

**Vestavia Hills
City Council Agenda
May 28, 2015
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Donald Harwell
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Turner, III, Finance Director
9. Approval of Minutes – May 11, 2014 (Regular Meeting)

Old Business

10. Resolution Number 4713 – Annexation – 90-Day – 74 +/- Acres Adjacent To The Cahaba River; Freshwater Land Trust, Owners (*public hearing*)
11. Resolution Number 4714 – A Resolution Authorizing The Mayor To Execute And Deliver An Employment Contract For The City Manager (*public hearing*)
12. 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 (*public hearing*)
13. Ordinance Number 2568 - An Ordinance Granting Conditional Use For A Home Occupation At 7024 Lake Run Drive; David And Sandra Redden, Owners (*public hearing*)
14. Ordinance Number 2569 – An Ordinance Granting A Conditional Use For A Home Occupation At 917 Vestlake Hollow Circle; Regan Goldberg, Owner (*public hearing*)

New Business

15. Resolution Number 4715 – A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Property
16. Resolution Number 4717 – Alcohol License – 1st Annual Crawfish Boil Event; Jacquelines, Inc., For A 140 – Special Events Retail License In The Parking Lot Of 2531 Rocky Ridge Road (The Shops At Oak Park); Maria Adan, Executive

New Business (Requesting Unanimous Consent)

First Reading (No Action Taken At This Meeting)

17. Resolution Number 4716 - Annexation – 90-Day – Altadena Valley Country Club property located in Jefferson and Shelby Counties adjacent to Acton Road
18. Citizens Comments
19. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 11, 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
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
Jimmy Coleman, Compliance Officer
Jim St. John, Fire Chief
Terry Ray, Asst. Fire Chief
Marvin Green, Asst. Fire Chief
Keith Blanton, Building Official
Christopher Brady, City Engineer

Invocation was given by Melvin Turner, III, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Pierce welcomed the following individuals to the meeting who were recognized at the High School's awards as joining military service academies:
 - Daniel Choung, 1213 Green Glen Road, was recently accepted to the naval Academy in Annapolis; and
 - Jacob Swinson, 3972 Alston Way Lane, who was accepted to West Point Military Academy.

- The Mayor welcomed Boy Scouts William and Wesley Parker, 3312 Circle Hill Road, to the meeting. The Scouts were present from Troop 4 working on merit badges.
- Mr. Ammons welcomed Park Foundation member Jordy Henson.

CITY MANAGER REPORT

- Mr. Downes gave updates on the progress at Patchwork Farms.
 - Doug Neil, Daniel Corporation, gave specific information regarding the development of Northport and other upcoming projects at Patchwork, estimated construction times, etc.
- Mr. Downes stated that the construction on the new City Hall has been delayed and now expected to be completed in October.
- The City recently changed to a managed email service. Even though the change will be met with some hiccups, overall, the managed service will work better for the City's communication.
- The City's website host has met with problems over the last week. Work continues to get the website up and running soon.

COUNCILOR REPORTS

- Mr. Henley stated that the Board of Education called a special meeting to name Meredith Hanson as the new principal for Pizitz Middle School.
- Mr. Pierce announced all the upcoming festivities hosted by the Chamber of Commerce and invited everyone to attend.

APPROVAL OF MINUTES

The minutes of Approval of Minutes of April 27, 2014 (Regular Meeting) were presented for approval.

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

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

OLD BUSINESS

RESOLUTION NUMBER 4710

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*)

MOTION Motion to approve Resolution Number 4710 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that the Dodd-Frank Act became effective July 2014 and required municipalities disclosures which made it necessary to retain a company to handle the financial advisory and disclosures on behalf of the City. He stated that Chris Williams, formerly with Sterne Agee, has begun a new company, Rice Advisory, LLC.

Mr. Williams explained the terms of the agreement and stated that his company is new; however, he does represent about a dozen jurisdictions, including the State of Alabama.

The Mayor indicated that the City has turned to Mr. Williams for financial advice for years and always gotten good service.

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

Roll call vote as follows:

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

RESOLUTION NUMBER 4711

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*)

MOTION Motion to approve Resolution Number 4711 was by Mr. Pierce and second was by Mr. Henley.

Mr. Pierce stated that the Annexation Committee had studied this request for annexation and found no adverse information. He stated that this is a request to begin the 90-day annexation of this property.

Jordan Huffstetler was present in regard to the request.

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

Roll call vote as follows:

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

RESOLUTION NUMBER 4712

Resolution Number 4712 – Annexation – 90-Day – 4711 Caldwell Mill Road; Virginia Acton, Owner; Jordan Huffstetler, David Acton Building Corporation; Representing (*public hearing*)

MOTION Motion to approve Resolution Number 4712 was by Mr. Pierce and second was by Mr. Ammons.

Mr. Pierce stated that the Annexation Committee had studied this request for annexation and found no adverse information. He stated that this is a request to begin the 90-day annexation of this property.

Jordan Huffstetler was present in regard to the request.

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

Roll call vote as follows:

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

ORDINANCE NUMBER 2567

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*)

MOTION Motion to approve Ordinance Number 2567 was by Mr. Ammons and second was by Mr. Sharp.

Mr. Downes explained that this is a new method of enforcement for overgrown weeds throughout the City. He explained the process and stated that it would be administered by the City's Compliance Officer Jimmy Coleman. He introduced Officer Coleman and stated that if the owner doesn't comply with the request to cut the weeds, the City will hire a contractor to abate the nuisance and file a lien on the property.

Mr. Boone stated that he has reviewed the Ordinance and finds no problems with it.

Mr. Sharp stated that Officer Coleman is very responsive to addressing problems when called upon to do so.

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

Roll call vote as follows:

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

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

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on May 28, 2015 at 5 PM.

- Resolution Number 4713 – Annexation – 90-Day – 74 +/- Acres Adjacent To The Cahaba River; Freshwater Land Trust, Owners
- Resolution Number 4714 – A Resolution Authorizing The Mayor To Execute And Deliver An Employment Contract For The City Manager
- 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
- Ordinance Number 2568 - An Ordinance Granting Conditional Use For A Home Occupation At 7024 Lake Run Drive; David And Sandra Redden, Owners
- Ordinance Number 2569 – An Ordinance Granting A Conditional Use For A Home Occupation At 917 Vestlake Hollow Circle; Regan Goldberg, Owner

CITIZENS COMMENTS

David Harwell, 1803 Catala Road, stated that Officer Coleman is helpful when there's a compliance problem. He also commended Cpl. Smith and Freeman for services

provided during a 1 AM problem at his home. He stated that the City has some fantastic officers.

Mr. Ammons announced that Greg Gilchrist, the City's Fire Marshal, is going back to the front lines and will soon be replaced by a new Fire Marshal. He thanked Chief Gilchrist for his service to the City.

Chief St. John stated that the new Fire Marshal will be Captain Scott Key.

MOTION Motion to adjourn was by Mr. Henley and second was by Mr. Pierce.
Meeting adjourned at 5:50 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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

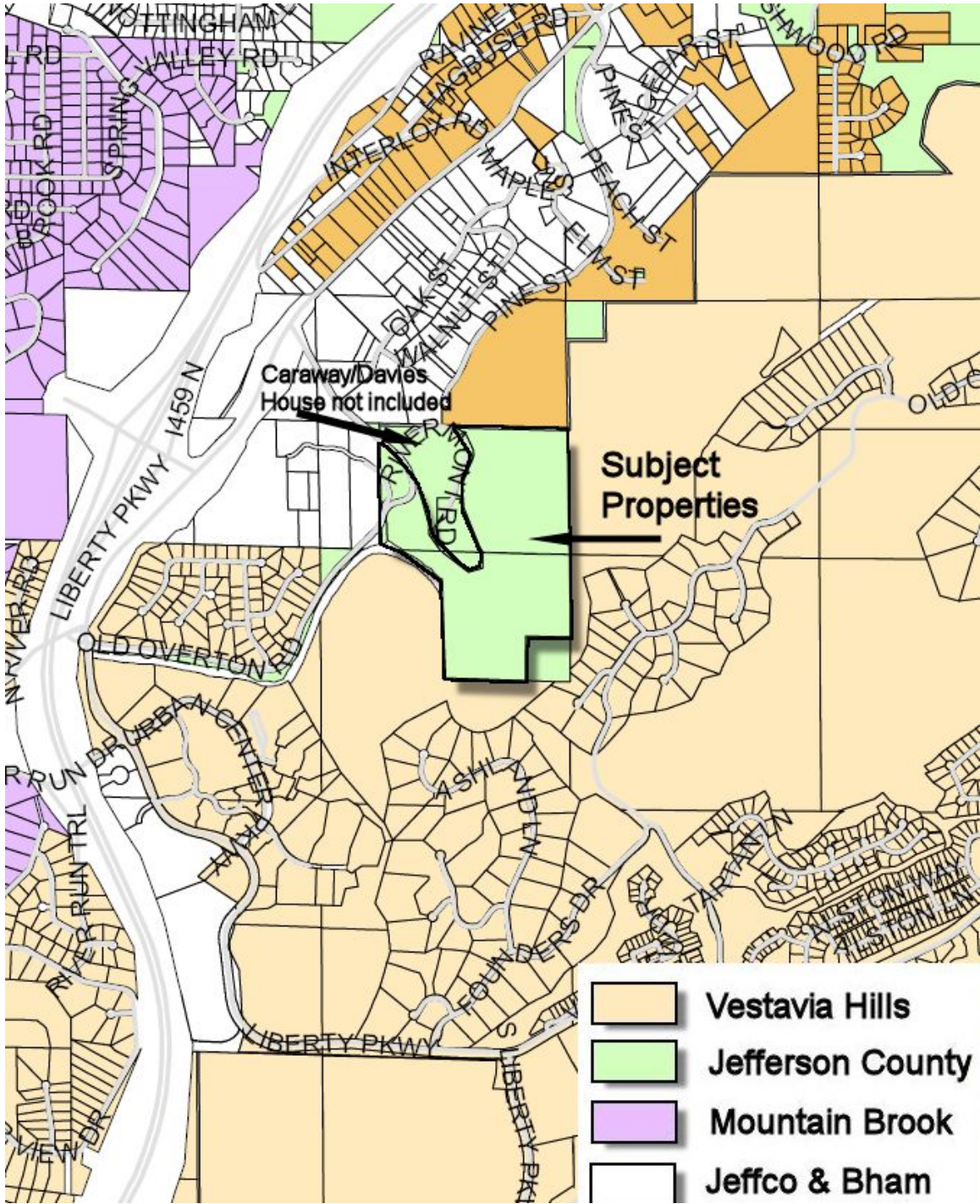


EXHIBIT "B"
LEGAL DESCRIPTIONS

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 northeasterly 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.

Annexation Committee Petition Review

Property: 74 +/- acres adjacent to Cahaba River

Owners: Freshwater Land Trust, Owners

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 N/A

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 95,500. 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 _____ Number in city N/A
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: 74 +/- ACRES Freshwater Land Trust


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: MAINTENANCE OF CANOE LAUNCH AND CITY LIABILITY

11. Information on children: Number in family N/A; Plan to enroll in VH schools Yes _____ No _____ Comments: _____

Other Comments: _____


George Pierce
Chairman

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 are 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 28th 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 1st, 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) 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-A 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-A and said conditional use approval shall be nullified.

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

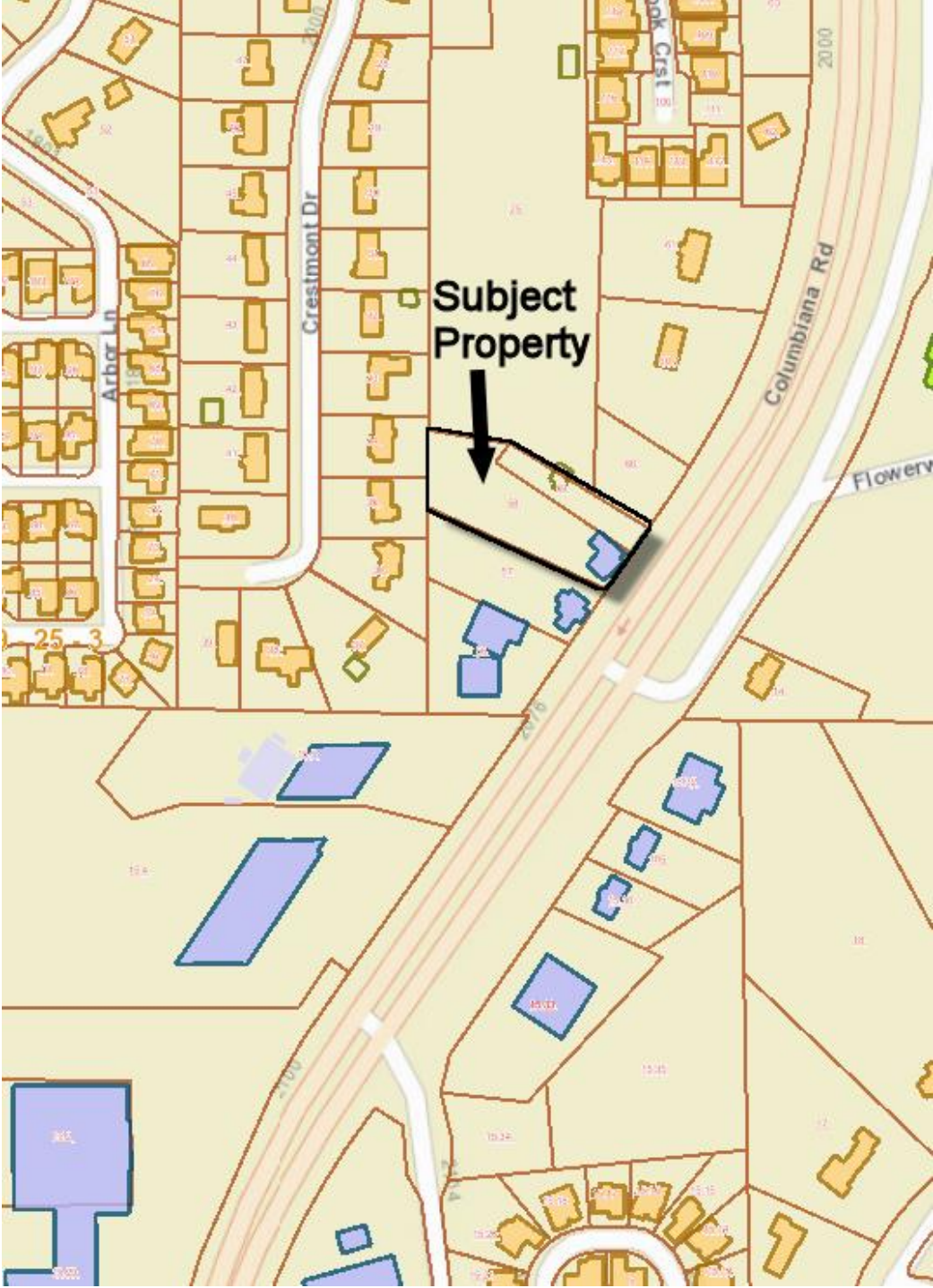
Rebecca Leavings
City Clerk

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 28th 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

N. ANDREW ROTENSTREICH, SHAREHOLDER
Direct Dial: 205.250.8304
Direct Fax: 205.488.3704
E-Mail Address: 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.

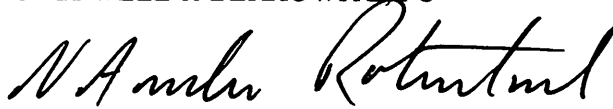
B NXR01 1364886 v1
2925117-000001 04/23/2015

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 consultation and training 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 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, therefore no employees and/or customers shall come/go to/from said home.
- (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 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 28th 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 28th 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.

P0315-14//27-7-4-2-1
7024 Lake Run Drive
Conditional Use
David & Sandra Redden
LP PUD

P&Z Application

Page 4

2015 FEB - 6 P 2:04

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 it 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: David + Sandra Redden

ADDRESS: 7024 Lake Run Drive
Vestavia AL 35242

MAILING ADDRESS (if different from above) _____

PHONE NUMBER: Home 205-972-0459 Cell 205-937-9767
Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: _____

III. ACTION REQUESTED

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

Current Zoning of Property: Residential

Requested Conditional use For the intended purpose of: Use of

residence for home office for business

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

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

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

7024 Lake Run Drive

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.

Sandra C Redden

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 3rd day of February, 2015.

[Signature]
Notary Public

My commission expires _____ MY COMMISSION EXPIRES
April 22, 2018
day of _____, 20____.



Conrad Garrison

From: Sam Redden <scredden@yahoo.com>
Sent: Tuesday, February 17, 2015 8:15 PM
To: Conrad Garrison
Subject: Conditional use info

Hello.

I spoke with Pam at Liberty Park. She will get you the necessary letter to by Friday at noon.

In regard to my company, InterACT... Via InterACT, as a licensed psychologist, I provide education and psychological evaluation, consultation and training in regard to children and adolescents with developmental disabilities. These services are provided in a school setting to educators and parents. The main focus of my practice include children with Autism Spectrum Disorders, but services are provided across a wide range of developmental disabilities.

Please let me know if more information is needed.

Thank you,

Sandra Redden

Sent from my iPhone

liberty park

JOINT VENTURE, L.L.P.

February 17, 2015

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

Re: Sandra Redden
7024 Lake Run Drive
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Mrs. Sandra Redden 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
February 17, 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.

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 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 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 28th 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 28th 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.)

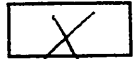
Residence - 917 Vestlake Hollow Circle
Vestavia Hills, AL. 35242

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.

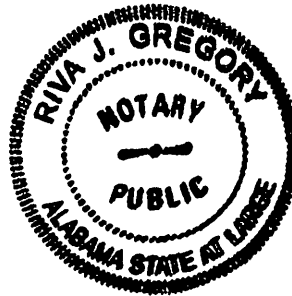
Regan Goldberg
Owner Signature/Date

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

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

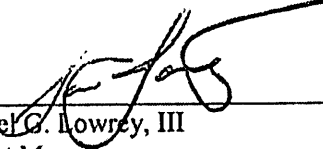
Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

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.

RESOLUTION NUMBER 4715

**A RESOLUTION DETERMINING THAT CERTAIN
PERSONAL PROPERTY IS NOT NEEDED FOR
PUBLIC OR MUNICIPAL PURPOSES AND
DIRECTING THE SALE/DISPOSAL OF SAID
SURPLUS PROPERTY**

WITNESSETH THESE RECITALS

WHEREAS, the City of Vestavia Hills, Alabama, is the owner of personal property detailed in the attached "Exhibit A; and

WHEREAS, the City has determined that it would be in the best public interest to sell said property.

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

1. The City Manager is hereby authorized to sell and/or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 4715 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 28th day of May, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

5/11/15

**To: Rebecca leavings
From: Lt. York/Chief Rary
Re: Surplus Vehicle**

Please present he listed vehicle to the City Council for surplus declaration:

**American General 5 ton Cargo Truck 6x6
Serial# C5250434
Mileage: 37,675**

RESOLUTION NUMBER 4717

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR 1ST ANNUAL CRAWFISH BOIL EVENT;
JACQUELINS INC.; MARIA ESPERANZA ADAN,
EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for the 1st Annual Crawfish Boil Event; Jacquelines Inc., located at parking lot of 2531 Rocky Ridge Road (The Shops at Oak Park), Vestavia Hills, Alabama, for the On-Premise sale of 140 - Special Events Retail; Maria Esperanza Adan, executive.

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

INTEROFFICE MEMORANDUM

DATE: May 21, 2015
TO: Dan Rary, Acting Police Chief
FROM: Rebecca Leavings, City Clerk
RE: Alcohol License Request – 140 - Special Events Retail

Please find attached information submitted by Jacquelines Inc. who request an alcohol license to sell 140 - Special Events Retail at the 1st Annual Crawfish Boil Event, Parking Lot of 2531 Rocky Ridge Road (The Shops at Oak Park), Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 28th day of May, 2015 at 5:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

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

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

Reviewed: _____





STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150519100105059

Type License: 140 - SPECIAL EVENTS RETAIL

State: \$150.00 **County:** \$150.00

Type License:

State: **County:**

Trade Name: 1ST ANNUAL CRAWFISH BOIL EVENT

Filing Fee: \$50.00

Applicant: JACQUELINS INC

Transfer Fee:

Location Address: PARKING LOT OF 2531 ROCKY RIDGE RD; THE SHOPS AT OAK PARK VESTAVIA HILLS, AL 35243

Mailing Address: 2531 ROCKY RIDGE RD; SUITE 107 VESTAVIA HILLS, AL 35243

County: JEFFERSON **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: CORPORATION

Book, Page, or Document info: LR201414 1844

Date Incorporated: 06/11/2014 **State incorporated:** AL

County Incorporated: JEFFERSON

Date of Authority: 06/11/2014

Alabama State Sales Tax ID: R008979632

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

Name:	Title:	Date and Place of Birth:	Residence Address:
MARIA ESPERANZA ADAN 6703297 - AL	PRESIDENT	08/01/1963 MEXICO	1784 INDIAN HILLS RD PELHAM, AL 35412

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

Contact Person: MARIA ADAN

Business Phone: 205-823-7395

Fax:

Home Phone: 205-919-3725

Cell Phone: 205-919-3725

E-mail: MJGADAN@YAHOO.COM

PREVIOUS LICENSE INFORMATION:

Trade Name:

Applicant:

Previous License Number(s)

License 1:

License 2:



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150519100105059

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**
 Name of Property owner/lessor and phone number: **OAK PARK GROUP 205-979-6519**
 What is lessors primary business? **REAL ESTATE**
 Is lessor involved in any way with the alcoholic beverage business? **NO**
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**
 Is the business used to habitually and principally provide food to the public? **YES**
 Does the establishment have restroom facilities? **YES**
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**
 Building Dimensions Square Footage: **99999** Display Square Footage:
 Building seating capacity: **75** Does Licensed premises include a patio area? **NO**
 License Structure: **ONE STORY** License covers: **OTHER**
 Location is within: **CITY LIMITS** Police protection: **CITY**

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

Name:	Violation & Date:	Arresting Agency:	Disposition:



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



Confirmation Number: 20150519100105059

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?

Number of paid up members:

Are meetings regularly held?

How often?

Is business conducted through officers regularly elected?

Are members admitted by written application, investigation, and ballot?

Has Agent verified membership applications for each member listed?

Has at least 10% of members listed been confirmed and highlighted?

Agent's Initials:

For what purpose is the club organized?

Does the property used, as well as the advantages, belong to all the members?

Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Special Retail

Is it for 30 days or less?

More than 30 days?

Franchisee or Concessionaire of above?

Other valid responsible organization:

Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 06/20/2015 Ending Date: 06/20/2015

Special terms and conditions for special event/special retail:

ALL ALCOHOL IS TO REMAIN IN THE LICENSED EVENT AREA. NO TO GO SALES PERMITTED

Other Explanations

License Covers: OUTDOOR EVENT IN THE PARKING LOT

Are there any special restrictions, instructions, and/or conditions for this license?: **ALL ALCOHOL IS TO REMAIN IN THE LICENSED EVENT AREA. NO TO GO SALES PERMITTED.**



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20150519100105059

Initial each

Signature page

- MA In reference to law violations, I attest to the truthfulness of the responses given within the application.
- MA In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.
- MA In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.
- MA In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.
- In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.
- In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.
- MA In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.
- MA The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages. The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.
- MA I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Maria E Adan*
 Signature of Applicant: *Adan + John*
 Notary Name (print): *Valencia Johnson*
 Notary Signature: *Valencia Johnson*

Commission expires: *4-22-18*

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

Receipt Confirmation Page

Receipt Confirmation Number: **20150519100105059**
Application Payment Confirmation Number: 17271476

Payment Summary	
Payment Item	Fee
Application Fee for License 140	\$50.00
Total Amount to be Charged	\$50.00

License Payment Confirmation Number:

Payment Summary			
Payment Item	County Fee	State Fee	Total Fee
140 - SPECIAL EVENTS RETAIL	\$150.00	\$150.00	\$300.00
			\$0.00
Total Amount to be Charged	\$150.00	\$150.00	\$300.00

Application Type

Application Type: APPLICATION

Applicant Information

License Type 1: 140 - SPECIAL EVENTS RETAIL
License Type 2:
License County: JEFFERSON
Business Type: CORPORATION
Trade Name: **1ST ANNUAL CRAWFISH BOIL EVENT**
Applicant Name: **JACQUELINS INC**
Location Address: PARKING LOT OF 2531 ROCKY RIDGE RD; THE SHOPS AT OAK PARK
VESTAVIA HILLS, AL 35243

Mailing Address: 2531 ROCKY RIDGE RD; SUITE 107
VESTAVIA HILLS, AL 35243

Contact Person: MARIA ADAN
Contact Home Phone: 205-919-3725
Contact Business Phone: 205-823-7395
Contact Fax:
Contact Cell Phone: 205-919-3725
Contact Email Address:
Contact Web Address:

RESOLUTION NUMBER 4716

**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 May 21, 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 8th day of June, 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 10th day of June, 2015.

2. That on the 28th 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 4716 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:

Altadena Valley Country Club
Nall Partnership, LTD and Wesley L. Burnham, Jr., Owner(s)

More particularly described as follows:

PARCEL 1

All that part of the following described property situated in the South V2 of the Southeast 1/4 of Section 33, Township 18, Range 2 West:

A parcel of land located in the S 1/2 of the Southeast 1/4 of Section 33, Township 18 South, Range 2 West, and the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 18 South, Range 2 West, all in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said Section 33, thence in a westerly direction along the south line of said Section 33, a distance of 1588.12 feet, thence 41°10'15" right in a Northwesterly direction a distance of 159.10 feet; thence 94°26'22" right in a Northeasterly direction a distance of 163.65 feet; thence 94°26'22" left in a Northwesterly direction a distance of 62.01 feet; thence 71°49'10" right in a Northeasterly direction a distance of 69.25 feet to the beginning of a curve to the right having a central angle of 18°10'50" and a radius of 600.0 feet; thence in a Northeasterly direction along said curve, a distance of 190.39 feet to end of curve; thence in a Northeasterly direction a distance of 97.0 feet; thence 90° right in a Southeasterly direction a distance of 218.43 feet; thence 90° left in a Northeasterly direction a distance of 264.98 feet; thence 15°31' left in a Northeasterly direction a distance of 331.28 feet; thence 67°21'45" left in a Northwesterly direction a distance of 345.73 feet; thence 91°56'55" left in a Southwesterly direction a distance of 629.60 feet; thence 16°53'14" left in a Southwesterly direction a distance of 499.50 feet; thence 11°42'54" right in a Southwesterly direction a distance of 398.89 feet to the intersection with the south line of said Section 33, said point being 494.09 feet East of the Southwest corner of the Southeast 1/4 of said Section 33; thence 48°49'45" right in a westerly direction along said south line of said Section 33 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Northeasterly and Easterly direction along said right of way line until it intersects the Southwesterly right of way line of River Estates Road as shown on plat of River Estates and recorded in Map Book 53, Page 55, in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a Southeasterly direction along said right of way of River Estates Road to the intersection with the south line of the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 18 South, Range 2 West; thence 148°34' right in a westerly direction along the south

line of said 1/4 1/4 section, a distance of 417.20 feet to the point of beginning. EXCEPT: The following 50 foot wide road right of way located in the Southwest 1/4 of the Southeast 1/4 of said Section 33; Commence at the Southwest corner of said Southwest 1/4 of Southeast 1/4; thence in an easterly direction along the south line of said 1/4 1/4 section a distance of 494.09 feet; thence 48°49'45" left in a Northeasterly direction a distance of 398.89 feet to the point of beginning of herein described 50 foot wide road right of way, said point being the P.I. of a curve to the left, having a central angle of 35° and a tangent of 90.0 feet; thence 63°45'51" left in a Northwesterly direction along the tangent extended of said curve, a distance of 90.0 feet to the end of said curve; thence in a Northwesterly direction along the center line of said 50 foot wide road right of way to the intersection with the Southeasterly right of way of Acton Road, said point being end of herein described right of way. Situated in Jefferson County, Alabama.

Less and Except any property conveyed to Jefferson County in Inst. No. 9916-3899.

PARCEL II

A parcel of land located in the South half of the Southeast 1/4 of Section 33, Township 18 South, Range 2 West, more particularly described as follows:

Commence at the Southwest corner of the Southeast 1/4 of Section 33, Township 18 South, Range 2 West; thence in an easterly direction along the south line of said 1/4 section a distance of 494.09 feet; thence 48°49'45" left in a Northeasterly direction a distance of 398.89 feet; thence 11°42'54" left in a Northeasterly direction a distance of 499.50 feet to the point of beginning; thence 16°53'14" right in a Northeasterly direction a distance of 629.60 feet; thence 91°56'55" right in a Southeasterly direction a distance of 345.73 feet; thence 67°21'45" right in a Southwesterly direction a distance of 331.28 feet; thence 15°31' right in a Southwesterly direction a distance of 264.98 feet; thence 90° right in a Northwesterly direction a distance of 488.43' to the point of beginning. Less and except any property conveyed to Jefferson County, Alabama in Inst. No. 99163899.

PARCEL III

All that part of the following described property situated in the Southwest 1/2 of the Southwest 1/4 of Section 34, Township 18, Range 2 West:

A parcel of land located in the S 1/2 of the Southeast 1/4 of Section 33, Township 18 South, Range 2 West, and the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 18 South, Range 2 West, all in

Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said Section 33, thence in a westerly direction along the south line of said Section 33, a distance of 1588.12 feet, thence $41^{\circ}10'15''$ right in a Northwesterly direction a distance of 159.10 feet; thence $94^{\circ}26'22''$ right in a Northeasterly direction a distance of 163.65 feet; thence $94^{\circ}26'22''$ left in a Northwesterly direction a distance of 62.01 feet; thence $71^{\circ}49'10''$ right in a Northeasterly direction a distance of 69.25 feet to the beginning of a curve to the right having a central angle of $18^{\circ}10'50''$ and a radius of 600.0 feet; thence in a Northeasterly direction along said curve, a distance of 190.39 feet to end of curve; thence in a Northeasterly direction a distance of 97.0 feet; thence 90° right in a Southeasterly direction a distance of 218.43 feet; thence 90° left in a Northeasterly direction a distance of 264.98 feet; thence $15^{\circ}31'$ left in a Northeasterly direction a distance of 331.28 feet; thence $67^{\circ}21'45''$ left in a Northwesterly direction a distance of 345.73 feet; thence $91^{\circ}56'55''$ left in a Southwesterly direction a distance of 629.60 feet; thence $16^{\circ}53'14''$ left in a Southwesterly direction a distance of 499.50 feet; thence $11^{\circ}42'54''$ right in a Southwesterly direction a distance of 398.89 feet to the intersection with the south line of said Section 33, said point being 494.09 feet East of the Southwest corner of the Southeast 1/4 of said Section 33; thence $48^{\circ}49'45''$ right in a westerly direction along said south line of said Section 33 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Northeasterly and Easterly direction along said right of way line until it intersects the Southwesterly right of way line of River Estates Road as shown on plat of River Estates and recorded in Map Book 53, Page 55, in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a Southeasterly direction along said right of way of River Estates Road to the intersection with the south line of the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 18 South, Range 2 West; thence $148^{\circ}34'$ right in a westerly direction along the south line of said 1/4 1/4 section, a distance of 417.20 feet to the point of beginning.

PARCEL IV

A parcel of land located in the Northeast V4 of Section 4, Township 19 South, Range 2 West, and the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 2 West, all in Shelby County, Alabama, more particularly described as follows:

Begin at the Northeast corner of Section 4, Township 19 South, Range 2 West; thence in a westerly direction along the north line of said Section 4, a distance of 1588.12 feet; thence $48^{\circ}49'45''$ left, in a Southwesterly direction a distance of 236.84 feet; thence $3^{\circ}11'48''$ left in a Southwesterly direction a distance of 508.95 feet; thence $2^{\circ}15'12''$ left in a Southwesterly direction a distance of 412.0 feet; thence $82^{\circ}57'$ right in a Northwesterly

direction a distance of 79.0 feet; thence $30^{\circ}51'$ left in a westerly direction a distance of 201.0 feet; thence 90° right in a northerly direction a distance of 258.0 feet; thence $37^{\circ}57'$ right in a Northeasterly direction a distance of 207.0 feet; thence $6^{\circ}11'29''$ left in a Northeasterly direction a distance of 379.33 feet; thence $11^{\circ}35'29''$ right in a Northeasterly direction a distance of 170.11 feet to the intersection with the north line of said Section 4; thence $131^{\circ}10'15''$ left in a westerly direction along the north line of said Section 4 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Southwesterly direction along said right of way line to the intersection with the West line of the Northeast V4 of said Section 4; thence $33^{\circ}37'45''$ left in a southerly direction along said West line of said Section 4, a distance of 1366.15 feet; thence $112^{\circ}21'45''$ left, in a Northeasterly direction a distance of 494.18 feet; thence $12^{\circ}05'15''$ right in a Northeasterly direction a distance of 683.44 feet; thence $11^{\circ}49'$ left, in a Northeasterly direction a distance of 574.27 feet; thence $2^{\circ}45'45''$ right in a Northeasterly direction a distance of 773.80 feet; thence $3^{\circ}55'15''$ left in a Northeasterly direction a distance of 585.62 feet; thence $49^{\circ}44'45''$ left in a Northeasterly direction a distance of 134.22 feet to the Southwest corner of Lot 39 River Estates, as recorded in Map Book 4, Page 27, in the Probate Office of Shelby County, Alabama; thence $112^{\circ}53'30''$ left in a Southwesterly direction a distance of 203.96 feet; thence $145^{\circ}53'30''$ right in a Northeasterly direction a distance of 345.0 feet to a point in the westerly line of said Lot 39; thence 33° left, in a Northeasterly direction along the westerly line of said Lot 39, a distance of 360.0 feet to the Northwest corner of said Lot 39, said point being the Southwesterly line of River Estates Road; thence $73^{\circ}30'$ left in a Northwesterly direction along said Southwesterly line of River Estates Road, a distance of 83.45 feet to the intersection with the north line of the Northwest 1/4 of the Northwest 1/4 of Section 3, Township 19 South, Range 2 West; thence $31^{\circ}26'$ left in a westerly direction along the north line of said 1/4 1/4 section a distance of 417.20 feet to the point of beginning. LESS AND EXCEPT that portion conveyed in Inst. No. 20020508000217420 and re-recorded in Inst. No. 20020710000318550 in the Probate Office of Shelby County, Alabama, more particularly described as follows: That part of the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West lying South and West of an unnamed tributary of Cahaba River: and that part of the Southwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West lying North and West of an unnamed tributary of Cahaba River, more particularly described as follows: Commence at the Southwest corner of the Northwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West, said corner being the point of beginning of the property herein described; thence run northerly along the west boundary of said 1/4 1/4 section a distance of 356.4 feet; thence turn an angle to the right of $125^{\circ}02'25''$; and run in a Southeasterly direction a distance of 219.6 feet; thence turn an angle to the right of $31^{\circ}09'51''$ and run in a Southeasterly direction along the centerline of an

unnamed tributary of the Cahaba River a distance of 190.1 feet, more or less, to the centerline of an unnamed tributary of the Cahaba River; thence turn an angle to the right of 62°58'14" and run in a Southwesterly direction along the centerline of an unnamed tributary of the Cahaba River a distance of 406.0 feet, more or less, to the west boundary of the Southwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West; thence turn an angle to the right of 140°49'30" and run Northerly along the West boundary of the Southwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West, a distance of 258.4 feet, more or less, back to the point of beginning.

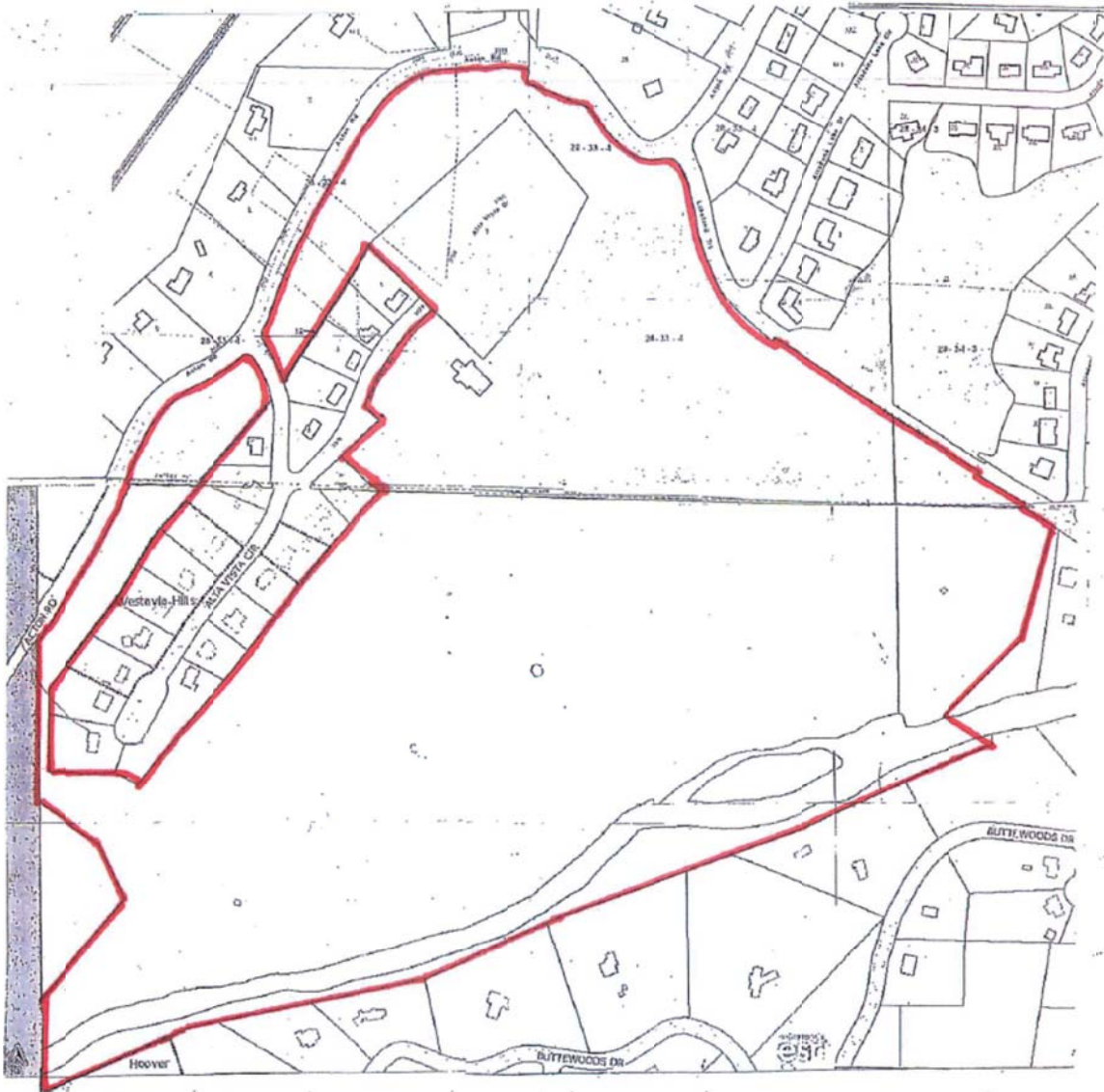
All of said property lies in the Northwest 1/4 of the Northeast 1/4 and the Southwest 1/4 of the Northeast 1/4 of Section 4, Township 19 South, Range 2 West, Jefferson County, Alabama, Birmingham Division and in Shelby County, Alabama.

APPROVED and ADOPTED this the 8th day of June, 2015.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Annexation Committee Petition Review

Property: Altadena Country Club

Owners: Nall LLC

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 _____. Meets city criteria: Yes No
Comment: N/A
6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes _____ Number in city N/A
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: Altadena Country Club

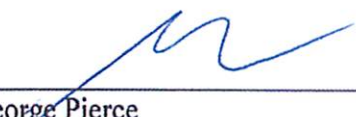
8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$_____ will be paid to offset costs associated with the annexation. Yes _____ No _____ Comment _____

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

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

11. Information on children: Number in family N/A Plan to enroll in VH schools Yes _____ No _____ Comments: _____

Other Comments: _____



George Pierce
Chairman

STATE OF ALABAMA

JEFFERSON AND SHELBY COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: _____

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 & Shelby 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: N/A

BLOCK: N/A

SURVEY: N/A

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

COUNTY ZONING: CC-1 and A-1 (Jefferson County) and E-1 (Shelby County)

COMPATIBLE CITY ZONING: Inst. A and E-2 **

LEGAL DESCRIPTION (METES AND BOUNDS):

SEE ATTACHMENTS FOR METES AND BOUNDS LEGAL DESCRIPTIONS.

** Applicants intend to apply for rezoning pending final annexation in accordance with the provisions of the Annexation Agreement between the applicants and the City dated the 15th day of April, 2015.

See attachment for metes and bounds legal description.

PARCEL I

All that part of the following described property situated in the South $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18, Range 2 West:

A parcel of land located in the S $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West, and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 18 South, Range 2 West, all in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said Section 33, thence in a westerly direction along the south line of said Section 33, a distance of 1588.12 feet, thence $41^{\circ}10'15''$ right in a Northwesterly direction a distance of 159.10 feet; thence $94^{\circ}26'22''$ right in a Northeasterly direction a distance of 163.65 feet; thence $94^{\circ}26'22''$ left in a Northwesterly direction a distance of 62.01 feet; thence $71^{\circ}49'10''$ right in a Northeasterly direction a distance of 69.25 feet to the beginning of a curve to the right having a central angle of $18^{\circ}10'50''$ and a radius of 600.0 feet; thence in a Northeasterly direction along said curve, a distance of 190.39 feet to end of curve; thence in a Northeasterly direction a distance of 97.0 feet; thence 90° right in a Southeasterly direction a distance of 218.43 feet; thence 90° left in a Northeasterly direction a distance of 264.98 feet; thence $15^{\circ}31'$ left in a Northeasterly direction a distance of 331.28 feet; thence $67^{\circ}21'45''$ left in a Northwesterly direction a distance of 345.73 feet; thence $91^{\circ}56'55''$ left in a Southwesterly direction a distance of 629.60 feet; thence $16^{\circ}53'14''$ left in a Southwesterly direction a distance of 499.50 feet; thence $11^{\circ}42'54''$ right in a Southwesterly direction a distance of 398.89 feet to the intersection with the south line of said Section 33, said point being 494.09 feet East of the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 33; thence $48^{\circ}49'45''$ right in a westerly direction along said south line of said Section 33 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Northeasterly and Easterly direction along said right of way line until it intersects the Southwesterly right of way line of River Estates Road as shown on plat of River Estates and recorded in Map Book 53, Page 55, in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a Southeasterly direction along said right of way of River Estates Road to the intersection with the south line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 18 South, Range 2 West; thence $148^{\circ}34'$ right in a westerly direction along the south line of said $\frac{1}{4}$ $\frac{1}{4}$ section, a distance of 417.20 feet to the point of beginning.

EXCEPT: The following 50 foot wide road right of way located in the Southwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 33; Commence at the Southwest corner of said Southwest $\frac{1}{4}$ of Southeast $\frac{1}{4}$; thence in an easterly direction along the south line of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 494.09 feet; thence $48^{\circ}49'45''$ left in a Northeasterly direction a distance of 398.89 feet to the point of beginning of herein described 50 foot wide road right of way, said point being the P.I. of a curve to the left, having a central angle of 35° and a tangent of 90.0 feet; thence $63^{\circ}45'51''$ left in a Northwesterly direction along the tangent extended of said curve, a distance of 90.0 feet to the end of said curve; thence in a Northwesterly direction along the center line of said 50 foot wide road right of way to the intersection with the Southeasterly right of way of Acton Road, said point being end of herein described right of way. Situated in Jefferson County, Alabama.

Less and Except any property conveyed to Jefferson County in Inst. No. 9916-3899.

PARCEL II

A parcel of land located in the South half of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West, more particularly described as follows:

Commence at the Southwest corner of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West; thence in an easterly direction along the south line of said $\frac{1}{4}$ section a distance of 494.09 feet; thence $48^{\circ}49'45''$ left in a Northeasterly direction a distance of 398.89 feet; thence $11^{\circ}42'54''$ left in a Northeasterly direction a distance of 499.50 feet to the point of beginning; thence $16^{\circ}53'14''$ right in a Northeasterly direction a distance of 629.60 feet; thence $91^{\circ}56'55''$ right in a Southeasterly direction a distance of 345.73 feet; thence $67^{\circ}21'45''$ right in a Southwesterly direction a distance of 331.28 feet; thence $15^{\circ}31'$ right in a Southwesterly direction a distance of 264.98 feet; thence 90° right in a Northwesterly direction a distance of 488.43' to the point of beginning.

Less and except any property conveyed to Jefferson County, Alabama in Inst. No. 9916-3899.

PARCEL III

All that part of the following described property situated in the Southwest $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 18, Range 2 West:

A parcel of land located in the S $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of Section 33, Township 18 South, Range 2 West, and the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 18 South, Range 2 West, all in Jefferson County, Alabama, more particularly described as follows: Begin at the Southeast corner of said Section 33, thence in a westerly direction along the south line of said Section 33, a distance of 1588.12 feet, thence $41^{\circ}10'15''$ right in a Northwesterly direction a distance of 159.10 feet; thence $94^{\circ}26'22''$ right in a Northeasterly direction a distance of 163.65 feet; thence $94^{\circ}26'22''$ left in a Northwesterly direction a distance of 62.01 feet; thence $71^{\circ}49'10''$ right in a Northeasterly direction a distance of 69.25 feet to the beginning of a curve to the right having a central angle of $18^{\circ}10'50''$ and a radius of 600.0 feet; thence in a Northeasterly direction along said curve, a distance of 190.39 feet to end of curve; thence in a Northeasterly direction a distance of 97.0 feet; thence 90° right in a Southeasterly direction a distance of 218.43 feet; thence 90° left in a Northeasterly direction a distance of 264.98 feet; thence $15^{\circ}31'$ left in a Northeasterly direction a distance of 331.28 feet; thence $67^{\circ}21'45''$ left in a Northwesterly direction a distance of 345.73 feet; thence $91^{\circ}56'55''$ left in a Southwesterly direction a distance of 629.60 feet; thence $16^{\circ}53'14''$ left in a Southwesterly direction a distance of 499.50 feet; thence $11^{\circ}42'54''$ right in a Southwesterly direction a distance of 398.89 feet to the intersection with the south line of said Section 33, said point being 494.09 feet East of the Southwest corner of the Southeast $\frac{1}{4}$ of said Section 33; thence $48^{\circ}49'45''$ right in a westerly direction along said south line of said Section 33 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Northeasterly and Easterly direction along said right of way line until it intersects the Southwesterly right of way line of River Estates Road as shown on plat of River Estates and recorded in Map Book 53, Page 55, in the Office of the Judge of Probate in Jefferson County, Alabama; thence in a Southeasterly direction along said right of way of River Estates Road to the intersection with the south line of the Southwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 34, Township 18 South, Range 2 West; thence $148^{\circ}34'$ right in a westerly direction along the south line of said $\frac{1}{4}$ section, a distance of 417.20 feet to the point of beginning.

PARCEL IV

A parcel of land located in the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West, and the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3, Township 19 South, Range 2 West, all in Shelby County, Alabama, more particularly described as follows:

Begin at the Northeast corner of Section 4, Township 19 South, Range 2 West; thence in a westerly direction along the north line of said Section 4, a distance of 1588.12 feet; thence $48^{\circ}49'45''$ left, in a Southwesterly direction a distance of 236.84 feet; thence $3^{\circ}11'48''$ left in a Southwesterly direction a distance of 508.95 feet; thence $2^{\circ}15'12''$ left in a Southwesterly direction a distance of 412.0 feet; thence $82^{\circ}57'$ right in a Northwesterly direction a distance of 79.0 feet; thence $30^{\circ}51'$ left in a westerly direction a distance of 201.0 feet; thence 90° right in a northerly direction a distance of 258.0 feet; thence $37^{\circ}57'$ right in a Northeasterly direction a distance of 207.0 feet; thence $6^{\circ}11'29''$ left in a Northeasterly direction a distance of 379.33 feet; thence $11^{\circ}35'29''$ right in a Northeasterly direction a distance of 170.11 feet to the intersection with the north line of said Section 4; thence $131^{\circ}10'15''$ left in a westerly direction along the north line of said Section 4 to the intersection with the Southeasterly right of way line of Acton Road; thence in a Southwesterly direction along said right of way line to the intersection with the West line of the Northeast $\frac{1}{4}$ of said Section 4; thence $33^{\circ}37'45''$ left in a southerly direction along said West line of said Section 4, a distance of 1366.15 feet; thence $112^{\circ}21'45''$ left, in a Northeasterly direction a distance of 494.18 feet; thence $12^{\circ}05'15''$ right in a Northeasterly direction a distance of 683.44 feet; thence $11^{\circ}49'$ left, in a Northeasterly direction a distance of 574.27 feet; thence $2^{\circ}45'45''$ right in a Northeasterly direction a distance of 773.80 feet; thence $3^{\circ}55'15''$ left in a Northeasterly direction a distance of 585.62 feet; thence $49^{\circ}44'45''$ left in a Northeasterly direction a distance of 134.22 feet to the Southwest corner of Lot 39 River Estates, as recorded in Map Book 4, Page 27, in the Probate Office of Shelby County, Alabama; thence $112^{\circ}53'30''$ left in a Southwesterly direction a distance of 203.96 feet; thence $145^{\circ}53'30''$ right in a Northeasterly direction a distance of 345.0 feet to a point in the westerly line of said Lot 39; thence 33° left, in a Northeasterly direction along the westerly line of said Lot 39, a distance of 360.0 feet to the Northwest corner of said Lot 39, said point being the Southwesterly line of River Estates Road; thence $73^{\circ}30'$ left in a Northwesterly direction along said Southwesterly line of River Estates Road, a distance of 83.45 feet to the intersection with the north line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 3, Township 19 South, Range 2 West; thence $31^{\circ}26'$ left in a westerly direction along the north line of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 417.20 feet to the point of beginning.

LESS AND EXCEPT that portion conveyed in Inst. No. 20020508000217420 and re-recorded in Inst. No. 20020710000318550 in the Probate Office of Shelby County, Alabama, more particularly described as follows:

That part of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West lying South and West of an unnamed tributary of Cahaba River: and that part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West lying North and West of an unnamed tributary of Cahaba River, more particularly described as follows:

Commence at the Southwest corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West, said corner being the point of beginning of the property herein described; thence run northerly along the west boundary of said $\frac{1}{4}$ $\frac{1}{4}$ section a distance of 356.4 feet; thence turn an angle to the right of $125^{\circ}02'25''$ and run in a Southeasterly direction a distance of 219.6 feet; thence turn an angle to the right of $31^{\circ}09'51''$ and run in a Southeasterly direction along the centerline of an unnamed tributary of the Cahaba River a distance of 190.1 feet, more or less, to the centerline of an unnamed tributary of the Cahaba River; thence turn an angle to the right of $62^{\circ}58'14''$ and run in a Southwesterly direction along the centerline of an unnamed tributary of the Cahaba River a distance of 406.0 feet, more or less, to the west boundary of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West; thence turn an angle to the right of $140^{\circ}49'30''$ and run Northerly along the West boundary of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West, a distance of 258.4 feet, more or less, back to the point of beginning.

All of said property lies in the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 4, Township 19 South, Range 2 West, Jefferson County, Alabama, Birmingham Division and in Shelby County, Alabama.

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>
NALL PARTNERSHIP, LTD. By: <u>J.W. Nall Jr</u> Lot _____ Block _____ Survey _____ Name: _____ Its: _____ Lot _____ Block _____ Survey _____	

<u>Wesley L. Burnham, Jr.</u> Lot _____ Block _____ Survey _____ Wesley L. Burnham, Jr.	
--	--

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

STATE OF ALABAMA

JEFFERSON COUNTY

J.W. Nall Jr 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.W. Nall Jr
Signature of Certifier

Subscribed and sworn before me this the 19th day of May, 20 15.

Katey Smith
Notary Public

My commission expires: _____ **My Commission Expires
May 8, 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): Nall Partnership, Ltd. and Wesley L. Burnham, Jr.

Address: 119 Euclid Avenue

City: Birmingham State: AL Zip: 35213

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	NONE				
2.					
3.					
4.					
5.					
6.					

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