

**Vestavia Hills  
City Council Agenda  
June 23, 2014  
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – John Turner, Shades Mountain Baptist Church
4. Pledge Of Allegiance
5. Announcements, Candidate and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner III, Finance Director
9. Approval of Minutes – June 9, 2014 (Regular Meeting)

**Old Business**

10. Ordinance Number 2501 – Conditional Use Approval – 709 Vestavia Lake Drive; Conditional Use Approval For The Purpose Of Raising And/Or Harvesting Domestic Hens With Restrictions; Andy And Larue Lockhart (*public hearing*)

**New Business (Requesting Unanimous Consent)**

11. Resolution Number 4601 - A Resolution Accepting A Bid For Construction Of An Additional Parking Lot For The Library In The Forest And Authorizing The City Manager To Execute And Deliver Any And All Documents In Order To Finalize Said Construction (*public hearing*)
12. Resolution Number 4602 - A Resolution Approving To Amend the Fiscal Year 2013-2014 Budget for Additional Personnel In The Finance Department For The City of Vestavia Hills

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

13. Ordinance Number 2502 – An Ordinance To Amend Chapter 8 Of The Vestavia Hills Code Of Ordinances, Republished 2014 Entitled “Licenses And Business Regulations” To Add An Article To Establish A NAICS Code, Operating Standards And Definitions

For Mobile Food Units Operating Within The City Of Vestavia Hills, Alabama And To  
Provide For Penalties For Violation Thereof (*public hearing*)

14. Citizens Comments
15. Motion For Adjournment

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**JUNE 9, 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  
Jim Sharp

**OTHER OFFICIALS PRESENT:**

Patrick H. Boone, City Attorney  
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 Dr. Scott Guffin, Liberty Park Baptist Church. Joseph Harper, Boy Scout Troop 96, led the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Steve Ammons stated that he is running for Jefferson County Tax Collector and asked for support in the November general election.

### **CITY MANAGER REPORT**

- None.

## **COUNCILOR REPORTS**

- Mr. Pierce announced that the annual Chamber of Commerce “I Love America Day” celebration Wednesday, July 2, 2014 beginning with free swimming, children’s activities and a movie.
- Mr. Henley stated that the Vestavia Hills Board of Education has selected Sheila Phillips as the new Superintendent of Education.
- The Mayor congratulated Mr. Henley’s group for winning the annual Wing Ding which was held at the City Center last Saturday. He stated that the event was well attended and grows every year. Proceeds went to helping fight Cystic Fibrosis.

## **APPROVAL OF MINUTES**

The minutes of May 28, 2014 (Regular Meeting) were presented for approval.

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

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

## **OLD BUSINESS**

### **RESOLUTION NUMBER 4596**

**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)**

**MOTION** Motion to approve Resolution Number 4596 was by Mr. Ammons and second was by Mr. Sharp.

The Mayor stated that the City Manager is away at a conference but left written commentary on each request. He stated that he would read and explain those comments. He stated that this Resolution is an agreement between the City and GBT for construction of a retail center. He explained the terms of the agreement.

Heyward Hosch, Maynard Cooper and Gale representing the City, was present to discuss the specifics of the agreement.

Thom Hickman, GBT Investments, was also present to answer any questions concerning the development.

Discussion ensued concerning securities regarding default, the status of the project, target closing dates, etc.

Mr. Hosch and Mr. Hickman answered the questions and indicated that their project engineers are meeting with City Staff in the morning to discuss the particulars of the building setbacks, parking, etc.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

### **RESOLUTION NUMBER 4597**

**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)**

**MOTION** Motion to approve Resolution Number 4597 was by Mr. Pierce and second was by Mr. Henley.

The Mayor explained that this Resolution is to vacate an old easement that traverses the Columbia Cottage development underneath the existing building. This will allow the vacation of the easement so the property can be resurveyed without the easement within the building. All utilities, as well as the City Engineer, have signed releases for the vacation.

George Dykes, Columbia Cottage, was present in regard to the request.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

**NEW BUSINESS**

**RESOLUTION NUMBER 4600**

**Resolution Number 4600 - A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Jefferson County For Community Development Block Grant Program Cooperation (*Public Hearing*)**

**MOTION** Motion to approve Resolution Number 4600 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor explained that this agreement allows the City to apply for various block grants as the opportunity arises.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – 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 Resolution Number 4599 was by Mr. Ammons. Second was by Mr. Henley. Roll call vote as follows:

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

**RESOLUTION NUMBER 4599**

**Resolution Number 4599 - A Resolution Authorizing The City Manager To Purchase Additional Technology Equipment And Proceed With Construction Of A Pedestrian Circulation Plan For The Vestavia Hills Library In The Forest With The Balance Of A \$300,000 Grant From The Public School And College Authority (PSCA) (*Public Hearing*)**

**MOTION** Motion to approve Resolution Number 4599 was by Mr. Henley and second was by Mr. Sharp.

The Mayor explained that the Library had been awarded a \$300,000 grant a couple of years ago and the Council had approved expenditures up to \$121,000. This Resolution will allow the expenditure of the remaining funds for a proposed handicap accessible ramp or, if no time permits before time lapses on the grant, the purchase of new computers for use in the library.

Ms. Tucker was present in regard to the request. She gave a brief background on the awarding of the grant and the unexpected expiration of the funds. She indicated that they are in the process of requesting an extension in the deadline to expend the funds and hope to have the designs and construction completed on the ramp prior to losing the funds. If not, they wish to purchase computers with the remaining funds since the computers are three years old and out of warranty.

Mr. Pierce pointed out that the Resolution was correct, however, the agenda stated that the grant was only \$300. Mr. Boone advised there should be an amendment. The Mayor opened the floor for a motion.

**MOTION** Motion to amend to clarify that the amount of grant is \$300,000 was by Mr. Pierce and second was by Mr. Ammons. Roll call vote as follows:

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

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – 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 June 23, 2014 at 5 PM.

- Ordinance Number 2501 – Conditional Use Approval – 709 Vestavia Lake Drive; Conditional Use Approval For The Purpose Of Raising And/Or Harvesting Domestic Hens With Restrictions; Andy And Larue Lockhart (*public hearing*)

**CITIZENS COMMENTS**

None.

**MOTION** Motion to adjourn was by Mr. Pierce and second was by Mr. Henley.  
Meeting adjourned at 5:23 PM.

Alberto C. Zaragoza, Jr.  
Mayor

Attested by:

Rebecca Leavings  
City Clerk



### COUNCILOR REPORTS

- Mr. Pierce announced that the annual Chamber of Commerce “I Love America Day” celebration Wednesday, July 2, 2014 beginning with free swimming, children’s activities and a movie.
- Mr. Henley stated that the Vestavia Hills Board of Education has selected Sheila Phillips as the new Superintendent of Education.
- The Mayor congratulated Mr. Henley’s group for winning the annual Wing Ding which was held at the City Center last Saturday. He stated that the event was well attended and grows every year. Proceeds went to helping fight Cystic Fibrosis.

### APPROVAL OF MINUTES

The minutes of May 28, 2014 (Regular Meeting) were presented for approval.

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

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

### OLD BUSINESS

#### RESOLUTION NUMBER 4596

**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)**

**MOTION** Motion to approve Resolution Number 4596 was by Mr. Ammons and second was by Mr. Sharp.

The Mayor stated that the City Manager is away at a conference but left written commentary on each request. He stated that he would read and explain those comments. He stated that this Resolution is an agreement between the City and GBT for construction of a retail center. He explained the terms of the agreement.

Heyward Hosch, Maynard Cooper and Gale representing the City, was present to discuss the specifics of the agreement.

Thom Hickman, GBT Investments, was also present to answer any questions concerning the development.

Discussion ensued concerning securities regarding default, the status of the project, target closing dates, etc.

Mr. Hosch and Mr. Hickman answered the questions and indicated that their project engineers are meeting with City Staff in the morning to discuss the particulars of the building setbacks, parking, etc.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

#### **RESOLUTION NUMBER 4597**

**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)**

**MOTION** Motion to approve Resolution Number 4597 was by Mr. Pierce and second was by Mr. Henley.

The Mayor explained that this Resolution is to vacate an old easement that traverses the Columbia Cottage development underneath the existing building. This will allow the vacation of the easement so the property can be resurveyed without the easement within the building. All utilities, as well as the City Engineer, have signed releases for the vacation.

George Dykes, Columbia Cottage, was present in regard to the request.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

**NEW BUSINESS**

**RESOLUTION NUMBER 4600**

**Resolution Number 4600 - A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Jefferson County For Community Development Block Grant Program Cooperation (*Public Hearing*)**

**MOTION** Motion to approve Resolution Number 4600 was by Mr. Ammons and second was by Mr. Pierce.

The Mayor explained that this agreement allows the City to apply for various block grants as the opportunity arises.

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – 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 Resolution Number 4599 was by Mr. Ammons. Second was by Mr. Henley. Roll call vote as follows:

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

**RESOLUTION NUMBER 4599**

**Resolution Number 4599 - A Resolution Authorizing The City Manager To Purchase Additional Technology Equipment And Proceed With Construction Of A Pedestrian Circulation Plan For The Vestavia Hills Library In The Forest With The Balance Of A \$300,000 Grant From The Public School And College Authority (PSCA) (*Public Hearing*)**

**MOTION** Motion to approve Resolution Number 4599 was by Mr. Henley and second was by Mr. Sharp.

The Mayor explained that the Library had been awarded a \$300,000 grant a couple of years ago and the Council had approved expenditures up to \$121,000. This Resolution will allow the expenditure of the remaining funds for a proposed handicap accessible ramp or, if no time permits before time lapses on the grant, the purchase of new computers for use in the library.

Ms. Tucker was present in regard to the request. She gave a brief background on the awarding of the grant and the unexpected expiration of the funds. She indicated that they are in the process of requesting an extension in the deadline to expend the funds and hope to have the designs and construction completed on the ramp prior to losing the funds. If not, they wish to purchase computers with the remaining funds since the computers are three years old and out of warranty.

Mr. Pierce pointed out that the Resolution was correct, however, the agenda stated that the grant was only \$300. Mr. Boone advised there should be an amendment. The Mayor opened the floor for a motion.

**MOTION** Motion to amend to clarify that the amount of grant is \$300,000 was by Mr. Pierce and second was by Mr. Ammons. Roll call vote as follows:

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

The Mayor opened the floor for a public hearing. There being no one to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

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

The Mayor Pro-Tem stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on June 23, 2014 at 5 PM.

- Ordinance Number 2501 – Conditional Use Approval – 709 Vestavia Lake Drive; Conditional Use Approval For The Purpose Of Raising And/Or Harvesting Domestic Hens With Restrictions; Andy And Larue Lockhart (*public hearing*)

**ORDINANCE NUMBER 2501**

**AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL FOR THE INTENDED PURPOSE OF RAISING AND HARVESTING CHICKENS**

**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 March 24, 2014, Andy and LaRue Lockhart submitted an application for conditional use approval to raise a maximum of six (6) chickens on their property located at 709 Vestavia Lake Drive, Vestavia Hills, Alabama; and

**WHEREAS**, the property located at 709 Vestavia Lake Drive is presently zoned Vestavia Hills R-2 (medium density residential district); and

**WHEREAS**, Table 5 of the Vestavia Hills Zoning Code sets forth the permissible uses within an R-2 classification; and

**WHEREAS**, the Vestavia Hills Planning and Zoning Commission at its regular meeting of May 8, 2014 voted to recommend approval of the request as requested, with certain stipulations by a vote of six (6) in favor and two (2) against; and

**WHEREAS**, a copy of said application dated March 24, 2014 is attached and hereby incorporated into this Ordinance Number 2501.

**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 Andy and LaRue Lockhart, for use of the property located at 709 Vestavia Lake Drive to raise and harvest chickens with the following conditions:
  - (1) Maximum of six (6) hens may be allowed at any time;
  - (2) Coop must be permanently placed and shall not be moved to other portions of the property;
  - (3) No roosters shall occupy the premises at any time;
  - (4) Hens and/or eggs shall not be used for a commercial purpose;

- (5) This conditional use approval is location and owner specific and if the Lockharts shall ever vacate the premises said conditional use shall be considered null and void;
- (6) If the Lockharts vacate the conditional use by not raising any chickens for a period of more than one (1) year, said conditional use is considered null and void.

**ADOPTED and APPROVED** this the 23<sup>rd</sup> day of June, 2014.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

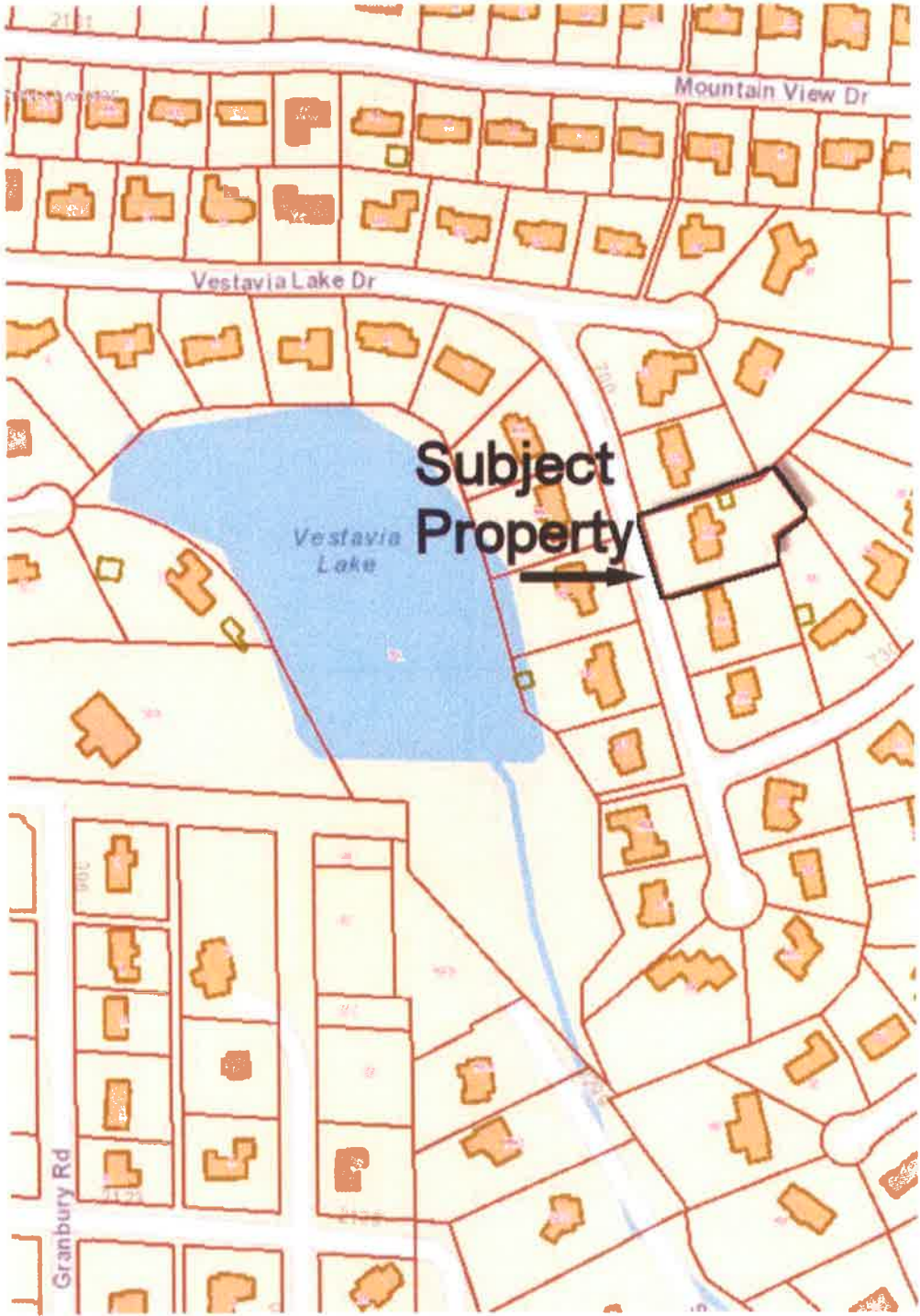
Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2501 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 23<sup>rd</sup> day of June, 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

### APPLICATION

### PLANNING AND ZONING COMMISSION

#### I. INSTRUCTIONS AND INFORMATION:

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

#### II. APPLICANT INFORMATION: (owner of property)

NAME:

Andy and LaRue Lockhart

ADDRESS:

709 Vestavia Lake Dr.

Birmingham, AL 35216

MAILING ADDRESS (if different from above)

PHONE NUMBER: Home

822-4589

Office

988-5982

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: \_\_\_\_\_

2014 MAR 26 P 4:03



P0514-10//28-30-1-3-33  
709 Vestavia Lake Drive  
Conditional Use for Chickens  
Andrew & LaRue Lockhart

Exhibit A - Ordinance No. 2501

P&Z Application

Page 5

**III. ACTION REQUESTED**

//

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

Current Zoning of Property: \_\_\_\_\_

Requested Conditional use For the intended purpose of: raising chickens

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

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

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

\_\_\_\_\_  
\_\_\_\_\_

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: \_\_\_\_\_

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

Application fees submitted.

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

Andrew Lockhart 3/24/14  
Owner Signature/Date

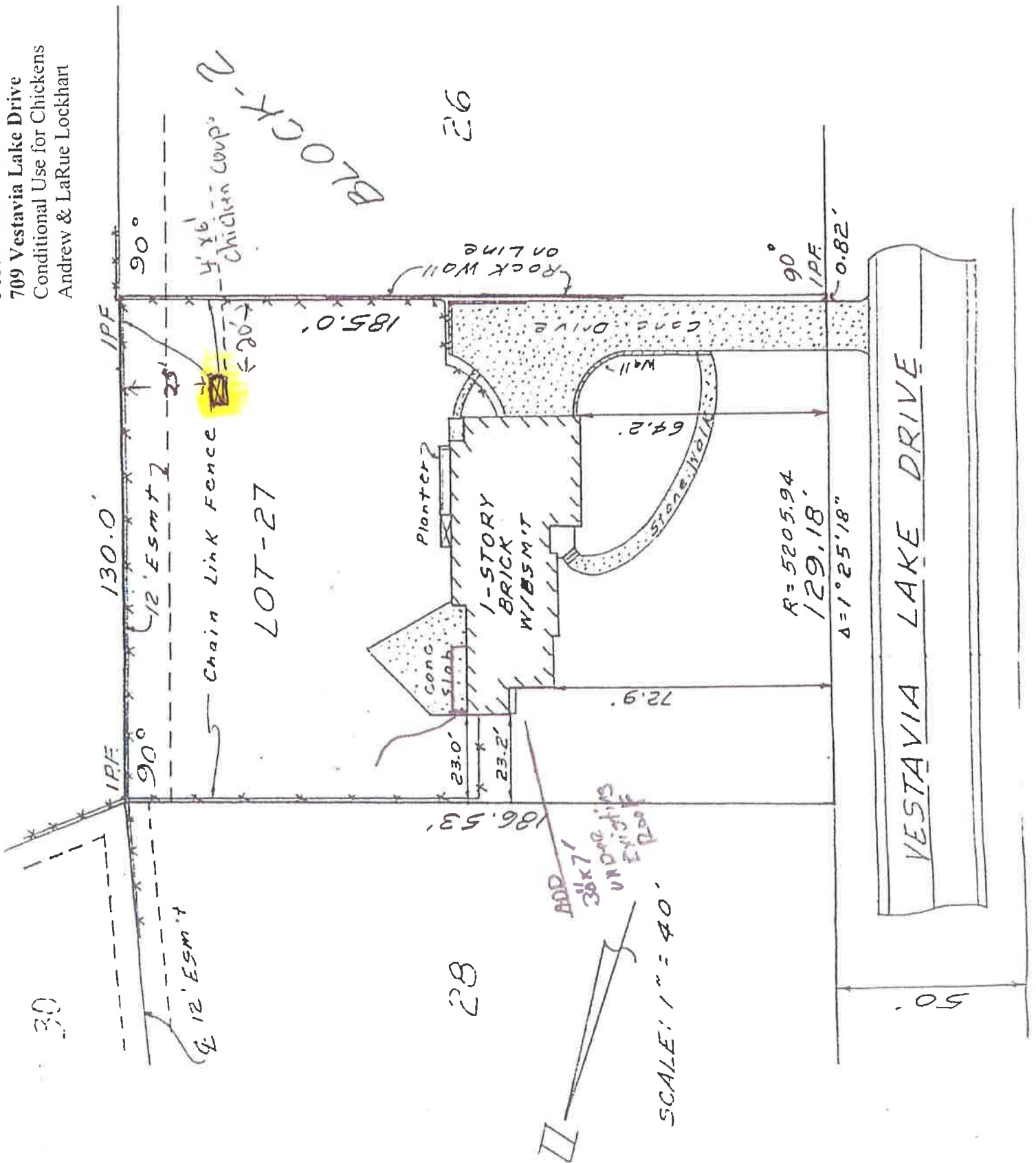
Representing Agent (if any)/date

Given under my hand and seal  
this 24<sup>th</sup> day of March, 2014.

Emilee Cunningham  
Notary Public

My commission expires \_\_\_\_\_  
day of \_\_\_\_\_, 20\_\_\_\_.  
MY COMMISSION EXPIRES JANUARY 27, 2015

#0514-10//28-30-1-3-33  
 709 Vestavia Lake Drive  
 Conditional Use for Chickens  
 Andrew & LaRue Lockhart



≡ Menu

- [Home](#)
- [Coop Building Tips](#)
- [Coop Plans](#)
- [Ready-made Coops](#)
- [Contact](#)
- [Privacy Policy](#)

#0514-10//28-30-1-3-33  
 709 Vestavia Lake Drive  
 Conditional Use for Chickens  
 Andrew & LaRue Lockhart

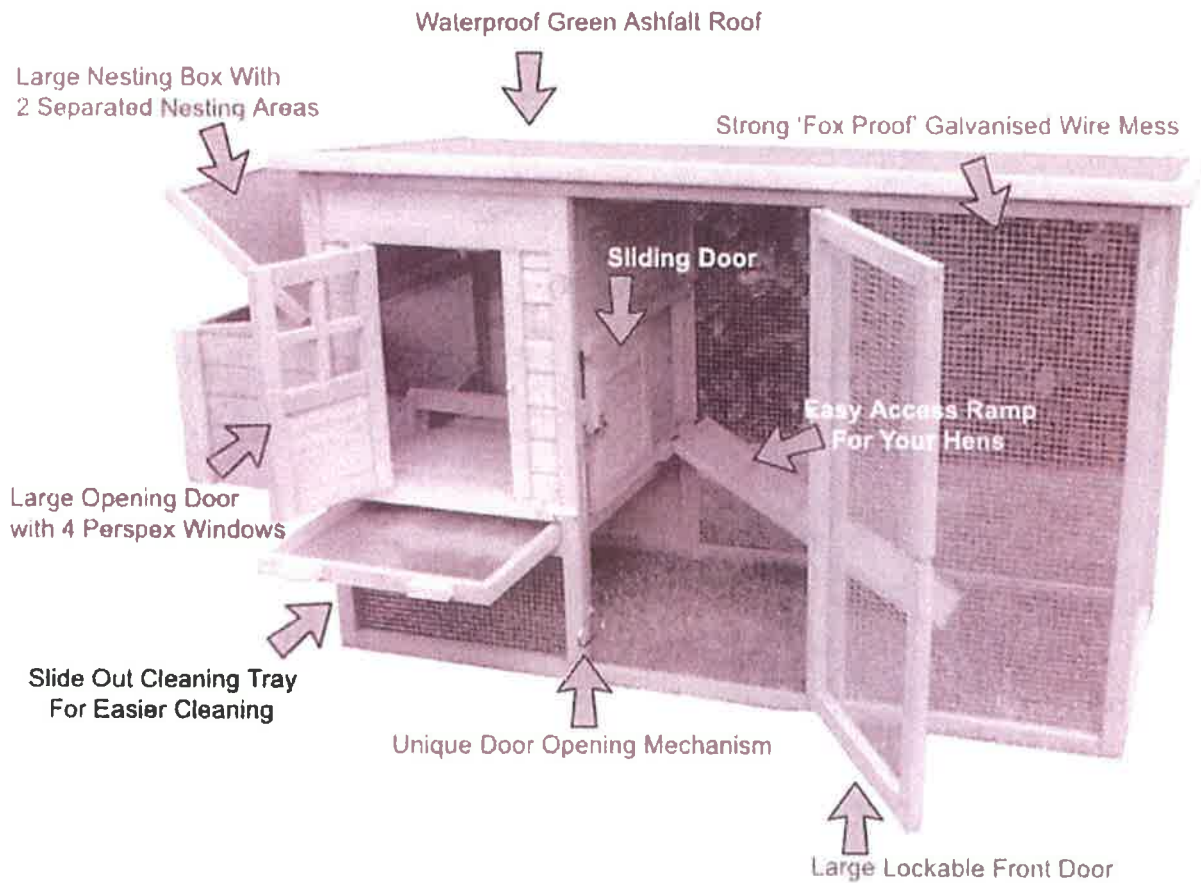
//

### How To Build A Chicken Coop

A Step-by-step Guide On How You Can Build A Chicken Coop In A Matter Of Days!

# Chicken Coops – Real Life Examples

by Gunther on October 31, 2013



### Small Coops

This is easily the most typical type of chicken coop that beginners might want to start out with. The design is simple but it has everything that you'll possibly need. A chicken coop of this size is usually

**P0514-10//28-30-1-3-33**  
**709 Vestavia Lake Drive**  
Conditional Use for Chickens  
Andrew & LaRue Lockhart

//

City of Vestavia Zoning Board


3/31/2014

Andrew and LaRue Lockhart  
709 Vestavia Lake Dr  
Vestavia Al 35216  
205-822-4589

City of Vestavia Zoning Board,

Our subdivision of Vestavia Lake does not any covenants for its residents.

Thank You,



Andrew Lockhart  
709 Vestavia Lake Dr



3/31/14



**NOTARY PUBLIC**  
**KATHARINE M WILLIAMS**  
**ALABAMA, STATE AT LARGE**  
My Commission Expires October 28, 2017

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

Date: MAY 8, 2014

- **CASE:** P-0514-10
- **REQUESTED ACTION:** Conditional Use Approval for urban hens
- **ADDRESS/LOCATION:** 709 Vestavia Lake Dr.
- **APPLICANT/OWNER:** Andy & LaRue Lochhart, 79 Vestavia Lake Dr. Vestavia Hills, AL 35216
- **REPRESENTING AGENT:**
- **GENERAL DISCUSSION:** The applicants seek to raise up to six urban hens in their back yard. The hens would be used primarily for eggs. Hens would reside in a fenced permanent coop. There are no covenants prohibiting this use.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is consistent with the Comprehensive 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 condition that there will be no more than six hens on site.
  2. **City Engineer Review:** I have reviewed this application and have no issues with this request.
  3. **City Fire Marshal Review:** No problems noted.
  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-0514-10 urban hens at 709 Vestavia Lake Dr. was made by Mr. Burrell with the following conditions:

1. No more than six (6) hens may be allowed;
2. Coop must be permanent;
3. No roosters may be kept;
4. Hens or eggs may not be used for commercial purposes.

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

Mr. Goodwin – no  
Mrs. Fancher – yes  
Mr. Gilchrist – yes  
Mr. Sharp – yes  
Motion carried.

Mr. Brooks – yes  
Mr. Burrell – yes  
Mr. Visintainer – no  
Mr. Larson – yes

**RESOLUTION NUMBER 4601**

**A RESOLUTION ACCEPTING A BID FOR CONSTRUCTION OF A PARKING LOT FOR ADDITIONAL PARKING FOR THE LIBRARY IN THE FOREST AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER ANY AND ALL DOCUMENTS IN ORDER TO SECURE SAID CONSTRUCTION**

**WHEREAS**, the City of Vestavia Hills working with consultants from Walter Schoel Engineering Co., Inc. (“Schoel Engineering”), invited bids for construction of a parking lot adjacent to the Vestavia Hills Library in the Forest; and

**WHEREAS**, bids were received on June 12, 2014 and read aloud publicly with the results tabulated and detailed in a “Tabulation of Bids” by Schoel Engineering, a copy of which is marked as “Exhibit A” attached and incorporated into this Resolution Number 4601 as though written fully therein; and

**WHEREAS**, Schoel Engineering has reviewed the bid results and issued a letter of recommendation dated June 12, 2014 recommending the acceptance of the bid proposals as presented by Veterans Landscaping Co., Inc., as the apparent low bidder of \$572,207.40, a copy of which is marked as “Exhibit B” attached and incorporated into this Resolution Number 4601 as though written fully therein; and

**WHEREAS**, in an email dated June 16, 2014 to the City Manager from the Public Services Director, recommendation was made to accept the recommendation of Schoel Engineering and award the bid to Veterans Landscaping, Co., Inc., for the lowest bid of \$572,207.40 a copy of which is marked as “Exhibit C” attached and incorporated into this Resolution Number 4601 as though written fully therein; and

**WHEREAS**, the City Manager, Mayor and City Council agree it is in the best public interest to accept said bid as recommended by the Public Services Director and to authorize the

City Manager to execute and deliver an agreement with Veterans Landscaping Co., Inc., to secure the construction of said parking lot . a copy of which is marked as “Exhibit D” attached and incorporated into this Resolution Number 4601 as though written fully therein;

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

1. The bid package submitted by Veterans Landscaping Co., Inc., is hereby accepted for the bid price of \$572,207.40; and
2. The City Manager is hereby authorized and directed to execute and deliver any and all said documents to secure said construction pursuant to the bid award subject to the review and subsequent revision and/or approval of the City Attorney; and
3. This Resolution Number 4601 shall become effective upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 23<sup>rd</sup> day of June, 2014.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



TABULATION OF BIDS

**ADDITIONAL PARKING FOR THE VESTAVIA HILLS PUBLIC LIBRARY**

Bid Date: June 12, 2014 at 2:00 p.m. CST

Place: Vestavia Hills City Hall  
513 Montgomery Highway  
Vestavia Hills, Alabama 35216

Owner:

The City of Vestavia Hills

Engineer:

Walter Schoel Engineering Company, Inc.

Bids to be valid for 60 days - Expiration Date -- August 9, 2014

Construction Time in contract -- 120 Calendar Days

<u>BIDDER</u>	<u>BONDING COMPANY</u>	<u>ADDENDA RECEIVED</u>	<u>BASE BID</u>	<u>UNIT PRICES</u>
H.N. Donahoo Contracting Co., Inc.	The Gurantee Company of North America USA	No. 1 - 3	\$749,499.00	1. Unsuitable Soil Removal (per CY) = \$18.50 2. Engineered Fill Placement (per CY) = \$12.00 3. Stabilization Stone ALDOT #410 (per TON) = \$22.00 4. Biaxial Stabilization Geogrid (per SY) = \$5.75
Veterans Landscaping Co., Inc.	North American Specialty Insurance Co.	No. 1 - 3	\$572,207.40	1. Unsuitable Soil Removal (per CY) = \$13.25 2. Engineered Fill Placement (per CY) = \$20.00 3. Stabilization Stone ALDOT #410 (per TON) = \$24.00 4. Biaxial Stabilization Geogrid (per SY) = \$5.25

The State of Alabama  
Jefferson County

I, the undersigned authority, in and for said County, in said State hereby certify that James Parsons whose name is signed to the foregoing document, and who is known to me, acknowledged before me on this day that, being informed of the contents of this document, has executed the same voluntarily on the day the same bears date.

Given under my hand and official seal this 12<sup>th</sup> day of June, 2014.

Kathleen Galica  
Notary Public



I CERTIFY THAT THIS IS A TRUE AND ACCURATE TABULATION OF THE BIDS RECEIVED ON THE CAPTIONED PROJECT.

James M. Parsons, PE  
James M. Parsons, PE



June 12, 2014

Mr. Christopher Brady, P.E.  
Vestavia Hills City Hall  
513 Montgomery Highway  
Vestavia Hills, AL 35216

RE: **Additional Parking for the Vestavia Hills Public Library**

Dear Mr. Brady:

This letter shall serve to verify the following concerning the Bid Proposals received on June 11, 2014, for the above referenced project:

1. We understand that the project was properly advertised by the City. A copy of the Proof of Advertisement should be kept on-file.
2. There were no irregularities noted concerning the bids which were submitted.
3. The apparent low bidder, Veterans Landscaping Co., Inc. is a licensed General Contractor by the State of Alabama under Title 34 and their license number is #11804.
4. The proposal of the low bidder was complete, responsive to the invitation and not conditional.
5. Veterans Landscaping Co., Inc., the apparent low bidder on the project, is to the best of my knowledge a "responsible" contractor.

Based on the above, I am not aware of any reason that Veterans Landscaping Co., Inc. should not be designated the lowest responsible bidder, and awarded the construction contract for this project if adequate funds are available.

Please advise how you would like to proceed with this matter.

Sincerely,  
Walter Schoel Engineering Company, Inc.

A handwritten signature in blue ink, appearing to read "James M. Parsons", is written over a horizontal line.

James M. Parsons, P.E.  
Project Manager

- Attachments
1. Bid Proposals (including envelopes) from:  
H.N. Donahoo Contracting Co., Inc.  
Veterans Landscaping Co., Inc.
  2. Certified Bid Tabulation

## Rebecca Leavings

---

**From:** Brian Davis  
**Sent:** Monday, June 16, 2014 8:54 AM  
**To:** Jeff Downes; Rebecca Leavings; Christopher Brady  
**Subject:** FW: Additional Parking for the Vestavia Hills Library (Public Bid Documents)  
**Attachments:** Bid Tab.pdf; VH\_Bid Letter\_061214.pdf; Proposal Form\_Veterans.pdf; Proposal Form\_HN Donahoo.pdf

Mr. Downes,

Attached are the documents from the Bid Opening for the Library Parking lot. We received 2 bids and they came back as follows:

1. \$572,207.40 from Veterans Landscaping Co., Inc.
2. \$749,499.00 from HN Donahoo Contracting Co., Inc.

I concur with Mr. Parsons' Bid Letter, that if adequate funds are available, we should proceed and approve Veterans Landscaping Co., Inc., the contract for the parking lot.

Please let me know if you would like to discuss the results further.

***"Patience and perseverance have a magical effect before which difficulties disappear and obstacles vanish." John Quincy Adams***

\*\*\*\*\*

Brian C. Davis, Director  
Public Service Department  
513 Montgomery Highway  
Vestavia Hills, AL 35216  
205.978.0150 office  
205.276.9095 cell

\*\*\*\*\*

---

**From:** James Parsons [<mailto:jparsons@schoel.com>]  
**Sent:** Thursday, June 12, 2014 4:15 PM  
**To:** Christopher Brady; Brian Davis; Rebecca Leavings  
**Cc:** Dick Chenoweth; 'Duane Pritchett'  
**Subject:** Additional Parking for the Vestavia Hills Library (Public Bid Documents)

All,

Attached are pdfs of the bid tab, letter of recommendation, and proposal form from the Contractors. We had hard copies delivered to Christopher earlier today.

Thanks,

**James Parsons, PE, LEED AP**  
**Project Manager**

# AIA<sup>®</sup> Document A101<sup>™</sup> – 2007

## **Standard Form of Agreement Between Owner and Contractor where the basis of payment is a Stipulated Sum**

AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_  
in the year \_\_\_\_\_  
*(In words, indicate day, month and year.)*

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

City of Vestavia Hills  
513 Montgomery Highway South  
Vestavia Hills, Alabama 35266

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

Veterans Landscaping Co., Inc.  
3801 Mary Taylor Road  
Birmingham, Alabama 35235

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

"Additional Parking for the Vestavia Hills Public Library"

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

AIA Document A201<sup>™</sup>-2007, General Conditions of the Contract for Construction, is adopted in this document by reference. Do not use with other general conditions unless this document is modified.

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

Walter Schoel Engineering Co., Inc.  
1001 22nd Street South  
Birmingham, Alabama 35205

The Owner and Contractor agree as follows.

Int.

**TABLE OF ARTICLES**

- 1 THE CONTRACT DOCUMENTS
- 2 THE WORK OF THIS CONTRACT
- 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION
- 4 CONTRACT SUM
- 5 PAYMENTS
- 6 DISPUTE RESOLUTION
- 7 TERMINATION OR SUSPENSION
- 8 MISCELLANEOUS PROVISIONS
- 9 ENUMERATION OF CONTRACT DOCUMENTS
- 10 INSURANCE AND BONDS

**ARTICLE 1 THE CONTRACT DOCUMENTS**

The Contract Documents consist of this Agreement, Conditions of the Contract (General, Supplementary and other Conditions), Drawings, Specifications, Addenda issued prior to execution of this Agreement, other documents listed in this Agreement and Modifications issued after execution of this Agreement, all of which form the Contract, and are as fully a part of the Contract as if attached to this Agreement or repeated herein. The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations or agreements, either written or oral. An enumeration of the Contract Documents, other than a Modification, appears in Article 9.

**ARTICLE 2 THE WORK OF THIS CONTRACT**

The Contractor shall fully execute the Work described in the Contract Documents, except as specifically indicated in the Contract Documents to be the responsibility of others.

**ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION**

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.  
*(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)*

The date of commencement will be Fixed in a notice to proceed.

If, prior to the commencement of the Work, the Owner requires time to file mortgages and other security interests, the Owner's time requirement shall be as follows:

§ 3.2 The Contract Time shall be measured from the date of commencement.

Int.

§ 3.3 The Contractor shall achieve Substantial Completion of the entire Work not later than ( ) days from the date of commencement, or as follows:  
*(Insert number of calendar days. Alternatively, a calendar date may be used when coordinated with the date of commencement. If appropriate, insert requirements for earlier Substantial Completion of certain portions of the Work.)*

Portion of Work

Substantial Completion Date

See Attachment 1

, subject to adjustments of this Contract Time as provided in the Contract Documents.  
*(Insert provisions, if any, for liquidated damages relating to failure to achieve Substantial Completion on time or for bonus payments for early completion of the Work.)*

See Attachment 1

**ARTICLE 4 CONTRACT SUM**

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be **Five hundred seventy two thousand two hundred seven** (\$ 572,207.40 ), subject to additions and deductions as provided in the Contract Documents. **and 40/100**

§ 4.2 The Contract Sum is based upon the following alternates, if any, which are described in the Contract Documents and are hereby accepted by the Owner:  
*(State the numbers or other identification of accepted alternates. If the bidding or proposal documents permit the Owner to accept other alternates subsequent to the execution of this Agreement, attach a schedule of such other alternates showing the amount for each and the date when that amount expires.)*

None

§ 4.3 Unit prices, if any:  
*(Identify and state the unit price; state quantity limitations, if any, to which the unit price will be applicable.)*

Item	Units and Limitations	Price per Unit (\$0.00)
------	-----------------------	-------------------------

See Attachment 1

§ 4.4 Allowances included in the Contract Sum, if any:  
*(Identify allowance and state exclusions, if any, from the allowance price.)*

Item	Price
------	-------

None

**ARTICLE 5 PAYMENTS****§ 5.1 Progress Payments**

**§ 5.1.1** Based upon Applications for Payment submitted to the Architect by the Contractor and Certificates for Payment issued by the Architect, the Owner shall make progress payments on account of the Contract Sum to the Contractor as provided below and elsewhere in the Contract Documents.

**§ 5.1.2** The period covered by each Application for Payment shall be one calendar month ending on the last day of the month, or as follows:

**§ 5.1.3** Provided that an Application for Payment is received by the Architect not later than the **Fifth** day of a month, the Owner shall make payment of the certified amount to the Contractor not later than the **Fifth** day of the **Following** month. If an Application for Payment is received by the Architect after the application date fixed above, payment shall be made by the Owner not later than **Thirty** ( **30** ) days after the Architect receives the Application for Payment. *(Federal, state or local laws may require payment within a certain period of time.)*

**§ 5.1.4** Each Application for Payment shall be based on the most recent schedule of values submitted by the Contractor in accordance with the Contract Documents. The schedule of values shall allocate the entire Contract Sum among the various portions of the Work. The schedule of values shall be prepared in such form and supported by such data to substantiate its accuracy as the Architect may require. This schedule, unless objected to by the Architect, shall be used as a basis for reviewing the Contractor's Applications for Payment.

**§ 5.1.5** Applications for Payment shall show the percentage of completion of each portion of the Work as of the end of the period covered by the Application for Payment.

**§ 5.1.6** Subject to other provisions of the Contract Documents, the amount of each progress payment shall be computed as follows:

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of **Ten** percent ( **10** %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™-2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of **Ten** percent ( **10** %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201-2007.

**§ 5.1.7** The progress payment amount determined in accordance with Section 5.1.6 shall be further modified under the following circumstances:

- .1 Add, upon Substantial Completion of the Work, a sum sufficient to increase the total payments to the full amount of the Contract Sum, less such amounts as the Architect shall determine for incomplete Work, retainage applicable to such work and unsettled claims; and *(Section 9.8.5 of AIA Document A201-2007 requires release of applicable retainage upon Substantial Completion of Work with consent of surety, if any.)*
- .2 Add, if final completion of the Work is thereafter materially delayed through no fault of the Contractor, any additional amounts payable in accordance with Section 9.10.3 of AIA Document A201-2007.

**§ 5.1.8** Reduction or limitation of retainage, if any, shall be as follows:  
*(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)*

**§ 5.1.9** Except with the Owner's prior approval, the Contractor shall not make advance payments to suppliers for materials or equipment which have not been delivered and stored at the site.

**§ 5.2 Final Payment**

**§ 5.2.1** Final payment, constituting the entire unpaid balance of the Contract Sum, shall be made by the Owner to the Contractor when

- .1 the Contractor has fully performed the Contract except for the Contractor's responsibility to correct Work as provided in Section 12.2.2 of AIA Document A201-2007, and to satisfy other requirements, if any, which extend beyond final payment; and
- .2 a final Certificate for Payment has been issued by the Architect.

**§ 5.2.2** The Owner's final payment to the Contractor shall be made no later than 30 days after the issuance of the Architect's final Certificate for Payment, or as follows:

**ARTICLE 6 DISPUTE RESOLUTION**

**§ 6.1 Initial Decision Maker**

The Architect will serve as Initial Decision Maker pursuant to Section 15.2 of AIA Document A201-2007, unless the parties appoint below another individual, not a party to this Agreement, to serve as Initial Decision Maker.

*(If the parties mutually agree, insert the name, address and other contact information of the Initial Decision Maker, if other than the Architect.)*

**§ 6.2 Binding Dispute Resolution**

For any Claim subject to, but not resolved by, mediation pursuant to Section 15.3 of AIA Document A201-2007, the method of binding dispute resolution shall be as follows:

*(Check the appropriate box. If the Owner and Contractor do not select a method of binding dispute resolution below, or do not subsequently agree in writing to a binding dispute resolution method other than litigation, Claims will be resolved by litigation in a court of competent jurisdiction.)*

- Arbitration pursuant to Section 15.4 of AIA Document A201-2007
- Litigation in a court of competent jurisdiction
- Other: *(Specify)*

Int.



**ARTICLE 7 TERMINATION OR SUSPENSION**

§ 7.1 The Contract may be terminated by the Owner or the Contractor as provided in Article 14 of AIA Document A201-2007.

§ 7.2 The Work may be suspended by the Owner as provided in Article 14 of AIA Document A201-2007.

**ARTICLE 8 MISCELLANEOUS PROVISIONS**

§ 8.1 Where reference is made in this Agreement to a provision of AIA Document A201-2007 or another Contract Document, the reference refers to that provision as amended or supplemented by other provisions of the Contract Documents.

§ 8.2 Payments due and unpaid under the Contract shall bear interest from the date payment is due at the rate stated below, or in the absence thereof, at the legal rate prevailing from time to time at the place where the Project is located.  
*(Insert rate of interest agreed upon, if any.)*

§ 8.3 The Owner's representative:  
*(Name, address and other information)*

Mr. Christopher Brady  
City of Vestavia Hills  
513 Montgomery Hwy. South  
Vestavia Hills, Alabama 35266

§ 8.4 The Contractor's representative:  
*(Name, address and other information)*

Mr. Joseph Tortorigi  
Veterans Landscaping Co., Inc.  
3801 Mary Taylor Road  
Birmingham, Alabama 35235

§ 8.5 Neither the Owner's nor the Contractor's representative shall be changed without ten days written notice to the other party.

§ 8.6 Other provisions:

**ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS**

§ 9.1 The Contract Documents, except for Modifications issued after execution of this Agreement, are enumerated in the sections below.

§ 9.1.1 The Agreement is this executed AIA Document A101-2007, Standard Form of Agreement Between Owner and Contractor.

§ 9.1.2 The General Conditions are AIA Document A201-2007, General Conditions of the Contract for Construction.

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
----------	-------	------	-------

See Attachment 1

**§ 9.1.4 The Specifications:**  
*(Either list the Specifications here or refer to an exhibit attached to this Agreement.)*

Section	Title	Date	Pages
	See attachment 1		

**§ 9.1.5 The Drawings:**  
*(Either list the Drawings here or refer to an exhibit attached to this Agreement.)*

Number	Title	Date
	See attachment 1	

**§ 9.1.6 The Addenda, if any:**

Number	Date	Pages
	See attachment 1	

Portions of Addenda relating to bidding requirements are not part of the Contract Documents unless the bidding requirements are also enumerated in this Article 9.

**§ 9.1.7 Additional documents, if any, forming part of the Contract Documents:**

- .1 AIA Document E201™-2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:
- .2 Other documents, if any, listed below:  
*(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201-2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)*

**ARTICLE 10 INSURANCE AND BONDS**

The Contractor shall purchase and maintain insurance and provide bonds as set forth in Article 11 of AIA Document A201-2007.

*(State bonding requirements, if any, and limits of liability for insurance required in Article 11 of AIA Document A201-2007.)*

Type of Insurance or Bond

Limit of Liability or Bond Amount (\$0.00)

As stated in Project Manual

**Draft**

This Agreement entered into as of the day and year first written above.

OWNER (Signature)

CONTRACTOR (Signature)

(Printed name and title)

(Printed name and title)

**CAUTION: You should sign an original AIA Contract Document, on which this text appears in RED. An original assures that changes will not be obscured.**

**Attachment 1**

**Additional Parking for the Vestavia Hills Public Library**

- 3.3: Commencement and completion of work shall be as follows:
- A. Time to complete full contract: 120 calendar days from date of the notice to proceed.
  - B. The contractor and the contractor's surety, if any, shall be liable for and shall pay the owner the sums hereinafter stipulated as liquidated damages for each calendar day of delay until the work is substantially complete: Five Hundred Dollars (\$500.00).

- 4.3: 1. Unsuitable Soil Removal (per CY) = \$13.25  
 2. Engineered Fill Placement (per CY) = \$20.00  
 3. Stabilization Stone ALDOT #410 (per TON) = \$24.00  
 4. Biaxial Stabilization Geogrid (per SY) = \$5.25

- 9.1.3: Project Manual, dated May 6, 2014, including:

Table of Contents  
 Project Personnel List  
 Advertisement for Bids  
 Sheet Index  
 Use of AIA Documents  
 Instructions to Bidders  
 Supplementary Instructions to Bidders  
 General Conditions  
 Supplementary General Conditions  
 Special Conditions  
 Proposal Form

- 9.1.4: Project Manual, dated May 6, 2014, including:

GENERAL REQUIREMENTS

011000 Summary  
 012200 Unit Prices  
 012600 Contract Modification Procedures  
 012900 Payment Procedures  
 013100 Project Management and Coordination  
 013200 Construction Progress Documentation  
 013300 Submittal Procedures  
     - Engineers Digital Use Agreement  
 013591 Historic Treatment Procedures  
 014000 Quality Requirement  
 016000 Product Requirements  
 017300 Execution Requirements  
 017329 Cutting and Patching  
 017700 Closeout Procedures  
 017839 Project Record Documents

TECHNICAL SPECIFICATIONS - CIVIL

240000 Reinforced Soil Slopes  
 311000 Site Clearing  
 312000 Earth Moving  
 312500 Erosion and Sedimentation Controls  
 321216 Asphalt Paving

321313 Concrete Paving  
321373 Concrete Paving Joint Sealants  
334100 Storm Drainage

TECHNICAL SPECIFICATIONS - LANDSCAPE

033000 Cast-in-place concrete  
042200 Concrete Unit Masonry  
044300 Stone Masonry  
328400 Planting Irrigation  
329200 Turf and Grasses  
329300 Plants

APPENDIX

A "Report of Subsurface Exploration and Geotechnical Evaluation , New Parking Area, Vestatia Hills Library." – April 22, 2014

9.1.5: Drawings, including:

Bid Plans dated May 6, 2014, or as revised by Addendum:

TP1 - Topographic Map  
DP1 - Demolition Plan  
C1 - Layout Plan  
C2 - Grading and Drainage Plan  
C3 - Erosion and Sediment Control Plan  
C4 - Details  
C5 - Details  
L-1 - Masonry Wall  
L-2 - Irrigation Plan  
E-1 - Electrical Legend, Notes, Detail, and Schedule  
E-2 - Electrical Specifications  
E-3 - Electrical Plans

9.1.6: Addenda, including:

Addendum 1, dated May 27, 2014  
Addendum 2, dated May 28, 2014  
Addendum 3, dated June 6, 2014

**RESOLUTION NUMBER 4602**

**A RESOLUTION APPROVING TO AMEND THE FISCAL YEAR  
2013-2014 BUDGET FOR ADDITIONAL PERSONNEL IN THE  
FINANCE DEPARTMENT FOR THE CITY OF VESTAVIA HILLS**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama enacted Resolution Number 4496 on September 9, 2013 approving the “general fund budget” reflecting anticipated expenditures in the amount of \$33,046,147 including transfers out, to be effective for the period beginning October 1, 2013, through September 30, 2014; and

**WHEREAS**, the Legislature of the State of Alabama enacted Act Number 2012-196 at the 2012 Regular Session which, in substance, allows cities located in Jefferson County, Alabama to process the renewal of motor vehicle license plates for motor vehicles; and

**WHEREAS**, on February 5, 2014, the Alabama Legislature amended Act Number 2012-196 by the enactment of Act Number 2014-007, which, in substance, allows cities in Jefferson County, Alabama to issue motor vehicle registrations; and

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama enacted Resolution Number 4554 on February 24, 2014 authorizing the Mayor and City Manager to enter into an Agreement with Ingenuity, Inc. for registration and licensing applications for motor vehicles and other services; and

**WHEREAS**, the City of Vestavia Hills City Manager has concluded an additional permanent employee should be hired for the purpose of tag renewals, business license and revenue administration, and support personnel to the accounts payable administration; and

**WHEREAS**, the position will be classified under the Personnel Board of Jefferson County as Accounting Assistant I, Grade 13, Step 1-4 (steps 2 thru 4 allowable depending on experience); and

**WHEREAS**, due to the enactment of Act Number 2014-007 in mid-fiscal year this item was not included in the Fiscal Year 2013-2014 Budget ; and

**WHEREAS**, the City Finance Director has detailed his recommendations for additional personnel in an Interoffice Memorandum to the City Manager dated May 29, 2014, a copy of which is attached to this Resolution Number 4602 and incorporated by reference herein.

**WHEREAS**, the City Manager feels it is in the best public interest to hire additional personnel to be applied to the 2013-2014 Fiscal Year's budget in an amount of an annual salary not to exceed \$41,500 including benefits; and

**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 hire additional personnel in the Finance Department as described above for the purpose of tag renewals and reporting, business license and revenue administration, and support personnel to the accounts payable administration in an estimated annual salary not to exceed \$41,500.00 including benefits; and
2. Expenses for said personnel not to exceed an annual salary of \$41,500.00 excluding benefits shall be applied to the 2013-2014 Fiscal Year's general fund budget for the City of Vestavia Hills, Alabama; and
3. This Resolution Number 4602 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED AND APPROVED** this the 23<sup>rd</sup> day of June, 2014.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**MEMORANDUM**

**TO:** Jeffrey Downes  
City Manager

**FROM:** Melvin Turner, III  
Finance Director

**RE:** **Additional Personnel**

**DATE:** May 29, 2014

---

---

As discussed this morning, I am requesting an additional permanent employee as appose to contracted personnel. A permanent employee will allow for multiple and various assignments.

The primary responsibilities of the additional personnel are as follows:

- Tag renewals and reporting
- Business license and revenue administration
- Support personnel – accounts payable administration

The State of Alabama has mandated two (2) additional audits which directly task finance’s personnel. The additional audits are as follows:

- E911
- Tag renewals

The requested position title and compensation are listed below.

Position Title: Accounting Assistant 1  
Classification: Grade 13 – Step 1-4 (steps 2 thru 4 allowable depending on experience)  
Compensation: listed below

<u>Base</u>	<u>Taxes</u>	<u>Fringes</u>	<u>Total</u>
Step 1 - \$28,371.20	\$2,170.40	\$5,251.51	\$35,793.11
Step 2 - \$29,848.00	\$2,283.37	\$5,524.86	\$37,656.23
Step 3 - \$31,324.80	\$2,396.35	\$5,798.22	\$39,519.37
Step 4 - \$32,864.00	\$2,514.10	\$6,083.13	\$41,461.23

If you have any questions and/or concerns, please apprise.  
Your consideration, support and assistance in this matter are greatly appreciated!

**ORDINANCE NUMBER 2502**

**AN ORDINANCE TO AMEND CHAPTER 8 OF THE VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2014 ENTITLED “LICENSES AND BUSINESS REGULATIONS” TO ADD AN ARTICLE TO ESTABLISH A NAICS CODE, OPERATING STANDARDS AND DEFINITIONS FOR MOBILE FOOD UNITS OPERATING WITHIN THE CITY OF VESTAVIA HILLS, ALABAMA AND TO PROVIDE FOR PENALTIES FOR VIOLATION THEREOF**

**WITNESSETH THIS ORDINANCE NUMBER 2502 WHICH IS CONSIDERED AND APPROVED ON THIS THE 14<sup>th</sup> DAY OF JULY, 2014.**

**WITNESSETH THESE RECITALS**

**WHEREAS**, on April 28, 2014, the City Council of the City of Vestavia Hills (“City”) adopted and approved Ordinance Number 2498 to adopt a Code of Ordinances for the City of Vestavia Hills as republished in 2014; and

**WHEREAS**, Chapter 8 of the Vestavia Hills Code of Ordinance, republished 2014, (“City Code”) entitled “Licenses and Business Regulations” sets for the requirements for operation of commercial businesses within the City of Vestavia Hills; and

**WHEREAS**, the Mayor and City Council have determined that establishing standards for the operation of Mobile Food Units is intended to promote the public health, safety and welfare by amending Article 8 to establish standards and a definition for the operation of Mobile Food Units within the City to be detailed as follows:

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

1. Chapter 8 of the City’s Code is hereby amended for the addition of the following:

**Article X - Establishing Standards and Definitions for Mobile Food Units**

**Section 1. Definitions.**

*Mobile Food Unit* – A self-contained vehicle, trailer or pushcart that serves prepared foods or prepares and serves food in various locations of the City.

**Section 2. Standards and Requirements for Operation.**

1. All Mobile Food Unit operators shall obtain an annual business license issued by the City of Vestavia Hills Finance Department prior to

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) Ordinance Number 2502 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 7<sup>th</sup> day of July 14, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2014.

Rebecca Leavings  
City Clerk