

**Vestavia Hills
City Council Agenda
August 8, 2016
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation –Jason Burnett, Superintendent, Public Services Department
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
 - a. Presentation – Jim Crego, Jefferson-Blount-Shelby Mental Health Authority
 - b. Certificate of Commendation – Sebrina Stoutermire
6. Citizen Address – Jack Norris
7. City Manager’s Report
8. Councilors’ Reports
9. Approval of Minutes –July 25, 2016 (Regular Meeting)

Old Business

10. Resolution Number 4860 – A Resolution To Reduce The Corporate Limits Of The City Of Vestavia Hills, Alabama And The Boundaries Thereof Reestablished (*public hearing*)
11. 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*)

New Business

12. Resolution Number 4864 – A Resolution Appointing Election Officers For The Municipal Election To Be Held In The City Of Vestavia Hills, Alabama On August 23, 2016
13. Resolution Number 4865 – A Resolution Approving The Final 10% Of The 2015-2016 Fiscal Year Budget For The City Of Vestavia Hills

New Business (Unanimous Consent Requested)

First Reading (No Action Taken At This Meeting)

14. Resolution Number 4866 – A Resolution Approving And Adopting The General Fund Budget, A Special Revenue Fund Budget, A Capital Projects Fund Budget And A Sidewalk Project Fund Budget For The City Of Vestavia Hills For The Period Beginning October 1, 2016 Until September 30, 2017
15. 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
16. 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
17. 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
18. 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
19. 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
20. 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
21. 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
22. 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
23. 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
24. Citizens Comments
25. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

JULY 25, 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
Jim Sharp

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Kevin York, Police Captain
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
Lori Beth Kearley, Asst. City Engineer
Melvin Turner, Finance Director
George Sawaya, Asst. City Treasurer

Invocation was given by Pastor Chad Cossiboom, Shades Mountain Baptist Church, followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Pierce welcomed Donnie Dobbins who was in attendance representing the Chamber of Commerce.

- Mr. Ammons recognized Anne Smythe, Park and Recreation Board President, David Myers, Vice President and Immediate Past President, Tommy Dazzio who were in attendance.
- Mr. Pierce announced the annual “Back to School in the Hills” on August 12, 2016 at Oliver Square, Cahaba Heights beginning at 6:30 PM.
- Mr. Ammons reminded everyone that the Rocky Ridge First Friday is scheduled for August 5, 2016 beginning at 6 PM.

CANDIDATES

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.

The Mayor reminded everyone that the Municipal Election is scheduled for August 23, 2016. He read the candidates who have qualified to be on the ballot and what position for which they will each run.

CITY MANAGER'S REPORT

- Mr. Downes stated that the City is studying tactics for protection in an active shooter situation. Dates for the training have been set for July 27 and 29 between 8 AM and 10 AM.
- Bids have been sent for residential street resurfacing to will be opened August 11, 2016 and then on August 15, sanitation contract bids will be opened.
- Another major paving project will begin Wednesday on Columbiana Road from Gentilly Drive to Montgomery Hwy, then Tyler Road and finish up with Overton Road. This is a \$1.1 million project which is funded and set to be completed within 50 workdays. Paving will begin around 9 AM and culminate about 4 PM every afternoon.
- Rocky Ridge paving is virtually complete with the exception of a 300' section located in Hoover awaiting the location of a new gas line. Some shoulder work needs to be done; otherwise, the City's portion of paving is complete.
- Mr. Downes thanked the Vulcan Materials executives who came out to do a lot of work at McCallum Park in a voluntary effort to help with the trails, etc.

COUNCILORS' REPORTS

- Mr. Ammons asked Anne Smythe to report from a recent Park Board meeting.
 - Ms. Smythe stated that there was an inquiry from a family concerning pool badge sales. The Park Board implemented the new pool policy and ten badges have been sold. Beginning next year, the Board will be studying the entire pool process, including scheduling, etc.
- Mr. Henley attended a Board of Education meeting last week and received a due diligence report on the proposed purchase of the Berry High School property. The Board accepted the report and is moving forward with the purchase pending approval by a Federal judge to allow the sale.

FINANCIAL REPORTS

- Mr. Turner presented the financial reports for month ending June 2016. He read and explained the balances.
 - The Mayor explained negative balances that might appear during this part of the year because a majority of the revenues are received at the beginning of the year, but expenses are incurred all year.

APPROVAL OF MINUTES

The minutes of July 11, 2016 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of July 11, 2016 (Regular Meeting) and approve them as presented was by Mr. Henley and second by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes	Mr. Henley – yes
Mr. Ammons – yes	Mr. Sharp – abstain
Mayor Zaragoza – yes	Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4861

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*)

The Mayor stated that this public hearing was continued until tonight and brought back before this board for some remediation. The Mayor opened up the floor for a public hearing.

MOTION Motion to re-open the public hearing and present Resolution Number 4861 for action was by Mr. Pierce and second was by Mr. Ammons.

Mr. Goldman asked if anyone from Mercury Funding was present tonight. He determined that neither a representative from Mercury nor the property owner was present. He presented pictures showing that the remediation construction is in full swing. The back of the house is fully taken down and repairs have begun while some of the house contents have been removed. Mr. Goldman recognized the efforts of Officer Coleman and Keith Blanton, Building Official, in the work they did with the property owner.

Mr. Pierce asked if it is still the owner's intention to sell the home. Mr. Goldman stated that she is now contractually obligated to do that.

Mr. Henley asked about the tax lien. Mr. Goldman stated that he understands that she's waiting on Jefferson County to give her a payoff number.

Mr. Goldman recommended that the Council adopt the recommendation and begin the "clock ticking" on the process to ensure that it will be done to completion.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

ORDINANCE NUMBER 2674

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*)

MOTION Motion to approve Ordinance Number 2674 was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes stated that the City is under contract with an ownership group who desires to bring a Freddys Frozen Custard to this site. As a part of this contract, the City needs to request a rezoning of the property to a business district zoning classification.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

ORDINANCE NUMBER 2675

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*)

MOTION Motion to approve Ordinance Number 2675 was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes stated that as a part of the Public Works facility, the City desires to locate fleet operations at this remote part of property located in the same location as the current Liberty Park Sports Complex maintenance facility. This will allow the City to build a larger facility to allow a singular entrance to the park with an exit from the park shared with other traffic. The entrance would be controlled with landscaping and screening to be done. The infrastructure improvements are done to improve the traffic flow and allow for the installation of the pedestrian tunnel to be located adjacent to this site. He stated that he has had multiple conversations with the development manager of Liberty Park and they sent written acknowledgement today that they have no problems with the development as described.

Mr. Sharp indicated that the Planning and Zoning Commission found no problems with recommending the construction of this facility.

Mr. Pierce asked about hours of operations. Mr. Downes stated that the working hours are weekdays from 7 to 3:30 and the newly designed entrances would be to avoid problems with morning traffic. Three employees are there daily and the traffic flow to/from the site averages 10 vehicles per day. However, some vehicles are now dispatched from Wald Park, therefore, the average traffic per day would be less than 10.

Mr. Pierce stated that parking and other employees shouldn't be an issue with that few vehicles and employees.

Mr. Downes stated that this is for preventative maintenance and repair and traffic should not be an issue. Most traffic will use Sicard Hollow Road for access. He explained issues with the installation of a turning lane at Liberty Parkway and Sicard Hollow creates major issues and requires coordination with the City of Birmingham. Therefore, the ability to tie this project to that project is very problematic at this time.

Mr. Ammons asked about the width of the road and the proposed pedestrian tunnel and whether or not a golf cart can fit through the tunnel. Mr. Rob Vermillion stated that the size of the tunnel is 10X10.

Mr. Pierce asked the staff not to allow a large vehicle to exit the property at times when school traffic would be present.

The Mayor opened up the floor for a public hearing.

Efrain Horta, 3401 Watertown Place, asked if the park maintenance operations would be moved elsewhere because the parks need that attention from that location.

Brian Davis, Public Services Director, stated that nothing happens with the weekend and evening workers and during the daytime, work would depend on their schedules. They operate out of the baseball hub.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

RESOLUTION NUMBER 4855

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*)

MOTION Motion to approve Resolution Number 4855 was by Mr. Ammons and second was by Mr. Pierce.

Anne Smythe presented the proposal as approved by the Park and Recreation Board. David Myers led the project, so she asked him to describe the listing of desired work.

Mr. Myers explained the list and the recommendations from the Board for this request for short-term visions. He explained that Wald Park is utilized during the growing period and the work needs to be done ASAP in order to get all repairs done and the fields ready for playing next spring.

Mr. Henley asked when the project will begin.

Mr. Sharp commended the Park Board for this work.

Mr. Pierce asked the Board to check on the drainage along the fence line that many times gives off a bad odor because of stagnant water.

Mr. Myers stated that that smell has been there for years and he doesn't know from where it derives and they are looking at long-term plans to address.

The Mayor reminded everyone that this is a priority list but this is just the start of attempting to get all of the fields corrected and operating and functioning correctly. The first step was replacement of all the lighting, then overhauling of infields and now the outfields have to also be corrected. This is an ongoing effort.

Mr. Pierce stated that whenever a resident or a member of the Board has an issue, to bring it forward so the Council is aware of it. Mr. Ammons reminded everyone that sometimes issues are long-term issues that have to be addressed with time. The Council has attempted to be proactive, no reactive to these issues.

The Mayor opened up the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that the Resolution states that additional funding is being requested and asked if some funding had originally been approved. The Mayor explained that this is in addition to funding already budgeted.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

RESOLUTION NUMBER 4856

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*)

MOTION Motion to approve Resolution Number 4856 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes stated that a server was budgeted to house a new update to the City's financial software. However, as the final figures for the server came in, they were about \$30,000 greater than anticipated due to the size required for the software. Instead of

requesting additional funding, Mr. Davis indicated he would postpone replacement of a janitorial van to assist in paying for this server. So this reallocates budgeted funding in order to purchase the server.

The Mayor opened the floor for a public hearing.

Joseph Alesce, 1608 Sunnywood Circle, asked why there is a need for a new server for financial software instead of using other technology.

Mr. Downes indicated that was the opinion of the IT Director and he wasn't apprised of a cloud-based alternative. Mr. Ammons pointed out that a year or so ago, Tyler Technologies didn't offer a cloud-based solution and that might be the reason today.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

NEW BUSINESS

CITIZEN REQUEST FOR ASSISTANCE

Lyndsy Alesce, 1608 Sunnywood Circle, explained that a drainage easement on her property is deteriorating. Pictures were submitted to the City Council. She indicated that the City Public Services Department is responsible for the repair of drainage facilities. She indicated that there are neighbors who have lived there since this was installed and they told her that about 10 years ago the City did work on this storm drainage system.

Ms. Kearley explained that she has observed where the problem is occurring. She described this as a cement-lined ditch that is located in a private easement, not within the City's dedicated ROW.

Mr. Boone explained Alabama law regarding the City's obligation to maintain public ROW, but is prohibited from maintaining infrastructure on private property. The Supreme Court has held in several instances that cities have no obligation to provide repairs to private drainage easements. If this is located on private property, the City cannot expend any funds to repair a private easement drainage problem.

Ms. Alesce stated that she doesn't like it, but cannot argue the law. She stated that her neighbors indicated that the City did work on this years ago.

The Mayor stated that easements are located throughout the City and the City many times will be requested to go in and fix a problem, but the City it cannot do that. The Mayor stated that the Engineering Department can review it to see if the City has done any work in that easement.

RESOLUTION NUMBER 4845-A

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

MOTION Motion to approve Resolution Number 4845-A was by Mr. Ammons and second was by Mr. Pierce.

Mr. Downes explained that an administrative error prevented a previously scheduled public hearing and this simply re-sets the date of the hearing.

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	Mr. Sharp – yes
Mayor Zaragoza – yes	Motion carried.

RESOLUTION NUMBER 4858

Resolution Number 4858 - A Resolution For A Power Easement At The Entrance Of Patchwork Farms, Healthy Way

MOTION Motion to approve Resolution Number 4858 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes stated that the Publix store is in construction at Patchwork Farms with the anticipation of opening the first week of December. With that, an entrance sign will be needed and Alabama Power requires this easement in order to allow the installation of electricity in this area. A map is included to show the location.

The Mayor called for the question.

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

RESOLUTION NUMBER 4859

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)

MOTION Motion to approve Resolution Number 4859 was by Mr. Ammons and second was by Mr. Henley.

Mr. Downes explained an agreement between the City and the owners of the Shopping Center now known as the Shoppes at City Hall. This COREA governs the coexistence of the City Hall and the shopping center and it limits the number of restaurants to one. The owners have approached the City to allow a restaurant to open in the former Mattress King. Pyros Pizza is new to the Birmingham market with locations in Opelika and Tuscaloosa. This will be the 3rd in Alabama. This will allow a 2nd restaurant in the shopping center.

The Mayor called for the question.

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

NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)

The Mayor opened the floor for a motion for the unanimous consent of the immediate consideration and action on Resolution Number 4862.

MOTION Motion for unanimous consent of the immediate consideration and action on Resolution Number 4862 was by Mr. Ammons and second was by Mr. Pierce. Roll call vote as follows:

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

RESOLUTION NUMBER 4862

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

MOTION Motion to approve Resolution Number 4862 was by Mr. Ammons and second was by Mr. Henley.

The Mayor stated that this is in the wake of the attacks on law enforcement officers over last couple of weeks. He asked Chief Rary if the officers were shot in the head, do they have the right kind of protective gear. Chief Rary stated that the Dallas officers were shot in the chest and then later shot in the head. He indicated that they had been review ing some more heavy duty ballistics vests which are of better quality but can be obtained at a cheaper price than the ones they now have.

Chief Rary stated that historically the vests now being utilized are the ones that can be concealed and can be used for 8 to 12 hour shifts. These new vests will stop a bullet from rifle fire.

Captain York showed the proposed vests.

Chief Rary stated that the average weight is about 40 lbs. These range at \$210 each versus the \$700 paid for each of the other vests used today. He stated they believe these to be a good investment and an easy on/easy off piece of equipment for the safety of their officers.

The Mayor asked about the purchase of these items without bidding them.

Mr. Boone explained the competitive bid law which sets the limit at \$15,000. There is an emergency provision that allows an exemption. He indicated that this does, in his opinion, constitute an emergency which is of the utmost importance of our law enforcement officers.

Mr. Sharp stated that he would imagine a lot of police officers are looking for these and if the Council waits, they might run out of stock.

Discussion ensued as to the life of the vests, the protocol for when the vests will be utilized, etc.

The Mayor opened the floor for a public hearing.

There being no one to address the Council regarding this issue, the Mayor closed the public hearing and called for the question.

Mr. Pierce – yes

Mr. Henley – yes

Mr. Ammons – yes

Mr. Sharp – 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 August 8, 2016 at 5 PM.

- Resolution Number 4860 – A Resolution To Reduce The Corporate Limits Of The City Of Vestavia Hills, Alabama And The Boundaries Thereof Reestablished (*public hearing*)
- 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*)

CITIZEN COMMENTS

David Harwell, 1803 Catala Road, asked for a clarification of the voting places.

Donald Harwell, 1357 Willoughby Road, stated that he would like to make a comment about transparency. He stated that, as a citizen, this City does a fantastic job on keeping the business transparent by allowing first readings on the agenda, the ability to post the packet on the agendas, the public hearings that the Mayor opens for many of the agenda items, the work sessions that are open to the public. He stated that the interviews for boards are open to the public. He commended the City Council on the transparency which today is much better than over the past several years.

Mr. Henley stated that the moment the agenda packets hits the internet, the Council gets the notification at the same time as the public.

At 6:45 PM, Mr. Ammons made a motion to adjourn; seconded by Mr. Henley. Meeting adjourned at 6:46 PM.

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 shown on 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 8th 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 Northwesternly line of Liberty Parkway (a private road); thence in a Southwesterly direction along the Southeasterly line of said Lot 1 and the Northwesternly 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 the 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

City of Vestavia, Alabama

S/A # 14-0127

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



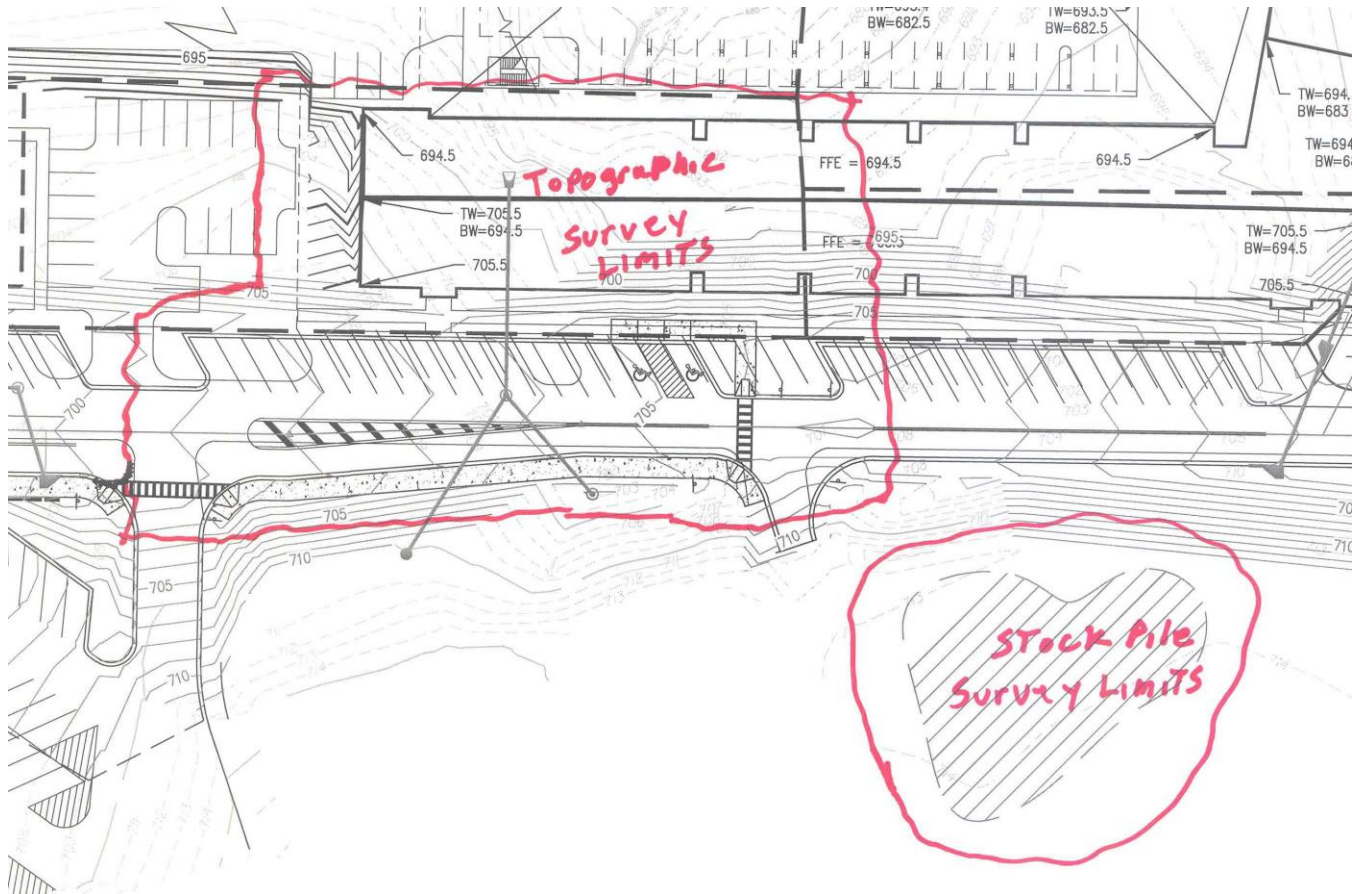
James A. Meads, PE
President/CEO
Alabama License No. 17294

Enclosure: Survey Limits, Site Plan

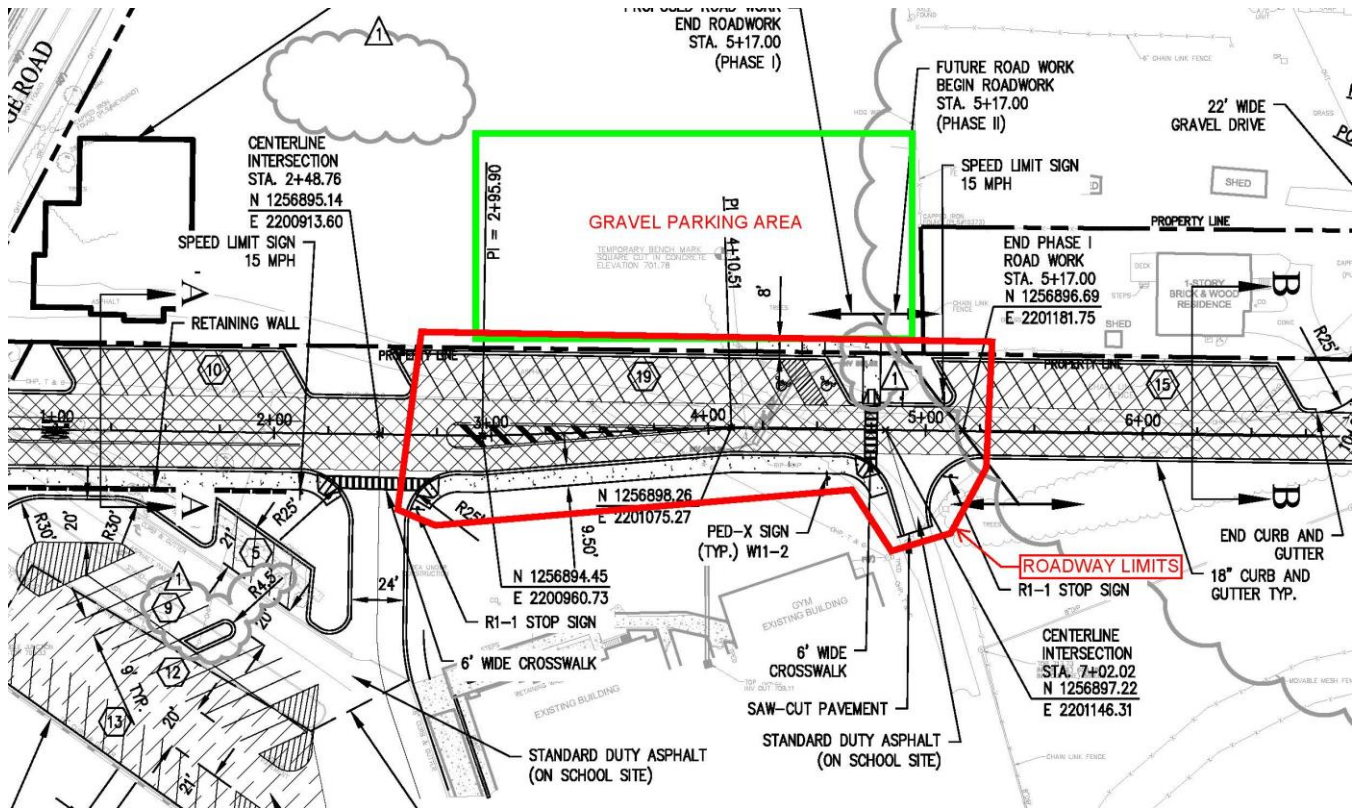
Cc: Joe Meads, Sain Associates
Roger Joiner, Sain Associates

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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:

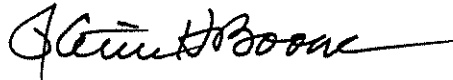
"(b) It is the intent of the Legislature that the proceeds of the remaining two-thirds revenues received or collected by the department from the additional six cents (\$.06) gasoline excise tax levied under Section 40-17-325(a)(1) and the revenues received or collected by the department from the additional 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,

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

Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

RESOLUTION NUMBER 4864

A RESOLUTION APPOINTING ELECTION OFFICERS FOR THE MUNICIPAL ELECTION TO BE HELD IN THE CITY OF VESTAVIA HILLS, ALABAMA ON AUGUST 23, 2016.

WHEREAS, a regular municipal election for the City of Vestavia Hills, Alabama, will be held on the 23rd day of August, 2016; and

WHEREAS, according to Title 37, Section 34 (26), Code of Alabama, 1975, the municipal governing body, or a majority of them, must appoint from the qualified electors of respective wards or voting districts, officers to hold the election as follows: a Chief Inspector and an Assistant Chief Inspector.

WHEREAS, the pay rates for each Chief Inspector will be at a rate of \$250.00 per day; each Assistant Chief Inspector will be at a rate of \$200.00 per day; and for each Clerk will be at a rate of \$175.00 per day. Poll worker hours begin at 6:30 a.m. and last until the Chief Inspector dismisses each clerk.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Vestavia Hills, Alabama, that the election officers for said election shall be as follows:

Horizon Church

1. Teresa Roberts
2. Cecelia Greer
3. Mary Ann Appling
4. Sue Edfeldt
5. Paul Edfeldt
6. Barbara Howell
7. Jane McHaffey
8. Laura Walker
9. Yvonne Kirkland
10. Claudette Gold
11. Beth Edwards

Mountaintop Community Church

1. Cynthia Bartlett
2. Carol Sims
3. Karen Bergquist
4. Anne Boston
5. Mary Carman
6. Frank Harper
7. Susan Jessup
8. Joanie Alfano
9. Brooke Hallman
10. Kathryn Terry
11. Sally Young

Vestavia Hills United Methodist Church

1. Jeannie Radecke
2. Pete Radecke
3. Rebecca Gentry
4. Susan Lanier
5. Carol Ann Morrison
6. Rebecca Babanats
7. Lisa Mcardle
8. Sally Helms
9. Patricia Hamilton
10. Nathaniel Jones
11. Rex Webb
12. Charlotte Rumore

Town Village

1. Nancy Kirk
2. Julia Danley
3. Buell Cobb, Jr.
4. Susan Fulton
5. Rebekah Jones
6. Sylvia Barrow
7. Gary Dunavant
8. Chrystal Shrum
9. Joanne Grove
10. Sharon Benton

New Merkle House

1. Margaret Crawford
2. Shane Acton
3. Bartie Acton
4. Elizabeth Cooper
5. Lenora Smith
6. Franklin Meredith
7. Glenn Rice
8. Micky Rubenstein
9. Barbara Smith
10. Kathryn Patterson
11. DeAnna Benefield

Liberty Park Baptist Church

1. Lucy Mason
2. Charles Mason
3. Vivian Smith
4. Carmelo Renda
5. Janice Renda
6. Lucienda Harmon
7. Gaines Smith

Absentee

1. Gayle England
2. Ruby Denson
3. Peggy Maddox

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4865

**A RESOLUTION FOR APPROVAL OF THE FINAL 10%
OF THE BUDGET FOR THE CITY OF VESTAVIA HILLS,
ALABAMA FOR THE FISCAL YEAR 2015-2016**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of September 14, 2015, adopted and approved Resolution Number 4752 to adopt 90% of a General Fund budget, 90% of a Special Revenue Fund budget, 90% of a Capital Project Fund budget and 90% of a Sidewalk Fund Budget for the fiscal year 2015-2016; and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, wishes to adopt the final portion (10%) of aforesaid budgets for the fiscal year 2015-2016.

Total Budget Recap

	General Funds	Special Funds	Capital Projects Funds	Sidewalk Projects Fund
Total Budget Approved	\$ 35,798,884.00	\$ 2,800,702.00	\$ 1,175,006	\$ 200,000
Less 90% approved in Res. 4308 & 4233	\$ 32,218,996.00	\$ 2,520,632.00	\$ 1,057,505	\$ 180,000
Final 10% to be approved	\$ 3,579,888.00	\$ 280,070.00	\$ 117,501	\$ 20,000

BE IT RESOLVED, by the City Council of the City of Vestavia Hills, Alabama, that the final portion of the annual budget amounting to \$3,579,888.00 (general funds), \$280,070.00 (special funds), \$117,501 (capital projects funds) and \$20,000 (Sidewalk Projects Fund) for the fiscal year 2015-2016 is hereby adopted.

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 4752

A RESOLUTION APPROVING AND ADOPTING THE GENERAL FUND BUDGET, A SPECIAL REVENUE FUND BUDGET, A CAPITAL PROJECT FUND BUDGET, AND A SIDEWALK PROJECT FUND BUDGET FOR THE CITY OF VESTAVIA HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 2015 UNTIL SEPTEMBER 30, 2016.

WHEREAS, the City Manager has prepared and presented a “general fund budget” which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$35,798,884 including transfers out, to be effective for the period beginning October 1, 2015, through September 30, 2016; and

WHEREAS, the City Manager has prepared a “special fund budget” for said period reflecting anticipated expenditures in the amount of \$2,800,702 including transfers from the General Fund, to be effective for the period beginning October 1, 2015, through September 30, 2016; and

WHEREAS, the City Manager has prepared a “capital projects fund budget” for said period reflecting expenditures in the amount of \$1,175,006 to be effective for the period beginning October 1, 2015, through September 30, 2016.

WHEREAS, the City Manager has prepared a “sidewalk projects fund budget” for said period reflecting expenditures in the amount of \$200,000 to be effective for the period beginning October 1, 2015, through September 30, 2016.

WHEREAS, Title 11-43-57, Code of Alabama, 1975, provides as follows:

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its

estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the current expenses of the City and interest on the bonded and other indebtedness of the City; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$32,218,996, of the municipal “general fund budget” for the City of Vestavia Hills for fiscal year 2015-2016 upon the terms, conditions, and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$2,520,632, of the municipal “special revenue fund budget” for the City of Vestavia Hills for fiscal year 2015-2016 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$1,057,505, of the “capital project fund budget” for the City of Vestavia Hills for fiscal year 2015-2016 upon the terms, conditions and provisions set forth below.

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$180,000, of the “sidewalk project fund budget” for the City of Vestavia Hills for fiscal year 2015-2016 upon the terms, conditions and provisions set forth below.

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$32,218,996, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$35,798,884 multiplied by 90% equals
\$32,218,996; and

2. The municipal “special revenue fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$2,520,632 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,800,702 multiplied by 90% equals
\$2,520,632; and

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$1,057,505 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$1,175,006 multiplied by 90% equals
\$1,057,505; and

3. The “sidewalk projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$200,000 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$200,000 multiplied by 90% equals
\$180,000; and

3. The City Manager is hereby authorized to expend the sum of \$32,218,996 from the General Fund, \$2,531,638 from the Special Revenue Fund, \$1,057,505 from the Capital Projects Fund, and \$180,000 from the Sidewalk Projects

Fund for municipal expenses for the period beginning October 1, 2015, and ending September 30, 2016.

4. Copies of the budget outlines are attached hereto, marked as Exhibit "A" and incorporated into this Resolution by reference as though set out fully herein.

5. This Resolution shall become effective immediately upon its approval and adoption.

APPROVED and ADOPTED this the 14th day of September, 2015.

Steve Ammons
Mayor Pro Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

Previous Year
Resolution

RESOLUTION NUMBER 4866

A RESOLUTION APPROVING AND ADOPTING THE GENERAL FUND BUDGET, A SPECIAL REVENUE FUND BUDGET, A CAPITAL PROJECT FUND BUDGET, AND A SIDEWALK PROJECT FUND BUDGET FOR THE CITY OF VESTAVIA HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 2016 UNTIL SEPTEMBER 30, 2017.

WHEREAS, the City Manager has prepared and presented a “general fund budget” which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$37,238,529 including transfers out, to be effective for the period beginning October 1, 2016, through September 30, 2017; and

WHEREAS, the City Manager has prepared a “special fund budget” for said period reflecting anticipated expenditures in the amount of \$2,893,517 including transfers from the General Fund, to be effective for the period beginning October 1, 2016, through September 30, 2017; and

WHEREAS, the City Manager has prepared a “capital projects fund budget” for said period reflecting expenditures in the amount of \$1,116,013 to be effective for the period beginning October 1, 2016, through September 30, 2017.

WHEREAS, the City Manager has prepared a “sidewalk projects fund budget” for said period reflecting expenditures in the amount of \$120,000 to be effective for the period beginning October 1, 2016, through September 30, 2017.

WHEREAS, Title 11-43-57, Code of Alabama, 1975, provides as follows:

Annual appropriation of funds for expenditures of all departments and interest on indebtedness: In all cities, the Council shall appropriate the sums necessary for the expenditures of the several City departments and for the interest on its bonded and other indebtedness, not exceeding in the aggregate within ten (10) percent of its

estimated expenses, and such City Council shall not appropriate in the aggregate an amount in excess of its annual legally authorized revenue. But, nothing in this section shall prevent such cities from anticipating their revenues for the year for which such appropriation was made, or from contracting for temporary loans as provided in the applicable provision of this title, or from bonding or refunding their outstanding indebtedness or from appropriating anticipated revenue at any time for the current expenses of the City and interest on the bonded and other indebtedness of the City; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$33,514,676, of the municipal “general fund budget” for the City of Vestavia Hills for fiscal year 2016-2017 upon the terms, conditions, and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$2,604,165, of the municipal “special revenue fund budget” for the City of Vestavia Hills for fiscal year 2016-2017 upon the terms, conditions and provisions set forth below; and

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$1,004,412, of the “capital project fund budget” for the City of Vestavia Hills for fiscal year 2016-2017 upon the terms, conditions and provisions set forth below.

WHEREAS, the City Council agrees to approve and adopt ninety (90) percent, or \$108,000, of the “sidewalk project fund budget” for the City of Vestavia Hills for fiscal year 2016-2017 upon the terms, conditions and provisions set forth below.

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$33,514,676, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$37,238,529 multiplied by 90% equals
\$33,513,676; and

2. The municipal “special revenue fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$2,604,165 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,893,517 multiplied by 90% equals
\$2,604,165; and

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$1,004,412 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$1,116,013 multiplied by 90% equals
\$1,004,412; and

4. The “sidewalk projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$120,000 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$120,000 multiplied by 90% equals
\$108,000; and

5. The City Manager is hereby authorized to expend the sum of \$33,514,676 from the General Fund, \$2,604,165 from the Special Revenue Fund, \$1,004,412 from the Capital Projects Fund, and \$108,000 from the Sidewalk Projects

Fund for municipal expenses for the period beginning October 1, 2016, and ending September 30, 2017.

6. Copies of the budget outlines are attached hereto, marked as Exhibit "A" and incorporated into this Resolution by reference as though set out fully herein.

BE IT FURTHER RESOLVED, in an effort to formalize the City's self-insurance of its general liability risk exposures and the self-insured retention it utilizes, the Mayor and City Council hereby authorize the reallocation of \$250,000 of the General Fund assigned fund balance for potential future claims activity beginning in Fiscal Year 2017.

This Resolution shall become effective immediately upon its approval and adoption.

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS

A LIFE ABOVE

ALBERTO C. ZARAGOZA, JR.
Mayor

JEFFREY DOWNES
City Manager

August 3, 2016

City Manager's Budget Message

FY 2017 General and Special Funds Budgets

Dear Mayor Zaragoza and City Councilors:

As your City Manager, I am proud to present to you my proposed Fiscal Year 2017 General and Special Funds Budget for your consideration. Over the last several years, our City has been in an enviable position where we have experienced an average 4% growth in general fund revenues when comparing to the previous year. This steady and consistent growth has been seen once again this year when looking at our estimated \$37,185,611 general fund budget. This budget is \$1,386,727 or 3.9% larger than the general fund budget approved last fiscal year. This growth will allow numerous strategic priorities to be met while also supporting the recurring increases in the costs of general municipal operations. We continue to engage in implementation of our economic development strategies that have assisted in a 9% growth in sales taxes and a 4.5% growth in property taxes for the current fiscal year's actual collections. As the pipeline of City economic development projects gets completed, we can look forward to a bright future as far as revenue metrics. This fact was referenced by third party rating agencies Fitch and Moody's in their recent review of the City's finances.

Comparison of Actual and Budgeted Revenues					
Fiscal Year	Budgeted Revenues	Actual Revenues	Increase from Previous Yr- Budgeted Revenues	\$ Budgeted Increase	Increase From Previous Yr- Actual Revenues
2017	\$ 37,185,611		3.9%	\$ 1,386,727	
2016	\$ 35,798,884		4.0%	\$ 1,361,623	
2015	\$ 34,437,261	\$ 35,259,597	4.2%	\$ 1,391,114	4.2%
2014	\$ 33,046,147	\$ 33,822,919	4.8%	\$ 1,501,207	1.7%
2013	\$ 31,544,940	\$ 33,253,511			

While this information is positive, Vestavia Hills still lags behind most Jefferson County municipalities as far as revenue per capita. This fact reinforces the perspective that our City staff is doing more with less- something that the staff is proud of. However, it also reinforces another fact- our City's ability to react in the timeliest manner to our residents' needs can be a challenge. As such, this budget attempts to make solid incremental funding improvements to services while keeping a priority on economic development so that the future growth of our revenues can keep pace with residents' demands.

Actual General Fund Revenue Per Capita				
Municipality	2015 Actual General Fund Revenue*	Population	General Fund Revenue Per Capita	% Difference From Vestavia Hills
Vestavia Hills	\$ 35,259,597	34,174	\$ 1,031.77	
Homewood	\$ 40,504,448	25,708	\$ 1,575.56	34%
Mt Brook	\$ 35,110,391	20,691	\$ 1,696.89	39%
Birmingham	\$ 397,859,000	212,461	\$ 1,872.62	45%
Hoover	\$ 109,927,118	84,848	\$ 1,295.58	20%
Bessemer	\$ 51,614,611	26,730	\$ 1,930.96	47%
* Source: FY 15 Audited Financial Statement except Bessemer- FY 14 Audit Report				

I am glad that the following priorities can be addressed in the FY 2017 budget:

1. Ensuring that the most valuable resource in the City, its employees, will feel appreciated and motivated to continue the hard work that makes our City "a life above."
 - a. The FY 2017 budget proposal includes a 2% cost of living increase to wages, full funding of longevity pay and merit increases.
 - b. It absorbs the increase in the cost of retirement benefits (Tier 1 Employer Share from 12.23% to 13.19% and Tier 2 Employer Share from 9.93% to 11.13%).
 - c. Employee health care costs will rise 6.5% effective January 2017. As a result, this budget proposes absorbing one-half of these additional expenses. The result is a \$4.50 per pay period increase for single coverage and a \$13.50 per pay period increase for family coverage effective January 1, 2017.

2. Ensuring that public safety remains a priority for our City and our ability to sustain an ISO Class 2 rating and the fact that we are the "safest big city in Alabama."

- a. The FY 2017 budget proposal funds one additional Police officer while fully funding the recent addition of three police officers that were added mid-year as a result of attrition management.
- b. It fully funds the recent addition of three firefighters that were approved mid-year.
- c. It fully funds our vehicle replacement program to ensure that our public safety fleet is in premium condition while providing additional funding for building improvements to our Fire stations.
- d. It funds the creation of a public safety chaplain program that will support internal and external needs associated with public safety.
- e. It funds improved mobile technology for the Police and Fire Departments. (Cradlepoint system)

3. Ensuring that improvement continues to be seen in the quality of our recreational facilities in addition to the recreational maintenance projects supported by previous fiscal year supplemental funding.

- a. The FY 2017 budget proposal funds the engineering and technical study and planning for facility improvements to the Cahaba Heights fields.
- b. It provides additional field maintenance including over seeding, aeration, and top dressing of fields.
- c. It provides an allocation of \$20,000 toward additional dragging and lining of fields on game day.
- d. It provides resources to support upgrades to administrative and financial systems associated with sports entities through the Parks and Recreation Board.

4. Ensuring the continuation of sidewalk construction and road infrastructure projects.

- a. The FY 2017 budget proposal includes an appropriation of \$120,000 toward additional sidewalk construction.
- b. Funds from the FY 2016 and FY 2017 budgets will be utilized for residential road paving.


5. Quality of Life initiatives will be funded.

- a. The FY 2017 budget proposal includes conversion of a part-time senior programs coordinator to full-time senior programs coordinator who will assist in a more robust level of services at the New Merkle House.
- b. It includes the purchase of a new senior transportation vehicle for use in driving seniors to vital medical appointments.
- c. It includes median and green space maintenance and refreshing to ensure a continued positive aesthetic in our City maintained common areas.
- d. It includes funding for Library maintenance issues and support for expansion of the Makerspace.

These recurring, new, and enhanced programs and services have been placed in our funding plan through a careful consideration of priorities and needs as represented in presentations by City departmental leadership, the thoughts and strategic plans of the Mayor and City Council, as well as the expressed wishes of other stakeholders who have presented various needs for the City's resources. While the City would like to satisfy everyone's needs, this budget is crafted with careful consideration of a limited set of resources. At the end of Fiscal Year 2015, our audited financial statements reflected solid fund balance reserves in all of our major operating funds. This spending plan does not propose any use of the general fund reserves, and proposes use of only a small amount of capital reserves so as to meet several high priority items associated with our City fleet, technology and recreational needs. As such, we will continue our sound foundation of underpinning our budgets with reserves that protect against economic downturns.

Historic Fund Balance Reserve Levels			
Major Operating Funds			
Fiscal Year	General Fund Balance	Capital Fund Balance	
2015	\$ 13,017,649	\$ 7,200,396	
2014	\$ 12,402,609	\$ 26,028,810	
2013	\$ 12,618,768	\$ 11,888,157	
2012	\$ 12,081,329	\$ 7,783,475	
2011	\$ 10,055,549	\$ 5,263,729	
2010	\$ 9,230,495	\$ 8,307,363	
Source: Audited Financial Statements			
Note: FY 2014 - City Hall Construction began			

In conclusion, I and our staff stand ready, willing, and able to respond to any questions, concerns, or interests associated with this proposed budget.

Sincerely

 Jeffrey Downes
 City Manager

VESTAVIA HILLS
BUDGET SUMMARY BY FUND

FY2017

FUNDS	GENERAL FUND	4¢ GASOLINE	5¢ GASOLINE	7¢ GASOLINE	E-911	COURT	LIBRARY STATE AID	LIBRARY DONATIONS	TAG ADMIN	CAPITAL	SIDEWALK	Grand Total
CITY REVENUE	21,714,120											23,273,343
COUNTY REVENUE	15,002,746											15,627,746
STATE REVENUE	131,895	199,000	95,000	300,000			21,020		113,973	290,650		1,037,565
PARKS & RECREATION	336,850											336,850
Total Revenue	37,185,611	199,000	95,000	927,000	782,250	516,000	21,020	95,000	113,973	340,650	0	40,275,504
NON DEPARTMENTAL *	3,240,955											3,240,955
CITY COUNCIL	81,425											81,425
MAYOR & ADMINISTRATION	1,150,213								113,973			1,264,186
CITY CLERK	374,601									6,454		381,055
MUNICIPAL COMPLEX	339,965									44,330		339,965
INFORMATION SERVICES	458,609									18,359		502,939
INSPECTION	509,323											527,682
COURT & CORRECTIONS	0					463,713						463,713
DISPATCH/E911	0				773,371	93,203						773,371
POLICE	8,191,505									298,525		8,583,233
FIRE	9,673,880									522,989		10,196,869
ENGINEERING	0											0
PUBLIC SERVICES	6,108,091	199,000	95,000	927,000						150,023	120,000	7,599,114
CITY GARAGE	294,837											294,837
PUBLIC LIBRARY	1,964,382						21,020	207,237		22,415		2,215,054
PARKS & RECREATION	0											0
Total Expenses	32,387,786	199,000	95,000	927,000	773,371	556,916	21,020	207,237	113,973	1,063,095	120,000	36,464,398
Excess (Deficiency) of Revenues Over (under) Expenditures	4,797,825	0	0	0	8,879	(40,916)	0	(112,237)	0	(722,445)	(120,000)	3,811,106
TRANSFERS OUT	(765,404)									(52,918)		(818,322)
TRANSFERS IN	52,918									738,276		818,322
DEBT SERVICE TRANSFER OUT **	(4,015,339)											(4,015,339)
OTHER FUND TRANSFER OUT	(70,000)											(70,000)
Total Other Financing Sources (Uses)	(4,797,825)	0	0	0	0	27,128	0	0	0	685,358	0	(4,085,339)
Net Change in Fund Balance	0	0	0	0	8,879	(13,788)	0	(112,237)	0	(37,087)	(120,000)	(274,233)

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 their 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

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

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 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 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) deep

8. 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 features 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 devices 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 foundation walls 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's (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 (762 mm) 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 installed 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

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

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 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 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 through 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

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 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 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

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 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 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

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

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 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 [daycare] 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 [daycare] 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 [daycare] 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

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

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

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