

Vestavia Hills
City Council Agenda
July 25, 2016
5:00 PM

1. Call to Order
2. Roll Call
3. Invocation – Pastor Chad Cossiboom, Shades Mountain Baptist Church
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Reports – Melvin Tuner III, Finance Director
9. Approval of Minutes –July 11, 2016 (Regular Meeting)

Old Business

10. Resolution Number 4861 - A Resolution Ordering The Demolition Of A Building Or Structure Located At 1756 Indian Creek Drive, Vestavia Hills, Al 35243, Parcel ID# 28-00-20-4-004-015.000, In Compliance With Sections 11-40-30 Through 11-40-36, Sections 11-53b-1 Through 11-53b-16, Inclusive, Of *The Code Of Alabama*, And In Compliance With Ordinance Number 2382 Of The City Of Vestavia Hills, Alabama; And Calling For The City To Cause Said Demolition To Be Performed And Directing The City Attorney And The City Clerk To Cause The Cost Of Such Demolition To Be Charged Against The Land On Which The Building Or Structure Exists As A Municipal Lien Or Cause Such Cost To Be Recovered In A Suit At Law Against The Owner Or Owners (*public hearing*)
11. Ordinance Number 2674 – Rezoning – 1280 Montgomery Highway; Rezone From Unzoned To Vestavia Hills B-2 (Business District); The Property Is Owned By The City Of Vestavia Hills And Is Not Presently Zoned (*public hearing*)
12. Ordinance Number 2675 – Conditional Use Approval – 4750 Sicard Hollow Road; Conditional Use For A Fleet Operations Facility With Major Mechanical Work; The Property Is Owned By The City Of Vestavia Hills And Is Zoned Vestavia Hills PUD (Planned Unit Development) Designated As PR-1, Planned Residential (*public hearing*)
13. Resolution Number 4855 - A Resolution Authorizing The City Manager To Appropriate Additional Funding To Meet Immediate Needs Of The Vestavia Hills Park And Recreation Department (*public hearing*)

14. Resolution Number 4856 – A Resolution Authorizing The City Manager To Reallocate Funding Within The Capital Funds Budget For Fiscal Year 2016 In Order To Purchase Servers For Financial Software (*public hearing*)

New Business

15. Citizen Request for Assistance – Lyndsy Alesce, 1608 Sunnywood Circle
16. Resolution Number 4845-A - A Resolution Amending Resolution Number 4845 And Resetting Notice Of A Public Hearing For The Adoption Of Various 2014 And 2015 National And International Building Codes For The City Of Vestavia Hills
17. Resolution Number 4858 - A Resolution For A Power Easement At The Entrance Of Patchwork Farms, Healthy Way
18. Resolution Number 4859 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Amendment To A Construction, Operation And Reciprocal Easement Agreement (COREA)

New Business (Unanimous Consent Requested)

19. Resolution Number 4862 – A Resolution Authorizing The City Manager To Purchase New Ballistic Vests For The Vestavia Hills Police Department (*public hearing*)

First Reading (No Action Taken At This Meeting)

20. Resolution Number 4860 – A Resolution To Reduce The Corporate Limits Of The City Of Vestavia Hills, Alabama And The Boundaries Thereof Reestablished (*public hearing*)
21. Resolution Number 4863 – A Resolution Authorizing The City Manager To Take All Actions Necessary To Continue The Hollis Crossing Project And A Temporary Multi-Use Parking Lot (*public hearing*)
22. Citizens Comments
23. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JULY 11, 2016

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Jimmy Coleman, Compliance Officer
Jim St. John, Fire Chief
Marvin Green, Deputy Fire Chief
Keith Blanton, Building Official
Scott Key, Fire Marshal
Brian Davis, Public Services Director
Melvin Turner, Finance Director
George Sawaya, Asst. City Treasurer
Christopher Brady, City Engineer

Chief Rary asked everyone to take a moment to honor the fallen officers in Dallas, Texas. Invocation was given by Terry Ray, Asst. Fire Chief, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Pierce welcomed Gary Jordon who was in attendance representing the Chamber of Commerce. He stated that the I Love America Day held on June 30 was a great success.

- Mr. Jordon reminded everyone that the City will have a municipal election on August 23. The Chamber will be hosting two candidate forums. One will be at the regular Chamber luncheon on August 9 and the other will be here at City Hall in the Council Chamber on August 15 beginning at 6 PM. He invited everyone to attend.
- Mr. Pierce reminded everyone that on Friday, August 12, 2016, the annual Back To School in the Hills event will be held at Oliver Square beginning at 6 PM.
- The Mayor announced the grand opening of the new Chick-fil-A on Thursday, July 21, 2016 beginning at 9 AM.
- Mr. Ammons recognized Tommy Coggin, Immediate Past President of the Park and Recreation Board. Mr. Coggin stated that his son, Austin, just won the State 7A golfing title and on July 27, he will be one of three qualifiers shooting in the Junior Amateur Honors course and has also verbally committed to Auburn University at age 15.
- Taneisha Tucker stated that the outdoor concern season has begun at the Vestavia Hills Library in the Forest. She also recognized Margaret Price, Treasurer of the Library Foundation, who was present at tonight's meeting.

CANDIDATES

Kimberly Cook introduced herself and announced that she is running for City Council, Place Number 2 in the upcoming municipal election.

Rusty Weaver introduced himself and announced that he is running for City Council, Place Number 1 in the upcoming municipal election.

George Pierce introduced himself and announced that he is running for City Council Place Number 4 in the upcoming municipal election.

Steve Ammons introduced himself and announced that he is running for City Council Place Number 3 in the upcoming municipal election.

Butch Zaragoza introduced himself and announced that he is running for Mayor in the upcoming municipal election.

John Henley introduced himself and announced that he is running for City Council, Place Number 1 in the upcoming municipal election.

CITY MANAGER'S REPORT

- Mr. Downes stated that the City will soon have to invite bids for a new sanitation contract.
- There have been many instances of civil unrest in the Country and the City wanted to have Chief Rary address the Council relative to the recent

circumstances and steps to take within this environment to protect against such an occurrence.

- Chief Rary stated that 2 officers, Ware and Crim, teach a class about how to survive an active shooter situation and that will be taught here in City Hall. This is a national recognized program of what to do in different circumstances and what to expect of the police if something does happen.
- Mr. Downes gave a status update on the Rocky Ridge Road project. It has begun and leaves about another 30 to 45 days of work. Traffic problems occur due to repaving and hopefully a lot of those issues will be resolved as soon as paving is complete.
- Columbiana Road, Tyler Road and Overton Road are scheduled to begin and should begin in August. Mr. Brady stated that they should mobilize at the end of the month.

COUNCILORS' REPORTS

- Mr. Henley stated that at the last Board of Education meeting, Greg Maner stated that they have gone to market with warrants and were helped a good deal by the City's current bond rating.
- The Mayor stated that the 2nd First Friday event in the Rocky Ridge area was held and went very well. He stated that candidate Kimberly Cook was in the dunking booth and he might be in it next month. The City has the option of creating two others and are hoping to have one in Cahaba Heights and one along Montgomery Highway. He stated that it has been fun for many of the citizens in the area.
- The Mayor presented Lawrence Russell a Certificate of Recognition for his years of service upon his retirement from the City.
 - Mr. Russell thanked the Mayor, Council and City Manager for the opportunity of employment with the City.

APPROVAL OF MINUTES

The minutes of June 27, 2016 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of June 27, 2016 (Regular Meeting) and approve them as presented was by Mr. Henley and second by Mr. Ammons. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Ammons – yes

Mayor Zaragoza – yes

Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4850

Resolution Number 4850 - A Resolution Accepting A Bid For SHAC Phase II And Authorizing The City Manager To Execute And Deliver An Agreement For Said Construction (*public hearing*)

MOTION Motion to approve Resolution Number 4850 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that this is a collaborative effort between the City Park Foundation and the City. Initially, when the first bids went out, there was an intent of staged construction contracts with some 'in-kind' services which later didn't pan out. This bid was rolled into a single project. Two bids were received on the project. One was unable to produce the correct contractor's license so they are recommending the other bidder, Pennington. The City has agreed and approved to pay up to \$599,000 and the remainder will be paid for by the Foundation through the City.

Sean Hufnagel, Holcomb Norton Partners, was present in regard to the bids. He answered questions from the Council and explained the reason the first bidder was disqualified. He explained the qualifications of the Pennington Group and highlighted some of their past projects.

Mr. Ammons stated that this is a great example of a public/private partnership in order to get projects completed. He applauded the Foundation's work on this project.

Mr. Boone reminded the Council that this is a public works project and Alabama law requires a performance, payment and labor bond and the contractor indemnifies the City and its employees from any damages that might arise out and to guarantee it is enforceable that the contractor should be insured and the City requires that the City of Vestavia Hills and its public officials and employees be added as additional insurers to the bond.

The Mayor opened up the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that he understands that the City's portion is \$599,000 and the rest comes from the Foundation which is private funding. The Mayor stated that the \$599,000 was previously approved.

Philip Langston, 2277 Sterling Ridge Circle, asked about team sports and if there are funds from this project that would affect other funding down the line for team sports at other parks. He stated that he wants to see that all fields become as good as Sicard Hollow fields.

Mr. Ammons stated that Wald Park is going through phases of upgrades and there's a first read for some improvements. Last year some of the infields were upgraded. He indicated the improvements to be made at all the parks are listed on the Park's Facebook pages and indicated how they arrived at the priorities that were eventually approved by the Park Board. He stated that this will be an annual thing going forward to working toward that goal.

The Mayor stated that the City went in and invested several million on replacement lighting and those were changed. Later the City changed to have professionals fix the infields and need to retrofit the outfields. He stated this is a long standing effort to move everything forward.

Tommy Coggin stated that the Park Board meets the 3rd Tuesday with work sessions every other month and invited Mr. Langston and all interested citizens to participate in the plans for these sports.

There being no one else to speak to the issue, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

| | |
|------------------|----------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Ammons – yes | Mayor Zaragoza – yes |
| | Motion carried. |

RESOLUTION NUMBER 4851

Resolution Number 4851 - A Resolution Authorizing The Purchase And Installation Of Vinyl Flooring Planks And Removal Of Existing Flooring For The Community Room At The Vestavia Hills Library In The Forest (*public hearing*)

MOTION Motion to approve Resolution Number 4851 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes stated that the Library staff and the Library Board have recommended replacing the worn stained carpet in the community room for a harder surface using revenues from Fund 13, Donations and Fines.

Taneisha Tucker stated that that is correct and answered questions from the Council. She stated that the carpet tiles stained easily and there have been some children's events in there. The space needs to have a hard durable surface and easier to manage.

The Mayor stated that the usage in this room has been tremendous. The recommendation on these planks is the best way to go.

Ms. Tucker stated she believes the acoustics in the room should be fine and it can be mopped and cleaned as needed.

The Mayor opened up the floor for a public hearing. There being no one to speak to the issue, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

| | |
|------------------|----------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Ammons – yes | Mayor Zaragoza – yes |
| | Motion carried. |

NEW BUSINESS

RESOLUTION NUMBER 4853

Resolution Number 4853 - A Resolution Approving An Alcohol License For Fuel South, LLC D/B/A Acton Road Encore; Rahim Budhwani, Executive (Public Hearing)

MOTION Motion to approve Resolution Number 4853 was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that this is a change in ownership at the Acton Road Encore for off-premise beer and wine. This has been presented to the Police Department and they found no problems.

Mr. Budhwani stated that he is taking ownership of this location and it is the 3rd within the City. He indicated he wanted to update the property and make it more exciting.

Mr. Pierce asked about training employees.

Mr. Budhwani explained his employees are trained through an internal process and ready training online which is used nationally.

The Mayor opened the floor for a public hearing. No one was present in regard to this issue. The Mayor closed the public hearing and called for the question:

| | |
|------------------|----------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Ammons – yes | Mayor Zaragoza – yes |
| | Motion carried. |

RESOLUTION NUMBER 4854

Resolution Number 4854 - A Resolution Approving An Alcohol License For Justjoe, LLC D/B/A Diplomat Deli; Justin McDavitt Gober And Joseph Edwin Hoskin, Executives (Public Hearing)

MOTION Motion to approve Resolution Number 4854 was by Mr. Henley and second was by Mr. Ammons.

Mr. Downes explained that this is also a change in ownership and they are requesting beer and wine on and off premise.

Brad McGibbony, attorney, was present representing the owners. He explained that they purchased Diplomat Deli and will close the small liquor store that was tucked away in the corner along with the tobacco license. Those should be the only changes in the restaurant.

Mr. Pierce asked about training.

Mr. McGibbony stated that the owners have hired an attorney teach a training along with reading a handout and signing a pledge. Later they will also participate in the Responsible Vendor Program.

The Mayor opened the floor for a public hearing. No one was present in regard to this issue. The Mayor closed the public hearing and called for the question:

| | |
|------------------|----------------------|
| Mr. Pierce – yes | Mr. Henley – yes |
| Mr. Ammons – yes | Mayor Zaragoza – yes |
| | Motion carried. |

RESOLUTION NUMBER 4857

Resolution Number 4857 - A Resolution Authorizing The Mayor And City Manager To Enter Into A Remediation Agreement Regarding Property Located At 1756 Indian Creek Drive, Vestavia Hills, Alabama 35243

MOTION Motion to approve Resolution Number 4857 was by Mr. Ammons and second was by Mr. Henley.

Ben Goldman stated that this was delayed until the last meeting in July and the property owner retained a contractor to fix up the house and her son has come in to help move the contents of the house out of the City. The owner has agreed to vacate the home within the next 2 weeks and have everything done by September 15, put the home up for sale and treated by a pest control service until she sells it. The remediation agreement before the Council will allow them to go ahead and begin the work rather than putting it off a couple more weeks. The owner is present tonight and needs to do this in front of a notary. The hearing scheduled for the 25th should proceed as scheduled so that notice was served to Mercury Funding and gave them the opportunity to be able to answer it.

The owner has indicated that she is working with the Tax Collector to redeem the property.

Mr. Henley asked Mr. Goldman if he is confident this will work out.

Mr. Goldman stated that the owner hustled a good deal of assets to raise the cash and has presently retained the contractor to completely renovate the outside of the unit. By the time of the last meeting, she had cleaned off the porch and is trying to move in the right direction.

Mr. Pierce asked about damage within the house concerning mildew and mold.

Mr. Goldman stated that most of that is in the area in the back of the house would probably be attended to within the scope of the contract with the contractor.

Mr. Ammons pointed out that the inspectors and Fire Marshal will be inspecting the work and won't sign off without a Certificate of Occupancy for the unit.

Mr. Henley and the Mayor commended Ms. Rhinehardt for her hard work in going this far.

Deborah Rhinehardt stated that she was curious as to why she's never been informed of anything from the HOA.

The Mayor stated that the Council cannot address issues with the HOA.

The Mayor called for the question.

Mr. Pierce – yes

Mr. Henley – yes

Mr. Ammons – yes

Mayor Zaragoza – yes

Motion carried.

ORDINANCE NUMBER 2676

Ordinance Number 2676 – General Obligation Warrants; Series 2016 For The City Of Vestavia Hills, Alabama

MOTION Motion to approve Resolution Number 4857 was by Mr. Ammons and second was by Mr. Henley.

Chris Matthews, Rice Advisory, Heyward Hosch of Maynard Cooper and Gale, and Jason Grubbs from Frazier Lanier were present in regard to this request. Mr. Matthews explained the successful sale and what they were able to do to refinance debt, did not change the annual debt services which will fall soon because of these recent refinances and soon the City's debt will begin to decrease. Both Fitch and Moody's affirmed their ratings at AA Plus and AA-1, respectively.

Discussion ensued as to the AAA rating and the 4 factors that play into their ratings. Mr. Matthews explained that two of the factors were rated AAA and that he feels if the City continues to progress as it has, the AAA could be attainable. However, once you reach AAA, there's only one way to go.

Mr. Grubbs echoed those sentiments in that AAA comes with a cost and the City should be commended on their present rating.

Mr. Hosch explained the Resolution to be acted upon by the City Council and the terms of the warrant issue.

Mr. Pierce pointed out that this City has always been conservative in decision making and this bond rating reflects those careful decisions.

Mr. Boone stated that he has reviewed the resolution and agreement and commended him on his work in these documents.

The Mayor called for the question.

Mr. Pierce – yes

Mr. Ammons – yes

Mr. Henley – yes

Mayor Zaragoza – yes

Motion carried.

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

The Mayor stated that the following Resolutions and/or Ordinances will be presented at a public hearing at the Council's next regularly scheduled meeting on July 25, 2016 at 5 PM.

- Ordinance Number 2674 – Rezoning – 1280 Montgomery Highway; Rezone From Unzoned To Vestavia Hills B-2 (Business District); The Property Is Owned By The City Of Vestavia Hills And Is Presently Not Zoned (*public hearing*)
- Ordinance Number 2675 – Conditional Use Approval – 4750 Sicard Hollow Road; Conditional Use For A Fleet Operations Facility With Major Mechanical Work; The Property Is Owned By The City Of Vestavia Hills And Is Zoned Vestavia Hills PUD (Planned Unit Development) Designated As PR-1, Planned Residential (*public hearing*)
- Resolution Number 4855 - A Resolution Authorizing The City Manager To Appropriate Additional Funding To Meet Immediate Needs Of The Vestavia Hills Park And Recreation Department (*public hearing*)
- Resolution Number 4856 – A Resolution Authorizing The City Manager To Reallocate Funding Within The Capital Funds Budget For Fiscal Year 2016 In Order To Purchase Servers For Financial Software (*public hearing*)

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, stated that he believes that the City is having a huge problem with illegal signage in the ROW of the City and on power poles, etc. He asked that the sign ordinance be enforced. Mr. Harwell stated that he tried to search ordinances on the website and Ms. Leavings finally assisted him. He asked that the website be reorganized to be a little more “user friendly.” In closing, he indicated that the recent audit shows the City in debt at \$60 million and refinancing these warrants is a step in the right direction, but the City needs to take steps to rid itself of all debt.

At 6:25 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Ammons. Meeting adjourned at 6:26 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4861

A RESOLUTION ORDERING THE DEMOLITION OF A BUILDING OR STRUCTURE LOCATED AT 1756 INDIAN CREEK DRIVE, VESTAVIA HILLS, AL 35243, PARCEL ID# 28-00-20-4-004-015.000, IN COMPLIANCE WITH SECTIONS 11-40-30 THROUGH 11-40-36, SECTIONS 11-53B-1 THROUGH 11-53B-16, INCLUSIVE, OF THE *CODE OF ALABAMA*, AND IN COMPLIANCE WITH ORDINANCE NUMBER 2382 OF THE CITY OF VESTAVIA HILLS, ALABAMA; AND CALLING FOR THE CITY TO CAUSE SAID DEMOLITION TO BE PERFORMED AND DIRECTING THE CITY ATTORNEY AND THE CITY CLERK TO CAUSE THE COST OF SUCH DEMOLITION TO BE CHARGED AGAINST THE LAND ON WHICH THE BUILDING OR STRUCTURE EXISTS AS A MUNICIPAL LIEN OR CAUSE SUCH COST TO BE RECOVERED IN A SUIT AT LAW AGAINST THE OWNER OR OWNERS

WHEREAS, the Appropriate Municipal Officials of the City of Vestavia Hills, Alabama (“the City”), determined that the condition of the building or structure located at 1756 Indian Creek Drive, Vestavia Hills, AL 35243, Alabama, Parcel I.D. Number 28-00-20-4-004-015.000, is in such a condition as to make it dangerous to the life, health, property, morals, safety, or general welfare of the public or the occupants;

WHEREAS, contemporaneously with the filing of “Finding of Public Nuisance, Notice and Order to Remedy and Notice of Lis Pendens” on May 5, 2016, a copy of same was sent via certified mail, properly addressed and postage prepaid, to:

A. All person or persons, firms, associations, or corporations last assessing the subject property for state taxes to the address on file in the Jefferson County Tax Collector’s Office;

B. The record property owner or owners (including any owner or owners of an interest in the subject property) as shown from a search of records of the office the Judge of Probate of Jefferson County, Alabama, at the owner or owners’ last known address and at the address of the subject property;

C. All mortgagees of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the mortgage or, if no address for the mortgagee is set forth in the mortgage, to the address determined to be the correct address by the Appropriate Municipal Officials;

D. All lien holders of record as shown from a search of the records of the office of the Judge of Probate of Jefferson County, Alabama, to the address set forth in the statement of lien or, if no address for the lien holder is set forth in the statement of lien, to the address determined to be the correct address by the Appropriate Municipal Officials; and

E. Such other persons who are otherwise known to the City Clerk or to the Appropriate Municipal Officials who could have an interest in the subject property;

WHEREAS, contemporaneously with the filing of the “Finding of Public Nuisance, Notice and Order to Remedy, and Notice of Lis Pendens,” a copy of the same was posted at or within three feet of an entrance to the building on the subject property and posted in three public places located within the City: 1.) at Vestavia Hills City Hall, 2.) at the Vestavia Hills Library in the Forest, and 3.) at the Vestavia Hills Civic Center;

WHEREAS, notice that the appropriate Municipal Officials have made a finding that the subject property is a dangerous building because it is unsafe to the extent that it is a public nuisance and is subject to demolition and that a public hearing would be held on a certain date was also given to all interested parties and to the public at large by publication in the *Alabama Messenger*;

WHEREAS, on July 11, 2016, the City Council of the City of Vestavia Hills, Alabama (“City Council”) approved the Remediation Agreement attached hereto as Exhibit 1 hereof;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, while in regular session on Monday, July 25, 2016, as follows:

Section 1. A Public Hearing was held on Monday, July 11, 2016, at 5:00 p.m. and continued on Monday, July 25, 2016, at 5:00 p.m., and after due deliberation the City Council finds that the structure standing at 1756 Indian Creek Drive, Vestavia Hills, AL 35243, Parcel ID# 28-00-20-4-004-015.000, is unsafe to the extent of becoming a public nuisance to the citizens of the City and is due to be demolished in compliance with Sections 11-40-30 through 11-40-36 and Sections 11-53B-1 through 11-53B-16, inclusive, of the *Code of Alabama* (1975), and Ordinance Number 2382 of the City, subject to and limited by the terms of the Remediation Agreement attached hereto as Exhibit 1 hereof;

Section 2. That the City shall cause said demolition to be performed by its own employees and/or by contractor(s); and

Section 3. That the City Attorney and the City Clerk are hereby directed to cause the cost of such demolition to be charged against the land on which the building or structure is located and shall constitute a lien on the property for the amount of the assessment or cause such cost to be recovered in a suit at law against the owner or owners.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY

Rebecca Leavings
City Clerk

CERTIFICATION OF CITY CLERK

STATE OF ALABAMA)
JEFFERSON COUNTY)

I, Rebecca Leavings, City Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true and correct copy of a Resolution duly and legally adopted by the City Council of the City of Vestavia Hills, Alabama, on the 25th day of July, 2016 while in regular session, and the same appears of record in the minute book of said date of said City.

Witness my hand and seal of office this _____ day of July, 2016.

Rebecca Leavings, City Clerk

Exhibit 1

REMEDICATION AGREEMENT

COME NOW, **Deborah Reinhardt** ("Petitioner"), who has an interest in the Subject Property as defined herein, and the **City of Vestavia Hills, Alabama** ("City"), to enter into this Remediation Agreement ("Agreement") as of the 11th day of July, 2016. The "Subject Property" referred to in this Agreement shall include the following described real property and the personal property thereon:

STREET ADDRESS:

1756 Indian Creek Drive, Vestavia Hills, AL 35243

LEGAL DESCRIPTION:

Lot 15, according to the survey of Abingdon Green, as recorded in Map Book 152, page 85, in the Probate Office of Jefferson County, Alabama.

PARCEL IDENTIFICATION NUMBER:

28-00-20-4-004-015.000

The Petitioner agrees that the Petitioner will make certain improvements to the Subject Property, including the following:

1. That the premises of the Subject Property shall be immediately maintained in accordance with all laws governing grass and weeds and remain so at all times;
2. That the Subject Property—in its entirety, both improvements and land—shall be brought into compliance with all applicable technical, building, and safety codes adopted by the City for the Subject Property's intended use and occupancy no later than September 15, 2016;
3. That the premises of the Subject Property shall be immediately treated by a licensed pest control service for the elimination of vermin, rodents, and infestations of insects and shall be re-treated on a monthly basis until such time that all of the Petitioner's interest in the Subject Property has been transferred as provided by this

Agreement; and

4. That the improvements to the Subject Property shall include, at a minimum, the scope of work contemplated by the schedule attached hereto as Exhibit A hereof and the removal of all of the Petitioner's personal property from the Subject Property to a location outside of the City's corporate limits (Items 1-4 altogether "the Timeline").

The Petitioner agrees that the Petitioner will satisfy all provisions of the Timeline. In the event that the Petitioner satisfies all provisions of the Timeline, then the City will not demolish or otherwise remediate the Subject Property and the City will not assess costs for the enforcement of its rights relative to the abatement of nuisances on the Subject Property through the date that the provisions of the Timeline are satisfied.

In the event that the Petitioner should fail to meet any provision of the Timeline, then the City may, at its sole discretion and election, either demolish the Subject Property or any part thereof without further notice to the Petitioner or complete the repair of the Subject Property as contemplated by the Timeline.

The Petitioner agrees that until all of the provisions of the Timeline have been completed by the Petitioner, the Petitioner will not sell, transfer, mortgage, lease, encumber, or otherwise dispose of the Subject Property without the express written permission of the City.

On or before July 18, 2016, the Petitioner agrees to vacate the Subject Property, and the Petitioner agrees not to reside in the Subject Property after that time.

On or before September 15, 2016, the Petitioner agrees to offer the Subject Property for sale at a price not to exceed \$ and to utilize a licensed realtor in connection with the marketing and sale of the Subject Property. The Petitioner agrees to continue offering the Subject Property for sale as required by this paragraph until all of her interest in the Subject Property has been transferred.

Nine Hundred Thousand and 00/100 Dollars (\$900,000.00) dck

In the event of a breach of this Agreement, the Petitioner agrees to be responsible for any expenses (including attorneys' fees and costs actually incurred) associated with the City's enforcement of its rights pursuant to this Agreement, including, but not limited to, demolition of the Subject Property by the City and/or repair of the Subject Property by the City for the Petitioner's failure to meet any provision of the Timeline and/or prosecution related to the condition of the Subject Property, and the Petitioner authorizes the City to file an assessment and lien against the Subject Property for the same.

The Petitioner agrees to assume the risk of making any improvements to the Subject Property or investing any money therein and acknowledges the risk that the Subject Property may be demolished and/or subjected to a lien if the Petitioner fails to strictly comply with the Timeline, whether or not the Subject Property could have otherwise been demolished under any provision of law. The Petitioner agrees to hold harmless and hereby releases the City and its agents, officers, employees, attorneys, contractors, and subcontractors from any and all types of claims that they had, now have, or in the future may have related to the Subject Property. The Petitioners agree to indemnify and defend the City and its agents, officers, employees, attorneys, contractors, and subcontractors for and from any and all types of claims at any time related to the Subject Property that may be asserted by any party and to indemnify the City for any expenses (including attorneys' fees and costs actually incurred) as the result of any breach of this Agreement including, but not limited to, failure to strictly comply with the Timeline.

Petitioner acknowledges that as consideration for this Agreement the City has determined not to proceed with the demolition of the Subject Property before September 15, 2016, and the Petitioner acknowledges the receipt and sufficiency of this consideration. This is in no way a waiver of any right or remedy that the City may have existing on or after September 15, 2016. However, the Petitioner consents to the City Council of the City immediately or in the future ordering the demolition and/or repair of the Subject Property, subject to and limited by the terms of this Agreement, and Petitioner agrees not to appeal such order of the City Council as it is expressly contemplated by this Agreement.

This Agreement is contractual in nature and not mere recital. This Agreement is fully enforceable in all respects as a contract. This Agreement is made and entered into in the State of Alabama, and shall in all respects be interpreted, enforced, and governed under the laws of said State. The language of all parts of this Agreement shall in all cases be construed as a whole, according to its fair meaning, and not strictly for or against any of the parties. Should any provision of this Agreement be declared or be determined by any court to be illegal or invalid, the validity of the remaining parts, terms or provisions shall not be affected thereby and said illegal or invalid part, term, or provision shall be deemed not to be a part of this Agreement. The Petitioner asserts that the Petitioner has the authority to enter into this Agreement and to burden the Subject Property with the provisions of this Agreement, and the Petitioner acknowledges that the City is relying upon this as a material representation. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall be deemed to be one and the same agreement.

[SIGNATURES APPEAR ON THE FOLLOWING TWO (2) PAGES.
THE REMAINDER OF THIS PAGE IS LEFT INTENTIONALLY BLANK.]

Deborah Reinhardt
Deborah Reinhardt


STATE OF ALABAMA)
COUNTY OF JEFFERSON)

I, the undersigned, a notary public in and for said county in said state, hereby certify that Deborah Reinhardt, an individual, whose name is signed to the foregoing Remediation Agreement and who is known to me, acknowledged before me on this day that, being informed of the contents of said instrument, she executed the same voluntarily on the day the same bears date.

2016.

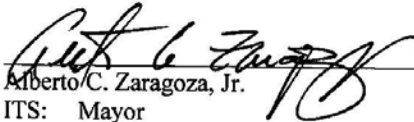
GIVEN under my hand and official seal this 11th day of July

Notary Public: [Signature]
My commission expires: 7/15/2019

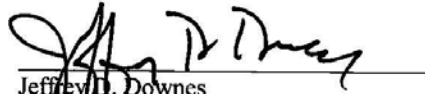


CITY OF VESTAVIA HILLS,
ALABAMA

BY (signature):


Alberto C. Zaragoza, Jr.
ITS: Mayor

BY (signature):


Jeffrey D. Downes
ITS: City Manager

ATTEST:

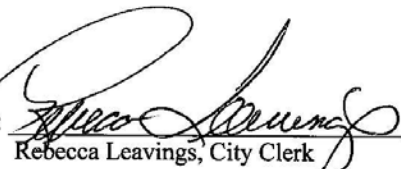
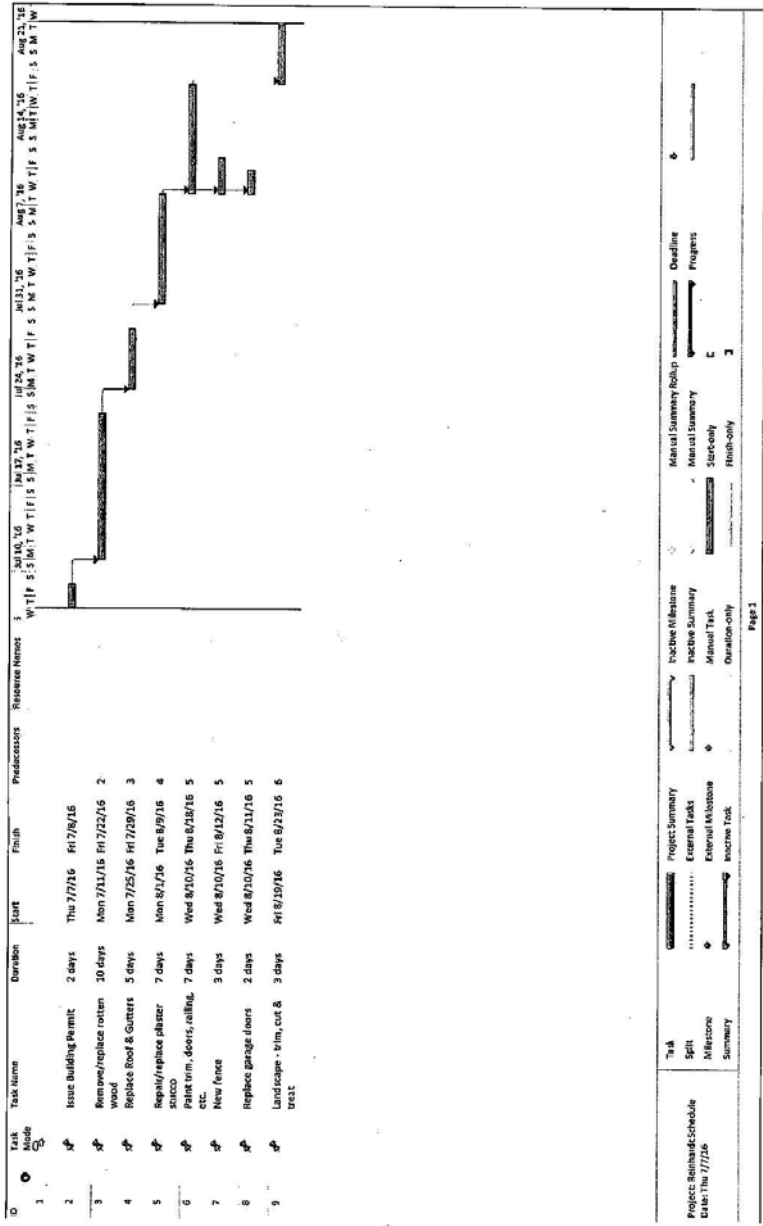

Rebecca Leavings, City Clerk

EXHIBIT A
TO THE REMEDIATION AGREEMENT



ORDINANCE NUMBER 2674

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 UNZONED TO VESTAVIA HILLS B-2

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 Unzoned to Vestavia Hills B-2 (business district):

1280 Montgomery Highway
City of Vestavia Hills, Owner(s)

More particularly described as follows:

A tract of land situated in the north half of section 31, township 18 south, range 2 west, situated in jefferson county, alabama, more particularly described as follows:

Commence at the northwest corner of the ne 1/4 of the nw 1/4 of said section 31, and run thence eastwardly along the north line thereof, for a distance of 16.20 feet, to a point on the easterly line of the old montgomery highway, thence turn an angle of 124°53'10" to the right and run southwardly along the easterly line of said right of way, for a distance of 443.74 feet, thence continue southwardly along the easterly line of said right of way and along the same course last described for a distance of 108.73 feet to the point of a curve turning to the left, said curve having a radius of 137.70 feet and subtending a central angle of 55°19'40", run thence southwardly and along the arc of said curve and along the easterly line of said right of way for a distance of 132.97 feet to the point of compound curvature with a curve having a radius of 1254.43 feet and subtending a central angle of 12°27'30", thence in a southeasterly direction along the arc of said curve and along the northerly line of the right of way of the old montgomery highway, for a distance of 272.76 feet to the end of said curve, thence continue southeastwardly along the northerly line of said right of way in a straight line tangent to said curve for a distance of 22.18 feet to the point of curve to the left, said curve having a radius of 375 feet, subtending a central angle of 32°7'30", run thence eastwardly along the arc of said curve and along the northerly line of said right of way, for a distance of 210.26 feet to the end of said curve, thence continue eastwardly along a tangent to said curve and along said right of way for a

distance of 23.13 feet to the point of a curve turning to the left, said curve having a radius of 1482.65 feet and subtending a central angle of 5°19', thence along the arc of said curve and along the northerly line of the old montgomery highway, for a distance of 137.58 feet to the end of said curve, thence continue eastwardly along a tangent to said curve and along the northerly line of said right of way, for a distance of 108.45 feet to the point to the point of beginning of the tract of land herein described; thence continue along the last described course and said right of way line for 25.55 feet to the point of beginning of a curve turning to the right, said curve having a radius of 516.82 feet and subtending a central angle of 10°19', thence continue along the northerly line of said right of way and along the arc of said curve for a distance of 93.06 feet to the end of said curve, thence continue southeastwardly along the tangent to said curve and along the northerly line of said right of way for a distance of 64.68 feet to the point of curve of a curve turning to the right said curve having a radius of 269.48 feet and subtending a central angle of 23°7', thence continue southeastwardly along the arc of said curve and along the northerly line of said right of way, for a distance of 108.72 feet to the end of said curve; thence continue southeastwardly along the tangent to said curve and along the northerly line of said right of way for a distance of 19.23 feet, to the point of intersection with the westerly line of the right of way of u.s. highway no. 31, as presently laid out and constructed, said point being on a curve having a radius of 3154.18 feet, subtending a central angle of 07°13'00" and whose tangent forms an angle of 113°10'50" to the left with the last described course when extended eastwardly through said point of intersection, run thence northwardly along the arc of said curve and along the westerly line of said right of way, for a distance of 397.28 feet, thence at an angle of 77°56'29" to the left from the tangent to said curve at said point and run northwesterly for a distance of 183.23 feet, thence turn 76°58'30" left and run southwesterly for 354.39 feet; thence turn 28°07'08" left and run southwesterly for 58.74 feet to a point on the northerly right of way line of old montgomery highway and the point of beginning of the property herein described. Said tract containing 99054 sf or 2.27 acres more or less.

APPROVED and ADOPTED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

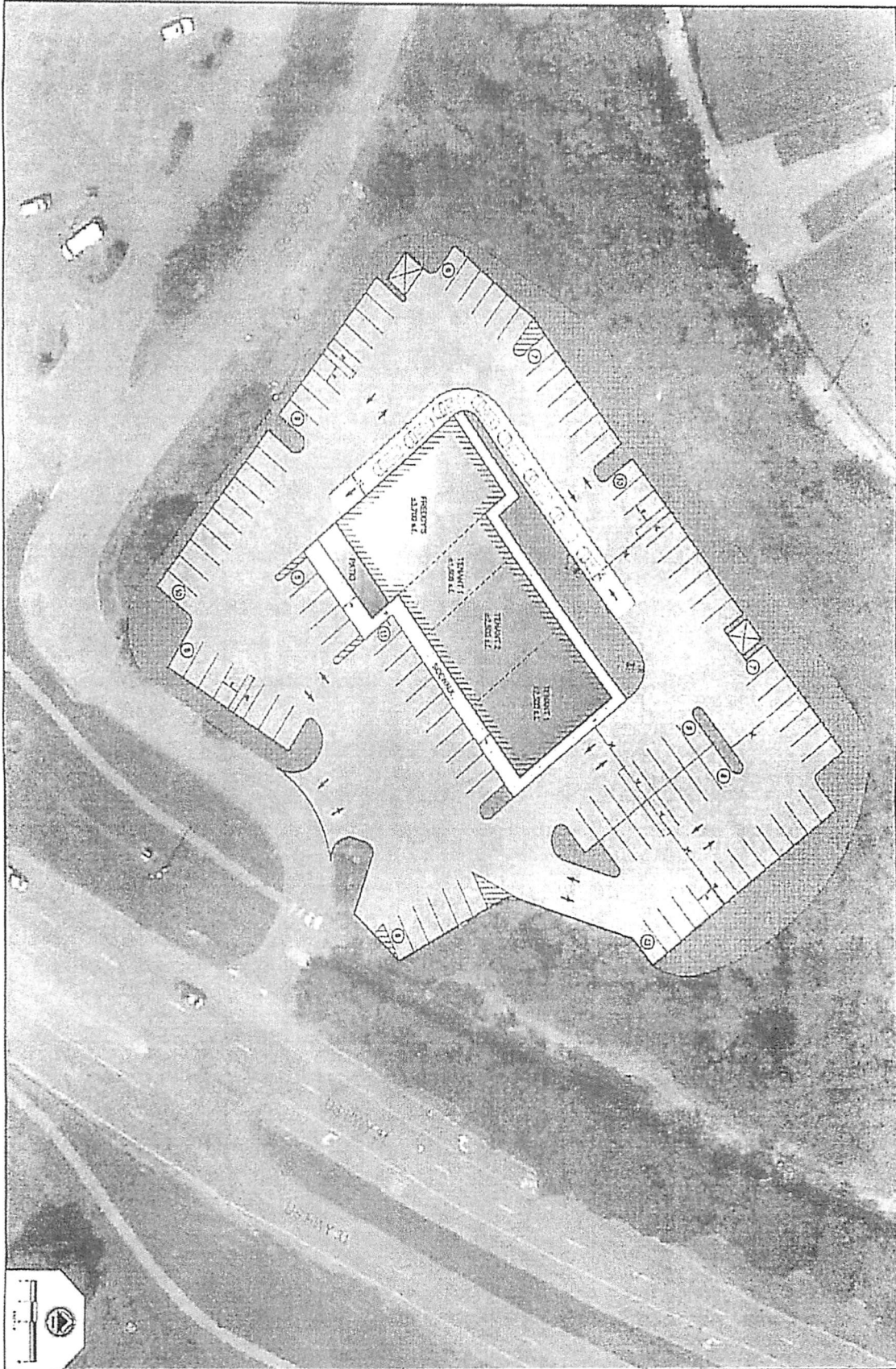
Rebecca Leavings
City Clerk

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 # 2674 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 25th day of July, 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



| | | |
|---|----------|----------|
| 1 | DATE | 1/1/2014 |
| DATE | 1/1/2014 | |
| DATE | 1/1/2014 | |
| FREDDY'S FROZEN CUSTARD & STEAKBURGERS | | |
| BAMA 1 CUSTARD | | |
| VESTAVIA HILLS, AL | | |
| | | |
| L.B.Y.D. Inc. | | |
| 10000 Highway 201, Suite 100 | | |
| Atlanta, GA 30338 | | |
| Tel: 404.251.1111 | | |
| Fax: 404.251.1112 | | |
| www.lbyd.com | | |
| | | |
| Call and let us take | | |
| your business! | | |

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

Date: JUNE 9, 2016

- **CASE: P-0616-27**
- **REQUESTED ACTION:** from Unzoned to Vestavia Hills B-2
- **ADDRESS/LOCATION:** 1280 Montgomery Hwy.
- **APPLICANT/OWNER:** City of Vestavia Hills
- **GENERAL DISCUSSION:** City is rezoning property as part of a purchase and sale agreement for a commercial center anchored by a Freddy's Frozen Custard and Steakburgers. The parcel the City is seeking to sell currently hosts the Public Works Facility, adjacent to Wald Park. The Public Works Facility would be relocated. Freddy's would have a drive-thru. Building would be over 10,000 sq. ft. and have 113 parking spaces, exceeding the amount required. Access would be granted from Waldrige Rd. A site plan and color rendering is attached.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** This request is on the border of Recreation/Open Space and Village Center. Adjacent zonings include B-2 to the south and Institutional across the street. Wald Park remains unzoned.
- **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 approval of Rezoning for 1280 Montgomery Hwy. from Unzoned to Vestavia Hills B-2 for the Purpose of Commercial Development. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Sharp – yes
Mr. Visintainer – yes
Mr. House – yes
Motion carried.

Mr. Burrell – yes
Mr. Wolfe – yes
Mr. Gilchrist – yes
Mr. Larson – yes

MO-May 20th
For June 9th
PTZ

P0616-27/17-31-2-2-1
1280 Montgomery Hwy.
Rezoning from Unzoned to VH B-2
BAMA 3-RE, LLC
Unzoned

RESOLUTION NUMBER 4826

A RESOLUTION INITIATING THE REZONING OF 1280 MONTGOMERY HIGHWAY FROM UNZONED TO VESTAVIA HILLS B-2 (BUSINESS DISTRICT)

WHEREAS, on April 12, 2016, the Mayor and City Manager executed and delivered an agreement with BAMA 3-RE, LLC to sell a tract of land of approximately 2.34 acres, more or less, located at 1280 Montgomery Highway (hereinafter referred to as "Property") a copy of which is marked as "Exhibit B" attached to and incorporated into this Resolution Number 4826 as though written fully therein; and

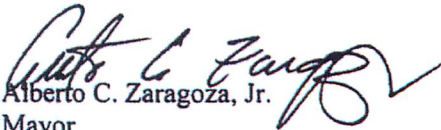
WHEREAS, a condition of the agreement was that the City would file a petition requesting the rezoning of said property from its current unknown zoning classification to VH B-2 with restrictions for the construction of a small business district; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to initiate the request to rezone the property located at 1280 Montgomery Highway from the current unknown zoning classification to Vestavia Hills B-2 (business district) substantially as depicted in the site drawing marked as "Exhibit A" attached to and incorporated into this Resolution Number 4826; and

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

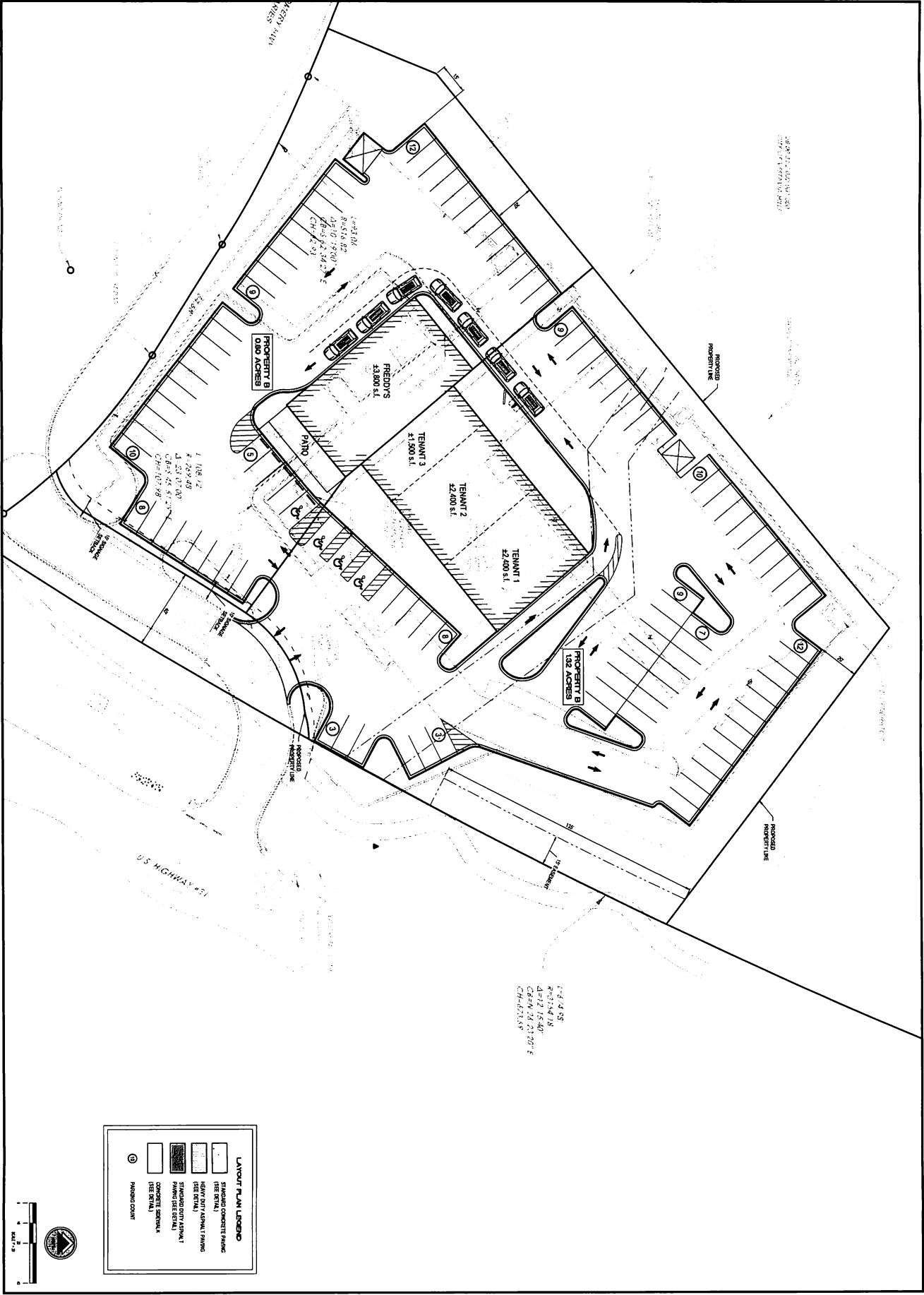
1. The City Clerk is hereby authorized to file this Resolution Number 4826 to rezone the Property from Unknown to Vestavia Hills B-2 (business district) with restrictions; and
2. This Resolution Number 4826 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of April, 2016.


Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



LAYOUT PLAN LEGEND

- PROPOSED CONCRETE PAVING
- EXISTING CONCRETE PAVING
- ASPHALT PAVING
- GRAVEL PAVING
- GRASS
- TREES
- FENCING
- UTILITY LINES

DATE: 01/08/2010
 DRAWN BY: DMD
 CHECKED BY: TSM
C20

SITE LAYOUT PLAN

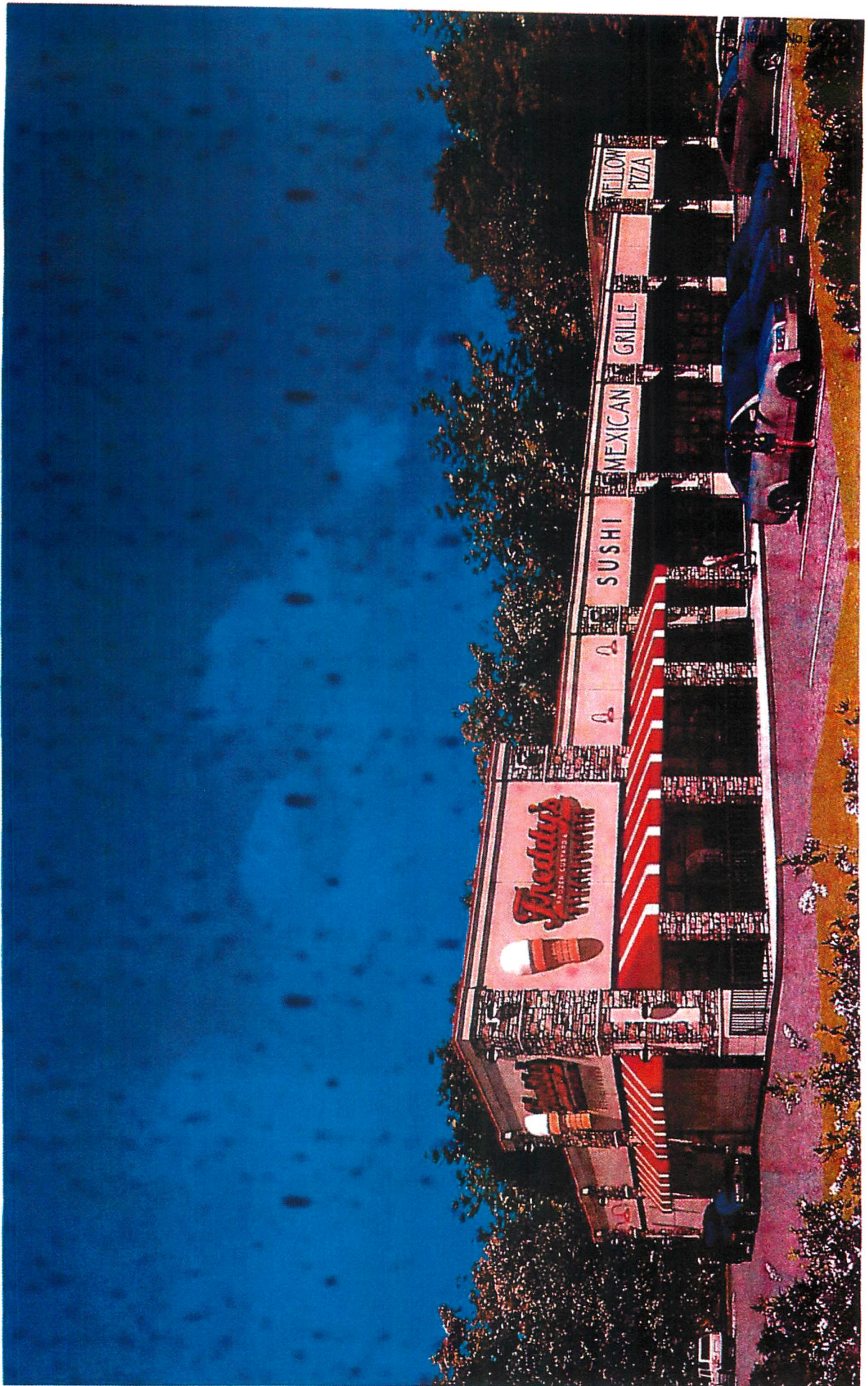
FREDDY'S FROZEN CUSTARD & STEAKBURGERS
 BAMA 1 CUSTARD
 VESTAVIA HILLS, AL

| NO. | REVISION | DATE |
|-----|----------|------|
| | | |
| | | |
| | | |

PROJECT NO.: 102-2-028.004

PROPERTY ADDRESS: 116 South 34th Street, Vestavia Hills, AL 35226

LBYD Inc.
 116 South 34th Street
 Vestavia Hills, AL 35226
 (205) 962-1110
 www.lbyd.com

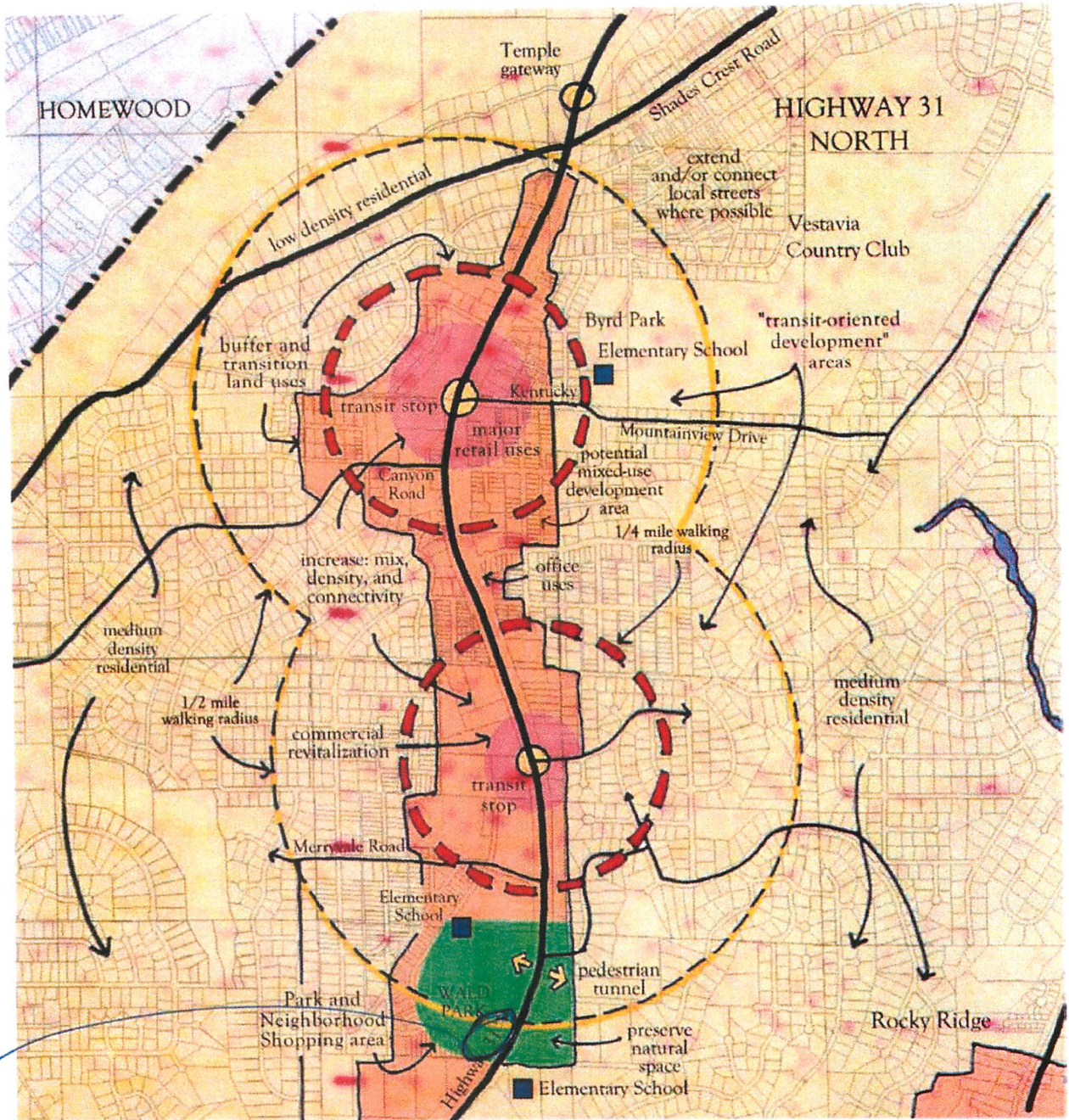




33.431, -86.790 Degrees

Yvonne's Applying Department of City of

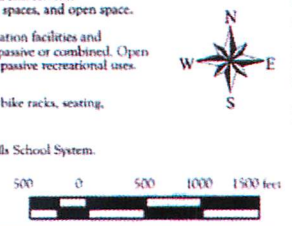
- B-1
- B-1*
- B-2
- B-2*
- B-3
- B-3*
- E-2
- E-2*
- Inst 1
- Inst 1*
- O-1
- O-1*
- O-2
- O-2*
- O-3*
- PUDO-NU
- PUDO-RI
- PUDO-RP*
- PUDO-RI-CU
- PUDO-RI
- PUDO-RIC
- PUDO-NO
- PUDO-RI-1
- PUDO-RI-1 (CU)
- PUDO-RI-1*
- PUDO-RI-2
- R-1
- R-1*
- R-2
- R-2*
- R-3
- R-3*
- R-4



Subject Property

Figure 17: Highway 31 North
Land Use Analysis

- | | |
|--|---|
| <ul style="list-style-type: none"> Neighborhood - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space. Village Center - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces. Commercial Core - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space. Gateways and Nodes - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered. | <ul style="list-style-type: none"> Professional Offices - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space. Recreation and Open Space - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses. Trailheads - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users. Schools - School facilities administered by the Vestavia Hills School System. |
|--|---|



ORDINANCE NUMBER 2675

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL
FOR A FLEET OPERATIONS CENTER**

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.6 of Ordinance Number 1838 classifies a “major auto repair” permitted only in Planned Light Industrial, therefore, required as a “Conditional Use” in PR-1 zoning classification; and

WHEREAS, the City of Vestavia Hills is the owner of the property located at 4750 Sicard Hollow Lane, currently zoned Vestavia Hills PUD PR-1 (planned unit development planned residential district) more particularly described as follows:

A part of Lot 1 Vestavia Sports Park Survey as recorded in Map Book 181 Page 54 in the Probate Office of Jefferson County, Alabama and more particularly described as follows:

Commence at the NW corner of Section 17, Township 18 South, Range 1 West and run East along the North line of said Section 17 for a distance of 175.00 feet more or less to a point located on the centerline of a paved driveway said point being the Point of Beginning. Thence turn right and run in a south-southwesterly direction along the centerline of the said paved driveway to the point of intersection of said centerline or the projection thereof with the northeasterly right of way line of a 100 feet Alabama Power Right of Way. Thence turn left and run southeasterly along the said Northerly Alabama Power Right of Way line to the intersecting point where the said Alabama Power right of way line turns left and runs in an easterly direction. Thence turn left and run easterly along the northerly line of said Alabama Power right of way line to the intersection of said northerly line with the Alabama Power Right of way line to the intersection of the

northerly right of way line with the north line of said Section 17. Thence turn left and run West along the said North line of the said Section 17 to the point of beginning; and

WHEREAS, the City of Vestavia Hills has submitted a Resolution for conditional use approval for a fleet operational center to be operated at said property located at 4750 Sicard Hollow Road, Vestavia Hills, Alabama located in the Liberty Park P.U.D.; and

WHEREAS, a copy of said Resolution dated April 26, 2016 is attached and hereby incorporated into this Ordinance Number 2675.

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 the City of Vestavia Hills for construction and operation of a fleet operations facility with major mechanical work as described in the above-referenced application for the property located at 4750 Sicard Hollow Road, Vestavia Hills, Alabama located in Liberty Park P.U.D.
2. At any time should the City of Vestavia Hills vacate the premises described above, discontinue or relocate this facility, this conditional use approval shall be nullified and said Ordinance Number 2675 shall be automatically repealed.
3. This Ordinance Number 2675 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

DONE, ORDERED, ADOPTED and APPROVED this the 25th day of July, 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 # 2675 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 25th day of July, 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: **JUNE 9, 2016**

- **CASE:** P-0616-28
- **REQUESTED ACTION:** Conditional Use Approval for a Fleet Operations Facility
- **ADDRESS/LOCATION:** 4750 Sicard Hollow Rd.
- **APPLICANT/OWNER:** City of Vestavia Hills
- **GENERAL DISCUSSION:** The City is looking to expand the current Public Works facility at Liberty Park. Currently, the facility is used to maintain park equipment. The City would expand the facility to include 3 drive-thru bays for vehicle maintenance fleet operations offices. Facility would be fenced and gated, with landscape buffering outside of the fencing.
As part of the proposal the City would realign the park access road, eliminating the curve. The City has also proposed integrating the pedestrian tunnel and a multi-purpose path. A site plan is attached.
As required by the Liberty Park PUD, approval of a Conditional Use permit is required for the facility. The property is zoned PR-1.
- **LIBERTY PARK MASTER PLAN:** This request is consistent with the procedures of the Liberty Park PUD.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: I recommend the Commission recommend approval with the conditions requested by Liberty Park.
 2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request

4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mr. House made a motion to recommend approval of Conditional Use Approval for a Fleet Operations Facility Located At 4750 Sicard Hollow Rd. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Sharp – yes
Mr. Visintainer – yes
Mr. House – yes
Motion carried.

Mr. Burrell – yes
Mr. Wolfe – yes
Mr. Gilchrist – yes
Mr. Larson – yes

RESOLUTION NUMBER 4827

A RESOLUTION INITIATING A REQUEST FOR CONDITIONAL USE APPROVAL FOR HEAVY MECHANICAL FOR A PORTION OF LOT 1, VESTAVIA HILLS SPORTS PARK FOR CONSTRUCTION OF A CITY FLEET OPERATIONS FACILITY

WHEREAS, Lot 1 Vestavia Sports Park is located within the Liberty Park P.U.D. in an area designated as PR-1 for recreational park use; and

WHEREAS, a portion of Lot 1, Vestavia Sports Park is located adjacent to Sicard Hollow Road and is currently utilized as a park maintenance facility; a diagram of said location is detailed on a map marked as "Exhibit A" which is attached to and incorporated into this Resolution Number 4827 as though written fully therein; and

WHEREAS, the City of Vestavia Hills desires to construct a new Fleet Operations Facility for the maintenance and repair of all City vehicles on the above-described portion of Lot 1, Vestavia Sports Park ("the Subject Property"); and

WHEREAS, said use for a Fleet Operations Facility on this property requires the approval of a Conditional Use pursuant to the zoning of the Liberty Park P.U.D.

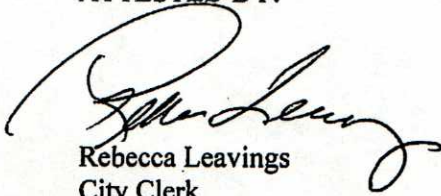
NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, AS FOLLOWS:

1. The City of Vestavia Hills shall request a conditional use approval for "major mechanical" for the property detailed in the attached Exhibit and referred to as "the Subject Property"; and
2. The City Clerk shall file this Resolution Number 4827 to serve as a petition with the City Planner in order to begin said process to request a Conditional Use approval; and
3. This Resolution Number 4827 shall become effective immediately upon adoption and approval.

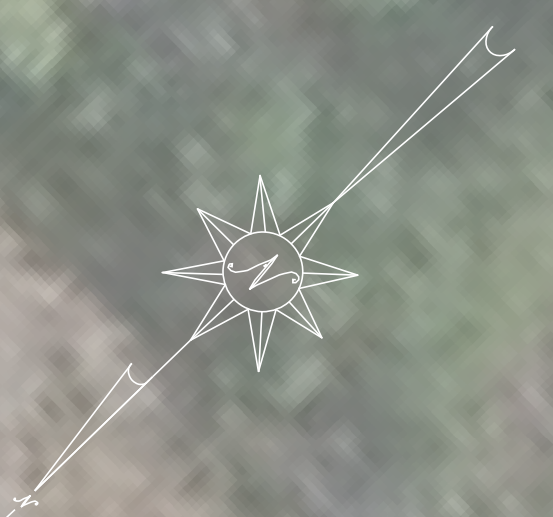
ADOPTED and APPROVED this the 25th day of April, 2016.


Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:



Rebecca Leavings
City Clerk



PROPOSED MULTI-USE PATH

PROPOSED PEDESTRIAN TUNNEL

PARK ENTRANCE

FLEET OPERATIONS

ENTRANCE (GATED)

SICARD HOLLOW RD

ONLY

ONLY

ONE WAY

1

2

3

FENCING W/ SCREEN

NOTE: ALL PARCELS ARE OWNED BY CITY OF VESTAVIA HILLS.

DUMPSTER PAD

FLEET OPERATIONS FACILITY 80'X80' (3 BAYS - 18'X80')

ONSITE STORM WATER DETENTION AREA

PARK ACCESS RD.

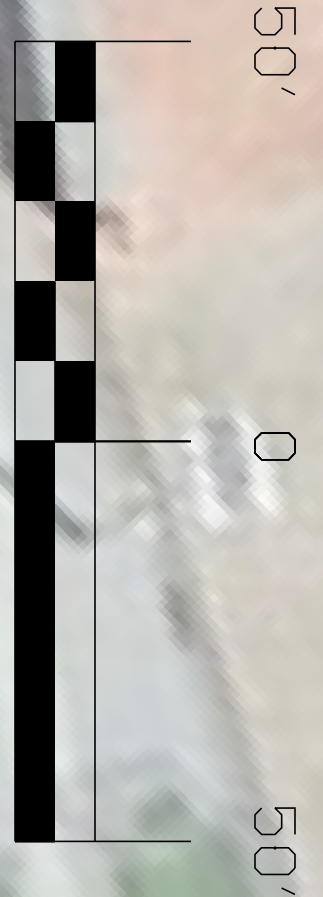
EXISTING PARKING LOT

FLEET OPERATIONS FACILITY

SICARD HOLLOW ROAD SITE



VESTAVIA HILLS



PREPARED BY:

Volkert

05-20-2016

PROPOSED MULTI-USE PATH

PROPOSED PROPERTY LINE

RESOLUTION NUMBER 4855

A RESOLUTION AUTHORIZING THE CITY MANAGER TO APPROPRIATE ADDITIONAL FUNDING TO MEET IMMEDIATE NEEDS OF THE VESTAVIA HILLS PARK AND RECREATION DEPARTMENT

WHEREAS, the Vestavia Hills Park and Recreation Board met in special session on July 7, 2016 to discuss certain needs within the Park and Recreation Department that needed immediate attention; and

WHEREAS, the Public Service Director, in a memorandum to the City Manager, indicated said need along with a listing of the expected expenditures, a copy of which is marked as Exhibit A attached to and incorporated into this Resolution Number 4855 as if written fully therein; and

WHEREAS, the City Manager has reviewed said request and recommended approval; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to approve the request as presented.

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

1. The City Manager is hereby authorized to expend an amount not to exceed \$170,000 as detailed in the attached Exhibit A; and
2. This Resolution Number 4855 shall become effective immediately upon approval and adoption.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

**Vestavia Hills Public Services
1032 Montgomery Highway
Vestavia Hills, AL 35216**

INTEROFFICE MEMO

Date: July 7, 2016

TO: Jeff Downes
City Manager

From: Brian Davis
Public Service Director

RE: Parks and Recreation Capital Request for current fiscal year

Per our discussions I would like to request funding out of our current fiscal year to begin working on a few immediate needs within our Parks and Recreation facilities and programs.

In order to accomplish these needs, I anticipate an amount of \$170,000. The Parks and Recreation Board met today to discuss the specific details at a special called board meeting and approved this request.

To address these needs, I am requesting a first read of the Council on July 11, 2016, at their regular meeting and then be on the agenda for a public hearing and possible approval by the Council at their July 25, 2016 regular meeting.

Please let me know if you have any questions or concerns. Thank you.

CC: Anne Smyth, President of the Parks and Recreation Board
Jason Burnett, Parks and Recreation Superintendent

| Facility | Discription | Total Cost Estimate | STS | City Staff | Contractor | Vendor |
|---------------|---|----------------------|---------------------|---------------------|---------------------|---------------------|
| Wald 1 | 800 linear feet of drain lines in the right field area and down in that bad swell by the bull pen Verti-Cut, aerate, and topdress | \$ 12,500.00 | \$ 12,500.00 | | | |
| Wald 2 | 400 feet of drain lines | \$ 4,500.00 | \$ 4,500.00 | | | |
| Wald 3 | 400 feet of drain lines | \$ 4,500.00 | \$ 4,500.00 | | | |
| Kelly Field | drainage | \$ 15,000.00 | \$ 7,500.00 | \$ 7,500.00 | | |
| LP 1-4 | Cage and pitching upgrades | \$ 15,000.00 | | | | \$ 15,000.00 |
| LP 5-9 | Shade Structures | \$ 20,000.00 | | | \$ 20,000.00 | |
| CH 4 fields | Shade Structures | \$ 16,000.00 | | \$ 16,000.00 | | |
| Wald 1-4 | Shade Structures | \$ 16,000.00 | | | \$ 16,000.00 | |
| SHAC | Crumb Rubber | \$ 10,000.00 | \$ 10,000.00 | | | |
| All Fields | Cage signage | \$ 3,000.00 | | | | \$ 3,000.00 |
| All Fields | Quick Coupler's/watering stations for various fields | \$ 5,000.00 | | | \$ 5,000.00 | |
| CH 4 fields | Overhead netting in certain areas | \$ 10,000.00 | | | \$ 10,000.00 | |
| Various Parks | Painting of structures (predominately CH) | \$ 7,500.00 | | | \$ 7,500.00 | |
| SHAC | Goal Posts for Royal Field | \$ 3,500.00 | | | | \$ 3,500.00 |
| SHAC Entrance | Landscaping | \$ 5,000.00 | | | \$ 5,000.00 | |
| New Merkel | New Sign for New Merkel House | \$ 5,000.00 | | | | \$ 5,000.00 |
| Playgrounds | Mulch | \$ 14,000.00 | | | | \$ 14,000.00 |
| General | Miscellaneous Parks upgrades | \$ 3,500.00 | | \$ 3,500.00 | | |
| | | \$ 170,000.00 | \$ 39,000.00 | \$ 27,000.00 | \$ 63,500.00 | \$ 40,500.00 |

RESOLUTION NUMBER 4856**A RESOLUTION AUTHORIZING THE CITY MANAGER TO REALLOCATE FUNDING WITHIN THE CAPITAL FUNDS BUDGET FOR FISCAL YEAR 2016 IN ORDER TO PURCHASE SERVERS FOR FINANCIAL SOFTWARE**

WHEREAS, on September 14, 2015 the City Council adopted and approved Resolution Number 4752 adopting a General Fund Budget, a Special Funds Budget, a Capital Funds Budget and a Sidewalk Projects Fund Budget for the City of Vestavia Hills for fiscal year 2015-2016; and

WHEREAS, said Capital Funds Budget included the purchase of one (1) custodial van for the Park and Recreation Department; a purchase which has since been deemed to no longer be needed; and

WHEREAS, said budget also included approval for a server upgrade to support the installation of upgraded financial software; and

WHEREAS, the proposed server upgrade expenses exceeded the budgeted expense; and

WHEREAS, the City Manager and Finance Director has examined said budget and recommended the reallocation of funding from the Capital Funds Budget to delete said custodial van and cover the expense of the needed server; and

WHEREAS, the Mayor and City Council have reviewed the recommendation and find it is in the best public interest to approve that the City Manager reallocate funding within the budget in order to purchase said server.

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

1. The City Manager is authorized to reallocate funds necessary in order to purchase the needed server for financial data upgrade as explained above; and
2. This Resolution Number 4856 shall become effective immediately upon adoption and approval.

APPROVED and ADOPTED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

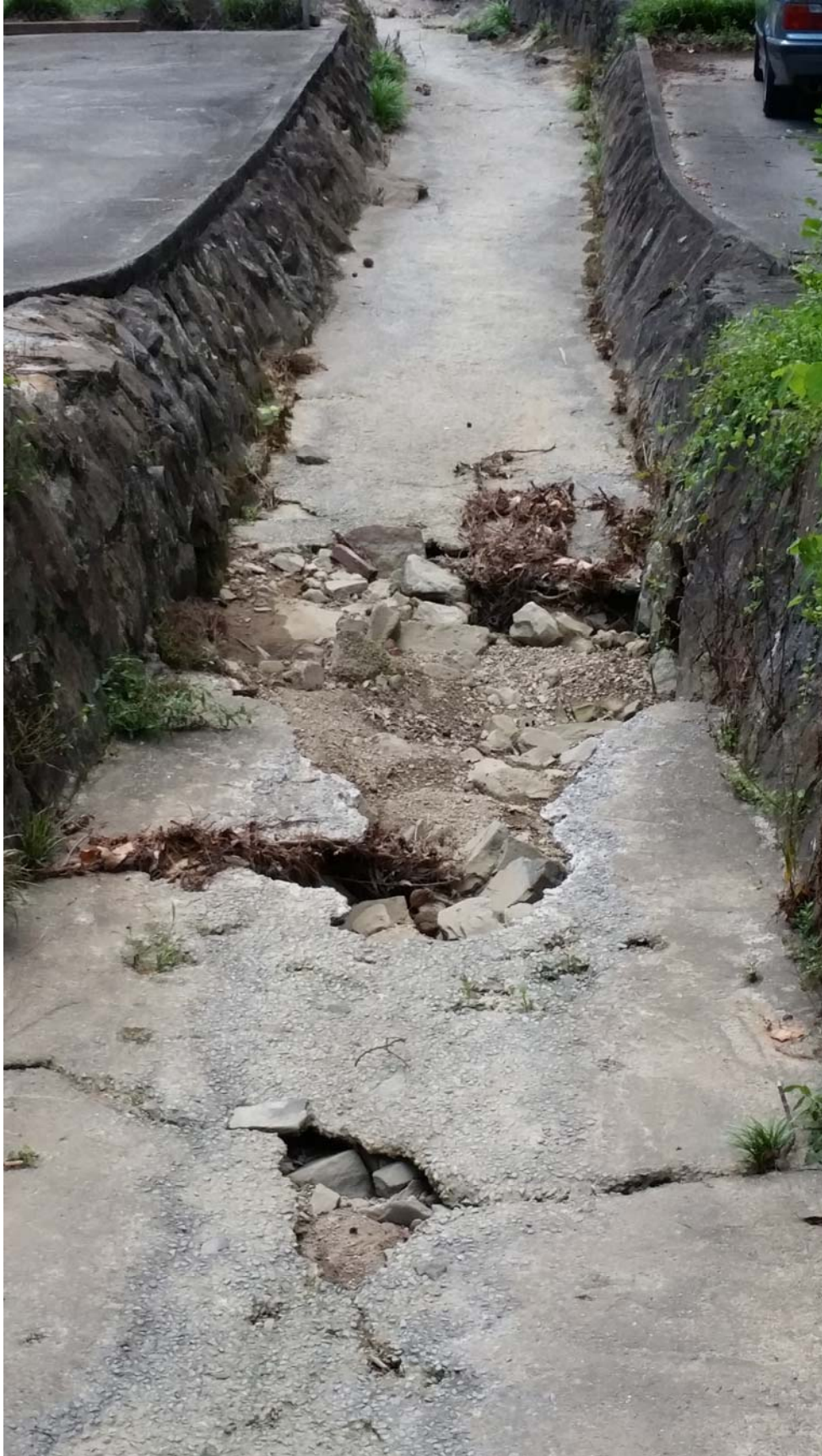
Rebecca Leavings

From: Carol CRANE <sertaclub@bellsouth.net>
Sent: Monday, July 18, 2016 3:16 PM
To: Rebecca Leavings
Subject: item for city council meeting
Attachments: 20160717_190842.jpg; 20160717_190848_1468871811428.jpg

Please disregard last message, sent in error

Lyndsy Alesce
1608 Sunnywood Circle
Vestavia, AL 35216
205-790-8941

I want to talk about the city paying for the drainage ditch to be fixed. Have already spoken with City engineer and he said because of an easement, the city was not responsible to fix. I do not agree with that. I attached pictures of the ditch, it is a view from the road. To the left of the ditch is my driveway.





RESOLUTION NUMBER 4845-A

**A RESOLUTION AMENDING RESOLUTION NUMBER 4845 AND
RESETTING NOTICE OF A PUBLIC HEARING FOR THE
ADOPTION OF VARIOUS 2014 AND 2015 NATIONAL AND
INTERNATIONAL BUILDING CODES FOR THE CITY OF
VESTAVIA HILLS**

WHEREAS, Section 11-45-8, Code of Alabama, 1975, states that prior to adoption of a technical code the City shall provide a minimum of 15 days notice of the time, place and purpose of such hearing by publishing/posting as required with not less than three copies of the proposed codes will be open for use and examination by the public in the Office of the City Clerk; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to adopt certain 2015 International Building, Mechanical, Plumbing, etc. codes; and

WHEREAS, the Vestavia Hills Building Safety and Inspections Department has recommended adoption of said Codes, as amended, in the proposed Ordinance Numbers 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, and 2673; and

WHEREAS, on June 13, 2016, the City Council adopted and approved Resolution Number 4845 setting a public hearing for July 11, 2016 for said ordinance adoption and due to an administrative error, the public hearing was not set for an agenda.

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

1. Notice is hereby given that proposed Ordinance Numbers 2665, 2666, 2667, 2668, 2669, 2670, 2671, 2672, and 2673 will be presented by the Vestavia Hills City Council for a public hearing at the regularly scheduled meeting of August 22, 2016 beginning at 5:00 PM in the City Council Chamber, City of

Vestavia Hills City Hall, 1032 Montgomery Highway, Vestavia Hills, Alabama 35216; and

2. Not less than three copies of the proposed Codes will be open for use and examination by the public in the Office of the City Clerk, City of Vestavia Hills, 1032 Montgomery Highway, Vestavia Hills, Alabama not less than 15 days prior to the holding of the public hearing; and
3. Said Resolution Number 4845-A shall become effective immediately upon adoption and approval by the City of Vestavia Hills.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2665

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-71 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL BUILDING CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-71 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-71. International Building Code adopted.

- (a) A certain document, a copy of which is on file in the Office of the Department of Building Safety of the City being marked and designated as the *International Building Code*, 2015 edition, including appendix chapters B E, F, G, H, I, J and K, as published by the International Code Council, be and is hereby adopted as the *Building Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the conditions essential to provide that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of said *Building Code* on file in the Office of the Department of Building Safety, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in subsection (b)
- (b) The following sections are added or hereby revised in its entirety to read as follows:

101.1. Title. These regulations shall be known as the *Building Code of the City of Vestavia Hills, Alabama*, hereinafter referred to as "this code."

101.4.4 Property Maintenance. This section shall be deleted in its entirety.

101.4.8 Electrical. The current published edition provisions of the *National Electrical Code* shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment appliances, fixtures, fittings and appurtenances thereto.

105.2 Work Exempt From Permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

6. Sidewalks. not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of any accessible route
7. Painting
8. Temporary motion picture, television and theater stage sets and scenery
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground
10. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems
11. Swings and other playground equipment accessory to detached one- and two-family dwellings
13. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height

107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. An electronic set of documents shall also be submitted on a CD saved as a PDF file. The construction documents shall be prepared by a registered design professional present to section 107.1.1 where required by the City of Vestavia Hills. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

Exception: The Building Official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

107.1.1 All Building Plans Shall Be Prepared by a Design Professional. The design professional shall be an architect or engineer legally registered under the laws of the State of Alabama regulating the practice of architecture or engineering and shall affix his/her official seal to said drawings. Engineered plans shall be submitted for electrical, mechanical and plumbing work including specifications and accompanying data. All group occupancies excluding R-3 (single family homes) shall be designed by an architect.

109.2 Fee Schedule. See ARTICLE III. FEES.

109.6 Fee Refunds. See ARTICLE III. FEES.

1013.1.1 Exit Signs. Exit signs shall not be located more than 4 feet above the exit door.

TABLE 1020.1
CORRIDOR FIRE RESISTANCE RATING

| REQUIRED FIRE-RESISTANCE RATING (hours) | | | |
|---|----------------------------------|--------------------------|--------------------------------------|
| OCCUPANCY | OCCUPANT LOAD SERVED BY CORRIDOR | WITHOUT SPRINKLER SYSTEM | WITH SPRINKLER SYSTEM ^{c,d} |
| H-1, H-2, H-3 | All | Not Permitted | 1 |
| H-4, H-5 | Greater than 30 | Not Permitted | 1 |
| A, B, E, F, M, S, U | Greater than 30 | 1 | 0 ^d |
| R | Greater than 10 | Not Permitted | 0.5 |
| I-2 ^a , I-4 | All | Not Permitted | 0 |
| I-1, I-3 | All | Not Permitted | 1 ^b |

^aFor requirements for occupancies in Group I-2, See Sections 407.2 and 407.3.

^bFor a reduction in the fire-resistance rating for occupancies in Group I-3, See Section 408.8.

^cBuildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2 where allowed.

^d Group A, B & E occupants in a building exceeding 3000 square feet gross area and/or buildings of any occupancy group occupied by two or more tenants where the Common path of egress travel is through corridors, lobbies, shafts or open vertical exit enclosures shall be protected with walls in accordance with Section 711 (smoke partitions).

1210.2.2.1 Surrounding Material. Tile or sealed masonry shall be required in Group A, E, M, and B occupancies. Approved alternate material may be used in business occupancies less than 1500 square feet in area.

1612.3 Establishment of Flood Hazard Areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and support data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for City of Vestavia Hills, Alabama," dated September 3, 2010 or current effective date, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard Map and Supporting Data as amended or revised are hereby adopted by reference and declared to be a part of this section."

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2665 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2665 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2666

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-81 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL ENERGY CONSERVATION CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-81 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-81. – International Energy Conservation Code adopted.

(1) A certain document, a copy of which is on file in the Office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Energy Conservation Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the *Energy Conservation Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Energy Conservation Code* on file in the Department of Building Safety, are hereby referred to, adopted, and made a part hereof, as if fully set out in this section with the additions, insertions, deletions and changes, if any, prescribed in Section 2.

(2) The following sections are added or hereby revised in their entirety to read as follows:

101.1 Title. This code shall be known as the *International Energy Conservation Code of the City of Vestavia Hills*, and shall be cited as such. It is referred to herein as “this code.”

101.1.1 The Alabama Energy and Residential Codes Board. The State of Alabama Energy and Residential Codes Board (AERC) current adoption and amendments shall be enforced.

C107.1 Fee Schedule. See ARTICLE III. FEES.

R107.1 Fee Schedule. See ARTICLE III. FEES.

C107.3 Violation Penalties. See ARTICLE I ADMINISTRATION.

R107.3 Violation Penalties. See ARTICLE I ADMINISTRATION.

C108 Stop Work Orders. See ARTICLE I ADMINISTRATION.

R108 Stop Work Orders. See ARTICLE I ADMINISTRATION.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2666 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2666 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 22nd day of August, 2016, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the ___day of _____, 2016.

Rebecca Leavings
City Clerk

Draft
Ordinance

ORDINANCE NUMBER 2667

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-91 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL EXISTING BUILDING CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-91 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-91. – International Existing Building Code adopted.

- (a) A certain document, a copy of which is on file in the office of the Department of Building Safety of the City of Vestavia Hills being marked and designated as the *International Existing Building Code*, 2015 edition, including Appendix Chapters A, B, C, and Resource A as published by the International Code Council, be and is hereby adopted as the *Existing Building Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said *Existing Building Code* on file in the Office of the City of Vestavia Hills are hereby referred to, adopted, and made a part hereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).
- (b) The following sections are added or hereby revised in its entirety to read as follows:

101.1 Title. These regulations shall be known as the *Existing Building Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

108.2.1 Fee Schedule. See ARTICLE III. FEES.

113.4 Violation Penalties. See ARTICLE I ADMINISTRATION.

114.3 Stop Work Orders. See ARTICLE I ADMINISTRATION.

1302.8 General. A building or part of any building shall not be moved through or across any sidewalk, street, alley or highway within the corporate limits without first obtaining a permit from the Department of Building Safety.

1302.8.1 Written Application. Any person desiring to move a building shall first file with the Building Official a written application setting forth the following information:

1. Type and kind of building to be moved
2. The original cost of such building
3. The extreme dimensions of the length, height and width of the building
4. Its present location and proposed new location by lot, block, subdivision and street numbers
5. The approximate time such building will be upon the streets, and contemplated route that will be taken from present to new location

1302.8.2 Permit Refusal. If in the opinion of the Building Official, Engineering Department, or Police Department the moving of any building will cause serious injury to persons or property or serious ~~injury~~ damage to the streets or other public improvements, or the building has deteriorated more than 50 percent of its current value by fire or other element, or the moving of the building will violate any of the requirements of this code or of the zoning regulations, the permit shall not be issued and the building shall not be moved over the streets. Any building being moved for which a permit was granted, shall not be allowed to remain in or on the streets for more than 48 hours and shall not block any street, road or thoroughfare.

1302.8.3 Bond Required. The Building Official, as a condition precedent to the issuance of such permit, shall require a bond to be executed by the person desiring such removal permit with corporate surety to his satisfaction. Such bond shall be made payable to the City of Vestavia Hills for the amount of Ten Thousand Dollars (\$10,000.00). It shall indemnify the City against any damage caused by the moving of such building to streets, curbs, sidewalks, shade trees, highways and any other property which may be affected by the moving of a building. Such surety bond shall also be conditioned upon and liable for strict compliance with the terms of said permit, as to route to be taken and limit of time in which to effect such removal and to repair or compensate for the repair and to pay said applicable governing body as liquidated damages an amount not exceeding \$50.00 to be prescribed by the Building Official for each and every day of delay in completing such removal or in repairing any damages to property or public improvement or in clearing all public streets, alleys or highways of all debris occasioned thereby. The contractor shall provide Certificate of Liability Insurance in the amount of a \$1 million (\$1,000,000.00).

1302.8.4 Notice of Permit. Upon the issuance of said moving permit, the Building Official shall cause notice to be given to the Engineering Department, Chief of Fire and Chief of Police. The Engineering Department and Police Department shall set forth in all notices the route that will be taken, time started, and approximate time completion.

1302.8.5 Public Safety Requirements. Every building which occupies any portion of public property after sundown shall have sufficient lights continuously burning between sunset and sunrise for the protection of the public.

There shall be a minimum of five red lights placed on each street side of the building. Such red lights shall be attached to the building in such a fashion as to indicate extreme width, height, and size.

In addition to the red lights on the building, flares shall be placed at regular intervals for a distance of 200 ft (61 m) up to the street on each side of the building.

When more than 50 percent of the street, measured between curbs, is occupied at night by the building, or when, in the opinion of the Building Official, flagmen are necessary to divert or caution traffic, the owner or person moving such building shall employ at his expense, two flagmen, one at each street intersection beyond the building. Such flagmen shall in accordance with City Ordinance and remain at these intersections diverting or cautioning traffic from sunset to sunrise. Red lights shall be employed in flagging traffic at night.

1302.8.6 Improvements by Owner. The owner of any house, building, or structure proposed to be moved shall make all necessary improvements required in order for said house, building or structure to comply with the requirements of this Code within 90 days from the date of the issuance of the moving permit. Extensions of such time as deemed reasonable may be granted by the Building Official upon a showing of delay caused by matters beyond the control of the owner or house mover. The application for the moving permit, accompanied by complete plans and specifications showing the changes or conditions of said house, building, or structure as the same is proposed to be when moving, and all contemplated improvements, signed by the owner or the owner's agent.

1401.2 Applicability. Structures existing prior to July 16, 1952 in which there is work involving additions, alterations or changes of occupancy shall be made to conform to the requirements of this chapter or the provisions of Chapters 5 through 13. The provisions of Sections 1401.2.1 through 1401.2.5 shall apply to existing occupancies that will continue to be, or are proposed to be, in Groups A, B, E, F, I-2, M, R, and S. These provisions shall not apply to buildings with occupancies in Group H or I-1, I-3 or I-4.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2667 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2667 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2668

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-101 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL RESIDENTIAL CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-101 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-101. – International Residential Code adopted.

- (a) A certain document, a copy of which is on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Residential Code*, 2015 edition, including appendix chapters A, B, C, D, E, F G, H, J, K, M, N, O and P as published by the International Code Council, be and is hereby adopted as the *Residential Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three (3) stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said residential code on file in the Office of the Department of Building Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).
- (b) The following sections are added or hereby revised in their entirety to read as follows:

R101.1 Title. These provisions shall be known as the *Residential Code for One- and Two-Family Dwellings of the City of Vestavia Hills*, and shall be cited as such and will be referred to herein as "this code."

R105.2 Work Exempt From Permit. Exemption from permit requirements of this Code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this Code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

5. Sidewalks
6. Painting, papering, flooring, and carpeting
7. Prefabricated swimming pools that are less than 24 inches (610 mm)

- 8. deep Swings and other playground equipment

R106.1.5 Construction Plans.

An electronic set of construction documents shall be submitted for review on a CD saved as a PDF file along with one set of paper construction documents.

R108.2.1 Fee Schedule. See ARTICLE III. FEES.

R113.5 Violation Penalties. See ARTICLE I ADMINISTRATION.

R114.3 Stop Work Orders. See ARTICLE I ADMINISTRATION.

R203 Sleeping Room. Rooms that have a closet shall be classified as a sleeping room and shall meet all emergency egress safety requirements out of that room. The building official or his/her designee may grant exceptions if a room, by its design, cannot function as a sleeping room. Sewing rooms, dens, studios, lofts, game rooms, and any other conditioned room along an exterior wall which is 70 square feet or greater in size will be considered to be sleeping rooms unless the room is specifically exempted. If a home office, library or similar room is proposed, it may be exempted from being considered a sleeping room if there is no closet and at least one of the following is present: a) permanently built-in bookcases, desks and other feature that encumber the room in such a way that it cannot be used as a sleeping room; b) a minimum 4 foot opening, without doors, into another room; or c) a half wall (4 foot maximum height) between the room and another room.

Table R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | | | SEISMIC DESIGN CATEGORY | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP | ICE BARRIER UNDERLAYMENT REQUIRED | FLOOD HAZARDS | AIR FREEZING INDEX | MEAN ANNUAL TEMP |
|------------------|-------------|---------------------|---------------------|------------------------|-------------------------|------------------------|------------------|------------|--------------------|-----------------------------------|---------------|--------------------|------------------|
| | Speed (mph) | Topographic effects | Special wind region | Wind-borne debris zone | | Weathering | Frost line depth | Termite | | | | | |
| 5 | 115 | No | No | No | B | Moderate | 12 in. | Very Heavy | 21°F | No | 9/3/2010 | 96 | 62°F |

R302.6.1 Alternate provisions. As an alternate to R302.6, the structure shall be protected by an approved NFPA 13d fire sprinkler system. Installation of said system shall be approved by the Fire Marshal. Sprinkler heads shall be installed in the following locations:

1. Two sprinkler heads in attached garages and basements in each automobile parking space
2. One sprinkler head over each water heater and furnace area if located in basement or garage
3. Two sprinkler heads in the kitchen

4. One sprinkler head in-laundry rooms
5. Unsprinklered areas of the basement must be separated from the garage with 1/2" gypsum wallboard applied to the garage side and with opening protection as required by Section R302.5.1

R309.5 Fire Sprinklers. This section shall be deleted in its entirety.

R312.2.3 Window opening control devices limitations. Window opening control device shall not be used in a bedroom on new construction of residential homes, 2nd story additions and bedroom additions to existing homes.

R313.2 One-and Two-Family Dwellings Automatic Fire Systems. This section shall be deleted in its entirety.

R314.3 Smoke Alarms. Smoke alarms shall be installed in the following locations:

1. In each sleeping room
2. Outside each separate sleeping area, in the immediate vicinity of the bedrooms
3. On each additional story of the dwelling including stairway access attics
4. In each garage and subdivided basement area

When more than one smoke alarm is required to be installed within an individual dwelling unit, the alarm devices shall be interconnected in such a manner that the actuation of one alarm will activate all of the alarms in the individual dwelling.

R401.1 Application. The provisions of this chapter shall control the design and construction of the foundation and foundation spaces for all buildings to include extensive renovations and the addition of stories to an existing structure. Existing footings for additional stories shall comply with section R403.1.1.1. In addition to the provisions of this chapter, the design and construction of foundations in areas prone to flooding as established by Table R301.2 (1) shall meet the provisions of Section R322. Wood foundations shall be designed and installed in accordance with AWC & PWF.

Exception: The provisions of this chapter shall be permitted to be used for wood foundations only in the following situations:

1. In buildings that have no more than two floors and a roof
2. When interior basement and foundations wall are constructed at intervals not exceeding 50 feet (15 240mm)

Wood foundations in Seismic Design Category D^o, D¹, or D², shall be designed in accordance with accepted engineering practice.

R401.4.3 Foundation. Footings and foundations for new constructions and additions installed on a lot or parcel that has an average grade slope exceeding 1/3 shall be designed by a State of Alabama licensed engineer. A geotechnical engineer shall be required to evaluate the site and inspect the footings and foundations.

R403.1.1 Minimum Size Required on All Footings. The minimum size for concrete footings and reinforcement shall be:

- Exterior Walls: 10" thick by 24" width with 2 #4 rods continuous
- Interior Piers: 12" thick by 24" square width with 4 #4 rods
- Interior Grade Beams: 8" thick by 18" width with 2 #4 rods continuous

N1101.1.1 The Alabama Energy and Residential Codes Board. The State of Alabama Energy and Residential Codes Board (AERC) current adoption and amendments to Chapter 11 shall be enforced.

P2603.6.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches (152 mm) below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches (152 mm) below grade.

P2801.9 Water Heaters Installed in Attics. Attics containing a water heater shall be provided with an opening and unobstructed passageway large enough to allow removal of the water heater. The passageway shall not be less than 30 inches (762mm) high and 22 inches (559 mm) wide and not more than 20 feet (6096 mm) in length when measured along the centerline of the passageway from the opening to the water heater. The passageway shall have continuous solid flooring not less than 24 inches (610 mm) wide. A level service space at least 30 inches (762 mm) deep and 30 inches (762 mm) wide shall be present at the front or service side of the water heater. The clear access opening dimensions shall be a minimum of 20 inches by 30 inches (508 mm by 762 mm) where such dimensions are large enough to allow removal of the water heater. An automatic shutoff valve and water sensor shall be installed to protect rooms below.

P3002.1.1 Pipe installed under slabs. Drain and waste pipe install in the ground and under slabs shall be Polyvinyl chloride (PVC) plastic pipe schedule 40 or better.

P3103.1 Roof Extension. All open vent pipes which extend through a roof shall be terminated at least 6 inches (152 mm) above the roof or 3 inches (76 mm) above the anticipated snow accumulation, except that where a roof is to be used for any purpose other than weather protection, the vent extension shall be run at least 7 feet (2134 mm) above the roof.

P3114.2 Installation of Air Admittance Valves. The air admittance valves shall be approved by the Building Official before installation. The valves shall not be

used in new construction or additions where a vent thru the roof is available. If the valve is approved, it shall be installed in accordance with the requirements of this section and the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section P2503.5.1 or P2503.5.2 has been performed."

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2668 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016,
2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2668 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

Draft
Ordinance

ORDINANCE NUMBER 2669

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-111 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL PLUMBING CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-111 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-111. – International Plumbing Code adopted.

- (a) A certain document, one (1) copy of which are on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Plumbing Code*, 2015 edition, including Appendix Chapters B, C, D, and E as published by the International Code Council, be and is hereby adopted as the *Plumbing Code of the City of Vestavia Hills*, in the State of Alabama, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Plumbing Code on file in the office of the Department of Building Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).
- (b) The following sections are added or hereby revised in its entirety to read as follows:

101.1 Title. These regulations shall be known as the *International Plumbing Code of the City of Vestavia Hills* hereinafter referred to as “this code.”

106.6.2 Fee Schedule. See ARTICLE III. FEES.

106.6.3 Fee Refund. See ARTICLE III. FEES

108.4 Violation Penalties. See ARTICLE I ADMINISTRATION.

108.5 Stop Work Orders. See ARTICLE I ADMINISTRATION.

305.4.1 Sewer Depth. Building sewers that connect to private sewage disposal systems shall be a minimum of 6 inches below finished grade at the point of septic tank connection. Building sewers shall be a minimum of 6 inches below grade.

702.2.1 Pipe installed in the ground and under slabs. Cellular Core PVC pipe shall not be installed as drain and waste pipe in the ground or under slabs. PVC pipe shall be schedule 40 or better.

903.1 Roof Extension. All open vent pipes that extend through a roof shall be terminated at least 6 inches above the roof, except where a roof is to be used for any purpose other than weather protection. Then the vent extensions shall be run at least 7 feet (2134mm) above the roof.

918.2 Installation of Air Admittance Valves. The air admittance valves shall be approved by the Building Official before installation. The valves shall not be used in new construction or additions where a vent thru the roof is available. If the valve is approved, it shall be installed in accordance with the requirements of this section and the manufacturer's installation instructions. Air admittance valves shall be installed after the DWV testing required by Section 312.2 or 312.3 has been performed.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2669 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2669 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 22nd day of August, 2016, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the ___day of _____, 2016.

Rebecca Leavings
City Clerk

Draft Ordinance

ORDINANCE NUMBER 2670

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-121 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL MECHANICAL CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-121 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-121. – International Mechanical Code adopted.

(a) A certain document, one (1) copy of which are on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Mechanical Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the *Mechanical Code of the City of Vestavia Hills*, in the State of Alabama regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the Department of Building Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).

(b) The following sections are added or hereby revised in its entirety to read as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

106.5.2 Fee Schedule. See ARTICLE III. FEES.

106.5.3 Fee Refund. See ARTICLE III. FEES

108.4 Violation Penalties. See ARTICLE I ADMINISTRATION.

108.5 Stop Work Orders. See ARTICLE I ADMINISTRATION.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2670 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2670 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2671

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-131 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL FUEL GAS CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-131 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-131. – International Fuel Gas Code adopted.

- (a) A certain document, one (1) copy of which are on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Fuel Gas Code*, 2015 edition, including Appendix Chapters A, B, and C (see International Fuel Gas Code Section 101.3, 2015 edition), as published by the International Code Council, be and is hereby adopted as the *Fuel Gas Code of the City of Vestavia Hills*, in the State of Alabama for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the Department of Building Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).
- (b) The following sections are added or hereby revised in its entirety to read as follows:

101.1 Title. These regulations shall be known as the *Fuel Gas Code of the City of Vestavia Hills*, hereinafter referred to as “this code.”

106.6.2 Fee Schedule. See ARTICLE III. FEES.

106.6.3 Fee Refund. See ARTICLE III. FEES.

108.4 Violation Penalties. See ARTICLE I ADMINISTRATION.

108.5 Stop Work Orders. See ARTICLE I ADMINISTRATION. “

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2671 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2671 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 22nd day of August, 2016, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, and Vestavia Hills Recreational Center this the ___day of _____, 2016.

Rebecca Leavings
City Clerk

Draft
Ordinance

ORDINANCE NUMBER 2672

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-141 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2014 NATIONAL ELECTRICAL CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-141 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-141. – National Electrical Code adopted.

A certain document, one (1) copy of which is on file in the office of the City Clerk of the City of Vestavia Hills, the Vestavia Hills Library and the Vestavia Hills Building Inspections Department, being marked and designated as the 2014 National Electrical Code be and is hereby adopted as the Electrical Code of the City of Vestavia Hills in the State of Alabama regulating and governing the design, construction, quality of materials, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the above mentioned locations in the City of Vestavia Hills are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed below.

(1) Exceptions to Permit Requirements.

No permit shall be required for the following installations or repairs:

- (a) Minor repairs
- (b) The installation of wiring, devices or equipment for telephone, telegraph, district messenger or telautograph systems, or any signaling systems (other than commercial radio systems) operating at fifty (50) volts or less when installed by a public utility subject to regulations as such by the Alabama Public Service Commission
- (c) For the installation, maintenance or repair of electrical service of a public utility corporation regulated by the Alabama Public Service Commission

(2) Unsafe Electrical Installations--Generally.

All electrical installations, regardless of type, which are unsafe or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety by reason of inadequate maintenance, dilapidation,

obsolescence or abandonment are, severally in contemplation of this section, Unsafe Electrical Installations. All such unsafe electrical installations are hereby declared illegal and shall be abated by repair or removal. Where, in the opinion of the Building Official, the hazard involved is sufficient to warrant disconnection of electricity, he shall then disconnect or order the utility company to disconnect immediately.

(3) Existing Installations.

The Department of Building Safety shall inspect or cause to be inspected at regular intervals existing electrical installations in all buildings where a high life hazard exists, such as places of public assembly and education occupancies.

(4) Qualification of Electricians.

Any person who desires to install electrical wiring within the City that is not exempt from a permit shall produce good and sufficient evidence to the Building Official that he/she is competent to do the work. Sufficient evidence shall be the following:

Master electrical license from The State of Alabama

(5) Electrical Permit--Required.

No person or homeowner shall install any wiring, device or equipment for the transmission, distribution or utilization of electrical energy for light, heat, power or radio, or the alteration, repair or addition to any existing wiring, the installation of which is regulated by this article, or shall cause any such work to be done, without first making application to the Department of Building Safety and obtaining a permit. Only competent individuals with sufficient evidence under "Qualification of Electricians" shall be permitted to perform electrical work within the City of Vestavia Hills.

(6) Copper Wiring

Copper wiring shall be used within a structure in the city, including wiring of ranges, washing machines and dryer circuits, with the exception that aluminum conductors may be used from the meter socket to the panel.

334.12.1 Nonmetallic-Sheathed Cable. Nonmetallic-Sheathed Cable shall not be used in wood framed commercial type buildings with the exception of inside individual apartment units.

410.36 (B) (1) Means of Support. Luminaires shall be supported on all corners of the fixture independent from ceiling grid.

(7) Emergency Backup Power.

- a) *[Required.]* Emergency backup power will be required in all new buildings built under the International Building Code for retirement and assisted living establishments and Institutional Group I-1, I-2, I-3, I-4 [day care] and all residential R2 that are classified independent senior living; and
- b) *[Capabilities.]* All backup power shall have the capability to handle all emergency life safety equipment listed in the International Building and Fire Codes including, but not limited to:
- a. Emergency lighting
 - b. Exit lights
 - c. Telephone system
 - d. Fire alarm systems
 - e. Minimum one (1) elevator egress for facilities two (2) stories or more
 - f. Room smoke detectors or corridor smoke detectors
 - g. Means of illuminated egress [corridors and stairs]
 - h. Standby power shall be permanently installed and capable of automatic transfer without loss of services other than transfer time and approved for location
 - i. One (1) heated area in a central area for cold weather emergencies
- c) *[Installation and maintenance.]* All requirements must meet the most recently adopted International Building and Fire Codes for installation and maintenance requirements; and
- d) *[Exception.]* An exception shall be granted to I-4 [day care] occupancies with written and implemented policies in place for emergency pickup; and
- e) *[Remedial compliance.]* Emergency backup power will be required in all existing retirement and assisted living establishments including institutional group I-1, I-2, I-3, I-4 [day care] and all residential R2 that are classified independent senior living. The Ordinance creating this section [Ordinance Number 2080] is hereby declared to be remedial with compliance required within three (3) years of the effective date of this section [March 7, 2005].
- f) *[Violation penalties.]* Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Building Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment not exceeding six (6) months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.
- g) *[Abatement of violation.]* In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful

construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2672 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2672 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

Draft
Ordinance

ORDINANCE NUMBER 2673

AN ORDINANCE AMENDING ORDINANCE NUMBER 2329 AND SECTION 5-151 OF THE VESTAVIA HILLS CODE OF ORDINANCES ADOPTING THE 2015 INTERNATIONAL SWIMMING POOL AND SPA CODE FOR THE CITY OF VESTAVIA HILLS, ALABAMA

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, THAT ORDINANCE NUMBER 2329 AND SECTION 5-151 OF THE VESTAVIA HILLS CODE OF ORDINANCES BE AMENDED AS FOLLOWS:

“Sec. 5-151. – International Swimming Pool and Spa Code adopted.

(a) A certain document, a copy of which is on file in the office of the Department of Building Safety of the City of Vestavia Hills, being marked and designated as the *International Swimming Pool and Spa Code*, 2015 edition, as published by the International Code Council, be and is hereby adopted as the *Swimming Pool and Spa Code of the City of Vestavia Hills*, in the State of Alabama, for regulating and governing the design, construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs, aquatic facilities and related equipment as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Pool and Spa Code on file in the office of the Department of Building Safety are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section (b).

(b) The following sections are added or hereby revised in its entirety to read as follows:

101.1 Title. These regulations shall be known as the Swimming Pool and Spa Code of the City of Vestavia Hills, hereinafter referred to as “this code.”

105.6.2. Fee Schedule. See ARTICLE III. FEES.

105.6.3. Fee Refund. See ARTICLE I ADMINISTRATION.

107.4. Violation Penalties. See ARTICLE I ADMINISTRATION.

107.5. Stop Work Orders. See ARTICLE I ADMINISTRATION.

305.8 Swimming Pool Barriers. The permit holder for the installation of a swimming pool shall be required to comply with all of the Barrier Requirements in section 305.”

SEVERABILITY:

If any part, section or subdivision of this Ordinance shall be held unconstitutional or invalid for any reason, such holding shall not be construed to invalidate or impair the remainder of this Ordinance, which shall continue in full force and effect notwithstanding such holding.

EFFECTIVE DATE:

This Ordinance Number 2673 shall become effective immediately following adoption and publishing/posting pursuant to Alabama law.

DONE, ORDERED, APPROVED and ADOPTED this 22nd day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Draft Ordinance

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2673 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 22nd day of August, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

Draft
Ordinance

RESOLUTION NUMBER 4858

**A RESOLUTION GRANTING ALABAMA POWER COMPANY A
UTILITY EASEMENT FOR CONNECTION OF ELECTRICAL
SERVICE**

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

1. The City Manager is hereby authorized to sign an agreement with Alabama Power Company to grant an easement, right and privilege as described in said agreement (copy attached); and
2. Resolution Number 4858 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

EASEMENT – POLE LINE

Source of Title:

Deed Book 201210, Page 25205

STATE OF ALABAMA

COUNTY OF JEFFERSON

W.E. No. A6173-06-AT16

APCO Parcel No. _____

Transformer No. S18368

This Instrument prepared by: Dean Fritz

Alabama Power Company
2 Industrial Park Dr
Pelham, AL 35124

KNOW ALL MEN BY THESE PRESENTS, That The City of Vestavia Hills, Alabama, a municipal corporation

_____ as grantor(s), (the "Grantor", whether one or more) for and in consideration of One and No/100 Dollar (\$1.00) and other good and valuable consideration paid to Grantor in hand by Alabama Power Company, a corporation, the receipt and sufficiency of which are hereby acknowledged, does hereby grant to Alabama Power Company, its successors and assigns (the "Company"), the easements, rights and privileges described below.

The right from time to time to construct, install, operate and maintain upon, over and across the Property described below, all poles, towers, wires, fiber optics, cables, communication lines, transformers, anchors, guy wires and other facilities useful or necessary in connection therewith (collectively, the "Facilities") for the overhead transmission and distribution of electric power and communications, along a route selected by the Company which is generally shown on the Company's drawing attached hereto and made a part hereof and which is to be determined by the locations in which the Company's Facilities are installed, and also the right to clear and keep clear a strip of land extending fifteen feet (15') from each side of the center line of the Facilities; further, the right in the future to install and utilize intermediate poles and Facilities on said strip, and the right to trim and cut and keep trimmed and cut all dead, weak, leaning or dangerous trees or limbs outside of the thirty foot (30') strip for the Facilities that, in the sole opinion of the Company, may now or hereafter endanger, interfere with or fall upon any of the Facilities. Grantor hereby grants to the Company all easements, rights and privileges necessary or convenient for the full enjoyment and use thereof, including without limitation the right of ingress and egress to and from the Facilities and the right to excavate for installation, replacement, repair and removal thereof; and also the right to cut, remove and otherwise keep clear any and all structures, obstructions or obstacles of whatever character, on, under or above said Facilities.

The easements, rights and privileges granted hereby shall apply to, and the word "Property" as used in this instrument shall mean, the following real property situated in Jefferson County, Alabama (the "Property"): A portion of a parcel of land located in the SW¼ of the SE¼ of Section 27, Township 18 South, Range 2 West, more particularly described in that certain instrument recorded in Deed Book 201210, Page 25205, in the Office of the Judge of Probate of said county.

In the event it becomes necessary or desirable for the Company from time to time to move any of the Facilities in connection with the construction or improvement of any public road or highway in proximity to the Facilities, Grantor hereby grants to the Company the right to relocate the Facilities and, as to such relocated Facilities, to exercise the rights granted above; provided, however, the Company shall not relocate the Facilities on the Property at a distance greater than ten feet (10') outside the boundary of the right of way of any such public road or highway as established or re-established from time to time. This grant and agreement shall be binding upon and shall inure to the benefit of Grantor, the Company and each of their respective heirs, personal representatives, successors and assigns and the words "Company" and "Grantor" as used in this instrument shall be deemed to include the heirs, personal representatives, successors and assigns of such parties.

TO HAVE AND TO HOLD the same to the said Company, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor, has caused this instrument to be executed by _____,

its authorized representative, as of the _____ day of _____, 20_____.

ATTEST (if required) or WITNESS:

The City of Vestavia Hill, Alabama, a municipal corporation
(Grantor - Name of Corporation/Partnership/LLC)

By: _____

By: _____ (SEAL)

Its: _____

Its: _____
[indicate: President, General Partner, Member, etc.]

For Alabama Power Company Corporate Real Estate Department Use Only Parcel No: _____

All facilities on Grantor: _____ Station to Station: _____

CORPORATION/LLC NOTARY

STATE OF _____

COUNTY OF _____

I, _____, a Notary Public, in and for said County in said State, hereby

certify that _____, whose name as _____ of
The City of Vestavia Hills, a municipal corporation, a Corporation is signed to the
foregoing instrument, and who is known to me, acknowledged before me on this day that, being informed of the contents of this instrument,
he/she, as such officer and with full authority, executed the same voluntarily for and as the act of said Corporation.

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

[SEAL]

Notary Public

My commission expires: _____

SKETCH OF PROPOSED WORK - SIMPLIFIED W.E.

Map Center UTM: 11721095 12136200

Map Center Lat/lon: 33.431187 -86.73464

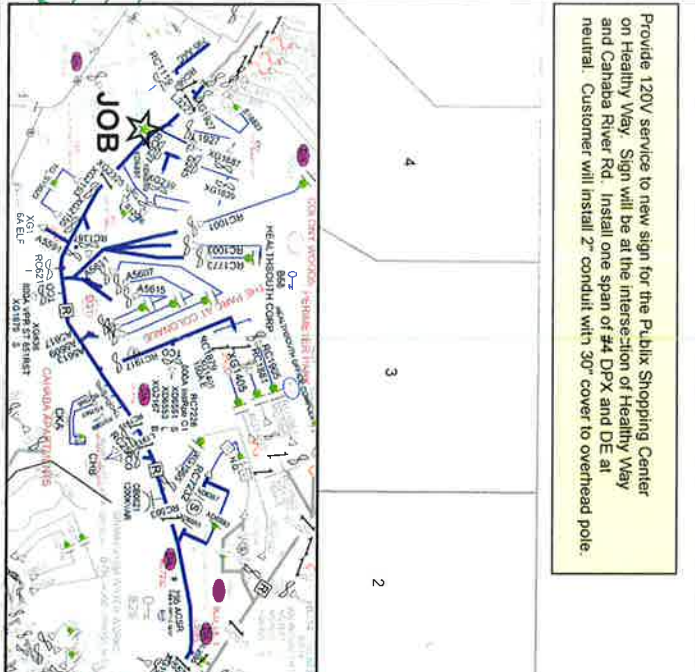
| | | | | | | | | | | | | | |
|----------|----------------------|----------|---------------|--------|-----------|----------|----------|------------|----------------|-------|-----|--------------|---------------|
| Customer | BLACKWATER RESOURCES | Location | HEALTHY WAY | County | Jefferson | Section | 27 | Township | 18S | Range | 02W | Estimate No. | A6173-06-AT16 |
| Division | BIRMINGHAM | District | PATTON CHAPEL | UserID | 11181 | Created: | 7/6/2016 | Substation | BLUE LAKE #1 X | 2246 | | | XG2325 |
| Town | VETA VIVA | | | | | | | | | | | | |

| | |
|-------------|-------|
| Missail No. | _____ |
| Work Date | _____ |
| Time | _____ |
| Update | _____ |

| | |
|---------------------|-------|
| ENERGIZED LINE WORK | |
| Sub | _____ |
| OCB/OCR | _____ |
| Switch# | _____ |
| Fuse Size | _____ |

| | |
|----------|-------|
| Voltagae | Sec. |
| 35 | 120 |
| Phone | _____ |
| Co. Name | N/A |
| CATV Co. | _____ |
| Co. Name | N/A |

| | |
|----------------|-------|
| Accessible | Y |
| Tree Crew | N |
| MissALL | N |
| Permits Req'd | N |
| RW | Y |
| City | N |
| County | N |
| State | N |
| Xmission | N |
| Short Circuit | _____ |
| LL: 4238 | _____ |
| LL: 3670 | _____ |
| LG: 3802 | _____ |
| LG(0): 767 | _____ |
| Xfmr Loading | _____ |
| KVA: 3.6 | _____ |
| Volt Drop 2.02 | _____ |
| Flicker: 3.85 | _____ |
| Addr Info | _____ |

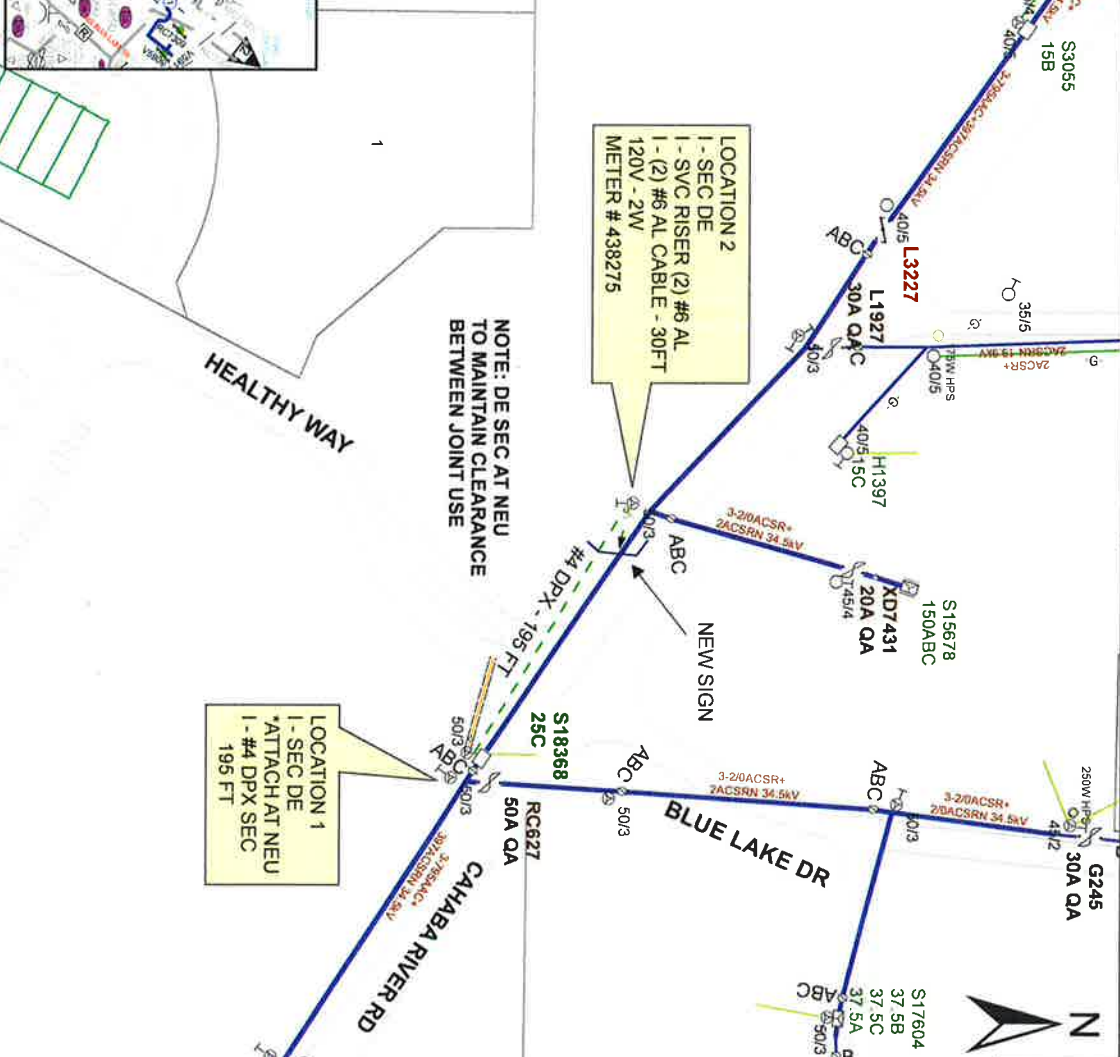


Provide 120V service to new sign for the Public Shopping Center on Healthy Way. Sign will be at the intersection of Healthy Way and Cahaba River Rd. Install one span of #4 DPX and DE at neutral. Customer will install 2" conduit with 30" cover to overhead pole.

LOCATION 2
 1- SEC DE
 1- SVC RISER (2) #6 AL
 1- (2) #6 AL CABLE - 30FT
 120V - 2W
 METER # 438275

LOCATION 1
 1- SEC DE
 *ATTACH AT NEU
 1- #4 DPX SEC
 195 FT

NOTE: DE SEC AT NEU TO MAINTAIN CLEARANCE BETWEEN JOINT USE



RESOLUTION NUMBER 4859

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AMENDMENT TO A CONSTRUCTION, OPERATION AND RECIPROCAL EASEMENT AGREEMENT (COREA)

WHEREAS, on November 21, 2013, the City of Vestavia Hills, Alabama and Vestavia Plaza, LLC entered into a Construction, Operation and Reciprocal Easement Agreement (“COREA”) for the construction of a new City Hall and Municipal Court/Police Department; and

WHEREAS, said COREA limited the number of restaurant tenants to one restaurant located in the Vestavia Plaza Shopping Center or as it is now known as The Shoppes at City Hall (“Shopping Center”); and

WHEREAS, a new restaurant tenant has entered into a contingent lease agreement with Vestavia Plaza, LLC to replace a Mattress King tenant subject to the approval of the Mayor and City Council for an amendment of the existing COREA in order to allow an additional restaurant tenant into the Shopping Center; and

WHEREAS, the Mayor and City Council agree it would be in the best public interest to amend the COREA in order to allow an additional restaurant tenant within the Shopping Center.

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

1. That the Mayor and City Manager are hereby authorized to execute and deliver a letter to Vestavia Plaza, LLC amending said limitation in the existing COREA and granting right for a second restaurant to be located in the Shopping Center; and
2. This Resolution Number 4859 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4862

A RESOLUTION DECLARING AN EMERGENCY AND AUTHORIZING THE CITY MANAGER TO PURCHASE BALLISTIC VESTS FOR THE VESTAVIA HILLS POLICE DEPARTMENT

WHEREAS, the Vestavia Hills Police Department (“VHPD”) consists of 86 law enforcement officers who enforce the law and order of the City of Vestavia Hills and are the first line of defense for all citizens and members of the public within the City; and

WHEREAS, law enforcement officers throughout the United States have been victims of sniper fire from high-power “F-rifle rounds” which can be found to penetrate the current ballistic vests of the VHPD; and

WHEREAS, in light of said above-described attacks, the Mayor and the City Council feel that protection of the City’s law enforcement officers is of the utmost importance and feel that it is in the best public interest to declare it an emergency and authorize and direct the City Manager to purchase new ballistic vests for all officers that are capable of stopping f-rifle rounds at a cost not to exceed \$19,000; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to declare such emergency and authorize the immediate purchase of new ballistic vests.

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 purchase new ballistic vests for the members of the VHPD in an amount not to exceed \$19,000; and
2. Funding shall be derived from the Capital Projects Fund; and
3. This Resolution Number 4862 is effective immediately upon adoption.

ADOPTED and APPROVED this the 25th day of July, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4860

**A RESOLUTION TO REDUCE THE CORPORATE
LIMITS OF THE CITY OF VESTAVIA HILLS,
ALABAMA, AND THE BOUNDARIES THEREOF
REESTABLISHED**

WHEREAS, on Healthsouth purchased property located Lot 1, Healthsouth Headquarters Addition to Liberty Park (Map Book 243, Page 1) in which a small portion of the property is located in the corporate limits of the City of Vestavia Hills, Alabama; and

WHEREAS, HealthSouth has filed a petition with the City Council of the City of Vestavia Hills requesting de-annexation of the small portion of property as described in the attached legal description and show in the map, a copy of which is marked as Exhibit A, attached to and incorporated into this Resolution Number 4860 as though written fully therein; and

WHEREAS, the Mayor and Council agree it is in the best public interest to grant HealthSouth's request determining that the property located at Lot 1, Healthsouth Headquarters Addition to Liberty Park (Map Book 243, Page 1) which is located in the corporate limits of the City of Vestavia Hills, Alabama of no benefit to the City.

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

1. This action is taken pursuant to the authority set forth in Title 11-42-200, et. seq., Code of Alabama, 1975; and
2. That petition signed by _____ represents the owner of said Lot 1, Healthsouth Headquarters Addition to Liberty Park (Map Book 243, Page 1); and

3. The City Council of the City of Vestavia Hills, Alabama, has determined and decided that the public good requires that the request of HealthSouth is due to be granted; and

4. That the legal description of the property to be de-annexed is described as follows:

A portion of Lot 1, Healthsouth Headquarters Addition to Liberty Park
(Map Book 243, Page 1)

More particularly described as:

A part of Lot 1, HealthSouth Headquarters Addition to Liberty Park, as recorded in Map Book 243, Page 1, in the Office of the Judge of Probate of Jefferson County, Alabama, being situated in the NE ¼ of the SW ¼ of Section 12; Township 18 South, Range 2 West, Jefferson County, Alabama, and being more particularly described as follows:

Begin at the Easternmost corner of Lot 1, HealthSouth Headquarters Addition to Liberty Park, said point also being on the Northwesterly line of Liberty Parkway (a private road); thence in a Southwesterly direction along the Southeasterly line of said Lot 1 and the Northwesterly line of Liberty Parkway a distance of 44.70 feet to a point; thence 94 degrees 00'05" to the right in a Northwesterly direction (leaving Liberty Parkway) a distance of 245.65 feet to a point on the Northeasterly line of said Lot 1; thence 169 degrees 34'56" to the right in a Southeasterly direction along the Northeasterly line of said Lot 1, a distance of 246.59 feet to the point of beginning. Containing 5,477 square feet or 1.126 acres.

5. The property owned by HealthSouth located in the City of Vestavia Hills, Jefferson County, Alabama, more particularly described in paragraph 4 above is hereby de-annexed from the corporate city limits of the City of Vestavia Hills, Alabama.

6. The corporate limits of the City of Vestavia Hills, Alabama, are hereby reduced so as to exclude the territory described in paragraph 3 above and the boundaries of the City are hereby re-established accordingly.

7. That pursuant to Section 11-42-201 of the Code of Alabama, 1975, the Clerk shall certify a copy of such Resolution, together with a plat or map correctly defining the

corporate limits proposed to be established and the names of all qualified electors residing in the territory proposed to be excluded from the area of such corporation and file the same with the Judge of Probate of Jefferson County.

DONE, ORDERED, APPROVED and ADOPTED this the 11th day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Resolution 4860 is a true and correct copy of such Resolution that was duly adopted by the City Council of the City of Vestavia Hills on the 25th day of August, 2016, as same appears in the official records of said City.

Rebecca Leavings
City Clerk

LOT 1
LIBERTY PARK URBAN CENTER
SECOND SECTOR
(Map Book 186, Page 28)

Scale: 1" = 100'
Graphic Scale



City of Birmingham
City of Vestavia Hills

N.E. 1/4 - S.W. 1/4
Sec. 12 - T18S - R3W

ACREAGE

AREA TO BE DEANNEXED

100'

Point of Beginning

169° 34' 56"

246.59'

City of Vestavia Hills
City of Birmingham

94° 00' 05"

44.70'

LOT 1
HEALTHSOUTH HEADQUARTERS
ADDITION TO LIBERTY PARK
(Map Book 243, Page 1)

LOT 1J
CORPORATE
WOODS ADDITION
TO LIBERTY PARK
RESURVEY NO. 3
(Map Book 206,
Page 51)

LOT 1N
CORPORATE WOODS
ADDITION TO LIBERTY PARK
RESURVEY NO. 4
(Map Book 221, Page 99)

LIBERTY PARKWAY
(A PRIVATE ROAD)

LOT 2
HEALTHSOUTH HEADQUARTERS
ADDITION TO LIBERTY PARK
(Map Book 243, Page 1)

Owner: Baptist Health System, Inc.

DEANNEXATION EXHIBIT

PREPARED BY:

WALTER SCHOEL ENGINEERING COMPANY, INC.

1001 22ND STREET SOUTH
BIRMINGHAM, ALABAMA 35205
(205) 323-6166

LEGAL DESCRIPTION
CITY OF VESTAVIA
DEANNEXATION PARCEL

A part of Lot 1, HealthSouth Headquarters Addition to Liberty Park, as recorded in Map Book 243, Page 1 in the office of the Judge of Probate of Jefferson County, Alabama, being situated in the N.E. 1/4 of the S.W. 1/4 of Section 12, Township 18 South, Range 2 West, Jefferson County, Alabama, and being more particularly described as follows:

Begin at the Easternmost corner of Lot 1, HealthSouth Headquarters Addition to Liberty Park, said point also being on the Northwestern line of Liberty Parkway (a private road); thence in a Southwesterly direction along the Southeasterly line of said Lot 1 and the Northwestern line of Liberty Parkway a distance of 44.70 feet to a point; thence $94^{\circ}00'05''$ to the right in a Northwesternly direction (leaving Liberty Parkway) a distance of 245.65 feet to a point on the Northeasterly line of said Lot 1; thence $169^{\circ}34'56''$ to the right in a Southeasterly direction along the Northeasterly line of said Lot 1 a distance of 246.59 feet to the Point of Beginning.

Containing 5,477 square feet or 0.126 acre.

RESOLUTION NUMBER 4863

A RESOLUTION AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO CONTINUE THE HOLLIS CROSSING ROADWAY PROJECT AND TO PROVIDE A TEMPORARY MULTI-USE PARKING LOT

WHEREAS, the Vestavia Hills Board of Education (“Board”) is involved in an existing construction project at Vestavia Hills Elementary Cahaba Heights to improve its existing facility and that project will constrain parking for use by the school and adjacent City of Vestavia Hills (“City”) athletic facilities; and

WHEREAS, the Board has an existing contractor engaged to perform said work as described above and has newly acquired property located adjacent to the existing school site; and

WHEREAS, the Mayor and City Council feel it is in the best public interest for the City and Board to coordinate in order to provide a joint use, temporary parking lot for use of school and athletic purposes on said newly acquired property located adjacent to the school site; and

WHEREAS, there is an existing City project to construct a new roadway known as Hollis Crossing that, if expanded, can provide access to said temporary parking area; and

WHEREAS, Sain Engineering is in the process of providing professional services to design an access to and layout of temporary parking; and

WHEREAS, the engineering and construction costs associated with ongoing and future design and construction of said roadway and temporary parking is estimated to cost \$350,000.

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

1. The City Council authorizes the City Manager to perform all action necessary to expend Gas Tax (Fund 7) and Capital Reserve Funds (Fund 20) to be utilized to up to an amount of \$350,000 for ongoing and future costs of the Hollis Crossing Project and temporary parking lot; and
2. The City Council further authorizes the City Manager to perform all actions necessary to collaborate with Board to enable the Board’s contractor to complete the road expansion and temporary parking lot as a change order to the existing construction contract; and
3. This Resolution shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 8th day of August, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



Work Authorization No. 3

TO: Mr. Jeff Downes
City Manager
City of Vestavia Hills, Alabama
513 Montgomery Highway
Vestavia Hills, Alabama 35216

PROJECT #: 14-0127

City P.O. No.: 14-24066

FROM: Darren Hamrick, P.E., LEED AP
Team Leader
Civil Engineering Division

DATE: June 7, 2016
(Original Proposal: 8/1/14)

SUBJECT: Cahaba Heights Elementary Roadway Project
Proposal for Additional Engineering Design
and Surveying Services
Cahaba Heights, Alabama
Existing PO No.: 14-24066

I. SCOPE

We will utilize a combination of topographic survey and Cahaba Heights Elementary Roadway plans as a basis for design. The following is our general understanding of the project:

- We understand that you intend to construct approximately 250' of the roadway to Station 5+25.
- We understand that you intend to construct a gravel parking area north of the proposed road and east of the dermatology office parking lot.
- We understand that this work will be performed by the contractor currently on site as a change order and have not included any bidding/contract negotiation services.
- On-street parking will be provided along the northern side of the road.
- The Cahaba Heights Elementary Roadway Plans will be updated to reflect the work to be performed during this phase.
- Sain Associates will perform a Topographic Survey on a parcel of land located at Cahaba Heights Elementary School situated in Jefferson County Alabama. See attached site map showing the topographic survey limits and the stockpile limits.
- Contours will be shown at 1-foot intervals and based from USGS datum. Spot elevations will be shown in flat areas. Two benchmarks will be set on site. We will show visible utilities and subsurface utilities as marked by utility companies or as shown on maps. We will coordinate with Alabama One Call requesting all subsurface utilities situated in public right-of-way marked to enable an accurate location and depiction of the subsurface utilities. Alabama One Call does NOT mark any utilities that are within the limits of private property. It is the responsibility of the owner to coordinate with a private line locator to have any subsurface utilities within the limits of private property, to be located by Sain Associates, marked prior to our arrival. Visible drainage structures will be shown indicating top

and invert elevations as well as type and size of pipes. Visible improvements will be shown including buildings, walls, fences, sidewalks, curbs, parking areas, and paved areas. Landscaped areas and tree lines will be shown on survey, individual shrubs and trees will NOT be shown on survey.

- No landscaping or irrigation design is included in this scope of services.
- No environmental studies, geotechnical studies, or retaining wall design is included in this scope of services.

Based on the above understanding, our proposed scope of work includes:

We will prepare construction documents for the roadway and gravel parking area that will include title sheet, layout, striping, demolition, grading, storm drainage, erosion control, sections and details in as few sheets as possible. We will use Sain's 24" x 36" sheet setup and border. Any modifications to our civil design documents after we begin our design will be considered as additional services.

II. BUDGET

Sain will complete this initial task for the following fee:

| | |
|---------------------------------|---------------------------------|
| Topographic Survey | Lump Sum \$3,000 |
| Construction Documents..... | Lump Sum \$8,800 |
| Construction Observations | Hourly with a Budget of \$3,000 |

III. STATUS

We will schedule surveying activities immediately upon receiving your signed authorization, and we will target to have the survey and design package for the gravel parking area completed by the middle of July.

IV. EXCEPTIONS

Any requested additional services such as ALTA/NSPI land title survey, boundary survey, locations and research of private boundary lines, plats for recording roadway boundary, construction stakeout, other legal descriptions, retaining wall design, traffic counts, lighting design (photometrics), environmental or geotechnical investigations will be negotiated with you prior to proceeding. We would discuss details with you prior to commencement of any additional services to verify your approval.

This agreement is subject to the Terms and Conditions of our existing agreement. All subsequent services required by you outside the scope of services specified will be performed on a time and materials basis according to the schedule of rates enclosed.



City of Vestavia, Alabama

S/A # 14-0127

APPROVED:



Darren Hamrick, PE, LEED AP
Team Leader, Project Development
Alabama License No. 23374

ACCEPTED:

CITY OF VESTAVIA HILLS

By: _____
Authorized Representative

Printed Name, Title

Date



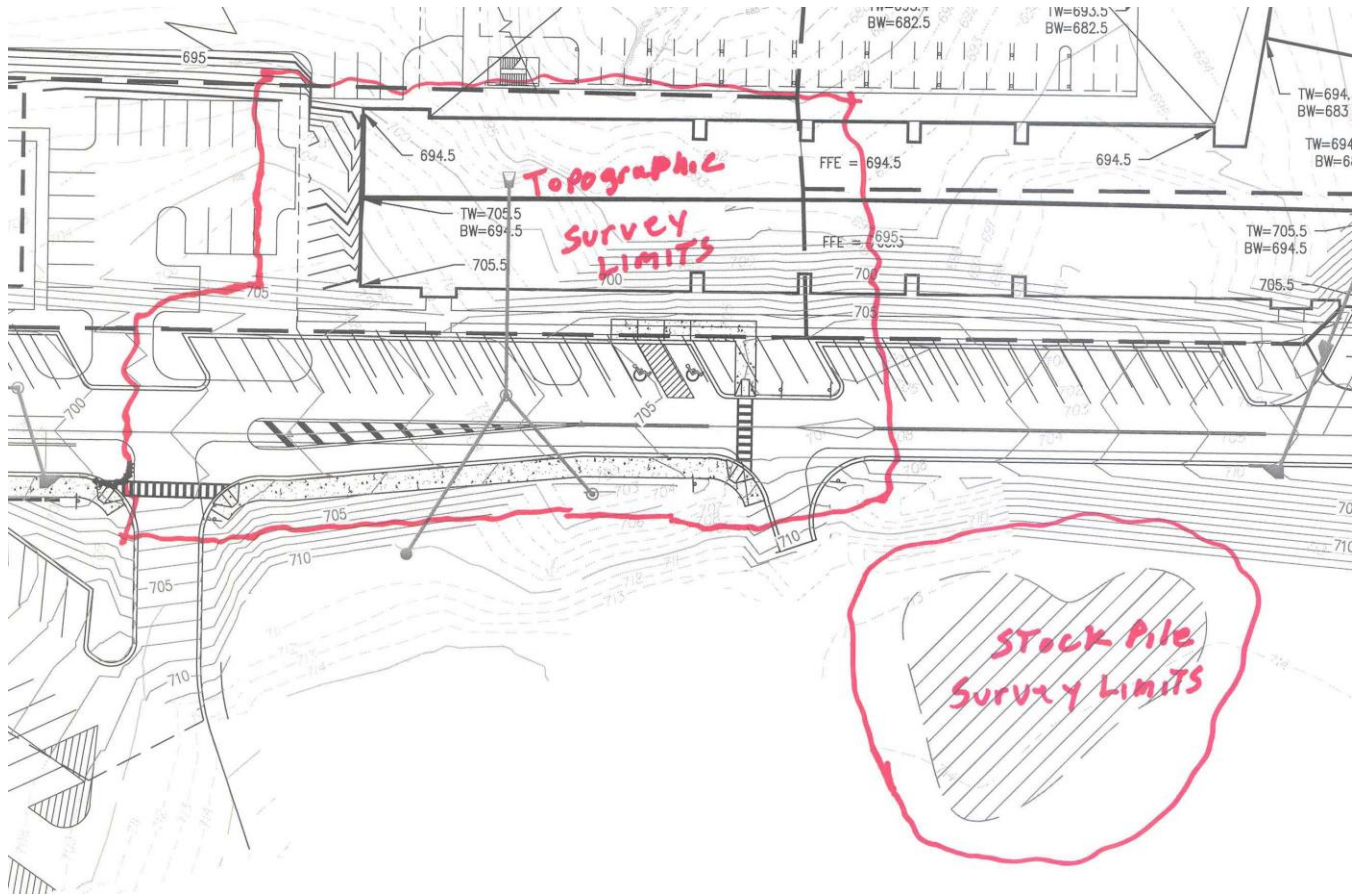
James A. Meads, PE
President/CEO
Alabama License No. 17294

Enclosure: Survey Limits, Site Plan

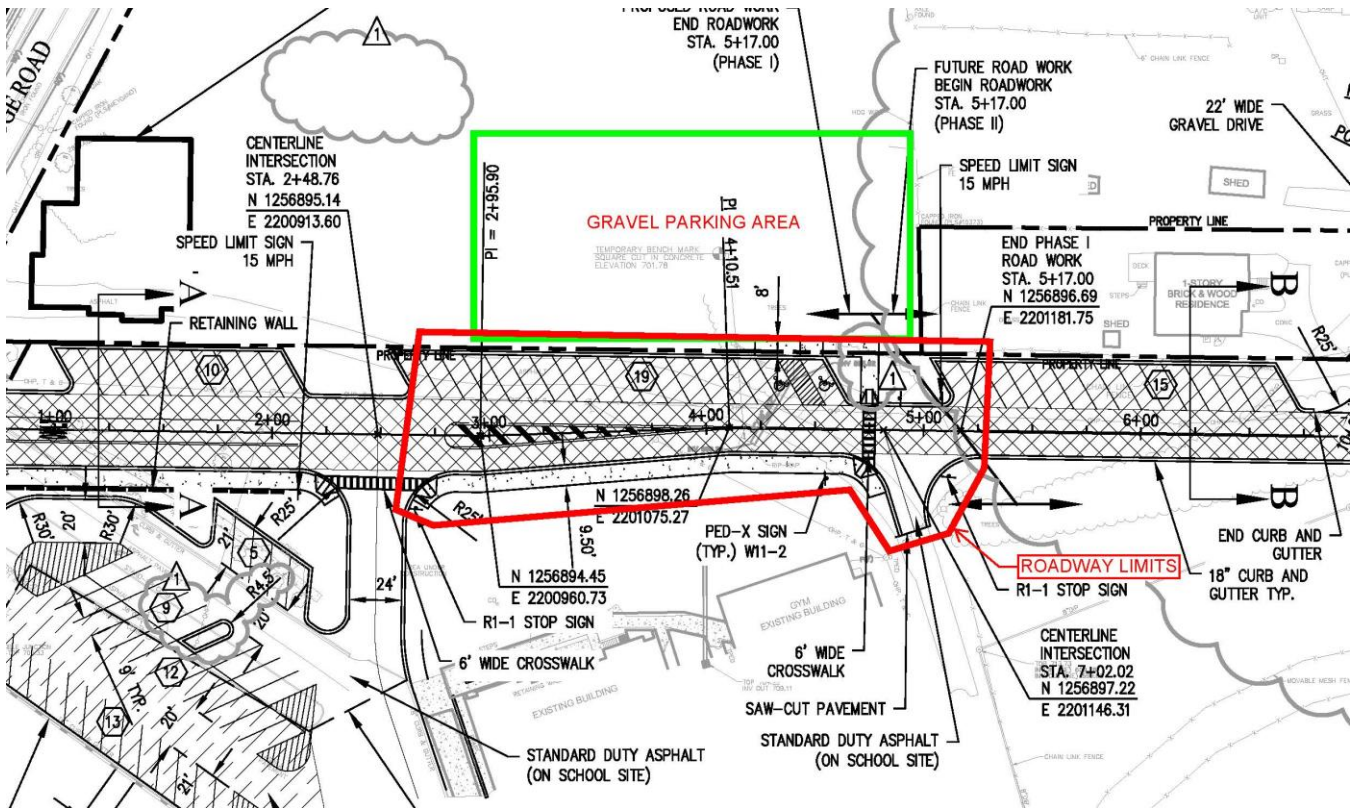
Cc: Joe Meads, Sain Associates
Roger Joiner, Sain Associates

P:\2014\140127\SaCivil\Contract\140127.Additional Work Auth No 3.doc





SURVEY LIMITS



SITE PLAN

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

June 17, 2016

By Hand Delivery

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

In Re: Expenditure of Gasoline Tax Revenue for Construction of Public Road

Dear Mr. Downes:

On June 15, 2016, you requested that I furnish you with my written legal opinion regarding whether or not the City of Vestavia Hills, Alabama ("City") may legally spend gasoline tax revenues for the construction of a public road in Cahaba Heights and also for the design and construction of a parking lot on property owned by the Board of Education of the City of Vestavia Hills, Alabama for public use. The purpose of this letter is to comply with your request.

Alabama law regarding taxes imposed on gasoline and the use of that tax revenue by municipalities is set forth below.

TITLE 40-17-325 (EFFECTIVE OCTOBER 1, 2012) RATES FOR TAX IMPOSITION: Title 40-17-325, *Code of Alabama, 1975*, provides in pertinent part as follows:

“§40-17-325. (Effective October 1, 2012) Rates for Tax Imposition.

(a) Subject to the exemptions provided for in this article, the tax is imposed on net gallons of motor fuel according to Section 40-17-326 at the following rates:

(1) Sixteen cents per gallon on gasoline, which is comprised of a \$.07 excise tax, a supplemental \$.05 excise tax, and an additional \$.04 excise tax.”

TITLE 40-17-359 (EFFECTIVE OCTOBER 1, 2012) USE AND DISTRIBUTION OF EXCISE TAX REVENUE: Title 40-17-359, *Code of Alabama, 1975*, provides in pertinent parts as follows:

“(12) PUBLIC HIGHWAY. Every highway, road, street, alley, lane, court, place, trail, drive, bridge, viaduct, or trestle located either within a municipality or in unincorporated territory and laid out or erected by the public or dedicated or abandoned to the public

or intended for use by or for the public. The term 'public highway' shall apply to and include **driveways** (*emphasis added*) upon the grounds of universities, colleges, **schools** (*emphasis added*), and institutions but shall not be deemed to include private driveways, private roads, or private places not intended for use by the public."

"(2) The revenue arising from the sale of gasoline as herein defined, except gasoline sold for use as fuel to propel aircraft and which gasoline is subject to the tax imposed in subdivision (3) of subsection (a) of Section 40-17-325, and except for revenues from the supplemental net tax proceeds, for all other purposes shall not be used for any purpose other than for the construction, improvement, maintenance, and supervision of highways, bridges, and streets, including the retirement of bonds for the payment of which such revenues have been or may hereafter be pledged."

TITLE 40-17-362 (EFFECTIVE OCTOBER 1, 2012) UTILIZATION OF THE MOTOR FUEL AND GASOLINE TAX: Title 40-17-362, *Code of Alabama, 1975*, provides in pertinent parts as follows:

"(b) It is the intent of the Legislature that the proceeds of the tax collected on motor fuel and gasoline under the provisions of this article shall be used in the following manner:

(3) Where the use is by a municipality, the use shall be for resurfacing, restoration, and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. From time to time, the funds may also be used to construct new roads and streets within the municipality. These funds shall not be commingled with other funds of the municipality, including any other gasoline tax revenues, and shall be kept and disbursed by the municipality from a special fund only for the purposes hereinabove provided."

TITLE 40-17-362 UTILIZATION OF THE MOTOR FUEL AND GASOLINE TAX (EFFECTIVE OCTOBER 1, 2016): Title 40-17-362, *Code of Alabama, 1975*, provides in pertinent parts as follows:

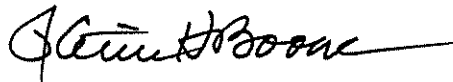
"(b) It is the intent of the Legislature that the proceeds of the remaining two-thirds revenues received or collected by the department from the additional six cents (\$.06) gasoline excise tax levied under Section 40-17-325(a)(1) and the revenues received or collected by the department from the additional six cents (\$.06) diesel fuel excise tax under Section 40-17-325(a)(2) shall be used in the following manner:

(3) Where the use is by a municipality, the use shall be for resurfacing, restoration, and rehabilitation of roads, bridges, and streets within the municipality. The use may also be for bridge replacement within the municipality. From time to time, the funds may also be used to construct new roads and streets within the municipality. These funds shall not be commingled with other funds of the municipality, including any other gasoline tax revenues, and shall be kept and disbursed by the municipality from a special fund only for the purposes hereinabove provided.”

It is my legal opinion, based upon the above statutes, that the gasoline tax revenue collected by the State of Alabama and paid to the City may be used by the City to construct public roads and streets and a driveway on public property for public use. However, it is my further legal opinion that the gasoline tax revenue may not be used to construct a parking lot for public use.

Please call me if you have any questions regarding this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp