the CODE OF ALABAMA 1975. Any actions heretofore taken by such attorneys in connection with the filing of such petition or such validation proceedings are hereby ratified and confirmed.

Section 5. All prior actions taken, and agreements, documents or notices executed and delivered, by the Mayor or any officer or member of the Council or other representative of the Municipality, in connection with the agreements, covenants, and undertakings of the Municipality hereby approved, or in connection with the preparation of the Special Economic Development Agreement and the terms and provisions thereof, are hereby approved, ratified and confirmed.

Section 6. All ordinances, resolutions, orders, or parts of any thereof, of the Council in conflict, or inconsistent, with any provision of this resolution hereby are, to the extent of such conflict or inconsistency, repealed.

Section 7. This resolution shall take effect immediately.

After said resolution had been discussed and considered in full by the Council, it was moved by Councilmember _____ that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilmember _____. The question being put as to the adoption of said motion and the final passage and adoption of said resolution, the roll was called with the following results:

Ayes: Alberto C. Zaragoza, Jr., Mayor
 Steve Ammons, Mayor Pro-Tempore
 John Henley
 George Pierce
 Jim Sharp

Nays: None

The Mayor thereupon declared said motion carried and the ordinance passed and adopted as introduced and read.

* * * *

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

Minutes approved:

Mayor

Member of the City Council

Member of the City Council

Member of the City Council

Member of the City Council

SEAL

Attest: _____
City Clerk

STATE OF ALABAMA)
JEFFERSON COUNTY)

CERTIFICATE OF CITY CLERK

I, the undersigned, do hereby certify that (1) I am the duly elected, qualified and acting City Clerk of the City of Vestavia Hills, Alabama (the "Municipality"); (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of its records on its behalf; (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a regular meeting of the City Council of the Municipality duly held on August 26, 2013, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the ordinance set forth in such excerpts is a complete, verbatim and compared copy of such ordinance as introduced and adopted by the City Council on such date; and (5) said ordinance is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this ____ day of August, 2013.

Clerk of the City of Vestavia Hills,
Alabama

SEAL

ORDINANCE NUMBER 2462

AN ORDINANCE RESCINDING ORDINANCE NUMBER 1687 – AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR LIBERTY PARKWAY, VESTLAKE COMMUNITIES AND ALL AREAS OF LIBERTY PARKWAY “OUTSIDE THE GATED COMMUNITIES” AND ALL AREAS OF LIBERTY PARK “WITHIN THE GATED COMMUNITIES”

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

1. That Ordinance Number 1687 – An Ordinance Rescinding Ordinance Number 1687 – An Ordinance Establishing The Speed Limit For Liberty Parkway, Vestlake Communities And All Areas Of Liberty Parkway “Outside The Gate Communities” And All Areas Of Liberty Park “Within The Gated Communities” adopted and approved by the Vestavia Hills City Council on April 7, 1997 is hereby rescinded in its entirety; and
2. If any part, section or subdivision of this ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this ordinance which shall continue in full force and effect notwithstanding such holding;
3. This Ordinance Number 2462 shall become effective immediately upon adoption and posting/publication as required by Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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 # 2462 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 12th day of August, 2013 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 _____, 2013.

Rebecca Leavings
City Clerk

ORDINANCE 1687

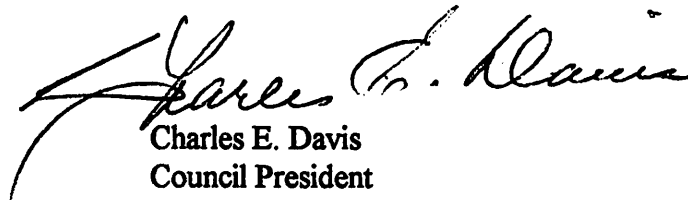
AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR LIBERTY PARKWAY, VESTLAKE COMMUNITIES AND ALL AREAS OF LIBERTY PARKWAY "OUTSIDE THE GATED COMMUNITIES" AND ALL AREAS OF LIBERTY PARK "WITHIN THE GATED COMMUNITIES"

BE IT ORDAINED, by the City Council of the City of Vestavia Hills, Alabama, as follows:

1. That the speed limit for Liberty Parkway be and is hereby established at 30 miles per hour;
2. That the speed limit for the Vestlake communities and all areas of Liberty Park "outside the gates" be and is hereby established at 25 miles per hour; and
3. That the Old Overton Communities and all areas of Liberty Park located "within the gates" be and is hereby established at 24 miles per hour.

This Ordinance shall become effective immediately upon its adoption and approval.

DONE, APPROVED and ADOPTED this the 7th day of April, 1997.


Charles E. Davis
Council President

ATTESTED BY:


Thelma Moon
City Clerk

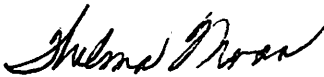
APPROVED BY:


C. Pat Reynolds
Mayor

CERTIFICATION:

I, Thelma R. Moon, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 1687 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 7th day of April, 1997, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Richard M. Scrushy Public Library, Vestavia Hills Shopping Mall and Vestavia Hills Recreational Center this the 9th day of APRIL, 1997.


Thelma Moon
City Clerk

ORDINANCE NUMBER 2463

AN ORDINANCE TO REPEAL ORDINANCE NUMBER 2099 AND ORDINANCE NUMBER 2411, TO REAFFIRM ORDINANCE NUMBER 2209 AND ADOPT IN FULL ORDINANCE NUMBER 2463 TITLED THE “CITY OF VESTAVIA HILLS SMOKE-FREE ORDINANCE OF 2012”

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

WHEREAS, the Council finds that studies have shown that during periods of active smoking, peak and average outdoor tobacco smoke levels measured in outdoor cafés and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations.² Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke-free outdoor area.³

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

Tobacco residue is noticeably present in dust throughout places where smoking has occurred.⁴ This process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.⁵

WHEREAS, the Council finds that unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. The Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.”⁶ “E-cigarettes” produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

WHEREAS, the Council finds that the Society of Actuaries has determined that secondhand smoke costs the U.S. economy approximately \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity.⁷

WHEREAS, the Council finds that there is no legal or constitutional “right to smoke” and that business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke and instead have a common-law duty to provide their workers with a workplace that is not unreasonably dangerous.⁸

WHEREAS, the Council finds that smoking is a potential cause of fires and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to businesses.⁹

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

WHEREAS, on June 25, 2012, the City Council adopted and approved Ordinance Number 2411 entitled “The City of Vestavia Hills Smoke Free Ordinance” and repealed Ordinance Number 2209. Later it was determined that the Ordinance should have repealed Ordinance 2099, the previous smoke free Ordinance enacted by the City Council.

Section 1. BE IT HEREBY ORDAINED by the Council of the City of Vestavia Hills that that Ordinance Number 2209 be and is hereby deemed to be in full force and effect, that Ordinance Numbers 2099 and 2411, as amended, are hereby repealed and the following Ordinance Number 2463 is hereby adopted to read in full as follows:

Section 2. Smoking In Public Places And Places Of Employment

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

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

closed. A wall includes any retractable divider, garage door, or other physical barrier, whether temporary or permanent and whether or not containing openings of any kind.

(7) “*Health Care Facility*” means an office or institution providing care or treatment of diseases, whether physical, mental, or emotional, or other medical, physiological, or psychological conditions, including but not limited to: hospitals, rehabilitation hospitals or other clinics, including weight control clinics, nursing homes, long-term care facilities, homes for the aging or chronically ill, laboratories, and offices of surgeons, chiropractors, physical therapists, physicians, psychiatrists, dentists, and all specialists within these professions. This definition shall include all waiting rooms, hallways, private rooms, semiprivate rooms, and wards within health care facilities.

(8) “*Place of Employment*” means an area under the control of a public or private employer, including, but not limited to: work areas, private offices, employee lounges, restrooms, conference rooms, meeting rooms, classrooms, employee cafeterias, hallways, construction sites, temporary offices, and vehicles. A private residence is not a “place of employment” unless it is used as a child care, adult day care, or health care facility.

(9) “*Private Club*” means an organization, whether incorporated or not, which is the owner, lessee, or occupant of a building or portion thereof used exclusively for club purposes at all times, which is operated solely for a recreational, fraternal, social, patriotic, political, benevolent, or athletic purpose, but not for pecuniary gain, and which only sells alcoholic beverages incidental to its operation. The affairs and management of the organization are conducted by a board of directors, executive committee, or similar body chosen by the members at an annual meeting. The organization has established bylaws and/or a constitution to govern its activities, requires applications to be completed for membership, and maintains membership records that show the date of application, admission, name and address for each member, and serial number of the membership card issued. The organization has been granted an exemption from the payment of federal income tax as a club under 26 U.S.C. Section 501.

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

- (4) Bingo facilities;
- (5) Child care and adult day care facilities;
- (6) Convention facilities;
- (7) Educational facilities, both public and private;
- (8) Elevators;
- (9) Gaming facilities, including bingo facilities;
- (10) Health care facilities;
- (11) Hotels and motels;
- (12) Laundromats;
- (13) Lobbies, hallways, and other common areas in apartment buildings, condominiums, trailer parks, retirement facilities, nursing homes, and other multiple-unit residential facilities;
- (14) Polling places;
- (15) Private clubs;
- (16) Professional offices;
- (17) Public transportation vehicles, including buses and taxicabs, under the authority of the City of Vestavia Hills, and ticket, boarding, and waiting areas of public transportation facilities, including bus, train, and airport facilities;
- (18) Restaurants and retail food production and marketing establishments;
- (19) Restrooms, lobbies, reception areas, waiting rooms, hallways, and other common-use areas;
- (20) Retail service establishments;
- (21) Retail stores;
- (22) Rooms, chambers, places of meeting or public assembly, and other enclosed areas and vehicles owned, leased, or operated by the City of Vestavia Hills, including areas under the control of an agency, board, commission, or committee of the City, to the extent the place is subject to the jurisdiction of the City;
- (23) Service lines;
- (24) Shopping malls;
- (25) Sports arenas, including enclosed places in outdoor arenas; and

(26) Theaters and other facilities primarily used for exhibiting motion pictures, stage dramas, lectures, musical recitals, or other similar performances.

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

(1) Smoking shall be prohibited in all enclosed areas of places of employment within the City of Vestavia Hills, including, but not limited to: common work areas, auditoriums, classrooms, conference and meeting rooms, private offices, elevators, hallways, medical facilities, cafeterias, employee lounges, stairs, restrooms, vehicles. This prohibition also applies to rooms, chambers, places of meeting or public assembly, and other enclosed areas and vehicles owned, leased, or operated by the City of Vestavia Hills, including areas under the control of an agency, board, commission, or committee of the City, to the extent the place is subject to the jurisdiction of the City.

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

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

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

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

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

- (4) In, and within 20 feet of, all outdoor public transportation stations, platforms, and shelters under the authority of the City of Vestavia Hills; and
- (5) In all outdoor service lines;
- (f) ***Exemptions.*** Notwithstanding any other provision of this Section to the contrary, smoking shall not be prohibited in private residences, unless used as a child care, adult day care, or health care facility.
- (g) ***Declaration Of Establishment Or Outdoor Area As Nonsmoking.*** Notwithstanding any other provision of this Section, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. Smoking shall be prohibited in any place in which a sign conforming to the requirements of Section 2(h) is posted.
- (h) ***Posting Of Signs And Removal Of Ashtrays.*** The owner, operator, manager, or other person in control of a public place or place of employment where smoking is prohibited by this Section shall:
 - (1) Clearly and conspicuously post “No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) in that place.
 - (2) Clearly and conspicuously post at every entrance to that place a sign stating that smoking is prohibited.
 - (3) Clearly and conspicuously post on every vehicle that constitutes a place of employment under this Section at least one sign, visible from the exterior of the vehicle, stating that smoking is prohibited.
 - (4) Remove all ashtrays from any area where smoking is prohibited by this Section, except for ashtrays displayed for sale and not for use on the premises.

(i) *Nonretaliation; Nonwaiver Of Rights.*

- (1) No person or employer shall discharge, refuse to hire, or in any manner retaliate against an employee, applicant for employment, customer, or resident of a multiple-unit residential facility because that employee, applicant, customer, or resident exercises any rights afforded by this Section or reports or attempts to prosecute a violation of this Section. Notwithstanding Section 2(k), violation of this provision shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) for each violation.
- (2) An employee who works in a setting where an employer allows smoking does not waive or otherwise surrender any legal rights the employee may have against the employer or any other party.

(j) *Enforcement.*

- (1) This Section shall be enforced by the county health officer or his or her duly authorized representative, any duly sworn police officer employed by the City of Vestavia Hills, or as otherwise allowed by law.
- (2) Notice of the provisions of this Section shall be given to all applicants for a business license in the City of Vestavia Hills.
- (3) Any resident who desires to register a complaint under this Section may initiate enforcement with an entity responsible for enforcement, such as the Jefferson County Department of Health or Police Department.
- (4) The County Health Department, the Fire Department, or their designees shall, while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Section.
- (5) Any owner, manager, operator, or employee of an area regulated by this Section shall direct a person who is smoking in violation of this Section to extinguish the product being smoked. If the person does not stop smoking, the owner, manager, operator, or employee shall refuse service and immediately ask the person to leave the premises. If the person in violation refuses to leave the premises, the owner, manager, operator, or employee shall contact a law enforcement agency.

(6) Notwithstanding any other provision of this Section, an employee or private citizen may bring legal action to enforce this Section.

(7) In addition to the remedies provided by the provisions of this Section, the City of Vestavia Hills, the county health officer, or any person aggrieved by the failure of the owner, operator, manager, or other person in control of a public place or a place of employment to comply with the provisions of this Section may apply for injunctive relief to enforce those provisions in any court of competent jurisdiction.

(k) ***Violations and Penalties.***

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

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

- a. A fine of one hundred dollars (\$100) for a first violation. A charge of violation shall be treated in the same manner as a traffic violation.
- b. A fine of two hundred dollars (\$200) for a second violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.
- c. A fine of five hundred dollars (\$500) for each additional violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.

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

(4) Violation of this Section is hereby declared to be a public nuisance, which may be abated by the City of Vestavia Hills, the county health officer, or a designee by restraining order, preliminary and permanent injunction, or other means provided for

by law, and the entity or person seeking abatement may take action to recover the costs of the nuisance abatement.

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

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

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

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

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

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

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

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2463 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 26th day of August, 2013, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2013.

Rebecca Leavings
City Clerk

END NOTES:

1. U.S Department of Health and Human Services. “The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.” *U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health*, 2006.
2. Klepeis, N.; Ott, W.R.; Switzer, P. “Real-time measurement of outdoor tobacco smoke particles,” *Journal of the Air and Waste Management Association*, 57: 522-534, 2007.
3. Hall, J.C.; Bernert, J.T.; Hall, D.B.; St. Helen, G.; Kudon, L.H.; Naeher, L.P.; “Assessment of exposure to secondhand smoke at outdoor bars and family restaurants in Athens, Georgia, using salivary cotinine,” *Journal of Occupational and Environmental Hygiene* 6(11): 698-704, November 2009.
4. Singer, B.C.; Hodgson, A.T.; Nazaroff, W.W., “Effect of sorption on exposures to organic gases from environmental tobacco smoke (ETS),” *Proceedings, Indoor Air 2002*, 2002.
5. Matt, G.E.; Quintana, P.J.E.; Hovel, M.F.; Bernert, J.T.; Song, S.; Novianti, N.; Juarez T.; Floro, J.; Gehrman, C.; Garcia, M.; Larson, S., “Households contaminated by environmental tobacco smoke: sources of infant exposures,” *Tobacco Control* 13(1): 29-37, March 2004.
6. Summary of results: laboratory analysis of electronic cigarettes conducted by FDA,” Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> ; accessed on October 22, 2009
7. Behan, D.F.; Eriksen, M.P.; Lin, Y., “Economic Effects of Environmental Tobacco Smoke,” *Society of Actuaries*, March 2005.
8. Graff, S.K., “There is No Constitutional Right to Smoke: 2008,” *Tobacco Control Legal Consortium*, 2d edition, 2008.
9. “The high price of cigarette smoking,” *Business & Health* 15(8), Supplement A: 6-9, August 1997

OTHER SOURCES

- A. The Alabama Clean Indoor Air Act at Title 22-15A-2 *Code of Alabama*, 1975.
- B. Vestavia Hills Ordinance Number 2099 “An Ordinance to Prohibit Smoking in Public Places, Providing Penalties for the Violation Thereof,” adopted on June 6, 2005.

ORDINANCE NUMBER 2411

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

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

WHEREAS, the Council finds that studies have shown that during periods of active smoking, peak and average outdoor tobacco smoke levels measured in outdoor cafés and restaurant and bar patios near smokers rival indoor tobacco smoke concentrations.² Nonsmokers who spend six-hour periods in outdoor smoking sections of bars and restaurants experience a significant increase in levels of cotinine when compared to the cotinine levels in a smoke-free outdoor area.³

WHEREAS, the Council finds that studies have shown that residual tobacco contamination, or “thirdhand smoke,” from cigarettes, cigars, and other tobacco products is left behind after smoking occurs and builds up on surfaces and furnishings. This sticky, highly toxic particulate matter, including nicotine, can linger in spaces long after smoking has ceased and cling to walls and ceilings and be absorbed into carpets, draperies, and other upholsteries, and then be reemitted (off-gassed) back into the air and recombine to form harmful compounds. Tobacco residue is noticeably present in dust throughout places where smoking has occurred.⁴

This process represents an unappreciated health hazard through dermal exposure, dust inhalation, and ingestion.⁵

WHEREAS, the Council finds that unregulated high-tech smoking devices, commonly referred to as electronic cigarettes, or “e-cigarettes,” closely resemble and purposefully mimic the act of smoking by having users inhale vaporized liquid nicotine created by heat through an electronic ignition system. The Food and Drug Administration (FDA) determined that various samples tested contained not only nicotine but also detectable levels of known carcinogens and toxic chemicals, including tobacco-specific nitrosamines and diethylene glycol, a toxic chemical used in antifreeze. The FDA’s testing also suggested that “quality control processes used to manufacture these products are inconsistent or non-existent.”⁶ “E-cigarettes” produce a vapor of undetermined and potentially harmful substances, which may appear similar to the smoke emitted by traditional tobacco products. Their use in workplaces and public places where smoking of traditional tobacco products is prohibited creates concern and confusion and leads to difficulties in enforcing the smoking prohibitions.

WHEREAS, the Council finds that the Society of Actuaries has determined that secondhand smoke costs the U.S. economy approximately \$10 billion a year: \$5 billion in estimated medical costs associated with secondhand smoke exposure and \$4.6 billion in lost productivity.⁷

WHEREAS, the Council finds that there is no legal or constitutional “right to smoke” and that business owners have no legal or constitutional right to expose their employees and customers to the toxic chemicals in secondhand smoke and instead have a common-law duty to provide their workers with a workplace that is not unreasonably dangerous.⁸

WHEREAS, the Council finds that smoking is a potential cause of fires and cigarette and cigar burns and ash stains on merchandise and fixtures cause economic damage to businesses.⁹

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

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

Section 2. Smoking In Public Places And Places Of Employment

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

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

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

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

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

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

- (1) Smoking shall be prohibited in all enclosed areas of places of employment within the City of Vestavia Hills, including, but not limited to: common work areas,

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

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

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

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

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

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

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

shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars (\$500) for each violation.

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

(j) Enforcement.

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

(k) *Violations and Penalties.*

- (1) A person who knowingly or intentionally smokes in an area where smoking is prohibited by the provisions of this Section commits an offense, punishable by a fine of fifty dollars (\$50) per offense. A charge of violation shall be treated in the same manner as a traffic violation.
- (2) Except as otherwise provided in Section I (1), a person who owns, manages, operates, or otherwise controls a public place or place of employment and who fails to comply with the provisions of this Section shall be guilty of an offense, punishable by:
 - a. A fine of one hundred dollars (\$100) for a first violation. A charge of violation shall be treated in the same manner as a traffic violation.
 - b. A fine of two hundred dollars (\$200) for a second violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.
 - c. A fine of five hundred dollars (\$500) for each additional violation within one (1) year. A charge of violation shall be treated in the same manner as a traffic violation.
- (3) In addition to the fines established by this Section, violation of this Section by a person who owns, manages, operates, or otherwise controls a public place or place of employment may result in the suspension or revocation of any permit or license issued to the person for the premises on which the violation occurred.
- (4) Violation of this Section is hereby declared to be a public nuisance, which may be abated by the City of Vestavia Hills, the county health officer, or a designee by restraining order, preliminary and permanent injunction, or other means provided for by law, and the entity or person seeking abatement may take action to recover the costs of the nuisance abatement.
- (5) Each day on which a violation of this Section occurs shall be considered a separate and distinct violation.
- (l) ***Other Applicable Laws.*** This Section shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws.

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

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

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

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

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

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

Mary Lee Rice
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2411 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 25th day of June, 2012, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

END NOTES:

1. U.S Department of Health and Human Services. “The Health Consequences of Involuntary Exposure to Tobacco Smoke: A Report of the Surgeon General.” *U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, National Center for Chronic Disease Prevention and Health Promotion, Office on Smoking and Health*, 2006.
2. Klepeis, N.; Ott, W.R.; Switzer, P. “Real-time measurement of outdoor tobacco smoke particles,” *Journal of the Air and Waste Management Association*, 57: 522-534, 2007.
3. Hall, J.C.; Bernert, J.T.; Hall, D.B.; St. Helen, G.; Kudon, L.H.; Naeher, L.P.; “Assessment of exposure to secondhand smoke at outdoor bars and family restaurants in Athens, Georgia, using salivary cotinine,” *Journal of Occupational and Environmental Hygiene* 6(11): 698-704, November 2009.
4. Singer, B.C.; Hodgson, A.T.; Nazaroff, W.W., “Effect of sorption on exposures to organic gases from environmental tobacco smoke (ETS),” *Proceedings, Indoor Air 2002*, 2002.
5. Matt, G.E.; Quintana, P.J.E.; Hovel, M.F.; Bernert, J.T.; Song, S.; Novianti, N.; Juarez T.; Floro, J.; Gehrman, C.; Garcia, M.; Larson, S., “Households contaminated by environmental tobacco smoke: sources of infant exposures,” *Tobacco Control* 13(1): 29-37, March 2004.
6. Summary of results: laboratory analysis of electronic cigarettes conducted by FDA,” Food and Drug Administration (FDA), July 22, 2009; <http://www.fda.gov/NewsEvents/PublicHealthFocus/ucm173146.htm> ; accessed on October 22, 2009
7. Behan, D.F.; Eriksen, M.P.; Lin, Y., “Economic Effects of Environmental Tobacco Smoke,” *Society of Actuaries*, March 2005.
8. Graff, S.K., “There is No Constitutional Right to Smoke: 2008,” *Tobacco Control Legal Consortium*, 2d edition, 2008.
9. “The high price of cigarette smoking,” *Business & Health* 15(8), Supplement A: 6-9, August 1997

OTHER SOURCES

- A. The Alabama Clean Indoor Air Act at Title 22-15A-2 *Code of Alabama*, 1975.
- B. Vestavia Hills Ordinance Number 2009 “An Ordinance to Prohibit Smoking in Public Places, Providing Penalties for the Violation Thereof,” adopted on June 6, 2005.

RESOLUTION NUMBER 4487

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

WITNESSETH THESE RECITALS

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

WHEREAS, said personal property was property confiscated and awarded to the Police Department in relation to a narcotics investigation and was used specifically for law enforcement purposes; and

WHEREAS, the City has determined that it would be in the best public interest to sell said property and earmark any funds derived from said sale for law enforcement purposes.

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

1. The City Manager is hereby authorized to sell the above-referenced surplus personal property and earmark funds derived from said sale to confiscated funds; and
2. This Resolution Number 4487 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Memo

To: Rebecca Leavings

From: Dan Rary *DR*

Date: 8/13/13

Re: Surplus Vehicle

Please request the listed vehicle to be declared surplus at the next City Council meeting:

1996 Jeep Cherokee VIN# 1J4FT68S6TL261642 Mileage: 238,327

Please note that this vehicle was confiscated and awarded to the department by the courts in relation to a narcotics investigation.

RESOLUTION NUMBER 4488

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A PROPOSAL FROM SUNTRUST BANK REGARDING LEASING OF VEHICLES AND HEAVY EQUIPMENT

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

1. The City Manager is hereby authorized to accept a proposal from SunTrust Bank to lease certain vehicles and/or heavy equipment as detailed in the attached "Exhibit A" regarding interest rates and payback terms; and
2. This Resolution Number 4488 shall become effective immediately upon adoption and approval.

DONE and APPROVED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS
 VEHICLES and HEAVY EQUIPMENT
 "LEASE/PURCHASE PROPOSALS"
 FISCAL 2013-2014

	1	2	3	4	5	6	7	8
Bidders	BB&T Bank	BBVA Compass Bk	Cadence Bank	1st American Bk	Hancock Bank	IBERIA BANK	MMD Financial, LLC	NBC
Vehicles	\$305,000	\$305,000	\$305,000	didn't quote	\$305,000	didn't quote	didn't quote	didn't quote
Heavy Equipment	\$2,314,000	\$2,314,000	\$2,314,000	didn't quote	\$2,314,000	didn't quote	didn't quote	didn't quote
TOTAL LEASE AMOUNT	\$2,619,000	\$2,619,000	\$2,619,000	didn't quote	\$2,619,000	didn't quote	didn't quote	didn't quote
Rate - 3 years	1.26%	0.83%	2.25%	didn't quote	1.49%	didn't quote	didn't quote	didn't quote
Rate - 5 years	1.62%	1.43%	2.33%	didn't quote	1.78%	didn't quote	didn't quote	didn't quote
Rate - 7 years	1.95%	1.92%	2.50%	didn't quote	2.05%	didn't quote	didn't quote	didn't quote
Rate - 10 years	2.37%	2.35%	2.55%	didn't quote	2.60%	didn't quote	didn't quote	didn't quote
Payment Frequency	1 annually	1 annually	1 annually	didn't quote	1 annually	didn't quote	didn't quote	didn't quote
Bank Qualified	Bank Qualified	Bank Qualified	Bank Qualified	didn't quote	Bank Qualified	didn't quote	didn't quote	didn't quote
Bidders	9	10	11	12	13	14	15	16
Vehicles	Pinnacle Bank	Regions Bank	Renaissant Bank	ServiceFirst Bank	SouthCity Bank	SouthPoint Bank	SunTrust Leasing	Wells Fargo Bank
Heavy Equipment	didn't quote	\$305,000	didn't quote	didn't quote	didn't quote	didn't quote	\$305,000	didn't quote
TOTAL LEASE AMOUNT	didn't quote	\$2,314,000	didn't quote	didn't quote	didn't quote	didn't quote	\$2,314,000	didn't quote
Rate - 3 years	didn't quote	\$2,619,000	didn't quote	didn't quote	didn't quote	didn't quote	\$2,619,000	didn't quote
Rate - 5 years	didn't quote	1.12%	didn't quote	didn't quote	didn't quote	didn't quote	1.23%	didn't quote
Rate - 7 years	didn't quote	1.49%	didn't quote	didn't quote	didn't quote	didn't quote	1.51%	didn't quote
Rate - 10 years	didn't quote	1.94%	didn't quote	didn't quote	didn't quote	didn't quote	1.79%	didn't quote
Payment Frequency	didn't quote	2.45%	didn't quote	didn't quote	didn't quote	didn't quote	2.26%	didn't quote
Bank Qualified	didn't quote	1 annually	didn't quote	didn't quote	didn't quote	didn't quote	1 annually	didn't quote
		Bank Qualified					Bank Qualified	
	1	2	3	5	10	15		
Vehicles - 3 years	BB&T Bank	BBVA Compass Bk	Cadence Bank	Hancock Bank	Regions Bank	SunTrust Bank		
Heavy Equipment - 7 years	\$104,239	\$103,359	\$106,276	\$104,711	\$103,952	\$104,178		
Annual Payments	\$356,854	\$356,442	\$364,444	\$358,228	\$356,717	\$354,660		
Vehicles - 5 years	\$461,093	\$459,801	\$470,720	\$462,939	\$460,669	\$458,838		
Heavy Equipment - 10 years	\$63,996	\$63,642	\$65,329	\$64,296	\$63,754	\$63,791		
Annual Payments	\$262,622	\$262,350	\$265,078	\$265,763	\$263,712	\$261,126		
	\$326,618	\$325,991	\$330,408	\$330,059	\$327,466	\$324,917		

RESOLUTION NUMBER 4499

A RESOLUTION AUTHORIZING AND DIRECTING PURCHASES OF CAPITAL EQUIPMENT FOR THE VESTAVIA HILLS POLICE DEPARTMENT, FIRE DEPARTMENT, FINANCE DEPARTMENT, PUBLIC SERVICE DEPARTMENT AND LIBRARY AND THE EXECUTION AND DELIVERY OF A MASTER LEASE AGREEMENT WITH SUNTRUST EQUIPMENT FINANCE & LEASING CORP. WITH THE CAPITAL EQUIPMENT SET FORTH ON SCHEDULE NO. 05, AN ESCROW AGREEMENT AND RELATED INSTRUMENTS, AND DETERMINING OTHER MATTERS IN CONNECTION THEREWITH.

THIS RESOLUTION NUMBER 4499 is hereby enacted by the City Council of the City of Vestavia Hills, Alabama (“City”) on this the 26th day of August, 2013.

WITNESSETH THESE RECITALS:

WHEREAS, the City of Vestavia Hills, Alabama has decided that it is in the best public interest for the City to purchase the capital equipment described in Capital Equipment Schedule No. 05 for the Vestavia Hills Police Department, Fire Department, Finance Department, Public Service Department and Library; and

WHEREAS, a copy of Capital Equipment Schedule No. 05 is attached hereto, marked as Exhibit A and is incorporated into this Resolution Number 4499 by reference as though set out fully herein; and

WHEREAS, the City has heretofore purchased and taken possession of some of the capital equipment described in Capital Equipment Schedule No. 05; and

WHEREAS, the City has found and determined that it will be in the City’s best interest to finance the purchase of the equipment described in Capital Equipment Schedule No. 05, including the capital equipment already purchased and in the possession of the City; and

WHEREAS, the City has heretofore requested financing proposals from various potential lenders to finance the purchase of the capital equipment shown on Capital Equipment Schedule No. 05; and

WHEREAS, the City has found and determined that the financing proposal, dated July 26, 2013, submitted by SunTrust Equipment Finance & Leasing Corp. (hereinafter referred to as “SunTrust”) is the best financing proposal; and

WHEREAS, a copy of said financing proposal is attached hereto, marked as Exhibit B and is incorporated into this Resolution Number 4499 by reference as though set out fully herein; and

WHEREAS, the City has heretofore done financing business with SunTrust on three previous occasions pursuant to a Master Lease Agreement as follows:

A. The purchase of eight (8) police vehicles pursuant to Resolution Number 3512 enacted on April 18, 2005;

B. The purchase of a fire truck/pumper pursuant to Resolution Number 3792 enacted on October 8, 2007; and

C. The purchase of sixteen (16) police and fire motor vehicles pursuant to Resolution Number 4238 enacted on September 26, 2011; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama (“Lessee”) desires to acquire and obtain the capital equipment (the “Capital Equipment”) described in Capital Equipment Schedule No. 05 to the Master Lease Agreement (collectively, the “Lease”) by and between SunTrust Equipment Finance & Leasing Corp. (“Lessor”) and Lessee, the form of which has been available for review by the said City Council of Lessee prior to this meeting; and

WHEREAS, the Capital Equipment is essential for the Lessee to perform its governmental functions; and

WHEREAS, the funds made available under the Lease will be deposited with SunTrust Bank (the “Escrow Agent”) pursuant to an Escrow Agreement between Lessee and the Escrow Agent (the “Escrow Agreement”) and will be applied to the acquisition of the Capital Equipment in accordance with said Escrow Agreement; and

WHEREAS, Lessee has taken the necessary steps, including those relating to any applicable legal bidding requirements, to arrange for the acquisition of the Equipment; and

WHEREAS, Lessee proposes to enter into the Lease with SunTrust Equipment Finance & Leasing Corp. and the Escrow Agreement with the Escrow Agent substantially in the forms presented to this meeting.

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

Section 1. It is found and determined that the terms of the Lease and the Escrow Agreement (collectively, the “Financing Documents”) in the forms presented to this meeting and

incorporated in this resolution by reference are in the best interests of Lessee for the acquisition of the Capital Equipment.

Section 2. The Financing Documents and the acquisition and financing of the Capital Equipment under the terms and conditions as described in the Financing Documents are hereby approved. The City Manager and Mayor or Lessee and any other officer of Lessee who shall have power to execute contracts on behalf of Lessee be, and each of them hereby is, authorized to execute, acknowledge and deliver the Financing Documents with any changes, insertions and omissions therein as may be approved by the officers who executed the Financing Documents, such approval to be conclusively evidenced by such execution and delivery of the Financing Documents. The City Clerk of the Lessee and any other officer of Lessee who shall have power to do so be, and each of them hereby is, authorized to affix the official seal of Lessee to the Financing Documents and attest the same.

Section 3. The proper officers of Lessee being the City Manager and Mayor be, and each of them hereby is, authorized and directed to execute and deliver any and all papers, instruments, opinions, certificates, affidavits and other documents and to do or cause to be done any and all other acts and things necessary or proper for carrying out this resolution and the Financing Documents. These documents specifically include, but are not limited to, the following:

1. Master Lease Agreement No. 00909; On File
2. Exhibit A-Equipment Schedule No. 05
3. Acceptance Certificate – Please keep until you are ready to disburse from escrow account
4. Payment Schedule
5. Exhibit B Tax Agreement and Arbitrage Certificate
6. Exhibit C Resolution of Governing Body
7. Exhibit D Incumbency Certificate
8. Exhibit E Opinion of Counsel Letter-**DATED August 29, 2013**
9. Exhibit F Escrow Agreement, with its Schedule A

10. Exhibit G-1- Confirmation of Outside Insurance
11. Exhibit G-2-Questionnaire for Self-Insurance to Lease and Addendum
12. Form 8038-G
13. Disbursement Authorization

Copies of the above documents are on file in the office of the City Finance Director and are available for public inspection.

Section 4. Pursuant to Section 265(b) of the *Internal Revenue Code of 1986*, as amended (the “Code”), Lessee hereby specifically designates the Lease as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the *Code*.

Section 5. As shown on Exhibit A, the City has heretofore furnished for a total consideration in the amount of One Million One Hundred Six Thousand Seven Hundred Four Dollars (\$1,106,704.00) the following Capital Equipment:

<u>Department</u>	<u>No.</u>	<u>Description</u>		
Police Department	6	Tahoes	\$ 26,451.00	\$158,704.00
Fire Department	1	Rescue/Transport Unit	\$210,000.00	210,000.00
Fire Department	2	Pumpers	\$369,000.00	738,000.00; and

Therefore, upon the closing of this loan, SunTrust shall reimburse to the City the sum of One Million One Hundred Six Thousand Seven Hundred Four Dollars (\$1,106,704.00).

Section 6. The City Manager and the Mayor are hereby authorized and directed to execute and deliver any and all legal documents necessary for the City to purchase the balance of the Capital Equipment shown on Exhibit A. When said items of Capital Equipment are purchased, SunTrust shall pay the purchase price directly to the vendor of said Capital Equipment.

Section 7. Anything contained herein to the contrary notwithstanding, the City Manager and Mayor are hereby authorized and directed to execute and deliver any and all legal documents necessary to close this financing transaction with SunTrust and to purchase the balance of the Capital Equipment shown on Exhibit A.

Section 8. The undersigned further certifies that the above resolution has not been repealed or amended and remains in full force and effect and further certifies that the Lease and Escrow Agreement executed on behalf of the Lessee are the same as presented at such meeting

of the City Council of Lessee, excepting only such changes, insertions and omissions as shall have been approved by the officers who executed the same.

Section 9. This Resolution Number 4499 shall become effective immediately upon adoption and approval.

Section 10. If any part, section or subdivision of this resolution shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this resolution, which shall continue in full force and effect notwithstanding such holding.

DONE, ORDERED, ADOPTED and APPROVED on this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

August 23, 2013

Via Electronic Mail

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

In Re: Resolution Number 4499 Regarding Purchasing of Capital Equipment With Financing by
SunTrust

Dear Mrs. Leavings:

I spoke with Melvin Turner this morning and he requested that I prepare Resolution
Number 4499 (and Exhibits A and B), which I send to you this day via electronic mail.

Sincerely,



Patrick H. Boone
City Attorney

PHB:gp

Enclosure

cc: Finance Director Melvin Turner (by e-mail)
City Manager Jeffrey D. Downes (by e-mail)
Mayor Alberto C. Zaragoza, Jr. (by e-mail)



Douglas S. Dillon
Vice President

SunTrust Equipment Finance & Leasing Corp.
300 East Joppa Road, Suite 700
Towson, MD 21286
Tel 410.307.6640
Fax 410.307.8620
doug.dillon@suntrust.com

July 26, 2013

Mr. Melvin Turner, Finance Director
The City of Vestavia Hills, Alabama
513 Montgomery Hwy
Vestavia Hills, AL 35216

RE: Tax-Exempt Lease Financing – Police and Fire Radios

Dear Mr. Turner:

SunTrust Equipment Finance & Leasing Corp. ("Lessor") is pleased to present to you a financing proposal for the City's planned acquisition of new police vehicles. The terms and conditions of our proposal are outlined as below:

LESSEE:	City of Vestavia Hills, Alabama Lessee is a state or political subdivision within the meaning of Section 103(c) of the Internal Revenue Code of 1986, as amended (the "Code").
LESSOR:	SunTrust Equipment Finance & Leasing Corp., or its Assignee
EQUIPMENT TYPE:	New police vehicles
AMOUNT FINANCED:	up to \$2,612,000
LEASE TERM/ RATE:	If closing by August 30, (indexed if later closing date)
	3 year term - 1.23%
	5 year term - 1.51%
	7 year term - 1.79%
	10 year term - 2.26%

Finance term for an equipment group is subject to equipment useful life of the assets.

LEASE PAYMENT: The Lease Payments will be due quarterly in arrears from the commencement date of the lease. The attached Amortization Schedules assumes the Amount Financed is funded on August 30, 2013 with the first lease payment due on November 30, 2013. The Lessor is agreeable to discussing alternative funding dates and lease payment dates upon the Lessee's request. Changes in repayment structure may result in a different Lease Rate due to changes in the Lessor's underlying cost of funds.

EXHIBIT B

TYPE OF FINANCING: Schedule under a Master Lease Agreement. Said Schedules shall be a net lease arrangement whereby the Lessee is responsible for all costs of operation, maintenance, insurance, and taxes. Payments due under the Schedule shall be based on the annual appropriation of funds during each year of the lease.

NON-BANK QUALIFICATION: Lessee reasonably anticipates the total amount of tax-exempt obligations (other than private activity bonds) to be issued by Lessee during calendar year 2013 may, or may not exceed ten million (\$10,000,000.00) dollars.

ESCROW FUNDING: Subject to the terms of acceptance of this proposal, the Lessor is willing to fund the final Amount Financed for this transaction into an escrow account as a means of holding the selected Lease Rate through the funding date of the lease schedule. In the event an escrow account is utilized, the escrow account will be used to pay equipment vendors, contractors and any escrow expenses.

The Escrow Agent will be selected by the Lessee subject to Lessor's approval. In the event the Lessee selects SunTrust Bank as the escrow agent, the Lessee understands that a \$250 Escrow Administration Fee will be charged for establishing and maintaining this account. Interest earnings on the escrow account will first be applied to the Escrow Administration Fee. Any escrow earnings above the setup and maintenance fees will accrue for benefit of Lessee. In the event the interest earnings are not sufficient to cover escrow setup and maintenance fees, Lessee will be responsible to pay the shortfall from sources other than the escrow fund. An Escrow Agent selection by the Lessee other than SunTrust Bank will be subject to the approval of the Lessor. In addition, the Lessor will review and approve escrow disbursements prior to each disbursement of funds from the escrow account by the approved Escrow Agent.

REIMBURSEMENT: If Lessee intends to be reimbursed for any equipment cost associated with this Agreement, intent for reimbursement from the proceeds of this Agreement must be evidenced, and must qualify under the Treasury Regulation Section 1.150.2.

INSURANCE: The Lessee shall furnish confirmation of all risk physical damage insurance coverage for the full cost of the property plus one million (\$1,000,000.00) dollars combined single limit property damage and bodily injury insurance covering the property. Lessor shall be named as loss payee and additional insured on such coverage. In the event that the Lessee maintains self-insurance, or alternative coverage, the Lessor must approve the final insurance arrangements.

AUTHORIZED SIGNORS: The Lessee's governing board shall provide Lessor with its resolution or ordinance authorizing this Agreement and shall designate the individual(s) to execute all necessary documents used therein.

LEGAL OPINION:

The Lessee's counsel shall furnish Lessor with an opinion covering this transaction and the documents used herein. This opinion shall be in a form and substance satisfactory to Lessor.

LEGAL TITLE:

Title to the equipment will be in the name of Lessee. Lessor will be granted a security interest or lien on all collateral being financed.

DOCUMENTATION AND FEE:

Documentation will be furnished by the Lessor subject to negotiation between the parties. Where applicable, the Lessee agrees to cover fees relating to perfection of a security interest in the collateral supporting a lease schedule such as UCC filing fees or other similar fees. Furthermore, the documentation will provide the ability to pre-pay the Lease balance at 101% of the remaining unamortized principal on any Payment Due Date of the lease term.

PROPOSAL EXPIRATION:

In order to hold the interest rate through the indicated closing date of the amortization tables the Lessee must notify the Lessor, either verbally or in writing, that the Lessor is the apparent winner of the bid by July 29, 2013. If notification occurs by this date, the Lessor will honor the quoted Lease Rate for a closing on, or before, the closing date for the selected rate option. The Lessee will have through the closing date to complete its internal bid review process and to formally award the transaction. There will not be a penalty to the Lessee if notice is made by the indicated date, but the transaction is not formally awarded to the Lessor.

However, if notice is not received by July 29, 2013, or if funding does not take place by the closing date as selected, the Lease Rate and Lease Payment Amounts may be adjusted to market conditions three (3) days prior to funding, unless the Lessor agrees to hold the rate through a later date. Once set, the Lease Rate will remain fixed for the Lease Term.

FINANCIAL STATEMENTS:

Lessee shall provide to Lessor current financial statements, budgets, demographics, and proof of appropriation for the ensuing Fiscal Year and such other information relating to the project and the ability of Lessee to continue this Agreement as may be reasonably requested by Lessor.

- continued on next page -

This proposal is subject to final credit approval by the Credit/Investment Committee of SunTrust and approval of the lease documents in the Lessor's sole discretion. To render a credit decision, Lessee shall provide Lessor with the information requested above.

Upon receipt of the signed proposal, we will endeavor to provide you with a timely commitment. It is a pleasure to offer this proposal and we look forward to your favorable acknowledgment.

Sincerely,



Douglas S. Dillon
Vice President
SunTrust Equipment Finance & Leasing Corp.

AGREED TO AND ACCEPTED BY:

(Name) _____

(Title) _____

(Date) _____

RESOLUTION NUMBER 4489

**A RESOLUTION FOR APPROVAL OF THE FINAL 10%
OF THE BUDGET FOR THE CITY OF VESTAVIA HILLS,
ALABAMA FOR THE FISCAL YEAR 2012-2013**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of September 26, 2011, adopted and approved Resolution Number 4336 to adopt 90% of a General Fund budget, 90% of a Special Revenue Fund budget and 90% of a Capital Project Fund budget for the fiscal year 2012-2013; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, wishes to adopt the final portion (10%) of aforesaid budgets for the fiscal year 2012-2013.

Total Budget Recap

	General Funds	Special Funds	Capital Projects Funds
Total Budget Approved	\$ 30,539,772.00	\$ 2,457,508.00	\$ 1,533,725
Less 90% approved in Res. 4308 & 4233	\$ 27,485,795.00	\$ 2,211,753.00	\$ 1,380,353
Final 10% to be approved	\$ 3,053,977.00	\$ 245,755.00	\$ 153,372

BE IT RESOLVED, by the City Council of the City of Vestavia Hills, Alabama, that the final portion of the annual budget amounting to \$3,053,977.00 (general funds), \$245,755.00 (special funds) and \$153,372 (capital projects funds) for the fiscal year 2012-2013 is hereby adopted.

APPROVED and ADOPTED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4336

**A RESOLUTION APPROVING AND ADOPTING
THE GENERAL FUND BUDGET, A SPECIAL
REVENUE FUND BUDGET AND A CAPITAL
PROJECT FUND BUDGET FOR THE CITY OF
VESTAVIA HILLS FOR THE PERIOD BEGINNING
OCTOBER 1, 2012 UNTIL SEPTEMBER 30, 2013.**

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

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

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

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

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the

current expenses of the City and interest on the bonded and other indebtedness of the City; and

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

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

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

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the Mayor and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$27,485,795, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

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

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

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

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the Mayor and submitted to the City Council is hereby approved and adopted to the extent of revenue of \$1,380,353 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

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

3. The Mayor is hereby authorized to expend the sum of \$27,485,795 from the General Fund, \$2,211,753 from the Special Revenue Fund and \$1,380,353 from the Capital Projects Fund for municipal expenses for the period beginning October 1, 2012, and ending September 30, 2013.

4. A copy of the budgets is attached hereto, marked as Exhibit “A” and incorporated into this Resolution by reference as though set out fully herein.

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

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

Steve Ammons
Council President

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Alberto C. Zaragoza, Jr.
Mayor

Original
Budget

RESOLUTION NUMBER 4490

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR FIVE STAR MART LLC D/B/A DOLLY CREEK
SHELL; ROBERT LEE CAYSE JR, EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Five Star Mart LLC d/b/a Dolly Creek Shell, located at 2423 Acton Road, Vestavia Hills, Alabama, for the off-premise sale of 050 Retail Beer and 070 Retail Table Wine; Robert Lee Cayse Jr, executive.

APPROVED and ADOPTED this the 26th day of August, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

INTEROFFICE MEMORANDUM

DATE: July 1, 2013

TO: Dan Rary, Acting Police Chief

FROM: Rebecca Leavings, City Clerk

RE: Alcohol License Request – 050 Retail Beer and 070 Retail Table Wine

Please find attached information submitted by Robert Lee Cayse Jr who request an alcohol license to sell 050 Retail Beer and 070 Retail Table Wine at the Five Star Mart LLC d/b/a Dolly Creek Shell, 2423 Acton Road , Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 26th day of August, 2013 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:

	<p>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</p>
	<p>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</p>
	<p>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</p>



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20130307131008286

Type License: 050 - RETAIL BEER (OFF PREMISES ONLY) State: County:

Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY) State: County:

Trade Name: DOLLY CREEK SHELL Filing Fee:

Applicant: FIVE STAR MART LLC Transfer Fee: \$100.00

Location Address: 2423 ACTON ROAD VESTAVIA HILLS, AL 35243

Mailing Address: 2423 ACTON ROAD VESTAVIA HILLS, AL 35243

County: JEFFERSON Tobacco sales: YES Tobacco Vending Machines: 0

Sale of Products Containing Ephedrine: NO Type Ownership: LLC

Book, Page, or Document info: 2013, 86 Do you sell Draft Beer: N

Date Incorporated: 01/14/2013 State incorporated: AL County Incorporated: ST. CLAIR

Date of Authority: 01/14/2013 Alabama State Sales Tax ID: R008426495

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

Table with 4 columns: Name, Title, Date and Place of Birth, Residence Address. Row 1: ROBERT LEE CAYSE JR, MEMBER, 05/08/1970 GEORGIA, 4093 CRAWFORD COVE ROAD SPRINGVILLE, AL 35146

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: ROBERT LEE CAYSE JR Home Phone: 205-594-3377
Business Phone: 205-823-8923 Cell Phone: 205-470-9583
Fax: 205-823-8978 E-mail: fivestarmart@hotmail.com

PREVIOUS LICENSE INFORMATION: Previous License Number(s)
Trade Name: DOLLY CREEK #106 License 1: 001167437
Applicant: THE MCPHERSON COMPANIES INC License 2: 001167437



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20130307131008286

If applicant is leasing the property, is a copy of the lease agreement attached? YES
 Name of Property owner/lessor and phone number: THE MCPHERSON COMPANIES INC 205-661-4400
 What is lessors primary business? OIL COMPANY
 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? NO

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 2000 Display Square Footage:
 Building seating capacity: 0 Does Licensed premises include a patio area? NO
 License Structure: SINGLE STRUCTURE License covers: ENTIRE STRUCTURE
 Number of licenses in the vicinity: 2 Nearest: 2
 Nearest school: .25 blocks Nearest church: .01 blocks Nearest residence: .25 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:
ROBERT LEE CAYSE JR	DUI, 09/23/1989	JEFFERSON COUNTY	GUILTY, PAID FINE



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20130307131008286

Initial each

Signature page

RLC
RLC

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.

RLC

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.

RLC

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.

RLC

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

RLC

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

RLC

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.

RLC

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.

RLC

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): *Robert Lee Coyse Jr*

Signature of Applicant: *Robert Lee Coyse Jr*

Notary Name (print): *Valencia Johnson*

Notary Signature: *Valencia Johnson*

Commission expires: *1-4-14*

Application Taken: *3-7-13* App. Inv. Completed:
Submitted to Local Government:
Received in District Office: Reviewed by Supervisor:

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



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD Confirmation Number: 20130307131008286



NOTICE OF TRANSFER OF ABC LICENSED BUSINESS

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

CURRENT LICENSEE: THE MCPHERSON COMPANIES INC Address: 2423 ACTON RD VESTAVIA HILLS, AL 35216 Telephone: 205-823-8923

NEW APPLICANT: FIVE STAR MART LLC Address: 2423 ACTON ROAD VESTAVIA HILLS, AL 35243 Telephone: 205-823-8923

Current License No: 001167437 001167437

LICENSED PREMISES ADDRESS: 2423 ACTON ROAD VESTAVIA HILLS, AL 35243

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

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

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

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

THE CURRENT LICENSE WILL NOT BE RENEWED.

WITNESS our hands and seals on this the 7th day of March, 2013.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

Signature: Debra Scott Print Name: DEBRA SCOTT Title: BUSINESS ASSISTANT POA

Signature: Robert Lee Cayse Jr Print Name: ROBERT LEE CAYSE JR Title: member

WITNESS: (By ABC Enforcement) Revised 9/08

Signature: Stanley Smith

RESOLUTION NUMBER 4491

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER
TO EXECUTE AN AGREEMENT TO RENEW A CONTRACT FOR
COLLECTION OF GARBAGE AND TRASH**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver an agreement with Republic Services to renew the contract for collection of garbage and trash; a copy of said First Amendment to Agreement for Renewal of Contract for Collection of Garbage and Trash is attached to and incorporated into this Resolution Number 4491 and though written fully therein; and
2. This Resolution Number 4491 shall become effective immediately upon adoption and approval.

DONE and APPROVED this the 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**FIRST AMENDMENT TO
AGREEMENT FOR RENEWAL OF CONTRACT
FOR COLLECTION OF GARBAGE AND TRASH**

This First Amendment to Agreement for Renewal of Contract for Collection of Garbage and Trash (this "Amendment") is dated effective the ___ day of _____, 2013 (the "Effective Date"), between the City of Vestavia Hills, Alabama, a municipal corporation of the State of Alabama (the "City"), and BFI Waste Services, LLC, a Delaware limited liability company d/b/a Allied Waste Services of Birmingham // Republic Services of Birmingham ("Contractor"), as successor-in-interest to Advanced Disposal Services Birmingham, Inc. ("ADS").

Recitals

A. The City and the predecessor-in-interest to ADS entered into that certain Contract, dated October 1, 2004, as amended by that certain Addendum to Contract, dated September 30, 2009, and that certain Agreement for Renewal of Contract for Collection of Garbage and Trash, dated September 30, 2010 (collectively, the "Contract"), pursuant to which Contractor and/or its predecessor-in-interest agreed to provide certain solid waste collection and disposal services.

B. The City and the Contractor now desire to amend certain provisions of the Contract.

Agreement

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree to the following terms and conditions:

1. Capitalized Terms. Capitalized terms used but not otherwise defined in this Amendment shall have the meanings assigned to them in the Contract.

2. Extension. Pursuant to Section 3(C) of the General Specifications portion of the Contract, the Contract is hereby extended for an additional three (3) year term (the "Extended Term"), commencing October 1, 2013 and ending September 30, 2016.

3. Carts. Commencing as of October 1, 2013, residents utilizing 32 gallon recycling carts under the terms of the Contract shall be entitled to trade in such carts for a 95 gallon recycling cart at no additional cost. Any residents desiring to obtain a 95 gallon recycling cart pursuant to this Section shall contact Contractor directly to arrange delivery.

4. CPI Adjustments. Rates during the second year of the Extended Term may be adjusted to account for changes in the Consumer Price Index in accordance with Section 10.B. of the General Specifications of the Contract; provided, however, that any such adjustment shall not exceed 2.5%. No rate adjustments under Section 10.B. of the General Specifications shall be made for the first or third years of the Extended Term.

5. Title to Waste. The items excepted from the definition of "Garbage" in Section 1

of the General Specifications portion of the Contract shall be referred to as "Excluded Waste." For purposes of clarifying the intent of the parties in the Contract, the parties hereby expressly agree that title to and liability for any Excluded Waste provided to Contractor under the Contract shall at no time pass to Contractor.

6. Indemnification. Section 7.A. of the General Specifications of the Contract is hereby amended to change the words "negligent or willful act" to "negligent act or willful misconduct." Similarly, the words "negligent or willful performance" in that same section are hereby deleted and replaced with the words "negligent performance or willful misconduct."

7. Successor. The City hereby acknowledges and agrees that Contractor is the lawful successor-in-interest to ADS' rights under the Contract and hereby expressly consents to such change in parties.

8. Continuing Effect. Except as expressly modified or amended by this Amendment, all terms and provisions of the Contract shall remain in full force and effect. In the case of a conflict in meaning between the Contract and this Amendment, this Amendment shall prevail.

9. Execution in Counterparts. This Amendment may be executed in any number of counterparts, each of which shall be deemed an original.

IN WITNESS WHEREOF, the parties have entered into this Amendment to be effective as of the Effective Date.

CONTRACTOR:

CITY:

BFI WASTE SERVICES, LLC,
a Delaware limited liability company

CITY OF VESTAVIA HILLS,
a municipal corporation of the
State of Alabama

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

RESOLUTION NUMBER 4492

A RESOLUTION AUTHORIZING THE CITY MANAGER TO PURCHASE CERTAIN TECHNOLOGY EQUIPMENT FOR THE VESTAVIA HILLS LIBRARY IN THE FOREST FROM A PORTION OF A GRANT OF \$300,000 FROM THE PUBLIC SCHOOL AND COLLEGE AUTHORITY (PSCA)

WHEREAS, in January 2009, the Vestavia Hills Library in the Forest was awarded a \$300,000 grant from the Public School and College Authority (“PSCA”) and notified in October of 2012; and

WHEREAS, the Library Board has carefully considered the best use for said funds and has allocated an amount not to exceed \$121,000 of said funds for projects detailed in information marked “Exhibit A” and attached and incorporated into this Resolution Number 4492 as though written fully therein; and

WHEREAS, the Mayor and City Council have reviewed the described projects and feel it is in the best interest to authorize the City Manager to purchase said projects as described in the attached exhibit.

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

1. The City Manager is hereby authorized to purchase projects as described in the attached exhibit for an amount not to exceed \$121,000; and
2. Invoices for said purchases shall be submitted directly to the Alabama Building Commission (“ABC”) for payment pursuant to the terms and conditions of the grant; and
3. This Resolution Number 4492 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



CITY OF VESTAVIA HILLS

VESTAVIA HILLS LIBRARY IN THE FOREST

ALBERTO "BUTCH" ZARAGOZA
MAYOR

TANEISHA YOUNG TUCKER
DIRECTOR

August 20, 2013

TO: Mayor Alberto C. Zaragoza, Jr.
Mayor Pro-tem Steve Ammons
Councilman Jim Sharp
Councilman George Pierce
Councilman John Henley
Mr. Jeff Downes, City Manager

FROM: Taneisha Tucker
Library Director

RE: Request for City Council Approval

The Vestavia Hills Library in the Forest has been awarded a \$300,000 grant from the Public School and College Authority (PSCA). The allocation was made on January 30, 2009 but the library was not notified until October 2012.

The funds from the grant are to be used for capital expenditures (construction) and the purchase of technology (computers, smart-boards, etc.) The Library in the Forest has created an ad hoc technology committee that has worked together to compile and submit the first of two lists to the Alabama Building Commission for approval. The first list totaling just under \$121,000 has been approved and we are prepared to begin making purchases immediately.

Per the grant's specifications (see enclosed documents), the Alabama Building Commission requires that original invoices be submitted directly to them for payment. The Library would also submit the required Certification of Compliance Title 41: Public Contracts and Material Receipts forms. The City of Vestavia Hills would not be responsible

for purchasing items and waiting for reimbursement from the ABC. Based on their policies, ABC will pay the vendors directly within ten business days of receiving original invoices.

Attached is a list of the items approved by the PSCA and Library's technology committee for purchase utilizing this grant. Since the attached items are below the purchase price required by the Competitive Bid Law, all that is required of Council is approval to purchase.

Thank you.

**Vestavia Hills Library in the Forest
 Revised Technology and Capital Improvements Submissions / Quotes
 1221 Montgomery Highway
 Vestavia Hills, AL 35216**

PHASE 1

TECHNOLOGY SUBMISSION

1. Print Management Upgrades

Hardware/Software for 1st Floor Print Station
 Print Station, Software, Card Terminal, Cards \$14,684
 Mobile printing Upgrade
 Allows patrons to print wirelessly, iPads, iPhones, etc.
 Scannx Book ScanCenter Upgrade

Xerox 6700D Color LaserJet Printer \$2,491
 (Yearly Maintenance Contract \$.13 Color, \$.019 B&W)
 Cabinet for Printer/Computer \$3000

2. Two Windows laptops/software for PowerPoint/Training/Proctoring \$3,333.68

3. Three MacBook Pro laptops for IT and for Publicity/Web development \$8,109.84

4. Upgrade to Patron Wireless Network \$3,161.69
 Barracuda Link Balancer 330 Installation

5. Five Standing tables for Email computers \$3,174.75

6. Mount TV Panels/Mounting Hardware/Run Cables \$6,900
 Purchase 60" panel to mount in Lobby for Digital Signage
 Purchase DTV box to attach to TV to receive programming
 Pull electricity/data cables

7. Children's Media Room Audio/Video System \$11,505.99
 In Ceiling Speakers, Amplifier, Blue Ray DVD, Apple TV, Logitech Remote,
 Mixer (CD/DVD Input, Computer/laptop Inputs)
 PA System
 2 Corded Mics, 1 Wireless Mic
 Centralized Cabling
 Cabinet construction installation for fixed installation/operation/security
 HD Projector, Projector Mounting, 120" Screen (manual)
 Installation/Integration

8. Security System Enhancements	\$21,115.10
Addition of 4 fisheye/high quality cameras to oversee adult Public Computer area	
Addition of outdoor fisheye camera for view of book drop and rear of cars leaving the parking lot (for car tags).	
New Recording Server for additional cameras and much needed storage (now we are limited to storing video for about a week)	
Wiring (long challenging runs/installation)	
Server Setup/Programming/Integration/Install cameras	
9. 12 iPads	\$6,256.80
10. Dragon Dictate for Mac 3.0, with Digital Voice Recorder	\$259.99
11. LinkRunner - LinkRunner Pro was designed to provide desktop support and network technicians with a simple, dedicated tool for resolving the most common PC user and device connectivity issues.	\$995.00
12. Promethean Board with software/training/installation	\$7,424.00
13. Computer/Desk chair	\$687.44

Total = \$93,099.28

CAPITAL IMPROVEMENTS SUBMISSION

1. Handicap Accessible sidewalk
Furnish and install 126' of sidewalks with handicap landings and formed retaining/head walls. (3000 PSI with 6x6x6 wwm). The sidewalk will be installed on a slope that will not exceed local building codes. All material, labor, pump trucks, excavation and wall construction is included in price.
\$23,890
2. Cement saw cut
Furnish all material and labor to saw cut a 60" walk thru in bottom retaining wall. Remove all debris. Install all masonry veneer to complete a finish walk thru opening.
\$3,952

Total = \$27842.00

ESTIMATED GRAND TOTAL: \$120,941.28

VENDORS

Apple

Viperline Solutions

Office Environments

AV Unlimited

Dell

TRACSYSTEMS, Inc

GT Key

Berney Office Solutions

Amazon

Core Education

OFFICE OF THE GOVERNOR



JAMES ALLEN MAIN
DIRECTOR OF FINANCE

BOB RILEY
GOVERNOR

(334) 242-7160
FAX: (334) 353-3300

STATE OF ALABAMA
STATE CAPITOL
MONTGOMERY, ALABAMA 36130
January 30, 2009

The Honorable Bob Riley
Governor and President of the Alabama Public School and College Authority
600 Dexter Avenue, State Capitol, Suite N-104
Montgomery, AL 36130

The Honorable Joseph B. Morton
Superintendent of Education and
Vice President of the Alabama Public School and College Authority
50 North Ripley Street
Montgomery, AL 36130

The Honorable James Allen Main
Director of Finance and
Secretary of the Alabama Public School and College Authority
600 Dexter Avenue, State Capitol, Suite N-105
Montgomery, AL 36130

Dear Members:

I, Governor Bob Riley respectfully request your approval of the following allocation from the Alabama Public School and College Authority Series 2007 Bond Interest. Should you approve the allocation, it will be ratified at the next meeting of the Alabama Public School and College Authority:

Attached List for public schools and libraries totaling \$1,028,708.92; these funds will be used for various capital projects.

Please sign for approval of this allocation. Thank you for your consideration.

Approved

Approved

Approved

Disapproved

Superintendent
Joseph B. Morton

Disapproved

Governor Bob Riley

Disapproved

Director of Finance
James Allen Main

**Alabama Public School & College Authority
January 30, 2009**

Auburn University Montgomery	\$ 59,069.00
Blount County Board of Education	\$ 22,533.44
City of Vestavia Hills	\$ 300,000.00
Elmore County Board of Education	\$ 379,639.92
Jefferson County Board of Education	\$ 42,636.98
Mobile County Board of Education	\$ 150,000.00
Montgomery County Board of Education	\$ 40,000.00
Oneonta City Board of Education	\$ 5,259.15
St. Clair County Board of Education	\$ 23,405.93
Tarrant City Board of Education	\$ 6,164.50
Total	\$1,028,708.92



ALABAMA STATE SENATE
ALABAMA STATE HOUSE
11 SOUTH UNION STREET, 7TH FLOOR
MONTGOMERY, ALABAMA 36130-4600

J.T. "JABO" WAGGONER
SENATE MINORITY LEADER
P.O. BOX 680608
VESTAVIA HILLS, AL 35286-0609

HOME: 205-822-7443
CAPITOL: 334-242-7892

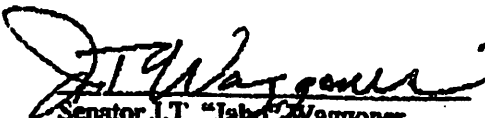
February 1, 2008

Governor Bob Riley
Alabama State Capitol
600 Dexter Avenue
Montgomery, Alabama 36130

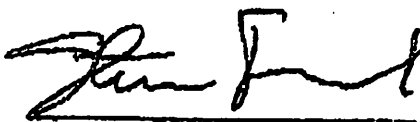
Dear Governor Riley:

The state legislative delegation representing the City of Vestavia Hills requests your positive consideration of our appeal for funding for the new Leadership in Energy and Environmental Design (LEED) certified Vestavia Hills Library in the Forest. We know you are familiar with the project, as evidenced by your early, valuable support and endorsement of it. Attached you will find a detailed project description with an update on activities that have occurred since your earlier briefing. With approximately \$3 million raised to date, tremendous progress has been made toward relieving the \$4 million challenge issued by the Vestavia Hills City Council. We are requesting ~~\$500,000~~ 250K from your discretionary funds for this endeavor. The award of your funds along with other pending grant requests will guarantee that the Vestavia Hills Library in the Forest, an essential resource for education and life long learning, will become a reality for our city, our region and our state.


Sincerely,

 250K

Senator J.T. "Jabo" Waggoner
Senate Minority Leader

 250K

Senator Steve French
District 15



Representative Greg Earfield
District 48



Representative Jack Williams
District 47



Representative Paul DeMarco
District 46

PSCA INTEREST REQUESTS

EDUC. ENTITY	PROJECT	AMOUNT	
Bloom Co BOE	Capital Improvements, Technology & Athletic equip.	\$22,533.44	7667
Oneonta City BOE	Capital Improvements, Technology & Athletic equip.	\$5,259.15	7668
St. Clair County BOE	Capital Improvements, Technology & Athletic equip.	\$23,405.93	7669
Tarrant City BOE	Capital Improvements, Technology & Athletic equip.	\$6,164.50	7670
Jefferson Co. BOE	Capital Improvements, Technology & Athletic equip.		
Bregg Middle School		\$2,793.46	7671
Bryan Elementary School		\$2,678.05	7672
Corner High School		\$4,338.19	7673
Fultondale Elementary School		\$2,604.19	7674
Fultondale High School		\$2,107.93	7675
Gardendale Elementary School		\$2,714.98	7676
Gardendale High School		\$3,245.86	7677
Kemml Johnson Elementary School		\$2,906.56	7678
Mortimer Jordan High School		\$2,724.21	7679
Mt. Olive Elementary School		\$1,957.90	7680
North Jefferson Middle School		\$2,380.29	7681
Pinson Elementary School		\$2,733.44	7682
Pinson Valley High School		\$3,368.19	7683
Rudd Middle School		\$2,895.02	7684
Snow Rogers Elementary School		\$1,519.34	7685
Warrior Elementary School		\$1,669.37	7686
SUB-TOTAL		\$42,636.98	
Theodore High School - Mobile County	Construction of performing arts building	\$150,000.00	7687
Auburn Montgomery	Purchase Gas Chromatograph-Mass Spectrometer	\$59,069.00	7688
Elmore Co. BOE	Technology equipment	\$54,639.92	7689
Elmore Co BOE	Library and technology upgrades		
Coosada Elementary School		\$25,000.00	7690
Elmore County Technical Center		\$25,000.00	7691
Holtville Elementary School		\$25,000.00	7692
Holtville Middle School		\$25,000.00	7693
Holtville High School		\$25,000.00	7694
Millbrook Middle School		\$25,000.00	7695
Redland Road Elementary School		\$25,000.00	7696
Robinson Springs Elementary School		\$25,000.00	7697
Stanhope Elmore High School		\$25,000.00	7698
Wetumpka Elementary School		\$25,000.00	7699
Wetumpka High School		\$25,000.00	8601
Wetumpka Intermediate School		\$25,000.00	8602
Wetumpka Jr. High School		\$25,000.00	8603
SUB-TOTAL		\$325,000.00	
LAMP Program - Montgomery County BOE	Construction of athletic training building	\$40,000.00	8604
City of Vestavia Hills	Vestavia Hills Library in the Forest project	\$150,000.00	8605
City of Vestavia Hills	Vestavia Hills Library in the Forest project	\$150,000.00	
TOTAL		\$1,028,708.92	

**REQUEST FOR DISCRETIONARY FUNDS
FOR THE
VESTAVIA HILLS PUBLIC LIBRARY**

February 1, 2008

The citizens and municipal government of Vestavia Hills, Alabama have joined together in an unprecedented public-private partnership to build a much needed new public library for the entire community, and one that will uniquely complement and support Vestavia's excellent school system. The new Vestavia Hills Public Library will be an exceptional, one-of-a-kind facility. The new library will be a "green" facility and Alabama's first LEED – Leadership in Energy and Environmental Design – certified library, reflecting the values and priorities of the community, the State of Alabama, and our nation by preserving natural resources in a realistic and cost-effective manner. The result will be not only a new library, but an environmental showcase and classroom nestled on 9.4 acres of lush Alabama forest surrounded by trees, walking trails, and natural streams. The new 35,000 square foot library will be one of the best examples of environmental stewardship in the State, will serve the entire population of Vestavia Hills as well as Jefferson County, will accommodate the City's 20-year projection in population growth, will address all deficiencies in the current library facility, and will be a destination for visitors and library patrons from neighboring cities and states. The Library Foundation is in the midst of a community-wide fundraising campaign, and the attached campaign DVD and brochure showcase the magnificent site and provide details about the project and the anticipated design. The citizens and the City of Vestavia Hills have demonstrated and continue to demonstrate their support for the project, which is well underway, both in terms of design and fundraising. Given these exceptional circumstances, we request an allocation of \$500,000 from your discretionary funds to ensure the timely completion of the new library.

**STATE OF ALABAMA
BUILDING COMMISSION**
770 Washington Avenue, Suite 444
Montgomery, Alabama 36130
(334) 242-4082 FAX (334) 242-4182

INVOICE CHECKLIST

For Materials and Equipment to be Purchased with Funds of the ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY

This checklist contains the prerequisites for Alabama Building Commission approval of the use of ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY (PSCA) bond issue funds for the purchase of materials and equipment. The prerequisites assure conformance with PSCA requirements, competitive bid laws, ABC recording methods, and distribution requirements. The authority submitting invoices for payment with PSCA funds should utilize this checklist when preparing invoices for submittal to assure prompt approval and processing.

1.	Materials and/or equipment are to be for capital improvements only (not maintenance, etc.).
2.	The original and a minimum of three (3) <u>legible</u> copies of the invoice are to be submitted. Carbon and FAXED copies of invoices are not acceptable.
3.	The original and each copy of the invoice must be certified by the vendor as being "True, correct, and unpaid." The vendor's signature is to be <u>Notarized</u>.
4.	The original and two (2) of the three (3) copies of the invoice must bear original signatures.
5.	Attached to each copy of the invoice there must be a completed, signed, and dated "State of Alabama Material Receipt" confirming the receipt and condition of all items covered by the invoice.
6.	The "Material Receipt" must be signed by the proper authority of the school or institution and at least three (3) copies of the "Material Receipt" must bear an original signature.
7.	A "Certificate of Compliance" with Competitive Bid Law must be attached to each copy of the invoice. ABC Form 9-H, Certificate of Compliance, Title 41: Public Contracts, is to be used for this purpose.
8.	Each "Certificate of Compliance" must bear the original signature of the president, director, or superintendent of the school or institution. This signature is to be <u>Notarized</u>.
9.	The Federal Employee Identification Number (FEIN) should be included for each vendor. If the vendor does not have a FEIN, his social security number will be sufficient.

CERTIFICATION OF COMPLIANCE TITLE 41: PUBLIC CONTRACTS

I hereby certify that the contract for the Equipment or Materials covered by the attached invoice was awarded in accordance with Competitive Bid Law applying to the School Board or Institution noted below.

BC# _____
City - County - Institution

PSCA# _____ By _____
Officer - Title

Sworn to and subscribed before me
this _____ day of _____, 20_____.

Notary Public

INSTRUCTIONS: This certification must be signed by the president, director, or superintendent of the school or institution, notarized, and attached to each copy of each invoice for equipment or materials being submitted to the Alabama Building Commission for approval to pay the invoice from funds of the ALABAMA PUBLIC SCHOOL AND COLLEGE AUTHORITY. The certificate attached to each copy of an invoice must bear original signatures.

MATERIAL RECEIPT

Date _____

PSCA No: _____

BC No: _____

County/City/Institution/Agency _____

Received from _____
Vendor

FEIN _____

Received at _____
Location

Date Received _____

Quantity	Unit	ARTICLE Make Full Report of any Shortage or Damage	Condition

I hereby certify that I have received and checked the articles listed above and that they are of the kind, quantity and condition noted.

Checked by _____
Signed

Received by _____
Signed

RESOLUTION NUMBER 4493

A RESOLUTION ACCEPTING A BID FOR JANITORIAL SERVICES FOR THE VESTAVIA HILLS CIVIC CENTER FOR A PERIOD OF 3 YEARS

WHEREAS, the City of Vestavia Hills invited bids for janitorial services for the Vestavia Hills Civic Center; and

WHEREAS, bids were received on August 1, 2013 and read aloud publicly with the results tabulated and detailed in a memorandum to the City Manager from the Public Services Director dated August 16, 2013, a copy of which is marked as “Exhibit A” attached and incorporated into this Resolution Number 4493; and

WHEREAS, the above described memorandum recommends the acceptance of the bid Custom Cleaning Solutions for a 3-year agreement; a copy of which is marked as “Exhibit B”, attached and incorporated into this Resolution Number 4493 ; and

WHEREAS, the Mayor and City Council agree it is in the best public interest to accept said bid and authorize the Mayor and City Manager to execute and deliver said 3-year agreement.

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

1. The bid package submitted by Customer Cleaning Services is hereby accepted; and
2. The Mayor and City Manager are hereby authorized to execute and deliver said Agreement for cleaning services as described above; and
3. This Resolution Number 4493 shall become effective upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**City of Vestavia Hills Public Services
513 Montgomery Highway
Vestavia Hills, AL 35216
205.978.0150**

Interoffice Memo

August 16, 2013

TO: Jeff Downes
City Manager

FROM: Brian C. Davis *bed*
Public Services Director

RE: Janitorial Services for the Civic Center

Bids were received for Janitorial Services to clean the Civic Center on August 1, 2013. There were a total of six bids received.

1. Custom Cleaning Solutions	\$24,500.04
2. Eagle Cleaning Service, Inc	\$25,500.00
3. Professional Mgt. of Alabama	\$28,560.00
4. Trust Building Services	\$29,180.00
5. Alabama Custodial Systems	\$37,020.00
6. RiteWay Service, Inc.	\$56,683.08

Jason Burnett has met with Custom Cleaning Solutions and contacted their references. We would like to accept the annual bid of Custom Cleaning Solutions. This was a requested in the upcoming fiscal year budget. It will be a 3 year contract if it is accepted.

We would like this included on the next agenda of the City Council if you concur. Thank you in advance.

CC: Jason Burnett
Parks and Recreation Superintendent



JANITORIAL SERVICES AT THE VESTAVIA HILLS CIVIC CENTER BID 2013-09

SPECIFICATIONS AND AGREEMENT

Sealed bids for janitorial services at the Vestavia Hills Civic Center will be accepted by the Purchasing Agent, Finance Department, at the Vestavia Hills Municipal Center, 513 Montgomery Highway, Vestavia Hills, AL 35216 until 2:00 p.m. CDT, Thursday, August 1, 2013, at which time they will be publicly opened and read in the Council Chamber at the same address. A mandatory pre-bid meeting will be held at the Civic Center as detailed below.

Bidders can download the complete bid package including specifications and bid form via the internet at www.vestaviiahills.net (to link under "Public Notices" titled "Civic Center Janitorial Services"); by visiting the Finance Office at the address shown in paragraph above; or by calling (205) 978-0152 and requesting a copy be mailed. Any addenda will be available on the internet and mailed to only those vendors who were provided a copy of the original invitation in person or by mail. All bidders are responsible for checking the website for addenda until bid opening date.

A mandatory pre-bid meeting will be held Tuesday, July 23, 2013, at 10 a.m. CDT in the VESTAVIA HILLS CIVIC CENTER, located at 1973 Merryvale Road, Vestavia Hills, AL 35216. The bidder declares that the bidder fully understands that the City of Vestavia Hills (the "City") has put forth a good-faith effort of estimating the approximate maintenance required. The bidder acknowledges and agrees that the maintenance operations may vary.

The successful bidder will be awarded a 3-year agreement. Bidder agrees to commence work with an adequate force and sufficient equipment to complete the work within the allotted time, at the prices hereinafter named. The terms, provisions, limitations, and conditions set forth in this agreement between the City of Vestavia Hills (hereafter, "City") and the bidder (hereafter, "Contractor") are incorporated in this Invitation to Bid by reference as though set out fully herein.

1. Scope of Services

To provide all supervision, labor, equipment, cleaning supplies (except items furnished by the City, as listed below*), and services required to perform all janitorial services for the Vestavia Hills Civic Center for Vestavia Hills Parks and Recreation as specified herein from October 1, 2013 to September 30, 2016.

*Supplies furnished by the City include the following:

- Toilet paper
- Paper towels
- Handsoap
- Urinal screens
- Trash bags

The City will provide suitable storage space for equipment and materials provided by the Contractor.

2. Qualification of Bidders

- a) Bidding on this agreement shall be limited to individuals, partnerships, and corporations actively engaged in the field of janitorial services. Bidders shall demonstrate competence, experience, and financial capability to carry out the terms of this agreement. The City of Vestavia Hills, the contracting agency, may require proof of these qualifications.
- b) All bidders must have in their possession or available to them by formal agreement at the time of bidding, vehicles, devices, hand tools, and other equipment necessary to perform the work as outlined in these specifications.
- c) Contractors must attend the mandatory pre-bid meeting.
- d) Contractors must include a copy of their company's E-Verify Memorandum of Understanding with the bid submission.

3. General Conditions

In addition to other requirements listed in this bid invitation packet, the Contractor must meet the following general conditions:

- a) All documents required by the City must be furnished to the Purchasing Agent within fifteen days after the award, with the exception of those documents required as part of the bid submission. Should the successful bidder fail to furnish the required documentation, the City shall make award to the next lowest responsible bidder
- b) Upon satisfaction of all requirements and final execution of the agreement, a proceed order shall be issued by the City within fifteen days. Contractor may not begin work before a notice to proceed is issued.
- c) Award will be made to the lowest responsible bidder as determined by the Vestavia Hills Public Services Department. The City shall have the right to reject any and all bids submitted on the proposed work, to waive technicalities and informalities, and to increase or decrease quantities. ****NOTE: Price adjustments will be made for increases or decreases in quantities/service.****

4. Safety Standards

- a) All equipment to be used and all work to be performed must be in full compliance with the most current safety requirements for performing this type of work.
- b) The contractor shall be solely responsible for pedestrian and vehicular safety and control on the worksite and shall provide the necessary warning devices, barricades and ground personnel needed to give safety, protection, and warning to persons and vehicular traffic within the area.

5. Discontinuance of Work

Any practice obviously hazardous as determined by the contracting agency shall be immediately discontinued by the contractor upon receipt of either written or oral notice to discontinue such practice.

6. Observance of Laws, Ordinances and Regulations

Contractor at all times during the term of this agreement shall observe and abide by all Federal, State, and Local laws and regulations which in any way effect the conduct of the work and shall comply with all decrees and orders of courts of competent jurisdiction. Contractor shall comply fully and completely with any and all applicable Federal and State statutes, rules, and regulations as they relate to hiring, wages and any other applicable conditions of employment. Contractor shall upon award provide documents required by the City of its vendors and businesses operating within the City.

7. Addition or Deletion of Areas

The City reserves the right to change, add or delete areas for janitorial service. This is conditional upon the total amount of funds available. Unless otherwise authorized by the contracting agency, failure of the Contractor to comply with the approved janitorial service schedule shall be sufficient cause to give notice that the contractor is in default of the agreement.**NOTE: Price adjustments will be made for work added/deleted.**

8. Work Schedule

All work to be done after operational hours every night for the months of November through February; Sunday night through Thursday night during the months of March through October. The following dates are exceptions to the rule (2014 schedule is TBD and will be supplied when available):

VESTAVIA HILLS PARKS & RECREATION
CIVIC CENTER CLOSINGS 2013

JANUARY 1	TUESDAY	NEW YEAR'S DAY
JANUARY 21	MONDAY	MARTIN L. KING, JR. DAY
MARCH 29-31	FRI-SUN	GOOD FRIDAY-EASTER
MAY 27	MONDAY	MEMORIAL DAY
JULY 4	THURSDAY	INDEPENDENCE DAY
SEPTEMBER 2	MONDAY	LABOR DAY
NOVEMBER 11	MONDAY	VETERANS DAY
<u>*NOVEMBER 27</u>	<u>WEDNESDAY</u>	<u>*CLOSE AT 5PM</u>
NOV 28-DEC 1	THUR-SUN	THANKSGIVING
DECEMBER 24-25	TUES-WED	CHRISTMAS
DECEMBER 31	TUESDAY	NEW YEAR'S EVE
<u>WE WILL BE CLOSED JANUARY 1 FOR NEW YEAR'S 2014.</u>		

9. Licenses and Permits

Contractor shall, at his expense, procure all necessary licenses and permits needed to contract. Responsible bidders shall include a commercial cleaning service/ janitorial bond **in the amount of \$10,000** with the bid.

10. Subagreements

The contractor will not be allowed to create a subagreement for work under this agreement unless written approval is granted by the contracting agency. The subcontractor, as approved, shall be bound by the contractor. All directions given to the subcontractor in the field shall bind the contractor as if the notice has been given directly to the contractor.

11. Execution of the Agreement

The successful bidder shall, upon notification of selection as the successful bidder, enter into agreement with the contracting agency and shall simultaneously provide the appropriate bonds, indemnities and insurance required hereunder.

This agreement, when executed, shall be deemed to include the entire agreement between the parties. The contractor shall not base any claim for modification of the agreement upon any prior presentation or promise made by representatives of the contracting agency. Contractor must include any additional requested terms in the bid response; the City reserves the right to reject any portion of those terms.

12. Supervision

Any alterations or modifications of the work performed under this agreement shall be made only by written agreement between the Contractor and City and shall be made prior to commencement of the altered or modified work. No claims for any extra work or materials shall be allowed unless covered by written agreement.

13. Work Crew Supervision

Contractor shall provide qualified supervision of each crew at all times while working under this contract. Each supervisor shall be authorized by the contractor to accept and act upon all directives issued by the contracting agency, provided the directives are within the scope of work described in this agreement. Failure of the supervisor to act on said directives will be sufficient cause to give notice that the Contractor is in default of the agreement, unless such directives would create potential injury or safety hazard.

14. Payments

Payments will be made on a monthly basis in accordance with the City's billing and payment policy.

15. Agreement Termination

The City shall have the right at any time to cancel this agreement for any reason or no reason upon seven (7) days advance written notice to the Contractor. In such cases the contractor will be paid for all work actually performed the date of termination, but will not be paid for any work not performed or for any anticipated profits on work not actually performed by the termination date.

16. Insurance

The contractor agrees to obtain and maintain in force during the terms of this agreement insurance of the type, with the coverage and in the amounts specified below:

- a) For personal injuries, including death, in an amount of not less than:
 - i) \$500,000 for any one person occurrence
 - ii) \$1,000,000 for any one occurrence
- b) For damage to property not belonging to the contractor or his subcontractors in an amount not less than:
 - i) \$500,000 for any one accident
 - ii) \$1,000,000 aggregate amount
- c) For personal injuries including death and/or for damages to property not belonging to the contractor or his subcontractors caused by automotive equipment or used by the contractor or his subcontractors in an amount not less than:
 - i) \$500,000 personal injury per person per occurrence
 - ii) \$1,000,000 personal injury per occurrence
 - iii) \$500,000 property damage per accident
- d) Workmen's Compensation, State and Federal Statutory requirements plus:
 - i) \$500,000 employer's liability per person
 - Such insurance shall be placed with an insurer acceptable to the contracting agency and the policies shall provide notice by the insurer to the contracting agency of cancellation, non-renewal or material change in any such policy and shall contain an endorsement naming the City of Vestavia Hills as an additional insured there under.

17. Crew Information

- a) Crews will be dressed neatly. Shirts shall be worn at all times.
- b) Courtesy to persons utilizing City facilities is required at all times.
- c) Breaks will be taken individually.
- d) No "horseplay" will be tolerated on the job.
- e) All refuse from lunches and breaks will be disposed of immediately.

18. Independent Contractor

Contractor is an independent contractor for purposes of this Agreement. Nothing contained in the Agreement shall be construed to mean that said Contractor is the servant, agent, or employee of the City of Vestavia Hills, Alabama.

19. Indemnity

Contractor shall indemnify and save harmless the City of Vestavia Hills, Alabama, its Mayor, City Manager, individuals members of the City Council, servants, agents, employees, or representatives from any and all claims, demands, controversies, actions, causes of action, liabilities of action, lawsuits, liabilities and damages arising out of or resulting from property damage, personal injury and/or death suffered or alleged to have been suffered by any person as a result for work performed by the Contractor under this Agreement.

20. Bid

The Bid submitted by Contractor is attached hereto, marked as Exhibit 1 and is incorporated into this Agreement by reference as though set out fully herein.

21. Severability

In the event any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.

I. CLEANING SUPPLIES REQUIREMENTS

- Floor finish will be non-staining and shall provide a high degree of slip protection. Neutral type cleaning shall not be harmful to the surfaces to which they are applied. Dust mop treatment materials which leave an oily residue shall not be used.
- Upon request, Contractor shall submit a list of materials to be used in providing the cleaning service. The building superintendent may approve or disapprove any product.

II. OFFICE AREAS / LOBBIES / HALLWAYS

- Wastepaper containers and other waste receptacles will be emptied and returned to original locations. All waste will be collected and removed to a central waste disposal area. Plastic liners will be taken from the customer's stock. This is to be done nightly.
- Desk, chairs, and cabinets will be thoroughly dusted on all horizontal surfaces using treated dusting tools. Bottle and cup rings and/or other spills are to be cleaned as needed. Desks that are laden with papers will not be cleaned so that work in progress is not disturbed. Chairs will be dusted on all horizontal surfaces. All chairs are to be replaced in original positions to maintain an overall neat and orderly appearance. This is to be done nightly.
- The following open surfaces will be dusted using a treated dusting tool or a damp cloth when needed: miscellaneous cabinets, window sills, coat racks, ledges and shelves under six feet high. NOTE: Due to the fragile nature of computer equipment, telephones, and other desktop accouterments, these items are not to be cleaned unless otherwise stated in this agreement. Handling of personal effects, such as pictures, vases, and other personal decorations, will be held to a minimum.
- Carpets will be vacuumed in traffic lanes. All carpeted floor areas are to be thoroughly vacuumed weekly.
- Wall surfaces around light switches and doorknobs are to be spot cleaned as needed.
- All tile floor areas are to be dust mopped with chemically treated dust mops. Spills and stains are to be spot mopped on a daily basis. All tile floor areas are to be mopped thoroughly weekly.
- Interior office glass panels and doors are to be spot cleaned to remove fingerprints and smudges nightly.
- Recyclables should not be disposed with trash.

III. RESTROOMS / LOCKER ROOMS

- Refill paper towel, toilet paper, and hand soap dispensers nightly.
- Mop floors with a disinfecting solution nightly.
- Clean all restroom fixtures including toilets, sinks, urinals and showers nightly.
- Clean partitions on both sides weekly.
- Dust and clean all return air vents under 10 feet high as needed.
- Clean all counter tops and mirrors nightly.

IV. AEROBICS / BASKETBALL GYM

- Wooden floors will be swept nightly spills will be damp mopped.
- Mirrors will be cleaned as needed.
- Every Monday, use our Streak Free gym floor cleaner system on the entire gym floor.

V. KITCHENS AND BREAKROOMS

- **COUNTERTOPS:** All countertops will be wiped with an approved cleaner to remove spots and stains nightly.
- **APPLIANCES:** The exterior of all appliances such as refrigerators and microwaves will be wiped clean to remove smudges or food particles nightly.
- **SINKS:** The sink will be thoroughly cleaned if left free of dishes and cups nightly.
- **FLOORS:** The floors will be vacuumed or swept and mopped nightly.
- **WALLS:** The walls will be spot cleaned with particular attention given to the area around the trashcan nightly.
- **TABLES AND CHAIRS:** Tables and chairs will be wiped with an approved cleaner and replaced in their original positions to maintain an overall neat and orderly appearance nightly.

VI. MISCELLANEOUS

- VCT floors will be buffed monthly.
- Ceramic floors in restrooms will be scrubbed monthly.

VII. OTHER SERVICES

- Doors will be locked upon entering the area and checked upon completion of duties.
- Any building maintenance or repair problems that the Contractor’s workers note will be reported on a daily basis to the City’s designated representative.
- Workers’ closets will be neat and orderly reflecting a professional approach to business.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto as of the date first above written.

Contractor Name

City of Vestavia Hills

By: _____
Authorized Signature

By: _____
Alberto C. Zaragoza, Jr., Mayor

Print Name

Jeffrey Downes, City Manager

Its: _____
Title

RESOLUTION NUMBER 4494

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 3128 AUTUMN COURT, VESTAVIA HILLS, ALABAMA, PARCEL ID# 28-15-4-016-009.000, 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 THE CITY OF VESTAVIA HILLS TO CAUSE SAID DEMOLITION TO BE PERFORMED 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 3128 Autumn Court, Vestavia Hills, Alabama, Parcel I.D. Number 28-15-4-016-009.000 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 July 16, 2013, 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 9, 2013 at 5:00 p.m. as follows:

Section 1. A Public Hearing was held on September 9, 2013 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 3128 Autumn Court, Vestavia Hills, AL 35243, Parcel ID# 28-15-4-016-009.000 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, subject;

Section 2. That the City of Vestavia Hills shall cause said demolition to be performed by its own employees and/or by contractor(s); 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 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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 9th day of September, 2013 while in regular session on Monday, September 9, 2013, 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

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

CITY OF VESTAVIA HILLS, ALABAMA)
v.)
ESTATE OF ROSALIE NOLAND)
GAMBRILL;)
ROSALIE GAMBRILL HOLMAN;)
JEFFERSON COUNTY SEWER SERVICE)
OFFICE;)
BIRMINGHAM WATER WORKS)
Lots 5, 6 and 7, according to the Survey of J. S.)
Jones Addition to New Merkel, as recorded in)
Map Book 23, page 60, in the Probate Office of)
Jefferson County, Alabama)

Barcode
20130716000763780 1/10
Bk: LR201316 Pg:3165
Jefferson County, Alabama
I certify this instrument filed on:
07/16/2013 09:24:18 AM LN
Judge of Probate- Alan L. King

FINDING OF PUBLIC NUISANCE, NOTICE AND ORDER TO REMEDY, AND NOTICE OF LIS PENDENS

TAKE NOTICE that:

COMES NOW, the City of Vestavia Hills, Alabama ("the City"), by and through its Appropriate Municipal Officials, its City Clerk, and its Attorney to provide notice pursuant to Ordinance No. 2382 of the City that the Appropriate Municipal Officials have made a finding that a building located within the City is a dangerous building because it is unsafe to the extent that it is a public nuisance and subject to demolition. The building is located on the following described property, to wit, which will be described hereafter as "the Subject Property":

STREET ADDRESS:

3128 Autumn Court, Vestavia Hills, AL 35243

LEGAL DESCRIPTION:

Lots 5, 6 and 7, according to the Survey of J. S. Jones Addition to New Merkel, as recorded in Map Book 23, page 60, in the Probate Office of Jefferson County, Alabama

PARCEL IDENTIFICATION NUMBER:

28-15-4-016-009.000

The City provides further notice as follows:

1. In *Ellis v. City of Montgomery*, the United States District Court for the Middle District of Alabama stated that, in cases such as this where a municipality seeks the demolition of building by use of its police powers, “A simple *lis pendens* filing after sending notice to the current owner of a property would place subsequent purchasers on record notice that demolition could occur.” *Ellis v. City of Montgomery*, 460 F.Supp.2d 1301, 1307 (M.D. Ala. 2006). Here, the City is invoking the procedure recommended by the District Court.

2. By the filing of this Notice, the City is not claiming any right, title, or interest in the subject property. Rather, the purpose of this Notice is to put all interested parties on notice of the City’s intent to exercise its authority provided by law and specifically by the City’s ordinances.

3. Ordinance No. 2382 of the City is “An Ordinance to Amend the Official Policies and Procedures of the City of Vestavia Hills, Alabama, Regarding Unsafe Structures and Dangerous Buildings.” The below-signed Appropriate Municipal Officials are the persons designated to exercise the authority and perform the duties delegated by Ordinance No. 2382.

4. The Appropriate Municipal Officials find that the building located on the Subject Property is a “dangerous building” within the meaning of Ordinance No. 2382 because of the following defects:

- (1) Exclusive of the foundation, the building shows thirty-three (33) percent, or more, of damage or deterioration of one (1) or more supporting members, or fifty (50) percent of damage or deterioration of the non-supporting enclosing or outside walls or covering;
- (2) The building has improperly distributed loads upon the floors or roofs, or in which the same are overloaded, or has insufficient strength to be reasonably safe for the purpose used;
- (3) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become

dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;

- (4) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (5) The building has light, air, heating, cooling, and sanitation facilities which are inadequate to protect the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (6) The building has inadequate facilities for egress in case of fire or panic, or has insufficient stairways, elevators, fire escapes, or other means of ingress and egress to and from said building;
- (7) The building does not provide minimum safeguards to protect or warn occupants in the event of fire;
- (8) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;
- (9) The building, or any portion thereof, is clearly unsafe for its use or occupancy;
- (10) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act;
- (11) The building is, because of its condition, unsafe, unsanitary, or dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants.

5. The Appropriate Municipal Officials find that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land).

6. The Appropriate Municipal Officials find that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 2382.

7. The Appropriate Municipal Officials find that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 2382.

8. Notice is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of the date of this Notice to the Appropriate Municipal Officials' satisfaction. In the event the owner does not comply within the time specified herein to the Appropriate Municipal Officials' satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

9. The Appropriate Municipal Officials find that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants. Therefore, the Appropriate Municipal Officials order that the building on the Subject Property be and remain vacated until demolished.

10. A public hearing as provided for by Section 5-146(a) set forth in Ordinance No. 2382 shall be held on the finding of the Appropriate Municipal Officials in the Council Chambers at the Vestavia Hills Municipal Center, 513 Montgomery Highway, Vestavia Hills, AL 35216, on the 9th day of September, 2013, at 5:00 p.m. At that time, the City Council shall hold a public hearing to receive any objections to the finding by the Appropriate Municipal Officials that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the

finding by the Appropriate Municipal Officials. Any such written objection must be submitted to the City Clerk prior to the start of the City Council meeting at which the public hearing is held. No action shall be taken on the finding of the Appropriate Municipal Officials until determination thereon is made by the City Council. Upon holding the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order demolition of the building at the expense of the City and assess the expenses of the move or demolition on the land on which the building stands or to which it is attached. Any person aggrieved by the decision of the City Council at the hearing may, within ten (10) days thereafter, appeal to the Circuit Court of Jefferson County, Alabama, Birmingham Division, upon filing with the Clerk of the Circuit Court of Jefferson County, Alabama, Birmingham Division, notice of the appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. For further particulars, see Ordinance No. 2382.

11. A failure by the Vestavia Hills City Council to act on the findings of the Appropriate Municipal Officials within ninety (90) days from the date of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*" shall constitute an abdication of the Appropriate Municipal Officials' findings. However, this shall in no way prevent the City from reinitiating the proceedings authorized by Ordinance No. 2382 at any time so long as all the requirements of Ordinance No. 2382 are satisfied anew. Furthermore, this does not require that the ordered demolition take place within ninety (90) days from the date of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*." A failure by the City to accomplish the demolition of the building within one hundred eighty (180) days of the passage of the resolution by the City Council ordering the same shall constitute an abdication of the City Council's order unless certain conditions further explained in Ordinance No. 2382 are satisfied. For further particulars, see Ordinance No. 2382.

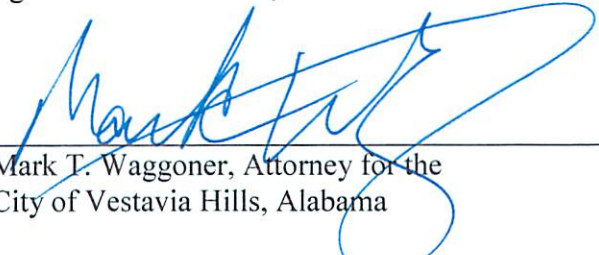
Anyone interested in the status of these proceedings should inquire with the Vestavia Hills City Clerk at (205) 978-0184 or at 513 Montgomery Highway, Vestavia Hills, AL 35216.

12. It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Appropriate Municipal Officials in carrying out the purposes of Ordinance No. 2382.

13. It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*."

14. It is unlawful for any person to enter, access, or be upon the building that the Appropriate Municipal Officials have ordered to be vacated pursuant to this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*" except for the purposes of demolishing the same.

15. It is unlawful for any person who has received this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*" to sell, transfer, mortgage, lease, encumber, or otherwise dispose of the building that is the subject of the same to another until such person shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*" and shall furnish to the Appropriate Municipal Officials a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*" and fully accepting the responsibility without condition for making the corrections or repairs required by this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*."



Mark T. Waggoner, Attorney for the
City of Vestavia Hills, Alabama

OF COUNSEL:
Hand Arendall LLC

2001 Park Place North, Suite 1200
Birmingham, AL 35203
E-mail: mwaggoner@handarendall.com
Phone: (205) 324-4400 Fax: (205) 322-1163

VERIFICATION OF THE APPROPRIATE MUNICIPAL OFFICIALS

We, the undersigned, Keith Blanton and Greg Gilchrist state as follows: We are the Building Official and Fire Marshal, respectively, for the City of Vestavia Hills, Alabama, and for purposes of administering Ordinance No. 2382, we are the "Appropriate Municipal Officials." We hereby offer the findings made in this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," make such orders as are offered herein, and provide such notice as is specified herein.

DONE this the 16th day of July, 2013.



Keith Blanton, Building Official and
Appropriate Municipal Official
City of Vestavia Hills, Alabama



Greg Gilchrist, Fire Marshal and
Appropriate Municipal Official
City of Vestavia Hills, Alabama

This Instrument Prepared By:

Mark T. Waggoner
Hand Arendall LLC
2001 Park Place North, Suite 1200
Birmingham, AL 35203
E-mail: mwaggoner@handarendall.com
Phone: (205) 324-4400
Fax: (205) 322-1163

CERTIFICATE OF SERVICE

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been sent via certified mail, properly addressed and postage prepaid, to all of the following persons on this the 16th day of July, 2013:

A. The 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:

Rosalie Noland Gambrill
2800 Pump House Road
Vestavia, AL 35243

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 the 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:

The Estate of Rosalie Noland Gambrill
c/o Rosalie Gambrill Holman and Henry S. Lynn, Jr., as Executors
3128 Autumn Court
Vestavia Hills, AL 35243

The Estate of Rosalie Noland Gambrill
c/o Rosalie Gambrill Holman and Henry S. Lynn, Jr., as Executors
2800 Pumphouse Road
Birmingham, AL 35243

The Estate of Rosalie Noland Gambrill
c/o Rosalie Gambrill Holman and Henry S. Lynn, Jr., as Executors
2878 Shook Hill Road
Birmingham, AL 35223

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 Official:

There are no mortgagees of record.

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 Official:

There are no lien holders of record.

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the Subject Property:

Jefferson County Sewer Service Office
Room 800
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
Attention: Alicia

Birmingham Water Works
Room 800
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
Attention: Monike Johnson

No other person is otherwise known to the City Clerk or to the Appropriate Municipal Official to have an interest in the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been posted at or within three feet of an entrance to the building on the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been posted in three public places located within the City: 1.) at Vestavia Hills Municipal Center, 2.) at the Vestavia Hills Library in the Forest, and 3.) at the Vestavia Hills Civic Center.

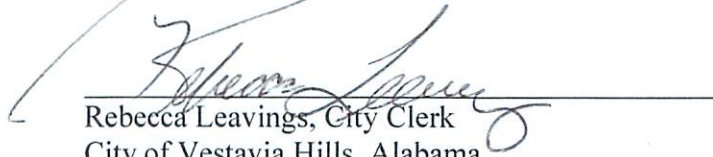
Notice that the Appropriate Municipal Official has made a finding that the Subject Property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing will be held on the date assigned herein will also be given to all interested parties and to the public at large by publication in the *Alabama Messenger*.



Keith Blanton, City of Vestavia Hills, Alabama Building
Official and Appropriate Municipal Official for Purposes
of Administering Ordinance No. 2382



Greg Gilchrist, Fire Marshal for City of Vestavia Hills,
Alabama and Appropriate Municipal Official for Purposes
of Administering Ordinance No. 2382



Rebecca Leavings, City Clerk
City of Vestavia Hills, Alabama

20130716000763780 10/10
Bk: LR201316 Pg: 3165
Jefferson County, Alabama
07/16/2013 09:24:18 AM LN
Fee - \$43.00

Total of Fees and Taxes-\$43.00
LYNN

RESOLUTION NUMBER 4495

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1939 OLD CREEK TRAIL, VESTAVIA HILLS, ALABAMA, PARCEL ID# 28-30-2-014-001.000, 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 THE CITY OF VESTAVIA HILLS TO CAUSE SAID DEMOLITION TO BE PERFORMED 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 1939 Old Creek Trail, Vestavia Hills, Alabama, Parcel I.D. Number 28-30-2-014-001.000 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 July 16, 2013, 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 9, 2013 at 5:00 p.m. as follows:

Section 1. A Public Hearing was held on September 9, 2013 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 1939 Old Creek Trail, Vestavia Hills, AL 35243, Parcel ID# 28-30-2-014-001.000 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 the City of Vestavia Hills shall cause said demolition to be performed by its own employees and/or by contractor(s); 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 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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 9th day of September, 2013 while in regular session on Monday, September 9, 2013, 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

IN THE PROBATE COURT OF JEFFERSON COUNTY, ALABAMA

CITY OF VESTAVIA HILLS, ALABAMA

v.

RICHARD HOPKINS;
DENISE HOPKINS;
THE NEXT OF KIN OF RICHARD HOPKINS;
PAMELA TILL CHANCEY;
CYNTHIA CHANCEY TYUS;
ESTATE OF CHARLES TILDEN
CHANCEY;
MERS;
HAMILTON MORTGAGE CORPORATION;
CREDIGY RECEIVABLES INC.;
UNIFUND CCR PARTNERS;
HARWELL RENOVATION &
RESTORATION LLC;
STATE FARM;
STATE OF ALABAMA;
JEFFERSON COUNTY SEWER SERVICE
OFFICE;
BIRMINGHAM WATER WORKS
Lot 1, Block 1, according to the Survey of Ninth
Addition to Southridge Addition to Vestavia
Hills, as recorded in Map Book 49, page 49, in
the Probate Office of Jefferson County, Alabama



20130716000763730 1/11
Bk: LR201316 Pg:3150
Jefferson County, Alabama
I certify this instrument filed on:
07/16/2013 09:20:40 AM LN
Judge of Probate- Alan L. King

FINDING OF PUBLIC NUISANCE, NOTICE AND ORDER TO REMEDY,
AND NOTICE OF LIS PENDENS

TAKE NOTICE that:

COMES NOW, the City of Vestavia Hills, Alabama ("the City"), by and through its
Appropriate Municipal Officials, its City Clerk, and its Attorney to provide notice pursuant to
Ordinance No. 2382 of the City that the Appropriate Municipal Officials have made a finding that a
building located within the City is a dangerous building because it is unsafe to the extent that it is a
public nuisance and subject to demolition. The building is located on the following described
property, to wit, which will be described hereafter as "the Subject Property":

STREET ADDRESS:

1939 Old Creek Trail, Vestavia Hills, AL 35216

LEGAL DESCRIPTION:

Lot 1, Block 1, according to the Survey of Ninth Addition to Southridge Addition to Vestavia Hills, as recorded in Map Book 49, page 49, in the Probate Office of Jefferson County, Alabama

PARCEL IDENTIFICATION NUMBER:

28-30-2-014-001.000

The City provides further notice as follows:

1. In *Ellis v. City of Montgomery*, the United States District Court for the Middle District of Alabama stated that, in cases such as this where a municipality seeks the demolition of building by use of its police powers, “A simple *lis pendens* filing after sending notice to the current owner of a property would place subsequent purchasers on record notice that demolition could occur.” *Ellis v. City of Montgomery*, 460 F.Supp.2d 1301, 1307 (M.D. Ala. 2006). Here, the City is invoking the procedure recommended by the District Court.

2. By the filing of this Notice, the City is not claiming any right, title, or interest in the subject property. Rather, the purpose of this Notice is to put all interested parties on notice of the City’s intent to exercise its authority provided by law and specifically by the City’s ordinances.

3. Ordinance No. 2382 of the City is “An Ordinance to Amend the Official Policies and Procedures of the City of Vestavia Hills, Alabama, Regarding Unsafe Structures and Dangerous Buildings.” The below-signed Appropriate Municipal Officials are the persons designated to exercise the authority and perform the duties delegated by Ordinance No. 2382.

4. The Appropriate Municipal Officials find that the building located on the Subject Property is a “dangerous building” within the meaning of Ordinance No. 2382 because of the following defects:

- (1) The interior walls or other vertical structure members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base;
- (2) The building has been damaged by fire, wind, earthquake, flood, sinkhole, deterioration, neglect, abandonment, vandalism, or any other cause so as to have become dangerous to life, health, property, morals, safety, or general welfare of the public or the occupants;
- (3) The building has become or is so damaged, dilapidated, decayed, unsafe, unsanitary, lacking in maintenance, vermin or rat infested, containing filth or contamination, lacking proper ventilation, lacking sufficient illumination, or so utterly fails to provide the amenities essential to decent living that it is unfit for human habitation, or is likely to cause sickness or disease, so as to work injury to the life, health, property, morals, safety, or general welfare of the public or the occupants;
- (4) The building is so damaged, decayed, dilapidated, structurally unsafe, or of such fault construction or unstable foundation that partial or complete collapse is possible;
- (5) The building has parts thereof which are so attached that they may fall and damage property or injure the public or the occupants;
- (6) The building, or any portion thereof, is clearly unsafe for its use or occupancy; and
- (7) The building is neglected, damaged, dilapidated, unsecured, or abandoned so as to become an attractive nuisance to children who might play in or on the building, structure, part of building or structure, party wall, or foundation to their danger, has become a harbor for vagrants, criminals, or immoral persons, or enables persons to resort to the building, structure, part of building or structure, party wall, or foundation for committing a nuisance or an unlawful act.

5. The Appropriate Municipal Officials find that the building on the Subject Property is substantially damaged or decayed, or deteriorated from its original value or structure (not including the value of the land).

6. The Appropriate Municipal Officials find that the building on the Subject Property cannot be reasonably repaired so that it will no longer exist in violation of the terms of Ordinance No. 2382.

7. The Appropriate Municipal Officials find that the building on the Subject Property is a fire hazard existing in violation of the terms of Ordinance No. 2382.

8. Notice is hereby given to remedy the unsafe or dangerous condition by demolition of the building on the Subject Property within forty-five (45) days of the date of this Notice to the Appropriate Municipal Officials' satisfaction. In the event the owner does not comply within the time specified herein to the Appropriate Municipal Officials' satisfaction, the demolition shall be accomplished by the City and the cost thereof assessed against the Subject Property and such cost shall constitute a lien against the Subject Property.

9. The Appropriate Municipal Officials find that the building on the Subject Property is in such condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants. Therefore, the Appropriate Municipal Officials order that the building on the Subject Property be and remain vacated until demolished.

10. A public hearing as provided for by Section 5-146(a) set forth in Ordinance No. 2382 shall be held on the finding of the Appropriate Municipal Officials in the Council Chambers at the Vestavia Hills Municipal Center, 513 Montgomery Highway, Vestavia Hills, AL 35216, on the 9th day of September, 2013, at 5:00 p.m. At that time, the City Council shall hold a public hearing to receive any objections to the finding by the Appropriate Municipal Officials that the building or structure is unsafe to the extent of becoming a public nuisance. A written request for a public hearing is not necessary. At the public hearing, the City Council shall also receive any written objections to the finding by the Appropriate Municipal Officials. Any such written objection must be submitted to the City Clerk prior to the start of the City Council meeting at which the public hearing is held. No action shall be taken on the finding of the Appropriate Municipal Officials until determination thereon is

made by the City Council. Upon holding the hearing, the City Council shall determine whether or not the building or structure is unsafe to the extent that it is a public nuisance. If it is determined by the City Council that the building or structure is unsafe to the extent that it is a public nuisance, the City Council shall order demolition of the building at the expense of the City and assess the expenses of the move or demolition on the land on which the building stands or to which it is attached. Any person aggrieved by the decision of the City Council at the hearing may, within ten (10) days thereafter, appeal to the Circuit Court of Jefferson County, Alabama, Birmingham Division, upon filing with the Clerk of the Circuit Court of Jefferson County, Alabama, Birmingham Division, notice of the appeal and bond for security of costs in the form and amount to be approved by the Circuit Clerk. For further particulars, see Ordinance No. 2382.

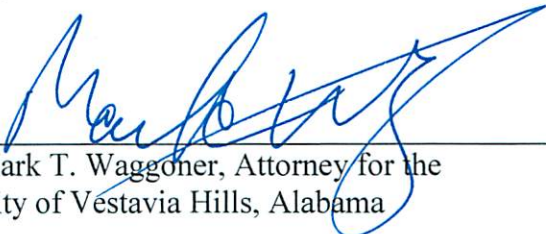
11. A failure by the Vestavia Hills City Council to act on the findings of the Appropriate Municipal Officials within ninety (90) days from the date of this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*” shall constitute an abdication of the Appropriate Municipal Officials’ findings. However, this shall in no way prevent the City from reinitiating the proceedings authorized by Ordinance No. 2382 at any time so long as all the requirements of Ordinance No. 2382 are satisfied anew. Furthermore, this does not require that the ordered demolition take place within ninety (90) days from the date of this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*.” A failure by the City to accomplish the demolition of the building within one hundred eighty (180) days of the passage of the resolution by the City Council ordering the same shall constitute an abdication of the City Council’s order unless certain conditions further explained in Ordinance No. 2382 are satisfied. For further particulars, see Ordinance No. 2382. Anyone interested in the status of these proceedings should inquire with the Vestavia Hills City Clerk at (205) 978-0184 or at 513 Montgomery Highway, Vestavia Hills, AL 35216.

12. It is unlawful for any person, or for any agent, servant or employee of such person, to obstruct or interfere with the Appropriate Municipal Officials in carrying out the purposes of Ordinance No. 2382.

13. It is unlawful for any person, or for any agent, servant or employee of such person, to mutilate, destroy, tamper with this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*.”

14. It is unlawful for any person to enter, access, or be upon the building that the Appropriate Municipal Officials have ordered to be vacated pursuant to this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*” except for the purposes of demolishing the same.

15. It is unlawful for any person who has received this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*” to sell, transfer, mortgage, lease, encumber, or otherwise dispose of the building that is the subject of the same to another until such person shall first furnish the grantee, transferee, mortgagee, or lessee a true copy of this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*” and shall furnish to the Appropriate Municipal Officials a signed and notarized statement from the grantee, transferee, mortgagee, or lessee acknowledging the receipt of this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*” and fully accepting the responsibility without condition for making the corrections or repairs required by this “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*.”



Mark T. Waggoner, Attorney for the
City of Vestavia Hills, Alabama


OF COUNSEL:

Hand Arendall LLC
2001 Park Place North, Suite 1200
Birmingham, AL 35203
E-mail: mwaggoner@handarendall.com
Phone: (205) 324-4400 Fax: (205) 322-1163

VERIFICATION OF THE APPROPRIATE MUNICIPAL OFFICIALS

We, the undersigned, Keith Blanton and Greg Gilchrist state as follows: We are the Building Official and Fire Marshal, respectively, for the City of Vestavia Hills, Alabama, and for purposes of administering Ordinance No. 2382, we are the "Appropriate Municipal Officials." We hereby offer the findings made in this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," make such orders as are offered herein, and provide such notice as is specified herein.

DONE this the 16th day of July, 2013.



Keith Blanton, Building Official and
Appropriate Municipal Official
City of Vestavia Hills, Alabama



Greg Gilchrist, Fire Marshal and
Appropriate Municipal Official
City of Vestavia Hills, Alabama

This Instrument Prepared By:

Mark T. Waggoner
Hand Arendall LLC
2001 Park Place North, Suite 1200
Birmingham, AL 35203
E-mail: mwaggoner@handarendall.com
Phone: (205) 324-4400
Fax: (205) 322-1163

8

CERTIFICATE OF SERVICE

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been sent via certified mail, properly addressed and postage prepaid, to all of the following persons on this the 16th day of July, 2013:

A. The 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:

Richard and Denise Hopkins
1939 Old Creek Trail
Vestavia Hills, AL 35216

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 the 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:

Richard and Denise Hopkins
The Next of Kin of Richard Hopkins
1939 Old Creek Trail
Vestavia Hills, AL 35216

Richard and Denise Hopkins
The Next of Kin of Richard Hopkins
c/o H. Arthur Edge, III
H. Arthur Edge, P.C.
2021 Morris Avenue, Suite 300
Birmingham, AL 35203

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 Official:

Pamela Till Chancey and Cynthia Chancey Tyus, as the Personal
Representatives of the Estate of Charles Tilden Chancey
321 West 44th Street, Suite 507

New York, NY 10036

Pamela Till Chancey and Cynthia Chancey Tyus, as the Personal
Representatives of the Estate of Charles Tilden Chancey
2648 Vesclub Circle
Vestavia Hills, AL 35216

Pamela Till Chancey and Cynthia Chancey Tyus, as the Personal
Representatives of the Estate of Charles Tilden Chancey
c/o Jeffrey E. Rowell
1572 Montgomery Highway Suite 210
Birmingham, AL 35216

MERS
P. O. Box 2026
Flint, MI 48501-2026

Hamilton Mortgage Corporation
#1 Independence Plaza, Suite 416
Birmingham, AL 35209

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 Official:

Credigy Receivables Inc.
c/o Justin Matthew Parnell
P.O. Box 2189
Montgomery AL 36102

Unifund CCR Partners
c/o Wendy Z. Johnston
P. O. Box 11366
Birmingham, AL 35202

Harwell Renovation & Restoration LLC
3732 Dunbarton Drive
Birmingham AL 35223

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Official who could have an interest in the Subject Property:

Mark Simpson
State Farm

Claim No. 01-056R-096
P. O. Box 106146
Atlanta GA 30348-6146

State of Alabama
c/o J. T. Smallwood, Jefferson County Tax Collector
Land Redemptions
Room 160, Courthouse
716 Richard Arrington Jr. Blvd.
Birmingham, AL 35203

Jefferson County Sewer Service Office
Room 800
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
Attention: Alicia

Birmingham Water Works
Room 800
Jefferson County Courthouse
716 Richard Arrington Jr. Blvd. North
Birmingham, AL 35203
Attention: Monike Johnson

No other person is otherwise known to the City Clerk or to the Appropriate Municipal Official to have an interest in the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been posted at or within three feet of an entrance to the building on the Subject Property.

Contemporaneously with the filing of this "Finding of Public Nuisance, Notice and Order to Remedy, and Notice of *Lis Pendens*," a copy of the same has been posted in three public places located within the City: 1.) at Vestavia Hills Municipal Center, 2.) at the Vestavia Hills Library in the Forest, and 3.) at the Vestavia Hills Civic Center.

Notice that the Appropriate Municipal Official has 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

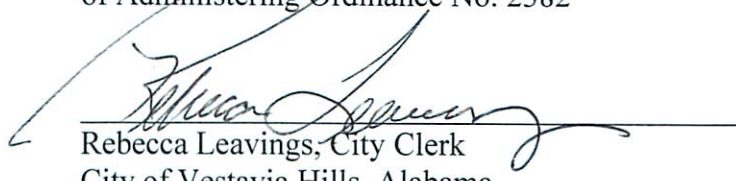
demolition and that a public hearing will be held on the date assigned herein will also be given to all interested parties and to the public at large by publication in the *Alabama Messenger*.



Keith Blanton, City of Vestavia Hills, Alabama Building
Official and Appropriate Municipal Official for Purposes
of Administering Ordinance No. 2382



Greg Gilchrist, Fire Marshal for City of Vestavia Hills,
Alabama and Appropriate Municipal Official for Purposes
of Administering Ordinance No. 2382



Rebecca Leavings, City Clerk
City of Vestavia Hills, Alabama

20130716000763730 11/11
Bk: LR201316 Pg: 3150
Jefferson County, Alabama
07/16/2013 09:20:40 AM LN
Fee - \$46.00

Total of Fees and Taxes-\$46.00
LYNN

RESOLUTION NUMBER 4496

**A RESOLUTION APPROVING AND ADOPTING
THE GENERAL FUND BUDGET, A SPECIAL
REVENUE FUND BUDGET AND A CAPITAL
PROJECT FUND BUDGET FOR THE CITY OF
VESTAVIA HILLS FOR THE PERIOD BEGINNING
OCTOBER 1, 2013 UNTIL SEPTEMBER 30, 2014.**

WHEREAS, the City Manager has prepared and presented a “general fund budget” which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$33,046,147 including transfers out, to be effective for the period beginning October 1, 2013, through September 30, 2014; and

WHEREAS, the City Manager has prepared a “special fund budget” for said period reflecting anticipated expenditures in the amount of \$2,434,495 including transfers from the General Fund, to be effective for the period beginning October 1, 2013, through September 30, 2014; and

WHEREAS, the City Manager has prepared a “capital projects fund budget” for said period reflecting expenditures in the amount of \$933,417 to be effective for the period beginning October 1, 2013, through September 30, 2014.

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

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or

refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the current expenses of the City and interest on the bonded and other indebtedness of the City; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$29,741,532, of the municipal “general fund budget” for the City of Vestavia Hills for fiscal year 2013-2014 upon the terms conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$2,191,046, of the municipal “special revenue fund budget” for the City of Vestavia Hills for fiscal year 2013-2014 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$840,075, of the “capital project fund budget” for the City of Vestavia Hills for fiscal year 2013-2014 upon the terms, conditions and provisions set forth below.

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$29,741,532, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$33,046,147 multiplied by 90% equals
\$29,741,532; and

2. The municipal “special revenue fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$2,191,046 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,434,495 multiplied by 90% equals
\$2,191,046; and

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$840,075 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$933,417 multiplied by 90% equals
\$840,075; and

3. The City Manager is hereby authorized to expend the sum of \$29,741,532 from the General Fund, \$2,191,046 from the Special Revenue Fund and \$840,075 from the Capital Projects Fund for municipal expenses for the period beginning October 1, 2013, and ending September 30, 2014.

4. A copy of the budgets is attached hereto, marked as Exhibit “A” and incorporated into this Resolution by reference as though set out fully herein.

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

APPROVED and ADOPTED this the 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4497

**AUTHORIZING AND APPROVING AN INCREASE
IN SALARY AND WAGES FOR EMPLOYEES**

**THIS RESOLUTION WAS ADOPTED AND APPROVED BY THE CITY
COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA ON SEPTEMBER
9, 2013.**

WITNESSETH THESE RECITALS

WHEREAS, the City Manager has prepared portions of the above referenced budgets for the said fiscal year 2013-2014 of a two-percent (2%) across the board increase of wages and salaries for all employees; and

WHEREAS, the Council, at its regular scheduled meeting of September 9, 2013, voted to accept the recommendation of the City Manager to approve a two-percent (2%) across the board increase in wages and salaries for all employees.

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

1. The City Council hereby approves a two-percent (2%) across the board increase in wages and salaries for all employees; and
2. Said increase is effective beginning October 1, 2013.

APPROVED and ADOPTED this the 9th day of September, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4498

A RESOLUTION AUTHORIZING THE CITY MANAGER TO REMIT THE BALANCE OF REPUBLICATION OF THE CITY'S MUNICIPAL CODE FROM THE 2012-2013 FISCAL YEAR GENERAL FUND

WHEREAS, on May 29, 2013, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Resolution Number 4454 to authorize the republication of the City's Municipal Code with MUNICODE; and

WHEREAS, the payment terms approved in Resolution Number 4454 allowed a \$9,000 down payment from the current year and payment of the remaining balance in the budget for the 2013-2014 fiscal year; and

WHEREAS, the City Manager has recommended that the balance of the republication of the Municipal Code be paid from the fiscal year 2012-2013 funds in an amount not to exceed \$6,500; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept the City Manager's recommendation.

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

1. The City Manager is hereby authorized to remit the balance of the republication of the City's Municipal Code in an amount not to exceed \$6,500 with funding from the current fiscal year; and
2. This Resolution Number 4498 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 9th day of September, 2013

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk