

**Vestavia Hills
City Council Agenda
November 24, 2014
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Lt. Colonel Allison Miller, Alabama Air National Guard
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Proclamation – Small Business Saturday, November 29, 2014
7. City Manager’s Report
8. Councilors’ Reports
9. Financial Reports – Melvin Turner III, Finance Director
10. Approval of Minutes – October 27, 2014 (Regular Meeting)

Old Business

11. Ordinance Number 2524-A – An Ordinance Amending Ordinance Number 2425 To Correct A Legal Description For The Property Annexed To The City Of Vestavia Hills Located At 2429 Dolly Ridge Road; Lila P. Williams, Owner.
12. Ordinance Number 2546 – Annexation – 90-Day Final – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; William H. Jenkins, Owner
13. Ordinance Number 2541 – Rezoning – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; Rezone From Jefferson County E-2 To Vestavia Hills R-1; William H. Jenkins, Owner
14. Ordinance Number 2547 – Annexation – 90-Day Final – 4624 Old Looney Mill Road; Eric And Meredith Mann, Owners
15. Ordinance Number 2542 – Rezoning – 4624 Old Looney Mill Road; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Eric And Meredith Mann, Owners
16. Ordinance Number 2548 – Annexation – 90-Day Final – 1512 Oak Leaf Trail; Lot 12, Gresham Woods; Nicholas Elkhoury, Owner
17. Ordinance Number 2543 – Rezoning – 1512 Oak Leaf Trail; Lot 12, Gresham Woods Subdivision; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Nicholas Elkhoury, Owner

18. Ordinance Number 2539 – Rezoning – 3136 Ranger Road; Lots 7 & 8, Block 6, Glass 3rd Addition To New Merkle, Rezone From Vestavia Hills R-4 To Vestavia Hills R-9 (Planned Residential); Patricia Hanna, Owner
19. Ordinance Number 2540 – Rezoning – 3125 Blue Lake Drive, Lot 31, Topfield Subdivision; Rezone From Vestavia Hills R-1 (Residential District) To Vestavia Hills O-1 (Office District), Lorraine Hollis, Owner

New Business

20. Resolution Number 4655 - A Resolution Accepting Dedication Of The Street Known As Devereaux Circle
21. Resolution Number 4661 - A Resolution Authorizing The Mayor And City Manager To Execute And Deliver A Deed To Dedicate Sewer Easements At The Patchwork Farms PUD

New Business (Requesting Unanimous Consent)

First Reading (No Action Taken At This Meeting)

22. Resolution Number 4662 – A Resolution Authorizing The City Manager To Accept A FEMA Flood Mitigation Assistance Grant And Execute And Deliver An Agreement For Said FMA Funds
23. Resolution Number 4663 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Schoel Consulting Engineers For Consulting Services For A FMA Floodplain Management Plan
24. Citizens Comments
25. Motion For Adjournment

PROCLAMATION

WHEREAS, small businesses are the economic backbone and a critical component for many municipalities throughout Alabama; and

WHEREAS, Alabama's local governments support small, local businesses that create jobs, boost local economy and preserve neighborhoods; and

WHEREAS, Alabama's local governments also understand the importance of small businesses to the welfare and future of their communities and residents; and

WHEREAS, according to the United States, Small Business Administration, as of 2012, there were 28 million small businesses in the United States that made up 99.7 percent of U.S. firms and provided 64 percent of new private-sector jobs; and

WHEREAS, Small Business Saturday was first observed on November 27, 2010 as a counterpart of Black Friday and Cyber Monday to encourage holiday shoppers to patronize small, local brick and mortar businesses; and

WHEREAS, advocacy groups, public organizations and private organizations across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday;

NOW, THEREFORE, I, Alberto C. Zaragoza, Jr. by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim November 29, 2014 as

SMALL BUSINESS SATURDAY

and encourage our residents to support small businesses and merchants this day and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills, Alabama to be affixed this the 24th day of November, 2014.

Alberto C. Zaragoza, Jr.

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

NOVEMBER 10, 2014

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mayor Alberto C. Zaragoza, Jr.

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
Marvin Greene, Deputy Fire Chief
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Taneisha Tucker, Library Director

Invocation was given by Taneisha Tucker followed by the Pledge of Allegiance led by Boy Scout Nathaniel Ruben, Troop 1.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Ammons introduced Nathaniel Ruben, Boy Scout Troop 1, who was attending to earn a merit badge.
- Mr. Pierce announced that the Chamber was about to kickoff the annual “Holiday in the Hills” celebration. Details of the scheduled events can be found on the Chamber’s website.
- Mr. Ammons thanked everyone for the support in his campaign for Tax Collector. He stated that even though he didn’t win the election, the overall experience was good and he appreciated all the support from the community.

CITY MANAGER REPORT

- Mr. Downes stated that one of the areas of emphasis from the City's retreat last year was to concentrate extra energy in the Engineering Department. He asked Mr. Davis to introduce the City's newest employee. Brian Davis introduced Lorrie Beth Kearley, the City's newest professional engineer who will begin her employment on November 24. He indicated that Ms. Kearley has a degree in aerospace engineering and comes to the City with a good bit of traffic engineering experience.
- Mr. Downes stated that another priority was for quality development along the 31 corridor. He stated that he was happy to finally publically announce that Sprouts was going to locate in the new shopping area being constructed directly across Highway 31 from the new City Hall and should be opening in 2015.
- Installation of the new pedestrian bridge in McCallum Park will close the public access to the park on Friday because of the heavy equipment needed to install it.
- RFP's were recently submitted to outsource the specialized maintenance of the City's ballfields and will open on December 11.
- The City recently obtained a grant from Representative Jack Williams for tourism which will be used at the grand opening of the new City Hall.
- City Hall will be closed on November 11, 2014 in observance of Veterans Day.
- The construction of the new City Hall is progressing on scheduled. Structural steel was scheduled to arrive and the building should be going vertical very soon.

COUNCILOR REPORTS

- Mr. Ammons stated that the Council has received six applications for the Park and Recreation Board vacancy and three for the Library Board. The Council concurred to hold interviews on December 10, 2014.
- Mr. Ammons announced that the McCallum and Royal Fields were dedicated recently at SHAC. He thanked both families for their continued support of the Park and Recreation activities as well as the community.

FINANCIAL REPORTS

Mr. Turner presented the unaudited financial reports for the fiscal year 2014. He read and explained the balances and indicated that these are the final balances prior to the audited reports.

APPROVAL OF MINUTES

The minutes of October 27, 2014 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the meeting of October 27, 2014 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

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

motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4647

Resolution Number 4647 – A Resolution Vacating Right-Of-Way Known as Eastwood Circle

MOTION Motion to approve Resolution Number 4647 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes stated that the new City Hall was designed with Mayland Lane ROW being centered to a standard width. This request vacates a certain portion to allow for buffering of the parking lot toward the residential across the street. A map will dedicate some additional ROW behind City Hall at a later date.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council concerning this request, he 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

motion carried.

NEW BUSINESS

RESOLUTION NUMBER 4654

Resolution Number 4654 - A Resolution Accepting A Bid For A Police Motorcycle

MOTION Motion to approve Resolution Number 4654 was by Mr. Pierce and second was by Mr. Sharp.

Mr. Downes stated that bids were received for a new motorcycle for the Police Department. The bids were reviewed and recommendation was made to purchase the lowest bid item.

Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

motion carried.

RESOLUTION NUMBER 4656

Resolution Number 4656 - A Resolution Approving A Conceptual Master Development Plan For Patchwork Farms

MOTION Motion to approve Resolution Number 4656 was by Mr. Pierce and second was by Mr. Sharp.

Mr. Downes stated that this request is to approve a new conceptual master plan for the development of Patchwork Farms. This is a stipulation from the purchase agreement. He then introduced Doug Neil, Daniel Corporation.

Mr. Neil showed a PowerPoint presentation depicting the Master Conceptual Development Plan for Patchwork Farms. He described the details in the drawings and answered questions from the Council and audience.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council concerning this request, he 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

motion carried.

RESOLUTION NUMBER 4657

Resolution Number 4657 – A Resolution Approving Disclosure Controls And Procedures And Certain Related Matters

MOTION Motion to approve Resolution Number 4657 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes stated that this Resolution is to keep the City in compliance with certain disclosure rules of the SEC.

Heyward Hosch, Maynard Cooper and Gale, explained the disclosure requirements from the Securities and Exchange Commission (SEC) which allows

continued disclosures through audits. He explained the reason for the Resolution and the details surrounding the terms of it.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council concerning this request, he 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

motion carried.

RESOLUTION NUMBER 4658

Resolution Number 4658 - A Resolution Accepting A Bid For Street Repair And Resurfacing

MOTION Motion to approve Resolution Number 4658 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes stated that a bid was awarded more than 2 years ago to Good Hope for street resurfacing. The City has terminated that existing contract and this Resolution will authorize him to execute one with Dunn Construction to finish out the terms of the existing bid. He explained the details of the bid and that Dunn was the next lowest bidder.

Mr. Boone stated that he has reviewed the documents and concurred that this was within the terms of the existing bid.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council concerning this request, he 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

motion carried.

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Numbers 4659 and 4660 was by Mr. Sharp. Second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes
motion carried.

RESOLUTION NUMBER 4659

Resolution Number 4659 – A Resolution To Name The Street Vesthaven Circle

MOTION Motion to approve Resolution Number 4659 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes stated that this Resolution clarifies and officially names the street as Vesthaven Circle. He explained that various documents have the spelling different and the City’s E-9-1-1 system needed an official name.

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

Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

Mr. Henley – yes
Mr. Ammons – yes
motion carried.

RESOLUTION NUMBER 4660

Resolution Number 4660 – A Resolution To Name The Street Ridge Dell Circle

MOTION Motion to approve Resolution Number 4660 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes stated that this Resolution clarifies and officially names the street as Ridge Dell Circle. He explained that various documents have the spelling different and the City’s E-9-1-1 system needed an official name.

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

Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

Mr. Henley – yes
Mr. Ammons – 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 November 24, 2014 at 5 PM.

- Ordinance Number 2524-A – An Ordinance Amending Ordinance Number 2425 To Correct A Legal Description For The Property Annexed To The City Of Vestavia Hills Located At 2429 Dolly Ridge Road; Lila P. Williams, Owner.
- Ordinance Number 2546 – Annexation – 90-Day Final – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; William H. Jenkins, Owner
- Ordinance Number 2541 – Rezoning – 3633 Dabney Drive; Lot 37, Altadena Forest Estates, 2nd Sector; Rezone From Jefferson County E-2 To Vestavia Hills R-1; William H. Jenkins, Owner
- Ordinance Number 2547 – Annexation – 90-Day Final – 4624 Old Looney Mill Road; Eric And Meredith Mann, Owners
- Ordinance Number 2542 – Rezoning – 4624 Old Looney Mill Road; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Eric And Meredith Mann, Owners
- Ordinance Number 2548 – Annexation – 90-Day Final – 1512 Oak Leaf Trail; Lot 12, Gresham Woods; Nicholas Elkhoury, Owner
- Ordinance Number 2543 – Rezoning – 1512 Oak Leaf Trail; Lot 12, Gresham Woods Subdivision; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Nicholas Elkhoury, Owner
- Ordinance Number 2539 – Rezoning – 3136 Ranger Road; Lots 7 & 8, Block 6, Glass 3rd Addition To New Merkle, Rezone From Vestavia Hills R-4 To Vestavia Hills R-9 (Planned Residential); Patricia Hanna, Owner
- Ordinance Number 2540 – Rezoning – 3125 Blue Lake Drive, Lot 31, Topfield Subdivision; Rezone From Vestavia Hills R-1 (Residential District) To Vestavia Hills O-1 (Office District), Lorraine Hollis, Owner

CITIZENS COMMENTS

None.

EXECUTIVE SESSION

Mr. Ammons, Mayor Pro-Tem stated that the Council needed to move into Executive Session for the purpose of purchase/sale of property for approximately 30 minutes with no action to be taken after the meeting.

Mr. Boone stated that was a legal reason for the Executive Session.

Mr. Ammons opened the floor for a motion.

MOTION Motion to move into executive session for the purchase/sale of property for an estimated 30 minutes was by Mr. Pierce and second was by Mr. Henley. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

motion carried.

The Council exited the Chambers at 6:10 PM. At 6:40 PM, the Council entered the Council Chambers and the Mayor Pro-Tem called the meeting back to order.

MOTION Motion to adjourn was by Mr. Pierce and second was by Mr. Henley. Meeting adjourned at 6:41 PM.

Steve Ammons
Mayor Pro-Tem

Attested by:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2524-A

AN ORDINANCE AMENDING ORDINANCE NUMBER 2524 CORRECTING A LEGAL DESCRIPTION OF PROPERTY ANNEXED TO THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by Lila P. Williams dated June 2, 2014, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills; and

WHEREAS, on August 11, 2014, the Mayor and City Council adopted and approved Ordinance Number 2524 to annex said property into the City of Vestavia Hills.

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

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality and that Ordinance Number 2524 be amended to accurately describe said property. Said territory is described as follows:

2429 Dolly Ridge Road
Lila P. Williams

A Portion of Lot 36, Rocky Ridge Estates as recorded in Map Book 28, Page 78, in the Office of the Judge of Probate of Jefferson County, Alabama, being more particularly described as follows:

The Point of Beginning being the SW Corner of Lot 35 in said survey; thence run North along the West line of said Lot 35 for a distance of 289.04 feet to a crimped iron found on the South ROW of Dolly Ridge Road, having a 50.0 feet ROW; thence deflect 89 degrees 52' to the left and run 48.39 feet along said ROW to a point, being the PC of a curve having a delta of 39 degrees 54' and a radius of 130.58; thence deflect 19 degrees 59' 30" to the left and run 72.19 feet along said ROW to a point, being the PT of said curve; thence deflect 19 degrees 59' 30" to the left and run 97.15 feet along said ROW to a point, said point being the PC of a curve having a delta of 39 degrees 58' and a radius of 137.5; thence deflect 30 degrees 56' 00" to the right and run along said ROW for a distance of 9.80 feet to a capped rebar found L S 8759; thence deflect 83 degrees 35' 55" to the left and run 190.30 feet to a rebar found; thence deflect 84 degrees 17' 09" to the left and run 192.48 feet to a crimped pipe found, said point being the Point of Beginning.

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published in a newspaper of general circulation in the City of Vestavia Hills, Alabama.

APPROVED and ADOPTED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

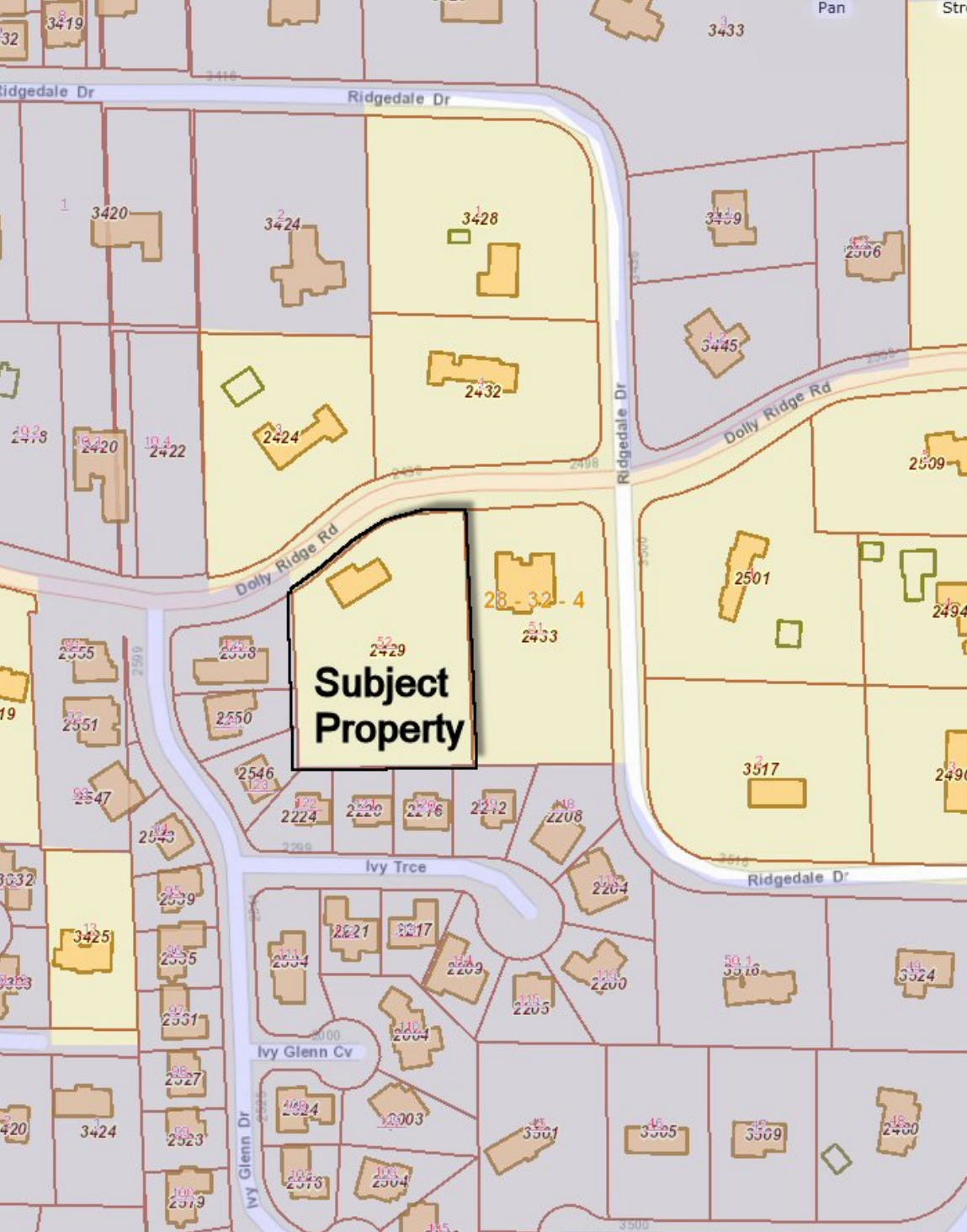
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2524-A is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



ORDINANCE NUMBER 2546

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

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

3633 Dabney Drive
Lot 37, Altadena Forest Estates, 2nd Sector
William Jenkins, Owner(s)

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

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

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2546 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 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 3633 Dabney DRIVE

Owners: William H. Jenkins

Date: 6-25-14

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of \$ 231,200. Meets city criteria: Yes No
 Comment: _____
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes 6 Number in city 5 :
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: 3633 Disney Drive


8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation. Yes _____ No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes No _____ Comments: minor concern. Drains pipe under driveway is clogged and does not function. Needs to be corrected.

11. Information on children: Number in family 3; Plan to enroll in VH schools Yes No _____ Comments: 1 child will enroll in VH school.

Other Comments: _____


George Pierce
Chairman

PARCEL #: 28 00 32 4 008 009.000 [111-C0] Baths: 3.0 H/C Sqft: 2,158
OWNER: JENKINS WILLIAM H 18-034.0 Bed Rooms: 4 Land Sch: L1
ADDRESS: 2643 BUTTEWOODS DR BIRMINGHAM AL 35242-4447 Land: 96,200 Imp: 141,000 Total: 237,200
LOCATION: 3633 DABNEY DR BHAM AL 35243 Acres: 0.000 Sales Info: \$0

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

Tax Year : 2013 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS: 2	OVER 65 CODE:	LAND VALUE 10%	\$0
EXEMPT CODE:	DISABILITY CODE:	LAND VALUE 20%	\$96,230
MUN CODE: 02 COUNTY	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: 50.1	BLDG 001 111	\$141,000
		<u>CLASS 3</u>	
CLASS USE:			
FOREST ACRES: 0	TAX SALE:		
PREV YEAR VALUE:	\$237,200.00	BOE VALUE: 0	TOTAL MARKET VALUE [APPR. VALUE: \$237,200]: \$237,230
			Assesment Override:
			MARKET VALUE:
			CU VALUE:
			PENALTY:
			ASSESSED VALUE:

TAX INFO

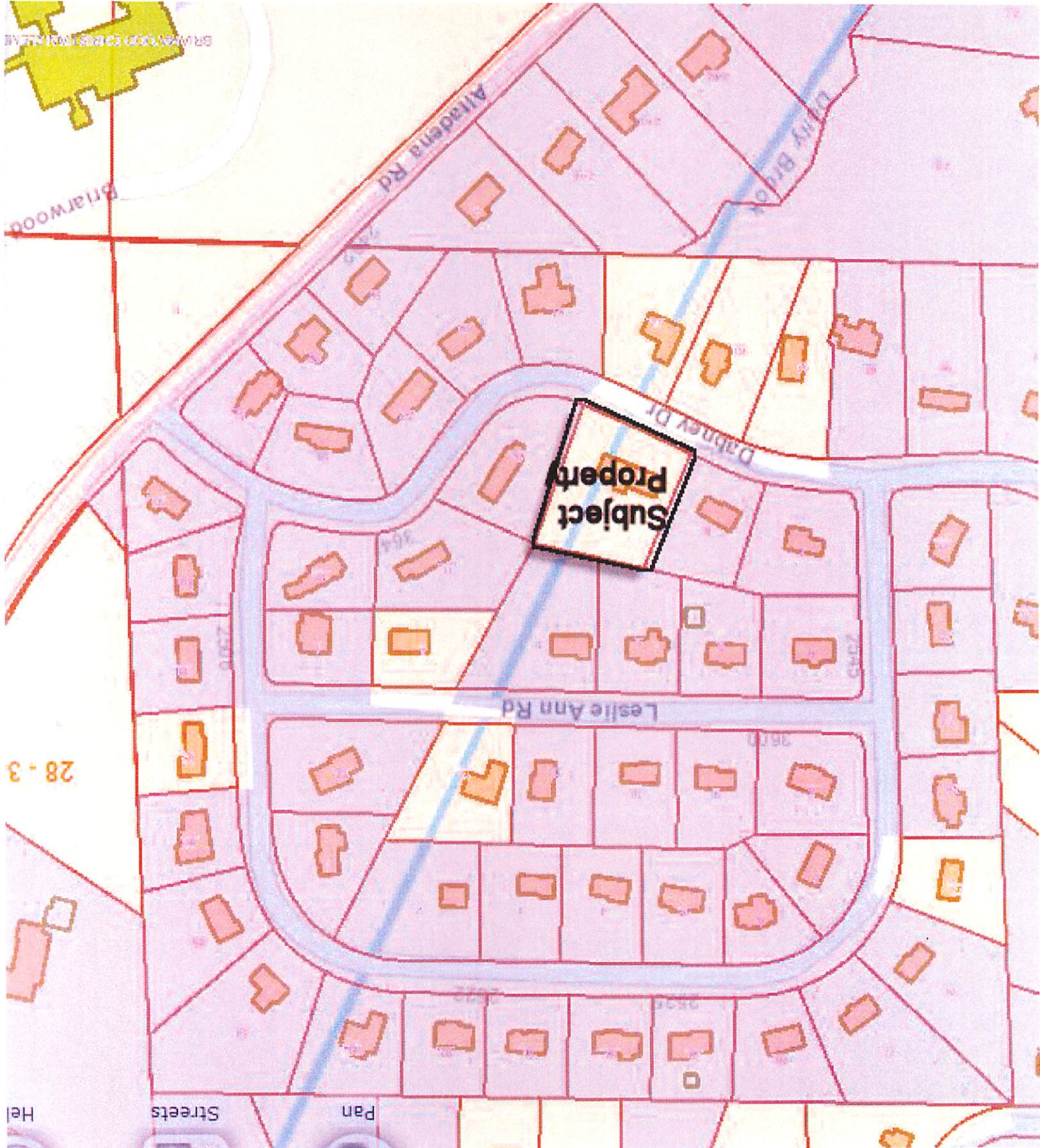
	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	2	\$47,440	\$308.36	\$0	\$0.00	\$308.36
COUNTY	2	2	\$47,440	\$640.44	\$0	\$0.00	\$640.44
SCHOOL	2	2	\$47,440	\$389.01	\$0	\$0.00	\$389.01
DIST SCHOOL	2	2	\$47,440	\$0.00	\$0	\$0.00	\$0.00
CITY	2	2	\$47,440	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	2	\$47,440	\$241.94	\$0	\$0.00	\$241.94
SPC SCHOOL2	2	2	\$47,440	\$796.99	\$0	\$0.00	\$796.99

TOTAL FEE & INTEREST: (Detail) \$15.00

ASSD. VALUE: \$47,440.00 **\$2,376.74** **GRAND TOTAL: \$2,391.74**
FULLY PAID

DEEDS

INSTRUMENT NUMBER	DATE	PAYMENT INFO		PAID BY	AMOUNT
		PAY DATE	TAX YEAR		
6876-440	05/11/1963				
		1/2/2014	2013	MR. OR MRS. WILLIAM H. JENKINS PH. 205-822-5006	\$2,391.74
		12/14/2012	2012	JENKINS WILLIAM H	\$2,391.74
		20111231	2011	***	\$2,418.80
		20110505	2010	***	\$952.00
		20091214	2009	***	\$876.80
		20081231	2008	***	\$894.24
		20071212	2007	***	\$1,047.27
		20061222	2006	***	\$780.01
		20051017	2005	***	\$770.85
		20041221	2004	***	\$725.50
		20031222	2003	***	\$800.53
		20021114	2002	***	\$692.40
		20001219	2000	***	\$501.40



STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2/27/2014

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Sarah Macon (daughter)
(205) 515-5217 cell

EXHIBIT "A"

LOT: 31 _____

BLOCK: _____

SURVEY: Altadema Forest Estates 2nd Sector _____

RECORDED IN MAP BOOK 64 _____, PAGE 41 _____ IN THE
PROBATE OFFICE OF Jefferson _____ COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>W.H. Jenkins</u>	Lot <u>37</u>	Block _____	Survey <u>Attadena Forest Estates</u>
_____	Lot _____	Block _____	Survey <u>2nd Sector</u>
_____	Lot _____	Block _____	Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

W.H. Jenkins II being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

W.H. Jenkins
Signature of Certifier

Subscribed and sworn before me this the 27 day of February, 2014.

Sarah Macon
Notary Public

My commission expires: _____

Sarah Macon MY COMMISSION EXPIRES <u>9-13-2015</u>



EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway
Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
Deny _____
Resolution: Date: _____ Number: _____
Overnight Ordinance: Date: _____ Number: _____
90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): William Henry Jenkins (see attached letter)

Address: 3033 Dabney Drive

City: Birmingham State: AL Zip: 35243

Information on Children:

Plan to Enroll In
Vestavia Hills School?

	Name(s)	Age	School Grade	Yes	No
1.	Scarlet Macon	3		X	
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": 8/2015

ORDINANCE NUMBER 2541

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

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

3633 Dabney Drive
Lot 37, Altadena Forest Estates, 2nd Sector
William H. Jenkins, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

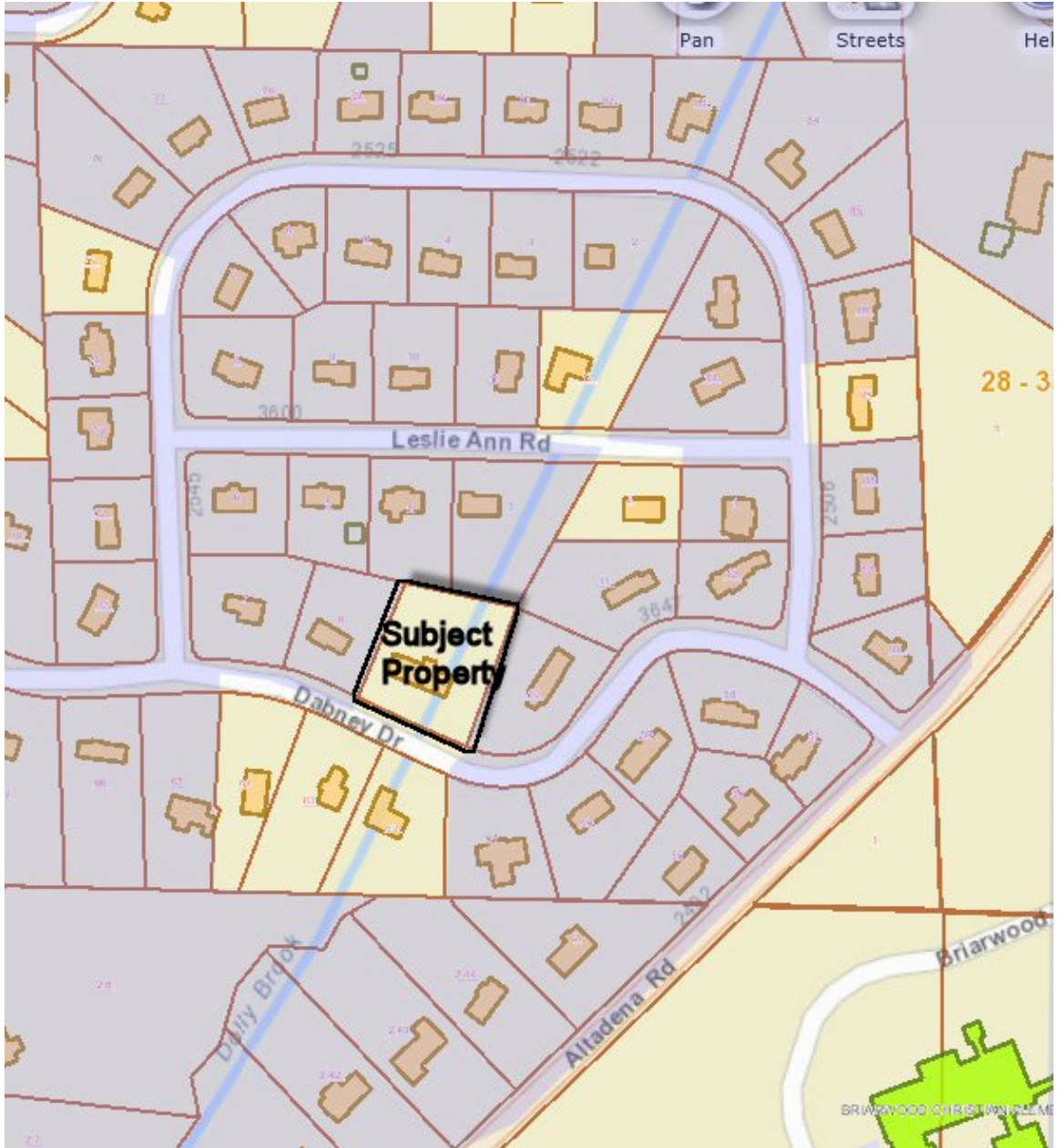
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2541 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 24th day of November 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



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

Date: **OCTOBER 9, 2014**

- **CASE:** P-1014-47
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 3633 Dabney Dr.
- **APPLICANT/OWNER:** William H. Jenkins. 2643 Buttewoods Dr. Birmingham, AL 35242
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

MOTION Mr. Wolfe made a motion to approve Rezoning of 3633 Dabney Dr. from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Wolfe – yes

Mr. Visintainer – yes

Mr. Burrell – yes

Mr. Sharp – yes

Mr. Brooks – yes

Motion carried.

ORDINANCE NUMBER 2547

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

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

4624 Old Looney Mill Road
Eric and Meredith Mann, Owner(s)

Being more particularly described as follows:

A Parcel of Land situated In the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence tum an angle to the left of 72 deg.44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an Iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly

direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1-B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet to an iron pin set on the Northwest right of way of Five Oaks Lane, said right-of-way being 40 feet wide; thence tum an angle to the left of 78 deg. 30 min. 26 sec. and run In a Northeasterly direction along the Northwest right-of-way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the intersection of Old Looney Mill Road and Five Oaks Lane, said Iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn an angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right-of-way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence tum an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run In a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated In Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE comer of said 1/4-1/4 section, thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run In a Southwesterly direction for a distance of 86.71 feet to the point of beginning. said point of beginning being an Iron pin found. thence tum an angle to the right 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence tum an angle to the left of 115 deg. 44 min. 15 sec. and run In a southeasterly direction for a distance of 42.33 feet to an iron pin set; thence tum an angle to the left of 80 deg. 39 min. 24 sec. and run In a Northeasterly direction for a distance of 126.45 feet to the point of beginning: being situated In Jefferson County, Alabama.

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

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

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

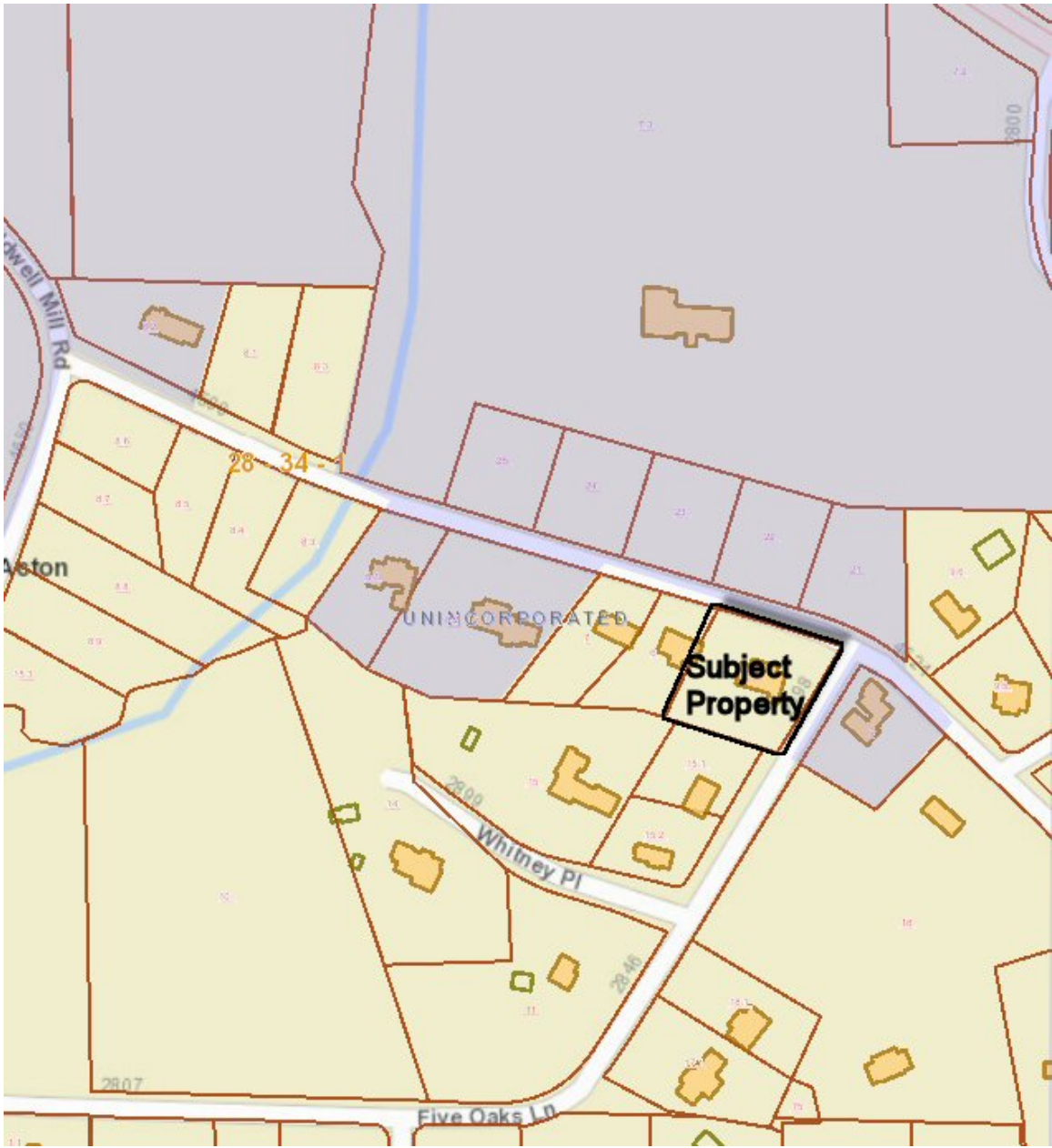
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2547 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 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: 4624 Old Looney MITC Rd.

Owners: Eric & Meredith Mann

Date: 6-25-14

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of \$401,900. Meets city criteria: Yes No
 Comment: _____
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes 13 Number in city 8 :
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.
 Agreed to by petitioner: Yes No Comment _____

Property: 4624 Old Looney Mill Rd


8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ _____ will be paid to offset costs associated with the annexation. Yes _____ No _____ Comment _____

9. Property is free and clear of hazardous waste, debris and materials. Yes No _____ Comment _____

10. Are there any concerns from city departments? Yes _____ No Comments: _____

11. Information on children: Number in family 5; Plan to enroll in VH schools Yes No _____ Comments: 2 children will enroll in VH schools

Other Comments: _____



George Pierce
Chairman

PARCEL #: 28 00 34 1 003 018.002 [111-B+] Baths: 4.5 H/C Sqft: 3,586
OWNER: MANN ERIC & MEREDITH 18-040.0 Bed Rooms: 5 Land Sch: A116
ADDRESS: 4624 OLD LOONEY MILL RD BIRMINGHAM AL 35243-2626 Land: 120,000 Imp: 281,900 Total: 401,900
LOCATION: 4624 OLD LOONEY MILL RD AL 35243 Acres: 0.000 Sales Info: 10/22/2012 \$475,000

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

Tax Year : 2013 ▾

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS: 3	OVER 65 CODE:	LAND VALUE 10%	\$120,000
EXEMPT CODE: 2-2	DISABILITY CODE:	LAND VALUE 20%	\$0
MUN CODE: 01 COUNTY	HS YEAR: 2013	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE	<u>CLASS 2</u>	
OVR ASD VALUE: \$0.00	AMT: \$0.00		
	TOTAL MILLAGE: 50.1	<u>CLASS 3</u>	
CLASS USE:		BLDG 001	111 \$281,900
FOREST ACRES: 0	TAX SALE:		
PREV YEAR VALUE:	\$401,900.00	BOE VALUE: 0	TOTAL MARKET VALUE [APPR. VALUE: \$401,900]: \$401,900
			Assesment Override:
			MARKET VALUE:
			CU VALUE:
			PENALTY:
			ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	1	\$40,200	\$261.30	\$4,000	\$26.00	\$235.30
COUNTY	3	1	\$40,200	\$542.70	\$2,000	\$27.00	\$515.70
SCHOOL	3	1	\$40,200	\$329.64	\$0	\$0.00	\$329.64
DIST SCHOOL	3	1	\$40,200	\$0.00	\$0	\$0.00	\$0.00
CITY	3	1	\$40,200	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	1	\$40,200	\$205.02	\$0	\$0.00	\$205.02
SPC SCHOOL2	3	1	\$40,200	\$675.36	\$0	\$0.00	\$675.36

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$40,200.00

\$2,014.02

GRAND TOTAL: \$1,966.02

FULLY PAID

DEEDS

INSTRUMENT NUMBER

[201214-14197](#)
[201214/14197](#)
[0-0](#)

PAYMENT INFO

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
6/8/2012	12/26/2013	2013	-	\$1,966.02
6/8/2012	12/3/2012	2012	CLINE WESLEY R & LYNN H	\$1,965.53
09/05/1996	20111216	2011	***	\$2,172.43
	20101201	2010	***	\$1,992.58
	20091207	2009	***	\$1,992.58
	20090317	2008	***	\$2,032.66
	20071117	2007	***	\$2,098.28
	20061202	2006	***	\$2,058.72
	20051119	2005	***	\$1,778.65
	20041120	2004	***	\$1,655.91
	20031122	2003	***	\$1,586.26
	20021113	2002	***	\$1,330.75
	20011109	2001	***	\$1,330.75
	20001115	2000	***	\$1,330.75

STATE OF ALABAMA

Jefferson

COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 5-7-14

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Eric 901-5693

Meredith 862-5388

EXHIBIT "A" - LEGAL DESCRIPTION

A Parcel of Land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 Section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1- B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet. to an iron pin set on the Northwest right of way of Five Oaks Lane, said right of way being 40 feet wide; thence turn an angle to the left of 78 deg. 30 min. 26 sec. and run in a Northeasterly direction along the Northwest right of way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the intersection of Old Looney Mill Road and Five Oaks Lane, said iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn and angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right of way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence turn an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run in a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated in Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 section. thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to the point of beginning, said point of beginning being an iron pin found, thence turn an angle to the right 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence turn an angle to the left of 115 deg. 44 min. 15 sec. and run in a southeasterly direction for a distance of 42.33 feet to an iron pin set; thence turn an angle to the left of 80 deg. 39 min. 24 sec. and run in a Northeasterly direction for a distance of 126.45 feet to the point of beginning; being situated in Jefferson County, Alabama.

20120811000646200 2/2
 Bk: LR201214 Pg:14197
 Jefferson County, Alabama
 08/11/2012 02:04:44 PM D
 Fee - \$19.00
 Deed Tax -\$475.00
 Total of Fees and Taxes-\$494.00
 HATCHERK

EXHIBIT "A"

LOT: _____
BLOCK: _____
SURVEY: _____

RECORDED IN MAP BOOK _____, PAGE _____ IN THE
PROBATE OFFICE OF _____ COUNTY, ALABAMA.

COUNTY ZONING: _____

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS):

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>E. M.</u>	Lot	Block	Survey
<u>Meredith G. Mann</u>	Lot	Block	Survey
_____	Lot	Block	Survey

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

Meredith G. Mann being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Meredith G. Mann
Signature of Certifier

Subscribed and sworn before me this the 7th day of May, 2014.

[Signature]
Notary Public

My commission expires: 7/05/16



EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

1204 Montgomery Highway

Vestavia Hills AL 35216

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____

Deny _____

Resolution: Date: _____ Number: _____

Overnight Ordinance: Date: _____ Number: _____

90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Eric and Meredith Mann

Address: 4624 Old Looney Mill Road

City: Bham State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	Carson Mann	7	2nd	✓	
2.	Crawford Mann	5	5-K	✓	
3.	Lydia Mann	4			
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". August

ORDINANCE NUMBER 2542

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

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

4624 Old Looney Mill Road
Eric and Meredith Mann, owner(s)

Being more particularly described as follows:

A Parcel of Land situated In the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 Section; Thence run North along the east line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence tum an angle to the left of 72 deg.44 min. 00 sec. and run in a Northwesterly direction for a distance of 288.44 feet to the point of beginning, said point of beginning being an Iron pin found; thence tum an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to an iron pin found; thence turn an angle to the right of 17 deg. 23 min. 39 sec. and run In a southwesterly direction for a distance of 139.71 feet to an iron pin found; thence turn an angle to the left of 116 deg. 44 min. 15 sec. and run in a southeasterly direction along the northeast line of Lot 1-B of Martin's Resurvey as recorded in Map Book 110, Page 36, in the Office of the Judge of Probate, Jefferson County, Alabama, for a distance of 218.54 feet to an iron pin set on the Northwest right of way of Five Oaks Lane, said right-of-way being 40 feet wide; thence tum an angle to the left of 78 deg. 30 min. 26 sec. and run In a Northeasterly direction along the Northwest right-of-way of said Five Oaks Lane for a distance of 223.01 feet to an iron pin set at the

intersection of Old Looney Mill Road and Five Oaks Lane, said Iron pin set being on a curve to the left having a central angle of 2 deg. 35 min. 20 sec. and a radius of 431.66 feet; thence turn an angle to the left of 94 deg. 14 min. 36 sec. to the chord of said curve and run in a Northwesterly direction along the arc of said curve and also along the Southwest right-of-way of Old Looney Mill Road for a distance of 19.51 feet to an iron pin set; thence turn an angle to the left from the chord of last stated curve of 10 deg. 54 min. 41 sec. and run in a Northwesterly direction along the Southwest line of said Old Looney Mill Road for a distance of 167.03 feet to the point of beginning; being situated in Jefferson County, Alabama.

Less and except the following:

A parcel of land situated in the SW 1/4 of the NE 1/4 of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama being more particularly described as follows:

Commence at the SE corner of said 1/4-1/4 section, thence run north along the East line of said 1/4-1/4 section for a distance of 737.62 feet to a point; thence turn an angle to the left of 72 deg. 44 min. 00 sec. and run in a northwesterly direction for a distance of 288.34 feet to an iron pin found; thence turn an angle to the left of 76 deg. 59 min. 41 sec. and run in a Southwesterly direction for a distance of 86.71 feet to the point of beginning. said point of beginning being an Iron pin found. thence turn an angle to the right 17 deg. 23 min. 39 sec. and run in a southwesterly direction for a distance of 139.71 feet to an iron pin found, thence turn an angle to the left of 115 deg. 44 min. 15 sec. and run in a southeasterly direction for a distance of 42.33 feet to an iron pin set; thence turn an angle to the left of 80 deg. 39 min. 24 sec. and run in a Northeasterly direction for a distance of 126.45 feet to the point of beginning; being situated in Jefferson County, Alabama.

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

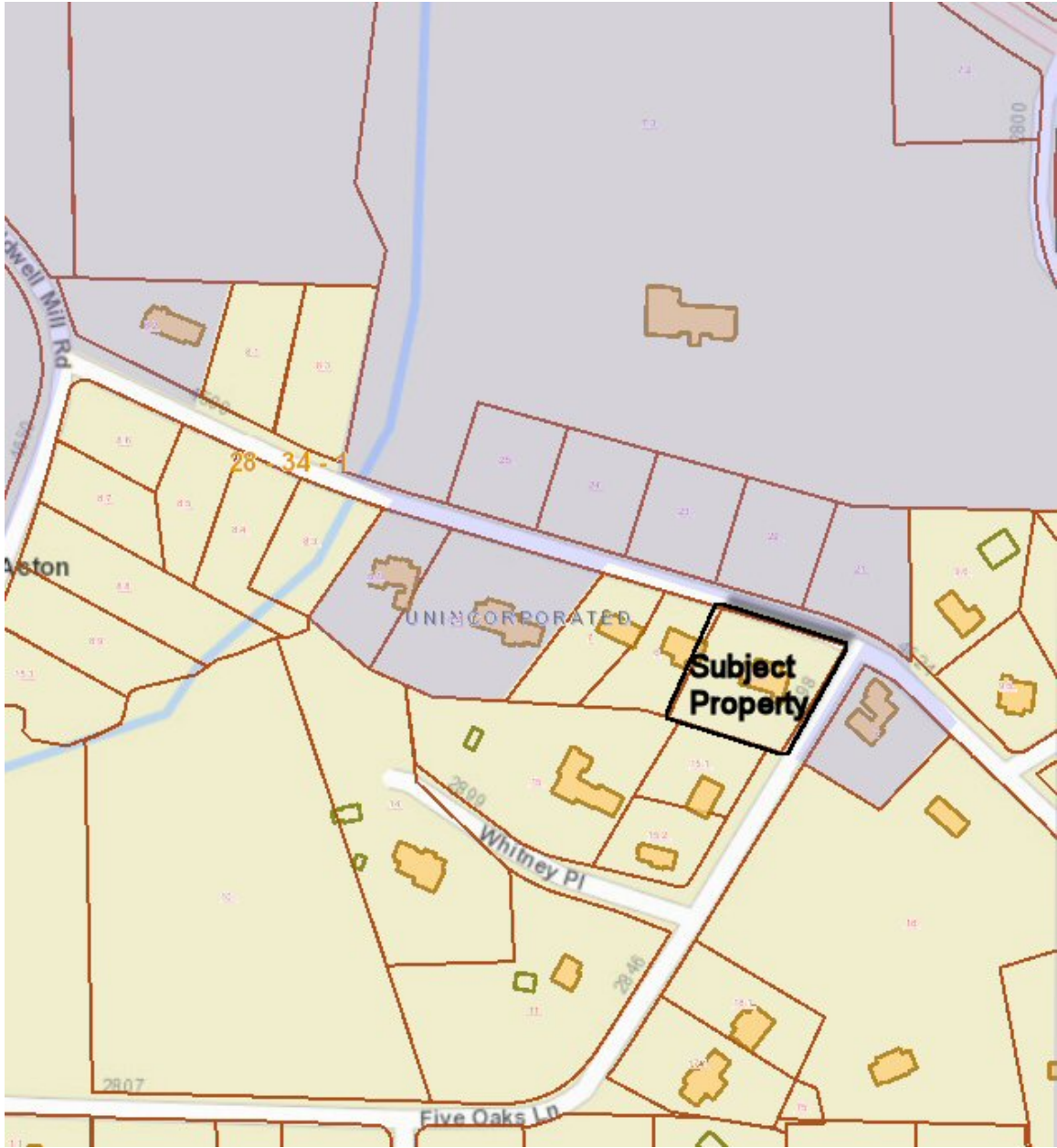
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2542 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 24th day of November 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



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

Date: **OCTOBER 9, 2014**

- **CASE: P-1014-48**
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 4624 Old Looney Mill Rd.
- **APPLICANT/OWNER:** Eric & Meredith Mann. 4624 Old Looney Mill Rd. Birmingham, AL 35243
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

MOTION Mr. Burrell made a motion to approve Rezoning of 4624 Old Looney Mill Rd. from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

- | | |
|-----------------------|-------------------|
| Mr. Goodwin – yes | Mr. Burrell – yes |
| Mr. Gilchrist – yes | Mr. Sharp – yes |
| Mr. Wolfe – yes | Mr. Brooks – yes |
| Mr. Visintainer – yes | Motion carried. |

ORDINANCE NUMBER 2548

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

WHEREAS, on the 11th day of August, 2014, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

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

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

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

1512 Oak Leaf Trail
Lot 12, Gresham Woods
Nicholas Elkhoury, Owner(s)

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

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

ADOPTING and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2548 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 24th day of November, 2014, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2014.

Rebecca Leavings
City Clerk



PARCEL #: 28 00 28 3 000 018.014 Baths: **0.0** H/C Sqft: **0**
OWNER: ELKHOURY NICHOLAS **18-012.0** Bed Rooms: **0** Land Sch: **G8**
ADDRESS: 4124 CROSSHAVEN DR VESTAVIA AL 35243-5227 Land: **103,000** Imp: **0** Total: **103,000**
LOCATION: 1512 OAK LEAF TRL AL 35243 Acres: **0.000** Sales Info: **09/01/2011 \$62,000**

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

Tax Year : 2013 ▼

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS: 2	OVER 65 CODE:	LAND VALUE 10%	\$0
EXEMPT CODE:	DISABILITY CODE:	LAND VALUE 20%	\$103,000
MUN CODE: 02 COUNTY	HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE		
OVR ASD VALUE: \$0.00	AMT: \$0.00		
	TOTAL MILLAGE: 50.1		
CLASS USE:		TOTAL MARKET VALUE [APPR. VALUE: \$103,000]:	\$103,000
FOREST ACRES: 0	TAX SALE:	Assesment Override:	
PREV YEAR VALUE:	BOE VALUE: 0	MARKET VALUE:	
		CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	2	\$20,600	\$133.90	\$0	\$0.00	\$133.90
COUNTY	2	2	\$20,600	\$278.10	\$0	\$0.00	\$278.10
SCHOOL	2	2	\$20,600	\$168.92	\$0	\$0.00	\$168.92
DIST SCHOOL	2	2	\$20,600	\$0.00	\$0	\$0.00	\$0.00
CITY	2	2	\$20,600	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	2	\$20,600	\$105.06	\$0	\$0.00	\$105.06
SPC SCHOOL2	2	2	\$20,600	\$346.08	\$0	\$0.00	\$346.08

**** DELINQUENT ****

ASSD. VALUE: \$20,600.00

TOTAL FEE & INTEREST: (Detail) \$35.50

\$1,032.06

GRAND TOTAL: \$1,067.56

FULLY PAID

DEEDS

INSTRUMENT NUMBER

[201107-15625](#)
[200910-15727](#)
[200602-7796](#)

PAYMENT INFO

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
09/26/2011	2/14/2014	2013	NICHOLAS ELKHOURY	\$1,067.56
10/09/2009	3/17/2013	2012	NICHOLAS ELKHOURY	\$1,083.24
10/09/2009	20111012	2011	***	\$1,047.06
		2009	***	\$1,902.64

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: ~~April 15th, 2014~~ April 27, 2014

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Paul Norris
283-8304
pnorris@vwsupply.com

EXHIBIT "A"

LOT: 12

BLOCK: 000

SURVEY: Gresham woods

RECORDED IN MAP BOOK 227, PAGE 2 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: Residential

COMPATIBLE CITY ZONING: _____

LEGAL DESCRIPTION (METES AND BOUNDS): ±

Lot 12 Gresham woods Sub PB 227 Pg 2.

See tax record attached

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

Nicholas Elkhoury Lot 12 Block 000 Survey Gre Sham Woods

_____ Lot _____ Block _____ Survey _____

_____ Lot _____ Block _____ Survey _____

(Use reverse side hereof for additional signatures and property descriptions, if needed).

STATE OF ALABAMA

Jefferson COUNTY

NICHOLAS ELKHOURY being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Nicholas Elkhoury
Signature of Certifier

Subscribed and sworn before me this the 15th day of April, 2014.

Sacquelina J. Semaan
Notary Public

My commission expires: 5/16/14

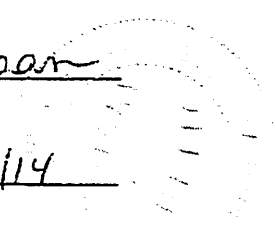


EXHIBIT "B"

VESTAVIA HILLS BOARD OF EDUCATION

**1204 Montgomery Highway
Vestavia Hills AL 35216**

(To be completed by the City)

Date of Annexation Petition _____ Action Taken: Grant _____
 Deny _____

Resolution: Date: _____ Number: _____
 Overnight Ordinance: Date: _____ Number: _____
 90 Day Final Ordinance: Date: _____ Number: _____

(To be completed by Homeowner)

Name(s) of Homeowner(s): Nicholas ELKhoury

Address: 4124 Crosshaven DR

City: Vestavia State: AL Zip: 35243

Information on Children:

**Plan to Enroll In
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.	N/A				
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". _____

ORDINANCE NUMBER 2543

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

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

1512 Oak Leaf Trail
Lot 12, Gresham Woods Subdivision
Nicholas Elkhoury, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2543 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 24th day of November 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



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

Date: **OCTOBER 9, 2014**

- **CASE: P-1014-50**
- **REQUESTED ACTION:** Rezoning Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 1512 Oak Leaf Trail
- **APPLICANT/OWNER:** Nicholas Elkhoury. 4124 Crosshaven Dr. Vestavia Hills, AL 35243
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 8/11/14 and will complete the 90 day annexation on 11/24/14. Applicant is requesting the compatible rezoning as part of the annexation process.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

MOTION Mr. Burrell made a motion to approve Rezoning of 1512 Oak Leaf Trail from Jefferson County E-2 to Vestavia Hills R-1 For The Purpose Of Annexation. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

- | | |
|-----------------------|-------------------|
| Mr. Goodwin – yes | Mr. Burrell – yes |
| Mr. Gilchrist – yes | Mr. Sharp – yes |
| Mr. Wolfe – yes | Mr. Brooks – yes |
| Mr. Visintainer – yes | Motion carried. |

ORDINANCE NUMBER 2539

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-4 TO VESTAVIA HILLS R-9

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-4 (residential) Vestavia Hills R-9 (planned residential):

3136 Ranger Road
Lots 7 & 8, Block 6, Glass 3rd Addition to New Merkle
Patricia S. Hanna, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

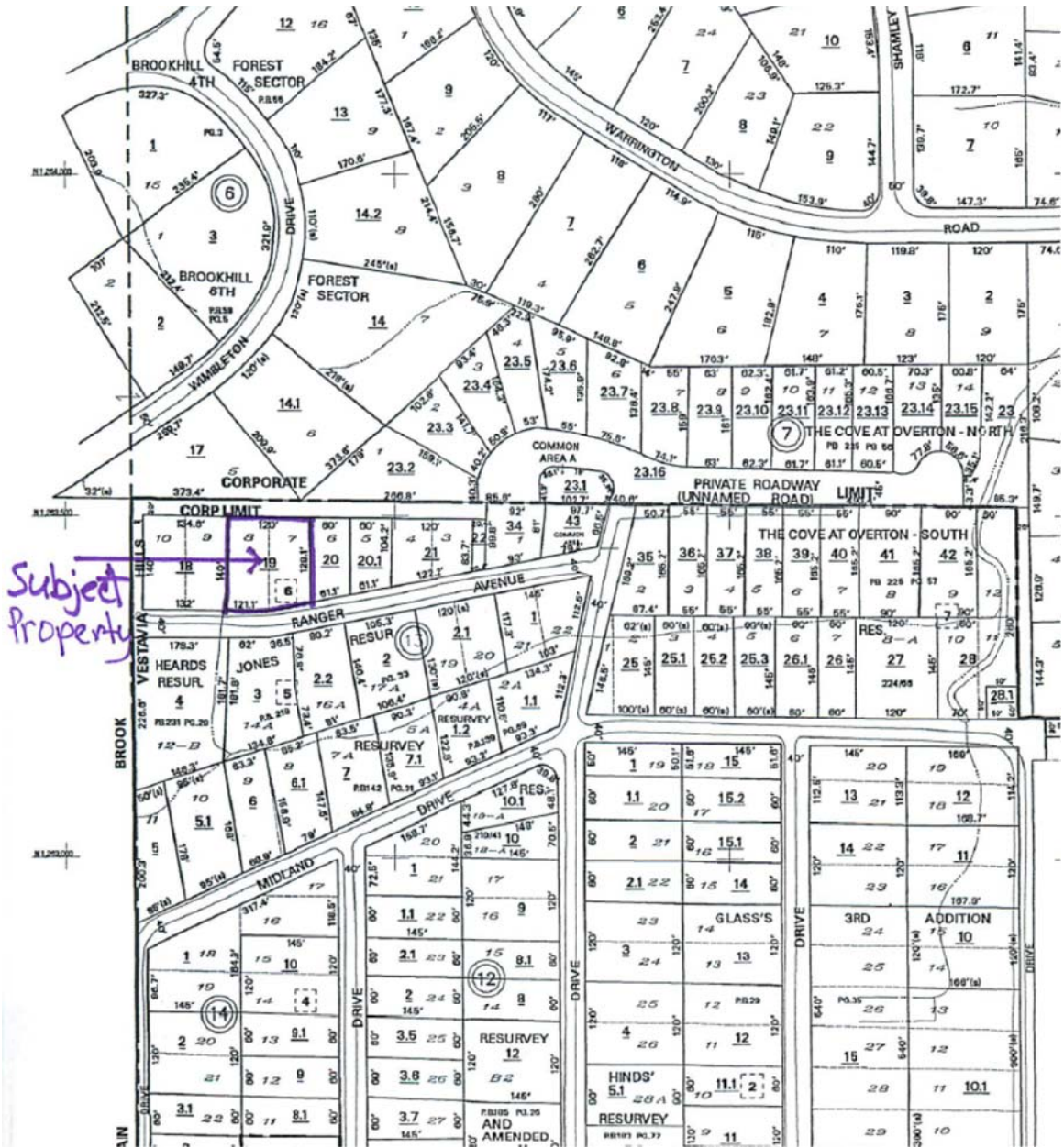
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2539 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 24th day of November 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



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

Date: OCTOBER 9, 2014

- **CASE:** P-1014-45
- **REQUESTED ACTION:** Vestavia Hills R-4 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3136 Ranger Rd.
- **APPLICANT/OWNER:** Patricia S. Hanna. 2300 Countryridge Dr. Vestavia Hills, AL 35243
- **GENERAL DISCUSSION:** Applicant seeks to rezone two lots in Cahaba Heights to an R-9 zoning. Lots will have 25' front and rear setbacks and a 5' side setback. Lots are already platted and undersized for the current R-4 zoning. Currently both lots are vacant.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the 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: No recommendation
 2. **City Engineer Review:** Engineering to review access and drainage requirements
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Sharp made a motion to approve Rezoning of 3136 Ranger Rd from Vestavia Hills R-4 to Vestavia Hills R-9 For The Purpose Of Residential Development. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Wolfe – yes

Mr. Visintainer – yes

Mr. Burrell – yes

Mr. Sharp – yes

Mr. Brooks – yes

Motion carried.

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: Patricia S. Hanna

ADDRESS: 2300 Countryridge Drive
Vestavia AL 35243

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 967 9084 Office 910 0226

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____
Clark Collier

2010 SEP -4 P 4:31

3136 Ranger Rd.

Rezone from R-4 to R-9

Patricia Hanna

R-4

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: Building residential home

(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.)

3136 Ranger Rd. Cahaba Heights 35223

Parcel ID 280015, 1007019 3rd Add New Merkle
Lots 7+8, Block 6 Glass

Property size: 120 feet X 140 feet. Acres: .37

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.

Patricia Hanna
Owner Signature/Date

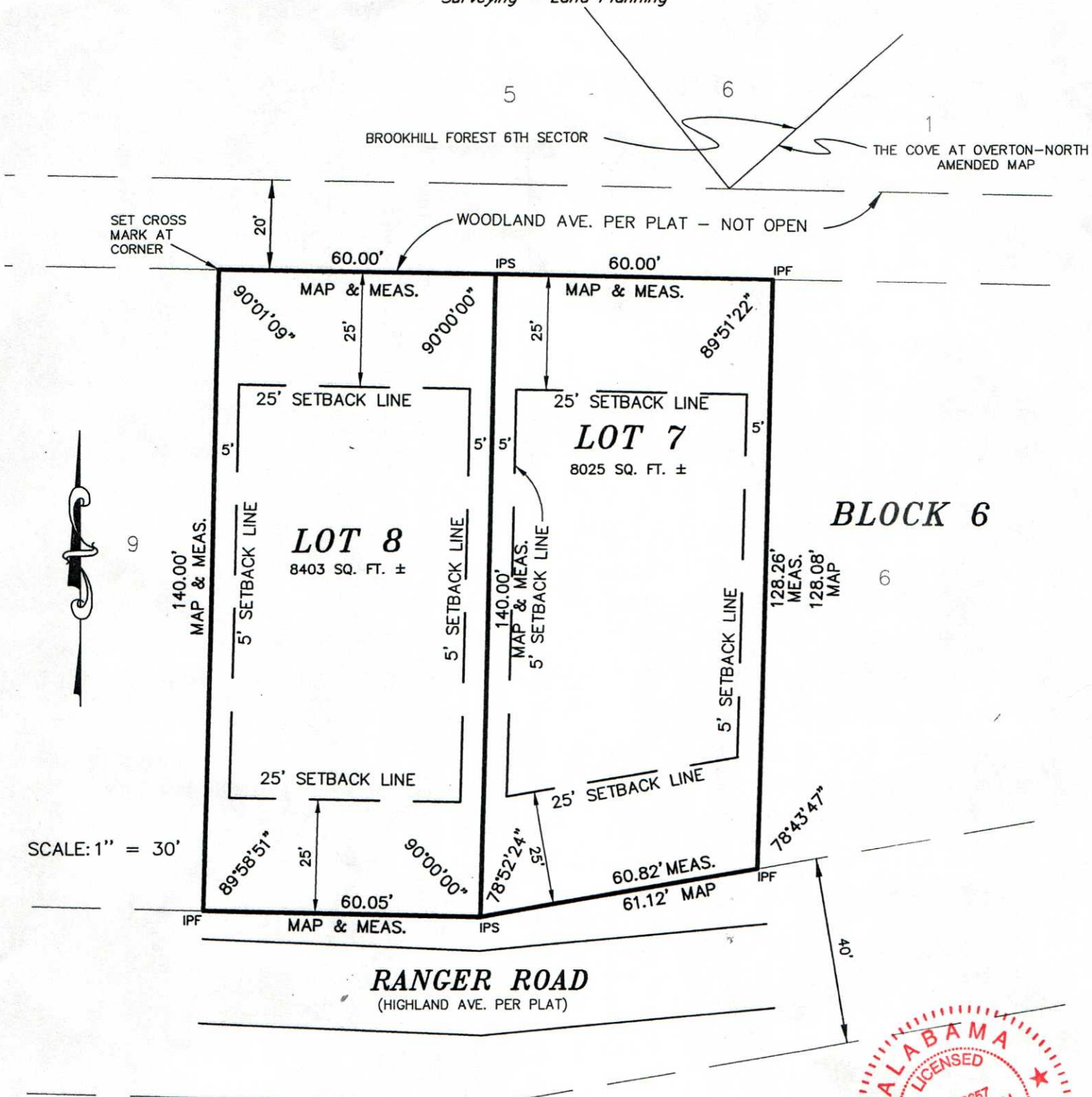
Representing Agent (if any)/date

Given under my hand and seal
this 4 day of Sept, 2014.

William Archibald Roberts Jr
Notary Public

My commission expires 6
day of December, 2014.





SCALE: 1" = 30'

- LEGEND**
- UTILITY POLE
 - Y— GUY WIRE
 - █— RETAINING WALL
 - █— CONCRETE
 - X— FENCE
 - OE— OVERHEAD ELECTRICAL
 - IPF IRON PIN FOUND
 - IPS IRON PIN SET

REVISED 9-8-2014 TO SHOW PROPOSED R-9 ZONING SETBACK LINES. IMPROVEMENTS REMOVED FOR ZONING REVIEW PURPOSES.

STATE OF ALABAMA
 JEFFERSON COUNTY

"PROPOSED R-9 ZONING LOT SURVEYS"

I, Robert Reynolds, a Registered Surveyor, do here by state that this is a true and correct plat or map of Lot 7 & 8, Block 6, of GLASS'S 3RD ADDITION TO NEW MERKEL, as recorded in Map Book 29, Page 35 in the Office of the Judge Of Probate in Jefferson County, Alabama. All parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice of Surveying in the State of Alabama to the best of my knowledge, information and belief.

According to my survey this the 15 th day of April, 2014. REV. 9-8-2014. SEE NOTE ABOVE





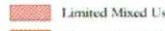






NOTE: This survey is not transferable to any additional institutions or subsequent owners.

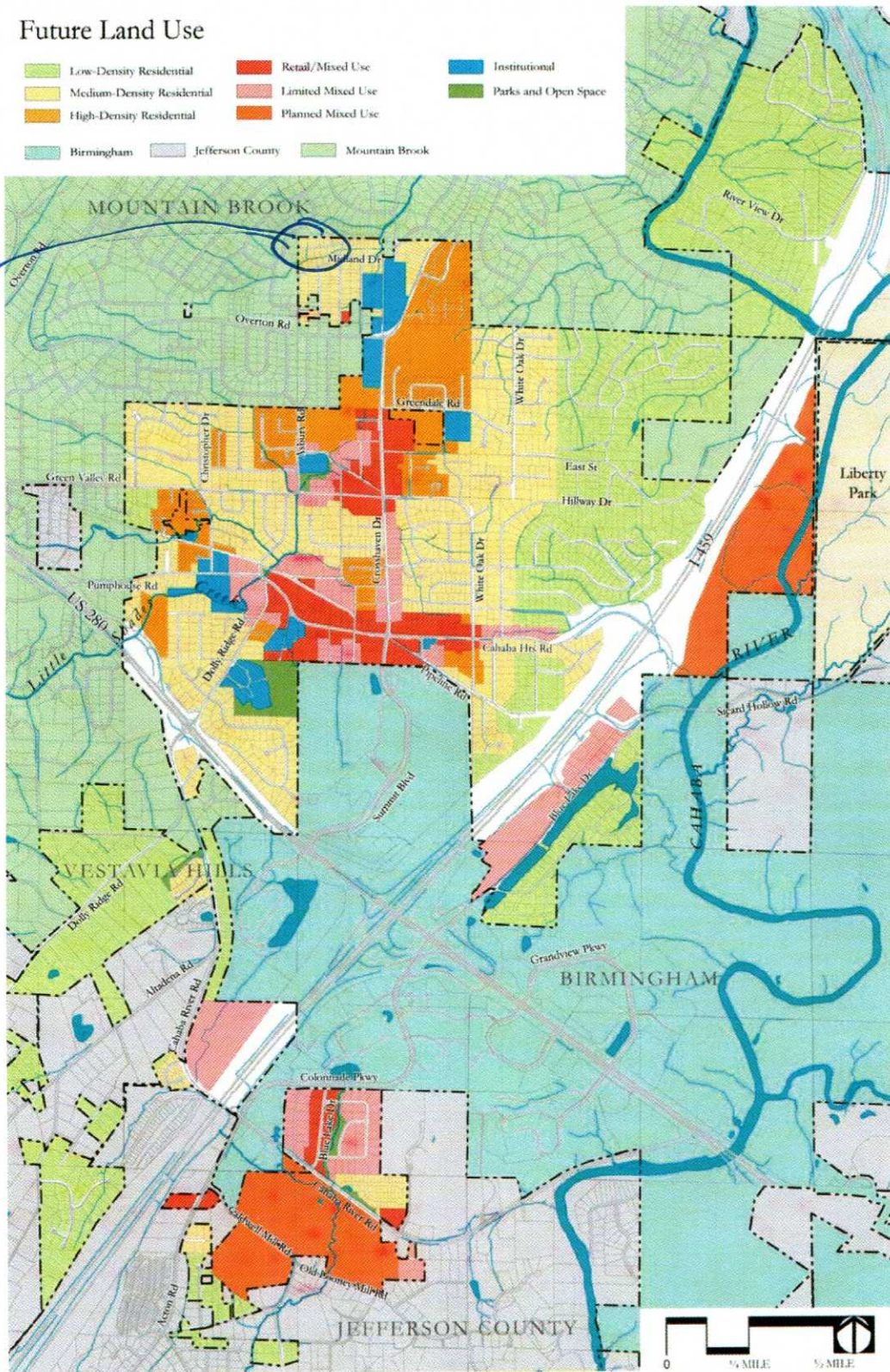
Owner: Hanna
 Address: 3136 Ranger Rd.

Robert Reynolds
 Reg. No. 25657



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 |



Subject Property

Figure 4: Future Land Use Map

ORDINANCE NUMBER 2540

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

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

3125 Blue Lake Drive
Lot 31, Topfield Subdivision
Lorraine Hollis, owner(s)

APPROVED and ADOPTED this the 24th day of November 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

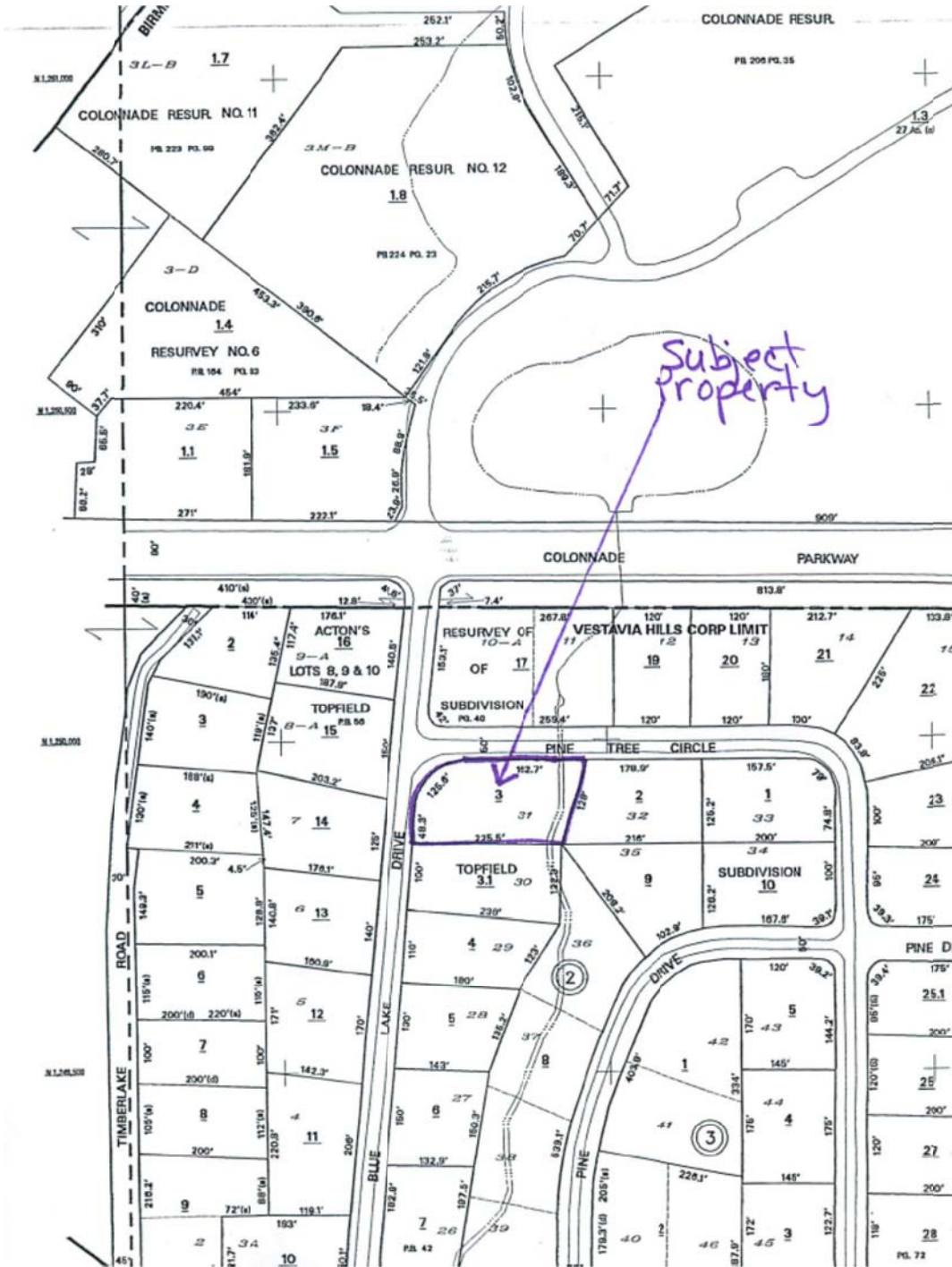
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2540 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 24th day of November 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



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

Date: **OCTOBER 9, 2014**

- **CASE:** P-1014-46
- **REQUESTED ACTION:** Rezone Vestavia Hills R-1 to Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3125 Blue Lake Dr.
- **APPLICANT/OWNER:** Lorraine Hollis. 324 Van Buren St. #2 Hollywood, FL 33019.
- **REPRESENTING AGENT:** Keith Hager
- **GENERAL DISCUSSION:** Applicant seeks to rezone one lot in Cahaba Heights to an O-1 zoning. Office will be one story. Site plan is attached. Proposed development appears to meet all building, parking, and buffer requirements for an O-1 zone.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the plan for limited mixed use.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** Engineering to review access and drainage requirements
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. Burrell made a motion to approve Rezoning of 3125 Blue Lake Dr. from Vestavia Hills R-1 to Vestavia Hills O-1 For The Purpose Of A New Office Building. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Wolfe – yes

Mr. Visintainer – yes

Mr. Burrell – yes

Mr. Sharp – yes

Mr. Brooks – yes

Motion carried.

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: LORRAINE HOLLIS

ADDRESS: 324 Van Buren Street #2
Hollywood, FL 33019

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home (205) 616-9002 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

Keith Hager PE. Spencer Engineering

Engineer for the Owner

2014 SEP -11 P 2 37

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: ~~R-1~~ R-1

To: O-1

For the intended purpose of: Proposed Office Building
New Construction

(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.)

3125 Blue Lake Drive (28-00-27-4-002-3.000)

Lot 31, Topfield Sub. MB 42, Pg. 72

Property size: 225' feet X 128' feet. Acres: 0.64 A2 +/-

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.

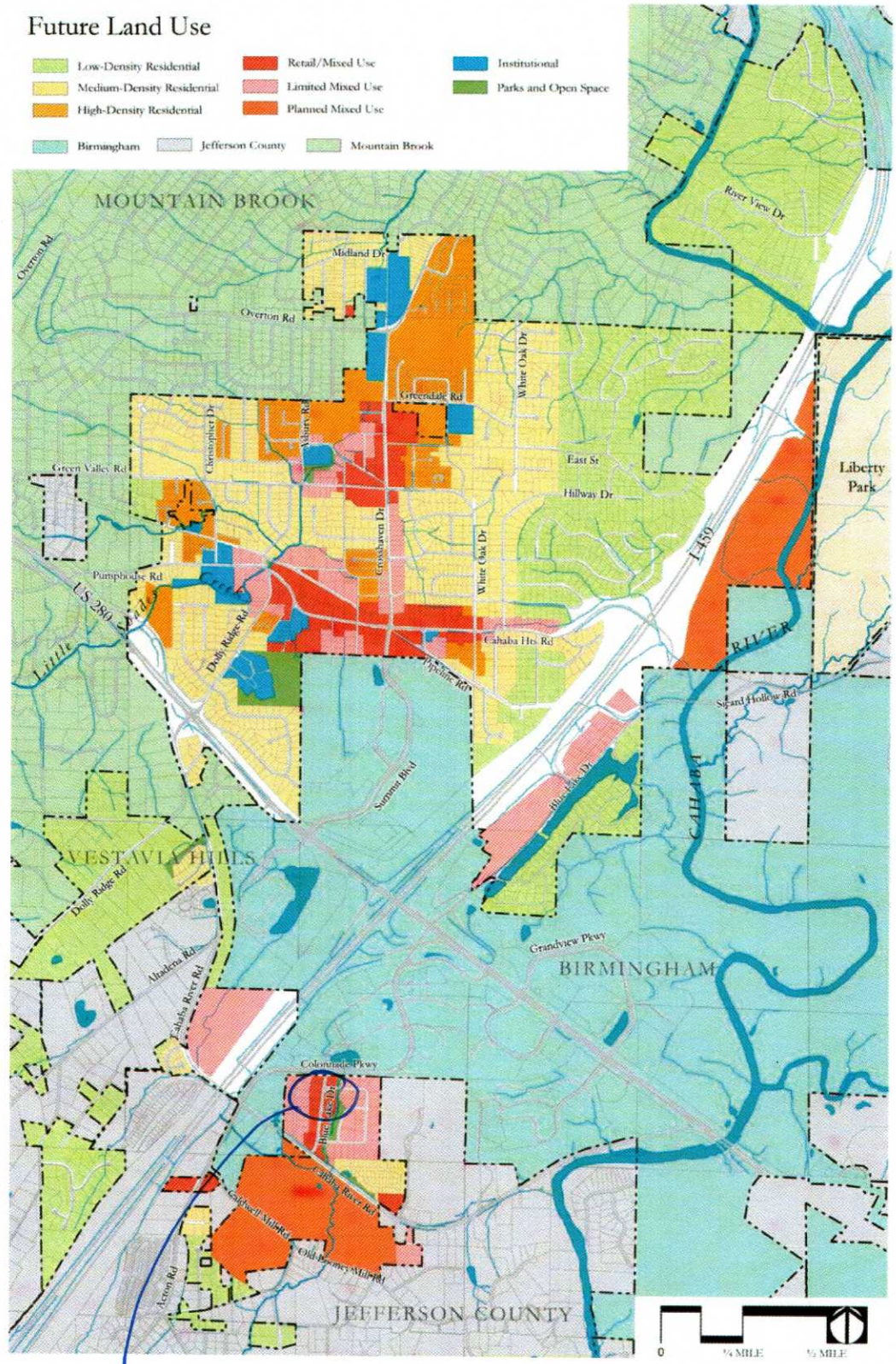
Lorraine Hollis
Owner Signature/Date

[Signature] 9.4.14
Representing Agent (if any)/date

Given under my hand and seal
this 25 day of August, 2014.

Raquia Reid
Notary Public
My commission expires 12/31/16
day of 31, 2016.





Subject Property

RESOLUTION NUMBER 4655

**A RESOLUTION ACCEPTING THE DEDICATION OF THE STREET
KNOWN AS DEVEREUX CIRCLE**

WHEREAS, Acton Road POB Development LLC is the developer for Acton Road Professional Office Park in Vestavia Hills, Alabama. This dedication consists of the street named “Devereux Circle”; such dedication not to include any improvements other than the streets named in this Resolution.

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

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the City hereby accepts the offer of dedication made by Acton Road POB Development LLC for Acton Road Professional Office Park and are hereby named public streets.

ADOPTED and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

Rebecca Leavings

From: Kevin B. Kynerd <kbk@bradfordbuilding.com>
Sent: Thursday, October 09, 2014 11:41 AM
To: Rebecca Leavings
Subject: Devereux Circle Dedication Notice

October 9, 2014

Honorable Alberto C. Zaragoza, Jr.
City Council, City of Vestavia Hills
513 Montgomery Highway
Vestavia Hills, AL 35216

Dear Mayor Zaragoza,

As Owner of Acton Road POB Development LLC and the developer of the Acton Road Professional Office Park, please accept this email as dedication of the public improvements known as Devereux Circle. The improvements have been inspected and recommended for acceptance by the City Engineer.

Please advise if you need any further information.

Sincerely,

Kevin B. Kynerd, Member
Acton Road POB Development, LLC

Kevin B. Kynerd | President | LEED GA
Bradford Building Co., Inc.
2151 Old Rocky Ridge Rd. Suite 100
Birmingham, Alabama 35216
p: 205.970.4975 f: 205.970.4904
m: 205.410.5800
Florida Office:
2050 CR Hwy. 30A
Bldg. M-1 Unit 231
Santa Rosa Beach, FL 32459
p: 850.660.6021 f: 850-660-2022
www.bradfordbuilding.com

****PRIVACY NOTICE**** This e-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510-2521 and is confidential. If you are not the intended recipient, please reply to the sender that you have received the message in error, notify sender and delete the original and all copies.

RESOLUTION NUMBER 4661

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER
TO EXECUTE AND DELIVER A DEED FOR DEDICATION OF
SANITARY SEWER EASEMENTS AT PATCHWORK FARMS**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver a deed to dedicate sanitary sewer easements in the Patchwork Farms PUD; and
2. A copy of said deed is attached to and incorporated into this Resolution Number 4661 as though written fully therein; and
3. This Resolution Number 4661 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 24th day of November, 2014.

Steve Ammons
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

Patchwork Farms Infrastructure,
Vestavia Hills, Alabama

City of Vestavia Hills

This instrument prepared by:
Name: Chris Eckroate, P.E.
Address: Goodwyn, Mills & Cawood Inc.
2701 1st Avenue South Suite 100
Birmingham, AL 35233

STATE OF ALABAMA)

JEFFERSON COUNTY)

KNOW ALL MEN BY THESE PRESENTS: That for and in consideration of the sum of One and no/100s Dollars (\$1.00) cash in hand paid by Jefferson County, the receipt whereof is hereby acknowledged, we, the undersigned, do hereby grant, bargain, sell and convey unto the said Jefferson County, its successors and assigns, a right-of-way and easement for sanitary sewer purposes, including the installation and maintenance of sewer pipelines, underground and on the surface, and underground and surface support facilities, including stations, access points, stubouts and manholes, said right-of-way and easement being located in Jefferson County, Alabama and described as follows, to-wit:

LEGAL DESCRIPTION S-1 A

Commence at the Northeast corner of Section 34, Township 18 South, Range 2 West; thence run in a Westerly direction along the North line of said section a distance of 2661.72 feet to the Northwest corner of the Northwest ¼ of the Northeast ¼ of said section; thence with a deflection to the left of 91°56'03" run in a southerly direction along the East line of said quarter-quarter section a distance of 138.36 feet to a point; thence with a deflection to the right of 90°00'00" run Westerly a distance of 8.46 feet to the Point of Beginning of a 20 foot wide Sanitary Sewer Easement lying 10 feet each side of, parallel to and abutting the following described line; thence with a deflection to the left of 66°10'03" run in a Southwesterly direction a distance of 25.00 feet to a point; thence with a deflection to the left of 45°00'00" run in a Southeasterly direction a distance of 24.85 feet to a point; thence with a deflection to the right of 50°29'06" run in a southwesterly direction a distance of 415.36 feet to the end of said easement. This sanitary sewer easement contains 0.21 acres, more or less.

Said Sanitary Sewer Easement lies in the NW ¼ of Section 34, Township 18 South, Range 2 West, Jefferson County, Alabama.

For the consideration aforesaid, the undersigned do grant bargain sell and convey unto the said County the right and privilege of a perpetual use of said lands for such public purpose, together with all rights and privileges necessary or convenient for the full use and enjoyment thereof, including the right of ingress to and egress from said strip and the right to cut and keep clear all trees, undergrowth and other obstructions on the lands of the undersigned adjacent to said strip when deemed reasonably necessary for the avoidance of danger in and about said public use of said strip, and the right to prohibit the construction or Maintenance of any improvement or obstruction (except fencing) or the placement of spoil or fill dirt and/or heavy equipment over or on top of the easement/right-of-way without the written permission of the Jefferson County Commission or its authorized agent.

In consideration of the benefit to the property of the undersigned by reason of the construction of said sewer facility, the undersigned hereby release Jefferson County, the State of Alabama, and/or the United States of America, and/or any of their agents, from all damages present or prospective to the property of the undersigned arising or resulting from the construction, maintenance and repair of said improvement, and the undersigned do hereby admit and acknowledge that said sewer facility, if and when constructed, will be a benefit to the property of the undersigned.

The undersigned covenant with said Jefferson County that the undersigned are seized in fee-simple of said premises and have a good right to sell and convey the same and that the same are free from all encumbrances, and the undersigned will warrant and defend the title to the aforegranted strip of ground from and against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, all on this _____ day of _____ 20__.

City of Vestavia Hills

BY: _____
Jeff Downes
City Manager

ITS: _____
Alberto C. Zaragoza, Jr.
Mayor

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, THE UNDERSIGNED AUTHORITY, in and for said County, in said State, hereby certify that _____ whose name as _____ of the _____ a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, (he/she), as such officer, and with full authority, has executed the same voluntarily for and as the act of said Corporation.

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

My commission expires _____.

Notary Public

STATE OF ALABAMA)

JEFFERSON COUNTY)

I, THE UNDERSIGNED AUTHORITY, in and for said County, in said State, hereby certify that _____ whose name as _____ of the _____ a corporation, is signed to the foregoing conveyance, and who is known to me, acknowledged before me on this day that, being informed of the contents of the conveyance, (he/she), as such officer, and with full authority, has executed the same voluntarily for and as the act of said Corporation.

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

My commission expires _____.

Notary Public

RESOLUTION NUMBER 4662

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT A
FEMA FLOOD MITIGATION ASSISTANCE GRANT AND EXECUTE
AND DELIVER AN AGREEMENT FOR SAID FMA FUNDS**

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

1. That the City Manager of the City of Vestavia Hills is hereby authorized to accept Federal Funds in the amount of \$24,999.99 under the FEMA Flood Mitigation Assistance Grant Program (FMA) for the 75% Federal Share of the total \$33,333.32 costs for the proposed City of Vestavia Hills Floodplain Management Plan (Project No. FMA-PL-04-AL-2014-003).
2. That the City Manager is further authorized to execute, on behalf of the City of Vestavia Hills, a State-Subgrantee Disaster Assistance Agreement between the State of Alabama and the City of Vestavia Hills setting forth the terms and condition of receipt and use of the FMA funds for the Floodplain Management Plan Project, a copy of which is marked as Exhibit "A" and is attached and incorporated into this Resolution Number 4662 as though written fully therein; and
3. That the City Manager is hereby appointed to act on the City's behalf as its local agent/designated representative; and
4. This Resolution Number 4662 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 8th day of December 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



ROBERT BENTLEY
GOVERNOR

STATE OF ALABAMA
EMERGENCY MANAGEMENT AGENCY
5898 COUNTY ROAD 41 • P.O. DRAWER 2160 • CLANTON, ALABAMA 35046-2160
PHONE (205) 280-2200 FAX (205) 280-2495



ART FAULKNER
DIRECTOR

October 14, 2014

Mr. Jeffrey Downes, City Manager
City of Vestavia Hills
513 Montgomery Highway
Vestavia Hills, AL 35216-1807

Subject: Flood Mitigation Assistance (FMA) – FMA-PL-04-AL-2014-003
City of Vestavia Hills Floodplain Management Plan

Dear Mr. Downes:

The Federal Emergency Management Agency (FEMA) has notified this office that the above-referenced project is approved and the federal funds obligated. The project has been approved for \$33,333.32 with a Federal share of \$24,999.99. Please read the enclosed FEMA obligation package and the *How to Manage Your Subgrant* handbook. All necessary forms will be available on <https://grants.ema.alabama.gov/>, where the forms will also be submitted.

Enclosed are two copies of the State-Sub-grantee Agreement; execute both copies and return one copy to AEMA Mitigation and retain the other copy for your files. **Please fully read this agreement and pay close attention to #1 and #17.** Note that #17 on the State-Sub-grantee Agreement states: "The Sub-grantee will begin project work within 90 days of approval of the grant and complete all items of work within the specified period of performance (April 21, 2014 through Oct. 14, 2016) unless an extension is granted to extend the time frame."

If you need additional information concerning this approval and the administration of this project, please contact Benny Harris, Senior Mitigation Planner, at 205-280-2256.

Sincerely,

A handwritten signature in black ink, appearing to read "Art Faulkner".

Art Faulkner
Director

AF/lre

cc: Larry Patterson, AEMA Division Coordinator
Jim Coker, Jefferson County EMA

Enclosures

U.S. Department of Homeland Security
 FEMA Region IV
 3003 Chamblee Tucker Road
 Atlanta, GA 30341



FEMA

September 29, 2014

Mr. Brett Howard
 Acting Recovery Division Chief
 Alabama Emergency Management Agency
 Post Office Drawer 2160
 Clanton, Alabama 35046-2160

Attention: Kelli Alexander, SHMO

Reference: Flood Mitigation Assistance (FMA)
 Project Approval: FMA-PL-04-AL-2014-003
 City of Vestavia Hills

Dear Mr. Howard:

It is my pleasure to confirm that the following planning sub-grant has been approved through the Flood Mitigation Assistance (FMA) grant program pursuant to the Congressional appropriation for Fiscal Year 2014.

FMA Planning Subgrant Number and Title	Federal Share	Non-Federal Share	Total Project Cost
FMA-PL-04-AL-2014-003 City of Vestavia Hills Floodplain Management Plan	\$24,999.99	\$8,333.33	\$33,333.32

The Scope of Work (SOW) and Budget submitted by the State for this FMA planning subgrant are approved, subject to the following conditions:

- FMA funds are only available to support activities in communities participating in the NFIP. Communities withdrawn, suspended, or not participating in the NFIP are not eligible. (44 CFR § 79.6)
- FMA planning grants may be used to develop or update State, Indian tribal and/or local mitigation plans which meet the planning criteria outlined in 44 CFR §201. FMA planning grants are limited to those activities necessary to develop or update the flood portion of any mitigation plan. (44 CFR §79.6(c)(1))
- Complete draft plan documents must be submitted to the State and our office for review and comment at least 6 months prior to completion of the grant such that any necessary revisions may be made prior to adoption and within the approved Period of Performance.
- The final plan documents must be submitted to the State and our office for review and approval prior to the end of the Period of Performance of the sub-grant, and FEMA approval must be obtained prior to sub-grant closeout.


This letter constitutes programmatic approval for use of FY 2014 FMA. Sandra McNease, Assistance Officer, has issued the financial award and documentation in support of this approval through eGrants on September 26, 2014, and the State has accepted the award. The funds have been obligated to the appropriate PARS account.

The terms and conditions of this award are provided in the Agreement Articles issued through eGrants by Ms. McNease. Please review these Articles thoroughly and abide by all provisions.

FEMA will not establish activity completion timelines for individual subgrants. Grantees are responsible for ensuring that all approved activities are completed by the end of the Grant Period of Performance (POP). The POP for FY2013 FMA is **April 21, 2014, through September 30, 2017**. The Grantee shall submit a Final SF-425 and Performance Report no later than 90 days after the end date of the POP, per 44 CFR §13.50.

Thank you for submitting an application to the FY 2014 FMA grant program. If you have any questions, please contact Anthony James Wright of my staff at (770) 220-3194.

Sincerely,



Jacky Bell, Chief
Hazard Mitigation Assistance Branch
Mitigation Division

FLOOD MITIGATION ASSISTANCE GRANT

The City of Vestavia Hills has been awarded funding from FEMA through the Flood Mitigation Assistance (FMA) grant program. The purpose of the FMA program is to provide funds for projects to reduce or eliminate risk of flood damage to buildings that are insured under the National Flood Insurance Program (NFIP) on an annual basis. The type of grant awarded to the City is specifically for planning and preparation of a flood mitigation plan. This cost share associated with this program is a 75% federal share and 25% non-federal share. The City's 25% non-federal share is planned to be covered through in-kind contributions (staff time, GIS data, etc.).

The consultant fee for assisting with the planning and preparation of the Floodplain Management Plan is equal to the 75% federal share (\$25,000.00). No out of pocket expense from the City is expected for this project.

FLOODPLAIN MANAGEMENT PLAN

The FMA grant will be used to develop a Floodplain Management Plan for the City. The plan will be the result of a 10-step planning process developed by FEMA. These are listed below:

- Step 1. Organize
- Step 2. Involve the public
- Step 3. Coordinate
- Step 4. Assess the hazard
- Step 5. Assess the problem
- Step 6. Set goals
- Step 7. Review possible activities
- Step 8. Draft an action plan
- Step 9. Adopt the plan
- Step 10. Implement, evaluate, revise.

The purpose of the Floodplain Management Plan is to develop an overall strategy of programs, projects, and measures that will reduce the adverse impact of the flood hazard on the City. This plan will be specific to the City of Vestavia Hills and the flood hazards within the City. This plan will help the City's Floodplain Manager and all of the supporting City departments better manage flood-related issues by developing a single document that outlines the framework for mitigating existing flood hazards and preventing future flood hazards. The plan will be developed with input and review throughout the process by a team comprised of City staff.

In addition to the benefits mentioned above, the development and implementation of a Floodplain Management Plan (CRS Activity 510) is eligible for Community Rating System (CRS) credit. The City is considering participation in FEMA's Community Rating System (CRS) program. This is a voluntary Program for National Flood Insurance Program (NFIP) participating communities. The goal of the CRS program is to reduce flood damages to insurable property, strengthen and support the insurance aspects of the NFIP, and encourage a comprehensive approach to floodplain management. Participation in the CRS provides premium discounts for communities that go beyond the minimum floodplain management requirements.

The CRS Class is dependent upon the number of activities that a community implements. Each activity implemented earns credits. The total number of credits a community receives determines the CRS Class. The higher the class, the greater the flood insurance premium discount.

FLOOD MITIGATION ASSISTANCE GRANT PROGRAM
CFDA #97.029
FMA-PL-04-AL-2014-001 City of Vestavia Hills
State-Subgrantee Disaster Assistance Agreement

This agreement between the State of Alabama (the "State") and City of Vestavia Hills (the "Subgrantee") shall be effective on the date signed by the State and the Subgrantee. It shall apply to all assistance funds provided by or through the State to the Subgrantee as a result of a presidentially declared disaster occurring within the State of Alabama.

The designated representative of the Subgrantee certifies that:

1. The Subgrantee has appointed by resolution a subgrantee's local agent/designated representative to act on the jurisdiction's behalf [attach a copy of the resolution to the application].
2. He/She has legal authority to apply for federal assistance on behalf of the Subgrantee.
3. The Subgrantee will provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal and state disaster assistance.
4. The Subgrantee will use the disaster assistance funds solely for the purposes for which these funds are provided and as approved by the Governor's Authorized Representative/State EMA Director or his or her designee. Allowable costs shall be determined in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 44 CFR §206 and 44 CFR Part 13.
5. The payments for approved projects will be on a cost reimbursement basis and subject to receipt and approval of invoices.
6. The Subgrantee is aware that there is no state funding available for mitigation cost sharing and that the Subgrantee will be required to provide the full non-federal share for such mitigation activities.
7. The Subgrantee agrees to provide the necessary local share of funding for completion of the project.
8. The Subgrantee will establish and maintain a proper accounting system to record expenditure of disaster assistance funds in accordance with generally accepted accounting standards or as directed by the Governor's Authorized Representative/State EMA Director or his or her designee.
9. The Subgrantee will comply with one of the following (as appropriate for the type of subgrantee) for all audit requirements: 44 CFR (Part 14.2) or OMB CIR A-133.
10. The local cost share funding will be available within the specified time.
11. The Subgrantee will give all state and federal agencies designated by the Governor's Authorized Representative/State EMA Director or his or her designee access to and the right to examine all books, records, papers and other documents related to use of disaster assistance funds.

12. The Subgrantee will maintain all documentation relating to project for eight (8) years from date of the declaration of the disaster.
13. The Subgrantee will return to the state, within 15 days of such request by the Governor's Authorized Representative/State EMA Director or his or her designee, any funds which are not supported by audit or other federal or state review of documentation maintained by the Subgrantee for eight (8) years from the date of the declaration of the disaster.
14. The Subgrantee will comply with all applicable codes and standards relative to this project and agrees to provide maintenance, as appropriate.
15. The Subgrantee will comply with all applicable provisions of federal and state laws, Executive Orders and regulations governing this program.
16. The Subgrantee will comply with the Lead-Based Paint Poisoning Prevention Act which prohibits the use of lead based paint in the construction or rehabilitation of residence structures.
17. The Subgrantee will begin project work within 90 days of approval of the grant and complete all items of work within the specified period of performance (April 21, 2014 through Oct. 14, 2016) unless an extension is granted to extend the time frame.
18. The Subgrantee will comply with all federal and state statutes and regulations relating to non-discrimination including, but not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683 and 1685-1686) which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794) which prohibit discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107) which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 93-255) as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616) as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for federal assistance is being made, and (j) the requirements on any other nondiscrimination statute(s) which may apply to the application.
19. The Subgrantee will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 which provides for fair and equitable treatment of persons displaced or whose property is acquired as a result of federal or federally assisted programs.
20. The Subgrantee will comply with provisions of the Hatch Act limiting the political activities of public employees.
21. The Subgrantee will comply, as applicable, with provisions of the Davis-Bacon Act relating to labor standards.

22. The Subgrantee will comply with the National Flood Insurance Program requirements, including, but not limited to, Section 102(a) of the Flood Disaster Protection Act of 1973..
23. The Subgrantee will not enter into cost-plus-percentage-of-cost contracts for completion of Hazard Mitigation Grant projects.
24. The Subgrantee will comply with all environmental standards including but not limited to: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.O. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved state management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.O. 93-205).
25. The Subgrantee will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
26. The Subgrantee will comply with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and preservation of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
27. The Subgrantee will not enter into any contract, with respect to this grant, with a condition for payment to the contractor being the receipt of state or federal funds by the Subgrantee.
28. The Subgrantee will not enter into any contract with any party, which is debarred or suspended, from participating in federal assistance programs.
29. The project's scope-of-work will not be changed without prior written approval from FEMA.
30. The Subgrantee will not dispose of, modify the use of, or change the terms of the real property title, or interest in the site or facilities without permission and instructions from FEMA. The Subgrantee will record the federal interest in the title of real property in accordance FEMA directives and will include a covenant in the title of real property acquired in whole or in part with federal assistance funds to assure nondiscrimination during the useful life of the project.
31. The Subgrantee will comply with the requirements of FEMA with regard to the drafting, reviewing, and approval of construction plans and specifications.
32. The Subgrantee will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the completed project conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by FEMA or the State.
33. The Subgrantee will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest or personal gain.

34. The Subgrantee will promptly reimburse the State in the event of a reduction in the approved amount described in the project application the amount of the reduction. If the Subgrantee fails to promptly reimburse the State, the State may withhold from this grant or any other federal grant administered by the State which is awarded to the Subgrantee any amounts owed to the State.
35. The Subgrantee certifies to the best of its knowledge and belief that it and its principals:
- A. Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from cover transactions by any Federal department or agency;
 - B. Have not within a 3-year period preceding this proposal been convicted or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; or violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statement, or receiving stolen property;
 - C. Are not presently indicted for or otherwise criminally or civilly charged by a government entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph B of this certification; and
 - D. Have not within a 3-year period preceding this application or proposal had one or more public transactions (Federal, State, and local) terminated for cause or default.

I understand that a false statement on this certification may be grounds for rejection of this proposal or termination of the award. In addition, under 18 U.S.C. §1001, a false statement may result in a fine of up to \$10,000 or imprisonment for up to 5 years, or both.

36. The Subgrantee certifies that it will provide a drug-free workplace by:
- A. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the Subgrantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - B. Establishing a drug-free awareness program to inform employees about:
 - (i) The dangers of drug abuse in the workplace;
 - (ii) The Subgrantee's policy of maintaining a drug-free workplace;
 - (iii) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (iv) The penalties that may be imposed on employees for drug abuse violations occurring in the workplace;
 - C. Making it a requirement that each employee to be engaged in the performance of the project be given a copy of the statement required by paragraph (A);
 - D. Notifying each employee in the statement required by paragraph (A) that, as a condition of employment under the award, the employee must:
 - (i) Abide by the terms of the statement; and
 - (ii) Notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than 5 days after such conviction;
 - E. Notifying the Award Official within 10 days after receiving notice under subparagraph (D)(ii) from an employee or otherwise receiving actual notice of such conviction;
 - F. Taking one of the following actions, within 30 days of receiving notice under subparagraph (D)(ii), with respect to any employee who is so convicted:
 - G. Making a good-faith effort to continue to maintain a drug-free workplace through implementation of paragraphs A - F.

The Subgrantee shall insert in the space provided below the site(s) of the performance of work done in conjunction with the specific award.

Place of performance (street, city, county, state, zip code)

37. The Subgrantee certifies, to the best of its knowledge and belief, that:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of the Subgrantee, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee or a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, or modification of any Federal contract, grant, loan, or cooperative agreement.
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Grant Recipient shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
3. The Subgrantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreement(s) and that all subrecipients shall certify and disclose accordingly.
4. This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of the certification is a prerequisite for making or entering into this transaction imposed by section 1352, Title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for such failure.

37. The Subgrantee will provide copies of audit reports that include funds provided under this agreement to:

State of Alabama
Department of Examiners of
Public Accounts
P. O. Box 302251
Montgomery, AL 36130-2251
Attn: Audit Report Repository

and

State of Alabama
Emergency Management
Agency
P.O. Drawer 2160
Clanton, AL 35046
Attn: Hazard Mitigation

38. Contracts must be of reasonable cost, generally must be competitively bid, and comply with Federal, State, and local procurement standards. FEMA will reimburse only fair and reasonable costs of any contract entered into by the Subgrantee. The Subgrantee must consider costs, conflicts of interest, and all Federal, State, and local laws and regulations when hiring a contractor. Compliance with local procurement practices and the procurement competition requirements specified in 44 CFR Part 13.36 are essential to successfully receiving Mitigation grant funding. The Federal procurement regulations ensure that subgrantees procure contracts in a manner that provides full and open competition, and provide financial and record-keeping requirements. In addition, the Subgrantee should maintain a written code of standards for conduct governing the performance of employees, officers, or agents who select and award contracts. It is important that applicants secure contracts with reputable and qualified licensed contractors. The Subgrantee's should conduct reference checks on a contractor's history of performance with the State's contractor licensing board and with the contractor's previous clients before awarding contracts.

Pursuant to 44 CFR Part 13.36(c)(1), the Subgrantee may not restrict the bidding in order to disqualify a population of bidders. Some of the situations considered to be restrictive of competition include, but are not limited to:

- Placing unreasonable requirements on firms in order for them to qualify to do business
- Requiring unnecessary experience and excessive bonding
- Noncompetitive pricing practices between firms or between affiliated companies
- Noncompetitive awards to consultants that are on retainer contracts
- Organizational conflicts of interest
- Specifying only a "brand name" product instead of allowing "an equal" product to be offered and describing the performance of other relevant requirements of the procurement
- Any arbitrary action in the procurement process

If the Subgrantee has a pre-qualified lists of persons, firms, or products, it must keep such lists current in order to ensure open and free competition during the bidding process, in accordance with 44 CFR Part 13.36(c)(4), which states: "*Grantees and sub-grantees will ensure that all pre-qualified lists of persons, firms, or products which are used in acquiring goods and services are current and include enough qualified sources to ensure maximum open and free competition. Also, grantees and sub-grantees will not preclude potential bidders from qualifying during the solicitation period.*"

Methods of Procurement

The Subgrantee may request that FEMA review its procurement process to determine whether the process meets the standards set forth in 44 CFR Part 13.36. FEMA finds the following four methods of procurement acceptable:

Small purchase procedures procurement, an informal method for securing services or supplies that do not cost more than \$100,000 by obtaining several price quotes from different sources.

Sealed bids procurement, a formal method where bids are publicly advertised and solicited, and the contract is awarded to the responsible bidder whose proposal is the lowest in price. This method is the preferred method for procuring construction contracts.

Competitive proposals procurement, a method similar to sealed bid procurement in which contracts are awarded on the basis of contractor qualifications instead of on price. This method is often used for procuring architectural or engineering professional services. In addition, this method normally involves more than one source submitting an offer and is used when conditions are not appropriate for sealed bids.

Noncompetitive proposals procurement, a method whereby a proposal is received from only one source. Noncompetitive proposals should only be used when the award of a contract is not feasible under small purchase procedures, sealed bids, or competitive proposals, and one of the following circumstances applies:

- The item is available only from a single source
- There is an emergency requirement that does not permit a delay
- Solicitation from a number of sources has been attempted, and competition is determined to be inadequate

A contract may be regarded as noncompetitive if the Subgrantee has only one responsive bidder. In this case, the Subgrantee is required to comply with 44 CFR Part 13.36(f), which states in part: *"...A cost analysis will be necessary when adequate price competition is lacking, and for sole source procurements, including contract modifications or change orders, unless price reasonableness can be established on the basis of a catalog or market price of a commercial product sold in substantial quantities to the general public or based on prices set by law or regulation. A price analysis will be used in all other instances to determine the reasonableness of the proposed contract price."*

The Subgrantee is required by 44 CFR Part 13.36(f)(2) to negotiate profit as a separate element of the price for each contract in which there is no price competition and in all cases where cost analysis is performed. Consideration shall be given to the complexity of the work performed, risk borne to the contractor, contractor's investment, amount of subcontracting, quality of the contractor's record of past performance, and industry profit rates in the surrounding geographical area for similar work.

FEMA provides reimbursement for four types of contracts:

Lump sum contracts, for work within a prescribed boundary with a clearly defined scope and a total price

Unit price contracts, for work done on an item-by-item basis with cost determined per unit

Cost-plus-fixed-fee contracts, either lump sum or unit price contracts with a fixed contractor fee added into the price

Time-and-materials contracts, where the contractor bills the applicant for labor, equipment, materials, and overhead. These contracts should be avoided, but may be allowed. Time-and-materials contracts are allowed in circumstances when they are more cost-effective and appropriate for the amount and type of eligible work to be performed. The costs must be reasonable for the type of work required. The Subgrantee must engage in comprehensive active monitoring activities to ensure contractor efficiency. If a time-and-materials contract is awarded, the applicants must:

- Monitor and document contractor expenses;
- Have a cost ceiling or "not to exceed" provision in the contract; and
- Contact the State to ensure proper guidelines are followed.

The Subgrantee should work closely with the State and FEMA when awarding the time-and-materials contracts to ensure eligibility requirements are met.

Contract Scope of Work Recommendations

The contract scope of work should reference "eligible work," "work eligible under FEMA Mitigation regulations, policies, and guidance," "work performed on public property and/or public rights-of-way," or other similar elements.

Piggyback Contracts

FEMA does not favor "piggyback contracts." The variables associated with the scope of work and costs generally make this an option to be avoided. The competitive procurement requirements

of 44 CFR Part 13 are also a prime concern. If FEMA encounters a request for reimbursement of costs derived from such a contract, the reimbursable costs for eligible work will be based on reasonableness.

Prohibited Contracts

In accordance with 44 CFR Part 13.36(f)(4), cost plus percentage of cost contracts shall not be used. Use of such contracts may result in FEMA limiting the Mitigation grant to an amount determined to be reasonable based on the eligible work performed. Contracts that are awarded by an applicant to debarred contractors are prohibited pursuant to 44 CFR Part 13.35; thus, no Federal funding can be awarded for eligible work completed.

Additional Contract Requirements

Contract payment provisions should address the obligations between parties to the contract only and not include any language that makes payment to the contractor contingent upon the applicant's receipt of funding from FEMA.

All contracts in excess of \$10,000 must contain a provision for termination for cause and for convenience by the Subgrantee, including the manner by which it will be effected and the basis for settlement, according to 44 CFR Part 13.36(i)(2).

For contracts over \$100,000 the applicant must have the following minimum bonding requirements, in accordance with 44 CFR Part 13.36(h):

- A bid guarantee from each bidder equivalent to five percent of the bid price;
- A performance bond on the part of the contractor for 100 percent of the contract price; and
- A payment bond on the part of the contractor for 100 percent of the contract price.

In accordance with 44 CFR Part 13.36(b)(8): *"Grantees and sub-grantees will make awards only to responsible contractors possessing the ability to perform successfully under the terms and conditions of a proposed procurement. Consideration will be given to such matters as contractor integrity, compliance with public policy, record of past performance, and financial and technical resources."*

Documentation requirements are specified in 44 CFR Part 13.36(b)(9) and include, but are not limited to, rationale for the procurement method, contract type, contractor selection or rejection, and the basis for contract price.

Signed for the Subgrantee:

Jeffrey Downes
Name (Typed)

Title

Signature

Date

Signed for the State:

Art Faulkner



10/14/2014

Director (Typed)

Signature

Date

RESOLUTION NUMBER 4663

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH SCHOEL CONSULTING ENGINEERS FOR CONSULTING SERVICES FOR THE FMA FLOODPLAIN MANAGEMENT PLAN

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

1. The City Manager is hereby authorized to execute and deliver an agreement with Schoel Consulting Engineers for consulting services for a FMA Floodplain Management Plan in an amount not to exceed \$25,000; and
2. A copy of said agreement is marked as Exhibit "A" attached and incorporated into this Resolution Number 4663 as though written fully therein; and
3. This Resolution Number 4663 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 8th day of December, 2014.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



November 10, 2014

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

Attention: Mr. Christopher Brady, City Engineer

Reference: FMA Floodplain Management Plan
Agreement for Consulting Services
City of Vestavia Hills, Alabama

Christopher:

Enclosed is a proposal to provide consulting services for the development of a floodplain management plan for the City of Vestavia Hills, Alabama. This plan will follow the requirements associated with the FEMA Flood Mitigation Assistance (FMA) funding and the Community Rating System (CRS) Activity 510 guidelines. Lehe Planning, LLC will be working with Schoel on this project.

We appreciate the opportunity of working with you. Please call if you have any questions.

Yours very truly,

WALTER SCHOEL ENGINEERING CO., INC.

A handwritten signature in blue ink, appearing to read "William R. Thomas".

William R. Thomas, PE, CFM

Enclosure

Cc: James E. Lehe – Lehe Planning, LLC

Established in 1888

WALTER SCHOEL ENGINEERING COMPANY, INC.
1001 22nd Street South • Birmingham, Alabama 35205
P 205-323-6166 • F 205-328-2252 • schoel.com

AGREEMENT FOR CONSULTING SERVICES
BETWEEN
THE CITY OF VESTAVIA HILLS, ALABAMA
AND
WALTER SCHOEL ENGINEERING COMPANY, INC.
FOR
DEVELOPMENT OF A FLOODPLAIN MANAGEMENT PLAN
CITY OF VESTAVIA HILLS, ALABAMA

November 10, 2014

This **AGREEMENT**, entered into by and between **The City of Vestavia Hills, Alabama**, hereinafter referred to as the **Client**, and **Walter Schoel Engineering Company, Inc.**, hereinafter referred to as the **Consultant**, is for Consulting Services for development of a floodplain management plan for the City of Vestavia Hills, Alabama. This plan will follow the requirements associated with the FEMA Flood Mitigation Assistance (FMA) funding and the Community Rating System (CRS) Activity 510 guidelines.

SCOPE OF WORK

Schoel Engineering and its subconsultant, Lehe Planning, LLC, will develop a floodplain management plan for the City. The City of Vestavia Hills has been awarded funding from FEMA through the Flood Mitigation Assistance (FMA) grant program. The purpose of the FMA program is to provide funds for projects to reduce or eliminate risk of flood damage to buildings that are insured under the National Flood Insurance Program (NFIP) on an annual basis. The type of grant awarded to the City is specifically for preparation of a flood mitigation plan. The detailed scope of work is as follows:

DEVELOPMENT OF A FLOODPLAIN MANAGEMENT PLAN

The purposes of the floodplain management plan are: (a) to perform an overall risk assessment of flooding, (b) develop a strategy of goals, objectives, and measures to mitigate the flood risks to the City, and (b) prepare a program for plan implementation. This plan will be specific to the City of Vestavia Hills and the flood hazards within the City. This plan will help the City's Floodplain Manager and all of the supporting City departments better manage flood-related issues by developing a single document that outlines the framework for mitigating existing flood hazards and preventing future flood hazards. The plan will be developed with input and review throughout the process by a team comprised of City staff. In addition to the benefits mentioned above, the development and implementation of a floodplain management plan (CRS Activity 510) is eligible for Community Rating System (CRS) credit.

The plan will be the result of a 10-step planning process developed by FEMA and detailed in the 2013 CRS Coordinator's Manual. These are listed below:

- Step 1. Organize
- Step 2. Involve the public
- Step 3. Coordinate
- Step 4. Assess the hazard
- Step 5. Assess the problem
- Step 6. Set goals
- Step 7. Review possible activities
- Step 8. Draft an action plan
- Step 9. Adopt the plan
- Step 10. Implement, evaluate, revise.

The Consultant's tasks include managing the planning phase of the project and the development of the final floodplain management plan. Also included in this scope is facilitating public meetings, developing and hosting a project website, assisting with the grant management, assisting with the identification and documentation of in-kind services to meet the required Federal match, and aiding with FEMA approval and City adoption.

The final plan will be a supporting resource for the City's participation in the CRS Program of the NFIP. The Consultant will help guide the City with the CRS Program application procedures. Should the City require additional assistance with CRS program management and implementation, this will be considered additional work and a separate agreement will be provided.

All work shall be deemed completed upon the City's adoption of the plan, following FEMA approval.

Lump Sum Fee: \$ 25,000 (inclusive of subconsultant)

PAYMENT TERMS

The Consultant will bill the Client monthly based on the following payment schedule: 20% of the Lump Sum Fee for the first month, 10% of the Lump Sum Fee following FEMA approval, and the remaining balance paid in seven (7) equal monthly payments. Payments are due upon receipt. The Client's obligation to pay for services is in no way dependent upon the Client's ability to obtain financing, obtain approval from any governmental or regulatory agencies, real estate closing, receipt of payment from other parties, or upon successful completion of the project. If payment is not received within thirty (30) days from date of invoice, the amounts may include a late charge or 1½ % per month, calculated from said thirtieth (30th) day. Should Consultant incur attorney's fees for collection of payment, the amount owed to Consultant shall include any and all said fees. Failure to make payment within sixty (60) days shall constitute a waiver of the right to dispute the accuracy and appropriateness of the invoice. In addition, Consultant reserves the right to suspend services under this Agreement until such time as payment is made in full for all amounts due for services rendered and expenses incurred has been received.

GENERAL TERMS AND CONDITIONS

- 1) Services performed under this Agreement will be conducted in a manner consistent with that level of care and skill exercised by members of the profession currently practicing under similar conditions. Plans, specifications, and submittals will be prepared in accordance with the written standards of the governing authorities having jurisdiction. Any extraordinary requirements for approvals will be considered additional services. No other warranty, expressed or implied, is made. Nothing in this agreement is intended to create, nor shall it be construed to create, a fiduciary duty owed by either party to the other party.
- 2) The figures given above and in the body of this Agreement are based on the Scope of Work as described herein. If the above outlined Scope of Services is changed, or if there are other services that may be requested by the Client, these additional services will also be performed at the above unit rates, or a revised fee will be negotiated to the satisfaction of both the Client and Consultant at that time. The Consultant reserves the right to adjust these unit rates for inflation costs on a one-year interval from the date of this proposal.
- 3) All claims, disputes, and other matters in controversy between Consultant and Client arising out of or in any way related to this agreement (other than as a result of Client's failure to pay amounts due hereunder) will be submitted to mediation before, and as a condition precedent to, other remedies provided by law. Mediation shall be held in the county where the project is located, and if the parties cannot agree on a mediator then one shall be appointed by the American Arbitration Association (AAA). Parties agree to split cost of mediation 50-50.
- 4) Services not expressly set forth in writing as basic or additional services and listed in the proposal to this Agreement are excluded from the scope of the Consultant's services, and the Consultant assumes no duty to the Client to perform such services.

- 5) Client, at its expense, will provide the Consultant with all required site information, existing plans, reports, studies, project schedules and similar information that is contained in Client's files. The Consultant may rely on the information provided by the Client without verification. The Client shall participate with the Consultant by providing all information and criteria in a timely manner, review documents and make decisions on project alternatives to the extent necessary to allow the Consultant to perform the scope of work within established schedules.
- 6) Consultant shall secure and maintain insurance as required by law or statutory requirements which will protect him from claims under the workers compensation acts and from claims for bodily injury, death, or property damage that may arise from the performance of his services under and pursuant to this Agreement. Certificates of such coverage will be provided to Client upon request.
- 7) All reports, plans, documents, or other materials resulting from the Consultant's efforts shall remain the property of the Consultant and are intended solely for the purpose of this Agreement. Any reuse by Client for purposes outside of this Agreement or any failure to follow Consultant's recommendations without Consultant's written permission shall be at the user's sole risk.
- 8) This Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure to perform in accordance with the terms of the agreement by the other party through no fault of the terminating party. If this Agreement is terminated, it is agreed that Consultant shall be paid for total charges for labor performed to the termination notice date, plus reimbursable charges.
- 9) Neither party to this Agreement will be liable to the other party for delays in performing the services, nor for the direct or indirect cost resulting from such delays, that may result from labor strikes, riots, war, acts of governmental authorities, extraordinary weather conditions or other natural catastrophes, or any other cause beyond the reasonable control of either party.
- 10) The invalidity of any portion of this Agreement will not and shall not be deemed to affect the validity of any other provision. In the event that any provision of this Agreement is held to be invalid, the parties agree that the remaining provisions shall be deemed to be in full force and effect.
- 11) The Consultant shall not be responsible for construction site safety or construction procedures, nor will the Consultant be responsible for the quality of the work performed by the contractor or other consultants.
- 12) Consultant may, at Client's request and for Client's convenience, provide documents in electronic format. Data, words, graphical representations, and drawings that are stored on electronic media or which are transmitted electronically, may be subject to uncontrollable alteration. The printed, signed and sealed hard copy is the actual professional instrument of service. In the event of a discrepancy between the electronic document and the hardcopy document, the hardcopy document will prevail.

PROPOSAL ACCEPTANCE

SUBMITTED:

Consultant: Walter Schoel Engineering Company, Inc.


Signature: _____

Name: William R. Thomas

Title: Senior Environmental Project Manager

Date: November 10, 2014

ACCEPTED:

Client: City of Vestavia Hills

Signature: _____

Name: _____

Title: _____

Date: _____

Please print or type the following information for the individual, firm or corporation responsible for payment.

Company: _____

Client or Client's authorized representative: _____

Street Address: _____

City, State, Zip: _____

Phone Number: _____ **Fax Number:** _____

Email Address: _____

Client's Project Number: _____ **Client's Purchase Order Number:** _____