

**Vestavia Hills  
City Council Agenda  
May 11 , 2015  
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Dr. Steve Taylor, Player Assistance Program of the National Basketball Association (NBA)
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Approval of Minutes – April 27, 2014 (Regular Meeting)

**Old Business**

9. Resolution Number 4710 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement For Financial Advisory Services For The City Of Vestavia Hills, Alabama (*public hearing*)
10. Resolution Number 4711 – Annexation – 90-Day – 2501 Dolly Ridge Road; Lots 31 and the West 50’ of Lot 29, Rocky Ridge Estates; David Acton Building Corporation; Jordan Huffstetler, Representing (*public hearing*)
11. Resolution Number 4712 – Annexation – 90-Day – 4711 Caldwell Mill Road; Virginia Acton, Owner; Jordan Huffstetler, David Acton Building Corporation; Representing (*public hearing*)
12. Ordinance Number 2567 – An Ordinance Of The City Of Vestavia Hills To Establish A Procedure For The Abatement Of Grass And Weeds And For The Prosecution Of Grass And Weeds Violations (*public hearing*)

**New Business**

**New Business (Requesting Unanimous Consent)**

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

13. Resolution Number 4713 – Annexation – 90-Day – 74 +/- Acres Adjacent To The Cahaba River; Freshwater Land Trust, Owners
14. Resolution Number 4714 – A Resolution Authorizing The Mayor To Execute And Deliver An Employment Contract For The City Manager
15. Ordinance Number 2495-A – An Ordinance Granting A 1-Year Extension For Conditional Use Approval For Construction Of A 120' Stealth Monopole (Monopine) On The Property Located At 2062 Columbiana Road
16. Ordinance Number 2568 - An Ordinance Granting Conditional Use For A Home Occupation At 7024 Lake Run Drive; David And Sandra Redden, Owners
17. Ordinance Number 2569 – An Ordinance Granting A Conditional Use For A Home Occupation At 917 Vestlake Hollow Circle; Regan Goldberg, Owner
18. Citizens Comments
19. Motion For Adjournment

## CITY OF VESTAVIA HILLS

### CITY COUNCIL

### MINUTES

**APRIL 27, 2015**

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

**MEMBERS PRESENT:**

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

**MEMBERS ABSENT:**

Jim Sharp

**OTHER OFFICIALS PRESENT:**

Patrick H. Boone, City Attorney  
Jeff Downes, City Manager  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
George Sawaya, Deputy Treasurer  
Danny Rary, Police Chief  
Tim Holcomb, Asst. Police Chief  
Jim St. John, Fire Chief  
Greg Gilchrist, Fire Marshal  
Christopher Brady, City Engineer

Invocation was given by Kelly Garner, Vestavia Hills Resident, followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES**

- Mr. Pierce welcomed Michael Giardina and Andrew Burke, representing the Chamber of Commerce.
- Mr. Henley welcomed School Superintendent Sheila Phillips and Board members Kym Prewitt and Nancy Corona.
- Mr. Ammons welcomed Park Foundation member Jordy Henson.

## **PRESENTATION**

Joan Wright, Executive Director of Child Care Resources thanked the Mayor and Council for continued support and indicated that they have served more than 30 families located in Vestavia Hills.

## **CITY MANAGER REPORT**

- Mr. Downes announced that there is an online survey designated to determine the future recreational needs of the City. He stated that the survey will be up and running in a day or so until mid-May and attempts will be made to obtain feedback from everyone interested.
- Mr. Downes gave an update on ALDOT-funded projects including the multi-jurisdictional paving of Rocky Ridge Road which is scheduled to bid in late May or early June and the ATRIP project on Tyler, Columbiana and Overton Roads which has no firm bid date, but is progressing.

## **PROCLAMATION**

The Mayor presented a Proclamation designating May 3-9, 2015 as “Municipal Clerks Week.” The Mayor read the Proclamation and presented it to City Clerk Rebecca Leavings in recognition of her service to the City.

## **COUNCILOR REPORTS**

- Mr. Ammons thanked the Sunrise Rotary for hosting the annual shrimp boil honoring the City’s first responders. He stated that the event was a huge success.
- The Mayor stated that the 2<sup>nd</sup> Annual Arts in the Hills hosted about 45 artists this past weekend was a very inspiring event.

## **FINANCIAL REPORTS**

Melvin Turner III, Finance Director, presented the financial reports for the month ending March, 2015. He read and explained the balances.

## **APPROVAL OF MINUTES**

The minutes of Approval of Minutes of April 13, 2014 (Regular Meeting) were presented for approval.





**ORDINANCE NUMBER 2562**

**Ordinance Number 2562 – Annexation – Overnight – 2437 Rocky Ridge Road; Lot 1, Buckhead, 1<sup>st</sup> Sector; Michael and Caroline Allen, owners (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2562 was by Mr. Pierce and second was by Mr. Ammons.

The Mayor stated that this is the overnight annexation of the same property.

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

Roll call vote as follows:

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

**RESOLUTION NUMBER 4700**

**Resolution Number 4700 – Annexation – 90-Day – 3609 Settlers Lane, Part of Estate #6, JP Westbrook Estates; Joseph D. West, Owner (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4700 was by Mr. Pierce and second was by Mr. Henley.

Mr. Pierce gave the report from the Annexation Committee which noted no adverse information.

Mr. and Ms. Joseph West were present in regard to this request.

Mr. Ammons asked about the condition of the street. Mr. Brady explained.

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

Roll call vote as follows:

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

**ORDINANCE NUMBER 2563**

**Ordinance Number 2563 – Annexation – Overnight – 3609 Settlers Lane, Part of Estate #6, JP Westbrook Estates; Joseph D. West, Owner (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2563 was by Mr. Pierce and second was by Mr. Henley.

The Mayor stated that this is the overnight annexation of the same property.

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

Roll call vote as follows:

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

**RESOLUTION NUMBER 4701**

**Resolution Number 4701 – Annexation – 90-Day – 2330 Jacobs Road; Anna Steele Properties, LLC, Owner (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4701 was by Mr. Pierce and second was by Mr. Ammons.

Mr. Pierce gave the report from the Annexation Committee which noted no adverse information. He stated that this begins an annexation which will be considered in 90 days along with a request to rezone this and some adjacent property for development of a 30-lot subdivision to be accessed from Jacobs Road.

Ms. Leavings stated that the annexation is contingent upon successful rezoning; therefore, at the end of the 90-day period, if the rezoning fails, the annexation will not be considered.

Jordy Henson was present in regard to this request.

Mr. Ammons asked about the condition of the street. Mr. Brady explained.

The Mayor opened the floor for a public hearing.

David Wheeler, 2532 Crossgate Place, stated that he was curious about the annexation/rezoning process.

Ms. Leavings explained.

Mr. Henson stated that he expects Harrison Doyle to be the homebuilder of the project, should it be approved.

There being no one else to address the Council concerning this request, the Mayor closed the floor and asked for the question.

Roll call vote as follows:

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

### **ORDINANCE NUMBER 2564**

**Ordinance Number 2564 - Conditional Use Approval For A Home Occupation For Interior Design At The Residence Located At 798 Provence Drive, Lot 1011, Provence – Phase II; Michele Hoytink, Owner (public hearing)**

**MOTION** Motion to approve Ordinance Number 2564 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes explained that this request is for a home occupation in Liberty Park. He stated that the Planning and Zoning Commission recommended approval with several stipulations that are listed in the Ordinance.

Michele Hoytink was present in regard to the request.

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

Roll call vote as follows:

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

### **ORDINANCE NUMBER 2480-A**

**Ordinance Number 2480-A – An Ordinance Amending Ordinance Number 2480 To Grant A 1-Year Extension Of A Home Occupation (public hearing)**

**MOTION** Motion to approve Ordinance Number 2480-A was by Mr. Pierce and second was by Mr. Ammons.

Mr. Downes explained that this request is for an extension of approval to use a model home as a sales office with several stipulations. He indicated that the request was for two years, but the Planning and Zoning Commission recommended only one-year extension.

Shawn Arterburn, Liberty Park Joint Venture, was present in regard to the request. He stated that they are comfortable that everything can be accomplished in the one-year extension and the second is not needed.

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

Roll call vote as follows:

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

## **NEW BUSINESS**

### **RESOLUTION NUMBER 4705**

#### **Resolution Number 4705 – A Resolution Appointing A Member To The Vestavia Hills School Board**

**MOTION** Motion to approve Resolution Number 4705 was by Mr. Henley and second was by Mr. Pierce.

Mr. Henley stated that the Council had interviewed six outstanding applicants to fill this vacancy and the selection was extremely difficult. He stated that he would like to offer an amendment to the Resolution in order to appoint Ms. Shera Grant to the Board.

**MOTION** Motion for amendment of Resolution Number 4705 to appoint Shera Grant to the Vestavia Hills Board of Education was by Mr. Henley. Mr. Pierce seconded the motion and roll call vote as follows:

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

There being no further discussion, the Mayor called for the question.

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

motion carried.

**RESOLUTION NUMBER 4706**

**Resolution Number 4706 - A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale And/Or Disposition Of Said Property**

**MOTION** Motion to approve Resolution Number 4706 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes stated that this Resolution declares certain police vehicles as surplus along with the “shell” of the old dog catcher truck which has recently been reassigned to the Fire Department. He stated that the usefulness of these items has long passed and recommended that they be declared surplus.

There being no further discussion, the Mayor called for the question.

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

motion carried.

**RESOLUTION NUMBER 4707**

**Resolution Number 4707 – A Resolution Authorizing The City Manager On Behalf Of The City Of Vestavia Hills Emergency Communication District (“ECD”) To Execute And Deliver An Agreement And Assignment Of Excess Cost Recovery Funds And The Alabama Statewide 911 Board (“Board) Concerning The ANGEN Project**

**MOTION** Motion to approve Resolution Number 4707 was by Mr. Ammons and second was by Mr. Henley.

Chief St. John explained that this Resolution is being recommended in order to save the City future billing costs by participating in the ANGEN Project. He explained the project and that approval is needed by the “ECD,” which is the Council, in order to participate.

Discussion ensued as to the specifics of the ANGEN Project.

There being no further discussion, the Mayor called for the question.

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

motion carried.

**ORDINANCE NUMBER 2565**

**Ordinance Number 2565 – Annual Tax Levy For Properties Located In The City Of Vestavia Hills In Jefferson County, Alabama**

**MOTION** Motion to approve Ordinance Number 2565 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that this is the annual tax levy to allow the Jefferson County Tax Collector to assess and collect municipal taxes on behalf of the City.

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

Roll call vote as follows:

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

motion carried.

**NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)**

The Mayor opened the floor for unanimous consent for the immediate consideration and action on the proposed Resolution Numbers 4708 and 4709.

**MOTION** Motion for unanimous consent for the immediate consideration and action of Resolution Numbers 4708 and 4709. was by Mr. Ammons and second was by Mr. Henley. Roll call vote as follows:

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

motion carried.

**RESOLUTION NUMBER 4708**

**Resolution Number 4708 - A Resolution Amending Resolution Number 4696 Authorizing The City Manager To Take All Actions Necessary To Demolish A Structure (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4708 was by Mr. Pierce and second was by Mr. Ammons.

Mr. Downes explained that the Council had previously approved demolition of the structure on Great Rock Road for a cost estimate of \$14,900. However, the structure was tested for asbestos and it was found that additional funding was necessary in order to

properly demolish it. He stated that the final figure is \$33,515 and this Resolution appropriates the funding for the demolition expense.

The Mayor 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.

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

**RESOLUTION NUMBER 4709**

**Resolution Number 4709 – A Resolution Authorizing The City Manager To Accept A Quote For Landscape Architecture Services For The New Roadway Project Located Adjacent To Vestavia Hills Elementary School Cahaba Heights (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4709 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes explained that this Resolution would allow the City to retain a landscape architect to fill in the specifications for the design of a new roadway located adjacent to the Vestavia Hills Elementary School Cahaba Heights.

Mr. Boone stated that he has reviewed the document and recommended that the next to the last paragraph detailing indemnity be deleted in its entirety.

**MOTION** Motion to delete the next to the last paragraph from the document that deals with indemnity in its entirety was by Mr. Ammons and second was by Mr. Pierce. Roll Call vote as follows:

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

Mr. Ammons asked if there will be sidewalks provided on the street.

Mr. Downes explained that there are sidewalks built into the bid and there will also be sidewalks in the proposed developments around the road.

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

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



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

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on May 11, 2015 at 5 PM.

- Resolution Number 4710 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement For Financial Advisory Services For The City Of Vestavia Hills, Alabama (*public hearing*)
- Resolution Number 4711 – Annexation – 90-Day – 2501 Dolly Ridge Road; Lots 31 and the West 50' of Lot 29, Rocky Ridge Estates; David Acton Building Corporation; Jordan Huffstetler, Representing (*public hearing*)
- Resolution Number 4712 – Annexation – 90-Day – 4711 Caldwell Mill Road; Virginia Acton, Owner; Jordan Huffstetler, David Acton Building Corporation; Representing (*public hearing*)
- Ordinance Number 2567 – An Ordinance Of The City Of Vestavia Hills To Establish A Procedure For The Abatement Of Grass And Weeds And For The Prosecution Of Grass And Weeds Violations (*public hearing*)

**CITIZENS COMMENTS**

Patrick Dewees, 3048 Asbury Park Place, stated that the Mayor had passed a Proclamation at the previous meeting designating a day of "Prayer and Thanksgiving." He asked the Mayor not to request religious holidays and that the government should be separated from religion.

**MOTION** Motion to adjourn was by Mr. Henley and second was by Mr. Pierce. Meeting adjourned at 6:05 PM.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4710**

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT FOR FINANCIAL ADVISORY SERVICES FOR THE CITY OF VESTAVIA HILLS, ALABAMA**

**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 Professional Services Agreement with Rice Advisory LLC for financial advisory services; and
2. A copy of said agreement is marked as Exhibit A, attached to and incorporated into this Resolution Number 4710 as though written fully therein; and
3. This Resolution Number 4710 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 11<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## PROFESSIONAL SERVICES AGREEMENT

THIS PROFESSIONAL SERVICES AGREEMENT (the “Agreement”) is entered into between the City of Vestavia Hills, Alabama (hereinafter called the “City”) and Rice Advisory, LLC (hereinafter called the “Financial Advisor”), whose offices are located at 250 Commerce Street, 3<sup>rd</sup> Floor, Montgomery, Alabama 36104.

NOW, THEREFORE, the City and the Financial Advisor mutually agree as follows:

### 1 **Scope of Services.**

The Financial Advisor shall provide financial advisory services on an ongoing basis to the City as may be directed. Pursuant to the terms of this Agreement, it is expressly understood that the Financial Advisor represents only the City. For the purposes of this Agreement, “City” shall include those agencies, component units, authorities and public corporations, which are, or may become, authorized to incur debt. The scope of services to be performed shall include, but not be limited to:

- a) Assisting the City in financial analysis and suggesting possible revisions to the City’s debt policies and strategies;
- b) Advising the City on continuing matters relating to its overall debt management including actions to be taken by the City to improve or maintain the credit ratings of the City;
- c) Analyzing financing alternatives for the City;
- d) Preparation of Requests for Proposals (RFPs) in advance of any contemplated City financing projects and distribution of such RFPs to a wide selection of capable professional firms;
- e) Evaluation of financial proposals received by the City from underwriters, banks and other entities (including those received pursuant to RFPs) and assisting the City and its counsel in the selection of professionals for participation in City financing projects;
- f) Working to minimize the professional fees and expenses payable in connection with any City financing in order to produce the lowest possible effective financing costs for the City;
- g) Comparing the debt management practices of the City with those of other municipalities and making recommendations for improvements;
- h) Preparing analyses and evaluations of potential refunding and new money issues, to include cost-benefit analysis of credit enhancement, coordinating team communications and activities, providing document review, participation in due diligence and disclosure activities, reviewing underwriter’s analysis related to sizing, structure and flow of funds, allocation, advising on pricing and coordination of post-closing review;
- i) Providing as-needed financial advice regarding market conditions and trends, financial products, credit and credit analysis, third party alternative financing and special facility financing;
- j) Reviewing and evaluating financing options, derivative and other innovative products, financial feasibility studies, legal documents, and escrow agreements;
- k) Preparation of rating agency presentations, official statements and other disclosure materials;

- l) Monitoring congressional, legislative and regulatory developments which might impact the City;
- m) Assisting the City in the preparation of reports, disclosure documents and other tasks related to Dodd-Frank compliance requirements;
- n) Providing advice on economic incentives and innovative financing structures in support of the City's economic, industrial and commercial development initiatives, including providing support in all recruitment efforts of the City;
- o) Attendance at City Council meetings or meetings of other City boards and agencies as requested, with reasonable notice provided;
- p) Participation in all teleconferences as requested; and
- q) Providing other financial advisory services as requested.

## 2 Compensation.

- a) **Per-transaction fee.** With respect to the issuance of each series of bonds, notes or other debt of the City or its agencies, the fees to the Financial Advisor will be determined on a cost per \$1,000.00 basis, with no such per-transaction fees payable until and unless a transaction is closed, as shown below:
  - i) For amounts up to \$10 million: \$2.00 per \$1,000.00 with a minimum fee of \$20,000.00;
  - ii) For amounts over \$10 million up to \$15 million: \$1.90 per \$1,000.00 for the amount above \$10 million, plus amount due pursuant to (i) above;
  - iii) For amounts over \$15 million up to \$20 million: \$1.80 per \$1,000.00 for the amount above \$15 million, plus amount due pursuant to (i) and (ii) above;
  - iv) For amounts over \$20 million: \$1.70 per \$1,000.00 for the amount above \$20 million, plus amount due pursuant to (i), (ii) and (iii) above, provided, however, that in no case shall the Financial Advisor's total per-transaction fee exceed \$50,000.00 for any transaction.
- b) **Hourly fee.** There will be no additional charge, hourly or otherwise, for work completed in connection with a specific financing transaction of the City as described in paragraph 2(a) above. Fees for general financial advisory services not connected to a specific financing transaction will be billed monthly, in arrears, commencing \_\_\_\_\_ 1, 2015 and on the first day of each month thereafter for the term of this Agreement at the rate of \$140.00 per hour. Such hourly fees will be payable only for work performed by Registered Municipal Advisors employed by the Financial Advisor. No hourly fee work will be commenced without the City's authorization, and the Financial Advisor will be required to provide the City with written "not to exceed" estimates before commencing such work.
- c) **Expenses.** No reimbursement will be expected for normal operating expenses or general office overhead including telephone, regular postage, and related items. Automobile travel to locations other than the City in furtherance of City business will be reimbursed at the rate of \$0.50 per mile. At no time will the City incur any such expense without first discussing with the Financial Advisor.
- d) **Per-transaction expenses.** Expenses directly attributable to a specific transaction will be reimbursed at cost. In no event will the total cost of reimbursable expenses for any

single transaction exceed \$2,500 for such transaction unless approved in advance by the City.

- e) **Other expenses.** Other costs of any transaction, for example: bond counsel fees, disclosure counsel fees, rating agency fees, printing, and other related costs are considered outside of the definition of reimbursable expenses as contemplated above. However, the Financial Advisor will be involved in minimizing these costs, where and when appropriate, on behalf of the City.

**3 Independent Contractor.** The Financial Advisor acknowledges and agrees that it is an independent contractor and this agreement does not create an employer-employee relationship between the Financial Advisor and the City.

**4 Insurance.** The Financial Advisor does hereby agree to name the City as “Additional Insured-As Their Interest May Appear,” in its Commercial Auto Liability Insurance and Commercial General Liability Insurance; and to keep in effect at all times during the term of this Agreement the following minimum limits of insurance, and to provide the City with Certificates of Insurance with a 30 day Notice of Cancellation evidencing such insurance:

Commercial Automobile Liability Insurance including Hired and Non-Owned Auto Liability: \$1,000,000 Combined Single Limit of Liability;

Commercial General Liability Insurance: \$1,000,000 Combined Single Limit Per Occurrence/\$2,000,000 Aggregate Limit of Liability; \$1,000,000 Personal and Advertising Injury; \$2,000,000 Products and Completed Operations Liability;

Workers Compensation and Employers Liability Insurance: Insurance must meet the insurance requirements as set forth in the current Workers Compensation Act of the State of Alabama. Minimum Employers Liability Limits: \$1,000,000 Each Accident; \$1,000,000 Disease Each Employee; \$1,000,000 Disease policy Limit.

**5 Immigration Law Compliance.** By signing this contract, the contracting parties affirm, for the duration of the agreement, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien within the State of Alabama. Furthermore, a contracting party found to be in violation of this provision shall be deemed in breach of the Agreement and shall be responsible for all damages resulting therefrom.

**6 Indemnification.** The Financial Advisor shall indemnify, hold harmless, and defend the City, its officers, employees, council members, agents, and representatives from and against any and all liens, claims, actions, suits, damage judgments, liabilities, causes of action, assessments, fines, loss, injuries (including death), costs and/or expenses (including without limitation attorneys fees and all other costs and expenses), amounts paid in settlement or otherwise suffered or incurred by the City, its officers, employees, council members, agents, or representatives caused by, arising out of, or by reason of any wrongful act, omission, or non-action of the Financial Advisor or its officers, employees, agents, servants, sub-contractors, or representatives arising from, incidental to or in any way related to the Financial Advisor’s services under this Agreement.

**7 No Assignment.** No part of this Agreement, nor any right, obligation, or privilege created or provided hereunder, shall be assigned or transferred unless the City shall first approve the same in writing, nor shall the Financial Advisor attempt to sell or attempt to transfer this Agreement or any rights hereunder to another without written approval of the City.

**8 Governing Law and Dispute Resolution.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Alabama. Any and all disputes arising under, out of, or in relation to this Agreement, its negotiation, performance, termination, or any alleged breach thereof (which dispute is not resolved by negotiation between the parties within thirty days after written demand therefor is made by either party), shall, upon thirty days written notice by either party to the other, first be resolved by the parties attempting mediation in the City, by a single mediator pursuant to the Alabama Civil Court Mediation Rules. The parties shall share equally the costs of the Mediator, and each party shall bear its own costs. If the dispute is not resolved by mediation within sixty days of the commencement of the mediation, either party may elect to litigate the dispute in the state or federal courts located in the State of Alabama.

**9 Term of Agreement.** This Agreement shall be effective upon the date of its execution and shall terminate on \_\_\_\_\_ \_\_, 20\_\_\_. This Agreement may be extended for one (1) year term or on a month-to-month basis at the option of the City. In no event shall a term of this Agreement exceed a period of three (3) years.

**10 Termination.** The City may, at any time and without cause, cancel this Agreement by serving ninety (90) days written notice to the Financial Advisor of its intent to cancel. In the event of such cancellation, the City's only obligation to the Financial Advisor shall be payment for services rendered prior to the effective date of the cancellation. All information and work product developed by the Financial Advisor shall be turned over to and deemed the property of the City.

**DONE this \_\_\_ day of \_\_\_\_\_, 2015.**

**THE CITY OF VESTAVIA HILLS, ALABAMA**

**RICE ADVISORY, LLC**

By: \_\_\_\_\_  
Its \_\_\_\_\_

By: \_\_\_\_\_  
Its Managing Director

**THE CITY OF VESTAVIA HILLS, ALABAMA**

By: \_\_\_\_\_  
Its \_\_\_\_\_

ATTEST:

City Clerk

SEAL

PATRICK H. BOONE  
ATTORNEY AND COUNSELOR AT LAW  
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705  
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH  
BIRMINGHAM, ALABAMA 35203-3720  
TELEPHONE (205) 324-2018  
FACSIMILE (205) 324-2295

To: Becky L.  
For inclusion w/  
Council packet.  
PHB/4-20-15

April 16, 2015

By Hand Delivery

City Manager Jeffrey D. Downes  
Vestavia Hills Municipal Center  
513 Montgomery Highway  
Vestavia Hills, Alabama 35216

In Re: Proposed Agreement By and Between the City of Vestavia Hills, Alabama ("City") and  
Rice Advisory, LLC ("Financial Advisor")

Dear Mr. Downes:

On April 15, 2015, you sent to me via electronic mail a proposed agreement by and between the City of Vestavia Hills, Alabama ("City") and Rice Advisory, LLC ("Financial Advisor") with a request that I review the same and provide you with my written legal opinion. The purpose of this letter is to comply with your request.

It is my legal opinion that the proposed agreement complies with the requirements of Alabama law. I do not have any recommendations for additions, deletions, changes and/or corrections. From a legal standpoint, I recommend the agreement and its approval by the City Council.

Please call me if you have any questions regarding this matter.

Very truly yours,



Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp

**RESOLUTION NUMBER 4711**

**A RESOLUTION PROPOSING THE ANNEXATION  
OF CERTAIN TERRITORY TO THE CORPORATE  
LIMITS OF THE CITY OF VESTAVIA HILLS,  
ALABAMA.**

**WHEREAS**, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 27, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

**WHEREAS**, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 11th day of May, 2015; and

**WHEREAS**, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

**WHEREAS**, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 13th day of May, 2015.

2. That on the 24th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4711 by the City Council of the City of Vestavia Hills, Alabama, and as



annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

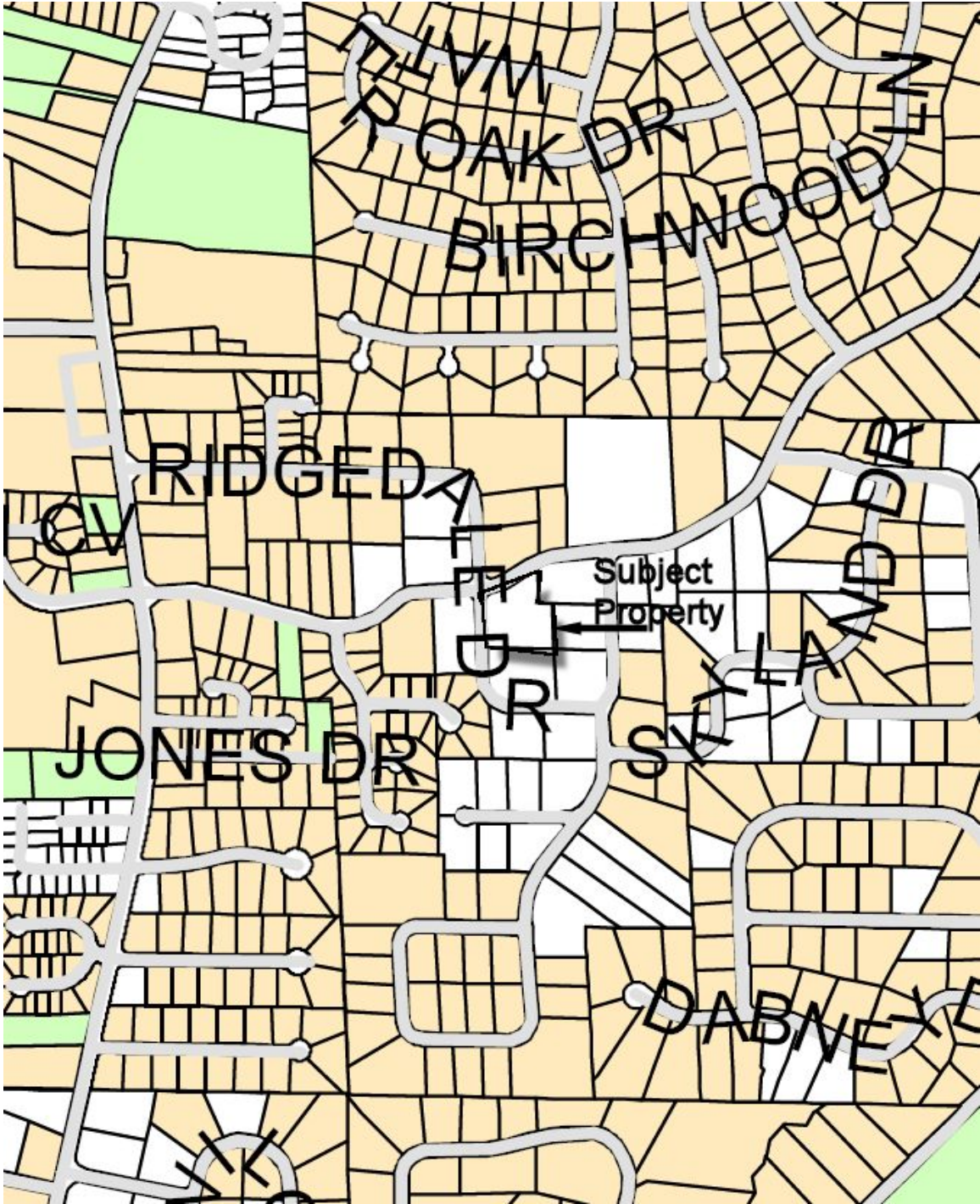
2501 Dolly Ridge Road  
Lot 31 and the West 50' of Lot 29, Rocky Ridge Estates (MB 28 MP 78)  
David Acton Building Building Corporation, Owner(s)

**APPROVED and ADOPTED** this the 11th day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



Annexation Committee Petition Review

Property: 4711 Caldwell Mill Road

Owners: Virginia Acton; David Acton Building representing

Date: 3-12-15

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 201,900. 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: 4711 Caldwell 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: Due to traffic and low sight distance, recommend a shared driveway

11. Information on children: Number in family \_\_\_\_\_; Plan to enroll in VH schools Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: NA

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
George Pierce  
Chairman

**PARCEL #:** 28 00 32 4 004 001.000  
**OWNER:** MOORER SCOTT D & LESLIE V  
**ADDRESS:** 2501 DOLLY RIDGE RD VESTAVIA AL 35243-4611  
**LOCATION:** 2501 DOLLY RIDGE RD BHAM AL 35243

[ 111-D0 ] Baths: 3.0 H/C Sqft: 2,278  
 18-034.0 Bed Rooms: 4 Land Sch: L1  
 Land: 93,300 Imp: 109,700 Total: 203,000  
 Acres: 0.000 Sales Info: 09/01/1993  
 \$107,500

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

Tax Year : 2013

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

**SUMMARY**

**ASSESSMENT**

PROPERTY CLASS: 3 OVER 65 CODE:  
 EXEMPT CODE: 2-2 DISABILITY CODE:  
 MUN CODE: 02 COUNTY HS YEAR: 0  
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00  
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1  
 CLASS USE:  
 FOREST ACRES: 0 TAX SALE:  
 PREV YEAR VALUE: \$203,000.00 BOE VALUE: 0

**VALUE**

LAND VALUE 10% \$93,340  
 LAND VALUE 20% \$0  
 CURRENT USE VALUE [DEACTIVATED] \$0  
CLASS 2  
CLASS 3  
 UTILITY WOOD OR 26WCCA V \$2,300  
 BLDG 001 111 \$107,400  
 TOTAL MARKET VALUE [APPR. VALUE: \$203,000]: \$203,040  
 Assesment Override:  
 MARKET VALUE:  
 CU VALUE:  
 PENALTY:  
 ASSESSED VALUE:

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$20,300	\$131.95	\$4,000	\$26.00	\$105.95
COUNTY	3	2	\$20,300	\$274.05	\$2,000	\$27.00	\$247.05
SCHOOL	3	2	\$20,300	\$166.46	\$0	\$0.00	\$166.46
DIST SCHOOL	3	2	\$20,300	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$20,300	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$20,300	\$103.53	\$0	\$0.00	\$103.53
SPC SCHOOL2	3	2	\$20,300	\$341.04	\$0	\$0.00	\$341.04

TOTAL FEE & INTEREST: (Detail) \$5.00

**ASSD. VALUE: \$20,300.00**

**\$1,017.03**

**GRAND TOTAL: \$969.03**

**DEEDS**

**PAYMENT INFO**

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
<a href="#">9314-497</a>	09/28/1993	12/8/2014	2014	WELLS FARGO HOME MORTGAGE	\$969.03
		12/11/2013	2013	WELLS FARGO	\$969.03
		12/20/2012	2012	WELLS FARGO	\$969.03
		20111209	2011	***	\$1,043.18
		20101208	2010	***	\$1,105.30
		20100203	2009	***	\$1,115.82
		20090203	2009	***	\$1,161.05

STATE OF ALABAMA

JEFFERSON COUNTY

**PETITION FOR ANNEXATION TO THE  
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: 2/27/2015

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.

**EXHIBIT "A"**

LOT: Lots 31 & W 50 Ft of 29

BLOCK: \_\_\_\_\_

SURVEY: Rocky Ridge Estates

RECORDED IN MAP BOOK 28, PAGE 78 IN THE  
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

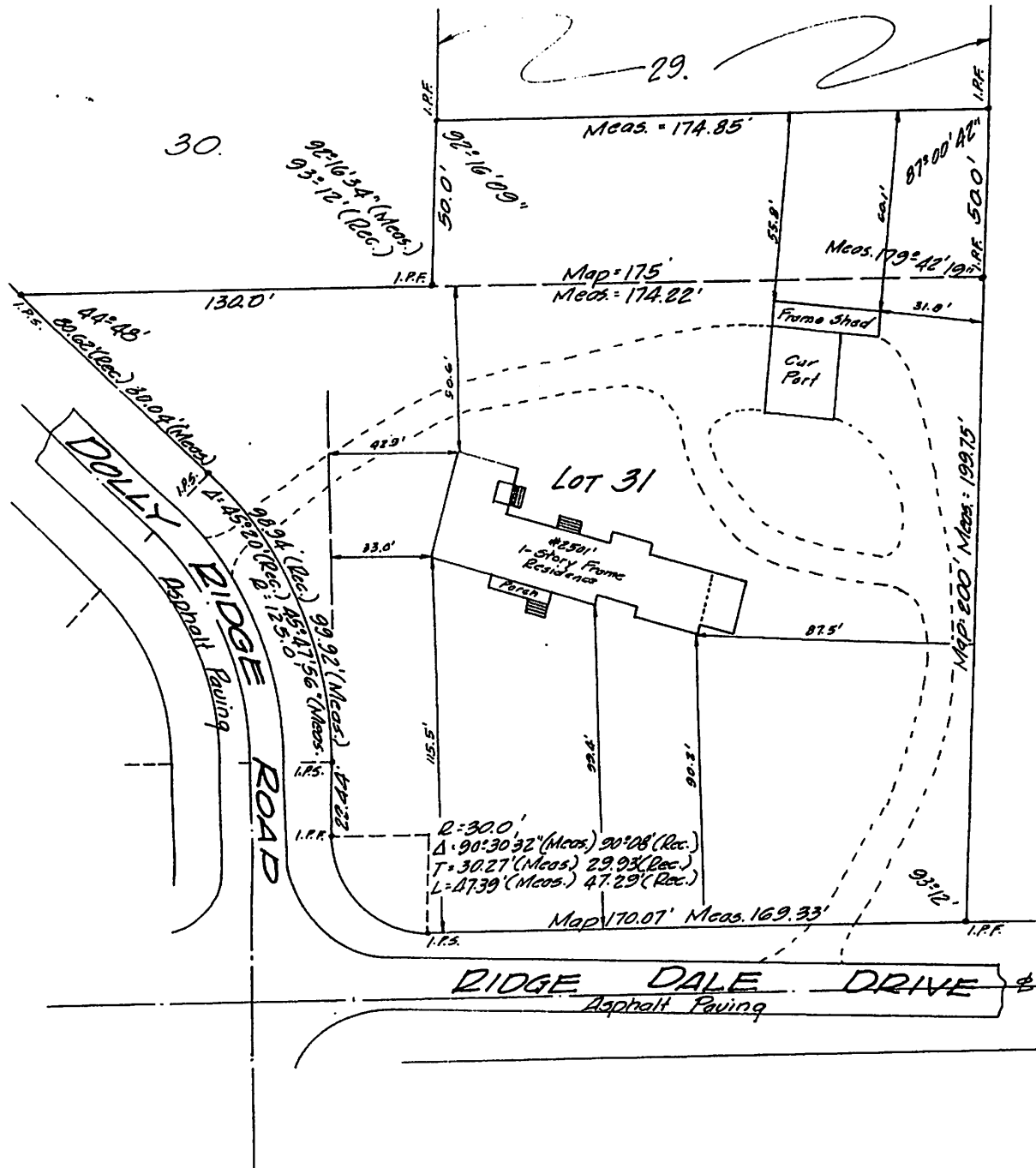
COUNTY ZONING: E-2

COMPATIBLE CITY ZONING: R-2

LEGAL DESCRIPTION (METES AND BOUNDS):

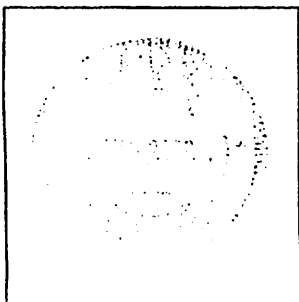
**LOTS 31 & W 50 FT OF 29 ROCKY RIDGE ESTS**

**SEE ATTACHED**



STATE OF ALABAMA  
SHELBY COUNTY

I, ROBERT O. BLAIN, A REGISTERED LAND SURVEYOR IN THE STATE OF ALABAMA, HEREBY STATE THAT THE SURVEY SHOWN HEREON IS TRUE AND CORRECT COPY OF A SURVEY MADE BY OR SUPERVISED BY ME AND THAT ALL PARTS OF THIS SURVEY AND DRAWING HAVE BEEN MADE PREPARED IN ACCORDANCE WITH THE MINIMUM TECHNICAL STANDARDS FOR THE PRACTICE OF LAND SURVEYING IN THE STATE OF ALABAMA. I FURTHER STATE THAT THE SURVEY SHOWN HEREON IS A TRUE AND CORRECT PLAT OF LOT # 31, BLOCK —, OF THE SURVEY OF Rocky Ridge Estates AS RECORDED IN MAP BOOK 29, PAGE 10, IN THE OFFICE OF THE JUDGE OF PROBATE OF Jefferson COUNTY, ALABAMA; THAT THE BUILDING/S ERECTED ON SAID LOT ARE WITHIN THE BOUNDARIES OF SAME; THAT THERE ARE NO ENCROACHMENTS BY BUILDINGS OF ADJOINING PROPERTIES; THAT THERE ARE NO EASEMENTS, RIGHTS OF WAYS OR JOINT USE FACILITIES OVER OR ACROSS SAID PROPERTY VISIBLE ON THE SURFACE, EXCEPT AS NOTED HEREON; THAT I HAVE INVESTIGATED THE FEDERAL INSURANCE ADMINISTRATION "FLOOD HAZARD BOUNDARY MAP" AND HAVE DETERMINED THAT THIS PROPERTY DOES NOT APPEAR TO BE IN A SPECIAL FLOOD HAZARD AREA, UNLESS NOTED HEREON; THAT THE CORRECT STREET ADDRESS IS No. 2501 Dolly Ridge Road, Birmingham, ALABAMA.

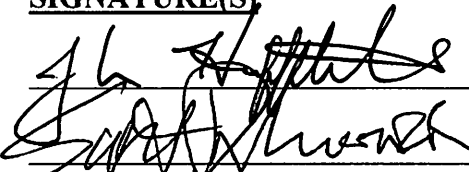
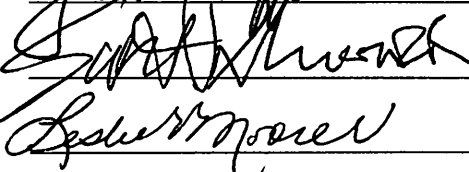
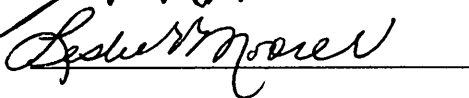


*Robert O. Blain*  
ROBERT O. BLAIN, AL. REG. NO. 9789

F.I.R.M. FLOOD ZONE: "C" SCALE OF MAP: 1" = 40'  
TYPE OF SURVEY: Mortgage Loan DATE: 9-25-93  
PURCHASER: Moorer JOB NO.: 9311.27



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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
	31' x W 50' Lot of 29 Block Survey <u>Rocky Ridge Estates</u>
	31' x W 50' Lot of 29 Block Survey <u>Rocky Ridge Estates</u>
	31' x W 50' Lot of 29 Block Survey <u>Rocky Ridge Estates</u>

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

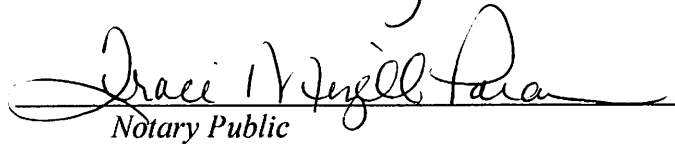
STATE OF ALABAMA

Shelby COUNTY

JORDAN HUFFSTETLER 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.

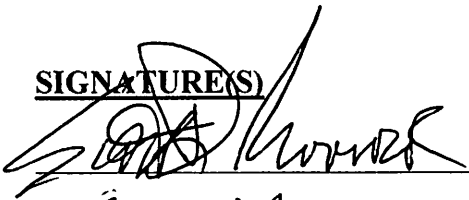
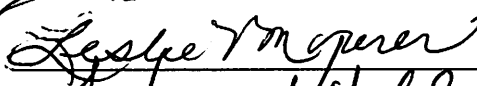
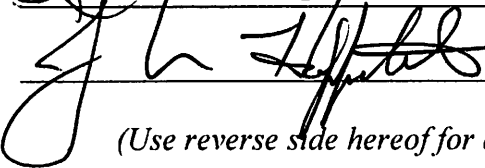
  
Signature of Certifier

Subscribed and sworn before me this 26<sup>th</sup> day of February, 2015.

  
Notary Public

My commission expires: 4/10/2017

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.

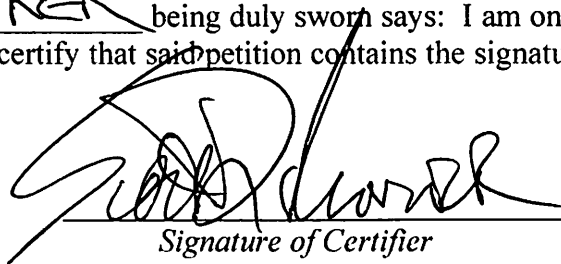
<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
	31' x W 50' Lot <sup>0F</sup> 29 Block Survey <u>Rocky Ridge Estates</u>
	31' x W 50' Lot <sup>0F</sup> 29 Block Survey <u>Rocky Ridge Estates</u>
	31' x W 50' Lot <sup>0F</sup> 29 Block Survey <u>Rocky Ridge Estates</u>

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


STATE OF ALABAMA

Shelby COUNTY

Scott D. Moore 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.

  
Signature of Certifier

Subscribed and sworn before me this the 26<sup>th</sup> day of February, 2015.

  
Notary Public

My commission expires: 4/10/2017

**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): N/A

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Information on Children:**

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

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

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": \_\_\_\_\_

dauid acton  
building corporation

4898 Valleydale Rd. Suite A4  
Birmingham, AL 35242

T 205.980.9567  
F 866.322.2120  
dabc.jordan@gmail.com

[www.davidactonbuilding.com](http://www.davidactonbuilding.com)

# Proposed Annexation, Subdivision, and Re-Zoning

For the Property Located at:  
2501 Dolly Ridge Rd.  
Birmingham, AL 35243

## Table of Contents

- Request Introduction
- Vicinity Map
- Proposed Plot Plan
- Existing Survey
- Area Analysis
- Annexation Merits

## Request Introduction

- Property Location: The property is located at 2501 Dolly Ridge Rd., approximately 1/4 mile east of Rocky Ridge Rd. Intersection.
- Property Owner: David Acton Building Corp.
- Proposal Introduction: We propose to Annex the subject 1.26 Acre parcel into the City of Vestavia Hills, Re-Zone the Property to Vestavia Hills R-2 Zoning, and Subdivide the Property into (2) lots in compliance with R-2 Zoning.
- Proposed Homes: While we are requesting R-2 zoning for the purposes of yielding (2) desirable lots, our proposed house sizes would meet at least Vestavia's R-1 minimum requirements. Each home will be between 3000 and 3500 Square Feet, include main level garages, and will be priced in the \$600,000 - \$700,000 price range.



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# Vicinity Map

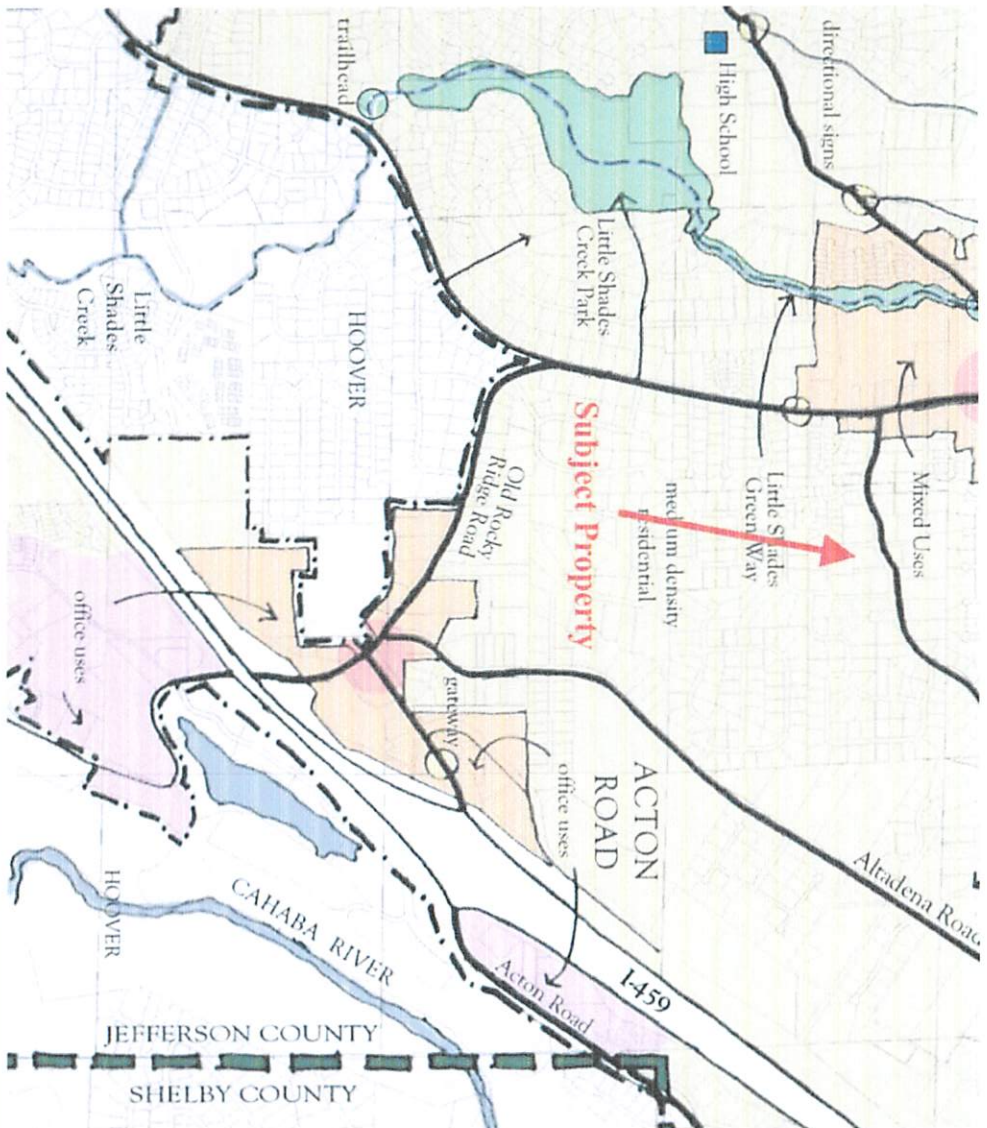
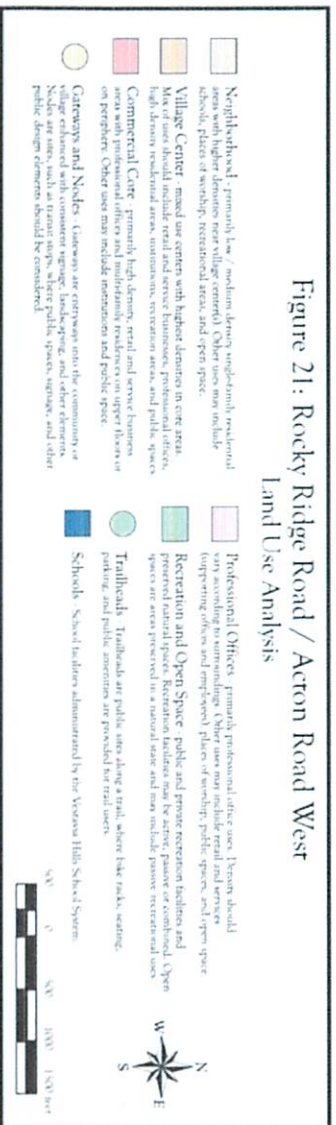


Figure 21: Rocky Ridge Road / Acton Road West  
Land Use Analysis



david acton  
building corporation

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# Proposed Plot Plan



Proposed Subdivision of  
1.26 Acres Located at  
2501 Dolly Ridge Rd.



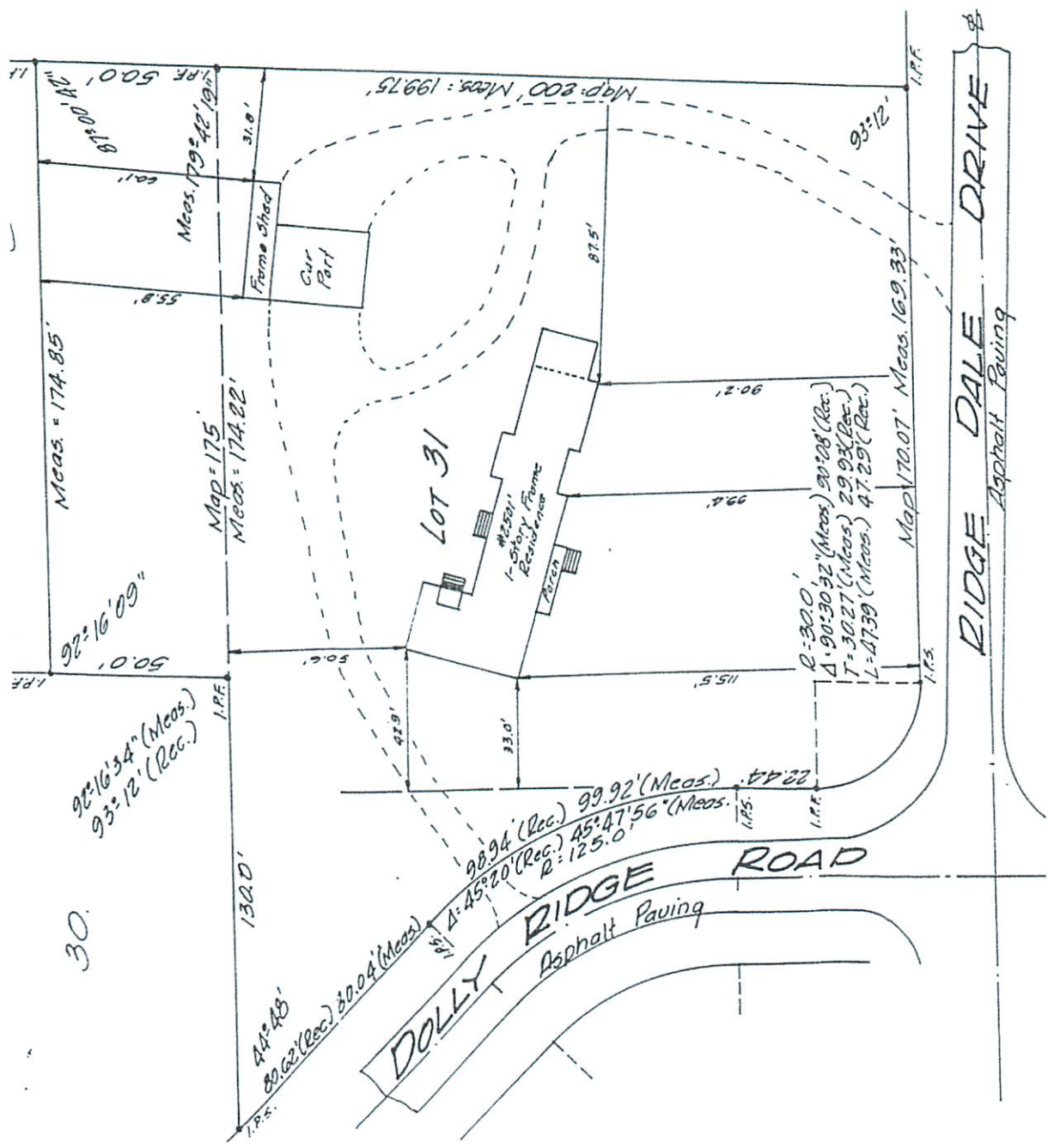
# david acton building corporation

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## Existing Survey



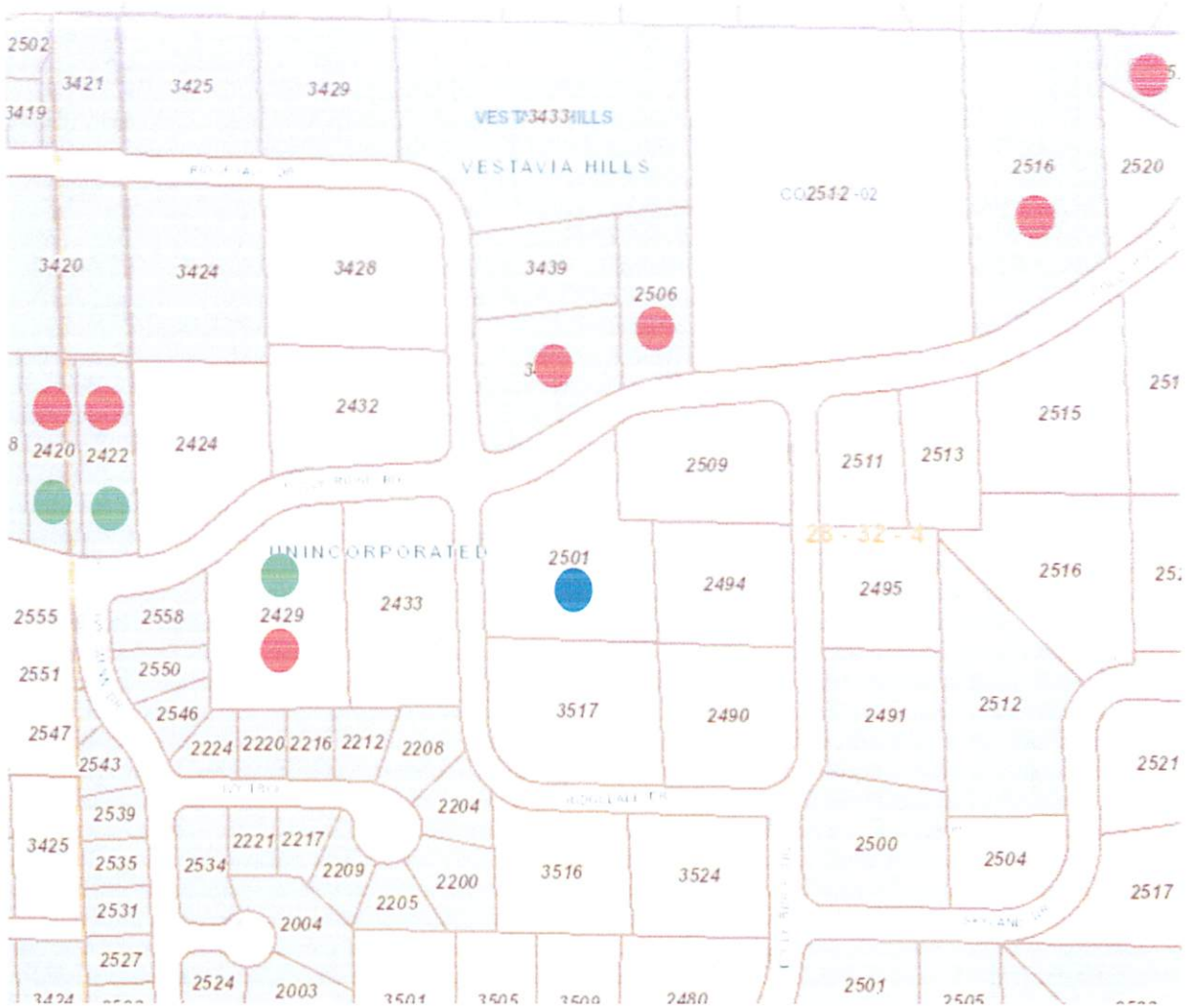
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## Area Analysis



- Blue Dot - Subject Property
- Red Dot - Dolly Ridge Rd. Address and located within City Limits
- Green Dot - On Dolly Ridge Rd. and recently annexed in City Limits under R-2 Zoning.

## Annexation Merits

- Property is Contiguous to Vestavia city limits.
- Proposed Subdivision is compatible with land use in the area.
- Annexation of the Subject Property fills in gaps in the City Limits.
- Property is identified in September 2006 Annexation Policy Task Force Report as an area of interest for the City of Vestavia.
- Any concerns City Departments have with the physical condition of the property can be addressed in the construction process.
- Property Values and Market Demand:
  - Market Demand - We have spoken with numerous existing Vestavia Hills residents who are frustrated by the lack New Construction inventory that is both in close proximity to City center and within our target price range. We feel that the proposed Subdivision meets the needs of current City residents looking for "upward mobility" into larger, newer, and more modern properties.
  - Property Values - David Acton Building Corp. is not a volume leader amongst Birmingham homebuilders. We were ranked in the 2013 Birmingham Business Journal Top 25 Homebuilders List based off total new construction permits issued. Our average sales price per home was the highest of any homebuilder on the list. Our typical client chooses us based on our reputation for building quality homes, our finish material selections, and our attention to detail. Based on our history and where we operate within the industry, we are confident that the homes we build on the 2 Proposed Lots will enhance the property values and overall stature of the area.

**RESOLUTION NUMBER 4712**

**A RESOLUTION PROPOSING THE ANNEXATION  
OF CERTAIN TERRITORY TO THE CORPORATE  
LIMITS OF THE CITY OF VESTAVIA HILLS,  
ALABAMA.**

**WHEREAS**, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 27, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

**WHEREAS**, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 11th day of May, 2015; and

**WHEREAS**, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

**WHEREAS**, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 13th day of May, 2015.

2. That on the 24th day of August, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4712 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

4711 Caldwell Mill Road  
Virginia Acton, Owner(s)

More Particularly Described as Follows:

Part of the NE ¼ of the SW ¼ of Section 34, Township 18 South, Range 2 West, more particularly described as follows:

Begin at the SE corner of said 1/4-1/4 Section; thence North along the East line of said 1/4-1/4 Section 233.0 feet; thence 90 Degrees left 224.0 feet; thence 90 degrees right 83.30 feet; thence 77 degrees 50 minutes left 334.17 feet to a point on the east right-of-way of a County Road (Caldwell Mill Road) thence 85 degrees 35 minutes left along said right-of-way 33.93 feet; thence 8 degrees 19 minutes left 191.5 feet; thence 92 degrees 29 minutes left 139.75 feet; thence 88 degrees 29 minutes right 118.0 feet to a point on the South line of said 1/4-1/4 Section; thence 91 degrees, 08 minutes, 44 seconds left along the South line of said 1/4-1/4 Section 460.85 feet to the point of beginning.

**APPROVED and ADOPTED** this the 11th day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk







Annexation Committee Petition Review

Property: 4711 Caldwell Mill Road

Owners: Virginia Acton; David Acton Building representing

Date: 3-12-15

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 201,900. 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: 4711 Caldwell 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: Due to traffic and low sight distance, recommend a shared driveway

11. Information on children: Number in family \_\_\_\_\_; Plan to enroll in VH schools Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: NA

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
George Pierce  
Chairman



**PARCEL #:** 28 00 34 3 008 003.000  
**OWNER:** ACTON VIRGINIA L  
**ADDRESS:** 4065 CROSSINGS LN BIRMINGHAM AL 35242-4473  
**LOCATION:** 4711 CALDWELL MILL RD BHAM AL 35243

Baths: **0.0** H/C Sqft: **0**  
 Bed Rooms: **0** Land Sch: **A116**  
 Land: **201,900** Imp: **0** Total: **201,900**  
 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%	\$201,900
MUN CODE: 01 COUNTY	HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE AMT: \$0.00		
OVR ASD VALUE: \$0.00	TOTAL MILLAGE: 50.1	TOTAL MARKET VALUE [APPR. VALUE: \$201,900]:	\$201,900
CLASS USE:		Assesment Override:	
FOREST ACRES: 0	TAX SALE:	MARKET VALUE:	
PREV YEAR VALUE: \$201,900.00	BOE VALUE: 0	CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	1	\$40,380	\$262.47	\$0	\$0.00	\$262.47
COUNTY	2	1	\$40,380	\$545.13	\$0	\$0.00	\$545.13
SCHOOL	2	1	\$40,380	\$331.12	\$0	\$0.00	\$331.12
DIST SCHOOL	2	1	\$40,380	\$0.00	\$0	\$0.00	\$0.00
CITY	2	1	\$40,380	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	1	\$40,380	\$205.94	\$0	\$0.00	\$205.94
SPC SCHOOL2	2	1	\$40,380	\$678.38	\$0	\$0.00	\$678.38

TOTAL FEE & INTEREST: (Detail) \$15.00

**ASSD. VALUE: \$40,380.00**

**\$2,023.04**

**GRAND TOTAL: \$2,038.04**

**DEEDS**

**PAYMENT INFO**

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
	12/29/2014	2014		ACTON, VIRGINIA	\$2,038.04
	1/3/2014	2013		-	\$2,038.04
	11/19/2012	2012		ACTON VIRGINIA L	\$2,038.04
	20111231	2011		***	\$2,038.04
	20101231	2010		***	\$2,196.35
	20100215	2009		***	\$2,196.35
	20081208	2008		***	\$3,450.86
	20021118	2002		***	\$900.40
	20011114	2001		***	\$900.40
	20001212	2000		***	\$900.40

**STATE OF ALABAMA**  
**JEFFERSON** \_\_\_\_\_ **COUNTY**

**PETITION FOR ANNEXATION TO THE**  
**CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: 2/27/2015

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.

**EXHIBIT "A"**

**LOT: 003.000** \_\_\_\_\_

**BLOCK: 008** \_\_\_\_\_

**Map Number:** 28-00-34-3-008  
**SURVEY:** \_\_\_\_\_

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

COUNTY ZONING: E-2

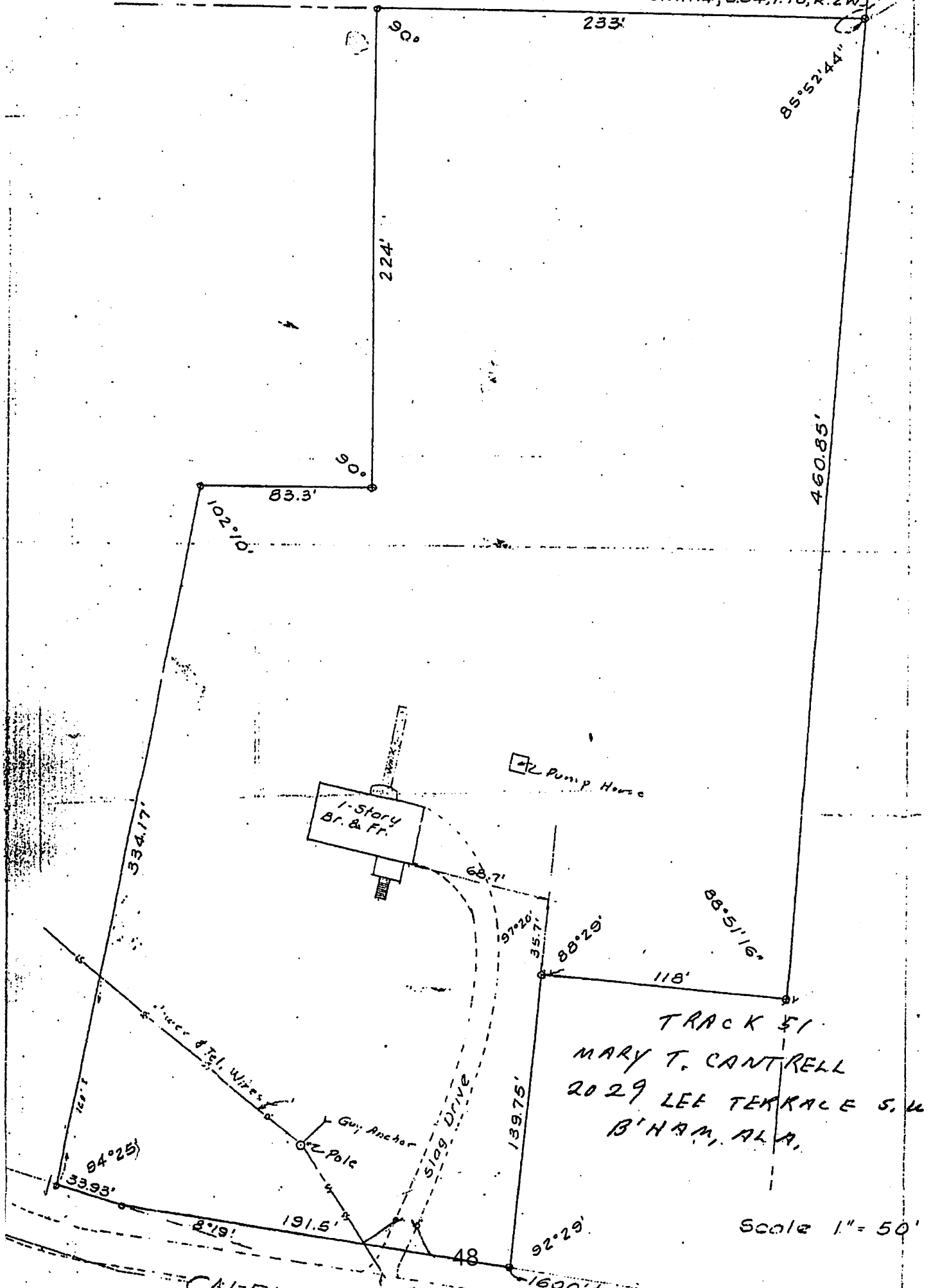
COMPATIBLE CITY ZONING: R-1

LEGAL DESCRIPTION (METES AND BOUNDS):

**BEG SE COR NE 1/4 SW 1/4 TH N ALONG E LINE OF 1/4 1/4 233 FT S TH W  
220 FT S TH N 63 FT S TH W 351 FT S TO E ROW OLD CALDWELL MILL  
RD TH S ALONG ROW 200 FT S TH ELY 133 FT S TH S 118 S TO S LINE OF  
1/4 1/4 TH E ALONG S LINE 459 S TO POB**

**SEE ATTACHED**

S.E. cor. N.E. 1/4 of  
S.W. 1/4, S.34, T.18, R.2W



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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>Virginia L. Acton</u>	Lot <u>003</u> Block <u>008</u> Survey <u>28-00-34-3-008</u>
<u>J. L. Huffstetter</u>	Lot <u>003</u> Block <u>008</u> Survey <u>28-00-34-3-008</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Virginia L. Acton 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.

Virginia L. Acton  
Signature of Certifier

Subscribed and sworn before me this the 24<sup>th</sup> day of February, 2015.

Traci M. Parra  
Notary Public

My commission expires: 4/10/2017

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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u>J L Huffstetler</u>	Lot <u>003</u> Block <u>008</u> Survey <u>28-00-34-3-008</u>
<u>Virginia L. Acker</u>	Lot <u>003</u> Block _____ Survey <u>28-00-34-3-008</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

JORDAN HUFFSTETLER 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.

J L Huffstetler  
Signature of Certifier

Subscribed and sworn before me this the 24<sup>th</sup> day of February, 2015.

Traci Maxwell Lane  
Notary Public

My commission expires: 4/10/2017

**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):     N/A    

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Information on Children:**

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

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

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

# Proposed Annexation, Subdivision, and Re-Zoning

For the Property Located at:  
4711 Caldwell Mill Rd.  
Birmingham, AL 35243



## Table of Contents

- Request Introduction
- Vicinity Map
- Proposed Plot Plan
- Existing Survey
- Area Analysis
- Annexation Merits

## Request Introduction

- Subject Property: The property is located at 4711 Caldwell Mill Rd., approximately 1/3 mile South of Patchwork Farms.
- Property Owner: David Acton Building Corp.
- Proposal Introduction: We propose to Annex the subject 3.43 Acre parcel into the City of Vestavia Hills, Re-Zone the Property to Vestavia Hills R-1 Zoning, Subdivide the Property into (2) lots in compliance with R-1 Zoning, and construct (2) Single Family Residences in compliance with R-1 Zoning.
- Proposed Homes: Our plans are to construct (2) homes with 3000-3500 SF each and to market the homes in the \$600,000-\$700,000 price range. Both homes will be built to a high quality standard and offer many upgraded amenities.

# Vicinity Map

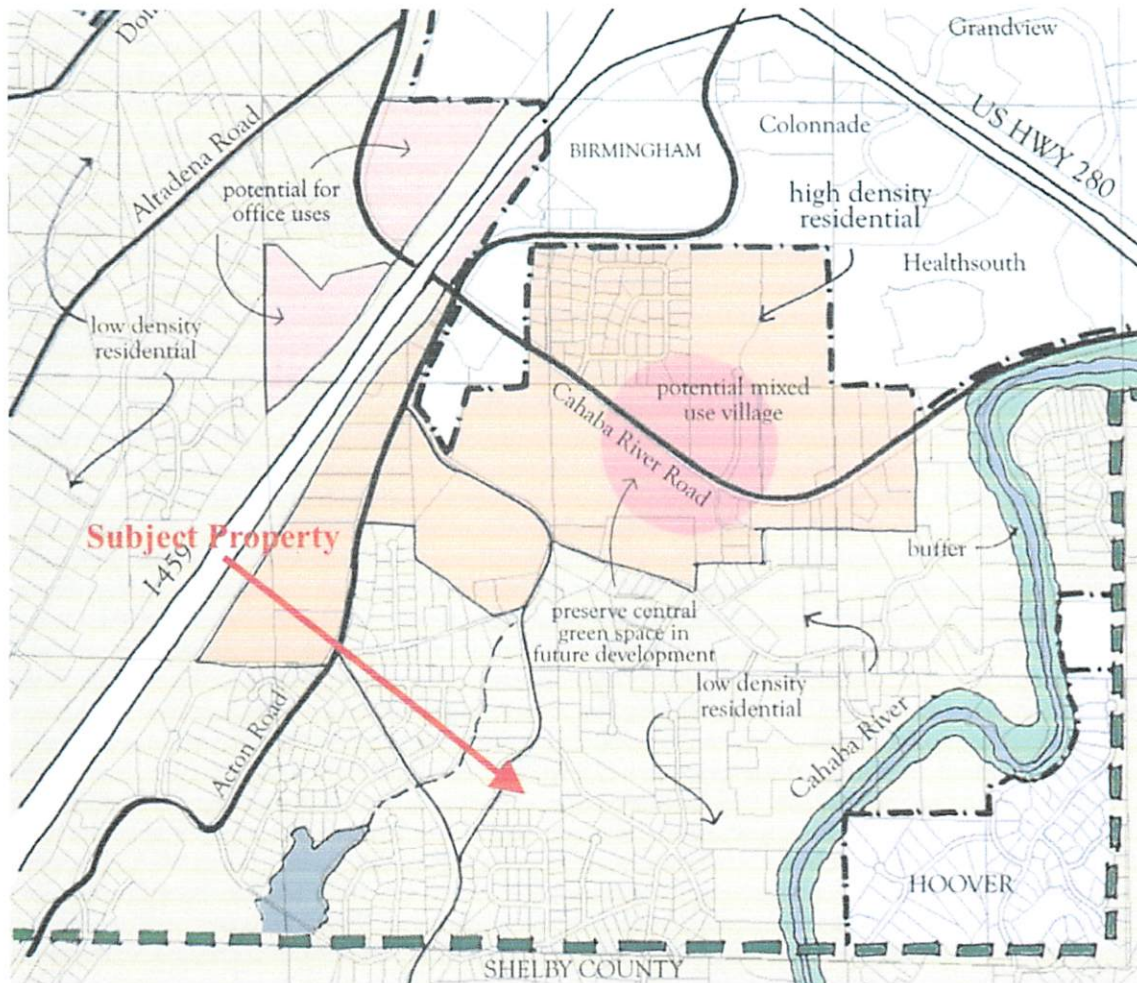
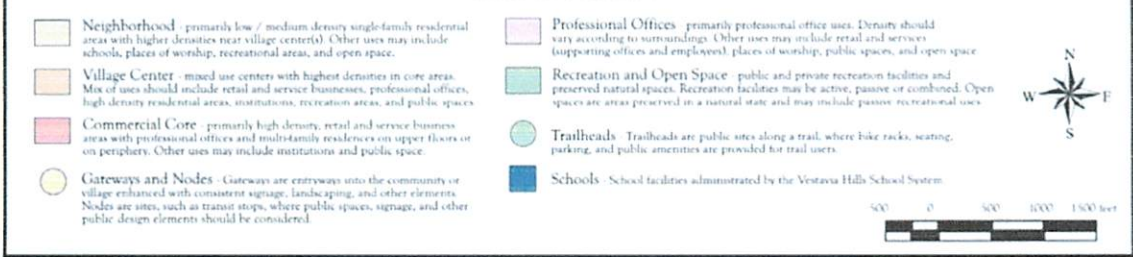


Figure 22: Cahaba River Road / Acton Road East  
Land Use Analysis



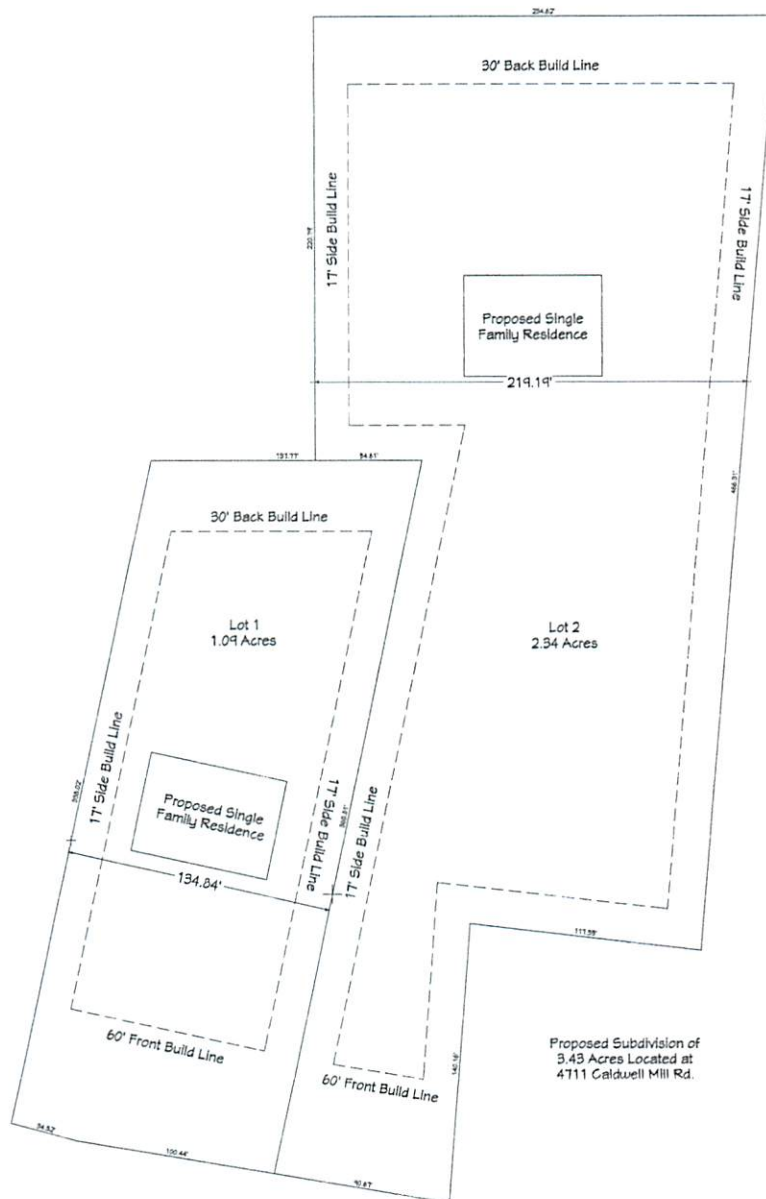
david acton  
building corporation

4898 Valleydale Rd. Suite A4  
Birmingham, AL 35242

T 205.980.9567  
F 866.322.2120  
dabc.jordan@gmail.com

[www.davidactonbuilding.com](http://www.davidactonbuilding.com)

# Proposed Plot Plan





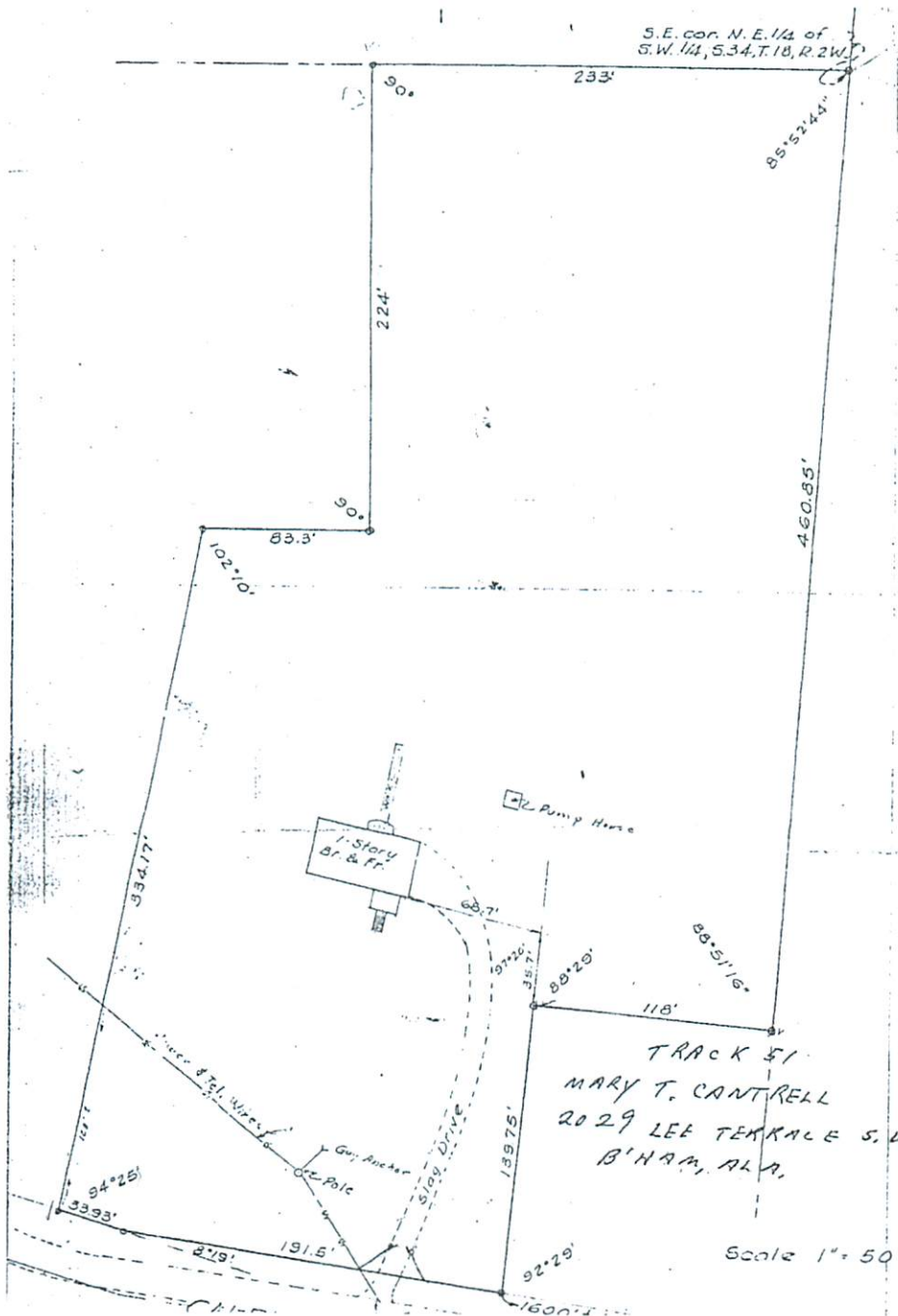
david acton  
building corporation

4898 Valleydale Rd. Suite A4  
Birmingham, AL 35242

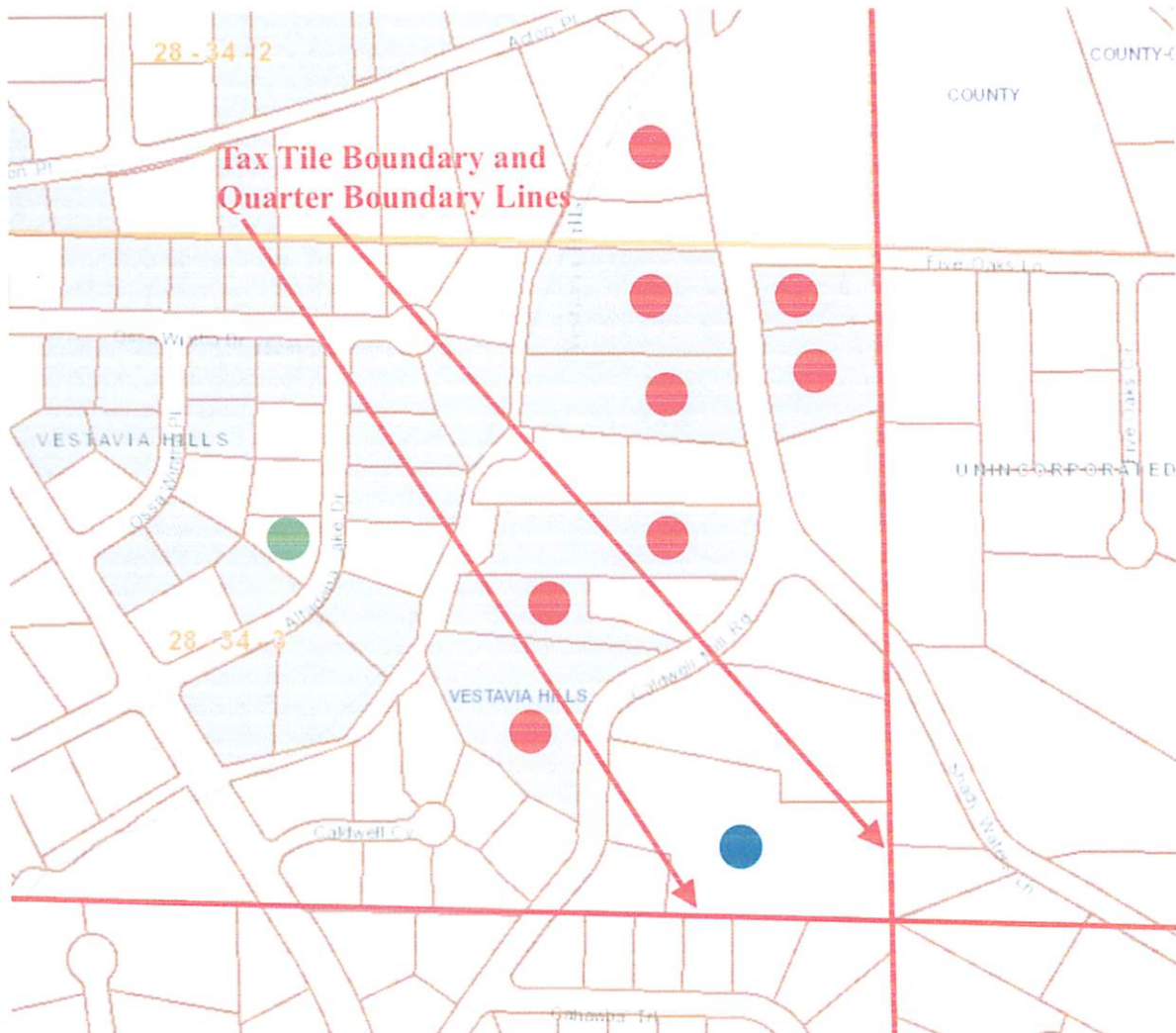
T 205.980.9567  
F 866.322.2120  
dabc.jordan@gmail.com

[www.davidactonbuilding.com](http://www.davidactonbuilding.com)

# Existing Survey



## Area Analysis



- Blue Dot - Subject Property
- Red Dot - Caldwell Mill Rd. Address and located within City Limits
- Green Dot - Not referenced in 2006 Annexation Policy Task Force Report and successfully annexed into City Limits since publication of Report.



## Annexation Merits

- Property is Contiguous to Vestavia city limits.
- Proposed Subdivision is compatible with land use in the area.
- Annexation of the Subject Property can serve a dual purpose in relationship to the City's boundaries:
  - Logically define City Limit's - The Subject Property's southern property line serves as the boundary line with the SE 1/4 of Tax Tile number 28-34-3 and it's eastern property line serves as the boundary line with Tax Tile number 28-34-4. The locations of the property lines provide natural and logical boundary lines for the City to utilize to prohibit the City's expansion to area's that are not a priority, if necessary.
  - Fill in gaps in the City Limit's created by Annexation approvals - Of the approximately 15 Residences located on Caldwell Mill Rd. between the Subject Property and Caldwell Mill's intersection with Acton Place, 8 are currently located within the limits of Vestavia. 2 of the 8 properties within the city limits are located on the same side of Caldwell Mill Rd. as the Subject Property. As there are already numerous properties on the street that are served by the City, annexation of the Subject Property will bring the total number of homes on the street that are within the City Limit's closer to 100%.
- While property is not specifically identified in September 2006 Annexation Policy Task Force Report, Property is located within same Tax Tile Number (28-34-3) as other properties that have successfully petitioned Vestavia for Annexation.
- Any concerns City Departments have with the physical condition of the property can be addressed in the construction process.
- Property Values and Market Demand:
  - Market Demand - Vestavia and Birmingham have invested heavily in Patchwork Farms, Grandview Medical, and other development along Acton Rd. and Cahaba River Rd. We believe that many of the professionals who support the operations of these developments will desire New Construction that is both within Vestavia city limits and located in close proximity to these developments.
  - Property Values - David Acton Building Corp. is not a volume leader amongst Birmingham homebuilders. We were ranked in the 2013 Birmingham Business Journal Top 25 Homebuilders List based off total new construction permits issued. Our average sales price per home was the highest of any homebuilder on the list. Our typical client chooses us based on our reputation for building quality homes, our finish material selections, and our attention to detail. Based on our history and where we operate within the industry, we are confident that the homes we build on the 2 Proposed Lots will enhance the property values and overall stature of the area.

**ORDINANCE NUMBER 2567**

**AN ORDINANCE OF THE CITY OF VESTAVIA HILLS TO ESTABLISH A PROCEDURE FOR THE ABATEMENT OF GRASS AND WEEDS AND FOR THE PROSECUTION OF GRASS AND WEEDS VIOLATIONS.**

**WHEREAS**, Alabama Act Number 2010-562 allows Class 7 Municipalities, such as the City of Vestavia Hills, Alabama (“the City”) to adopt their own procedures for abating grass and weeds nuisances;

**WHEREAS**, the Mayor and City Council desire to establish procedures relating to the abatement of grass and weeds within the City and to establish procedures relating to the prosecution of grass and weeds violations within the City;

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

**Section 1. Definitions:**

(a) Misdemeanor. It shall be the duty of every occupant of or person in possession of or in charge or control of the lower or ground floor or story of any house, building or structure, whether the same be used for dwelling or other purpose, and of every owner or agent or person in charge or control of any vacant lot abutting, situated on or facing any sidewalk that has been provided with curbing or that has been paved, macadamized or otherwise improved, to keep such sidewalk so bordering such premises and one-half of the street both in front and on the side thereof, free from grass, weeds or other voluntary or spontaneous growth of like nature, and any owner or agent, occupant or person in possession of or in charge or control of any of the premises described in this Section who shall permit such grass, weeds or other voluntary or spontaneous growth to obtain a height of over twelve (12) inches shall be guilty of a misdemeanor.

(b) Weed Defined. For purposes of this Article, a weed is defined as a plant of no value, undesirable and usually of rank



growth; grass, shrubs, underbrush, and other vegetable growth higher than twelve (12) inches.

(c) Agricultural Zoning Exception. The provisions of Ordinance Number 2567 of the City of Vestavia Hills, Alabama, shall not apply to any property that has been zoned agricultural property.

(d) Use of UNTCC Authorized. A law-enforcement officer may, in his or her sole discretion, choose to cite and release a defendant charged pursuant to this Article by utilizing the Uniform Nontraffic Citation and Complaint (“UNTCC”) as the charging instrument. However, any defendant charged pursuant to this Article must appear in court to answer the charged offense and may not plead guilty before a magistrate.

**Section 2. Applicability and Intent:**

An abundance of overgrown grass or weeds within the corporate limits of the City that is injurious to the general public health, safety, and general welfare by providing breeding grounds and shelter for rats, mice, snakes, mosquitoes, and other vermin, insects, and pests; or attaining heights and dryness that constitute a serious fire threat or hazard; or bearing wingy or downy seeds, when mature, that cause the spread of weeds and, when breathed, irritation to the throat, lungs, and eyes of the public; or hiding debris, such as broken glass or metal, that could inflict injury on a person going upon the property; or being unsightly; or a growth of grass or weeds, other than ornamental plant growth, that exceeds 12 inches in height, may be declared to be a public nuisance by the City Council and abated as provided this Ordinance Number 2567, City of Vestavia Hills, Alabama. The term “corporate limits of the City” as defined in this Article does not include the police jurisdiction of the City.

**Section 3. Weeds and Other Vegetation—Abatement”:**

(a) First Demand. Whenever there is a growth of weeds to a height of over twelve inches or otherwise constituting a nuisance pursuant to Sections 2 of this Ordinance Number 2567, the City Compliance Officer, the City Clerk, the Mayor, or any police officer of the City may serve notice upon the owner, occupant, and/or agent of owner or occupant of any improved lot or the owner and/or agent of the owner of any vacant lot

where the nuisance is located demanding that the growth be cut within forty-eight (48) hours.

(b) **Setting of Public Hearing.** If any such person or entity fails or refuses to cut such vegetation within such time as provided in Subsection (a), then the City Compliance Officer, the City Clerk, the Mayor, or any police officer of the City may set the matter for a public hearing to determine whether the nuisance should be abated. Said persons may set the matter for a public hearing by requesting that the Mayor or City Clerk add the matter to the applicable meeting agenda of the City Council. Alternatively, whether or not the first demand provided for by Subsection (a) has been made, whenever there is a growth of weeds to a height of over twelve inches or otherwise constituting a nuisance pursuant to Section 2 of this Ordinance Number 2567, the City Clerk may, by resolution, set a public hearing to determine whether the nuisance should be abated. In either case, such public hearing shall be set for the next meeting of the City Council that is at least ten calendar days from the date that notice is served upon the owner, occupant, and/or agent of owner or occupant of any improved lot or the owner and/or agent of the owner of any vacant lot where the nuisance is located or at any meeting thereafter. Although notice of a public hearing need not adhere to any particular form, it should inform the person or entity served of the time, date, and place of the hearing and the reason for the hearing.

(c) **Service.** Service under this Section shall be made by delivering a copy to the owner, occupant, and/or agent of owner or occupant of any improved lot or the owner and/or agent of the owner of any vacant lot where the nuisance is located or by mailing it to the owner, occupant, and/or agent of owner or occupant of any improved lot or the owner and/or agent of the owner of any vacant lot where the nuisance is located at said person or entity's last known address. Delivery of a copy under this Section means: handing it to the owner, occupant, and/or agent of owner or occupant of any improved lot or the owner and/or agent of the owner of any vacant lot where the nuisance is located; or leaving it at said person or entity's office with a clerk or other person in charge thereof; or, if there is no one in charge, leaving it in a conspicuous place therein; or leaving it at the person's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or by leaving it in a conspicuous place at the lot or parcel (whether improved or not) where the nuisance is located. Service by mail is complete upon mailing. For purposes of this Article, the person making service may (but is not required to) rely upon any information appearing on record in the office of the Jefferson County Tax Assessor to establish the identity of an owner of

property or to establish a person or entity's last known address, which if utilized shall be deemed conclusive and sufficient proof of the same.

(d) **Optional Notice.** The City Compliance Officer, the City Clerk, the Mayor, and/or any police officer of the City is authorized within his sole discretion, but not required, to utilize any additional means of providing notice deemed appropriate. Specifically, said persons are authorized to, but not limited to, provide this additional, optional notice by placement of notice in a public place or places located within the City, by publishing notice in a newspaper of general circulation published in the City as often and for as long as deemed appropriate, or by the placement of a sign or signs upon the offending property. The additional, optional notice provided for in this Subsection may be provided in whatever form the person giving notice deems appropriate in his sole discretion. Any person, other than a City officer, agent, or employee, who removes a sign or notice placed pursuant to this Subsection prior to the time that the offending growth is cut or abated in its entirety shall be guilty of a misdemeanor.

(e) **Public Hearing.** At the time stated in the notice for the public hearing, the City Council shall hear and consider all evidence, objections, and protests regarding the proposed removal of weeds. The City Council (either by vote of simple majority of those present or through the direction of the Mayor as chair of the meeting) may continue the hearing from time to time.

(f) **Resolution to Abate.** After public hearing, if it is found that there is a growth of weeds to a height of over twelve inches or otherwise constituting a nuisance pursuant to Section 2 of this Ordinance Number 2567, the City Council may, by resolution, declare the weeds to be a public nuisance and order its abatement. The resolution shall refer to the street by the name under which it is commonly known or describe the property upon which or in front of which the nuisance exists by giving a legal description of the property and no other description of the property shall be required. Any number of streets, sidewalks, or parcels of private property may be included in one resolution. The City Council, by passage of the resolution, shall be deemed to have acquired jurisdiction to proceed and either to perform or have performed the work of removal or abatement with respect to the property or part thereof. The decision of the City Council on the matter shall be deemed final and conclusive.

(g) **Abatement of Nuisance.** After the City Council passes the resolution finding the conditions of the property to be a nuisance and ordering its abatement, all officers, employees, and agents of the City may enter upon the private property to abate the nuisance. Alternatively, the

City Council may authorize private contractors, companies, enterprises, or individuals to abate and remove the nuisance. The City Council (by resolution), the Mayor, and/or any other agent, officer, or employee of the City so authorized by the Mayor shall designate the contractors, companies, enterprises, or individuals who may perform the work. Those persons so designated may enter upon private property for purposes of abating or removing the nuisance. For purposes of this Article, compliance with the competitive bid law is not required.

(h) City Compliance Officer. For purposes of this Article, this City Compliance Officer shall be the City Police Officer and/or any other agent, officer, or employee of the City so authorized by the Mayor.

**Section 4. Weeds and other vegetation—Reporting, Assessment, and Collection**

**of Costs of Abatement:**

(a) Reporting of Costs. The City adopts Section 11-67-65 of the *Code of Alabama* (1975) as that section may be amended or renumbered over time as its procedures for the reporting of costs of abating or removing a nuisance. However, this Subsection (a) is merely directory, and failure to comply with this provision shall not render any weed lien void or otherwise invalidate an action or omission of a City officer, agent, or employee when he is exercising his discretion.

(b) Weed Lien: Generally. After the abatement of any overgrown grass or weeds pursuant to the procedures provided in Section 2 of this Ordinance Number 2567, the costs of abatement shall be assessed and collected as a weed lien in the same manner as provided in Section 11-67-66 of the *Code of Alabama* (1975).

(c) Weed Lien: State Land. The City may assess the costs authorized against any lot or lots or parcel or parcels of land purchased by the State of Alabama or any purchaser at any sale for the nonpayment of taxes and where an assessment is made against a lot or lots or parcel or parcels of land, a subsequent redemption thereof by a person authorized to redeem or sale thereof by the State, shall not operate to discharge, or in any manner affect the lien of the City for the assessment, but a person redeeming the property or purchaser at a sale by the State of any lot or lots or parcel or parcels of land upon which an assessment has been levied, whether prior to or subsequent to a sale to the State or

purchaser for the nonpayment of taxes, shall take the same subject to the assessment.

(d) Cumulative Effect. This Article is cumulative in nature and in addition to any and all power and authority that the City may have under any other law.

**Section 5.** That this Ordinance shall become effective upon its adoption as provided by law;

**Section 6.** That the provisions of this Ordinance shall be included in and incorporated in the Code of Ordinances of the City of Vestavia Hills as an addition or amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code; and

**Section 7.** That the sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by a court of competent jurisdiction, then such ruling shall not affect any other paragraph and sections, since the same would have been enacted by the City Council without the incorporation of any such unconstitutional phrase, clause, sentence, paragraph or section.

**ADOPTED AND APPROVED** this the 11<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION OF CITY CLERK**

STATE OF ALABAMA     )  
JEFFERSON COUNTY    )

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of an Ordinance duly adopted by the City Council of the City of Vestavia Hills, Alabama, on the 11<sup>th</sup> day of May, 2015.

The above and foregoing ordinance was published on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, by posting copies thereof in three public places within the City of Vestavia Hills, one of which was the post office or the Mayor's office in the City of Vestavia Hills.

Witness my hand and seal of office this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Rebecca Leavings, City Clerk



## **CITY OF VESTAVIA HILLS INTEROFFICE MEMORANDUM**

**TO:** James Coleman, Compliance Officer  
Dan Rary, Police Chief  
Rebecca Leavings, City Clerk

**FROM:** Jeff Downes, City Manager

**DATE:** April 16, 2015

**RE:** City of Vestavia Hills Grass and Weed Fee Structure

---

The Minimum Fees if Grass/Weeds are Removed by Property Owner will total a \$200 administrative fee if the property owner remediates the property himself. If the City remediates the property, then in such event the total cost will be the cost of remediation by the City or Contractor plus an additional \$200 administrative fee.

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

TELEPHONE (205) 324-2018

FACSIMILE (205) 324-2295

May 8, 2015

By Electronic Mail

City Manager Jeffrey D. Downes  
Vestavia Hills Municipal Center  
513 Montgomery Highway  
Vestavia Hills, Alabama 35216

In Re: Ordinance Number 2567  
Abatement of Grass and Weeds

Dear Mr. Downes:

On April 23, 2015 (when I was out of the State of Alabama on vacation), City Clerk Rebecca Leavings sent to me via electronic mail a copy of Ordinance Number 2567 with a request that I review the ordinance and provide her with my comments prior to a public hearing scheduled for May 11, 2015. The purpose of this letter is to comply with her request.

I have reviewed the following before writing this legal opinion:

1. Title 11-67-80, *Code of Alabama, 1975*.
2. Title 11-67-65, *Code of Alabama, 1975*.
3. Title 11-67-66, *Code of Alabama, 1975*.
4. Ordinance Number 2567.

From a legal standpoint, I have no recommendations for additions, deletions, changes and/or corrections to Ordinance Number 2567. Please call me if you have any questions regarding any matters set forth in this legal opinion.

Sincerely,



Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp

cc: City Clerk Rebecca Leavings (by e-mail)



**RESOLUTION NUMBER 4713**

**A RESOLUTION PROPOSING THE ANNEXATION  
OF CERTAIN TERRITORY TO THE CORPORATE  
LIMITS OF THE CITY OF VESTAVIA HILLS,  
ALABAMA.**

**WHEREAS**, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated January 14, 2015, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

**WHEREAS**, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 28th day of May, 2015; and

**WHEREAS**, it would be in the best interest of the City of Vestavia Hills, Alabama, and to the citizens thereof to consider annexation of said territory and bringing it within the corporate limits of this Municipality; and

**WHEREAS**, said petitioners must comply with Act #604, 1970 Alabama Legislature regarding Fire Districts (property owners are to be responsible for fire dues if they are within another Fire District at the time of the annexation petition).

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 3rd day of June, 2015.

2. That on the 14th day of September, 2015, in the Vestavia Hills Municipal Center, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4713 by the City Council of the City of Vestavia Hills, Alabama, and as

annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

74 +/- acres adjacent to Cahaba River  
Freshwater Land Trust, Owner(s)

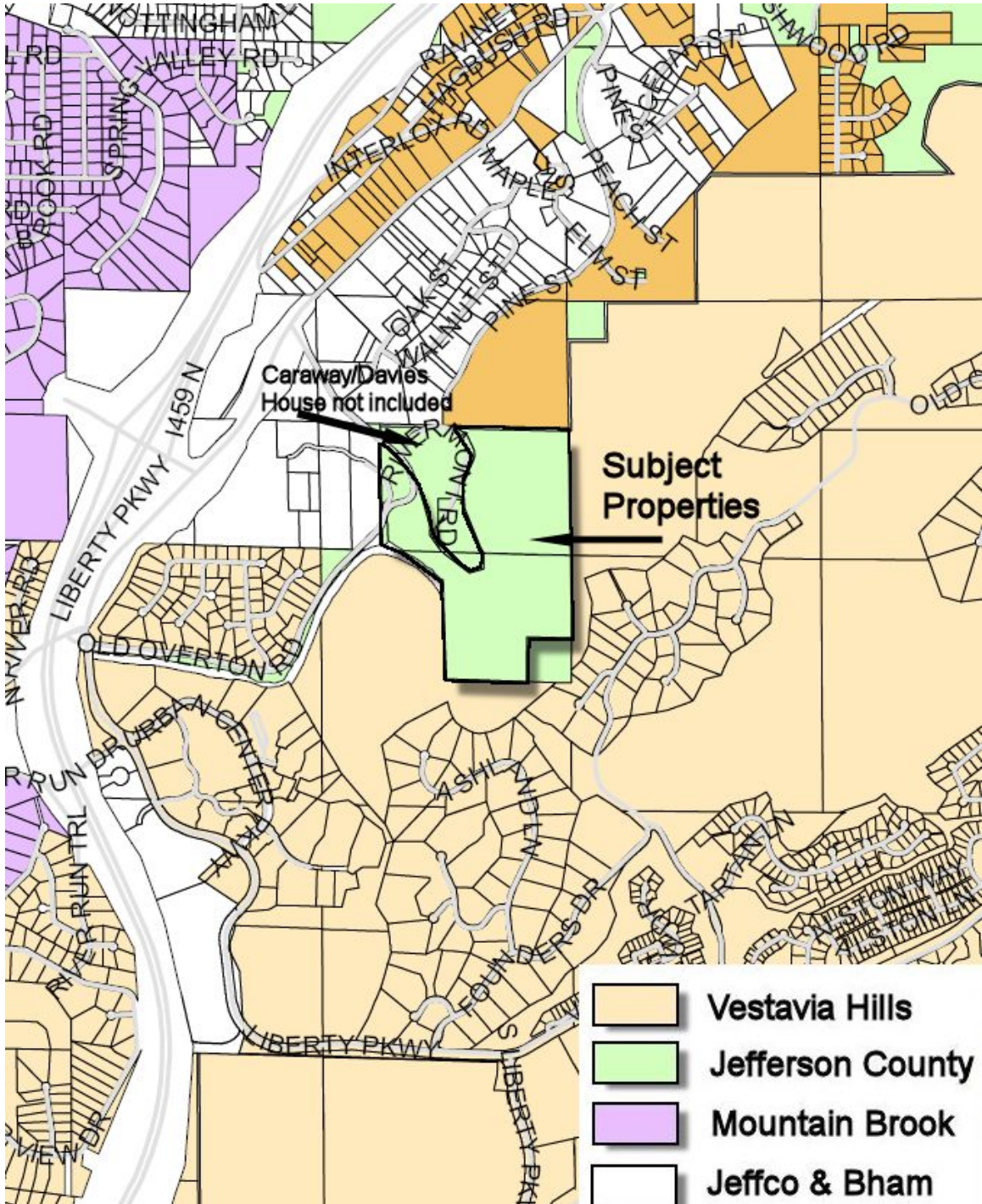
More Particularly Described As Parcels 1 through 7 as described in Exhibit B attached to and incorporated into this Resolution Number 4713 as though written fully therein.

**APPROVED and ADOPTED** this the 28th day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**EXHIBIT "B"**  
**LEGAL DESCRIPTIONS**

Parcel 1:

Commence at the southeast corner of the southwest quarter of the southeast quarter of Section 1, Township 18 South, Range 2 West, Jefferson County, Alabama, and run North 87 degrees 40 minutes 49 seconds West for 60.00 feet to iron pin feet and also being the POINT OF BEGINNING; thence run North 00 degrees 12 minutes 48 seconds West for 50.77 feet to a point, thence run North 36 degrees 35 minutes 12 seconds West for 159.71 feet to an iron pin, thence run North 04 degrees 59 minutes 53 seconds East for 86.17 feet to an iron pin, thence run North 16 degrees 10 minutes 10 seconds West for 471.89 feet to an iron pin thence run North 86 degrees 09 minutes 43 seconds West for 56.98 feet to an iron pin on the west R.O.W. of Old Overton Road, thence run in a northwesterly direction along the west side of said road for a distance of 565.23 feet to an iron pin, thence run South 04 degrees 46 minutes 57 seconds East for 279.85 feet to an iron pin on the east side of a 40 foot road, thence run in a southeasterly direction along the east side of said road a distance of 436.45 feet to an iron pin also being on the north R.O.W. of Old Overton Road, thence run South 45 degrees 19 minutes 32 seconds East for 42.93 feet to an iron pin on the South R.O.W. of Old Overton Road, thence run in a southwesterly direction along said South R.O.W. of Old Overton Road for a distance of 100.80 feet to an iron pin, thence run South 04 degrees 46 minutes 57 seconds East for 238.24 feet to an iron pin thence run South 54 degrees 49 minutes 11 seconds East for 201.17 feet to an iron pin on the north bank of the Cahaba River, thence run South 87 degrees 40 minutes 49 seconds East for 361.89 feet to the aforementioned POINT OF BEGINNING.

Parcel 2:

Commence at the northwest corner of the southeast quarter of the southeast quarter of Section 1, Township 18 South, Range 2 West, Jefferson County, Alabama, and run South 88 degrees 36 minutes 08 seconds East a distance of 99.67 feet to an iron pin also being the POINT OF BEGINNING; thence run South 60 degrees 45 minutes 07 seconds East for 119.37 feet to an iron pin, thence run South 46 degrees 49 minutes 06 seconds East for 67.68 feet to an iron pin, thence run South 22 degrees 42 minutes 04 seconds East for 63.74 feet to an iron pin, thence run South 27 degrees 27 minutes 08 seconds East for 113.97 feet to an iron pin, thence run South 04 degrees 36 minutes 03 seconds East for 67.28 feet to an iron pin, thence run South 22 degrees 05 minutes 37 seconds West for 331.77 feet to an iron pin, thence run South 09 degrees 28 minutes 13 seconds West for 115.14 feet to an iron pin, thence run South 15 degrees 06 minutes 43 seconds East for 21.22 feet to an iron pin thence run South 87 degrees 40 minutes 49 seconds East for 62.81 feet to an iron pin, thence run North 54 degrees 45 minutes 23 seconds East for 209.84 feet to an iron pin on the west bank of the Cahaba River, thence run in a northeastly direction for 740.84 feet along the West bank of the Cahaba River to an iron pin, thence run North 88 degrees 36 minutes 08 seconds West for 614.41 feet to the aforementioned POINT OF BEGINNING.

**EXHIBIT "B"**  
**LEGAL DESCRIPTIONS**

Parcel 3:

Commence at the southeast corner of Section 1, Township 18 South, Range 2 West, Jefferson County, Alabama, said point being POINT OF BEGINNING; thence run North 00 degrees 09 minutes 07 seconds West along the east line of said section for 1347.70 feet to an iron pin, thence run North 88 degrees 36 minutes 08 seconds West for 450.65 feet to an iron pin on the east bank of the Cahaba River thence run in a southwesterly direction along said bank of the Cahaba river for a distance of 2036.31 feet to an iron pin on the east bank of the Cahaba River, and the east line of Section 12, Township 18 South Range 2 West, thence run North 00 degrees 01 minutes 02 seconds East for a distance of 92.37 feet to the aforementioned POINT OF BEGINNING.

Parcel 4:

Commence at the northeast corner of Section 12, Township 18 South, Range 2 West, Jefferson County, Alabama, thence run South 00 degrees 01 minutes 02 seconds West along the east line of section 12 for 235.29 feet to an iron pin on the South bank of the Cahaba River said point being the POINT OF BEGINNING; thence continue South 00 degrees 01 minutes 02 seconds West for 629.75 feet to an iron pin, thence run North 87 degrees 40 minutes 57 seconds West for 466.88 feet to an iron pin, thence run South 00 degrees 01 minutes 02 seconds West for 466.88 feet to an iron pin, thence run North 87 degrees 40 minutes 57 seconds West for 801.12 feet to a point on the east bank of the Cahaba River feet thence run in a northeasterly direction along the east bank of the Cahaba River for a distance of 1546.27 feet to an iron pin, thence run North 75 degrees 19 minutes 29 seconds East for 925.80 feet to an iron pin on the South bank of the Cahaba River thence run in a southeasterly direction along the South bank of the Cahaba River for a distance of 478.05 feet to the aforementioned POINT OF BEGINNING.

Parcel 5:

Commence at the northwest corner of the northeast quarter of the northeast quarter of Section 12, Township 18 South, Range 2 West, Jefferson County, Alabama, and run South 00 degrees 00 minutes 24 seconds East a distance of 457.91 feet to a point on the West bank of the Cahaba River also being the POINT OF BEGINNING; thence continue South 00 degrees 00 minutes 24 seconds East for a distance of 658.62 feet to a point on the West bank of the Cahaba River, thence run in a northeasterly, north and northwesterly direction along the west bank of the Cahaba River for a distance of 742.61 feet to the aforementioned POINT OF BEGINNING.

**EXHIBIT "B"**  
**LEGAL DESCRIPTIONS**

Parcel 6:

Commence at the southeast corner of the southwest quarter of the southeast quarter of Section 1, Township 18 South, Range 2 West, Jefferson County, Alabama, and run South 00 degrees 00 minutes 24 seconds East a distance of 27.83 feet to a capped iron pin also being the POINT OF BEGINNING; thence run South 53 degrees 39 minutes 45 seconds East for 333.59 feet to a capped iron pin, thence run South 75 degrees 19 minutes 30 seconds West for 277.75 feet to a point on the east bank of the Cahaba River, thence run in a northwesterly direction for 531.36 feet along the north bank of the Cahaba River to an iron pin, thence run South 87 degrees 40 minutes 49 seconds East for 361.89 feet to a point, thence run North 00 degrees 12 minutes 48 seconds West for 50.77 feet to a point, thence run South 36 degrees 35 minutes 11 seconds East for 100.91 feet to the aforementioned POINT OF BEGINNING.

Parcel 7:

Commence at the southeast corner of the southwest quarter of the southeast quarter of Section 1, Township 18 South, Range 2 West, Jefferson County, Alabama, and run South 87 degrees 40 minutes 48 seconds East a distance of 422.11 feet to a capped iron pin also being the POINT OF BEGINNING; thence run North 36 degrees 35 minutes 11 seconds West for 64.63 feet to a capped iron pin, thence run North 21 degrees 01 minutes 56 seconds West for 448.11 feet to a capped iron pin, thence run North 15 degrees 06 minutes 39 seconds West for 101.41 feet to a capped iron pin, thence run South 87 degrees 40 minutes 49 seconds East for 62.81 feet to a capped iron pin, thence run North 54 degrees 45 minutes 23 seconds East for 209.84 feet to a point on the west bank of the Cahaba River, thence run in a southeasterly direction for 861.74 feet along the west bank of the Cahaba River to a point, thence run South 75 degrees 19 minutes 30 seconds East for 490.91 feet to a capped iron pin, thence run North 00 degrees 00 minutes 00 seconds East for 168.64 feet to the aforementioned POINT OF BEGINNING.

**RESOLUTION NUMBER 4714**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER EMPLOYMENT CONTRACTS FOR THE CITY MANAGER**

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

1. The Mayor is hereby authorized to execute and deliver a First Amendment to Employment Contract and a Second Addendum to Employment Contract for Jeffrey D. Downes as City Manager; and
2. Copies of said contracts are attached to this Resolution Number 4714 marked as “Exhibit A” and is incorporated by reference as though written fully therein; and
3. This Resolution Number 4714 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



STATE OF ALABAMA

JEFFERSON COUNTY

**FIRST ADDENDUM TO  
EMPLOYMENT CONTRACT FOR CITY MANAGER**

**WITNESSETH THIS FIRST ADDENDUM TO EMPLOYMENT CONTRACT FOR CITY MANAGER**, made and entered into on this the \_\_\_\_\_ day of May, 2015, by and between the City of Vestavia Hills, Alabama, as employer, (“City”) and Jeffrey D. Downes, as employee, (“City Manager”).

**WITNESSETH THESE RECITALS:**

**WHEREAS**, on May 31, 2013, the City, as employer, and City Manager, as employee, entered into a written Employment Contract (“contract”); and

**WHEREAS**, the written Employment Contract provides, among other things, as follows:

**“II. TERM OF CONTRACT**

The City has and does hereby employ said Jeffrey D. Downes as City Manager for the City of Vestavia Hills, Alabama pursuant to Alabama Act Number 2010-544 for a period of two (2) years beginning July 15, 2013 and ending July 15, 2015 to perform the duties set forth in Section XI-B of this Employment Contract.

**III. ANNUAL SALARY**

The City Manager agrees to faithfully perform the duties of City Manager as set forth in Section XI of this contract. The annual salary of the City Manager for and during the terms described in Section II, A and B above, shall be One Hundred Fifty Thousand Dollars (\$150,000) and shall be paid in twelve (12) equal, monthly installments of Twelve Thousand Five Hundred Dollars (\$12,500) at the times and in accordance with payroll procedures of the City.”; and

**WHEREAS**, on September 9, 2013, the City Council approved and adopted Resolution Number 4497 approving a two percent (2%) increase in wages and salaries for all employees beginning October 1, 2013 (sometimes referred to as “COLA”), which increased the annual salary of the City Manager from \$150,000.00 per year to \$153,000.00 per year payable at the rate of \$12,750.00 per month rather than \$12,500.00 per month; and

**WHEREAS**, on August 25, 2014, the City Council approved and adopted Resolution Number 4634 approving a two percent (2%) increase in wages and salaries for all employees beginning October 1, 2014, which increased the annual salary of the City Manager from \$153,000.00 per year to \$156,060.00 per year payable in twelve (12) equal installments of Thirteen Thousand Five Dollars (\$13,005.00) per month; and

**WHEREAS**, the City and City Manager now wish to amend the Employment Contract for the City Manager, dated May 31, 2013, in order to change the term of the contract by extending the contract term for two months so that the said contract shall terminate on September 30, 2015; and

**WHEREAS**, the City and City Manager wish to further amend the Employment Contract of the City Manager, dated May 31, 2013, in order to add language to Section III so as to clarify that the City Manager is in fact an employee of the City and will receive increases in compensation when the City Council approves and adopts increases in pay for all employees; and

**WHEREAS**, the City and City Manager have agreed that it is in the best interest of the parties that the agreement be reduced to writing.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:** That the City and City Manager expressly and mutually covenant and agree as follows:

1. That Section II of the Employment Contract, dated May 31, 2013, be amended so that said Section II shall extend the term of the contract for a period of two (2) months so that the said contract shall terminate on September 30, 2015. Section II of the Employment Contract, as amended, shall read as follows:

**“II. TERM OF CONTRACT**

The City has and does hereby employ said Jeffrey D. Downes as City Manager for the City of Vestavia Hills, Alabama pursuant to Alabama Act Number 2010-544 for a period of two (2) years beginning July 15, 2013 and ending September 30, 2015 to perform the duties set forth in Section XI-B of this Employment Contract.”

In addition, the purpose of this amendment, other than to increase the initial term of the contract by two (2) months, is to provide that any extension thereof shall begin on October 1<sup>st</sup>, which is the beginning date of the fiscal year for municipalities in the State of Alabama.

2. That Section III of the Employment Contract, dated May 31, 2013, be amended so that as amended, said Section III clarifies that the City Manager is in fact an employee of the City and will receive increases in compensation when the City Council approves and authorizes increases in pay for all employees.

Section III-A shall be added to the contract and shall read in words and figures as follows:

“A. The City Manager is in fact an employee of the City and shall receive increases in compensation when the City Council approves and authorizes increases in wages and salaries for all employees.”

3. That the City and City Manager further agree that all other aspects, terms, provisions and conditions of the original Employment Contract, dated May 31, 2013, are hereby ratified, approved and confirmed by the parties so that the same shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City of Vestavia Hills, Alabama has caused this First Addendum to Employment Contract of City Manager to be executed by its duly authorized officers and its seal to be hereunder affixed; and Jeffrey D. Downes has hereunto set his hand and seal, all being done in duplicate originals with one (1) original being delivered to each party on this the \_\_\_\_\_ day of May, 2015.

CITY OF VESTAVIA HILLS, ALABAMA

By \_\_\_\_\_  
Alberto C. Zaragoza, Jr.  
Its Mayor

ATTESTED:

By \_\_\_\_\_

\_\_\_\_\_  
Jeffrey D. Downes

WITNESSED:

By \_\_\_\_\_

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Alberto C. Zaragoza, Jr., whose name as Mayor of the City of Vestavia Hills, Alabama is signed to the foregoing First Addendum to Employment Contract for City Manager, and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of May, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name is signed to the foregoing First Addendum to Employment Contract for City Manager and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of May, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**STATE OF ALABAMA**

**JEFFERSON COUNTY**

**SECOND ADDENDUM TO  
EMPLOYMENT CONTRACT FOR CITY MANAGER**

**WITNESSETH THIS SECOND ADDENDUM TO EMPLOYMENT CONTRACT FOR CITY MANAGER**, made and entered into on this the \_\_\_\_\_ day of May, 2015, by and between the City of Vestavia Hills, Alabama, as employer, (“City”) and Jeffrey D. Downes, as employee, (“City Manager”).

**WITNESSETH THESE RECITALS:**

**WHEREAS**, on May 31, 2013, the City, as employer, and City Manager, as employee, entered into a written Employment Contract (“contract”); and

**WHEREAS**, on May \_\_\_\_\_, 2015, the City and City Manager executed and delivered First Addendum to Employment Contract for City Manager to extend the initial term of the contract to September 30, 2015 and to make perfectly clear that the City Manager is an employee of the City and entitled to receive increases in compensation when the City Council approves and authorizes wage and salary increases (COLAs) for all employees; and

**WHEREAS**, the City and City Manager now wish to amend the Employment Contract for the City Manager, dated May 31, 2013, as amended by the First Addendum, in order to change the term of the contract by extending the contract term for a period of three (3) years beginning October 1, 2015 and ending September 30, 2018; and

**WHEREAS**, the City and City Manager have agreed that it is in the best interest of the parties that the agreement be reduced to writing.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:** That the City and City Manager expressly and mutually covenant and agree as follows:

1. That Section II of the Employment Contract, dated May 31, 2013, be amended so that said Section II shall extend the term of the contract for a period of three (3) years beginning October 1, 2015 and ending September 30, 2018.

2. That the City and City Manager further agree that all other aspects, terms, provisions and conditions of the original Employment Contract, dated May 31, 2013, as amended by the First Addendum, dated May \_\_\_\_\_, 2015, are hereby ratified, approved and confirmed by the parties so that the same shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City of Vestavia Hills, Alabama has caused this Second Addendum to Employment Contract of City Manager to be executed by its duly authorized officers and its seal to be hereunder affixed; and Jeffrey D. Downes has hereunto set his hand and seal, all being done in duplicate originals with one (1) original being delivered to each party on this the \_\_\_\_\_ day of May, 2015.

CITY OF VESTAVIA HILLS, ALABAMA

By \_\_\_\_\_  
Alberto C. Zaragoza, Jr.  
Its Mayor

ATTESTED:

By \_\_\_\_\_

\_\_\_\_\_  
Jeffrey D. Downes

WITNESSED:

By \_\_\_\_\_

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Alberto C. Zaragoza, Jr., whose name as Mayor of the City of Vestavia Hills, Alabama is signed to the foregoing Second Addendum to Employment Contract for City Manager, and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of May, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name is signed to the foregoing Second Addendum to Employment Contract for City Manager and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of May, 2015.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL



PATRICK H. BOONE  
ATTORNEY AND COUNSELOR AT LAW  
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705  
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH  
BIRMINGHAM, ALABAMA 35203-3720  
TELEPHONE (205) 324-2018  
FACSIMILE (205) 324-2295

May 5, 2015

By Hand Delivery

Mayor Alberto C. Zaragoza, Jr.  
Vestavia Hills Municipal Center  
513 Montgomery Highway  
Vestavia Hills, Alabama 35216

In Re: First Addendum and Second Addendum to Employment Contract for City Manager

Dear Mayor Zaragoza:

Pursuant to your specific instructions, I have prepared and enclose suggested drafts of First Addendum and Second Addendum to Employment Contract for City Manager.

It will be appreciated if you will review the documents and advise me of any necessary additions, deletions, changes and/or corrections.

Sincerely,



Patrick H. Boone  
Vestavia Hills City Attorney

PHB:gp  
Enclosures

**ORDINANCE NUMBER 2495-A**

**AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL FOR A 120' STEALTH MONOPOLE (MONOPINE)**

**WHEREAS**, on February 6, 2014, Davis Properties LLC submitted an application for construction and operation of a 120' stealth monopole (monopine) on the property located at 2062 Columbiana Road currently zoned Vestavia Hills B-1; and

**WHEREAS**, Section 7.9 of the Vestavia Hills Zoning Code sets forth development criteria for new telecommunications facilities; and

**WHEREAS**, AT&T has shown a need for added coverage in the general area of subject property in and along area rights-of-way; and

**WHEREAS**, the Vestavia Hills Planning and Zoning Commission at its regular meeting of March 13, 2014 voted unanimously to recommend approval of the request for a 120' stealth monopole (monopine) be approved as requested, with certain stipulations; and

**WHEREAS**, on April 28, 2014, the Vestavia Hills City Council adopted and approved Ordinance Number 2495 granting a conditional use approval for construction of a stealth monopole (monopine); and

**WHEREAS**, a year has expired without substantial construction and a letter dated April 23, 2015 from N. Andrew Rotenstreich, Baker Donelson Bearman, Caldwell & Berkowitz, PC, representing the owner has requested consideration of a 1-year extension of said conditional use, a copy of said letter is attached to this Ordinance Number 2495 and marked as "Exhibit A".

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

1. A 1-year extension of the Conditional Use Approval for Davis Properties, for construction and operation of a 120' stealth monopole (monopine) for the property located at 2062 Columbiana Road with the following conditions:
  - (1) "Said communications shall be a monopine stealth tower limited to 120' in height with accompanying facilities; said monopine "branches and aesthetics" to be kept perpetually in good condition by owner; and
  - (2) Any and all fencing surrounding the structure and facilities shall be decorative in nature and also kept in good structure and condition by owner; and
  - (3) The areas surrounding said structure and facilities shall be adequately landscaped with both landscaping and proposed fencing to be reviewed and approved by the City's Design Review Board.
2. At any time should the structure be destroyed or vacated from the premises located at 2062 Columbiana Road, Vestavia Hills, Alabama, and not reconstructed, refurbished or used for communication purposes for any time period in excess of three hundred and sixty five (365) days, said Ordinance Number 2495 and said conditional use approval shall be nullified.

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza, Jr.  
Mayor

ATTESTED BY:

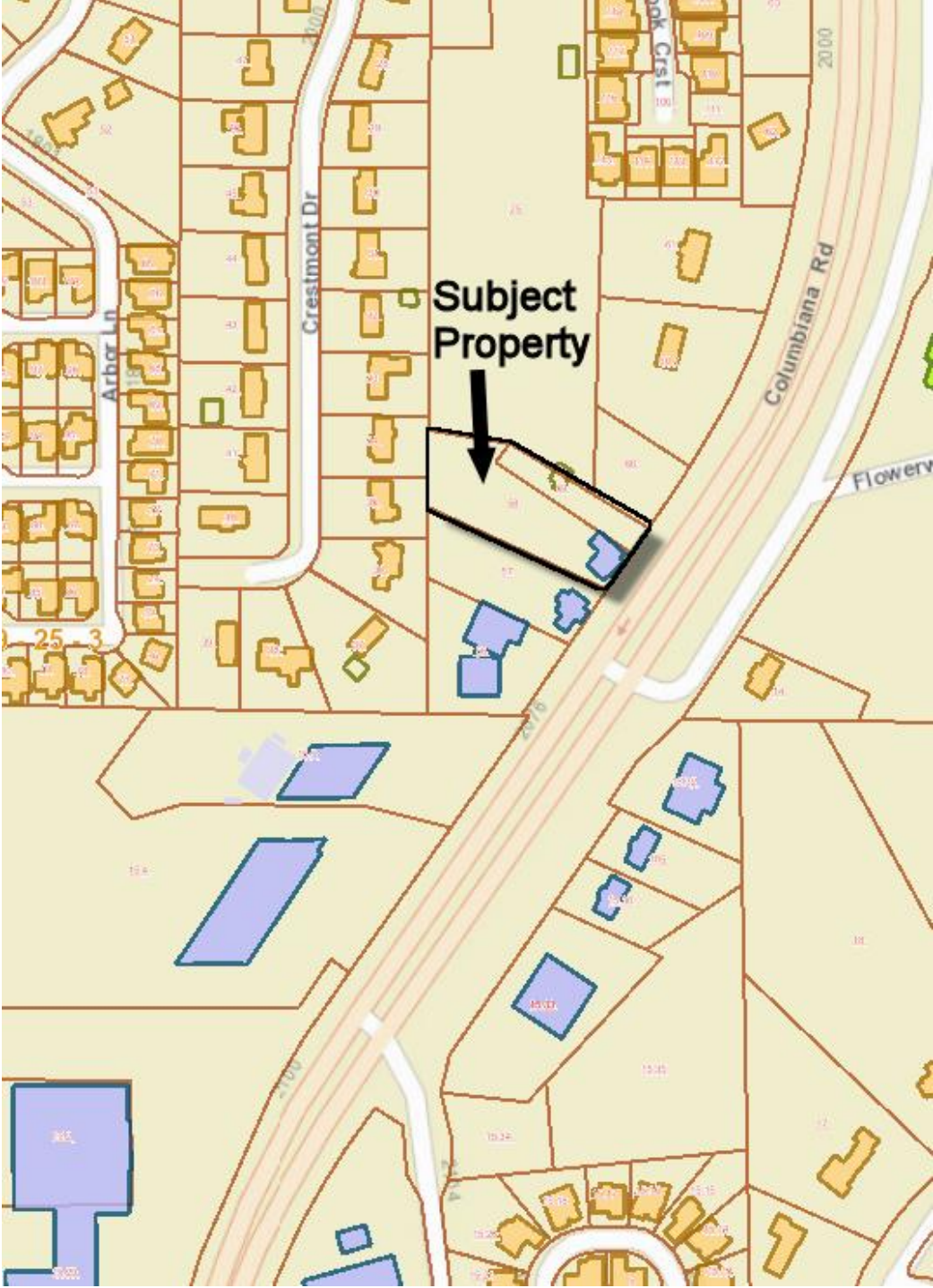
Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2495-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 28<sup>th</sup> day of May, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Rebecca Leavings  
City Clerk



**BAKER DONELSON**  
BEARMAN, CALDWELL & BERKOWITZ, PC

WELLS FARGO TOWER  
420 20TH STREET NORTH  
SUITE 1400  
BIRMINGHAM, ALABAMA  
35203

PHONE: 205.328.0480  
FAX: 205.322.8007

[www.bakerdonelson.com](http://www.bakerdonelson.com)

N. ANDREW ROTENSTREICH, SHAREHOLDER  
Direct Dial: 205.250.8304  
Direct Fax: 205.488.3704  
E-Mail Address: [arotenreich@bakerdonelson.com](mailto:arotenreich@bakerdonelson.com)

April 23, 2015

**VIA FEDERAL EXPRESS**

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

Re: Proposed Cell Tower Located at 2062 Columbiana Road

Dear Becky:

Please allow this letter to serve as a request for an extension of Ordinance Number 2495, an Ordinance Granting a Conditional Use Approval for a 120' Stealth Monopole (Monopine) on property located at 2062 Columbiana Road. We understand that, under Section 13.3.3 of the Zoning Ordinance of the City of Vestavia Hills, that the Conditional Use is set to expire on April 28, 2015.

When originally approved, the plan was to begin construction within 6-9 months, as evidenced by our obtaining a building permit for this project. Due to budget issues and the shifting of build plan priorities, this particular site was placed on a temporary hold. Plans now are for Foresite Towers to construct the tower. If the extension is approved by the City Council, Foresite plans to apply for the building permit within 6 months time, and to substantially complete construction within 1 year from the date of approval of an extension.

Please place this item on the next available City Council Agenda for consideration.

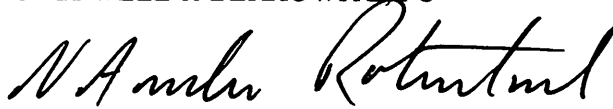
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2925117-000001 04/23/2015

Ms. Rebecca Leavings  
April 23, 2015  
Page 2

In the meantime, if you have any questions, please feel free to contact me.

Sincerely yours,

BAKER, DONELSON, BEARMAN,  
CALDWELL & BERKOWITZ, PC

A handwritten signature in cursive script that reads "N. Andrew Rotenstreich". The signature is written in black ink and is positioned above the printed name.

N. Andrew Rotenstreich, Shareholder

NXR01:nar



**ORDINANCE NUMBER 2568**

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

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

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

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

**WHEREAS**, David and Sandra Redden have submitted application for conditional use approval for a home occupation to be operated in their residence located at 7024 Lake Run Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.; and

**WHEREAS**, Mr. and Mrs. Redden have indicated in the application for conditional use approval that she will operate her interior design business out of her home pursuant to the specifications of a home occupation; and

**WHEREAS**, a copy of said application dated February 3, 2015 is attached and hereby incorporated into this Ordinance Number 2568.

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

1. Conditional Use Approval is hereby approved for David and Sandra Redden for a home occupation as described in the above-referenced application for the residence located at 7024 Lake Run Drive, Vestavia Hills, Alabama located in

Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:

- (1) “Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling.
- (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation.
- (3) There shall be no public display of goods and absolutely no commodities sold on the premises.
- (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
- (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
- (6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use.

- (7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and
- (8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”
2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 7024 Lake Run Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
3. A City of Vestavia Hills Business License shall be issued upon application and payment by Mr. and Mrs. Redden working subject to the rules and regulations outlined in the Vestavia Hills Business License Code and shall be renewed each year that the home occupation is operated from the location at 7024 Lake Run Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
4. At any time should David and Sandra Redden vacate the premises located at 7024 Lake Run Drive, Vestavia Hills, Alabama, discontinue or relocate the business, this conditional use approval shall be nullified and said Ordinance Number 2568 shall be automatically repealed.

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza  
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 # 2568 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of May, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Rebecca Leavings  
City Clerk

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

Date: APRIL 9, 2015

- **CASE:** P-0315-14
  - **REQUESTED ACTION:** Conditional Use Approval for a home based business
  - **ADDRESS/LOCATION:** 7024 Lake Run Dr.
  - **APPLICANT/OWNER:** David and Sandra Redden. 7024 Lake Run Dr., Vestavia Hills
  - **GENERAL DISCUSSION:** The applicant wishes to conduct a home based business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. Applicant indicates that only paperwork be done at the residence. Liberty Park has submitted four requested conditions:
    1. There shall be no customers, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
    2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
    3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
    4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.
- The property is zoned PR-1.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
  - **STAFF REVIEW AND RECOMMENDATION:**
    1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

**City Planner Recommendation:** I recommend the Commission recommend approval with the conditions requested by Liberty Park.

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.

**P&Z Recommendation:**

**MOTION** Mr. Wolfe made a motion to recommend approval of Conditional Use Approval for a home office at 7024 Lake Run Dr. with the following conditions:

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

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

Mr. Brooks – yes  
Mr. House – yes  
Mr. Visintainer – yes  
Mr. Larson – yes

Mr. Wolfe – yes  
Mr. Burrell – yes  
Mr. Goodwin – yes  
Motion carried.

**ORDINANCE NUMBER 2569**

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

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

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

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

**WHEREAS**, Regan Goldberg has submitted application for conditional use approval for a home occupation to be operated in the residence located at 917 Vestlake Hollow Circle, Vestavia Hills, Alabama located in the Liberty Park P.U.D.; and

**WHEREAS**, Ms. Goldberg has indicated in her application for conditional use approval that she will operate her consulting business out of her home pursuant to the specifications of a home occupation; and

**WHEREAS**, a copy of said application dated February 3, 2015 is attached and hereby incorporated into this Ordinance Number 2569.

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

1. Conditional Use Approval is hereby approved for Ragan Goldberg for a home occupation as described in the above-referenced application for her residence located at 917 Vestlake Hollow Circle, Vestavia Hills, Alabama located in

Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:

- (1) “Home occupation is defined as any use customarily conducted entirely within a dwelling and carried on solely by the inhabitant thereof, and which use is clearly incidental, accessory, subordinate and secondary to the use of the dwelling for dwelling purposes, and does not change the character of the dwelling itself or any part of parcel of property in the neighborhood surrounding said dwelling.
- (2) Home occupations shall be conducted only in the main dwelling building on the lot. No more than twenty-five percent (25%) of the said dwelling may be used for a home occupation.
- (3) There shall be no public display of goods and absolutely no commodities sold on the premises.
- (4) No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
- (5) No home occupation or profession shall be permitted if such occupation creates noise, odors, vibrations or traffic which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.
- (6) In order to be a permitted home occupation or profession, the use must be one which is habitually, customarily and commonly established as a reasonable incidental, accessory, subordinate and secondary use.



- (7) Operation of any and all other business of any nature in residential zones is expressly prohibited; and
- (8) The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM.”
2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at 917 Vestlake Hollow Circle, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
  3. A City of Vestavia Hills Business License shall be issued upon application and payment by Ms. Goldberg working subject to the rules and regulations outlined in the Vestavia Hills Business License Code and shall be renewed each year that the home occupation is operated from the location at 917 Vestlake Hollow Circle, Vestavia Hills, Alabama located in the Liberty Park P.U.D.
  4. At any time should Ms. Goldberg vacate the premises located at 917 Vestlake Hollow Circle, Vestavia Hills, Alabama, discontinue or relocate her business, this conditional use approval shall be nullified and said Ordinance Number 2569 shall be automatically repealed.

**ADOPTED and APPROVED** this the 28<sup>th</sup> day of May, 2015.

Alberto C. Zaragoza  
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 # 2569 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of May, 2015 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal, Vestavia Hills Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

Rebecca Leavings  
City Clerk

# CITY OF VESTAVIA HILLS

## APPLICATION

### PLANNING AND ZONING COMMISSION

#### I. INSTRUCTIONS AND INFORMATION:

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

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

NAME: Regan Goldberg

ADDRESS: 917 Vestlake Hollow Circle  
Vestavia Hills, AL 35242

MAILING ADDRESS (if different from above) \_\_\_\_\_

PHONE NUMBER: Home 205-637-6246 Office 205-637-1874

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: N/A

2015 FEB 19 P 12:51

**III. ACTION REQUESTED**

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

Current Zoning of Property: Residential

Requested Conditional use For the intended purpose of: doing business

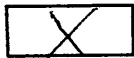
consulting work from an office in my home. No business visitors  
(Example: From "VH R-1" to "VH O-1" for office building) will come to my  
\*\*if additional information is needed, please attached full description of request\*\* home.

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

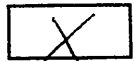
Residence - 917 Vestlake Hollow Circle  
Vestavia Hills, AL. 35242

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

**V. INFORMATION ATTACHED:**



Attached Checklist complete with all required information.



Application fees submitted.

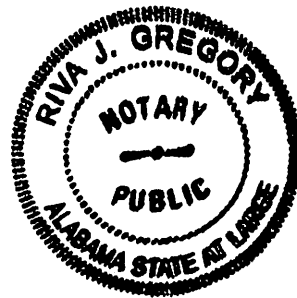
**VI.** I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

Regan Goldberg  
Owner Signature/Date

\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 11 day of February, 2015.

Riva J. Gregory  
Notary Public  
My commission expires October 22, 2016  
11 day of February, 2015.







Goldberg Business Consulting

## Goldberg Business Consulting, LLC.

Regan F. Goldberg, Founder of Goldberg Business Consulting, LLC. has 16 years of leadership experience from her background in the hospitality and non-profit industries. She believes in the power of philanthropy, knows the importance of relationships, and taking care of hearts while also doing great business. She founded this company to begin transforming other organizations by making a greater impact on the business world. She knows that it is becoming more challenging for companies juggling their demanding goals. Her strategic mind, business acumen, and proven track record for driving results can be a vital asset to taking an organization to the next level. She has the ability to blend effectively into your current team and help create business solutions to improve your business performance.

From 1999-2004, Regan worked for The Ritz-Carlton, Resorts of Naples serving in management roles supporting the Food and Beverage division driving revenue in the 5 on site restaurants. In addition, she gained experience in the Human Resources division with an emphasis in Recruiting and Employee Relations. Regan played a major role in the successful grand opening of The Ritz-Carlton Golf Resort, Naples in 2001.

From 2004-2015, Regan worked for the American Heart Association. While there, she served in many leadership capacities as a development director, Vice President of Field Operations, and as a National Senior Manager for the Go Red For Women Cause Brand. She led strategic planning processes, development of fundraising plans and volunteer board management generating revenues in excess of \$12 million during her tenure. She served with excellence and was seen as an expert with the methods that she used to effectively drive the organization's mission and revenue outcomes.

Regan has worked with Better Branding on numerous strategy and digital projects since 2013, including the Univ. of California SF Campus Health eHeart project and more. Goldberg received her Bachelor's Degree from Stetson University, Deland, Florida.

### Innovative Business Solutions:

- Account Management for Special Projects
- Business & Strategic Planning
- Cause Marketing, Sales, and Strategic Philanthropy Programs for Corporations
- Human Resources Recruiting and Focus Groups
- Non-profit: Event Planning, Fundraising, Board Development, Training, Planning, Project Management

### Current Clients/Projects:

**KultureCity**~ a National Birmingham, AL based nonprofit providing tangible programs for children and families with autism. Assisting with business and fundraising strategies.

**Red Hat Society**~ one of the largest for profit women's social organizations in the country. Assisting with advertising and corporate sponsorship outreach.

**Marketing Research Project**~ working with an organization that wants to have a better understanding of their current clientele and for those they aren't currently engaged with across the country. Will assist with development of key strategies to formulate their next wave of store openings and a road map for their marketing plan.

*Call today to discuss your business needs with Regan Goldberg and let her help you achieve your goals.*

**Email:** [goldbergbusinessconsultingllc@gmail.com](mailto:goldbergbusinessconsultingllc@gmail.com)

**Office:** 205-637-1874/ **Mobile:** 239-287-4292/ **Address:** P.O. Box 43082 Birmingham, AL 35243

March 30, 2015

Rebecca Leavings, City Clerk  
City of Vestavia Hills  
Vestavia Hills City Hall  
Vestavia Hills, Alabama 35216

Re: Regan F. Goldberg  
917 Vestlake Hollow Circle  
Vestavia Hills, AL 35242

Dear Ms. Leavings:

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

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

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

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

Rebecca Leavings  
March 30, 2015  
Page 2

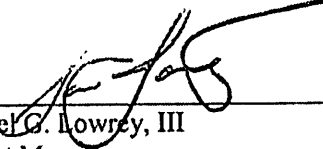
Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

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

Very truly yours,

LIBERTY PARK JOINT VENTURE, LLP

By: \_\_\_\_\_

  
Samuel G. Lowrey, III  
Project Manager  
and Authorized Representative

cc: Kathryn Carver, Esq.

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

Date: APRIL 9, 2015

- **CASE:** P-0415-15
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 917 Vestlake Hollow Circle.
- **APPLICANT/OWNER:** Regan Goldberg. 917 Vestlake Hollow Circle, Vestavia Hills
- **GENERAL DISCUSSION:** The applicant wishes to conduct a home based consulting business in Liberty Park. As required by the Liberty Park PUD a conditional use permit is required for a home based business. Applicant indicates that only paperwork be done at the residence. Liberty Park has submitted four requested conditions:
  1. There shall be no customers, client or employee traffic to, at or near the residence that is generated, directly or indirectly, by the home occupation;
  2. There shall be no pick-ups or deliveries to the residence that are related, directly or indirectly, to the home occupation, including without limitation, pick-ups and deliveries by overnight courier services and pick-ups and deliveries of inventory, samples or other goods and services related, directly or indirectly, to the home occupation;
  3. There shall be no signage on the property related, directly or indirectly, to the home occupation; and
  4. In all respects, there shall be no means, visual or otherwise, by which a casual observer would become aware that the residence is being used for any purpose other than strictly residential.

The property is zoned PR-1.

- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent



to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

**City Planner Recommendation:** I recommend the Commission recommend approval with the conditions requested by Liberty Park.

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.

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

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

Mr. Brooks – yes	Mr. Wolfe – yes
Mr. House – yes	Mr. Burrell – yes
Mr. Visintainer – yes	Mr. Goodwin – yes
Mr. Larson – yes	Motion carried.

**P-0415-15**                      Regan Goldberg Is Requesting **Conditional Use Approval** for the Intended Purpose of a Home Office at **917 Vestlake Hollow Circle**. As Required By The Liberty Park PUD Ordinance. The Property Is Zoned PR-1.

Mr. Garrison explained the background and location of the request and highlighted the conditions Liberty Park requested.

Mr. Larson opened the floor for a public hearing. There being no one to address the Commission concerning this request, Mr. Larson closed the public hearing and opened the floor for a motion.

**MOTION**    Mr. Burrell made a motion to recommend approval of Conditional Use Approval for a home office at 917 Vestlake Hollow Circle with the following conditions:

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

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

Mr. Brooks – yes	Mr. Wolfe – yes
Mr. House – yes	Mr. Burrell – yes
Mr. Visintainer – yes	Mr. Goodwin – yes
Mr. Larson – yes	Motion carried.

**P-1214-59** City of Vestavia Hills Is Requesting **Rezoning** for **513 Montgomery Hwy. from Vestavia Hills R-2 to Vestavia Hills B-2 With Future Limited Uses** For The Purpose of a Drive-Through Restaurant.

Mr. Garrison explained the background and location of the request and highlighted the changes made since the December meeting.

Getra Sanders with CFA, Todd Rogers, civil architect, and Jim Meads, traffic engineer were present and highlighted the improvements to the project.

Mr. Larson opened the floor for a public hearing.

Mr. Brad Sargent, Mr. Chris Freeman, and Ms. Heather Graham, all residing on Southwood Rd. all spoke and were concerned about traffic.

Mr. Larson directed their concerns to Mr. Meads who spoke about the traffic improvements that will be made in coordination with ALDOT and the neighboring shopping center. He affirmed that traffic patterns will be approved overall.

Mr. Visintainer asked with the dollar figure investment CFA was making. Ms. Sanders stated it would be a \$2-3 mill investment.

Norman Tynes, who manages the adjoining shopping center spoke in support of the request and plan.

Mr. Larson closed the public hearing and opened the floor for a motion.

**MOTION** Mr. Wolfe made a motion to recommend approval of Rezoning of 513 Montgomery Hwy. from Vestavia Hills R-2 to Vestavia Hills B-2 With Future Limited Uses For The Purpose of a Drive-Through Restaurant with the following conditions:

1. The sign on the rear of the building is removed;
2. Staff reviews all permits between developer and ALDOT.