

**Vestavia Hills
City Council Agenda
October 28, 2013
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Dr. Scott Guffin, Liberty Park Baptist Church
4. Pledge of Allegiance
5. Announcements, Candidate and Guest Recognition
 - a. Park Board Vacancy
 - b. Library Board Vacancy
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner, III, Finance Director
9. Approval of Minutes – October 14, 2013 (regular meeting) and October 17, 2013 (Work Session)

Old Business

10. Resolution Number 4518 - Vacation Of A Portion Of Drainage Easement – 2149 Vestridge Drive; Lot 3-A, Block 6, Vestridge Second Sector, Third Addition; Daniel And Andrea Pahos, Owners
11. Ordinance Number 2467 – Conditional Use Approval – 7351 Kings Mountain Road – The Purpose Of This Request Is For A Home Occupation – An Educational Consulting Business; The Property Is Owned By Michel Korf And Is Zoned Vestavia Hills PUD PR-1
12. Ordinance Number 2471 – Annexation – 90-day final - 2615 April Drive; Lot 11, Altadena Acres; James And Emily Pace, Owners
13. Ordinance Number 2468 – Rezoning – 2615 April Drive; Lot 11, Altadena Acres; Rezone From JC E-1 To VH E-2; Compatible Zoning For Annexation; James And Emily Pace, Owners
14. Ordinance Number 2472 – Annexation – 90-day final - 2624 Altadena Road; David And Pamela Hulstrand, Owners
15. Ordinance Number 2469 – Rezoning – 2624 Altadena Road; Rezone From JC E-1 To VH E-2; Compatible Zoning For Annexation; David And Pamela Hulstrand, Owners

16. Ordinance Number 2473 – Annexation – 90-day final - 2549 Skyland Drive; Lot 6, Block 3, Dolly Ridge Estates, 2nd Addition; Derrell And Terry Crimm, Owners
17. Ordinance Number 2470 – Rezoning – 2549 Skyland Drive; Lot 6, Block 3, Dolly Ridge Estates, 2nd Addition; Rezone From JC R-1 To VH R-2; Compatible Zoning For Annexation; Derrell And Terry Crimm, Owners
18. Ordinance Number 2457-A – An Ordinance Amending Ordinance Number 2457 To Correct A Legal Description For Property Annexed To The City Of Vestavia Hills Located At 2855 Five Oaks Lane; John Santamour, Owner
19. Ordinance Number 2474 – An Ordinance To Amend Section 9 Of Ordinance Number 2418 Regarding Solicitation Signs In Residential Neighborhoods

New Business

First Reading (No Action Taken At This Meeting)

20. Executive Session
21. Citizens Comments
22. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

OCTOBER 14, 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
Melvin Turner III, Finance Director
George Sawaya, Dep. Finance Director
Danny Rary, Police Chief
Tim Holcomb, Deputy Police Chief
Jim St. John, Fire Chief

Invocation was given by Mike Johnson, Crossroads Community Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- David Wheeler, 2532 Crossgate Place declared that he is a candidate for State House District 47.
- The Mayor welcomed Board of Education member Mark Hogewood to the meeting.
- Mr. Pierce welcomed Linda Parker, owner of Brusters Ice Cream who was in attendance on behalf of the Chamber of Commerce.
- Mr. Pierce indicated that the Executive Director of the Chamber, Karen Odle, did well in surgery and is home recovering.

CITY MANAGER REPORT

- Mr. Downes stated that RFP's have been received for a construction manager for the proposed new City Hall facility. He stated that work sessions have been scheduled for October 22 and 23 to hear presentations from each of the applicants.
- There will be a special meeting held soon so that the Council can meet with the architects for the new proposed City Hall building in order to view the final drafts for floor plans, etc. Mr. Downes estimated this meeting will be in about 3 weeks.
- The Mayor and Mr. Downes are meeting with residents of Round Hill Road to discuss a possible expansion of the Library's parking.
- There will be a Council/Department Head retreat held in Joe Wheeler State Park on November 14 and 15 which will be led with a professional facilitator in order to brainstorm needs and issues within the City.
- There are studies underway to determine if there is a need to shorten the City's email domain which is currently @ci.vestaviahills.al.us. Mr. Downes explained that there are various ways to shorten this considerably and he'll report his findings back to the Council.

COUNCILOR REPORTS

- Mr. Ammons announced that the Council will soon be taking applications for a five-year appointment to the City's Park and Recreation Board. He stated that an official announcement will be made at the next meeting and we will receive applications beginning October 29.
- Mayor Zaragoza announced that the Council will soon be taking applications for a four-year appointment to the City's Library Board. He stated an official announcement will be made at the next meeting and we will receive applications beginning October 29.

APPROVAL OF MINUTES

The minutes of the September 9, 2013 (regular meeting and reconvened September 23, 2013) and September 23, 2013 (regular meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the September 9, 2013 (regular meeting and reconvened September 23, 2013) and September 23, 2013 (regular meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll Call vote as follows:

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

The minutes of the September 19, 2013 (Meeting with the Mayor) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the September 19, 2013 (Meeting with the Mayor) and approve them as presented was by Mr. Ammons and second by Mr. Henley. Roll Call vote as follows:
Mr. Pierce – abstained Mr. Henley – yes
Mr. Ammons – yes Mr. Sharp – yes
Mayor Zaragoza – yes Motion carried.

OLD BUSINESS

ORDINANCE NUMBER 2466

Ordinance Number 2466 – An Ordinance Finding And Determining That Real Property Owned By The City Of Vestavia Hills, Alabama Being Approximately 1.66 +/- Acres Of The Property Located At 1112 Montgomery Highway And An Approximately 22,000 Square Foot Building Located On The Property Is Not Needed For Public Or Municipal Purposes; To Accept An Offer By Commercial Reality Partners, LLC

MOTION Motion to approve Ordinance Number 2466 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Downes explained that this Ordinance allows an agreement to sell the former library property. He explained the provisions and terms listed in the agreement and stated that the City will have final approval on the sale after a potential purchaser is revealed.

Mr. Boone stated that he has reviewed the agreement 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.

NEW BUSINESS

RESOLUTION NUMBER 4515

Resolution Number 4515 – Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Property

MOTION Motion to adopt Resolution Number 4515 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes explained that this Resolution declares a 1993 pumper as surplus and allows him and Chief St. John to work with a third party to sell the item.

Chief St. John stated that this particular broker appears to give the best resale value for equipment such as this. He stated that they had tried to sell equipment like this on GovDeals and he believes the City will get a better price through this third party instead of the online auction.

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 4516

Resolution Number 4516 – A Resolution Authorizing The City Manager To Enter Into An Agreement For Planning And Design Services For Undeveloped Portions Of Patchwork Farms

MOTION Motion to adopt Resolution Number 4516 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Downes explained that this Resolution retains a professional consultant to work several charrettes and draft a plan for the final development of the Patchwork Farms PUD. He stated that this includes the proposed build-out of the Board of Education’s property as well as the remaining City-owned properties.

The Mayor indicated that the funds for this were budgeted.

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 4517

**Resolution Number 4517 - A Resolution Authorizing The City Manager To Execute
And Deliver An Agreement For The Demolition Of The Dwelling
Located At 1939 Old Creek Trail**

MOTION Motion to adopt Resolution Number 4517 was by Mr. Pierce and second was by Mr. Ammons.

Mr. Downes stated that this Resolution follows a Resolution adopted at the reconvened September 9th meeting regarding the structure at 1939 Old Creek Trail. He stated that at that meeting, the owner had filed a statement in opposition to the abatement. However, the owner has reconsidered and now offers to demolish the home in 45 days if this agreement is approved.

There was no one present in regard to this request.

MOTION Question called on a roll call vote:

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

CITIZEN PRESENTATION

Jo Ann Mote and Michael Jackson were present to speak on behalf of the residents of Winward Lane. Mr. Jackson explained that their street lacks any public street lighting and when they approached Alabama Power to have one installed, they were told the initial installation would cost approximately \$3,900 with a monthly fee of approximately \$28.00. Mr. Jackson and Ms. Mote requested financial assistance from the City to pay for the installation and provide the lighting or, at a minimum, install the lighting so they can pay for the monthly service. Mr. Jackson indicated that this is a busy intersection and with the proposed construction of City Hall in the new location nearby, this will only increase their traffic.

The Mayor thanked Ms. Mote and Mr. Jackson for expressing their concerns. He pointed out a Resolution passed by the City Council in the 90's that indicated that lighting was getting expensive and that the Council would no longer pay for new lighting. He explained that developers of newer subdivisions install the lighting themselves and leave it the responsibility of the HOA. He agreed that that does leave some reason to study older existing areas where lighting might be a concern. The Mayor stated that he would like to study this issue and he would get back in touch with Ms. Mote and Mr. Jackson when he had more information on this issue.

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 on October 28, 2013 at 5 PM.

- Resolution Number 4518 - Vacation Of A Portion Of Drainage Easement – 2149 Vestridge Drive; Lot 3-A, Block 6, Vestridge Second Sector, Third Addition; Daniel And Andrea Pahos, Owners
- Ordinance Number 2467 – Conditional Use Approval – 7351 Kings Mountain Road – The Purpose Of This Request Is For A Home Occupation – An Educational Consulting Business; The Property Is Owned By Michel Korf And Is Zoned Vestavia Hills PUD PR-1
- Ordinance Number 2471 – Annexation – 90-day final - 2615 April Drive; Lot 11, Altadena Acres; James And Emily Pace, Owners
- Ordinance Number 2468 – Rezoning – 2615 April Drive; Lot 11, Altadena Acres; Rezone From JC E-1 To VH E-2; Compatible Zoning For Annexation; James And Emily Pace, Owners
- Ordinance Number 2472 – Annexation – 90-day final - 2624 Altadena Road; David And Pamela Hulstrand, Owners
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- Ordinance Number 2457-A – An Ordinance Amending Ordinance Number 2457 To Correct A Legal Description For Property Annexed To The City Of Vestavia Hills Located At 2855 Five Oaks Lane; John Santamour, Owner
- Ordinance Number 2474 – An Ordinance To Amend Section 9 Of Ordinance Number 2418 Regarding Solicitation Signs In Residential Neighborhoods

CITIZENS COMMENTS

None.

MOTION Motion to adjourn was by Mr. Sharp and second was by Mr. Ammons.
Meeting adjourned at 5:55 PM.

Alberto C. Zaragoza, Jr.
Mayor

Attested by:

Rebecca Leavings
City Clerk

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

OCTOBER 17, 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
George Pierce
Jim Sharp

MEMBERS ABSENT: John Henley

OTHER OFFICIALS PRESENT: Jeff Downes, City Manager
Rebecca Leavings, City Clerk
Jim St. John, Fire Chief
Dan Rary, Chief of Police
David Arnett, Building Safety

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

Mr. Arnett presented a suggested revision to the City's weed abatement policy. Mr. Downes indicated that this could expedite the process and requires more study but wanted to present it now before beginning that in-depth study. The Council concurred it was worth reviewing and anticipated a report.

Mr. Downes gave an update on upcoming projects, developments, etc., and briefed the Council on various issues.

The Mayor discussed several topics/updates with the Council.

There being no further business, the meeting adjourned at 5:40 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4518

**A RESOLUTION APPROVING AND ASSENTING
TO A DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, a Declaration signed by the owners of all the lands abutting the following described portion of drainage easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said portion of drainage easement, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, the above-referenced portion of drainage easement is commonly referred to as “a portion of drainage easement” and is more particularly described as follows:

An easement to be vacated, situated in Lot 3-A; Block 6, Vestridge Second Sector Third Addition, as recorded in Map Book 71, Page 66 in the Office of the Judge of Probate, Jefferson County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said Lot 3-A; thence run an assumed bearing of South 87 degrees, 42 minutes, 14 seconds West along the North line of said Lot 3-A, also along the south line of Lot 2-A in said Vestridge Second Sector Third Addition, for a distance of 148.28 feet to a point; thence run South 11 degrees, 35 minutes, 26 seconds East for a distance of 5.07 feet to the point of beginning; thence run South 11 degrees, 35 minutes, 26 seconds East for a distance of 25.97 feet to a point; thence run South 25 degrees, 25 minutes, 26 seconds East for a distance of 70.00 feet to a point; thence run South 87 degrees, 42 minutes, 14 seconds West for a distance of 21.75 feet to a point thence run North 25 degrees, 25 minutes, 26 seconds West for a distance of 63.88 feet to a point; thence run North 11 degrees, 35 minutes, 26 seconds West for a distance of 31.67 feet to a point; thence run North 87 degrees, 42 minutes, 14 seconds East for a distance of 20.27 feet to the point of beginning, said vacated easement containing 1,915 square feet, more or less.

WHEREAS, it appears to the City Council of the City of Vestavia Hills, Alabama, that said vacated easement shall be relocated to allow for a portion of drainage easement and for convenient and reasonable means of access as well as sewer access to be afforded to all utilities running through the tract of land or eventually located in said tract of land; and

WHEREAS, an instrument detailing said tract of land and dedicating the use of said property as a portion of drainage easement for the location of utilities and sewer facilities shall be filed in the Office of the Judge of Probate and a copy shall be attached to this Resolution Number 4518 prior to recordation of the vacation of this portion of right-of-way.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described portion of drainage easement is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

BE IT FURTHER RESOLVED AS FOLLOWS:

This vacation shall not become effective or filed for record in the Office of the Judge of Probate, of Jefferson County, Alabama unless and until the occurrence and completion of all of the following conditions:

1. That the owners of all of the lands abutting the above-described property (that portion of drainage easement sought to be vacated) shall have executed and delivered a perpetual, permanent and public easement (the “easement”) over, along and under the herein-described property granting to the general public and utility companies the right to install sewer facilities, cable television

facilities and utility facilities for power, gas, telephone or other public services; and

2. That said easement shall be approved by the City Engineer of the City of Vestavia Hills, Alabama; and
3. That the easement shall be filed for record in the Office of the Judge of Probate of Jefferson County, Alabama; and

RESOLVED, DONE AND ORDERED, on this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

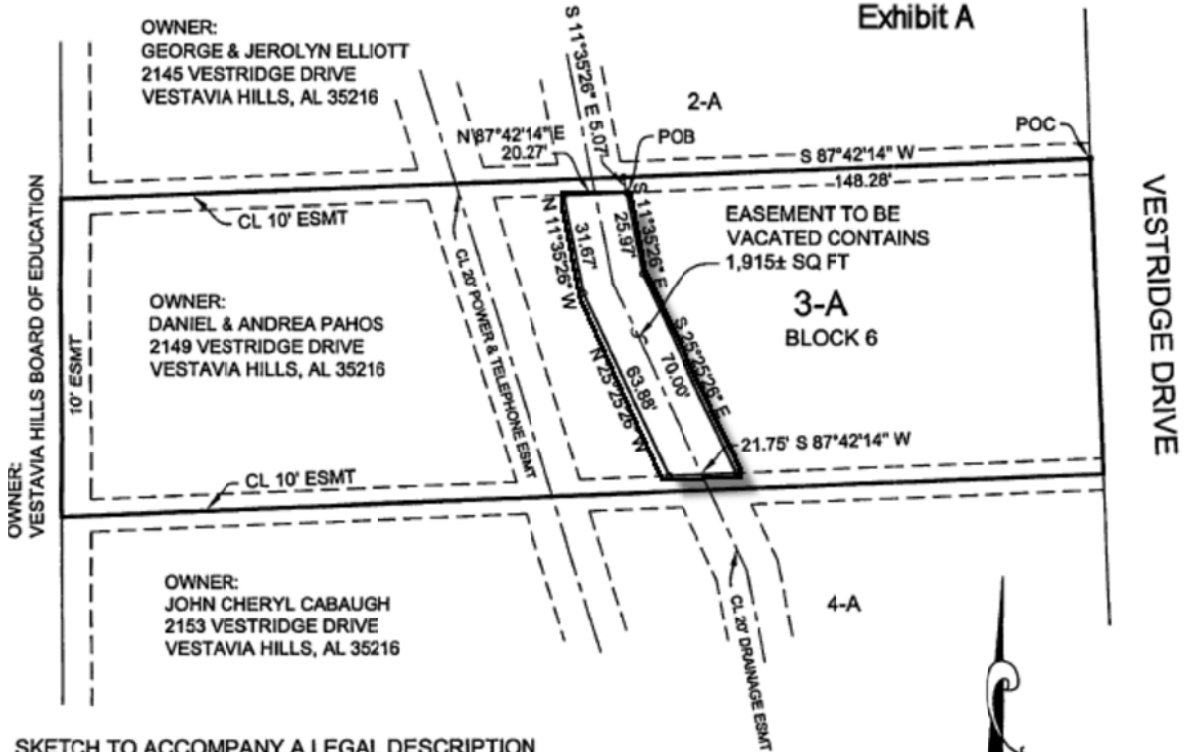
CERTIFICATION

I, the undersigned qualified Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 28th day of October, 2013, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2013.

Rebecca Leavings
City Clerk

Resolution Number 4518
Exhibit A



SKETCH TO ACCOMPANY A LEGAL DESCRIPTION
THIS IS NOT A SURVEY

PREPARED BY:
SURVEYING SOLUTIONS, INC.
2232 CAHABA VALLEY DRIVE SUITE F
BIRMINGHAM, AL 35242
TEL: (205) 991-8965

LEGAL DESCRIPTION

An easement to be vacated, situated in Lot 3-A, Block 6, Vestridge Second Sector Third Addition, as recorded in Map Book 71 Page 66 in the Office of Judge Probate, Jefferson County, Alabama, being more particularly described as follows:

Commence at the Northeast corner of said Lot 3-A; thence run an assumed bearing of South 87 degrees, 42 minutes, 14 seconds West along the North line of said Lot 3-A, also along the South line of Lot 2-A in said Vestridge Second Sector Third Addition, for a distance of 148.28 feet to a point; thence run South 11 degrees, 35 minutes, 26 seconds East for a distance of 5.07 feet to the point of beginning; thence run South 11 degrees, 35 minutes, 26 seconds East for a distance of 25.97 feet to a point; thence run South 25 degrees, 25 minutes, 26 seconds East for a distance of 70.00 feet to a point; thence run South 87 degrees, 42 minutes, 14 seconds West for a distance of 21.75 feet to a point; thence run North 25 degrees, 25 minutes, 26 seconds West for a distance of 63.88 feet to a point; thence run North 11 degrees, 35 minutes, 26 seconds West for a distance of 31.67 feet to a point; thence run North 87 degrees, 42 minutes, 14 seconds East for a distance of 20.27 feet to the point of beginning, said vacated easement containing 1,915 square feet, more or less.

I, Carl Daniel Moore, a registered Land Surveyor, certify that all parts of the above legal description and sketch have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief.

Carl Daniel Moore
Carl Daniel Moore, Reg. L.S. # 12159

9-11-13
Date

STATE OF ALABAMA
JEFFERSON COUNTY

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting LOT 3-A, Block 6 as same appears on the Plat of VESTRIDGE 2ND SECTOR 3RD ADDITION which Plat is recorded in Plat Book 71, at Page 66, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said ~~LOT 3-A~~ VESTRIDGE as the same appears of record on the Plat to be vacated, and said 20' DRAINAGE ESMT. is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of 20' DRAINAGE ESMT is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that 20' DRAINAGE ESMT be closed and vacated.

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

4. LOT 3-A VESTRIDGE is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at

_____. A copy of the map reflecting the location of 20' DRAINAGE ESMT. is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting 2149 VESTRIDGE DRIVE and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 2145 VESTRIDGE DRIVE VESTAVIA HILLS AL 35216
Legal Description: LOT 2A, BLOCK 6, VESTRIDGE SECOND
SECTOR THIRD ADDITION 71/66
Owners' Name(s): GEORGE & JEROLYN ELLIOTT

B. Street Address: 2153 VESTRIDGE DRIVE VESTAVIA HILLS, AL 35216
Legal Description: LOT 4-A, BLOCK 6, VESTRIDGE SECOND
SECTOR THIRD ADDITION 71/66
Owners' Name(s): JOHN & CHERYL CARAUGH

C. Street Address: 2881 PANORAMA TRAIL VESTAVIA HILLS 35116
Legal Description: LOTS 16&17 BLOCK 7 SHADES PARK 1ST ADD 8/22 &
PART OF LOT 10A RESERVEY 90/39 (SEC 31, T31N85, R 2W)
Owners' Name(s): VESTAVIA HILLS BOARD OF EDUCATION

D. Street Address: 2149 Vestridge Dr
Legal Description: Lot 3A, B1K6, Vestridge 2nd Sector
Owners' Name(s): _____

E. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

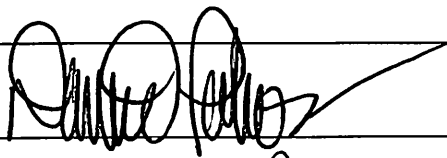
F. Street Address: _____
Legal Description: _____
Owners' Name(s): _____

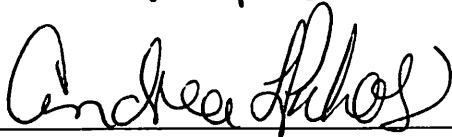
6. All of the undersigned do hereby declare _____ to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of _____ and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the 24th day of September, 2013.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)





STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Daniel Pahos and Andrea Pahos, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 24th day of September, 2013.

Kay Russon
Notary Public

My Commission Expires
November 18, 2016

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that _____ and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

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

Notary Public

ORDINANCE NUMBER 2467

**AN ORDINANCE GRANTING A CONDITIONAL USE
APPROVAL FOR A HOME OCCUPATION**

WHEREAS, on October 16, 2000 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 1838 creating and establishing a P.U.D. (planned unit development) classification; and

WHEREAS, on February 19, 2001 the City Council of the City of Vestavia Hills adopted and approved Ordinance Number 1864 to rezone 3,350 +/- acres from multiple Jefferson County and Vestavia Hills zoning classifications to Vestavia Hills P.U.D.; and

WHEREAS, Section 709.5.A.1.b of Ordinance Number 1838 classifies a “home occupation” permitted only as a “Conditional Use” and

WHEREAS, Ms. Michele Korf has submitted application for conditional use approval for a home occupation to be operated in her residence located at 7351 Kings Mountain Road, Vestavia Hills, Alabama located in the Liberty Park PUD; and

WHEREAS, Ms. Korf has indicated in her application for conditional use approval that she will operate as a consulting business, serving higher education and other educational and community institutions with training, mentoring, strategic and other consulting related to educational media and online course activities and operations. Training and mentoring would be done both on-site at the educational institution and also largely at a distance through webinars, Skype, FaceTime, etc. Due to the nature of the business, there will be no employees or visitations to the home office by clients; and

WHEREAS, a copy of said application dated August 7, 2013 is attached and hereby incorporated into this Ordinance Number 2467.

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

1. Conditional Use Approval is hereby approved for Ms. Michele Korf for a home occupation as described in the above-referenced application for her residence located at 7351 Kings Mountain Road, Vestavia Hills, Alabama located in Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:
 - (1) “Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling;
 - (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation;
 - (3) There shall be no public display of goods and absolutely no commodities sold on the premises;
 - (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation;
 - (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the

residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned;

(6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use;

(7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and

(8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”

2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 7351 Kings Mountain Road, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
3. A City of Vestavia Hills Business License shall be issued upon application and payment by Ms. Korf subject to the rules and regulations outlined in the Vestavia Hills Business License code and shall be renewed each year that the home occupation is operated from the location at 7351 Kings Mountain Road, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
4. At any time should Ms. Korf vacate the premises located at 7351 Kings Mountain Road, Vestavia Hills, Alabama, discontinue and/or relocate her consulting business, this conditional use approval shall be nullified and said Ordinance Number 2467 shall be repealed.

ADOPTED and APPROVED this the 28th day of October, 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 # 2467 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 28th day of October, 2013 as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

P0913-27//27-7-1-1-4
7351 Kings Mountain Rd.
Conditional Use
Michele Korf Liberty
Park

CITY OF VESTAVIA HILLS

APPLICATION

PLANNING AND ZONING COMMISSION

I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered.** All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. ****No permits will be issued until all fees have been paid.**
- (5) Appropriate plats and maps with proper legal description shall accompany this application. Please refer to attached checklist.

II. APPLICANT INFORMATION: (owner of property)

NAME: Mrs. Michele Korf

ADDRESS: 7351 Kings Mountain Road
Birmingham, AL 35242

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-967-3818 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

2013 AUG - 8 P 12: 37
VESTAVIA HILLS
CITY CLERKS OFFICE

P0913-27//27-7-1-1-4

7351 Kings Mountain Rd.

Conditional Use

Michele Korf

Liberty Park

P&Z Application

Page 5

III. ACTION REQUESTED

Request that the above described property be approved conditional use approval pursuant to Section PR-1 of the Vestavia Hills Zoning Code.

Current Zoning of Property: Liberty Park

Requested Conditional use For the intended purpose of: Consulting business

- see attachment for full business description

(Example: From "VH R-1" to "VH O-1" for office building)

if additional information is needed, please attached full description of request

IV. PROPERTY DESCRIPTION: (address, legal, etc.)

LOT 127-A Old Overton 6th Sect Resur #2 PB 193 PG 46

7351 Kings Mountain Road, Birmingham AL 35242-2596

Property size: _____ feet X _____ feet. Acres: _____

V. INFORMATION ATTACHED:



Attached Checklist complete with all required information.



Application fees submitted.

VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

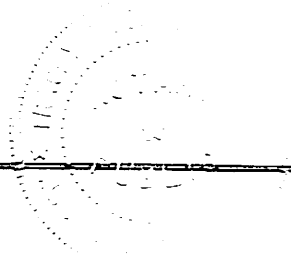
Michele J. Korf 8/7/13
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 7th day of August, 2013.

Mauryhuanne Williams
Notary Public

My commission expires 8/25/2015
day of August 7th, 2013.



P0913-27//27-7-1-1-4

Ordinance No. 2467 - Exhibit A

7351 Kings Mountain Rd.

Conditional Use

Michele Korf

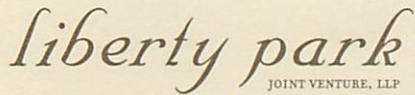
Liberty Park

City of Vestavia Hills

Attachment to Application for the Planning and Zoning Commission Request for Conditional Use Approval

Description of property use:

Michele Korf and Associates, LLC is requesting permission to operate out of the owner's residence. The LLC operates as a consulting business, serving higher education and other educational and community institutions with training, mentoring, strategic and other consulting related to educational media and online course activities and operations. Training and mentoring would be done both on site at the educational institution, and also largely at a distance through webinars, Skype, FaceTime, etc. Due to the nature of the business, there will be no employees or visitations to the home office location by clients.



September 5, 2013

VIA HAND DELIVERY

Rebecca Leavings, City Clerk
City of Vestavia Hills
Vestavia Hills City Hall
Vestavia Hills, Alabama

Re: Michele Korf
7351 Kings Mountain Road
Vestavia Hills, AL

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Mrs. Michelle Korf is in the process of applying for a conditional use within the PR-1 (Planned Single-Family Residential) classification of the Liberty Park PUD to allow her to conduct a home occupation as an interior designer in her residence.

We have no objection to the granting of the conditional use to allow a home occupation in this case, provided such use is made subject to the following restrictions:

1. There shall be no customer, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
2. There shall be no pick ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick ups and deliveries by overnight courier services and pick ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The foregoing restrictions are in keeping with the intent and spirit of the Liberty Park PUD and with the overall plan of development for Liberty Park as addressed in the Covenants, Conditions and Restrictions that are applicable to the subject property.

Rebecca Leavings
September 5, 2013
Page 2

Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

If you have questions or comments regarding this matter, or if we can assist in any other way, please call me at 281-3542.

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: 

Samuel G. Lowrey, III
Project Manager
and Authorized Representative

cc: Kathryn Carver, Esq.

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

Date: SEPTEMBER 12, 2013

- **CASE:** P-0913-27
- **REQUESTED ACTION:** Conditional Use approval for a home based education consulting business
- **ADDRESS/LOCATION:** 7351 Kings Mountain Rd
- **APPLICANT/OWNER:** Michele Korf
7351 Kings Mountain Rd
Vestavia Hills, AL 35242
205-967-3818
- **GENERAL DISCUSSION:** Lot is located on Kings Mountain Rd. in Liberty Park. The applicant wishes to start a home based education consulting business. As required by the Liberty Park PUD any applicant must receive conditional use approval from the City to engage in a home occupation. The response from Liberty Park is attached. The property is currently zoned PR-1.
- **LIBERTY PARK PUD:** The request is consistent with the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: Recommended with no clients on site.
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

- **MOTION:** Motion to recommend approval with the conditions that
 1. There shall be no customer, client, or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
 2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups or deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
 3. There shall be no signage on the property related, directly or indirectly, to the home occupation;
 4. In all respects, there shall be no means, visual or otherwise by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential

was made by Mrs. Fancher and 2nd was made by Mr. Goodwin. Motion was approved unanimously.

ORDINANCE NUMBER 2471

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 22nd day of July, 2013, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

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

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

2615 April Drive
Lot 11, Altadena Acres
James and Emily Pace, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

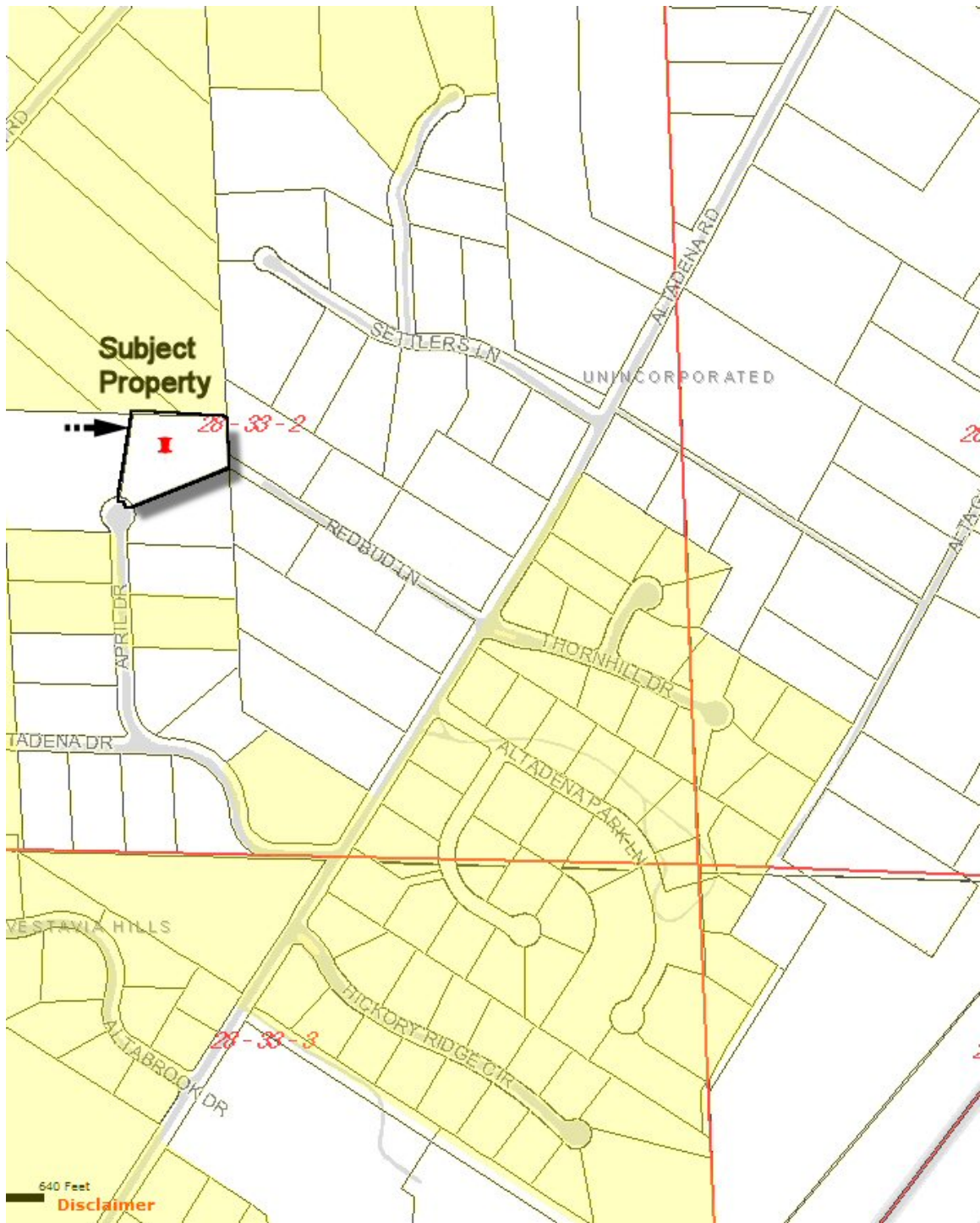
Rebecca Leavings
City Clerk

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 # 2471 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 28th day of October, 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



ORDINANCE NUMBER 2468

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM JEFFERSON COUNTY E-1 TO VESTAVIA HILLS E-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-1 to Vestavia Hills E-2;

2615 April Drive
Lot 11, Altadena Acres
James and Emily Pace, Owner(s)

APPROVED and ADOPTED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

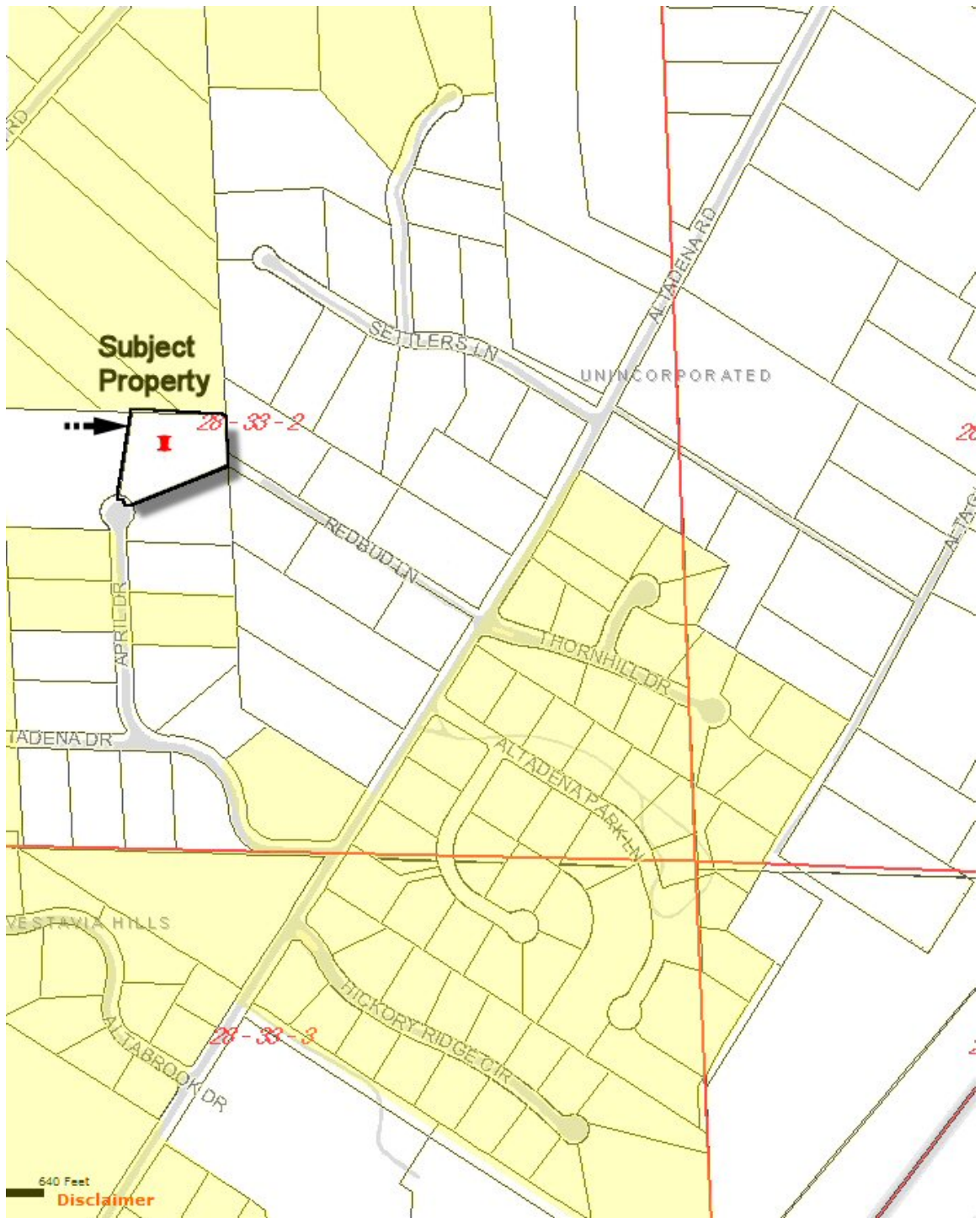
Rebecca Leavings
City Clerk

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 # 2468 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 28th day of October, 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



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

Date: SEPTEMBER 12, 2013

- **CASE:** P-0913-24
- **REQUESTED ACTION:** Rezoning from Jefferson County E-1 to Vestavia Hills E-2
- **ADDRESS/LOCATION:** 2615 April Drive
- **APPLICANT/OWNER:** James and Emily Pace
2615 April Dr.
Birmingham, AL 35243
205-563-0673
- **GENERAL DISCUSSION:** Lot is on April Dr. and adjacent to Altadena Rd. The lot is 1.46 acres and meets the requirements of E-2 zoning. Applicant is currently in the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the Vestavia Hills Comprehensive Plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.
- **MOTION:** Motion to recommend approval was made by Mr. Gilchrist and 2nd was made by Mr. Burrell. Motion was approved unanimously.

ORDINANCE NUMBER 2472

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 22nd day of July, 2013, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

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

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

2624 Altadena Road
David and Pamela Hultstrand, Owner(s)

More Particularly Described As Follows:

Estate No. 5, according to the Map of J.P. Westbrook Estates, recorded in Map Book 27, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama; more particularly described as follows:

Less and except: Part of Estate #5 according to the map and survey of J. P. Westbrook Estates as recorded in Map Book 27, Page 14, in the Probate Office of Jefferson County, Alabama, more particularly described as follows: Begin at the Northeast corner of said Estate #5 and run in a Northwesterly direction and along the Northeast boundary line of said Estate #5, a distance of 390 feet to the point of beginning; thence continue

last described course in a Northwesterly direction a distance of 239.5 feet; thence turn left an angle of 90 degrees in a Southwesterly direction a distance of 200 feet; thence turn left an angle of 90 degrees in a Southeasterly direction and along the Southwest boundary line of said Estate #5 a distance of 239.5 feet; thence turn left an angle of 90 degrees in a Northeasterly direction a distance of 200 feet to the point of beginning.

Also Less and except: Part of Estate #5 according to the map and survey of J. P. Westbrook Estates as recorded in Map Book 27, Page 14, in the Probate Office of Jefferson County, Alabama, more particularly described as follows: Begin at the Northeast corner of said Estate #5, and run in a Northwesterly direction and along the Northeast boundary line of said Estate #5, a distance of 629.5 feet to the point of beginning; thence continue last described course in a Northwesterly direction a distance of 373.3 feet, more or less, to the Northwesterly corner of said Estate #5; thence turn left an angle of 124 degrees 55' in a Southerly direction and along the West boundary line of said Estate #5, a distance of 225.6 feet; thence turn left an angle of 55 degrees 05' in a Southeasterly direction a distance of 244.07 feet; thence turn left an angle of 90 degrees 00' in a Northeasterly direction a distance of 185.0 feet to the point of beginning.

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

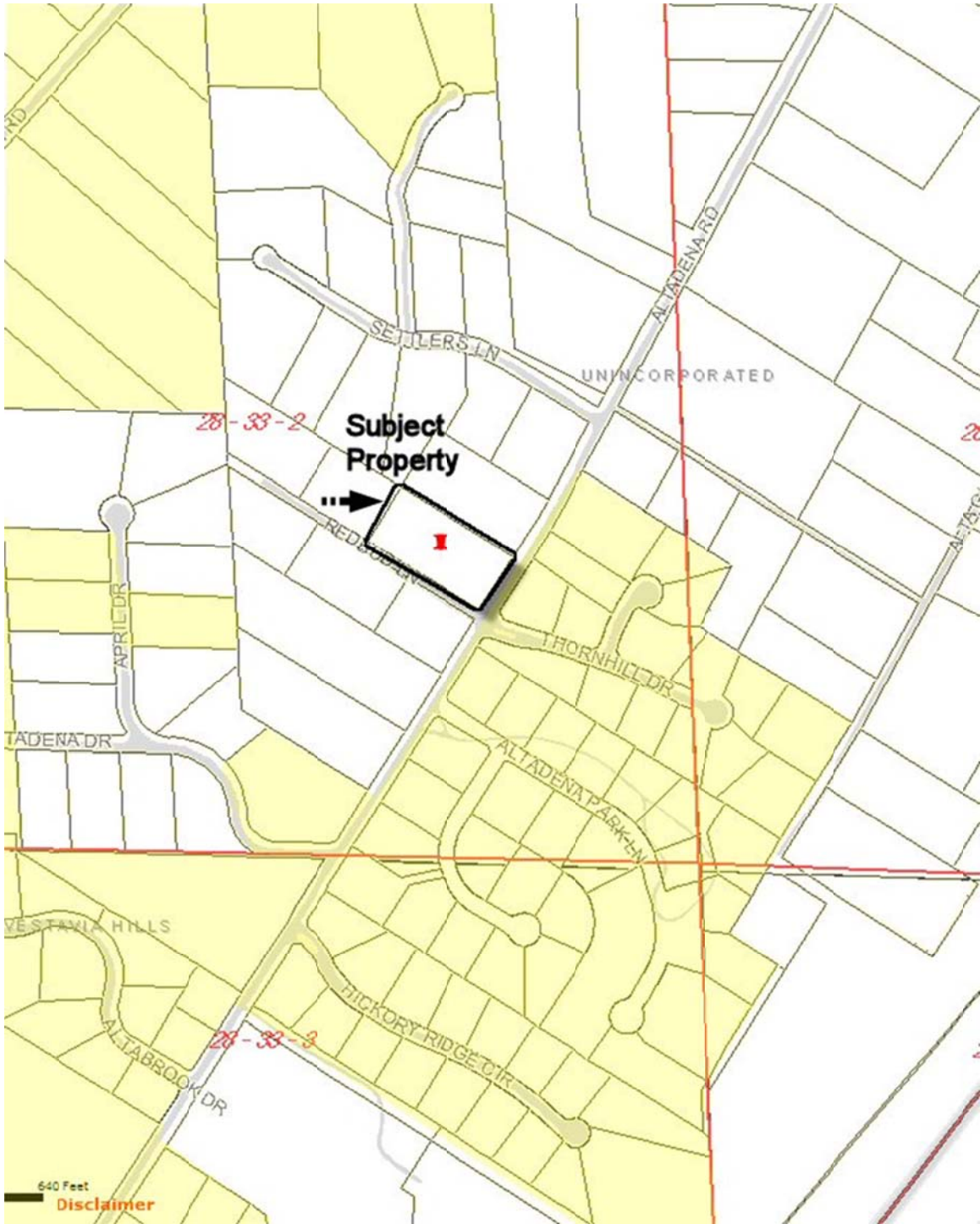
Rebecca Leavings
City Clerk

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 # 2472 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 28th day of October, 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



ORDINANCE NUMBER 2469

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM JEFFERSON COUNTY E-1 TO VESTAVIA HILLS E-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-1 to Vestavia Hills E-2;

2624 Altadena Road
David and Pamela Hulstrand, Owner(s)

More Particularly Described As Follows:

Estate No. 5, according to the Map of J.P. Westbrook Estates, recorded in Map Book 27, Page 14, in the Office of the Judge of Probate of Jefferson County, Alabama; more particularly described as follows:

Less and except: Part of Estate #5 according to the map and survey of J. P. Westbrook Estates as recorded in Map Book 27, Page 14, in the Probate Office of Jefferson County, Alabama, more particularly described as follows: Begin at the Northeast corner of said Estate #5 and run in a Northwesterly direction and along the Northeast boundary line of said Estate #5, a distance of 390 feet to the point of beginning; thence continue last described course in a Northwesterly direction a distance of 239.5 feet; thence turn left an angle of 90 degrees in a Southwesterly direction a distance of 200 feet; thence turn left an angle of 90 degrees in a Southeasterly direction and along the Southwest boundary line of said Estate #5 a distance of 239.5 feet; thence turn left an angle of 90 degrees in a Northeasterly direction a distance of 200 feet to the point of beginning.

Also Less and except: Part of Estate #5 according to the map and survey of J. P. Westbrook Estates as recorded in Map Book 27, Page 14, in the Probate Office of Jefferson County, Alabama, more particularly described

as follows: Begin at the Northeast corner of said Estate #5, and run in a Northwesterly direction and along the Northeast boundary line of said Estate #5, a distance of 629.5 feet to the point of beginning; thence continue last described course in a Northwesterly direction a distance of 373.3 feet, more or less, to the Northwesterly corner of said Estate #5; thence turn left an angle of 124 degrees 55' in a Southerly direction and along the West boundary line of said Estate #5, a distance of 225.6 feet; thence turn left an angle of 55 degrees 05' in a Southeasterly direction a distance of 244.07 feet; thence turn left an angle of 90 degrees 00' in a Northeasterly direction a distance of 185.0 feet to the point of beginning.

APPROVED and ADOPTED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

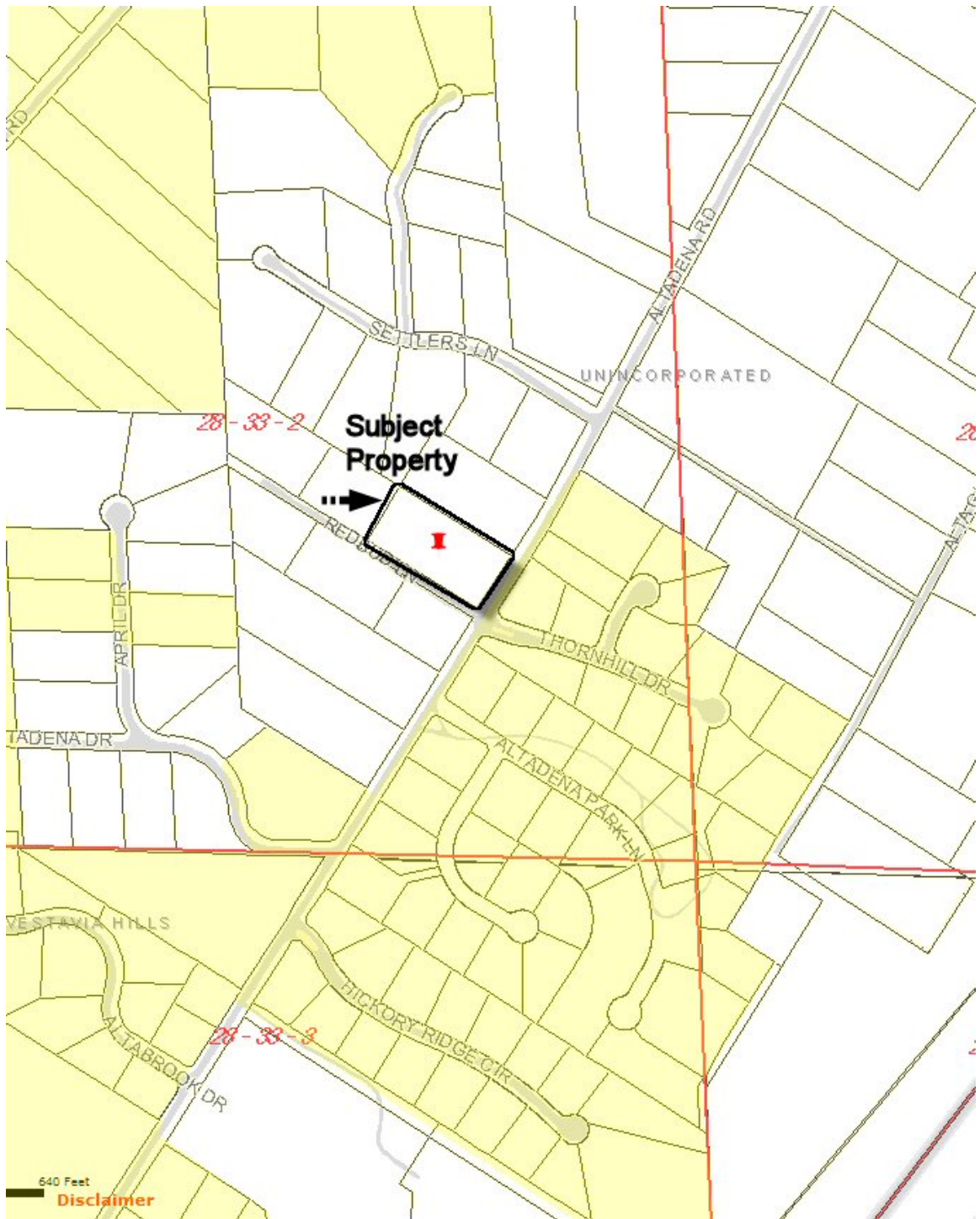
Rebecca Leavings
City Clerk

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 # 2469 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 28th day of October, 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



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

Date: SEPTEMBER 12, 2013

- **CASE:** P-0913-25
- **REQUESTED ACTION:** Rezoning from Jefferson County E-1 to Vestavia Hills E-2
- **ADDRESS/LOCATION:** 2624 Altadena Road
- **APPLICANT/OWNER:** David & Pamela Hultstrand
2624 Altadena Rd
Birmingham, AL 35243
205-637-1422
- **GENERAL DISCUSSION:** Lot is located at the intersection of Altadena Rd. and Redbud Ln. The lot is 1.7 acres and meets the requirements of E-2 zoning. Applicant is currently in the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the Vestavia Hills Comprehensive Plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.
- **MOTION:** Motion to recommend approval was made by Mr. Burrell and 2nd was made by Mrs. Famcher. Motion was approved unanimously.

ORDINANCE NUMBER 2473

**ANNEXING CERTAIN TERRITORY TO THE
CORPORATE LIMITS OF THE CITY OF
VESTAVIA HILLS, ALABAMA.**

WHEREAS, on the 22nd day of July, 2013, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

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

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

2549 Skyland Drive
Lot 6, Block 3, Dolly Ridge Estates, 2nd Addition
Terry and Derrell Crimm, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of October, 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 # 2473 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 28th day of October, 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

ORDINANCE NUMBER 2470

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF A PARCEL OF PROPERTY FROM JEFFERSON COUNTY R-1 TO VESTAVIA HILLS R-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County R-1 to Vestavia Hills R-2;

2549 Skyland Drive
Lot 6, Block 3, Dolly Ridge Estates, 2nd Addition
Derrell and Terry Crimm, Owner(s)

APPROVED and ADOPTED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

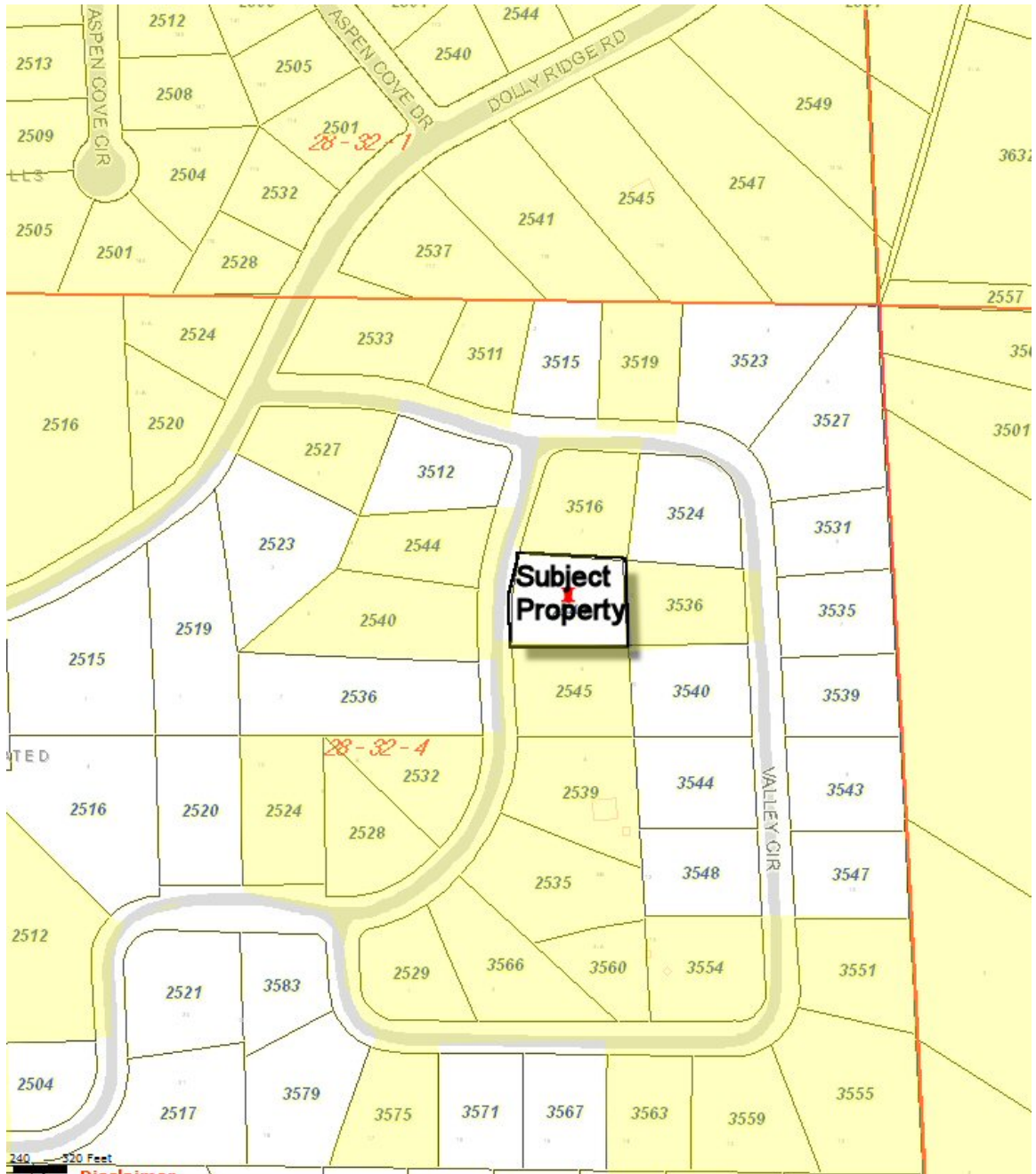
Rebecca Leavings
City Clerk

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 # 2470 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 28th day of October, 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



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

Date: SEPTEMBER 12, 2013

- **CASE:** P-0913-26
- **REQUESTED ACTION:** Rezoning from Jefferson County R-1 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 2549 Skyland Dr.
- **APPLICANT/OWNER:** Derrell & Terry Crimm
2549 Skyland Dr.
Vestavia Hills, AL 35243
205-823-1173
- **GENERAL DISCUSSION:** Lot is located on Skyland Dr. and adjacent to Dolly Ridge Rd. The lot is .51 acres and meets the requirements of R-2 zoning. Applicant is currently in the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the Vestavia Hills Comprehensive Plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.
- **MOTION:** Motion to recommend approval was made by Mr. Goodwin and 2nd was made by Mr. Burrell. Motion was approved unanimously.

ORDINANCE NUMBER 2457-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 2457 TO CORRECT A LEGAL DESCRIPTION FOR PROPERTY ANNEXING TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA.

WHEREAS, on the 22nd day of April, 2013, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

WHEREAS, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, on July 22, 2013 at a regular meeting adopted and approved Ordinance Number 2457 to annex property located at 2855 Five Oaks Lane; and

WHEREAS, it was later determined the legal description describing the property located at 2855 Five Oaks Lane within said Ordinance for annexation was incorrect.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, that Ordinance Number 2457 is amended to annex the property described as follows:

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

2855 Five Oaks Lane
John J. Santamour, Owner(s)

More Particularly Described As Follows:

A parcel of land located in the South ½ of the NE ¼ of Section 34, Township 18 South, Range 2 West, situated in Jefferson County, Alabama, more precisely described as follows:

Commence at the NW corner of the SE ¼ of Section 34, Township 18 South, Range 2 West, thence South along the West line of said 1/4-1/4 section a distance of 634.77 feet to the point of beginning; thence 43 degrees, 55 minutes, 30 seconds left in a Southeasterly direction a distance of 87.60 feet; thence 89 degrees, 50 minutes right in a Southwesterly direction a distance of 164.20 feet; thence 81 degrees, 20 minutes right in a Northwesterly direction a distance of 133.19 feet; thence 85 degrees, 17 minutes right in a Northeasterly direction a distance of 181.52 feet to a point on a curve, having a radius of 431.66 feet; thence 98 degrees, 06 minutes right to the chord of said curve and in a Southeasterly direction along arc of said curve to the right a distance of 86.61 feet to the point of beginning; being situated in Jefferson County, Alabama.

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

ADOPTING and APPROVED this the 28th day of October, 2013.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

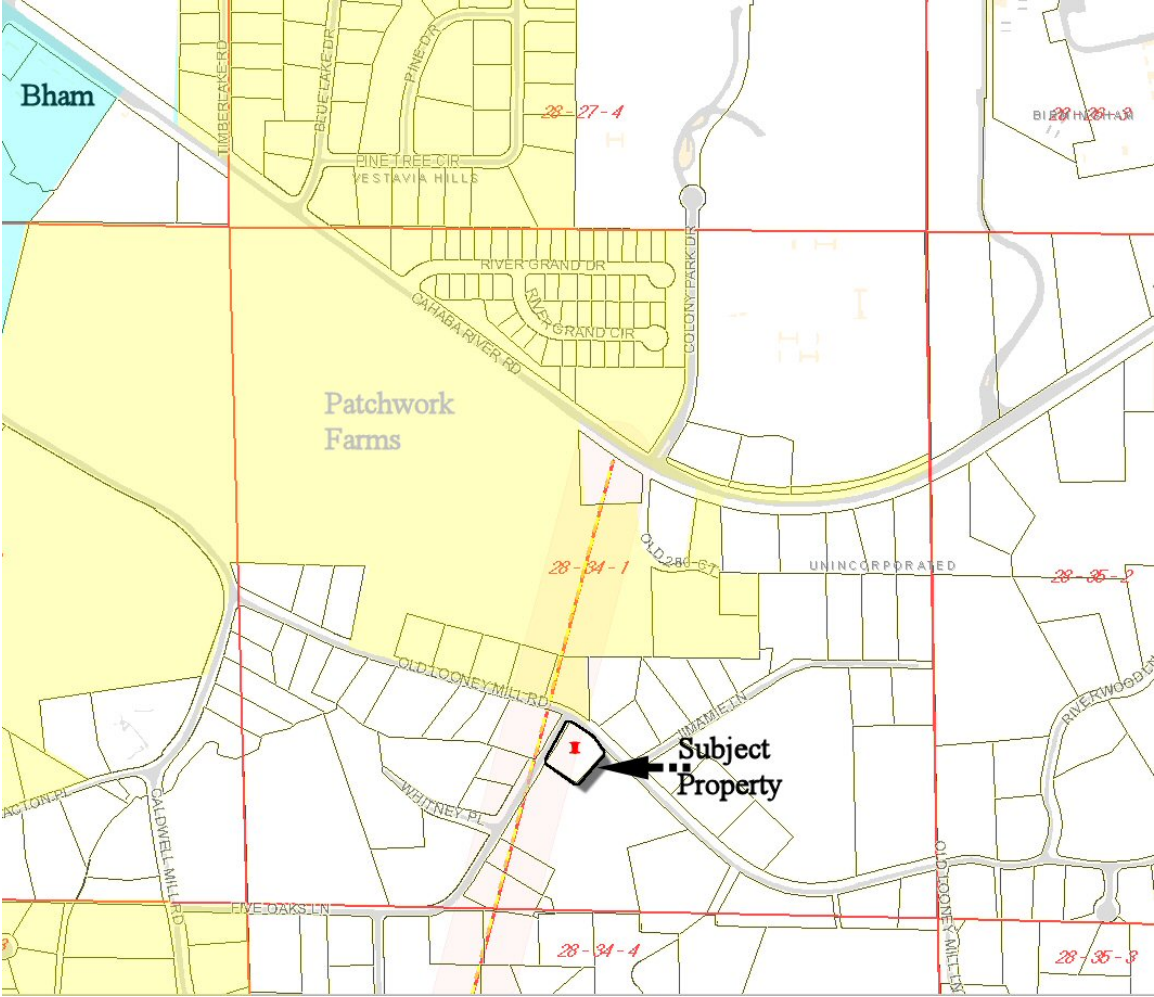
Rebecca Leavings
City Clerk

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 # 2457-A is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28th day of October, 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



ORDINANCE NUMBER 2474

AN ORDINANCE AMENDING SECTION 9 OF ORDINANCE 2418: AN ORDINANCE REGULATING SOLICITING, PEDDLING, AND PANHANDLING

WHEREAS, on October 8, 2012, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2418 – An Ordinance regulating soliciting, peddling and panhandling; and

WHEREAS, the Mayor and Council have agreed that it would be in the best public interest to amend Section 9 of said Ordinance Number 2418 entitled “SECTION 9. Residential ‘no soliciting’ notices.”

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, WHILE IN A REGULAR SESSION ON THE 28th DAY OF OCTOBER, 2013, that Section 9 of Ordinance Number 2418 entitled: “SECTION 9. Residential ‘no soliciting’ notices” shall be amended in its entirety as follows:

SECTION 9. Residential “no soliciting” notices.

- (a) Any occupant of a residence or occupants of a multi-family dwelling who desire(s) not to have solicitors call on said residence(s) shall give notice of the desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than sixteen (16) square inches and no larger than ninety-four (94) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the private property and not within the public right-of-way.
- (b) Residents of a residential subdivision may indicate their desire not to have solicitors call on any residences in that subdivision by giving notice of the desire to refuse solicitors by displaying a clearly visible weatherproof placard no smaller than ninety-four (94) square inches and no larger than two-hundred and twenty (220) square inches stating “No Soliciting” which shall be posted on or near the main entrance of the subdivision on private

property and not within the public right-of-way unless written permission is granted by the City Engineer.

- (c) The display of said placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to invite solicitors.”

SECTION 13. Penalties.

Any person violating any provision of this Ordinance shall be issued a citation and shall be required to appear in the Vestavia Hills Municipal Court. Upon conviction, any such person shall be subject to any fines and other applicable court costs which may be assessed by the Vestavia Hills Municipal Court.

SECTION 14. Severability.

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

SECTION 15. Effective date.

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

DONE, ORDERED, ADOPTED AND APPROVED on this 28th day of October, 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 # 2474 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 28th day of October, 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