

**Vestavia Hills
City Council Agenda
March 28, 2016
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Joy Moman, Municipal Court Vestavia Hills Magistrate Supervisor
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Presentation – David Barber – Prescott House
7. City Manager’s Report
8. Councilors’ Reports
9. Financial Reports – Melvin Turner, III, Finance Director
10. Approval of Minutes – March 14, 2016 (Regular Meeting), March 21, 2016 (Special Meeting) And March 21, 2016 (Work Session)

Old Business

11. Ordinance Number 2648 – Conditional Use - 854 Vestlake Ridge Drive, Use For A Home Office For A Consulting Business; James Sumner, Jr., Owner
12. Ordinance Number 2649 – Rezoning – 2834 and 2838 Acton Place; Rezone From Jefferson County A to Vestavia Hills A; Compatible Zoning; Gail Acton, Owner
13. Resolution Number 4810 – A Resolution Approving Funding And Purchasing For Two Vehicles For The Police Department

New Business

14. Resolution Number 4812 – A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Property
15. Resolution Number 4813 – A Resolution Accepting A Bid For SHAC, Phase II Trail And Authorizing The City Manager To Execute And Deliver A Contract For Said Construction
16. Resolution Number 4814 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Jefferson County For Election Services
17. Resolution Number 4815 – A Resolution Appointing An Election Manager For The 2016 City Of Vestavia Hills Municipal Elections

New Business (Requesting Unanimous Consent)

18. Resolution Number 4816 – A Resolution Authorizing The City Manager To Execute An Agreement With Birmingham Humane Society

First Reading (No Action Taken At This Meeting)

19. Resolution Number 4817 – A Resolution Appropriating An Additional \$24,000 To The Existing Turf Management Agreement For Mowing Of Park Properties
20. Citizens Comments
21. Executive Session
22. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MARCH 14, 2016

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mayor Alberto C. Zaragoza, Jr.

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Jim St. John, Fire Chief
Terry Ray, Deputy Fire Chief
Brian Davis, Public Services Director
Christopher Brady, City Engineer

Invocation was given by Mary Elliott, Parks and Recreation Foundation Board Treasurer.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Henley announced that the Council would begin accepting applications for the Board of Education which will be due by Monday, March 28 with interviews beginning at 7:30 AM on April 20. He explained the method of selection for a Board of Education appointment and invited everyone interested to submit an application. The new appointment will be announced on Monday, April 25, 2016.
- Mr. Pierce recognized Roger Stevr who was in attendance representing the Vestavia Hills Chamber of Commerce.
- David J. Putman, candidate for US Congress, District 6, introduced himself and asked for support in the November election.

CITY MANAGER'S REPORT

- Mr. Downes updated the Council on ongoing projects including upgrading and repairs to the Wald Park swimming pool. Those repairs are underway and should be completed by mid-April.
- There have been various delays on the Meadowlawn Park demolition and construction. The homes have been removed and the relocation of utility lines should occur soon so the contractor can mobilize within the next couple of weeks. The contract is for a 120-day contract.
- Mr. Downes updated the Council on the development of the former Altadena Valley Country Club for both the recreational and residential developments. Harris Doyle Homes has begun demolishing the old buildings in preparation for the eventual residential area. There have been some complaints deriving from the debris removal and he's asking for patience.
- Partial funding for Phase II of SHAC has been approved by the Council with the Foundation providing the lion's share of the funding. Bids were received for a portion of the trails and are being reviewed by the City's consultant.
- A multiparty agreement was approved that would ultimately lead to the re-working of Manorbrook Drive. The City, working in collaboration with the development there, would fix the roadway to allow better access including, but not limited to utility work which is just being completed.
- An event coming to the Rocky Ridge Entertainment District involves a 3-lane waterslide going along Lime Rock Road. There is one driveway affected and the family who resides there is excited about the project. Publicity will begin soon and the City is working with the High School for parking. The vendors of Rocky Ridge are working together to help to make this a great event.

COUNCILORS' REPORTS

- Mr. Pierce announced that the Feral Cat Committee will meet again this Friday at 1 PM in the Executive Conference Room.

APPROVAL OF MINUTES

The minutes of February 17, 2016 (Work Session) and February 22, 2016 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of February 17, 2016 (Work Session) and February 22, 2016 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4803

Resolution Number 4803 – A Resolution Authorizing the City Manager To Hire 3 New Police Officers And 3 New Firefighters/Paramedics (*Public Hearing*)

MOTION Motion to approve Resolution Number 4803 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that this has been discussed several times in work sessions. The Fire Department has received an upgrade in ISO ratings from 3 to 2 and the Police Department is doing outstanding work. However, in order to keep up with demand, both the Police and Fire Chiefs have suggested ways to allow the hiring of three police officers and three additional firefighters/paramedics.

Chief St. John addressed the Council relative to his request for three firefighters/paramedics. He explained the reasons and gave examples that reinforced this need within the northeastern part of the City, primarily in Liberty Park and Cahaba Heights. This would allow the Fire Department to add three new firefighter/paramedics to the Vestavia Hills Fire Department to be assigned to the Vestavia Hills Alberto C. Zaragoza Jr. Fire Station Number 4. He gave specifics as to salary ranges which would include benefits, personal protection equipment and uniforms.

Chief Rary addressed the City Council and illustrated his need for three additional patrol officers that are needed in certain beats. He stated that with the retirement of two of his highest ranked employees, he is able to hire these three officers with no impact in the immediate budget with the exception of uniforms and hiring two other additional officers. It would require future funding for the additional officers as with any other employee. He stated that he thinks these officers could be employed very soon.

Mr. Henley clarified that they will hire five total employees. Two will replace the promoted employees from the retirements and then three additional employees.

Mr. Pierce thanked Chief St. John and Chief Rary for approaching the Council for needed personnel instead of waiting. There are so many positive things happening in the City, we should provide excellent services to the residents.

The Mayor Pro-Tem opened the floor for a public hearing.

Jim Diggle, 4056 White Oak Drive, asked if the Mtn. Brook Department could service Vestavia Hills along with Vestavia Hills.

Chief St. John explained the mutual aid agreement that already exists with Mountain Brook. He stated that they are good partners and they work well with the City's Fire Department.

***Mr. Sharp stepped out of the Chamber.*

There being no one else to address the Council regarding the request, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – no vote	Mr. Ammons – yes
Motion carried.	

***Mr. Sharp stepped back into the Chamber.*

Mr. Ammons took a moment to announce that he went to the High School shortly after the accident that occurred and that the first responders and the police officers that held back traffic to allow EMS personnel to arrive all worked together seamlessly. He indicated that the training and emergency activity training of these individuals work well within the Community.

RESOLUTION NUMBER 4804

Resolution Number 4804 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An (MOU) Agreement With Jefferson County For Storm Debris Removal From Devastating Storms Which May Occur In The City Of Vestavia Hills, Alabama (Public Hearing)

MOTION Motion to approve Resolution Number 4804 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes explained that this is a request by Jefferson County to work with them and other municipalities in case there is a natural disaster in this area to allow the removal of debris within each municipality. He explained the process and recommended that the MOU be executed.

Mr. Boone stated that he has reviewed the agreement and he also recommends approval.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council regarding the request, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

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

Mr. Ammons – yes

Motion carried.

ORDINANCE NUMBER 2647

Ordinance Number 2647 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement For Cost Sharing For The Grants Mill Road Corridor Study (*Public Hearing*)

MOTION Motion to approve Ordinance Number 2647 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes stated that that is a request for a cost-sharing agreement to create a transportation corridor in the Lake Purdy area. The project is led by the City of Birmingham. He explained the terms of the agreement and recommended approval.

Discussion ensued with Mr. Ammons explaining the multiple meetings in Birmingham with officials in other cities while working out this agreement.

Mr. Downes stated that they expect this to be a multiple-year project.

The Mayor Pro-Tem opened the floor for a public hearing.

Jim Diggle, 4205 White Oak Drive, asked that the Council do anything to help out the traffic of this area. He challenged the Council to reopen a bridge at Cahaba Beach Road.

Mr. Ammons explained Shelby County's efforts to reopen that bridge.

Peggy Gargus, 3931 South River Circle, stated that many people wish to keep that bridge closed.

There being no one else to address the Council regarding the request, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

RESOLUTION NUMBER 4805

Resolution Number 4805 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With Sain Associates For Professional Traffic Engineering Services Associated With A Corridor Study Of A

Defined Segment Of Dolly Ridge Road From E.A. Hollis Drive To Pump House Road/Cahaba Heights Road (Public Hearing)

MOTION Motion to approve Resolution Number 4805 was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes explained that this is a Resolution to study the corridor along a defined segment of Dolly Ridge Road to do a traffic study to determine what improvements the City might need to make in the area defined.

Mr. Ammons stated that this was discussed indepth at a previous work session.

Mr. Boone asked that the two paragraphs for indemnification be deleted in their entirety.

Mr. Pierce asked that the traffic studies be done during a time when school is in session in order to allow accurate counting.

MOTION Motion to delete the two paragraphs for indemnity and limitation of remedy was by Mr. Pierce and second was by Mr. Henley. Roll Call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

The Mayor Pro-Tem opened the floor for a public hearing.

Missy Turner, 3295 Greendale Road, asked about a referenced development on the west side of Dolly Ridge Road. She asked if any improvements must be done, how is there any room when the buildings are against the road?

Mr. Downes stated that there might be some potential development around the Acton property but there are no definite plans nor does anyone have any direct knowledge of development.

Mr. Ammons stated that nothing can be stated until the study is given along with the professional recommendations.

Discussion ensued as to numerous past studies of the area of Cahaba Height. Mr. Downes explained the difference in this traffic study.

Mike Gargus, 3931 South River Circle, stated that the buildings are set too close to the road and asked about the standards for setbacks for sidewalks, etc.

Mr. Downes explained.

Robert Debuys, 3467 Mossbrook Lane, asked if the previous plan can be used to gauge a trend in the traffic counts. There was no pedestrian traffic count done with the previous study and asked that this includes one.

Mr. Henley explained.

Jim Diggle, 4056 White Oak Drive, asked about Dolly Ridge Road topography for an elevated entrance.

Mr. Ammons stated that ALDOT reviewed that and rejected the idea.

There being no one else to address the Council regarding the request, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

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

Motion carried.

NEW BUSINESS

RESOLUTION NUMBER 4807

Resolution Number 4807 – A Resolution Declaring Certain Personal Property As Surplus And Directing The Sale/Disposal Of Said Property

MOTION Motion to approve Resolution Number 4807 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes stated that this Resolution surpluses some equipment and vehicles no longer needed by the City.

The Mayor Pro-Tem called for the question. Roll call vote as follows:

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

Motion carried.

RESOLUTION NUMBER 4809

Resolution Number 4809 – A Resolution Authorizing The Mayor And City Manager To Enter Into An Agreement With Holcombe Norton Partners, Inc. For Architectural Services For Sicard Hollow Athletic Complex Park Improvements

MOTION Motion to approve Resolution Number 4809 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes explained that this is the design for Phase II of improvements to SHAC and authorizes Ed Norton to do these designs. This is being funded primarily by the Park Foundation with cost sharing with the City capped at \$599,000 which has already been approved. This agreement is far below the City's approved cost share.

Mr. Boone stated that he has reviewed the agreement and found no problems.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council regarding this matter, he called for the question. Roll call vote as follows:

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

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor Pro-Tem opened the floor for unanimous consent for the immediate consideration and action on Resolution Number 4808 and Ordinance Number 2650.

MOTION Motion for unanimous consent for the immediate consideration and action on Resolution Number 4808 and Ordinance Number 2650 was by Mr. Henley and second was by Mr. Pierce. Roll call vote as follows:

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

RESOLUTION NUMBER 4808

Resolution 4808 – A Resolution Authorizing A Special Economic Development Agreement By The City Of Vestavia Hills, Alabama And SCP At Liberty Park, LLC (*Public Hearing*)

MOTION Motion to approve Resolution Number 4808 was by Mr. Pierce and second was by Mr. Sharp.

Mr. Boone explained the procedure for unanimous consent as allowed by Alabama law.

Mr. Ammons stated that the Council has discussed this in previous work sessions.

Mr. Downes gave the background of a potential development in the Liberty Park area and described the terms of the Resolution which include a 9,000 SF retail center.

The property is challenged and has remained undeveloped because of the cost of infrastructure.

Mr. Sharp pointed out that the Council has done this several times over the past few years.

Heyward Hosch, Maynard, Cooper and Gale, explained the advertisement, the Resolution structure and the terms of the agreement.

Mr. Henley asked if this abates school board taxes.

Mr. Downes stated that the City can only incentivize with City funds.

Mr. Boone recommended approval.

The Mayor Pro-Tem opened the floor for a public hearing.

Mike Gargus, 3931 South River Circle, asked if the Council now has trained developers to expect this type of incentive.

Mr. Downes stated that development doesn't have a cookie cutter approach. The City studies each and every request and if there is a true gap that exists that would preclude a desired development, the request is given due attention.

Mr. Boone indicated that this request does not begin any precedence. He explained the structure of the Resolution including the excerpt from the minutes.

Jim Diggle, 4056 White Oak Drive, stated that this looks like a strip center to him with no standards from Liberty Park.

Peggy Gargus, 3931 South River Circle, stated that she is concerned with the amount of impervious materials. The Resolution was hard to understand. She asked about the development and the sewage waste.

Mr. Ammons directed this question to engineering.

Mr. Brady stated that this goes through Liberty Park's facilities for both sanitary and storm water sewer.

There being no one else to address the Council regarding the request, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mr. Ammons – yes

Motion carried.

ORDINANCE NUMBER 2650

Ordinance 2650 – An Ordinance Authorizing The Settlement Of A Lawsuit (*Public Hearing*)

MOTION Motion to approve Ordinance Number 2650 was by Mr. Henley and second was by Mr. Sharp

Mr. Boone gave the background of this request. He stated that he wrote Ordinance 2650 and recommended that the City Council approve and enact this Ordinance to settle a litigation case which has been pending since 2011. He explained the settlement terms and conditions and indicated that this dismisses this lawsuit with prejudice which means no party can bring this matter back to court. He explained the allegations within the lawsuit which include both federal and state allegations, all of which are disputed. Because of the length of the litigation with complex allegations and recommended that the City accept the settlement. Some of the it will be paid by Trident, the City's insurer at the time and the remainder by the City. J. Bentley Owens was the attorney who represented the City throughout the years and the case was mediated twice. Mr. Boone explained mediation and indicated that he was not present and the results are confidential. He stated that he recommends approval of this Ordinance.

Mr. Henley asked Mr. Boone to give a synopsis of why this started.

Mr. Boone gave a background of the litigation.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to address the Council regarding the request, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

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

Motion carried.

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

The Mayor Pro-Tem stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on March 28, 2016 at 5 PM.

- Ordinance Number 2648 – Conditional Use - 854 Vestlake Ridge Drive, Use For A Home Office For A Consulting Business; James Sumner, Jr., Owner
- Ordinance Number 2649 – Rezoning – 2834 and 2838 Acton Place; Rezone From Jefferson County A to Vestavia Hills A; Compatible Zoning; Gail Acton, Owner
- Resolution Number 4810 – A Resolution Approving Funding And Purchasing For Two Vehicles For The Police Department

CITIZEN COMMENTS

Robert Debuys, 3467 Mossbrook Lane, stated that the residents of Cahaba Heights are very proactive toward development but wish to have more open communication because they are nervous.

Mr. Pierce stated that many of these developments, projects, etc., are explained indepth in open work sessions and everyone is welcome to attend. He also pointed out that there are first read on many of the items to give public notice of upcoming issues.

Mindy Bodenhamer, 1308 Wickford Road, stated that the Library Foundation Board is accepting applications at www.vestavialibrary.org and invited everyone to apply.

Ms. Leavings announced the candidates' workshop to be held Wednesday beginning at 10 AM in the Council Chamber of City Hall.

Missy Turner asked if someone could pick up a packet for a potential candidate. Ms. Leavings explained that there are only a few of them and asked that anyone interested in actually running to take a packet.

At 7:10 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Henley. Meeting adjourned at 7:10 PM.

Steve Ammons
Mayor Pro-Tempore

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SPECIAL MEETING

MARCH 21, 2016

The City Council of Vestavia Hills met in special 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:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Melvin Turner, Treasurer
Dan Rary, Police Chief
Marvin Green, Asst. Fire Chief
Terry Ray, Asst. Fire Chief
Brian Davis, Public Services Director

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

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor opened the floor for unanimous consent for immediate consideration and possible action of all items on the agenda.

MOTION Motion for unanimous consent and immediate action of all items on the agenda was made by Mr. Ammons and second was by Mr. Pierce Roll call vote as follows:

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

ORDINANCE NUMBER 2651

Ordinance Number 2651 – An Ordinance Authorizing And Directing The City Of Vestavia Hills, Alabama (“City”) To Pay To The Board Of Education Of The City of Vestavia Hills, Alabama For The Payment Of A Portion Of The Purchase Price For The Acquisition Of The Former Berry Middle School Campus By The Board (*Public Hearing*)

MOTION Motion to approve Ordinance Number 2651 was by Mr. Henley and second was by Mr. Sharp.

Mr. Henley explained that the Vestavia Hills Board of Education has submitted a contract to the Hoover Board of Education to purchase the former Berry School for \$11 million. The Council is looking at putting in \$2 million toward that purchase to assist them in acquiring this property. The City found in recent Park and Recreation studies that the City is in need of certain recreational facilities and a shared use between the schools and the City would help to alleviate some of this and would be a great mutual asset.

Discussion ensued as to how the fields will be shared, maintained and who will determine that use. The Mayor explained that Public Services has always worked with the Board to schedule written schedules and some written agreements will be drafted later.

Dr. Sheila Phillips, Superintendent of Education along with Mark Hogewood, Board of Education member, thanked the Council for the support. The intent is to benefit the community as much as possible.

The Mayor stated that this has been discussed earlier.

Mr. Boone explained the details of the contract and that the Board of Education can only operate a school located in the municipality. If this moves forward, Hoover will have to de-annex the property and the City would have to annex it. This contract allows the Board a due diligence of 90 days and they can walk away from the deal if they desire.

Mr. Sharp stated that this is a very exciting prospect.

The Mayor stated that this was discussed during the strategic planning and the entire community needs to study every opportunity for facilities. This will help the Board do a lot of good things for the community as a whole.

Mr. Henley indicated there’s approximately \$40 million worth of construction, land and assets in this and it’s a good deal.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that he is not opposed to this purchase but asked about the assessment of the property through tax records. He stated that his concern was that the Board was overpaying for the property.

Dr. Phillips stated that when the City of Hoover was going to purchase this property, it would have been \$9,000,000. If the new appraisal doesn't show that much, they will renegotiate; however, after touring the campus, they feel this is certainly worth the offer. The recreational facilities alone are worth quite a bit.

There being no one else to address the Council regarding the request, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – no vote	Mr. Ammons – yes
Mayor Zaragoza – yes	motion carried.

*** Mr. Sharp stepped away from the meeting.*

RESOLUTION NUMBER 4811

Resolution Number 4811 – A Resolution Approving The Structure And Offering Of General Obligation Warrants, Series 2016 (*Public Hearing*)

MOTION Motion to approve Resolution Number 4811 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes explained that this Resolution sets forth parameters for a team to sell bonds for the purpose of capital warrants for refinance of debt which would allow a savings of \$2 million to support the contribution to the Board of Education. Chris Matthews, the City's financial advisor, brought this savings opportunity to the attention of the City.

Chris Williams explained that historical rates make it advantageous to refinance current debt and would roll the \$2 million into the issue but doesn't increase the City's debt services. He explained that rating services prefer cities to utilize that type of refinancing.

Discussion ensued as to the City's current bond rating of AA plus and since this is an anticipated reduction in cost and increase in revenues, it trends the City upward; thus further improving the City's position.

Mr. Ammons thanked Mr. Turner and Mr. Williams for detailing the City's revenues for the year and the upward trend in collections.

The Mayor stated that this was studied by the Financial Advisory Committee and recommended for approval.

Mr. Downes stated that this limits issuance costs which are at the lowest that they have ever been by utilizing Frazier Lanier.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, asked about the increase in City debt and the procedure that the Board will take to pay off the property.

Dr. Phillips stated that the Board of Education has a resolve due to excellent planning and saving by her predecessor. They have about \$29 million in reserves and have the cash ready to go for this project. She stated that they have the requested information on the website and would be happy to discuss the City Board's debt at any time.

Mr. Williams stated that the City's debt would raise this fiscal year, but that would be reduced next February when the City makes the \$2.6 million debt payment.

There being no one else to address the Council regarding the request, the Mayor closed the public hearing and called 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.

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, asked if these facilities will be open to the general public allowing families to go out and use them on weekends.

The Mayor stated that is the preferred goal. However, some of the details will have to be worked out.

David Harwell stated that he has noticed a deluge of signage located on power poles, rights-of-way, etc., throughout the City. He asked that the City begin to enforce the sign ordinance.

Mr. Downes stated that the City is working on enforcement of the sign ordinance.

At 5:55 PM, Mr. Pierce made a motion to adjourn into the work session located in the Executive Conference room and was seconded by Mr. Ammons. Meeting adjourned at 5:56 PM.

Alberto C. Zaragoza, Jr
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CITY OF VESTAVIA HILLS

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NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor opened the floor for unanimous consent for immediate consideration and possible action of all items on the agenda.

MOTION Motion for unanimous consent and immediate action of all items on the agenda was made by Mr. Ammons and second was by Mr. Pierce Roll call vote as follows:

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

ORDINANCE NUMBER 2651

Ordinance Number 2651 – An Ordinance Authorizing And Directing The City Of Vestavia Hills, Alabama (“City”) To Pay To The Board Of Education Of The City of Vestavia Hills, Alabama For The Payment Of A Portion Of The Purchase Price For The Acquisition Of The Former Berry Middle School Campus By The Board (*Public Hearing*)

MOTION Motion to approve Ordinance Number 2651 was by Mr. Henley and second was by Mr. Sharp.

Mr. Henley explained that the Vestavia Hills Board of Education has submitted a contract to the Hoover Board of Education to purchase the former Berry School for \$11 million. The Council is looking at putting in \$2 million toward that purchase to assist them in acquiring this property. The City found in recent Park and Recreation studies that the City is in need of certain recreational facilities and a shared use between the schools and the City would help to alleviate some of this and would be a great mutual asset.

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Mr. Boone explained the details of the contract and that the Board of Education can only operate a school located in the municipality. If this moves forward, Hoover will have to de-annex the property and the City would have to annex it. This contract allows the Board a due diligence of 90 days and they can walk away from the deal if they desire.

Mr. Sharp stated that this is a very exciting prospect.

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There being no one else to address the Council regarding the request, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Sharp – no vote	Mr. Ammons – yes
Mayor Zaragoza – yes	motion carried.

** Mr. Sharp stepped away from the meeting.

RESOLUTION NUMBER 4811

Resolution Number 4811 – A Resolution Approving The Structure And Offering Of General Obligation Warrants, Series 2016 (*Public Hearing*)

MOTION Motion to approve Resolution Number 4811 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes explained that this Resolution sets forth parameters for a team to sell bonds for the purpose of capital warrants for refinance of debt which would allow a savings of \$2 million to support the contribution to the Board of Education. Chris Matthews, the City's financial advisor, brought this savings opportunity to the attention of the City.

Chris Williams explained that historical rates make it advantageous to refinance current debt and would roll the \$2 million into the issue but doesn't increase the City's debt services. He explained that rating services prefer cities to utilize that type of refinancing.

Discussion ensued as to the City's current bond rating of AA plus and since this is an anticipated reduction in cost and increase in revenues, it trends the City upward; thus further improving the City's position.

Mr. Ammons thanked Mr. Turner and Mr. Williams for detailing the City's revenues for the year and the upward trend in collections.

The Mayor stated that this was studied by the Financial Advisory Committee and recommended for approval.

Mr. Downes stated that this limits issuance costs which are at the lowest that they have ever been by utilizing Frazier Lanier.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, asked about the increase in City debt and the procedure that the Board will take to pay off the property.

Dr. Phillips stated that the Board of Education has a resolve due to excellent planning and saving by her predecessor. They have about \$29 million in reserves and have the cash ready to go for this project. She stated that they have the requested information on the website and would be happy to discuss the City Board's debt at any time.

Mr. Williams stated that the City's debt would raise this fiscal year, but that would be reduced next February when the City makes the \$2.6 million debt payment.

There being no one else to address the Council regarding the request, the Mayor closed the public hearing and called 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.

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, asked if these facilities will be open to the general public allowing families to go out and use them on weekends.

The Mayor stated that is the preferred goal. However, some of the details will have to be worked out.

David Harwell stated that he has noticed a deluge of signage located on power poles, rights-of-way, etc., throughout the City. He asked that the City begin to enforce the sign ordinance.

Mr. Downes stated that the City is working on enforcement of the sign ordinance.

At 5:55 PM, Mr. Pierce made a motion to adjourn into the work session located in the Executive Conference room and was seconded by Mr. Ammons. Meeting adjourned at 5:56 PM.

Alberto C. Zaragoza, Jr
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2648

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

WHEREAS, on December 13, 2010, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2331, also known as the City of Vestavia Hills Zoning Code; 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, James Sumner, Jr. is the owner of the property located at 854 Vestlake Ridge Drive, currently zoned Vestavia Hills PUD PR-1 (planned unit development planned residential district) more particularly described as Lot 1070, Vestlake Ridge; and

WHEREAS, James Sumner, Jr. has submitted application for conditional use approval for a home occupation to be operated in his residence located at 854 Vestlake Ridge Drive, Vestavia Hills, Alabama located in the Liberty Park P.U.D.; and

WHEREAS, James Sumner, Jr. has indicated in his application for conditional use approval that he will operate an office for his consultation business out of his home pursuant to the specifications of a home occupation; and

WHEREAS, a copy of said application dated January 14, 2016 is attached and hereby incorporated into this Ordinance Number 2648.

**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 James Sumner, Jr. for a home occupation as described in the above-referenced application for his residence located at 854 Vestlake Ridge Drive, Vestavia Hills, Alabama located in Liberty Park P.U.D. subject to the provisions outlined in Article 9 of the Vestavia Hills Zoning Code outlined as follows:
 - a. “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; and
 - b. 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; and
 - c. There shall be no public display of goods and absolutely no commodities sold on the premises; and
 - d. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation; and
 - e. 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; and

- f. 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; and
 - g. Operation of any and all other business of any nature in residential zones is expressly prohibited; and
 - h. The activity carried on as home occupation shall be limited to the hours between 7:00 AM and 10:00 PM; and
 - i. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle and no additional traffic shall be generated by said conditional use; and
 - j. No persons other than members of the family residing on the premises shall be employed by the home occupation; and
- 2. Conditional Use Approval is further conditioned upon and subject to all applicable private and restrictive covenants attached to the property located at said property located in the Liberty Park P.U.D.
 - 3. A City of Vestavia Hills Business License shall be issued upon application and payment by James Sumner, Jr. working subject to the rules and regulations outlined in the Vestavia Hills Business License Code and shall be renewed each year that the home occupation is operated from the said property located in the Liberty Park P.U.D.
 - 4. At any time should James Sumner, Jr. vacate the premises located at 854 Vestlake Ridge Drive, Vestavia Hills, Alabama, discontinue or relocate this

business, this conditional use approval shall be nullified and said Ordinance Number 2648 shall be automatically repealed.

5. This Ordinance Number 2648 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

DONE, ORDERED, ADOPTED and APPROVED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2648 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 March, 2016 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2016.

Rebecca Leavings
City Clerk

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

Date: **FEBRUARY 11, 2016**

- **CASE:** P-0216-07
- **REQUESTED ACTION:** Conditional Use Approval for a home based business
- **ADDRESS/LOCATION:** 854 Vestlake Ridge Dr.
- **APPLICANT/OWNER:** James L. Sumner, Jr.
- **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. A description of the applicants business, as well as an approval letter from Liberty Park is attached. 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 following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.
2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.
3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.
4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.

5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.

8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

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

MOTION Mr. Burrell made a motion to recommend approval of Conditional Use Approval for a home based business at 854 Vestlake Ridge Dr. with the following conditions:

1. Home occupations shall be conducted only in the principal dwelling. No more than twenty-five (25) percent, up to 500 sq. ft., of the dwelling may be used for a home occupation.

2. There shall be no outdoor display or storage associated with the home occupation and no commodities shall be sold on the premises other than by phone, mail or internet. No goods shall be delivered to a purchaser on the premises.

3. No sign may be attached to the dwelling or any part of the real estate advertising any home occupation.

4. No home occupation shall be permitted if it creates noise, odors, vibrations or traffic congestion, which interferes with the residential qualities of the neighborhood insofar as health, safety, morals, convenience and general welfare are concerned.

5. In order to be a permitted home occupation, the use must be one which is habitually, customarily, and commonly established as a reasonable incidental, accessory, subordinate and secondary use. The existing dwelling shall not be enlarged to accommodate the home occupation; nor shall any accessory structure be built for the purpose of operating the home occupation.

6. No home occupation shall be permitted that requires the operation or keeping on premises of a commercial vehicle.

7. No persons other than members of the family residing on the premises shall be employed by the home occupation.

8. Home occupations shall be limited to the hours between 7:00 a.m. and 10:00 p.m.

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

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Wolfe – yes

Mr. Brooks – yes

Motion carried.

Mr. Burrell – yes

Mr. Sharp – yes

Mr. Visintainer – yes

Mr. Larson – yes

February 2016

P0216-07//
854 Vestlake Ridge Drive
Conditional Use
James Sumner, Jr.
PR1

PUD CITY OF VESTAVIA HILLS

P&Z Application
Ordinance 248
Exhibit A Page 4

APPLICATION

PLANNING AND ZONING COMMISSION

2016 JAN 14 A 3:25

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: JAMES L. SUMNER, JR

ADDRESS: 854 Vestlake Ridge Drive
Vestavia Hills, AL 35242

MAILING ADDRESS (if different from above) Post Office Box 430197
Birmingham, AL 35243

PHONE NUMBER: Home 334-462-9944 Office _____

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: None

P0216-07//

854 Vestlake Ridge Drive

Conditional Use

James Sumner, Jr.

PR1

PUD

P&Z Application

Ordinance 2648

Exhibit A Page 5

III. ACTION REQUESTED

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

Current Zoning of Property: PUD PR1

Requested Conditional use For the intended purpose of: Consulting

(Ethics Compliance 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.)

Liberty Park Joint Venture, Lot 1070 —
854 Vestlake Ridge Drive, Vestavia Hills
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.

James Sumner Jr. 1/14/16 _____
Owner Signature/Date Representing Agent (if any)/date

Given under my hand and seal
this 14th day of Jan, 2016.

[Signature]
Notary Public
My commission expires 15th
day of July, 2016.



JIM SUMNER & ASSOCIATES, LLC

Post Office Box 430197
Birmingham, Alabama 35243-0197
Telephone: 334.462.9944
Email: js@jimsumnerandassociates.com

Ordinance 2648
Exhibit A Page 6

James L. Sumner, Jr.

January 14, 2016

Vestavia Hills Planning and Zoning Commission
c/o Rebecca Leavings, City Clerk
City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

P0216-07//
854 Vestlake Ridge Drive
Conditional Use
James Sumner, Jr. PUD
PR1

Members of the Commission:

I come before you seeking approval for a Conditional Use Approval allowing my LLC to conduct business as a Home Occupation in Liberty Park.

Upon my retirement after seventeen years as Director of the Alabama Ethics Commission, I formed an LLC, named Jim Sumner & Associates, LLC, for the purpose of some limited consulting on ethics compliance issues for business. In the meantime, my wife and I have built a home in Liberty Park into which we have just moved.

My business consists solely of me, a Post Office Box, a cell telephone and an e-mail address. I have no employees, no office, no equipment, no inventory and no deliveries at my address in Liberty Park. I do not ever plan on having any employees, nor will I have meetings with clients at my home. Simply stated, the conduct of my business is me answering questions or providing analysis on compliance issues and, periodically, me traveling to their offices for a meeting or presentation.

I would sincerely appreciate your favorable consideration of my request. I will be pleased to provide any additional information the Commission needs or answer any of your questions.

Sincerely,

James L. Sumner, Jr

January 14, 2016

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

Re: James L. Sumner, Jr.
854 Vestlake Ridge Drive
Vestavia Hills, AL 35242

Dear Ms. Leavings:

We are writing in connection with the above matter. We understand Mr. James L. Sumner, Jr. 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 him to conduct a home occupation as a consultant in his 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
January 14, 2016
Page 2

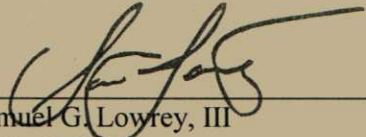
Therefore, we respectfully request that if the Planning and Zoning Commission votes to approve the conditional use applied for in the above referenced matter, such approval will be made subject to the above and foregoing restrictions.

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 2649

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

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

2834 and 2838 Acton Place
Gail M. Acton, Owner

More particularly described as follows:

Parcel 1:

A parcel of land located in the Southeast Quarter of the Northwest Quarter of Section 34, Township 18 South, Range 2 West, more particularly described as follows :

Commence at the Northwest comer of said Quarter-Quarter section; thence in a Southerly direction along the Westerly line of said Quarter-Quarter section, a distance of 324.17 feet; thence 53 degrees 36 minutes 24 seconds left, in a Southeasterly direction a distance of 551.35 feet to the Point of Beginning; thence continue along last described course, a distance of 193.54 feet; thence 20 degrees 46 minutes 34 seconds right in a Southeasterly direction a distance of 116.12 feet to a point 30 feet northerly from the center line of the existing Acton Place; thence 104 degrees 58 minutes 20 seconds right in a Southwesterly direction along said 30 foot line, a distance of 176.13 feet; thence 97 degrees 00 minutes right in a Northwesterly direction a distance of 271.27 feet to the Point of Beginning; being situated in Jefferson County, Alabama. Source of Title: Deed Book 200702 Page 3042

Parcel 2:

A parcel of land located in the Southeast Quarter of the Northwest Quarter of Section 34, Township 18 South, Range 2 West, more particularly described as follows :

Commence at the Northwest corner of said Quarter-Quarter section; thence in a Southerly direction along the Westerly line of said Quarter-Quarter section, a distance of 324.17 feet; thence 53 degrees 36 minutes 24 seconds left, in a Southeasterly direction a distance of 413.25 feet to the Point of Beginning; thence continue along last described course, a distance of 138.10 feet; thence 42 degrees 44 minutes 54 seconds right, in a Southeasterly direction, a distance of 271.27 feet to a point 30 feet Northerly from the center line of the existing Acton Place; thence 83 degrees 00 minutes right, in a Southwesterly direction along said 30 foot line, a distance of 14.53 feet; thence 1 degree **11** minutes 24 seconds right, in a Southwesterly direction along said 30 foot line, a distance of 154.89 feet; thence 106 degrees 39 minutes 36 seconds right, in a Northerly direction, a distance of 397.24 feet to the Point of Beginning; situated in Jefferson County, Alabama. Source of Title: Deed Book 3998 Page 606.

APPROVED and ADOPTED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2649 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 March, 2016 as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2016.

Rebecca Leavings
City Clerk



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

Date: **FEBRUARY 11, 2016**

- **CASE:** P-0216-05
- **REQUESTED ACTION:** Rezoning Jefferson County Agricultural to Vestavia Hills A-Agriculture
- **ADDRESS/LOCATION:** 2834 & 2838 Acton Pl.
- **APPLICANT/OWNER:** Gail M. Acton
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 4/6/92 with the passage of Ordinance 1281 but never rezoned to City zoning. Applicant is requesting the compatible rezoning.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

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

MOTION Mr. Gilchrist made a motion to recommend rezoning approval of 2834 & 2838 Acton Pl. from Jefferson County Agricultural to Vestavia Hills A-Agriculture For The Purpose Of Annexation. Second was by Mr. Visintainer. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Gilchrist – yes
Mr. Wolfe – yes

Mr. Burrell – yes
Mr. Sharp – yes
Mr. Visintainer – yes

Mr. Brooks – yes
Motion carried.

Mr. Larson – yes

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: Gail M. Acton

ADDRESS: 2834 Acton Place Vestavia Hills AL 35243

MAILING ADDRESS (if different from above) same

PHONE NUMBER: Home 205-967-0007 Office 205-229-2530

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

Doug Acton

P0216-05//28-34-2-18.001&28-34-2-18

2834 & 2838 Acton PL.
Rezone from JC A to VH A
Gail M. Acton JC A

P&Z Application
Ordinance 2629
Exhibit Page 4

III. ACTION REQUESTED

Request that the above described property be zoned/rezoned

From: Jefferson County Agriculture

To: Vestavia Hills Agric

For the intended purpose of: construction of new home & compatible zoning of existing home

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

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

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

2834 & 2838 Acton Road

Property size: _____ feet X _____ feet. Acres: 1.7 +/- 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.

Gail M. Acton 12/23/15
Owner Signature/Date

[Signature]
Representing Agent (if any)/date

Given under my hand and seal
this 23rd day of December, 2015.

Maria B Shepard
Notary Public

My commission expires 05/07/2014
day of May, 2016.



RESOLUTION NUMBER 4810

**A RESOLUTION APPROVING FUNDING AND PURCHASING FOR
TWO VEHICLES FOR THE POLICE DEPARTMENT**

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

1. The City Manager is hereby authorized to purchase two vehicles needed for the Police Department as detailed in the memorandum from the Police Chief dated March 10, 2016; and
2. Funding for the two vehicles will be attained from the Defensive Driving School Fund; and
3. This Resolution Number 4810 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

VESTAVIA HILLS POLICE DEPARTMENT

To: Jeff Downes

MEMO

From: Chief Rary

Date: 9 March 2016

CC: Becky Leavings

Re: Purchase Vehicles

I request to purchase two (2) vehicles for the Police Department. These vehicles will be unmarked small cars to be used in undercover investigations.

I am requesting to use DDS funds not to exceed \$35,000.00 for this purchase. I have spoken with George Sawaya and we have the funds in this account.

Both vehicles will be purchased off the State of Alabama Bid List.

Thank you.

RESOLUTION NUMBER 4812

**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 4812 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS FIRE DEPARTMENT

MEMORANDUM

TO: Jeff Downes, City Manager
FROM: Jim St. John, Fire Chief *J*
DATE: February 25, 2016
RE: Surplus Monitor/Defibrillator

I recommend that a Physio-Control LifePak 12, Model # VLP12-02-007228 and Serial # 36047651 monitor/defibrillator be declared surplus to use as a trade-in on a new LifePak 15. This is one of the oldest units and presently is not in working condition. Additionally, Physio-Control has stated that repair parts for the LifePak 12s cannot be guaranteed after 2015 and has offered a \$6,500.00 credit as a trade-in toward the purchase of a new LifePak 15.

tr

RESOLUTION NUMBER 4813

A RESOLUTION ACCEPTING A BID FOR SHAC, PHASE II TRAIL AND AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT FOR SAID CONSTRUCTION

WHEREAS, on March 9, 2016, bids were opened and publicly read for the Sicard Hollow Athletic Complex (SHAC) Park Improvements, HNP C013060; and

WHEREAS, three bids were received detailed as follows: (1) CB&A in the amount of \$27,800; (2) Veterans Landscaping in the amount of \$77,350; and (3) Sprouse Landscaping in the amount of \$124,750; and

WHEREAS, the City's consultant, in a letter dated March 17, 2016, reviewed the bid submittals and recommended the acceptance of CB&A in an amount not to exceed \$27,800; and

WHEREAS, the Public Services Director in an Interoffice Memorandum dated March 23, 2016 concurred with the consultant's recommendation; and

WHEREAS, the Mayor and City Council find it is in the best interest of the public and accept said recommendation.

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

1. The bid submitted by CB&A in an amount not to exceed \$27,800 is hereby accepted as submitted; and
2. Funding for said bid shall be derived from SHAC Improvement funding as approved in Resolution Number 4783; and
3. The City Manager is hereby authorized to execute and deliver said contract for construction following the written approval of the City Attorney; and
4. This Resolution Number 4813 shall become effective upon adoption and approval.

ADOPTED and APPROVED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**Vestavia Hills Public Services
513 Montgomery Highway
Vestavia Hills, AL 35216**

INTEROFFICE MEMO

Date: March 23, 2016
TO: Jeff Downes
City Manager
From: Brian Davis *BD*
Public Service Director
RE: Trail bid for SHAC

We opened bids for the trail at Sicard Hollow Athletic Complex last week. Mr. Ed Norton of HNP is our project manager, and he has reviewed the 3 qualified bids that were submitted. I have attached his recommendation to this memorandum. I concur with Mr. Norton's recommendation to go with the lowest bidder, CB&A. The amount was \$27,800, and it falls within the budgeted funds the council has already approved.

The contract with CB&A has been sent to Mr. Boone for his review. It is a standard AIA contract that we have used in the past, and it is also attached.

I would like to include this on the agenda next Monday for approval.

CC: Rebecca Leavings
Ed Norton
Jason Burnett

2 Attachments



17 March 2016

Brian Davis
City of Vestavia Hills
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama

Re: Sicard Hollow Athletic Complex - Park Improvements
HNP CO13060

Brian:

Our office has reviewed the Bids received and opened 9 March 2016 for the referenced Project. Our review of the Bids shows CB&A Project Management Service, LLC to be the lowest responsible Bidder. Therefore, it is our recommendation that the City accepts CB&A Project Management Service, LLC's Bid and proceeds with execution of the Contract for the Work on the basis of Base Bid acceptance.

Please contact me if you have any questions.

Thank you,
HOLCOMBE NORTON PARTNERS, INC.

A handwritten signature in black ink, appearing to read "Ed Norton", written over the printed name of the firm.

Ed Norton, PLA, ASLA

HOLCOMBE NORTON PARTNERS
landscape architecture

1914 28th Avenue South Birmingham, Alabama 35209 phone 205.870.9936 fax 205.871.8974 web hnp.siteplan.com

AIA[®] Document A101[™] – 2007

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

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

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

City of Vestavia Hills
1032 Montgomery Highway
Vestavia Hills, AL 35216

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

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

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

CB&A Project Management Services, LLC
300 Cahaba Park Circle, Suite 220
Birmingham, AL 35242

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

Sicard Hollow Athletic Complex
Park Improvements

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

Holcombe Norton Partners, Inc.
1914 28th Avenue South
Birmingham, AL 35209

The Owner and Contractor agree as follows.

TABLE OF ARTICLES

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

ARTICLE 1 THE CONTRACT DOCUMENTS

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

ARTICLE 2 THE WORK OF THIS CONTRACT

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

ARTICLE 3 DATE OF COMMENCEMENT AND SUBSTANTIAL COMPLETION

§ 3.1 The date of commencement of the Work shall be the date of this Agreement unless a different date is stated below or provision is made for the date to be fixed in a notice to proceed issued by the Owner.

(Insert the date of commencement if it differs from the date of this Agreement or, if applicable, state that the date will be fixed in a notice to proceed.)

Date will be fixed in a Notice to Proceed.

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

None

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

Init.

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

Portion of the Work	Substantial Completion Date
None	

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

ARTICLE 4 CONTRACT SUM

§ 4.1 The Owner shall pay the Contractor the Contract Sum in current funds for the Contractor's performance of the Contract. The Contract Sum shall be
 Twenty-Seven Thousand Eight Hundred Dollars
 (\$ 27,800.00), subject to additions and deductions as provided in the Contract Documents.

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

No Alternates

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

Item	Units and Limitations	Price per Unit (\$0.00)
None		

Init.

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

Item	Price (\$0.00)
See Attached - Attachment 'A' to Proposal Form	
Stated Allowances and Unit Prices	

ARTICLE 5 PAYMENTS

§ 5.1 PROGRESS PAYMENTS

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

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

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

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

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

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

- .1 Take that portion of the Contract Sum properly allocable to completed Work as determined by multiplying the percentage completion of each portion of the Work by the share of the Contract Sum allocated to that portion of the Work in the schedule of values, less retainage of Five percent (5 %). Pending final determination of cost to the Owner of changes in the Work, amounts not in dispute shall be included as provided in Section 7.3.9 of AIA Document A201™–2007, General Conditions of the Contract for Construction;
- .2 Add that portion of the Contract Sum properly allocable to materials and equipment delivered and suitably stored at the site for subsequent incorporation in the completed construction (or, if approved in advance by the Owner, suitably stored off the site at a location agreed upon in writing), less retainage of Five percent (5 %);
- .3 Subtract the aggregate of previous payments made by the Owner; and
- .4 Subtract amounts, if any, for which the Architect has withheld or nullified a Certificate for Payment as provided in Section 9.5 of AIA Document A201–2007.

Init.

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

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

§ 5.1.8 Reduction or limitation of retainage, if any, shall be as follows:

(If it is intended, prior to Substantial Completion of the entire Work, to reduce or limit the retainage resulting from the percentages inserted in Sections 5.1.6.1 and 5.1.6.2 above, and this is not explained elsewhere in the Contract Documents, insert here provisions for such reduction or limitation.)

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

§ 5.2 FINAL PAYMENT

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

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

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

ARTICLE 6 DISPUTE RESOLUTION

§ 6.1 INITIAL DECISION MAKER

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

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

§ 6.2 BINDING DISPUTE RESOLUTION

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

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

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

ARTICLE 7 TERMINATION OR SUSPENSION

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

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

ARTICLE 8 MISCELLANEOUS PROVISIONS

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

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

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

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

Chris Loyd, Project Manager
CB&A Project Management Services, LLC
300 Cahaba Park Circle, Suite 220
Birmingham, AL 35242
(205) 981.1915

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

Init.

§ 8.6 Other provisions:

ARTICLE 9 ENUMERATION OF CONTRACT DOCUMENTS

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

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

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

§ 9.1.3 The Supplementary and other Conditions of the Contract:

Document	Title	Date	Pages
00 73 13	Supplementary Conditions	March 2015	2

§ 9.1.4 The Specifications:

(Either list the Specifications here or refer to an exhibit attached to this Agreement.)

Section	Title	Date	Pages
See Attached	Technical Specification Index		1

Init.

§ 9.1.5 The Drawings:

(Either list the Drawings here or refer to an exhibit attached to this Agreement.)

Number	Title	Date
C1.0	Trail Layout Plan	8 February 2016
C2.0	Erosion Control Plan	8 February 2016

§ 9.1.6 The Addenda, if any:

Number	Date	Pages
One	7 March 2016	9

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

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

1 AIA Document E201™–2007, Digital Data Protocol Exhibit, if completed by the parties, or the following:

2 Other documents, if any, listed below:

(List here any additional documents that are intended to form part of the Contract Documents. AIA Document A201–2007 provides that bidding requirements such as advertisement or invitation to bid, Instructions to Bidders, sample forms and the Contractor's bid are not part of the Contract Documents unless enumerated in this Agreement. They should be listed here only if intended to be part of the Contract Documents.)

Init.

ARTICLE 10 INSURANCE AND BONDS

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

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

Type of Insurance or Bond	Limit of Liability or Bond Amount (\$0.00)
Per Requirements of Section 00 73 13 Supplementary Conditions, Article 10 Insurance and Bonds	

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

OWNER *(Signature)*

CONTRACTOR *(Signature)*

(Printed name and title)

(Printed name and title)

Init.

RESOLUTION NUMBER 4814

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN AGREEMENT WITH JEFFERSON COUNTY FOR ELECTION SERVICES

WHEREAS, the City of Vestavia Hills, Alabama, will conduct a municipal election on August 23, 2016 for the purpose of election of a Mayor, Council Place #1, Council Place #2, Council Place #3, and Council Place #4 with all elected positions voted “at large,” and a runoff election on October 4, 2016, if needed; and

WHEREAS, the City desires to purchase certain election services from the County; and

WHEREAS, Jefferson County has provided the City with a “Contract for Election Services” (the Contract) detailing the available equipment and provided the cost of said equipment; and

WHEREAS, Jefferson County requested that the City pre-order and pre-pay for said equipment.

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

1. The City Manager is hereby authorized to enter into a contract for election services with Jefferson County as per attached contract; and
2. This Resolution Number 4814 is effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED AND APPROVED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

STATE OF ALABAMA

JEFFERSON COUNTY



MUNICIPAL ELECTION SERVICES AGREEMENT

THIS AGREEMENT entered into this _____, _____, by and between Jefferson County Commission, political subdivision of the State of Alabama (hereinafter called "the County"), and the City of _____, (hereinafter called "the City").

WHEREAS, the City's Municipal election will occur on _____, _____, and, if required, a runoff election will occur on _____, _____; and

WHEREAS, the City desires to purchase certain election services from the County.

NOW, THEREFORE IN CONSIDERATION OF THE ABOVE AND THE BELOW, the parties hereto do mutually agree as follows:

SCOPE OF SERVICES; The Scope of this agreement is for County's General Services Department-Elections Division to provide election services for the above specified election which may include requested equipment and services as follows; ES&S DS-200 ballot tabulators, ES&S AUTOMARKS (voter assist terminals, for handicap voters), electronic ePollbooks (laptops for Election Day voter registration verification), voter privacy booths, tables, chairs, exterior "vote here" signage. Election services also includes ballot design and layout, equipment coding, assistance with equipment logic and accuracy testing, ePollbook data downloads, equipment delivery/pickup and Election Day support for the provided equipment. City is responsible for ballot proofing accuracy and authorization.

EXCLUSIONS; Ballot printing services and Election Day supplies are not included in this agreement. City shall make separate provisions for ballot printing and Election Day supplies.

MUNICIPAL ELECTIONS; The specified elections equipment may be used to conduct Municipal elections for cities which lie within the legal jurisdiction of Jefferson County Alabama

EQUIPMENT; The County agrees to provide the following equipment for the above listed Municipal Election;

EQUIPMENT	UNIT RATE	UNIT OF MEASURE	QUANTITY	EXTENDED COST
DS200 Tabulators	450.00	each		
AUTOMARKS	450.00	each		
Equipment Delivery	220.00	per precinct		
ePollbook Laptops	100.00	each		
Voter List - Posting/Pub	11.00	per 1000 Names*		
Voter List - CD	11.00	per 1000 Names* + \$45		
Tables	0.00	each		
Chairs	0.00	each		
Privacy Booths	0.00	each		
"Vote Here" Signage	0.00	each		
Table top sign-INTAB	0.00	each		
* Rounded up			GRAND TOTAL	

DELIVERY AND PICKUP OF EQUIPMENT; County has entered into a third party contractual agreement for delivery/pickup services of election equipment. The City clerk shall be responsible for coordination with the precinct's site contact person for the equipment deliveries/pickups.**

****In addition to the delivery base rate listed above, the County will be reimbursed by the City an additional \$175.00 per each site for redelivery if the equipment cannot be delivered on the scheduled delivery date and time due to the fault of the City.**

STATE OF ALABAMA

JEFFERSON COUNTY



ATTACHMENT A

RUNOFF ELECTION REQUEST FORM

In the event that the City has a runoff election and the City requests election services from the County, the City Clerk shall contact the Jefferson County Chief of Elections at the address/phone listed below and coordinate submission of the requested equipment and services;

Jefferson County General Services Department
 Election Division, Chief of Elections- Room 1
 716 Richard Arrington Jr. Blvd N
 Birmingham, Alabama 35203
 Phone 205-849-2391

City; _____

Date of the Runoff election; _____

Equipment Selection

DS200 Tabulators	450.00	each			
AUTOMARKS	450.00	each			
Equipment Delivery	220.00	per precinct			
ePollbook Laptops	100.00	each			
Voter List - Posting/Pub	11.00	per 1000 Names*			
Voter List - CD	11.00	per 1000 Names* + \$45			
Tables	0.00	each			
Chairs	0.00	each			
Privacy Booths	0.00	each			
"Vote Here" Signage	0.00	each			
Table top sign-INTAB	0.00	each			
* Rounded up				GRAND TOTAL	

**City shall include payment for services with this attachment in order for the services to be provided by the County.*

STATE OF ALABAMA

JEFFERSON COUNTY



City Clerk

Signature, City Clerk

Date

RESOLUTION NUMBER 4815

**A RESOLUTION APPOINTING AN ELECTION
MANAGER FOR THE 2016 CITY OF VESTAVIA HILLS
MUNICIPAL ELECTION**

WHEREAS, the City of Vestavia Hills General Municipal Election will be held on August 23, 2016; and

WHEREAS, the City of Vestavia Hills Municipal Run-off Election will be held October 4, 2016; and

WHEREAS, the Mayor has announced his intention to qualify as a candidate in the 2016 General Municipal Election; and

WHEREAS, the Mayor has appointed Rebecca Leavings, City Clerk, to serve as the Election Manager for the 2016 Municipal Elections.

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

- (1) That Rebecca Leavings, City Clerk, is hereby appointed to serve as the Election Manager for the 2016 Municipal Elections; and
- (2) That said appointment will be effective immediately upon adoption and approval of said Resolution Number 4815.

DONE, ORDERED, APPROVED and ADOPTED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4816

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH THE BIRMINGHAM HUMANE SOCIETY FOR A LIMITED TNR PROGRAM IN ORDER TO ABATE A PUBLIC NUISANCE ASSOCIATED WITH MULTIPLE FERAL CAT COLONIES LOCATED IN THE CITY

WHEREAS, the City has studied a nuisance associated the multiple feral cat colonies located within the City of Vestavia Hills and has determined it to be a hazard that works to hurt, inconvenience or damage the community within the sphere of its operation; and

WHEREAS, the City Attorney has cited several provisions in Alabama law that gives the City Council the authority to adopt Ordinances and Resolutions to address said nuisances including, but not limited to the following:

1. Provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the municipality and may enforce obedience to such ordinances (Title 11-45-1, *Code of Alabama, 1975*); and
2. Maintain the health and cleanliness of the City (Title 11-47-130, *Code of Alabama, 1975*); and
3. Insure good sanitary condition in public places or in private premises in the City (Title 11-47-131(3), *Code of Alabama, 1975*); and
4. In Alabama, a “nuisance” is anything that works, hurts, inconveniences or damages another. The fact that the act done may otherwise be lawful doesn’t keep from being a nuisance (Title 6-5-120, *Code of Alabama, 1975*). A public nuisance is one which damages all persons who come within the sphere of its operation, though it may vary in its effect on individuals (Title 6-5-121, *Code of Alabama, 1975*). Municipalities have the legal authority to abate public nuisances (Title 11-47-117, Title 11-47-188, Title 6-5-120 and Title 6-50-122, *Code of Alabama, 1975*); and

WHEREAS, the City Manager has worked with the Birmingham Humane Society to put together an agreement for a limited TNR program to trap, evaluate and, if found to be healthy, spay/neuter and release the animals within the feral cat colonies. The City Manager has requested the authorization to execute an agreement and an amount not to exceed \$10,000 be appropriated to allow the Humane Society to begin this program; and

WHEREAS, the Mayor and City Council agree it is in the best public interest to accept the City Manager's recommendation.

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

1. The City Manager is hereby authorized to execute and deliver an agreement with the Birmingham Humane Society for a limited TNR program to address the nuisance of feral cat colonies in the City pursuant to the provisions cited above from Alabama law; and
2. An amount not to exceed \$10,000 shall be appropriated to implement said program; and
3. This Resolution Number 4816 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 28th day of March, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Jeff Downes

From: Mary Ann Levet <malevet@gbhs.org>
Sent: Friday, March 11, 2016 2:12 PM
To: Jeff Downes
Cc: Holly Baker; Ivana Sullivan
Subject: Quote for Trapping Feral Cats

Dear Mr. Downes,

Allison Black Cornelius asked me to send you some information regarding our services.

GBHS' Animal Care & Control service is offered by the hour and/or by the day. Any service outside of our normal business hours will be subject to an after-hours charge. (Our normal business hours are Monday through Friday 8am-5 pm and Saturday 8 am to Noon). Please keep in mind that we would strive to provide all services within the normal business hours.

Once an animal is in custody of Animal Care & Control, the law requires a 7 day stray hold. Our daily boarding fee is provided below. If the animal is held for the full stray hold, each animal would total \$42.00 in boarding.

List of charges are as follows:

- \$41.00 per hour per truck
- \$327.00 per day per truck
- \$61.50 per hour (AFTERHOURS)
- \$6.00 per day per animal boarding
- \$10.00 per euthanasia

However, both GBHS and ACC recognize that many of the stray animals brought into our care are not healthy and/or treatable. Many are feral and/or wild with injuries and temperament consistent with being feral. Confining these animals to a kennel for a 7-day stray hold often causes further physical and mental harm as feral animals often refuse to eat food or drink water while in confinement. Feral animals may also attempt to escape in ways that cause severe injury. In extreme cases such as this, the GBHS and ACC believe it is inhumane and/or cruel to restrict the animals to cages for the required 7-day stray hold. Deputy Dwight Sloan, the current animal welfare officer for the Jefferson County Sheriff's office has advised GBHS and ACC that when we receive and/or pick up an animal that meets the requirements of section 2833 below, GBHS and ACC may elect to euthanize the animal.

"If an animal has been deemed, by the acting DVM, to be sick, suffering or causing harm to self. To alleviate the animal's distress and result in the most humane outcome for the animal, the DVM approves performing immediate euthanasia."

In speaking to our Director of Animal Control Services, Holly Baker, she suggests a few options. The first option is to set 5-6 traps per location in the morning and return in the afternoon for pick up. The other option is to set the traps and wait in the area to retrieve, re-set the traps, etc. Both of these options have proven to be successful.

After speaking with Holly, she believes this job could be accomplished in a week or two. For this to be successful, feeding of these animals must cease. The only food available to them must be the food set in the traps.

If you have any further questions, please feel free to contact me.

Mary Anne

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

March 23, 2016

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Feral Cats

Dear Mr. Downes:

On March 18, 2016, you sent to me via electronic mail a copy of the Mountain Brook "Cat Ordinance" with a request that I review it and provide you with my recommendations. The purpose of this letter is to respond to your request.

Alabama statutory law provides that municipal corporations have the power and are authorized to adopt ordinances and resolutions to:

1. Provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the municipality and may enforce obedience to such ordinances (Title 11-45-1, *Code of Alabama, 1975*); and
2. Maintain the health and cleanliness of the city (Title 11-47-130, *Code of Alabama, 1975*); and
3. Insure good sanitary condition in public places or in private premises in the city (Title 11-47-131(3), *Code of Alabama, 1975*).
4. In Alabama, a "nuisance" is anything that works hurt, inconvenience or damage to another. The fact that the act done may otherwise be lawful does not keep it from being a nuisance (Title 6-5-120, *Code of Alabama, 1975*). A public nuisance is one which damages all persons who come within the sphere of its operation, though it may vary in its effects on individuals (Title 6-5-121, *Code of Alabama, 1975*). Municipalities have the legal authority to abate public nuisances (Title 11-47-117, Title 11-47-118, Title 6-5-120 and Title 6-5-122, *Code of Alabama, 1975*).

March 23, 2016

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The Alabama Supreme Court decided the case of *City of Homewood v. Wofford Oil Co.*, 232 Ala. 634, in 1936 and wrote:

“The police powers of a city are among its major governmental functions. Broadly speaking, they extend to all appropriate ordinances for the protection of the peace, safety, health, and good morals of the people affected thereby. The general ‘welfare’ is a generic term often employed in this connection.”

It is my legal opinion, based upon the legal authorities set forth above, that municipalities in Alabama may regulate feral cat situations in order to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the municipality.

I have reviewed the Mountain Brook ordinance in this regard and recommend that the City Clerk use it as a model in drafting a proposed ordinance for consideration by the City Council. Please call me if you have any questions regarding any matters set forth in this legal opinion.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick H. Boone", with a long horizontal flourish extending to the right.

Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

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

RESOLUTION NUMBER 4817

A RESOLUTION APPROVING AN ADDITIONAL \$24,000 FOR MOWING OF THE FORMER ALTADENA VALLEY COUNTRY CLUB

WHEREAS, on March 23, 2015, the City Council adopted and approved Resolution Number 4688 to accept a bid for right-of-way mowing in the City of Vestavia Hills; and

WHEREAS, Turf Management was awarded said contract for a period of three (3) years; and

WHEREAS, Section 6 of the contract allows for the addition and/or deletion of certain areas for mowing; and

WHEREAS, the Public Services Director has determined a need for mowing services within the former Altadena Valley Country Club areas that were recently donated to the City; and

WHEREAS, the addition of this property would cost the City an estimated \$2,000 per month to maintain until the end of the fiscal year, September 2016, for a total not to exceed \$24,000; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept said request for maintenance by Turf Management of the former Altadena Valley Country Club.

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

1. The addition of the acreage known as the former Altadena Valley Country Club is hereby added to the Turf Management agreement pursuant to the bid submitted at a cost not to exceed \$2,000 per month through the end of September 2016 (total of \$24,000); and
2. This Resolution Number 4817 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 28th day of March, 2016,

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Rebecca Leavings

From: Brian Davis
Sent: Tuesday, March 15, 2016 4:11 PM
To: Rebecca Leavings
Subject: First Read on next agenda
Attachments: Scanned from a Xerox Multifunction Printer.pdf

Becky, we need to add cutting of AVCC 2 times per month starting in April and ending in September for \$24,000 total (\$2000 per cut). This will be on our contract with Turf Management, which allows us to add and subtract areas as needed. I have attached the contract.

Please add for a first read on the agenda at the next meeting with an approval at the first meeting in April.

Thank you in advance. Please let me know if you need anything else.

***"The pessimist sees difficulty in every opportunity. The optimist sees opportunity in every difficulty."
Winston Churchill***



Brian C. Davis, Director
Department of Public Services
1032 Montgomery Highway
Vestavia Hills, AL 35216
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  WWW.ALIFEABOVE.ORG