

**Vestavia Hills  
City Council Agenda  
May 28, 2014  
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – John Henley
4. Pledge Of Allegiance
5. Announcements, Candidate and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports
9. Approval of Minutes – May 12, 2014 (Regular Meeting) and May 15, 2014 (Work Session)

**Old Business**

10. Ordinance Number 2499 – An Ordinance To Approve A Conditional Use For A Place Of Assembly (*public hearing*)
11. Resolution Number 4591 – De-Annexation – 140 Montgomery Highway; Deborah R. Tisdale, Owner (*public hearing*)

**New Business**

12. Resolution Number 4593 – Alcohol License – Ramachary Athan D/B/A Beverage City, 3374 Morgan Drive; To Sell 011- Lounge Retail Liquor – Class III (Package); Ramachary Athan, Executive (*public hearing*)
13. Resolution Number 4594 – Alcohol License – Bamtex Leisure LLC D/B/A Bam Sports Grill, 3142 – 3144 Heights Village; To Sell 020 – Restaurant Retail Liquor; Leah K. Schaatt And Sean P. Berry, Executives (*public hearing*)
14. Resolution Number 4595 – Alcohol License – Food Max LLC D/B/A Vestavia Texaco; 1487 Montgomery Highway; To Sell 050 – Retail Beer And 070 – Retail Table Wine; Max McMoezam, Executive (*public hearing*)

**New Business (Requesting Unanimous Consent)**

15. Resolution Number 4598 - A Resolution Authorizing The City Manager To Complete All Actions Necessary For Design, Engineering And Professional Costs For Construction Of A New City Hall And Police/Municipal Court Complex (*Public Hearing*)

**First Reading (No Action Taken At This Meeting)**

16. Resolution Number 4596 – A Resolution Authorizing The Special Economic Development Agreement By The City Of Vestavia Hills, Alabama And Vestavia Hills Investment Partners, LLC (*public hearing*)
17. Resolution Number 4597 – Vacation Of Easement – Columbia Cottage; Lots 9 Thru 13, Block 1 And Lots 26-30, Block 1, Survey Of Glass’s 3<sup>rd</sup> Addition To New Merkle; Columbia Cottage-Mountain Brook LLC, Owner (*public hearing*)
18. Citizens Comments
19. Motion For Adjournment

## CITY OF VESTAVIA HILLS

### CITY COUNCIL

### MINUTES

**MAY 12, 2014**

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

**MEMBERS ABSENT:**

Jim Sharp

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
George Sawaya, Deputy Treasurer  
Dan Rary, Police Chief  
Jim St. John, Fire Chief  
Terry Ray, Asst. Fire Chief, Administration  
Marvin Green, Asst. Fire Chief, Operations

Invocation was given by Malinda Weaver, Associate Pastor, Vestavia Hills United Methodist Church, followed by the Pledge of Allegiance led by Eagle Scout Zachary Jones.

### ANNOUNCEMENTS, GUEST RECOGNITION

- Mr. Pierce announced the kickoff of I Love America Day Celebration on July 2<sup>nd</sup>.
- Amy Templeton, McWane Science Center, thanked the Council for 14 years of support and asked for continued support.
- Jack Lemmon, Children's Theater, briefed the Council on their services and requested support in the upcoming budget to assist them in their endeavors.
- David Wheeler, 2532 Crossgate Place, introduced himself and declared that he is a candidate for State House District 47.
- Steve Ammons announced that he is a candidate for Jefferson County Tax Collector in the upcoming election.

## **CITY MANAGER REPORT**

- Mr. Downes presented a Certificate of Commendation to Zachary Jones for obtaining his rank as Eagle Scout.
  - Mr. Jones thanked Anne Boston for her assistance in locating his Eagle Scout project and his granddad for teaching him to build the needed bird houses for the project.
- Mr. Downes asked Chief St. John to brief the Council on a recent grant award.
  - Chief St. John stated that the Fire Department was recently awarded a grant for a 90/10 split to purchase new thermal imaging cameras. He explained that the cost of the items had left them to replace the cameras slowly but the award of this grant will allow the Department to replace all of them and even add some to other front-line vehicles.
- Mr. Downes asked Chief Rary to make a presentation.
  - Chief Rary explained the investigation of a recent rape case which had little evidence but was solved by one of the City's detectives, Sgt. Steve Gurley. He presented Sgt. Gurley with a Certificate of Recognition for his work and thanked him for his service to the Department.
- Mr. Downes explained a couple of planned Highway 31 redevelopment project that might be coming together and are located in the same vicinity as the new proposed City Hall. He explained the potential of these developments together with the construction of the City's buildings to be the first catalyst for redevelopment along this corridor. He introduced Bill Conner, Shirley Lochamy and Adam Stabler who were in attendance on behalf of America's First Credit Union and Thom Hickman, present on behalf of GBT. The developments stem from the City becoming an active partner in order to allow the revenues derived from the sale of the old Library to America's First to be utilized in the site development of a large 34,000 sf tenant on the Alabama Power property.

## **COUNCILOR REPORTS**

- Mayor Zaragoza invited everyone to attend Wing Ding on May 31<sup>st</sup> at the City Center. He indicated that there'd be lots of food and fun for everyone.
- Mr. Henley stated that the interview scheduled for the applicant Chuck Ledbetter as new Superintendent of Education will be postponed because of the weather and will be held on May 15 at 6 PM.
- Mr. Henley stated that David Miles, Principal at Pizitz Middle, resigned from his position after 23 years of service.
- Mr. Pierce invited everyone to attend a meeting concerning the voluntary drug testing program at Vestavia Hills High School, 6:30 PM on May 13.

**APPROVAL OF MINUTES**

The minutes of April 22, 2014 (Work Session) and April 28, 2014 (Regular Meeting) were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of the meeting of April 22, 2014 (Work Session) and April 28, 2014 (Regular Meeting) and approve them as presented was by Mr. Sharp and second by Mr. Pierce.  
Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

**NEW BUSINESS**

**RESOLUTION NUMBER 4589**

**Resolution Number 4589 - A Resolution Appointing A Member To The Jefferson-Blount-St. Clair Mental Health Authority**

**MOTION** Motion to approve Resolution Number 4589 was by Mr. Henley and second was by Mr. Ammons.

Mayor Zaragoza explained that the City has three appointments on this Authority and two have been filled. This third appointment will complete the City's appointments. He stated that Bob Terry has volunteered to serve and gave a brief background of his experience in the field.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes

motion carried.

**RESOLUTION NUMBER 4592**

**Resolution Number 4592 - A Resolution Appointing A Member To The Vestavia Hills Tree Commission**

**MOTION** Motion to approve Resolution Number 4592 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor gave a brief background of the Vestavia Hills Tree Commission and its role in the City. He indicated that Melissa Hipp, an assistant in his office, has asked to

serve on the Commission to allow her to write grants for them. He thought that was a good move and has recommended approval.

Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Ammons – yes

Mayor Zaragoza – yes  
motion carried.

### **RESOLUTION NUMBER 4590**

#### **Resolution Number 4590 - A Resolution Of Preliminary Approval For, And Authorization Of, Certain Actions In Respect Of An Economic Development Project**

**MOTION** Motion to approve Resolution Number 4590 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes stated that this was one aspect of the projects that he discussed during his report and encouraged approval.

Mr. Boone stated that the documents comply with Alabama law.

Heyward Hosch was present in regard to the request and indicated that he has reviewed the documents and also recommended approval.

The Mayor stated that the residents of the City had indicated the desire for economic development and he feels this is a good move toward that endeavor. After discussion, the other Councilors concurred.

The Mayor opened the floor for a public hearing.

Ann Norris, 2700 Pruett Place, addressed concerns of traffic on Dolly Ridge Road as well as an unkempt lot across from her subdivision. She stated that the City needed to address these areas of concern.

The Mayor stated that a Citizens Comment section is held at the end of the meeting and asked that this hearing be related to the immediate consideration.

David Harwell, 1803 Catala Road, commended Mr. Downes on his presentation and encouraged the Council to approve the Resolution.

Martha Cook thanked the Council and Mr. Downes for the assistance in economic development and encouraged the Council to approve this Resolution on behalf of the Chamber of Commerce.

There being no one else to address the Council on this matter, the Mayor closed the public hearing and called for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes motion carried.

**NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)**

**MOTION** Motion for unanimous consent for the immediate consideration and action on Ordinance Number 2500 was by Mr. Henley. Second was by Mr. Ammons. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mayor Zaragoza – yes motion carried.

**ORDINANCE NUMBER 2500**

**Ordinance Number 2500 – An Ordinance Authorizing And Directing The Sale Of Real Estate Situated At 1112 Montgomery Highway (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2500 was by Mr. Henley and second was by Mr. Ammons.

Mr. Downes stated that this is also a part of the City’s redevelopment plan described earlier in the meeting. This would allow the sale of the City’s old library property for \$950,000 for development of an America’s First Credit Union which is above the appraised value of the property.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this matter, the Mayor closed the public hearing and called for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – 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 on May 28, 2014 at 5 PM.

- Resolution Number 4591 – De-Annexation – 140 Montgomery Highway; Deborah R. Tisdale, Owner
- Ordinance Number 2499 – An Ordinance To Approve A Conditional Use For A Place Of Assembly

**CITIZENS COMMENTS**

Jack Norris, 2700 Pruett Place, presented a listing of concerns in the vicinity of his subdivision located off Dolly Ridge Road. He thanked the City employees that he has approached regarding these concerns, but stated he has seen no improvements made to the areas. He encouraged the Council to review the concerns and work to correct them as soon as possible, especially prior to the schools resuming classes in the fall.

**MOTION** Motion to adjourn was by Mr. Pierce and second was by Mr. Ammons. Meeting adjourned at 6:15 PM.

Alberto C. Zaragoza, Jr.  
Mayor

Attested by:

Rebecca Leavings  
City Clerk



## CITY OF VESTAVIA HILLS

### CITY COUNCIL

### WORK SESSION

### MINUTES

**MAY 15, 2014**

The City Council of Vestavia Hills met in a special work session on this date at 8:00 AM following posting/publishing pursuant to Alabama law. The Mayor called the work session to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Alberto C. Zaragoza, Jr.  
John Henley  
Jim Sharp

**MEMBERS ABSENT:**

Steve Ammons, Mayor Pro-Tem  
George Pierce

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Jim St. John, Fire Chief  
Taneisha Tucker, Library Director  
Melvin Turner, Finance Director  
George Sawaya, Deputy Treasurer  
Brian Davis, Public Services Director

Cathy Cook and Isabella Lisenby of the State 911 Auditing Board gave the Council an exit review of the recent internal audit and indicated the reports will be made public in a few weeks. Ms. Cook stated that the auditors will begin an audit of all municipalities every 2 years.

Grace Wepler, ETC, gave an analysis of the City's recent citizen survey concerning resident reviews of City services. The report was very complimentary and showed the City exceeding national averages and most of the provided services, especially public safety areas. Mr. Downes and the Mayor further explained the outcomes and strategies to address areas that were just below the national average.

Ms. Leavings provided a proposed food truck ordinance for Council review and gave a brief background on the phenomena, the existing businesses within the City and how this ordinance would regulate food trucks. After much discussion, the Council

requested additional information. Ms. Leavings stated she would obtain the needed information and return with recommendations.

The Mayor indicated an immediate need to enter into executive session for an estimated 5 minutes for the possible sale/purchase of real estate. He opened the floor for a motion.

**MOTION** Motion to move into executive session for the purpose of the sale/purchase of real estate for an estimated 5 minutes was by Mr. Henley and seconded by Mr. Sharp. Roll call vote as follows:

Mr. Henley – yes	Mr. Sharp – yes
Mayor Zaragoza – yes	motion carried.

The Council entered into executive session at 6:25 PM.

At 6:33 PM, the Council exited executive session and adjourned at 6:34 PM.

Alberto C. Zaragoza, Jr.  
Mayor

Attested by:

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2499**

**AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL FOR THE INTENDED PURPOSE OF A PLACE OF ASSEMBLY**

**WHEREAS**, on December 13, 2010 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 2331 entitled the Vestavia Hills Zoning Code and establishing a conditional use approval for certain uses not permissible by right in zoning classifications; and

**WHEREAS**, on February 17, 2014, Jaynn H. Kushner submitted an application for use of a residence located at 3224 Green Valley Road for a place of assembly; and

**WHEREAS**, the property located at 3224 Green Valley Road is presently zoned Vestavia Hills R-4 (medium density residential district); and

**WHEREAS**, Table 5 of the Vestavia Hills Zoning Code sets forth the permissible uses within an R-4 classification; and

**WHEREAS**, the Vestavia Hills Planning and Zoning Commission at its regular meeting of April 10, 2014 voted unanimously to recommend approval of the request with certain stipulations; and

**WHEREAS**, a copy of said application dated February 17, 2014 is attached and hereby incorporated into this Ordinance Number 2499.

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

1. Conditional Use Approval is hereby approved for Jaynn Kushner, for use of the property located at 3224 Green Valley Road as a place of assembly with the following conditions:
  - (1) Meeting hours will be between 9:00 AM – 9:00 PM;
  - (2) Meetings cannot be held more than three times per week;
  - (3) Average meeting attendance must limited to 8-12 people;
  - (4) Attendance may not exceed 20 people at any time with the exception of two times per year;
  - (5) No signage will be allowed on site;

- (6) Applicant shall, at her sole expense, obtain a report from a licensed structural engineer to submit to the Building Official regarding the structural integrity of said unit for the requested use;
- (7) Using said engineering report, applicant shall, at her expense, make any and all modifications and renovations needed in order to obtain a Certificate of Occupancy from the Vestavia Hills Building Safety Department in order to use said residential unit as a place of assembly with said occupancy limits prior to September 1, 2014;
- (8) Parking areas must be improved by gravel and screened so as not to detract from residential areas surrounding said property;
- (9) Parking and landscaping improvements must be approved by the Vestavia Hills Design Review Board;
- (10) The approval is granted specifically to this applicant and congregation and shall be terminated when said congregation vacates site.

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2014.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

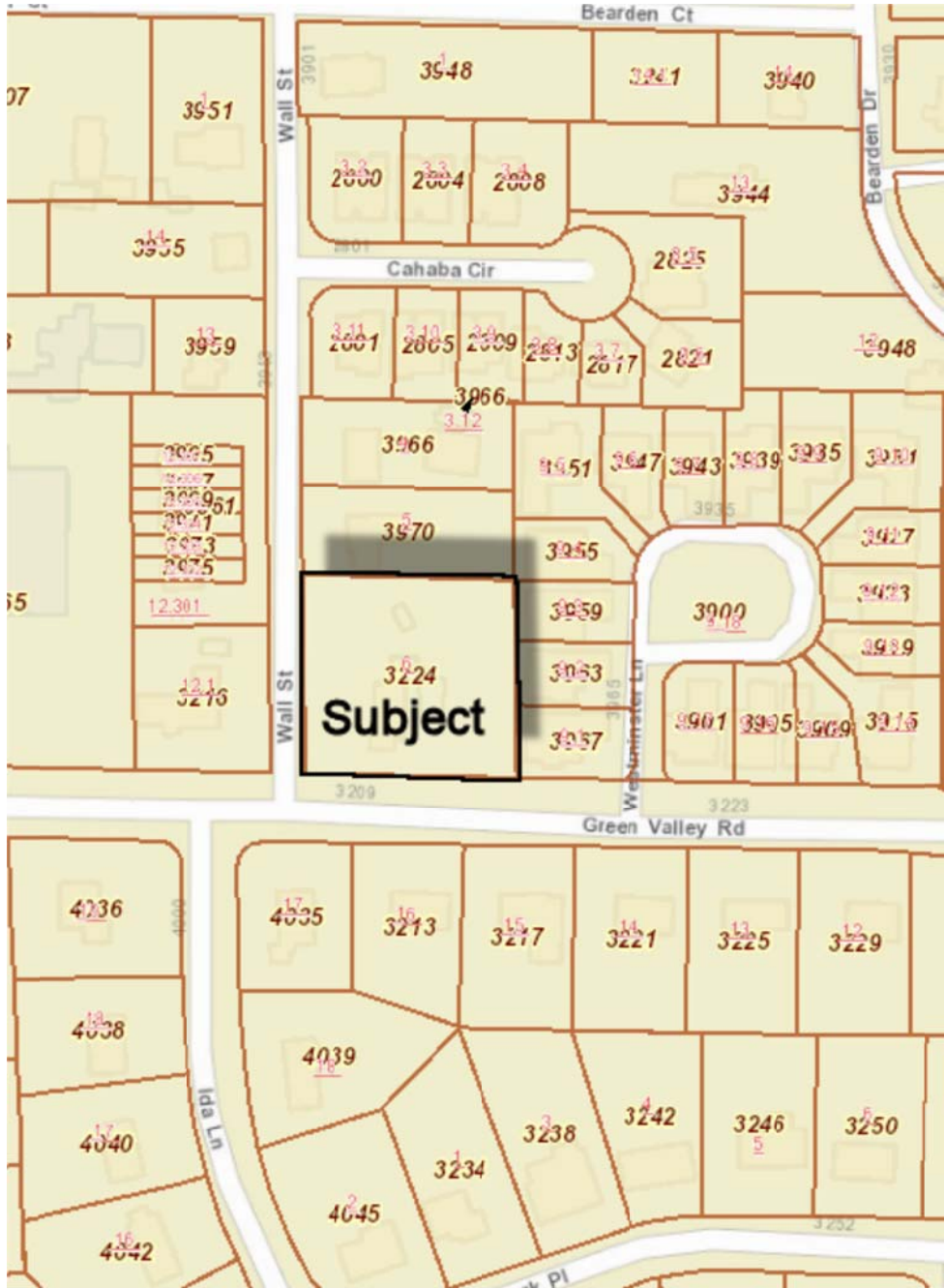
Rebecca Leavings  
City Clerk

**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 # 2499 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 28<sup>th</sup> day of May, 2014 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 \_\_\_\_\_, 2014.

Rebecca Leavings  
City Clerk



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

Date: APRIL 10, 2014

- **CASE:** P-0414-06
- **REQUESTED ACTION:** Conditional Use Approval for a place of assembly
- **ADDRESS/LOCATION:** 3224 Green Valley Rd.
- **APPLICANT/OWNER:** Jayn H. Kushner  
3955 Westminster Ln.  
Vestavia Hills, AL 35243  
451-7701
- **REPRESENTING AGENT:** Charlie Beavers
- **GENERAL DISCUSSION:** The applicant wishes to hold small gatherings of an average of 8-12 people for worship, study, contemplation, and religious purposes. Occasionally, there will be up to 20 people there and an additional meeting time. Parking would be in the rear of the property and would be landscaped.
- **CAHABA HEIGHTS COMMUNITY PLAN:** This request is consistent with the Community Plan for medium density residential.
- **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:** I recommend the Commission add the conditions that attendance be capped at 20 people, no more than 3 services per week, and they must receive DRB approval on parking and landscaping.
  2. **City Engineer Review:** Subject to review and approval of site plan regarding parking and access improvements.
  3. **City Fire Marshal Review:** No problems noted. Will require re-inspection of property when it reverts to residential use

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION:** Motion to recommend approval of Conditional Use Application P-0414-06 for a place of assembly at 3224 Green Valley Rd. was made by Mr. Visintainer with the following conditions:

1. Meeting hours will be between 9:00 AM – 9:00 PM;
2. Meeting cannot be held more than three times per week;
3. Average meeting attendance must be between 8-12 people;
4. Attendance may not exceed 20 people twice a year;
5. No signage will be allowed on site;
6. Applicant shall submit a letter from a licensed engineer stating that the building is structurally sound to the City Engineer;
7. Parking lot must be graveled and screened;
8. Parking and landscaping must be approved by the Vestavia Hills Design Review Board;
9. The approval is granted specific to the applicant and congregation and shall be terminated when said congregation vacates site.

Second was made by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes	Mr. Brooks – yes
Mrs. Fancher – yes	Mr. Burrell – yes
Mr. Gilchrist – yes	Mr. House – yes
Mr. Visintainer – yes	Mr. Sharp – yes
Mr. Larson – yes	Motion carried.



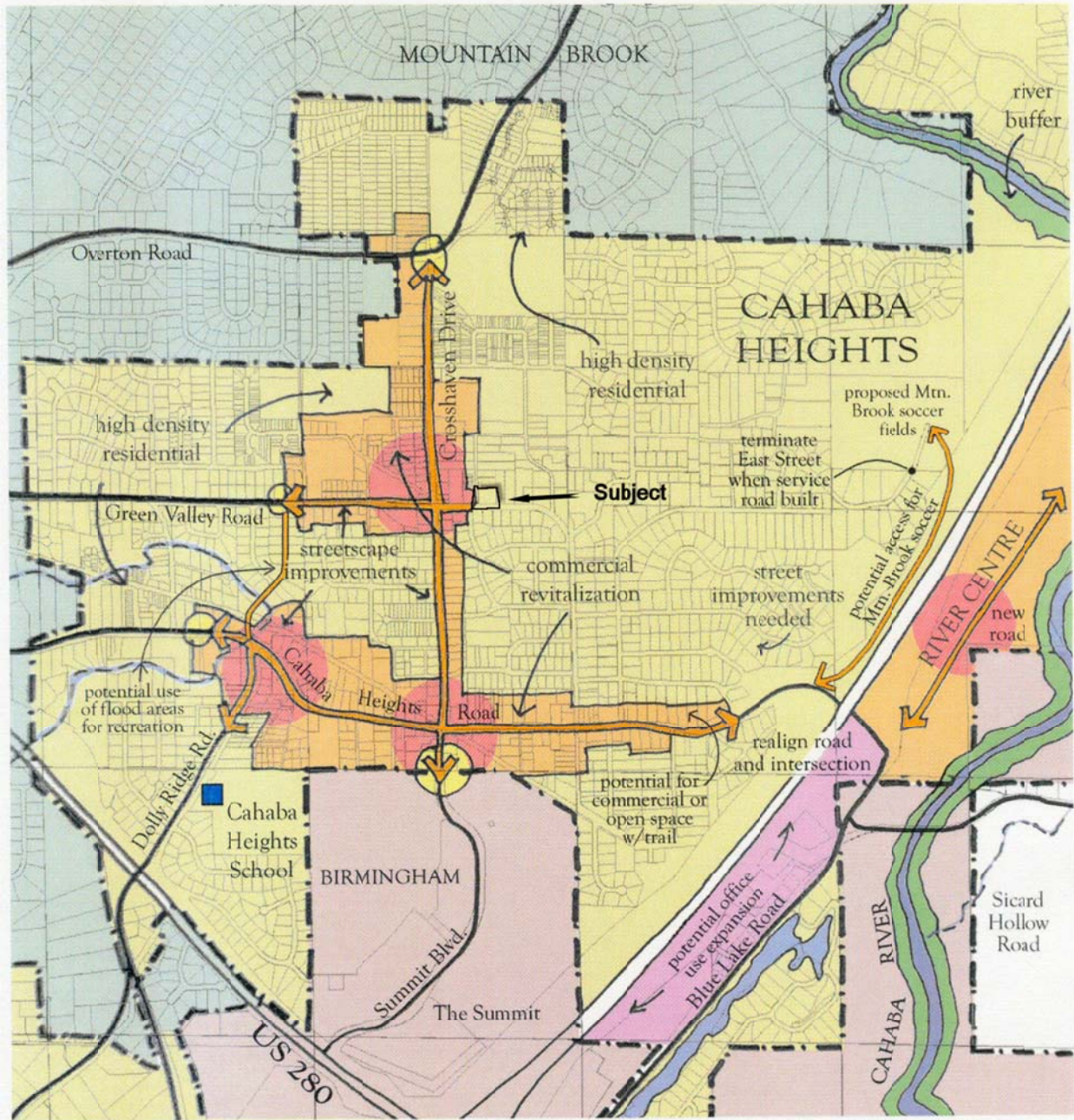
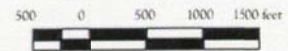


Figure 19: Cahaba Heights  
Land Use Analysis

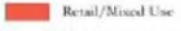


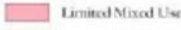
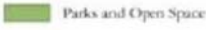

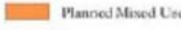
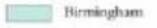

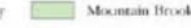
- Neighborhood - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center - mixed use centers with highest densities in core areas. Mix of uses should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

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





# Future Land Use

- |  |   |  |
|--|---|--|
|  Low-Density Residential    |  Retail/Mixed Use  |  Institutional        |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High-Density Residential   |  Planned Mixed Use |  |
|  Birmingham                 |  Jefferson County  |  Mountain Brook       |

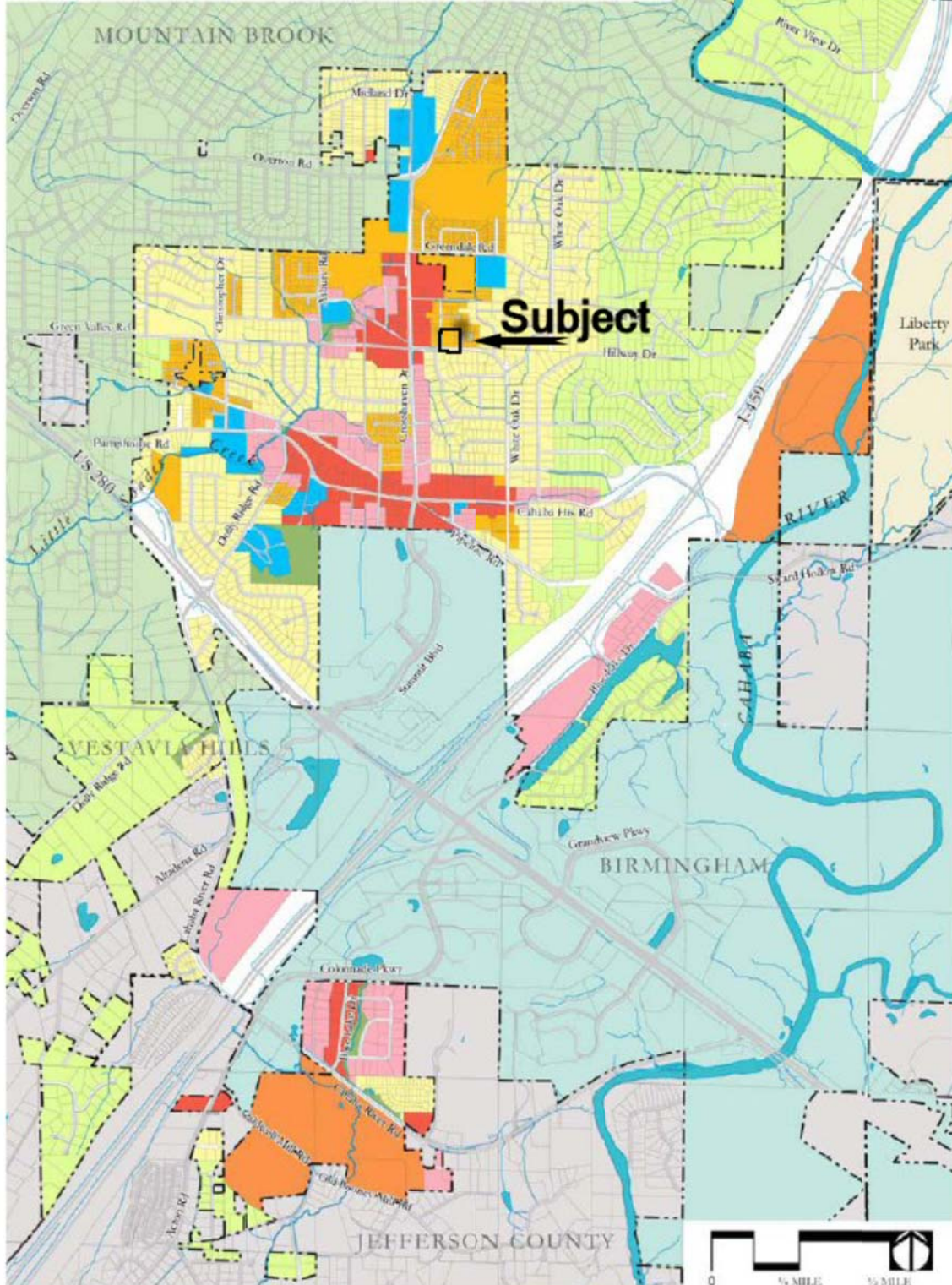


Figure 4: Future Land Use Map

**RESOLUTION NUMBER 4591**

**A RESOLUTION TO REDUCE THE CORPORATE  
LIMITS OF THE CITY OF VESTAVIA HILLS,  
ALABAMA, AND THE BOUNDARIES THEREOF  
REESTABLISHED**

**WHEREAS**, on October 10, 2003, Deborah R. Tisdale purchased property located at 140 Montgomery Highway, Vestavia Hills, Alabama; and

**WHEREAS**, Ms. Tisdale has filed a petition with the City Council of the City of Vestavia Hills requesting de-annexation of her property by letter dated April 8, 2014, a copy of which is marked as Exhibit A, attached to and incorporated into this Resolution Number 4591 as though written fully therein; and

**WHEREAS**, the Mayor and Council agree it is in the best public interest to grant Ms. Tisdale's request determining that the property located at 140 Montgomery Highway, Vestavia Hills, Alabama described in paragraph 4 below is of no benefit to the City.

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

1. This action is taken pursuant to the authority set forth in Title 11-42-200, et. seq., Code of Alabama, 1975; and

2. That petition signed by Deborah R. Tisdale represents her as sole owner of said 140 Montgomery Highway; and

3. The City Council of the City of Vestavia Hills, Alabama, has determined and decided that the public good requires that the request of Deborah R. Tisdale is due to be granted; and

4. That the legal description of the property to be de-annexed is described as follows:

140 Montgomery Highway  
Block 4, A.A. Gambill's Homesite Shades Mountain  
Map Book 16, Map Page 53, Office of the Judge Of Probate, Jefferson County Alabama  
Deborah R. Tisdale, owner

5. The property owned by Deborah R. Tisdale located in the City of Vestavia Hills, Jefferson County, Alabama, more particularly described in paragraph 4 above is hereby de-annexed from the corporate city limits of the City of Vestavia Hills, Alabama.

6. The corporate limits of the City of Vestavia Hills, Alabama, are hereby reduced so as to exclude the territory described in paragraph 3 above and the boundaries of the City are hereby re-established accordingly.

7. That pursuant to Section 11-42-201 of the Code of Alabama, 1975, the Clerk shall certify a copy of such Resolution, together with a plat or map correctly defining the corporate limits proposed to be established and the names of all qualified electors residing in the territory proposed to be excluded from the area of such corporation and file the same with the Judge of Probate of Jefferson County.

**DONE, ORDERED, APPROVED and ADOPTED** this the 28<sup>th</sup> day of May, 2014.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Resolution 4591 is a true and correct copy of such Resolution that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of May, 2014, as same appears in the official records of said City.

Rebecca Leavings  
City Clerk





Deborah R. Tisdale  
140 Montgomery Hwy  
Birmingham, AL 35216  
April 8, 2014

To: City Council Vestavia Hills, Alabama  
513 Montgomery Hwy  
Vestavia Hills, Alabama, 35216

Dear Council:

I own and live at 140 Montgomey Highway, and wish to have my property removed (de-annexed) from the City Limits of Vestavia Hills, Alabama and returned to Jefferson County at-large. The reasons for this request are numerous, and are listed below.

- My home and property upon which it sits are outside the boundaries of Vestavia Hills.
- My home sits on a State Highway for which the 'right of way' is not maintained by Vestavia Hills, but by The State of Alabama.
- The Mayor for Vestavia specifically informed me that the right of way in front of my home would not be maintained by the city of Vestavia and thus the Kudzu is allowed to grow in an unsightly manner such that it overtakes my property and home yearly if, I, as a 58 year old women, do not maintain it. I have attempted to have several companies give me an estimate to clean it up on my property alone. Several companies refused to tackle the problem, and the one which would was \$3000 for the one time clean up of my property only. All adjacent property is covered in Kudzu. Kudzu grows at 8-12 inches a day from all shoots, making my property clean-up almost completely a waste of time and money. After speaking with the mayor of Vestavia Hills, I contacted the state highway department, and they suggested that I place pigs (which 'root' kudzu), on the state right of way and in my yard to eliminate the Kudzu.
- The property South of me and between my property and Vestavia Hills proper and in route to Vestavia Hills is owned by the community of Homewood. The property North of me is owned by the community of Homewood as well. The property West of me is also owned by Homewood.
- On two occasions, I have caught thieves in my home. My home is less than 2 blocks from the City of Vestavia Hills police department, yet when I dialed 911, it took 15 minutes to get a policeman to respond to my call. Both times, my calls went first to a Homewood dispatch, and then was transferred to the Vestavia Hills dispatch. On the first occasion, the delay allowed time for the thieves to pull out my driveway past me with my things in their truck. I followed them giving directions to the dispatch, yet the police never came until I announced to the dispatch that I had lost them in Homewood. On the second occasion, subsequent to the same delay, instead of quickly dispatching an officer, the dispatcher questioned me as to why I thought someone was in my home. I had brought an associate with me to my home to confirm my belief that someone was in my home in my absence. When the police did arrive, instead of blocking the two entrance/exit points, the police followed me through the house. I had a flashlight, they toted a flashlight and both had 9mm automatic pistols pulled as they followed me through the house. (I am in no way attempting to criticize the police, these were nice officers, and they attempted to address the issue at hand to the degree that they could)
- Upon purchasing my home for approximately \$285,000, I had to pay a tax bill of over \$8000. The next year was lower, the third year without any improvements or changes, or re-evaluation or inspection, my property was again tax valued at over \$550,000, and my taxes have since been above \$5000. Now, I receive a notice that my home after 10 years of being worth

\$550,000 to Vestavia Hills is suddenly worth only demolition.....yet NOTHING has changed in 10 years

- My power is provided by Alabama Power, via a substation in Homewood.
- My water and sewage is via Jefferson County
- I have no children in the Vestavia Hills School District, nor have I ever, nor will I ever.
- Since moving into my home, I have had a brick mailbox and security gates that were up for many years before the purchase of the property removed without notification from anyone.
- I have had cars vandalized, I have had my doors kicked in, and I have had my water meter tampered with such that one month my water bill was \$15 the next month it was over \$3200, and the next month \$15, yet for all three months the usage was zero (0) CF. After three years, of my attempts, and my attorney's attempts to get the Water board to correct this, they will not correct this mistake and it has been applied to my credit report in a negative way (and no, my basement was not flooded with 10, yes TEN, 18'X33'X4'swimming pools worth of water, and no, the apartments directly below my property were not flooded)

At this point in time, I can not find any value in being part of the Vestavia Hills community, and wish to be de-annexed, and returned to the Jefferson County Jurisdiction at large.

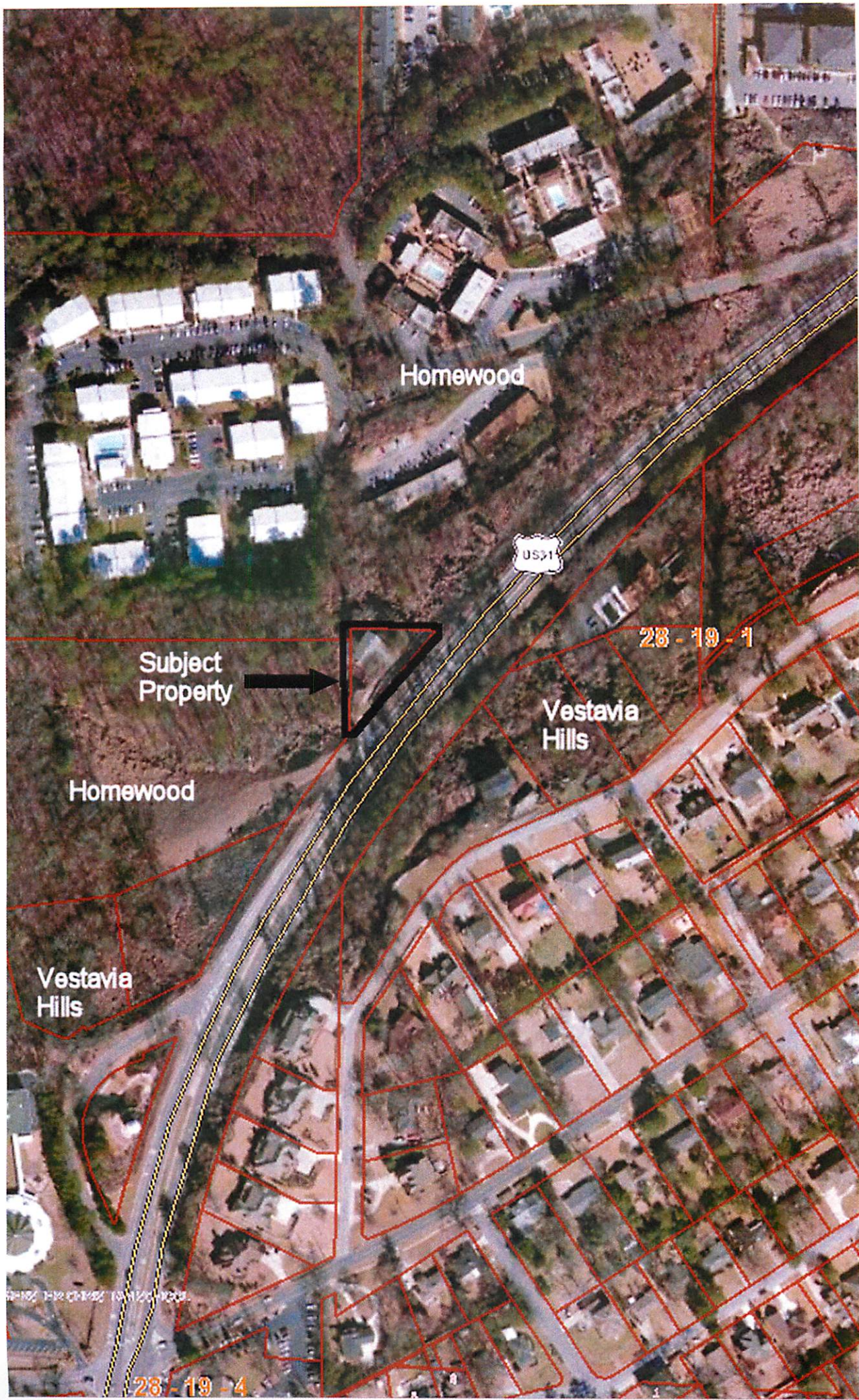
Please bring this matter before the open council session, and I wish to thank you in advance for your speedy attention to de-annexing my property.

Sincerely,

Deborah R. Tisdale

cc Timothy Fulmer,  
c/o Natter and Fulmer  
3800 Colonade Parkway  
Birmingham, AL35243  
(205) 968-5300





Homewood

US 31

28 - 19 - 1

Subject Property



Vestavia Hills

Homewood

Vestavia Hills

28 - 19 - 4



**PARCEL #:** 28 00 19 1 002 006.000  
**OWNER:** TISDALE DEBORAH R  
**ADDRESS:** 140 MONTGOMERY HWY VESTAVIA AL 35216-1228  
**LOCATION:** 140 MONTGOMERY HWY BHAM AL 35216

[ 111-B- ] Baths: 3.5 H/C Sqft: 6,074  
**18-001.0** Bed Rooms: 4 Land Sch: G2  
 Land: 277,000 Imp: 351,800 Total: 628,800  
 Acres: 0.000 Sales Info: 11/01/2003  
**\$270,000**

<< Prev Next >> [ 1 / 0 Records ] Processing...

Tax Year : 2013 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

**SUMMARY**

<b>ASSESSMENT</b>		<b>VALUE</b>	
PROPERTY CLASS: 3	OVER 65 CODE:	LAND VALUE 10%	\$277,000
EXEMPT CODE: 2-2	DISABILITY CODE:	LAND VALUE 20%	\$0
MUN CODE: 20 VESTAVIA HILLS	HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE AMT: \$0.00	<u>CLASS 2</u>	
OVR ASD VALUE: \$0.00	TOTAL MILLAGE: 92.6	<u>CLASS 3</u>	
CLASS USE: FOREST ACRES: 0	TAX SALE:	BLDG 001 111	\$351,800
PREV YEAR VALUE: \$628,800.00	BOE VALUE: 0	TOTAL MARKET VALUE [APPR. VALUE: \$628,800]:	\$628,800
		Assesment Override:	
		MARKET VALUE:	
		CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	20	\$62,880	\$408.72	\$4,000	\$26.00	\$382.72
COUNTY	3	20	\$62,880	\$848.88	\$2,000	\$27.00	\$821.88
SCHOOL	3	20	\$62,880	\$515.62	\$0	\$0.00	\$515.62
DIST SCHOOL	3	20	\$62,880	\$0.00	\$0	\$0.00	\$0.00
CITY	3	20	\$62,880	\$3,099.98	\$0	\$0.00	\$3,099.98
FOREST	3	20	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	20	\$62,880	\$949.49	\$0	\$0.00	\$949.49
SPC SCHOOL2	3	20	\$62,880	\$0.00	\$0	\$0.00	\$0.00

**\*\* DELINQUENT \*\***

ASSD. VALUE: \$62,880.00 TOTAL FEE & INTEREST: (Detail) \$287.74  
**\$5,822.69 GRAND TOTAL: \$6,057.43**

Payoff Quote

**DEEDS**

**INSTRUMENT NUMBER**

[200317-1680](#)

**PAYMENT INFO**

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
10/10/2003		2013		\$0.00
	1/30/2013	2012	TISDALE DEBORAH R	\$5,774.69
	20111231	2011	***	\$6,058.04
	20101231	2010	***	\$6,058.04
	20091231	2009	***	\$6,058.04
	20081231	2008	***	\$5,212.61
	20071231	2007	***	\$5,169.08
	20061231	2006	***	\$5,036.67
	20051108	2005	***	\$4,695.91
	20041230	2004	***	\$8,339.74
	20031112	2003	***	\$7,702.65
	20021116	2002	***	\$6,997.04
	20020514	2001	***	\$3,625.05
	20001128	2000	***	\$9,944.51
	19981231	1998	***	\$3,666.95

**LAND COMPUTATION**

	<b>Code</b>	<b>Acerage</b>	<b>Square Foot</b>	<b>Market Value</b>	<b>CU. Value</b>
SITE VALUE	3 111 HOUSEHOLD UNITS	0	14688	\$277,000.00	

**ROLLBACK/HOMESITE/MISCELLANEOUS**

**LEGAL DESCRIPTION**

SUB DIVISON1: GAMBILL A A HSD 28-19-1      MAP BOOK: 16    PAGE: 53  
 SUB DIVISON2:                                      MAP BOOK: 0    PAGE: 0

PRIMARY BLOCK: 4                                      SECONDARY BLOCK: 0  
 PRIMARY LOT:    SECONDARY LOT: 0

**METES AND BOUNDS:** BLK 4 AA GAMBILLS HOMESITE 16/53 \*

**SALES INFORMATION**

11/1/2003	\$270,000.00	2	<b>BOOK:200401</b>	<b>PAGE:008903</b>	Land & Building
8/1/2000	\$500,000.00	2	<b>BOOK:200013</b>	<b>PAGE:003830</b>	Land & Building
1/1/1999	\$375,000.00	4	<b>BOOK:9902</b>	<b>PAGE:003311</b>	Land & Building
10/1/1995	\$280,000.00	1	<b>BOOK:9510</b>	<b>PAGE:009896</b>	Land & Building

**RESOLUTION NUMBER 4593**

**A RESOLUTION APPROVING ALCOHOL LICENSE FOR  
RAMACHARY ATHAN D/B/A BEVERAGE CITY;  
RAMACHARY ATHAN, EXECUTIVE**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Ramachary Athan d/b/a Beverage City, located at 3374 Morgan Drive, Vestavia Hills, Alabama, for the off-premise sale of 011 - Lounge Retail Liquor - Class II (Package); Ramachary Athan, executive.

**APPROVED and ADOPTED** this the 28th day of May, 2014.

Steve Ammons  
Mayor Pro-Tem


ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** May 20, 2014

**TO:** Dan Rary, ~~Acting~~ Police Chief

**FROM:** Rebecca Leavings, City Clerk 

**RE:** Alcohol License Request – 011 - Lounge Retail Liquor - Class II (Package)


Please find attached information submitted by Ramachary Athan who request an alcohol license to sell 011 - Lounge Retail Liquor - Class II (Package) at the Ramachary Athan d/b/a Beverage City, 3374 Morgan Drive, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 28th day of May, 2014 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

## Reply

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

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



**STATE OF ALABAMA  
ALCOHOLIC BEVERAGE CONTROL BOARD  
ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140325104013671**

Type License: 011 - LOUNGE RETAIL LIQUOR - CLASS II (PACKAGE) State: County:

Type License: State: County:

Trade Name: BEVERAGE CITY Filing Fee:

Applicant: RAMACHARY ATHAN Transfer Fee: \$50.00

Location Address: 3374 MORGAN DR VESTAVIA HILLS, AL 35216

Mailing Address: 8035 MITCHELL LN BIRMINGHAM, AL 35216

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

Sale of Products Containing Ephedrine: NO Type Ownership: INDIVIDUAL

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

Date Incorporated: State incorporated: County Incorporated:

Date of Authority: Alabama State Sales Tax ID: R008848696

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

RAMACHARY ATHAN 7483149 - AL	OWNER	01/01/1969 INDIA	8035 MITCHELL LN BIRMINGHAM, AL 35216

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: RAMACHARY ATHAN

Business Phone: 205-824-2640

Fax:

Home Phone: 205-988-3650

Cell Phone: 678-360-1784

E-mail: R\_ATHAN2002@YAHOO.COM

PREVIOUS LICENSE INFORMATION:

Trade Name: DKM BEVERAGE CITY

Applicant: DKM CONSULTING LLC

Previous License Number(s)

License 1: 002117337

License 2:





**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140325104013671**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **SOUTHMONT DEVELOPMENT COMPANY 205-822-7513**  
 What is lessors primary business? **REAL ESTATE**  
 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? **YES**  
 Building Dimensions Square Footage: **1800** Display Square Footage: **1800**  
 Building seating capacity: **0** Does Licensed premises include a patio area? **NO**  
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**  
 Number of licenses in the vicinity: **6** Nearest: **.25**  
 Nearest school: **1 miles** Nearest church: **.5 miles** Nearest residence: **10 blocks**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140325104013671**

**Initial each**

**Signature page**

*Rambh*

In reference to law violations, I attest to the truthfulness of the responses given within the application.

*Rambh*

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

*Rambh*

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.

*Rambh*

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.

*Rambh*

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

*Rambh*

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

*Rambh*

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.

*Rambh*

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.

*Rambh*

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): **RAMACHARY ATHAN**

Signature of Applicant: *Ramachary*

Notary Name (print): *Ashley Pruitt*

Notary Signature: *Ashley Pruitt*

Commission expires: *Jan 29, 2017*

Application Taken: 3/25/14 App. Inv. Completed:

Submitted to Local Government: 3/25/14

Received in District Office: 3/25/14 Reviewed by Supervisor:

Forwarded to District Office: 3/25/14

Received from Local Government:

Forwarded to Central Office:





**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
 Confirmation Number: 20140325104013671



**NOTICE OF TRANSFER OF ABC LICENSED BUSINESS**

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

CURRENT LICENSEE:  
 DKM CONSULTING LLC  
 Address: 3374 MORGAN DRIVE  
 VESTAVIA HILLS, AL 35216  
 Telephone: 205-419-0100

NEW APPLICANT:  
 RAMACHARY ATHAN  
 Address: 8035 MITCHELL LN  
 BIRMINGHAM, AL 35216  
 Telephone: 205-824-2640

Current License No: 002117337

LICENSED PREMISES ADDRESS: 3374 MORGAN DR VESTAVIA HILLS, AL 35216

**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 25<sup>th</sup> day of March, 20 14.

CURRENT LICENSEE (NAMED ON LICENSE)

NEW LICENSEE (APPLICANT)

J. Shankar Pradeep  
 Print Name: J. SHANKAR PRADEEP  
 Title: Power of Attorney

Ramachary  
 Print Name: RAMACHARY ATHAN  
 Title: OWNER

WITNESS: (By ABC Enforcement)  
 Revised 9/08

Shirley Pruitt

**RESOLUTION NUMBER 4594**

**A RESOLUTION APPROVING ALCOHOL LICENSE FOR  
BAMTEX LEISURE LLC D/B/A BAM SPORTS GRILL;  
LEAH KATHLEEN SCHAAT AND SEAN PATRICK  
BERRY, EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Bamtex Leisure LLC d/b/a Bam Sports Grill, located at 3142 - 3144 Heights Village, Vestavia Hills, Alabama, for the on-premise sale of 020 Restaurant Retail Liquor; Leah Kathleen Schaat and Sean Patrick Berry, executives.

**APPROVED and ADOPTED** this the 28th day of May, 2014.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** May 21, 2014  
**TO:** Dan Rary, ~~Acting~~ Police Chief  
**FROM:** Rebecca Leavings, City Clerk  
**RE:** Alcohol License Request – 020 Restaurant Retail Liquor


Please find attached information submitted by Leah Kathleen Schaat and Sean Patrick Berry who request an alcohol license to sell on-premise 020 Restaurant Retail Liquor at the Bamtex Leisure LLC d/b/a Bam Sports Grill, 3142 - 3144 Heights Village, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 28th day of May, 2014 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

## Reply

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

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

Reviewed:  \_\_\_\_\_





**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140225111808348**

**Type License:** 020 - RESTAURANT RETAIL LIQUOR      **State:** \$300.00 **County:** \$300.00  
**Type License:**      **State:**      **County:**  
**Trade Name:** BAM SPORTS GRILL      **Filing Fee:** \$50.00  
**Applicant:** BAMTEX LEISURE LLC      **Transfer Fee:**  
**Location Address:** 3142 THROUGH 3144 HEIGHTS VILLAGE VESTAVIA HILLS , AL 35243  
**Mailing Address:** PO BOX 43529 VESTAVIA HILLS , AL 35243  
**County:** JEFFERSON **Tobacco sales:** NO      **Tobacco Vending Machines:**  
**Sale of Products Containing Ephedrine:** NO      **Type Ownership:** LLC  
**Book, Page, or Document info:** 131221305-5419102 **Do you sell Draft Beer:**  
**Date Incorporated:** 10/22/2013 **State incorporated:** DE      **County Incorporated:**  
**Date of Authority:** 11/04/2013      **Alabama State Sales Tax ID:** R008605842

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

LEAH KATHLEEN SCHAATT 7974308 - AL	MEMBER	02/18/1967 TEXAS	4959 REYNOLDS COVE BIRMINGHAM, AL 35242
SEAN PATRICK BERRY 08896800 - TX	MEMBER	05/07/1962 TEXAS	3792 SNOWSHILL DR BIRMINGHAM, AL 35242

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:** SEAN BERRY  
**Business Phone:** 830-660-1150  
**Fax:**

**Home Phone:** 830-660-1150  
**Cell Phone:** 830-660-1150  
**E-mail:** SEANPATRICKBERRY@GMAIL.COM

**PREVIOUS LICENSE INFORMATION:**

**Trade Name:**  
**Applicant:**

**Previous License Number(s):**  
**License 1:**  
**License 2:**



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140225111808348**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **R & R INVESTMENTS LLC 205-969-3108**  
 What is lessors primary business? **PROPERTY MANAGEMENT**  
 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? **YES**  
 Is the business used to habitually and principally provide food to the public? **YES**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **3060** Display Square Footage:  
 Building seating capacity: **92** Does Licensed premises include a patio area? **YES**  
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**  
 Number of licenses in the vicinity: **10** Nearest: **.01**  
 Nearest school: **.25 miles** Nearest church: **1 blocks** Nearest residence: **1 blocks**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:





**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20140225111808348**

**Initial each**

**Signature page**

Evm  
Evm

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.

Evm

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.

[Signature]

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.

[Signature]

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

[Signature]

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

Evm

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.

Evm

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.

Evm

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): Edward E. Vaughn McWilliams

Signature of Applicant: [Signature]

Notary Name (print): Ashley Pruitt

Notary Signature: [Signature]

Commission expires: Jan 29, 2017

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

**RESOLUTION NUMBER 4595**

**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR FOOD MAX LLC D/B/A VESTAVIA TEXACO;  
MAX MCMOEZAM, EXECUTIVE**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Food Max LLC d/b/a Vestavia Texaco, located at 1487 Montgomery Hwy, Vestavia Hills, Alabama, for the off-premise sale of 050 - Retail Beer and 070 Retail Table Wine; Max McMoezam, executive.

**APPROVED and ADOPTED** this the 28th day of May 2014.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

# INTEROFFICE MEMORANDUM

**DATE:** May 21, 2014

**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 Max McMoezam who request an alcohol license to sell off-premise 050 - Retail Beer and 070 Retail Table Wine at the Food Max LLC d/b/a Vestavia Texaco, 1487 Montgomery Hwy, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 28th day of May 2014 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

## Reply

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

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

Reviewed: \_\_\_\_\_







**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20120529101126053**

Type License: 050 - RETAIL BEER (OFF PREMISES ONLY)      State: \$150.00    County: \$75.00

Type License: 070 - RETAIL TABLE WINE (OFF PREMISES ONLY)    State: \$150.00    County: \$75.00

Trade Name: VESTAVIA TEXACO      Filing Fee: \$100.00

Applicant: FOOD MAX LLC      Transfer Fee:

Location Address: 1487 MONTGOMERY HWY    VESTAVIA HILLS, AL 35216

Mailing Address: 1487 MONTGOMERY HWY    VESTAVIA HILLS, AL 35216

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

Sale of Products Containing Ephedrine: NO      Type Ownership: LLC

Book, Page, or Document info: 31950      Do you sell Draft Beer: N

Date Incorporated: 01/27/2012    State incorporated: AL      County Incorporated: SHELBY

Date of Authority: 01/27/2012      Alabama State Sales Tax ID: R008160070

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

MAX MCMOEZAM 4697764 - AL	PRESIDENT	06/03/1950 ESFAHAN, IRAN	1012 OLD MILL RUN LEEDS, AL 35094

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: MAX MCMOEZAM

Business Phone: 205-979-5681

Fax:

Home Phone: 205-540-1595

Cell Phone:

E-mail: NASSER.BANILOHI@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20120529101126053**

If applicant is leasing the property, is a copy of the lease agreement attached? YES  
 Name of Property owner/lessor and phone number: HOLMES OIL 205-994-0661  
 What is lessors primary business? OIL AND GAS  
 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: 600                      Display Square Footage:  
 Building seating capacity: 10                      Does Licensed premises include a patio area? NO  
 License Structure: ONE STORY                      License covers: ENTIRE STRUCTURE  
 Number of licenses in the vicinity: 6                      Nearest: 1  
 Nearest school: 6 blocks                      Nearest church: 8 blocks                      Nearest residence: 3 blocks  
 Location is within: CITY LIMITS                      Police protection: CITY

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

Name:	Violation & Date:	Arresting Agency:	Disposition:





# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD



ALCOHOL LICENSE APPLICATION  
Confirmation Number: 20120529101126053

**Initial each**

**Signature page**

MM  
MM

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.

MM

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.

MA

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.

MA

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

MM

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

MM

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.

MM

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.

MM

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): *Max McMoran*

Signature of Applicant: *Max McMoran*

Notary Name (print): *Caroline*

Notary Signature: *Caroline*

Commission expires: *8/12/12*

Application Taken: *5/29/12* App. Inv. Completed:

Submitted to Local Government:

Forwarded to District Office:

Received from Local Government:

Received in District Office:

Reviewed by Supervisor:

Forwarded to Central Office:

**RESOLUTION NUMBER 4482**

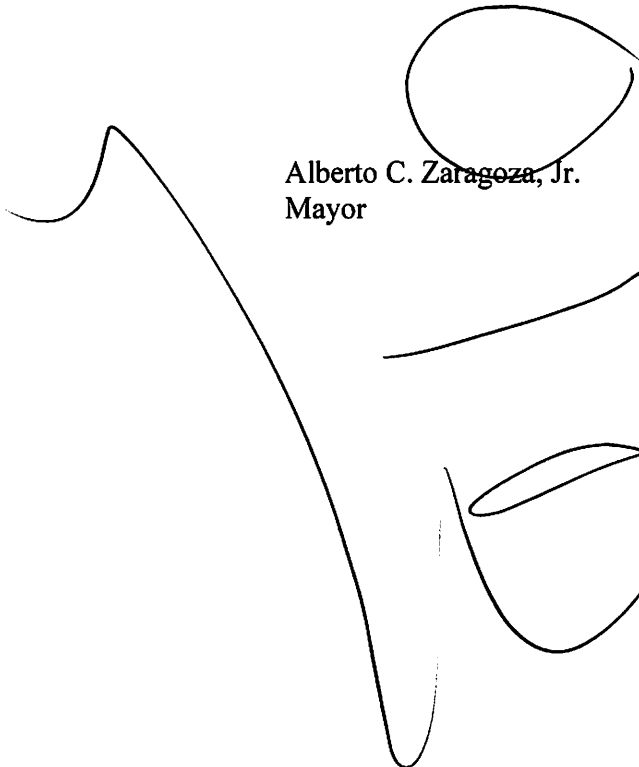
**A RESOLUTION APPROVING ALCOHOL LICENSE  
FOR VESTAVIA TEXACO D/B/A/ FOOD MAX LLC;  
MAX MCMOEZAM, EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Vestavia Texaco d/b/a/ Food Max LLC, located at 1487 Montgomery Highway, Vestavia Hills, Alabama, for the off-premise sale of 050 – Retail Beer and 070 – Retail Table Wine; Max McMoezam, Executive.

**APPROVED and ADOPTED** this the 12th day of August, 2013.

**ATTESTED BY:**

Rebecca Leavings  
City Clerk

  
Alberto C. Zaragoza, Jr.  
Mayor

## **RESOLUTION NUMBER 4598**

### **A RESOLUTION AUTHORIZING THE CITY MANAGER TO COMPLETE ALL ACTIONS NECESSARY FOR DESIGN, ENGINEERING, PROFESSIONAL AND PROJECT COSTS FOR CONSTRUCTION OF A NEW CITY HALL AND POLICE/MUNICIPAL COURT COMPLEX WITHIN THE PROJECT BUDGET**

**WHEREAS**, the City has begun the process of moving forward with demolition of two existing buildings along with design and engineering for two new buildings which will serve as the City's new City Hall and Police/Municipal Court complex; and

**WHEREAS**, the City has secured \$20 million in funding for said project; and

**WHEREAS**, the City has retained an architect as well as a construction manager and will soon invite bids for full construction of the complex within the approved \$20 million budget; and

**WHEREAS**, this Resolution will serve to clarify that the City Manager is hereby authorized to do all actions necessary to secure the design, engineering, professional services and all project costs not to exceed the \$20 million total project budget;

**WHEREAS**, the Mayor and Council agree that it is in the best public interest in order to expedite and streamline the construction procedure to allow the City Manager to approve the above described expenses within the project budget.

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

1. The City Manager is hereby authorized to complete all actions necessary for design, engineering, professional and project costs for construction of a new City Hall and Police/Municipal Court Complex within and not to exceed the \$20 million budget; and
2. This Resolution Number 4598 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2014.

Steve Ammons  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk



**AIA**<sup>®</sup>

# Document B101<sup>™</sup> – 2007

## Standard Form of Agreement Between Owner and Architect

**AGREEMENT** made as of the Twenty-fifth day of April in the year Two Thousand Thirteen  
*(In words, indicate day, month and year.)*

**BETWEEN** the Architect's client identified as the Owner:  
*(Name, legal status, address and other information)*

City of Vestavia Hills  
513 Montgomery Highway  
Vestavia Hills, AL 35216

and the Architect:  
*(Name, legal status, address and other information)*

Williams Blackstock Architects, PC  
2204 1<sup>st</sup> Avenue South, Suite 200  
Birmingham, AL 35233

for the following Project:  
*(Name, location and detailed description)*

Vestavia Hills City Hall  
Vestavia Hills, Alabama  
The new construction and/or potential renovation of an existing structure to relocate all City Hall functions currently housed in the existing City Hall facility, with a total square footage of approximately 40,000 to 50,000sf.

The Owner and Architect agree as follows.

**ADDITIONS AND DELETIONS:**  
The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

Contract Exhibits

Init.



 **AIA** Document A132™ – 2009

**Standard Form of Agreement Between Owner and Contractor, Construction Manager as Adviser Edition**

**AGREEMENT** made as of the 25<sup>th</sup> day of March in the year 2014  
(In words, indicate day, month and year.)

**BETWEEN** the Owner:  
(Name, legal status, address and other information)

The City of Vestavia Hills  
513 Montgomery Hwy  
Vestavia Hills, AL 35216

and the Contractor:  
(Name, legal status, address and other information)

Tomlin Excavating Co., Inc  
625 Springdale Road  
Tarrant, AL 35217

for the following Project:  
(Name, location and detailed description)

Vestavia Hills City Hall  
Vestavia Hills, AL 35216

The Construction Manager:  
(Name, legal status, address and other information)

B.L. Harbert International  
820 Shades Creek Parkway, Suite 3000  
P.O. Box 531390 (35253)  
Birmingham, AL 35209

The Architect:  
(Name, legal status, address and other information)

Williams Blackstock Architects.  
2204 1<sup>st</sup> Avenue South #200  
Birmingham, AL 35233

The Owner and Contractor agree as follows;

**ADDITIONS AND DELETIONS:**

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This document is intended to be used in conjunction with AIA Documents A232™–2009, General Conditions of the Contract for Construction, Construction Manager as Adviser Edition; B132™–2009, Standard Form of Agreement Between Owner and Architect, Construction Manager as Adviser Edition; and C132™–2009, Standard Form of Agreement Between Owner and Construction Manager as Adviser.

AIA Document A232™–2009 is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Contract Exhibits





# AIA<sup>®</sup> Document C132<sup>™</sup> – 2009

## Standard Form of Agreement Between Owner and Construction Manager as Adviser

AGREEMENT made as of the 25th day of November in the year 2013  
(In words, indicate day, month and year.)

BETWEEN the Owner:  
(Name, legal status, address and other information)

The City of Vestavia Hills  
513 Montgomery Highway  
Vestavia Hills, AL 35216

and the Construction Manager:  
(Name, legal status, address and other information)

B. L Harbert International LLC  
820 Shades Creek Parkway  
Suite 3000  
Birmingham, AL 35209

for the following Project:  
(Name, location and detailed description)

Vestavia Hills City Hall  
Vestavia Hills, AL

The Architect:  
(Name, legal status, address and other information)

Williams Blackstock Architects  
2204 1<sup>st</sup> Avenue South #200  
Birmingham, AL 35233

The Owner and Construction Manager agree as follows.

### ADDITIONS AND DELETIONS:

The author of this document has added information needed for its completion. The author may also have revised the text of the original AIA standard form. An *Additions and Deletions Report* that notes added information as well as revisions to the standard form text is available from the author and should be reviewed. A vertical line in the left margin of this document indicates where the author has added necessary information and where the author has added to or deleted from the original AIA text.

This document has important legal consequences. Consultation with an attorney is encouraged with respect to its completion or modification.

This document is intended to be used in conjunction with AIA Documents A132<sup>™</sup>-2009, Standard Form of Agreement Between Owner and Contractor, Construction Manager as Adviser Edition; A232<sup>™</sup>-2009, General Conditions of the Contract for Construction, Construction Manager as Adviser Edition; and B132<sup>™</sup>-2009, Standard Form of Agreement Between Owner and Architect, Construction Manager as Adviser Edition.

AIA Document A232<sup>™</sup>-2009 is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

Contract Exhibits

Init.

RESOLUTION NO. 4596

A RESOLUTION AUTHORIZING A SPECIAL ECONOMIC DEVELOPMENT AGREEMENT  
BY THE CITY OF VESTAVIA HILLS, ALABAMA  
AND VESTAVIA HILLS INVESTMENT PARTNERS, LLC

---

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 Vestavia Hills Investment Partners, LLC (the "Developer") 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 in an amount of approximately \$2,200,000 for the economic development of the Municipality 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 May 21, 2014, 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 MEETING AND PUBLIC HEARING**  
**ON WEDNESDAY, MAY 28, 2014**  
**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 Wednesday, May 28, 2014 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 Vestavia Hills Investment Partners, LLC, a Georgia limited liability company and an affiliate of GBT Realty Corporation (the "Developer"), to be dated the date of delivery, pursuant to which City Agreement the City shall make available to the Developer financial economic incentives in an amount of approximately \$2,200,000, for purposes referenced in the City Agreement.

The City Agreement shall evidence the agreement of the City to make economic development grants to the Developer 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 are the Developer and the entities that locate in the facilities established by the Developer.

All interested persons may examine and review the City Agreement, the Resolution, and all relevant documents pursuant to which the City Agreement 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, 2013 and on the basis of which taxes became due and payable on October 1, 2013) was not less than \$630,314,820.

(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 economic incentives referenced under Section 1(d)), 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 Mayor 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 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 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, 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 delivery of 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 economic incentives set forth in the Special Economic Development Agreement, and the validity of all covenants and provisions contained in this resolution and the Special Economic Development Agreement, by filing a petition against the taxpayers and citizens of the Municipality in the Circuit Court of Jefferson County, Alabama. A complaint to validate the Special Economic Development Agreement, 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 resolution 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

\_\_\_\_\_  
Mayor Pro-Tem

\_\_\_\_\_  
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 attached 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 May 28, 2014, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the resolution set forth in such excerpts is a complete, verbatim and compared copy of such resolution as introduced and adopted by the City Council on such date; and (5) said resolution 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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Clerk of the City of Vestavia Hills,  
Alabama

SEAL



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

---

Regarding Special Economic Development Agreement by the City  
of Vestavia Hills, Alabama and Vestavia Hills Investment Partners,  
LLC

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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 May 28, 2014. 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:         \_\_\_\_\_

\* \* \*

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

\* \* \*

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

**RESOLUTION NUMBER 4597**

**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 utility easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said utility 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 utility easement is commonly referred to as “a utility easement” and is more particularly described as follows:

Commence at the SE corner of Lot 30, Block 1, according to the survey of Glass’s 3<sup>rd</sup> Addition to New Merkle, as recorded in Map Book 29, Page 35 in the Office of the Judge of Probate, Jefferson County, Alabama; thence run North 1-04’04” W, along the east line of said Lot 30 and the west line of Lot 9, Block 1 of said Survey for 20.51’ to the point of beginning of a 10’ easement lying 5’ on either side of the following described centerline; thence continue on the last described course, along the east line of said Lot 30, Block 1 and the east lines of Lots 29, 28, 27, and 26, N 1-04’04” West for 279.24’ to the NE corner of said Lot 26, Block 1 of said Survey and the end of said easement vacation. This description describes the 10’ easement shown on the rear of lot lines of Lot 9 thru 13 Block 1 and Lots 26-30, Block 1 of said Survey except the south 20.51’ of the rear lot lines of said Lots 9 and Lot 30, Block 1 of said Survey.

**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 utility 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 utility 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 4597 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 utility 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 utility 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
- 4.

**RESOLVED, DONE AND ORDERED**, on this the 9<sup>th</sup> day of June, 2014.

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 9<sup>th</sup> day of June, 2014, 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 \_\_\_\_\_, 2014.

Rebecca Leavings  
City Clerk

# Exhibit "B"

STATE OF ALABAMA  
COUNTY OF JEFFERSON

*(Large block of illegible text)*



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

**May 21, 2014**

To: Rebecca Leavings, City Clerk  
CC: Brian Davis, Director of Public Services  
From: Christopher Brady, City Engineer  
RE: vacation of easement, Columbia Cottage

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I have reviewed the existing easement area, as shown on the attached map, and agree that it is no longer needed. I hereby provide my consent on vacation of this easement

Please let me know if you have questions.

Sincerely,  
-Christopher

A handwritten signature in blue ink that reads "C. Brady". The signature is written in a cursive style and is positioned to the right of the typed name "Christopher".



**STATE OF ALABAMA  
JEFFERSON COUNTY**

**DECLARATION OF VACATION OF ALLEY EASEMENT**

We, the undersigned, constituting the owners of the property described in paragraph 6 hereof that abuts the 10 foot easement described on Exhibit "A" (hereinafter the "Easement") as the same appears in the survey of Glass's Third Addition to New Merkle, as recorded in Map Book 29, Page 35 in the Office of the Judge of Probate, Jefferson County, Alabama, due hereby declare that the alley Easement embraced within the boundaries of the above recorded survey is to be vacated, and said Easement described on Exhibit "A" is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of Alley Easement is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-24, Code of Alabama, 1975.

2. It is in the best public interest that the Easement 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 as the undersigned warrants that it will be providing an alternate Easement through its property that will be developed by City engineers and its surveyor.

4. No property owner will be deprived of ingress or egress as a result of this Vacation of Easement.

5. Said Easement is situated in the City of Vestavia Hills, Jefferson County, Alabama. A copy of the map reflecting the location of said Easement is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

6. The street address of the properties abutting the Easement and the name and addresses of the owner of said abutting properties are as follows:

**Street Address:** 3776 Crosshaven Drive, Birmingham, AL 35223.

**Legal Description:** Lots 9, 10, 11, 12, 13, 26, 27, 28, 29 and 30, in Block 1, according to the Survey of Glass's Third Addition to the New Merkle, as recorded in Map Book 29, Page 35, in the Probate Office of Jefferson County, Alabama.

**Owner's Name:** Columbia Cottage – Mountain Brook, LLC

6. All of the undersigned do hereby declare that said Easement is to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of the Easement on Exhibit "A" hereto and its approval of the same.

IN WITNESS WHEREOF, the undersigned have hereunto set our hands and seals on this the 6<sup>th</sup> day of December, 2013.

**SIGNATURES OF ABUTTING PROPERTY OWNERS:**

COLUMBIA COTTAGE – MOUNTAIN BROOK, LLC

By: Wade C White  
Wade C. White  
Its: Managing Member

STATE OF ALABAMA

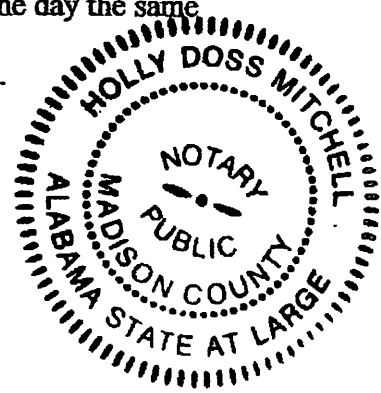
**GENERAL ACKNOWLEDGMENT**

MADISON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Wade C. White, whose name is signed to the foregoing Declaration of Vacation of Alley Easement, and who is known to me, acknowledged before me on this day that being informed of the contents of the instrument, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 6<sup>th</sup> day of December, 2013.

Holly Doss Mitchell  
Notary Public  
My Commission Expires: 4/17/2016





ALABAMA GAS CORPORATION  
605 Richard Arrington, Jr. Boulevard North  
Birmingham, Alabama 35203-2707

December 20, 2013

Rebecca Leavings, City Clerk  
City of Vestavia Hills  
513 Montgomery Hwy.  
Vestavia Hills, Al 35216

**RE: Vacation Request of Columbia Cottage Alley Easement**

Dear Mrs. Leavings:

We have reviewed the above address and do not foresee any conflicts with the alley vacation. Alagasco does not have any gas mains in **Columbia Cottage Alley Easement** .

Please contact the Alabama Line Location Center at 252-4444 at least 48 hours prior to construction so that our facilities may be located.

Sincerely,

Ivan Nigaglioni  
Birmingham Division Engineering



AT&T – Alabama  
Right-of-Way  
3196 Highway 280  
Room 102N  
Birmingham, AL 35243

T: 205.970.5468  
F: 205.968.5505  
ls5947@att.com

December 20, 2013

Ms. Rebecca Leavings, City Clerk  
City of Vestavia Hills  
513 Montgomery Highway  
Vestavia Hills, AL 35216

Dear Ms. Leavings,

AT&T has received and reviewed the proposal to vacate a 10 foot alley easement as shown on the Colombia Cottages Survey, being a resurvey of Lots 9 through 13 & Lots 26 through 30 Block 1 according to the map of Glasse's Third Addition to New Merkle recorded in Map Book 29, Page 35, in the office of the Judge of Probate Jefferson County, Alabama. Reviews of our records and the physical location show AT&T has no facilities buried within the easement to be vacated and therefore has no objection to the vacation.

Sincerely yours,

A handwritten signature in blue ink that reads "Elizabeth M. Smith".

Elizabeth M. Smith  
MGR OPS Planning & Design  
Right-of-Way – Alabama  
205-970-5468 (office)  
205-968-5505 (fax)

January 15, 2014



Rebecca Leavings, City Clerk  
City of Vestavia Hills  
513 Montgomery Highway  
Vestavia Hills, AL 35216

RE: Columbia Cottage – Mountain Brook, LLC; Vacation of Alleyway at 3776 Crosshaven Dr.

Ms. Leavings,

Reference is made to a notice received (see enclosed exhibits A & B) from the Columbia Cottage – Mountain Brook, LLC, dated December 9, 2013, regarding the subject alleyway.

Pursuant to Code of Alabama, Title 23-4-2, Alabama Power Company (the “Company”) hereby consents to the requested vacation provided that the resolution and any conveyance, release or vacation documents shall reserve unto said Company the right to continue to maintain, extend and enlarge its lines, equipment and facilities to the same extent as if the vacation had not occurred and all other rights, title and interests held by the Company with respect to the area to be vacated under any statute or other law or under any other conveyance or agreement, whether recorded or unrecorded, including without limitation all the rights and privileges necessary or convenient for the full enjoyment and use of its lines, equipment and facilities now or hereafter located within or adjacent to the area to be vacated; and the right of ingress and egress to and from said lines, equipment and facilities; and the right to cut and/or trim trees or limbs which, in the sole opinion of said Company, would interfere with said lines, equipment and facilities; and the right to prohibit use of the area vacated in a manner which violates the National Electric Safety Code.

We hope this letter is sufficient to inform the City of Vestavia Hills of our desire to maintain our existing rights within the property affected by the application.

Should you need additional information or have questions, I can be reached at 205.226.1959 at your earliest convenience.

Regards,

Yolanda Barbour  
Team Leader, Corporate Real Estate – Land Acquisition Services  
Birmingham & Eastern Divisions



## Rebecca Leavings

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**From:** Mixon, Richard <mixonr@jccal.org>  
**Sent:** Wednesday, December 18, 2013 11:25 AM  
**To:** Rebecca Leavings  
**Cc:** Kemp, Emily; Askew, Woodrow  
**Subject:** proposed vacation of public alley easement located adjacent to Columbia Cottage property in the city of Vestavia Hills (site address: 3776 Crosshaven Drive) (NE1/4 15-18-2W)

Ms. Rebecca Leavings, City Clerk

City of Vestavia Hills

Ms. Leavings,

Wade White with Columbia Cottage-Mountain Brook, LLC has requested that we inform you of any concerns the County Environmental Services Department may have regarding the above referenced request for vacation of a public alley easement located adjacent to Columbia Cottage property. County ESD records indicate that no sanitary sewers exist within said public alley easement. Based on the aforementioned, we have no objection to the vacation of said public alley easement, insofar as sanitary sewers are concerned. This e-mail cannot be construed that the County Environmental Services Department warrants the accuracy of information provided to us by others.

Sincerely,

Richard Mixon, Plans Examiner

Jefferson County Environmental Services Department



THE BIRMINGHAM  
WATER WORKS BOARD

May 14, 2014

#618

City of Vestavia Hills  
ATTENTION: Rebecca Leavings  
513 Montgomery Hwy  
Vestavia Hills, AL 35216

Dear Ms. Leavings:

You may present this letter to interested parties as evidence that The Water Works Board of the City of Birmingham has no existing facilities within that portion of the alley easement to be vacated within Lots 9-13 Block 1 according to the Map of Columbia Cottages, situated in the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 15, Township 18 South, Range 2W, located in the City of Vestavia Hills, Alabama. Therefore, the Water Board has no objection to the vacation of said easement.

Should you have questions or need additional information, please feel free to contact Ms. Antris Betts (205) 244-4262 or you may contact Ms. Betts via email at [antris.betts@bwwb.org](mailto:antris.betts@bwwb.org).

Very truly yours,

Stacy Johnson  
Assistant Manager - System Development

AB/ja

D.P. 411-2

I:\emp JA\2014\Water Avail Letters\Betts\City of Vestavia Ltr of Vacate Crosshaven Drive 5 14 14.doc