

**Vestavia Hills
City Council Agenda
September 26, 2016
5:00 PM**

1. Call to Order
2. Roll Call
3. Invocation –Logan Creasy; Associate Worship Pastor, Shades Mountain Baptist Church
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
 - a. Announcement of Special Meetings, September 28 and September 29, 2016 beginning at 5:00 PM
8. Financial Reports – Melvin Turner, III, Finance Director/City Treasurer
9. Approval of Minutes –September 12, 2016 (Regular Meeting)

Old Business

10. Ordinance Number 2678 – An Ordinance Granting A Conditional Use Approval For The Intended Purpose Of Raising And Housing Urban Hens At 724 Paden Drive. The Property Is Vestavia Hills R-2 And Is Owned By Malcolm McLeod (*public hearing*)
11. Ordinance Number 2679 – Rezoning – 3017 And 3029 Cahaba Heights Road; Rezone From Vestavia Hills B-3 (Business District) And Vestavia Hills O-1 (Office District) To Vestavia Hills B-1.2; Cahaba Heights Corner LLC And Bob Armstrong, Owners (*public hearing*)

New Business

12. Resolution Number 4881 - Appointing a member to the Design Review Board
13. Resolution Number 4882 – A Resolution Amending Resolution Number 4871 And Approving Financing Terms For City Vehicles Through Branch Banking And Trust Company

New Business (Unanimous Consent Requested)

14. Resolution Number 4880 – Annexation – 90-Day – Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*)
15. Ordinance Number 2682 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*)
16. Resolution Number 4883 – A Resolution Authorizing The City Manager To Issue A Refund To Charter Cable In The Amount Of \$98,746.95 (*public hearing*)

First Reading (No Action Taken At This Meeting)

17. Ordinance Number 2683 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*Public Hearing*) **To Be Considered At A Special Meeting, September 28, 2016 At 5:00 PM*
18. Ordinance Number 2684 - Annexation – Overnight – Portion Of The Former Campus Of Berry High School; Hoover City Board Of Education, Owner (*public hearing*) **To Be Considered At A Special Meeting, September 29, 2016 At 5:00 PM*
19. Citizens Comments
20. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

SEPTEMBER 12, 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.
George Pierce
John Henley
Jim Sharp

MEMBERS ABSENT:

Steve Ammons, Mayor Pro-Tem

OTHER OFFICIALS PRESENT:

Jeff Downes, City Manager
Patrick H. Boone, City Attorney
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Kevin York, Police Captain
Jim St. John, Fire Chief
Marvin Green, Deputy Fire Chief
Terry Ray, Deputy Fire Chief
Keith Blanton, Building Official
Scott Key, Fire Marshal
Brian Davis, Public Services Director
George Sawaya, Asst. City Treasurer

The Mayor announced that Mr. Ammons may be in later, his dad is in the hospital and he asked for everyone to pray for Mr. Ammons.

Invocation was given by Ben Acton, Associate Pastor, Southminster Presbyterian Church, followed by the Pledge of Allegiance.

CANDIDATES

- Agnes Chappell, candidate for Circuit Court Judge, Place 23, introduced herself and asked for support in November's election.

ANNOUNCEMENTS, GUEST RECOGNITION, CANDIDATES

- Mr. Pierce welcomed Donny Dobbins representing the Vestavia Hills Chamber of Commerce.
- The Mayor welcomed Jason Waters, Library Foundation Board.

CITY MANAGER'S REPORT

- Mr. Downes deferred his report due to the length of the agenda and the executive session.

COUNCILORS' REPORTS

- The Mayor commended Katie Garrett on her work for "Helping in the Hills" which was held last weekend and designed to assist people in need. He stated that the work was tough but was rewarding with 300 volunteers helping throughout the City.
- The Mayor stated that the shredding and e-recycling program held this last weekend was also a tremendous success.
- Vestavia Hills participated with Homewood and Mountain Brook for the 9-11 Remembrance Ceremony held on Sunday. Next year it'll be hosted in Homewood.

APPROVAL OF MINUTES

The minutes of the following meetings were presented for approval: August 22, 2016 (Regular Meeting); August 29, 2016 (Work Session) and August 30, 2016 (Special Meeting).

MOTION Motion to dispense with the reading of the minutes of August 22, 2016 (Regular Meeting); August 29, 2016 (Work Session) and August 30, 2016 (Special Meeting) and approve them as presented was by Mr. Pierce and second by Mr. Henley. Roll call vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

OLD BUSINESS

RESOLUTION NUMBER 4866

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 (*public hearing*)

MOTION Motion to approve Resolution Number 4866 was by Mr. Henley and second was by Mr. Sharp.

Mr. Downes explained that the budget was presented in August but this was postponed in order to allow the newly-elected officials to participate in a work session in order to familiarize themselves with the budget.

Discussion ensued concerning the proposed COLA increase versus the merit raises that some employees receive, longevity pay, etc.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, indicated that the *Vestavia Voice* shows that the City is lagging behind other cities per capita and stated that this and all future Councils should be commended on “doing what we do on the amount of money we do it.” However, the debt ratio is still too high and needs to be addressed.

Gayle England, 808 Vestavia Lake Drive, thanked the Council for approving a new vehicle for the senior driver program.

There being no one else present to address the Council on this matter, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

RESOLUTION NUMBER 4869

Resolution Number 4869 – A Resolution Approving A 2% COLA For Employees

MOTION Motion to approve Resolution Number 4869 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that this approves a 2% COLA for employees.

The Mayor called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

RESOLUTION NUMBER 4870

Resolution Number 4870 – A Resolution Approving Financing Terms For City Vehicles Through Branch Banking And Trust Company

MOTION Motion to approve Resolution Number 4870 was by Mr. Sharp and second was by Mr. Pierce.

Mr. Downes explained that the budget funded replacement of some vehicles and this financing allows for leasing them in order to allow the purchasing of said vehicles.

Mr. Turner explained the banks who had submitted a quote for interest and his recommendation from BB&T Bank which was far better than the other 11 banks who had quoted leasing options.

Mr. Henley explained the terms of financing and the amounts of the vehicles purchased.

The Mayor called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

RESOLUTION NUMBER 4871

Resolution Number 4871 – A Resolution Approving A Change Order And Overhead Charges From Forestry Environmental For Additional Work At Meadowlawn Park Approving Monies For Meadowlawn Park (*public hearing*)

MOTION Motion to approve Resolution Number 4871 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that this has been an ongoing project that has run into issues associated with a requirement from Jefferson County Environmental that a liner be added to the existing sanitary sewer to be installed by a Jefferson County recommended contractor. Working with a recommended contractor came to a cost of \$47,500 and approval will allow the project to continue.

Mr. Pierce asked about the access to the sewer from a neighboring residence.

Mr. Brady stated that the property owner has been notified of the needed access and expects him to cooperate since it is a Jefferson County ROW.

Discussion ensued as to expected completion. Mr. Brady explained various installations that needed to be done and once completed, the contractor will begin the grading work.

The Mayor opened the floor for a public hearing. There being no one present to address the Council on this matter, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

ORDINANCE NUMBER 2677

Ordinance Number 2677 – An Ordinance Repealing Ordinance Numbers 97, 751 And 1425 And Amending Section Numbers 15-2 Through 15-8 Of The Vestavia Hills Code Of Ordinances To Regulate And Control All Utility Construction, Both Public And Private, Under Existing Asphalt And Concrete Surfaces Within Public Rights-Of-Way Where The City Has Jurisdiction In An Effort To Protect The Integrity, Safety, And Operational Performance Of The Roadways Within The City Of Vestavia Hills

MOTION Motion to approve Ordinance Number 2677 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes stated that it is the responsibility of the City to keep and maintain rights-of-way improvements. It is difficult to be consistent with utility cuts within those rights-of-way and the repair following the cuts. To address these concerns, the Engineering Department has been working on this Ordinance that is modeled after a Mountain Brook Ordinance that allows the remediation of the damage from a utility cut within a public ROW.

Mr. Brady explained the specifications and requirements within the Ordinance, a process for permitting, including a bond that has to be in place prior to the issuance of the permit. Final repairs will be done by the City's contractor to allow more continuity with existing City improvements, both pavement and sidewalks. In addition, permits will be issued based upon the age of the existing improvements and the bonds can be increased up to \$10,000.

Discussion ensued about the Ordinance if it were “per cut,” “per project,” etc. Mr. Brady explained different circumstances. Also, City doing the repairs, the settling of the temporary patch before the finished patch is applied, etc., were discussed.

The Mayor opened the floor for a public hearing.

Terri Williams, representing AT&T, stated that they were made aware of this Ordinance just this morning. She commended Engineering on their work on the Ordinance and indicated that AT&T doesn’t do much work within streets, but they do enough to request that this be tabled in order to allow them to work with the Engineering Department to ensure this works within their policies and procedures.

Carol Walker, 2203 Rosewood Drive, commended the Council on this Ordinance and asked that it be adopted as presented in order to protect the infrastructure and the sidewalks of the City.

T.M. “Sonny” Jones, representing Birmingham Water Works, indicated that they will work with the Engineering Department if this is adopted, but recommended that they look at this Ordinance again because he believes it will cost more money than what the City is putting into the Ordinance. This doesn’t take into account manpower requirements, enforcement, etc.

Mr. Brady indicated that they pulled the estimated costs from recent quotes and stated that it was just a rough estimate. Firm repair costs will be requested before permits are issued.

Mr. Pierce asked if the Ordinance should be amended. Mr. Brady stated that the price isn’t built into the Ordinance, but would be based upon current estimates.

There being no one else present to address the Council on this matter, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

NEW BUSINESS

CERTIFICATE OF ELECTION – ASHLEY C. CURRY

The Mayor opened the floor for issuance of a Certificate of Election for Ashley C. Curry.

MOTION: Motion to issue Certificate of Election for Ashley C. Curry for the Office of Mayor was by Mr. Henley and second was by Mr. Sharp. Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

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

CERTIFICATE OF ELECTION – DENNIS “RUSTY” WEAVER

The Mayor opened the floor for issuance of a Certificate of Election for Dennis “Rusty” Weaver for Council, Place No. 1.

MOTION: Motion to issue Certificate of Election for Dennis “Rusty” Weaver for Council, Place No. 1 was by Mr. Henley and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

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

CERTIFICATE OF ELECTION – KIMBERLY COOK

The Mayor opened the floor for issuance of a Certificate of Election for Kimberly Cook for Council, Place No. 2.

MOTION: Motion to issue Certificate of Election for Kimberly Cook for Council, Place No. 2 was by Mr. Henley and second was by Mr. Pierce. Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

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

CERTIFICATE OF ELECTION – PAUL J. HEAD

The Mayor opened the floor for issuance of a Certificate of Election for Paul J. Head for Council, Place No. 3.

MOTION: Motion to issue Certificate of Election for Paul J. Head for Council, Place No. 3 was by Mr. Henley and second was by Mr. Sharp. Roll call vote as follows:

Mr. Pierce – yes
Mr. Sharp – yes

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

CERTIFICATE OF ELECTION – GEORGE PIERCE

The Mayor opened the floor for issuance of a Certificate of Election for George Pierce for Council, Place No. 4.

MOTION: Motion to issue Certificate of Election for George Pierce for Council, Place No. 4 was by Mr. Henley and second was by Mr. Sharp. Roll call vote as follows:

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

Motion carried.

RESOLUTION NUMBER 4873

Resolution Number 4873 – A Resolution Approving An Alcohol License For Roshan 1 LLC D/B/A AM PM Chevron For The Off-Premise Sale Of Retail Beer And Table Wine, Pyarali and Shezad Keshwani, Executives (*public hearing*)

MOTION Motion to approve Resolution Number 4873 was by Mr. Pierce and second was by Mr. Sharp.

Mr. Downes explained that the owner of this existing business is changing ownership and requesting off-premise sale of beer and wine.

Shezad Keshwani was present in regard to the request.

Mr. Pierce asked about training for employees.

Ms. Keshwani stated that they engage in the ABC training program. Some improvements and expansions have been done to the building and they are desiring to serve wings and pizza.

The Mayor opened the floor for a public hearing.

Gayle England, 808 Vestavia Lake Drive, asked if there was on-premise consumption.

The Owner stated that all sales are for off-premise consumption.

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

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

Motion carried.

RESOLUTION NUMBER 4874

Resolution Number 4874 - A Resolution Declaring Certain Personal Property As Surplus And Directing The Donation Of Said Property

MOTION Motion to approve Resolution Number 4874 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that the Police Department had declared some radar units as surplus and wish to donate to a neighboring community.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this issue, the Mayor closed the public hearing and called for the question:

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

RESOLUTION NUMBER 4875

Resolution Number 4875 – A Resolution Accepting A Bid For Mowing Of Rights-Of-Way In The City Of Vestavia Hills, Alabama

MOTION Motion to approve Resolution Number 4875 was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes explained that the budget that was approved tonight included funding for the mowing of rights-of-way in the City and this Resolution approves a bid from the lowest bidder, NatureScape for the next 3 years.

Mr. Pierce asked who currently holds the contract.

Mr. Davis stated that Landscape Workshop has it now, but did not bid this time.

Discussion ensued about recommendations for the bidders, using the bidders for previous projects, etc.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this issue, the Mayor closed the public hearing and called for the question:

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

RESOLUTION NUMBER 4876

Resolution Number 4876 – A Resolution Accepting A Bid For Landscape Maintenance At Vestavia Hills City Hall, The Vestavia Hills Library In The Forest And The City’s Passive Parks

MOTION Motion to approve Resolution Number 4876 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that funding was also approved for landscaping maintenance for certain city-owned properties and recommendation was to accept the lowest bidder, NatureScape for the 3-year contract.

Mr. Pierce asked if this will alleviate City employees from doing this landscaping work. Mr. Downes stated that this allowed the City to move City employees to other areas and more consistency of landscaping during the growing months.

The Mayor opened the floor for a public hearing.

Gayle England, 808 Vestavia Lake Drive, asked if the City still maintains the Boulder Canyon trails.

Mr. Davis stated that is primarily scouts who do that and the City doesn’t normally maintain it.

Mrs. England stated that her foundation does still have funding to use in this area.

David Harwell, 1803 Catala Road, suggested that these vendors remove the illegal signage in the City.

Discussion ensued as to other volunteer groups that helped in other areas of the City, including McCallum Park.

There being no one else to address the Council on this issue, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

RESOLUTION NUMBER 4877

Resolution Number 4877 – A Resolution Accepting A Bid For Pest Control Services For The City Of Vestavia Hills

MOTION Motion to approve Resolution Number 4877 was by Mr. Pierce and second was by Mr. Henley.

Mr. Downes explained that Mr. Davis has researched opportunities to bring some City services into a single contractor. One of those was pest control. Mr. Davis coordinated a bid process for Pest Control and recommended acceptance of Knox Pest Control, the lowest bidder.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this issue, the Mayor closed the public hearing and called for the question:

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

RESOLUTION NUMBER 4878

Resolution Number 4878 – A Resolution Accepting A Bid For Street Resurfacing And Repair For The City Of Vestavia Hills

MOTION Motion to approve Resolution Number 4878 was by Mr. Sharp and second was by Mr. Henley.

Mr. Downes explained that every 3 years residential street resurfacing is bid and the City Engineer has recommended the lowest bidder, which was Dunn Construction for the next 3-year contract.

Discussion ensued as to the amount of paving expected this year. Mr. Downes explained that the City has over 30 miles of streets and they are addressed on a cost-and-need basis to be used with existing funding. Without additional funding, the City is looking at 6 to 7 miles of paving.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this issue, the Mayor closed the public hearing and called for the question:

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

ORDINANCE NUMBER 2680

Ordinance Number 2680 – An Ordinance Approving The Agreement For The Renewal And Extension Of The Contract For Garbage And Trash Collection And Disposal Services For A Period Of One (1) Year At A Monthly Recurring Fee Of Nineteen And 62/100 Dollars (\$19.62) Per Residential Unit And Authorizing The Mayor And City Manager To

Execute And Deliver Said Agreement For And On Behalf Of The City Of Vestavia Hills, Alabama

MOTION Motion to approve Ordinance Number 2680 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained that as of October 1, 2016, the City is at the end of the sanitation contract with the current vendor. He stated that the City negotiated with this vendor in an attempt to once again renew; however, costs have escalated so much that it was impossible, therefore a bid process was begun. It was learned during the pre-bid conference that the proposed 2-month transition period was too short, so the City suspended the bid process and noted that the contract would be re-bid in February 2017 to allow a 6-month transition period. This Ordinance allows an extension of a contract for a year with a small increase in price and the bid process will be re-run within that timeframe.

Mr. Boone indicated that he drew up this proposed Ordinance, the contract and his opinion on this action of the Council. He stated that he has consulted with the attorneys for the vendor and they have agreed to the terms of this extension.

The Mayor opened the floor for a public hearing.

Gayle England, 808 Vestavia Lake Drive, stated that the contract came up for renewal and the it was not renewed because the City changed from backdoor to curbside pickup because of the costs. She stated that she does not envy the City Manager in this change of a garbage vendor.

There being no one else to address the Council on this issue, the Mayor closed the public hearing and called for the question:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

ORDINANCE NUMBER 2681

Ordinance Number 2681 – An Ordinance Confirming And Ratifying The Levy Of The 3.15 Mill Ad Valorem Tax In The City For Public School Purposes Pursuant To Amendment No. 352 To The Constitution Of Alabama Of 1901 And A Special Election Held In The City On January 13, 1976

MOTION Motion to approve Ordinance Number 2681 was by Mr. Henley and second was by Mr. Pierce.

Mr. Downes explained introduced Alan Zeiglar representing the School Board.

Alan Zeiglar, Bradley Arant Boult Cummings, stated that they are working with the Board of Education on a warrant and needed reaffirmation of this millage. Since this is levied by the City, it is the duty of the City to continue to collect and remit to the Board.

The Mayor opened the floor for a public hearing. There being no one to address the Council on this issue, the Mayor closed the public hearing and called for the question:

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

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

The Mayor opened the floor for unanimous consent of the immediate consideration and action on Resolution Number 4879.

MOTION Motion for unanimous consent of the immediate consideration and action on Resolution Number 4879 was by Mr. Pierce. Second was by Mr. Henley. Roll call vote as follows:

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

RESOLUTION NUMBER 4879

Resolution Number 4879 – A Resolution To Authorize The City Manager To Expend Up To \$20,001 For Purchase Of Library “Making Space/Crafting” Equipment For The Vestavia Hills Library In The Forest

MOTION Motion to approve Resolution Number 4879 was by Mr. Henley and second was by Mr. Pierce.

Ms. Tucker, Library Director, explained that this grant was just awarded to the City and the terms of the grant were that the funds be expended and invoiced prior to September 30, 2016. In order to meet that timing, unanimous consent of the Council was needed to allow the expenditure to occur for the making space area.

The Mayor called for the question.

Mr. Pierce – yes Mr. Henley – 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 September 26, 2016 at 5 PM.

- Ordinance Number 2678 – An Ordinance Granting A Conditional Use Approval For The Intended Purpose Of Raising And Housing Urban Hens At 724 Paden Drive. The Property Is Vestavia Hills R-2 And Is Owned By Malcolm McLeod.
- Ordinance Number 2679 – Rezoning – 3017 And 3029 Cahaba Heights Road; Rezone From Vestavia Hills B-3 (Business District) And Vestavia Hills O-1 (Office District) To Vestavia Hills B-1.2; Cahaba Heights Corner LLC And Bob Armstrong, Owners

CITIZEN COMMENTS

Carol Walker, 2203 Rosewood Drive, stated that she doesn't think that all of the City's debt is all that bad because she is the holder of some of the bonds.

Gayle England, 808 Vestavia Lake Drive, stated that as a past Council Member, she thanked the members for the work they have done over the past several years. She stated that it is a thankless job and they did a good and memorable job over the last several years.

EXECUTIVE SESSION

The Mayor indicated that the Council needed to go into executive session for an estimated 2 hours for the purchase and sale of property. He stated that there will be no business of the Council after the executive session and opened the floor for a motion.

MOTION Motion to enter into executive session for an estimated 2 hours for the purchase and sale of property was by Mr. Pierce and second was by Mr. Henley. Voice vote as follows:

Mr. Pierce – yes

Mr. Henley – yes

Mr. Sharp – yes

Mayor Zaragoza – yes

Motion carried.

At 6:24 PM, the Mayor, Council and Council-elect exited the Chamber and entered into executive session. At 8:25 PM, the Council and Mayor re-entered the Chamber and the Mayor called the meeting back to order.

At 8:26 PM, Mr. Pierce made a motion to adjourn; seconded by Mr. Henley.
Meeting adjourned at 8:27 PM.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2678

AN ORDINANCE GRANTING A CONDITIONAL USE APPROVAL FOR THE INTENDED PURPOSE OF RAISING AND HOUSING HENS

WHEREAS, on December 13, 2010 the City Council of the City of Vestavia Hills, Alabama approved and adopted Ordinance Number 2331 entitled the Vestavia Hills Zoning Code and establishing a conditional use approval for certain uses not permissible by right in zoning classifications; and

WHEREAS, on April 25, 2014, Malcolm McLeod submitted an application for conditional use approval to raise a maximum of two (2) hens on his property located at 724 Paden Drive, Vestavia Hills, Alabama; and

WHEREAS, the property located at 724 Paden Drive is presently zoned Vestavia Hills R-2 (residential district); and

WHEREAS, Table 5 of the Vestavia Hills Zoning Code sets forth the permissible uses within a R-2 classification; and

WHEREAS, the Vestavia Hills Planning and Zoning Commission at its regular meeting of August 11, 2016 voted to recommend approval of the request as presented, with certain stipulations by a vote of six (6) in favor and zero (0) against; and

WHEREAS, a copy of said application dated July 7, 2016 is attached and hereby incorporated into this Ordinance Number 2678.

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

1. Conditional Use Approval is hereby approved for Malcolm McLeod, for use of the property located at 724 Paden Drive to raise and house chickens with the following conditions:
 - (1) Maximum of two (2) hens may be allowed at any time;
 - (2) Coop must be permanently placed, fenced and shall not be moved to other portions of the property;
 - (3) No roosters shall occupy the premises at any time;
 - (4) Hens and/or eggs shall not be used for a commercial purpose;

- (5) This conditional use approval is location and owner specific and if Mr. McLeod shall ever vacate the premises, said conditional use shall be considered null and void;
- (6) If Mr. McLeod vacates the conditional use by not raising any hens for a period of more than one (1) year, said conditional use is considered null and void; and
- (7) If Mr. McLeod experiences any predators lured by said hens, he shall notify the Vestavia Hills Police Department immediately.

ADOPTED and APPROVED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2678 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 26th day of September, 2016 as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

P0816-33//39-2-1-2-6
724 Paden Drive
Keeping 2 chickens
Malcolm McLeod

P&Z Application
Page 5

R2

III. ACTION REQUESTED

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

Current Zoning of Property: Residential R-2

Requested Conditional use For the intended purpose of: Having (2) chickens

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

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

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

724 Paden Drive

Vestavia Hills, AL 35226

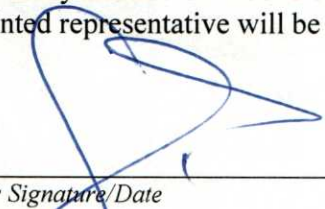
Property size: _____ feet X _____ feet. Acres: 2 acres

V. INFORMATION ATTACHED:

Attached Checklist complete with all required information.

Application fees submitted.

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

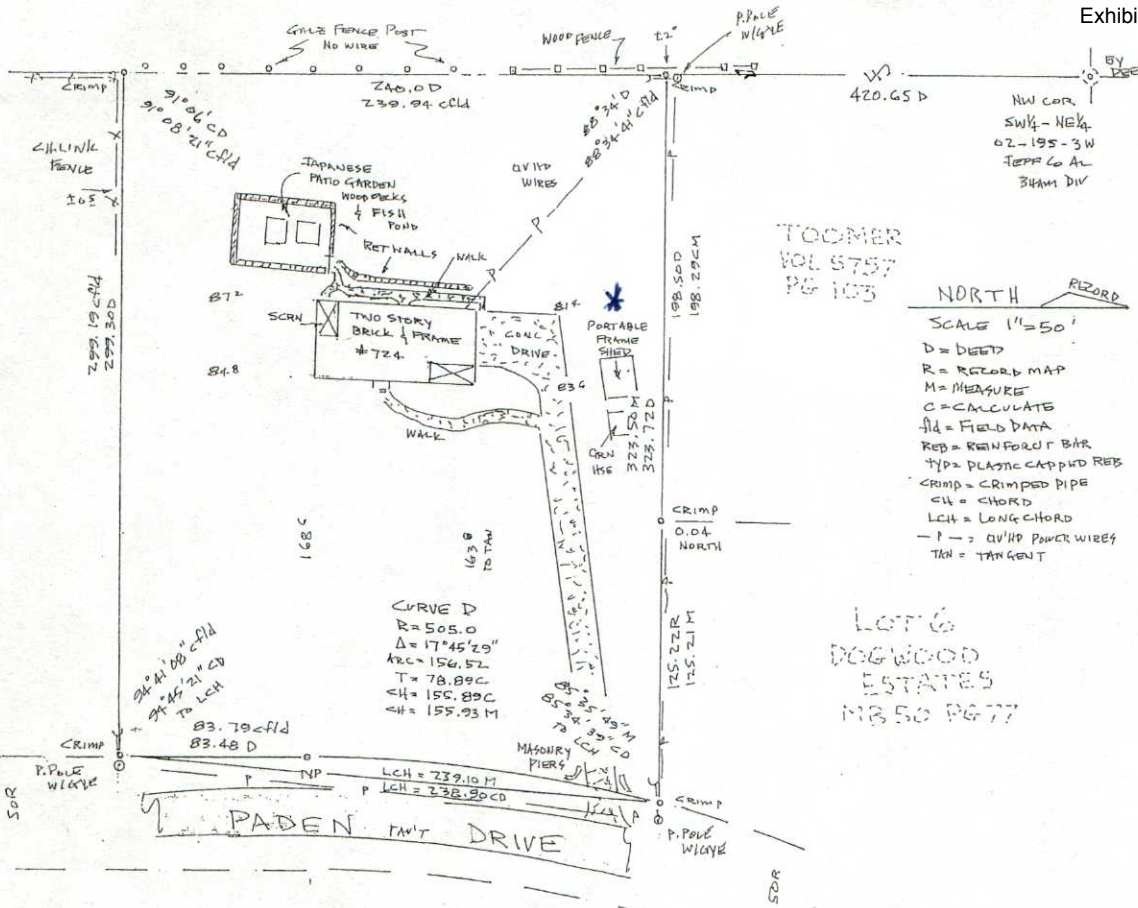

Owner Signature/Date

N/A
Representing Agent (if any)/date

Given under my hand and seal
this 5th day of July, 2018.


Notary Public
My commission expires _____
day of _____, 20____.

**My Commission Expires
March 8th, 2018**



STATE OF ALABAMA
JEFFERSON COUNTY

VESTAVIA COMMUNITY
BIRMINGHAM DIVISION

Legal Description: A tract of land in the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 19 South, Range 3 West, more particularly described as follows: Begin at the NW corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 2, Township 19 South, Range 3 West; thence South along the West line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 420.65 feet to the point of beginning, thence 88 degrees 34' to the left in an easterly direction along the South line of the property of Fred S. and Elizabeth Toomer as recorded in Vol. 5757, Page 103 and the South line of lot 6, according to the survey of Dogwood Estates recorded in Map Book 50, Page 77, in the Office of the Probate Judge of Jefferson County, Alabama, a distance of 323.72 feet to a point on the Westerly line of Paden Drive; thence 106 degrees 19'29" to the right (angle measured from the tangent of a curve) in a southerly direction along said westerly line of Paden Drive in a curve to left having a radius of 505.0 ft. and a central angle of 17 degrees 45'29" a distance of 156.52 feet to the P.T. (point of tangent of said curve), thence in the tangent to said curve and parallel to the West line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 83.48 ft. to a point, thence 91 degrees 06' (a measured angle of 04') to the right in a westerly direction a distance of 299.30 ft. (a measured distance of 299.61 ft.) to a point on the westerly line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, thence 88 degrees 54' (a measured angle of 56') to the right in a northerly direction along said westerly line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ a distance of 240.0 ft. to the point of beginning.

Address: 724 Paden Drive
Vestavia Hills, Al
35226

All structures are within the boundary of the same with no encroachment of adjacent properties, electric or telephone wires, poles, or gyes, other than those serving the premises, except as shown above.

I have consulted the available USGS Maps Of Flood Prone Areas and found the above described tract is not located in a Flood Prone Area.

"I hereby state that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information, and belief."

field June 5, 2015
drawing June 7, 2015

Olden G Webb III

Olden G Webb III LS
reg #11847
POB 62, Hayden, Al
35079-0062
1-205-780-5688



Malcolm McLeod

724 Paden Drive
Keeping 2 chickens
Malcolm McLeod

R2

- Approximately two (2) acre lot –
- Proposed Chickens to be approximately 20' feet from Shed to Property Line -
- Home completely wooded & obstructed from sight on three property boundaries -
- Chickens out of sight from street -

P0816-33//39-2-1-2-6

724 Paden Drive
Keeping 2 chickens
Malcolm McLeod

R2

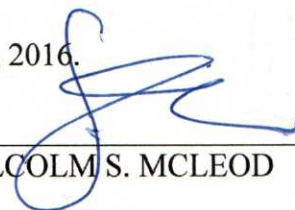
STATE OF ALABAMA)
COUNTY OF JEFFERSON)

AFFIDAVIT OF MALCOLM S. MCLEOD

I, Malcolm S. McLeod, being first duly sworn, do depose and state that I am over the age of nineteen (19) years, of sound mind, and I have personal knowledge of the facts which are herein set forth:

1. My name is Malcolm S. McLeod;
2. My present address is 724 Paden Drive, Vestavia Hills, AL 35226;
3. I have resided at said address since 1995;
4. There is no restriction, covenant, directive, et al., to my knowledge, in existence, concerning limitation on my home and the possession, dominion, control, et al, of chickens, whatsoever.

Respectfully submitted this the 5th day of July, 2016.


MALCOLM S. MCLEOD

I, Sandra L. Gannaway, a Notary Public in and for said County in said state, hereby certify that Malcolm S. McLeod, whose name is signed to the foregoing Affidavit, and who is known to me, acknowledged before me on this day that, being informed of the contents of the above and foregoing Affidavit, he executed the same voluntarily on the date the same bears date.

Given under my hand and official seal of office this the 5 day of July, 2016.


NOTARY PUBLIC

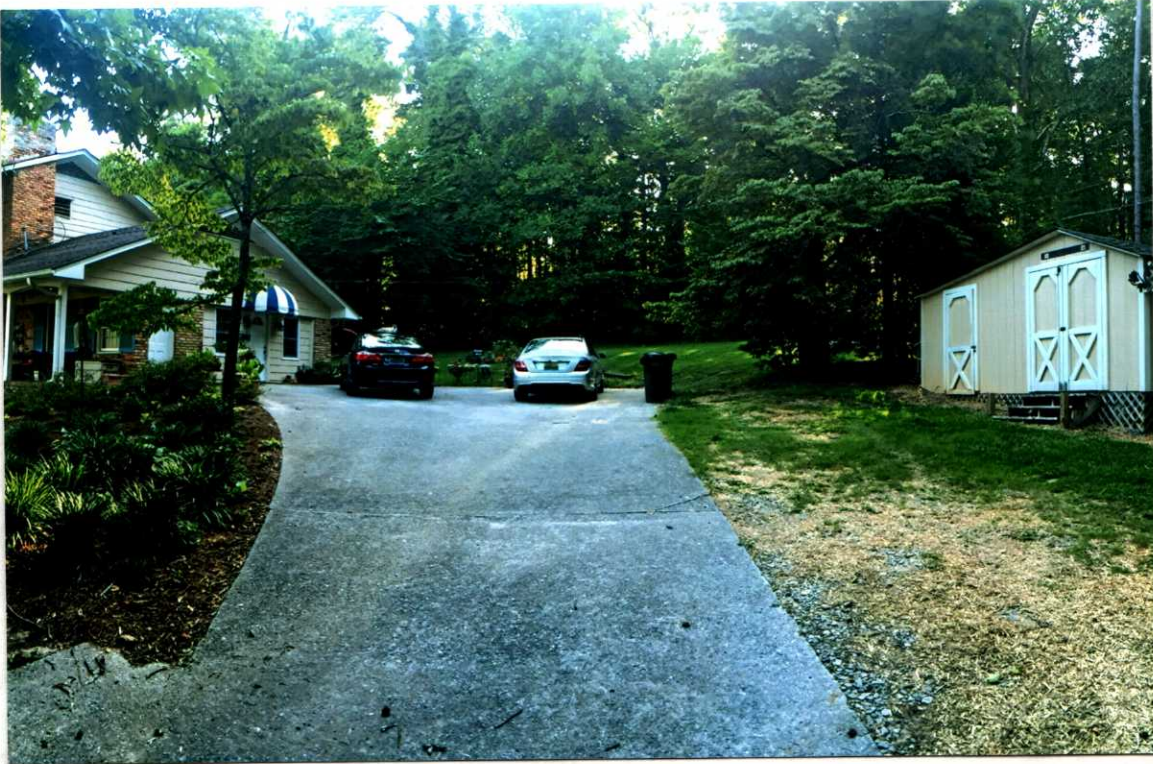
My Commission Expires:

**My Commission Expires
March 8th, 2018**





P0816-33//39-2-1-2-6
724 Paden Drive
Keeping 2 chickens
Malcolm McLeod



P0816-33//39-2-1-2-6
724 Paden Drive
Keeping 2 chickens
Malcolm McLeod

R2



ORDINANCE NUMBER 2679

AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS B-3 AND VESTAVIA HILLS O-1 TO VESTAVIA HILLS B-1.2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills B-3 (business district) and Vestavia Hills O-1 (office district) to Vestavia Hills B-2 (business district):

3017 and 3029 Cahaba Heights Road
Cahaba Heights Corner LLC and Bob Armstrong, Owner(s)

More particularly described as follows:

SURVEY DESCRIPTION PARCEL I

Commence at the Northwest corner of the Southeast Quarter of the Northwest Quarter of Section 22, Township 18 South, Range 2 West, Jefferson County, Alabama; run East for 468 feet to a point; thence turn right 90°05'43" and run 23.66 feet to a cross cut found on top of a retaining wall also known as the Point of Beginning of the property herein described; thence continue along the last described course for 202.33 feet to a 1" open top pipe found along the northeasterly margin of Shades Creek; thence turn left 124°29'28" and run Northeasterly along a tie line (Iron to Iron) to the aforementioned creek a tie distance of 252.20 feet to a 1/2" rebar found; thence leaving the northeasterly margin of said creek turn left 55°38'19" and run 58.15 feet to a Weygand capped rebar found; thence turn left 89°29'35" and run 207.75 feet along the North boundary established by Surveying Solutions to the Point of Beginning.

SURVEY DESCRIPTION PARCEL II

Port of the SE 1/4 (of the Northwest 1/4 of Section 22, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows: Commence at the Northwest corner of said Southeast 1/4 of Northwest 1/4 of said Section 22 and run in an Easterly direction along the North line of said 1/4-1/4 section for a distance of 676.78 feet; thence turn an angle to the right of 89 degrees 55 minutes 46 seconds and run in a Southerly direction for a distance of 25.37 feet to an existing iron

rebar set by Weygand and being the point of beginning; thence continue in a Southerly direction along the last mentioned course for a distance of 80.0 feet; thence turn an angle to the right of 59 degrees 59 minutes 02 seconds and run in a Southwesterly direction for a distance of 240.64 feet to an existing #5 iron rebar; thence turn an angle to the left of 148 degrees 32 minutes and run in an Easterly direction for a distance of 352.55 feet to an existing iron rebar set by J.A.M. and being on the West right of way line of Dolly Ridge Road; thence turn an angle to the left of 98 degrees 24 minutes 06 seconds and run in a Northerly direction along the West right of way line of Dolly Ridge Road for a distance of 104.56 feet to an existing iron rebar set by Weygand and to the point of beginning of a curve; said curve being concave in a Southwesterly direction and having a central angle of 51 degrees 24 minutes 16 seconds and a radius of 107.95 feet; thence turn an angle to the left and run in a Northerly and Northwesterly direction along the arc of said curve for a distance of 96.85 feet to a point of compound curve; said latest curve being concave in a Southwesterly direction and having a central angle of 18 degrees 03 minutes 27 seconds and a radius of 271.42 feet; thence continue in a Northwesterly direction and along the Southerly right of way line of Pump House Road for a distance of 85.54 feet, more or less, to the point of beginning; Containing 0.86 acres, more or less.

APPROVED and ADOPTED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2679 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 26th 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, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2016.

Rebecca Leavings
City Clerk

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

Date: **AUGUST 11, 2016**

- **CASE:** P-0816-35
- **REQUESTED ACTION:** from Vestavia Hills O-1 and Vestavia Hills B-3 to Vestavia Hills B-1.2 For The Purpose Of Commercial Development
- **ADDRESS/LOCATION:** 3017 Cahaba Heights Rd.
- **APPLICANT/OWNER:** Cahaba Heights Corner, LLC & Bob Armstrong
- **REPRESENTING AGENT:** Christopher Architects
- **GENERAL DISCUSSION:** Property is on the corner of Cahaba Heights Rd. and Dolly Ridge Rd. and is more commonly known as the Armstrong garage and the vacant property to the west. Applicant is seeking rezoning to build a restaurant building to potentially hold two establishments. The building would be approx. 6,000 sq. ft. The building would be as close as 5.5' at the intersection of Cahaba Heights Rd. and Dolly Ridge Rd. 76 parking spaces would be spread out among 2 separate lots. The creek running through the middle of the site will remain and be used as a feature for the restaurant. A proposed site plan, landscaping plan, and rendering is enclosed. Lots would be combined after rezoning.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for retail/mixed use.
- **STAFF REVIEW AND RECOMMENDATION:**
 1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.

City Planner Recommendation: No recommendation
 2. **City Engineer Review:** Approval needed on creek and drainage.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.

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

MOTION Mr. Wolfe made a motion to recommend rezoning approval of 3017 Cahaba Heights Rd. from Vestavia Hills O-1 and Vestavia Hills B-3 to Vestavia Hills B-1.2 with the condition:

- A. The two lots be resurveyed into one lot.

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

Mr. Goodwin – yes

Mr. Gilchrist – yes

Mr. Wolfe – yes

Mr. Brooks – yes

Motion carried

Mr. Burrell – yes

Mr. Sharp – yes

Mr. House – yes

Mr. Larson – yes

Subject Property



Location
 Cahaba Heights is a geographically diverse neighborhood of mixed-use development located in the heart of the City of Cahaba Heights, Alabama. The site is centrally located within the city limits, providing easy access to major transportation routes and local amenities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is located in the heart of the city, providing easy access to major transportation routes and local amenities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities.

History of this project
 Cahaba Heights was annexed by the City of Cahaba Heights in 2007. The site was previously owned by the Cahaba Heights Community Development Corporation. The site was purchased by the City of Cahaba Heights in 2010. The site was then sold to the current owner, who has been working on the development of the site since 2010. The site is located in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities.

Goals | Principles
 The goals and principles of the project are to create a vibrant, walkable, and sustainable community. The project will provide a mix of housing, commercial, and recreational opportunities. The project will be designed to be walkable, with sidewalks, crosswalks, and bike lanes. The project will be designed to be sustainable, with green roofs, rainwater harvesting, and energy-efficient buildings. The project will be designed to be vibrant, with a mix of uses and a mix of housing types. The project will be designed to be walkable, with sidewalks, crosswalks, and bike lanes. The project will be designed to be sustainable, with green roofs, rainwater harvesting, and energy-efficient buildings. The project will be designed to be vibrant, with a mix of uses and a mix of housing types.

Assets | Opportunities
 The site has several assets and opportunities. The site is located in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities.

Challenges
 The project faces several challenges. The site is located in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities.

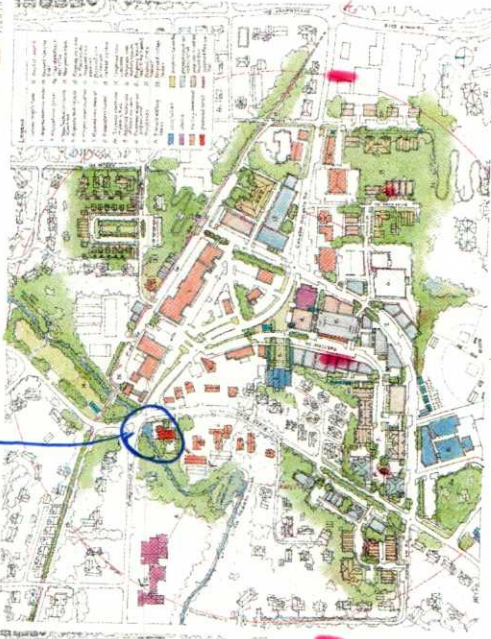
Conclusion
 The project is a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities. The site is bounded by the Cahaba River to the north and the Cahaba Hills to the south. The site is situated in a prime location for development, offering a mix of residential, commercial, and recreational opportunities.

Appendix
 The appendix contains additional information about the project, including site plans, maps, and photographs. The appendix is located at the end of the report. The appendix contains additional information about the project, including site plans, maps, and photographs. The appendix is located at the end of the report. The appendix contains additional information about the project, including site plans, maps, and photographs. The appendix is located at the end of the report.

Subject Property

Cahaba Heights Village

Vestavia Hills | Alabama



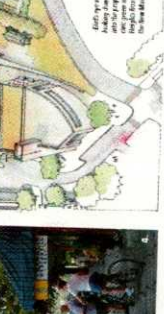
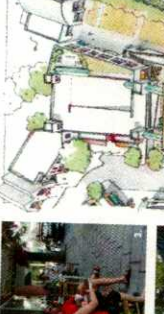
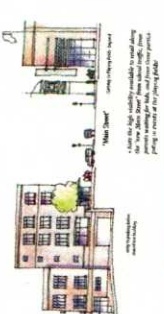
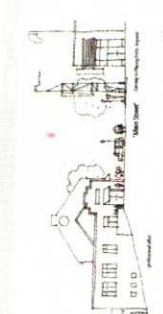
Concepts
 The project is designed to be a walkable, vibrant, and sustainable community. The project will provide a mix of housing, commercial, and recreational opportunities. The project will be designed to be walkable, with sidewalks, crosswalks, and bike lanes. The project will be designed to be sustainable, with green roofs, rainwater harvesting, and energy-efficient buildings. The project will be designed to be vibrant, with a mix of uses and a mix of housing types. The project will be designed to be walkable, with sidewalks, crosswalks, and bike lanes. The project will be designed to be sustainable, with green roofs, rainwater harvesting, and energy-efficient buildings. The project will be designed to be vibrant, with a mix of uses and a mix of housing types.

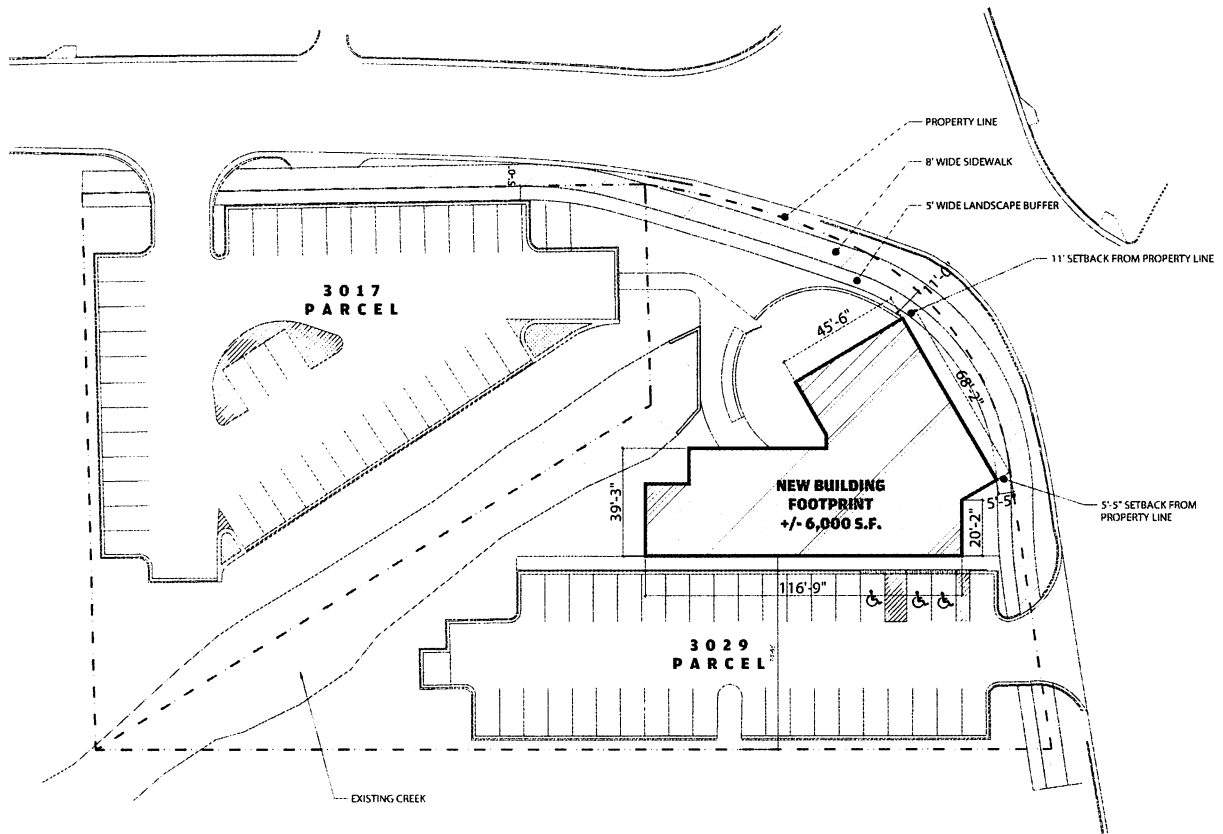
Action
 The project will be implemented in several phases. The first phase will focus on the construction of the residential buildings. The second phase will focus on the construction of the commercial buildings. The third phase will focus on the construction of the recreational facilities. The project will be implemented in several phases. The first phase will focus on the construction of the residential buildings. The second phase will focus on the construction of the commercial buildings. The third phase will focus on the construction of the recreational facilities.

Challenges
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Conclusion
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01 | CONCEPTUAL SITE PLAN
SCALE: 1/8" = 1'-0"

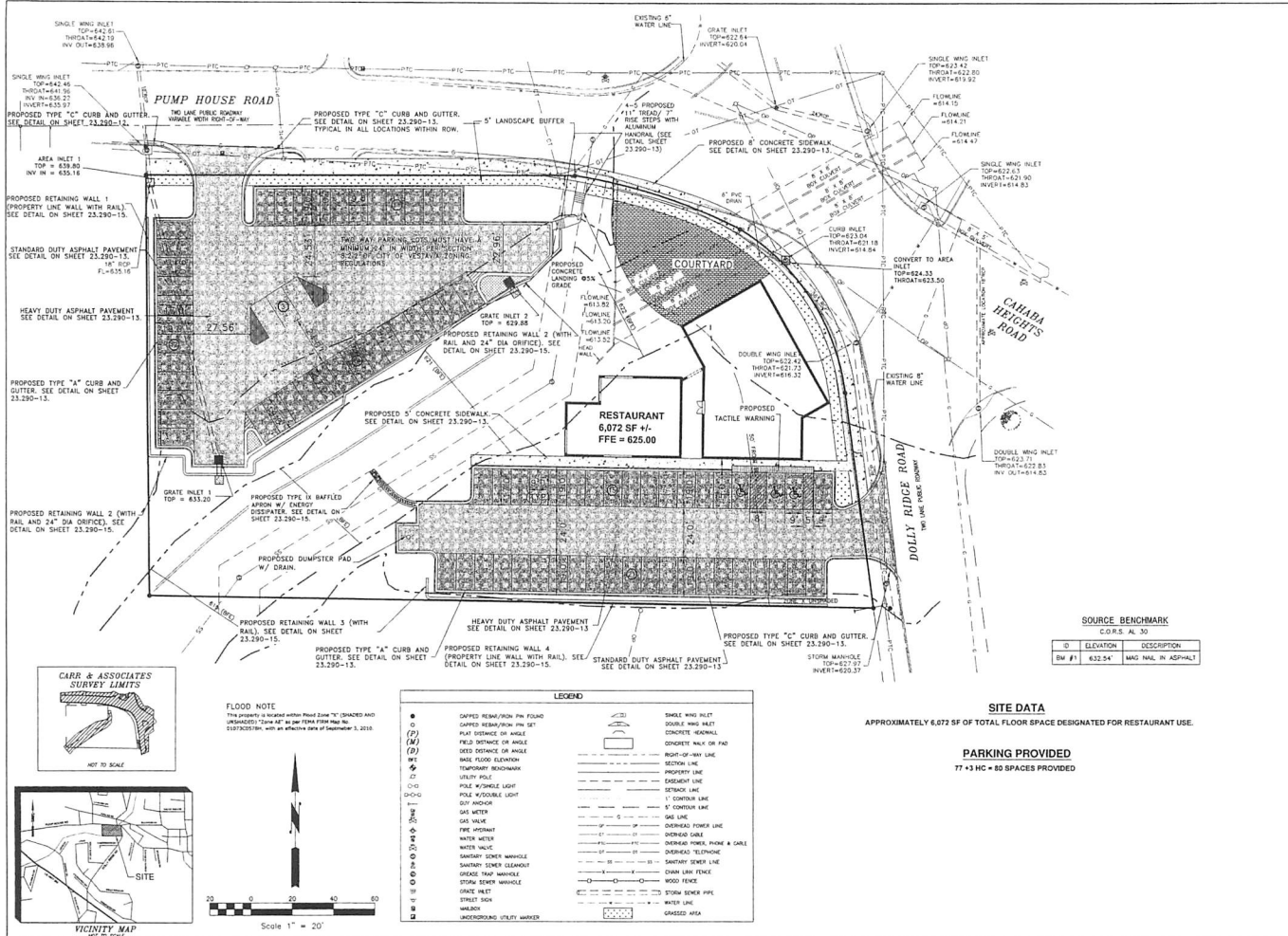


CRISTOPHER GROUP, CLT, INTERIORS

ARMSTRONG DEVELOPMENT

CONCEPTUAL LANDSCAPE
15060
07/07/2018

A0.1
NOT FOR CONSTRUCTION



CARR & ASSOCIATES ENGINEERS, INC.
 155 CAHABA VALLEY PARKWAY
 JEFFERSON COUNTY, ALABAMA
 CITY, STRUCTURAL & ENVIRONMENTAL ENGINEERS
 LAND SURVEYORS

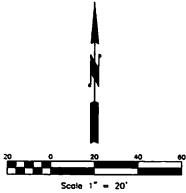
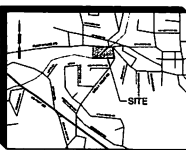
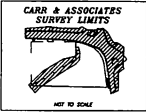
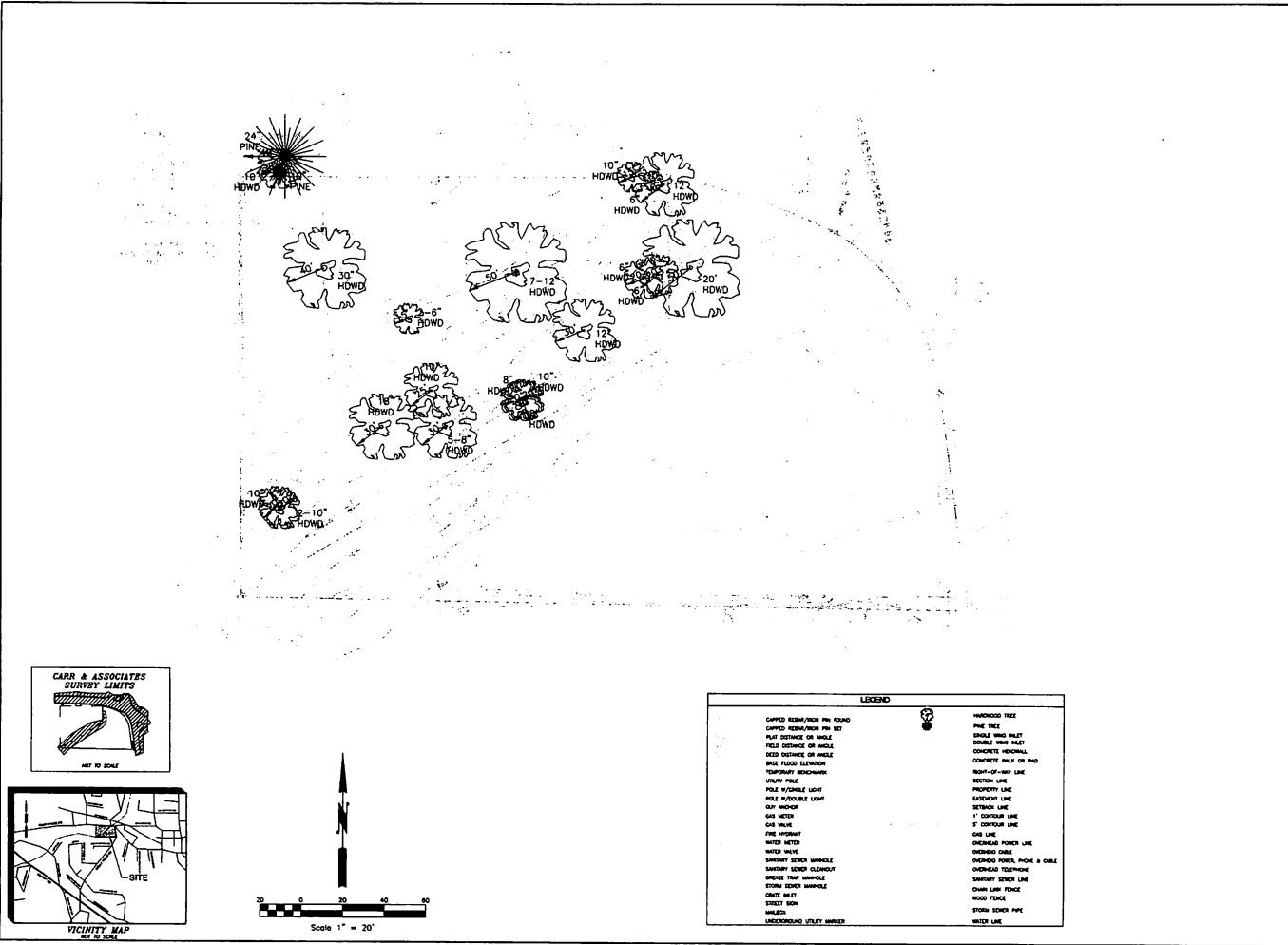
CARR & ASSOCIATES SURVEY LIMITS

CAHABA HEIGHTS CORNER, LLC
 3017/3029 PUMP HOUSE ROAD
 JEFFERSON COUNTY, ALABAMA
 CITY OF VESTAVIA HILLS

ZONING PLAN

PROJECT NO. 23.290
 SHEET 1 OF 1
 DATE: 07/27/14
 SCALE: 1" = 20'

23.290-01



LEGEND

CAPPED REBAR/IRON PIN FOUND	HANDICAP TREE
CAPPED REBAR/IRON PIN SET	PAVE TREE
PLAT DISTANCE OR ANGLE	SINGLE WHOLE INLET
FIELD DISTANCE OR ANGLE	DOUBLE WHOLE INLET
DECK DISTANCE OR ANGLE	CONCRETE REBAR
BASE FLOOD ELEVATION	CONCRETE WALL OR PAD
TERRAIN ELEVATION	80M-02-80M LINE
UTILITY POLE	SECTION LINE
POLE W/DOUBLE LIGHT	PROPERTY LINE
POLE W/SINGLE LIGHT	SECTION LINE
OUR MARCH	SECTION LINE
GAZ METER	1" CONTOUR LINE
GAZ VALVE	5" CONTOUR LINE
PAVE MOUNT	ONE LINE
WATER METER	OVERHEAD POWER LINE
WATER METER	OVERHEAD CABLE
EMERGENCY SERVICE MARKER	OVERHEAD POWER, POLE & CABLE
EMERGENCY SERVICE EQUIPMENT	OVERHEAD TELEPHONE
EMERGENCY TRAP MARKER	EMERGENCY SERVICE LINE
STORM SEWER MARKER	OWNERS LAW FENCE
DRIVE ALLEY	WOOD FENCE
STREET SIGN	STONE SERVICE PARK
WALKWAY	WATER LINE
UNDERGROUND UTILITY MARKER	



CARR & ASSOCIATES ENGINEERS, INC.
 151 CANABA VALLEY PARKWAY
 CANTON, MISSISSIPPI 39024
 (601) 833-1111
 FAX (601) 833-1112
 WWW.CARR-ENGINEERS.COM

REVISIONS	BY	DATE	DESCRIPTION

PRODUCTION	T.O.M. REVIEW	DATE	BY

CANABA HEIGHTS CORNER, LLC
 301770222 PUMP HOUSE ROAD
 VESTAVIA HILLS, ALABAMA 35226
 JEFFERSON COUNTY, ALABAMA
 CITY OF VESTAVIA HILLS

TREE SURVEY

PROJECT NO. 11.299
 SHEET 1 OF 1
23-290-02A

RESOLUTION NUMBER 4881

**A RESOLUTION APPOINTING A MEMBER TO THE DESIGN
REVIEW BOARD**

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

1. Pursuant to Ordinance Number 2332, adopted and approved on December 17, 2010, the Mayor has recommended and the Council has approved the appointment of Jeff Slaton to the Vestavia Hills Design Review Board; and
2. Said appointment shall become effective immediately upon adoption and approval of this Resolution Number 4881 and shall expire on September 30, 2019.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of
September, 2016.

Alberto C. Zaragoza
Mayor

ATTESTED TO:

Rebecca Leavings
City Clerk

**CITY OF VESTAVIA HILLS
INTER-DEPARTMENT MEMO**

September 20, 2016

TO: City Clerk Rebecca Leavings

FROM: Mayor Alberto C. Zaragoza, Jr. *A.C.Z.*

Re: Design Review Board

There is a vacancy on the Design Review Board and it is my recommendation that Jeff Slaton be appointed to this position. This is to fill David Blackmon's unexpired term, which will end September 30, 2019.

Please include this appointment on the September 26, 2016 Council agenda for consideration:

RESOLUTION NUMBER 4882

A RESOLUTION APPROVING FINANCING TERMS FOR CITY VEHICLES THROUGH BRANCH BANKING AND TRUST COMPANY

WHEREAS: The City of Vestavia Hills (“Governmental Entity”) has previously determined to undertake a project for the purchase of various vehicles & equipment (the “Project”), and the officer of the Governmental Entity responsible for the financial affairs of the Governmental Entity (the “Finance Officer”) has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Governmental Entity hereby determines to finance the Project through Branch Banking and Trust Company (“BB&T”), in accordance with the proposal dated August 4, 2016. The amount financed shall not exceed \$730,682.00, the annual interest rate (in the absence of default or change in tax status) shall not exceed 1.66%, and the financing term shall not exceed 7 years from closing.

2. All financing contracts and all related documents for the closing of the financing (the “Financing Documents”) shall be consistent with the foregoing terms. All officers and employees of the Governmental Entity are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution. The Financing Documents shall include a Financing Agreement and a Project Fund Agreement as BB&T may request.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer’s satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Governmental Entity officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer’s release of any Financing Document for delivery constituting conclusive evidence of such officer’s final approval of the document’s final form.

4. The Governmental Entity shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations under the Financing Documents. The Governmental Entity hereby designates its obligations to make principal and interest payments under the Financing Documents as “qualified tax-exempt obligations” for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Governmental Entity intends that the adoption of this resolution will be a declaration of the Governmental Entity’s official intent to reimburse expenditures for the Project that is to be financed from the proceeds of the BB&T financing described above. The Governmental Entity intends that funds that have been advanced, or that may be advanced, from the Governmental Entity’s general fund, or any

other Governmental Entity fund related to the Project, for Project costs may be reimbursed from the financing proceeds.

6. The officers of the Governmental Entity and any person or persons designated and authorized by any officer of the Governmental Entity to act in the name and on behalf of the Governmental Entity, or any one or more of them, are authorized to do and perform or cause to be done and performed in the name and on behalf of the Governmental Entity such other acts, to pay or cause to be paid on behalf of the Governmental Entity such related costs and expenses, and to execute and deliver or cause to be executed and delivered in the name and on behalf of the Governmental Entity such other notices, requests, demands, directions, consents, approvals, orders, applications, certificates, agreements, further assurances, or other instruments or communications, under the corporate seal of the Governmental Entity, or otherwise, as they or any of them may deem necessary, advisable, or appropriate in order to (a) complete the plan of financing contemplated by the Financing Documents, (b) carry into effect the intent of the provisions of this resolution and the Financing Documents, and (c) demonstrate the validity of the Financing Documents, the absence of any pending or threatened litigation with respect to the Financing Documents and the plan of financing contemplated by the Financing Documents, and the exemption of interest on the interest payment obligations under the Financing Documents from federal and State of Alabama income taxation.

7. All prior actions of Governmental Entity officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

ADOPTED and APPROVED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

APPROVED BY:

Jeffrey D. Downes,
City Manager

ATTESTED BY:

Rebecca Leavings
City Clerk

SEAL


BB&T Governmental Finance

 5130 Parkway Plaza Boulevard
 Charlotte, NC 28217

VIA ELECTRONIC MAIL
mturner@vhal.org
mcwilliams@bbandt.com
direct dial 678.989.1110

August 4, 2016

 Mr. Melvin Turner, III
 Finance Director
 City of Vestavia Hills
 513 Montgomery Highway
 Vestavia Hills, AL 35216

Dear Mr. Turner:

Branch Banking and Trust Company ("BB&T") is pleased to offer this proposal for the financing requested by City of Vestavia Hills ("City").

- (1) **Project:** Various Vehicles & Heavy Equipment
- (2) **Amount To Be Financed:** A. Vehicles - \$510,882.00 (3 years)
 B. Ford F-450 - \$55,000.00 (5 years)
 C. Remount/Rescue Transport Truck - \$164,800.00 (7 years)
- (3) **Interest Rates, Financing Terms and Corresponding Payments:**

Term	Rate
3 years	1.33%
5 years	1.49%
7 years	1.66%

Payments shall be quarterly in arrears, as requested. See the attached amortization schedules for information on payments.

If needed, the financing proceeds shall be deposited on behalf of the City in a project fund account with Branch Banking & Trust. Earnings on the project fund shall accrue to the benefit of the City for use on Project costs or applied back to the balance.

All applicable taxes, permits, costs of lawyers for the City and any other costs shall be the City's responsibility and separately payable by the City. The financing documents shall allow prepayment of the principal balance in **whole** on a scheduled payment date with no prepayment premium.

The interest rate stated above is valid for a closing not later September 19, 2016. Closing of the financing is contingent upon completing documentation acceptable to BB&T and upon the condition of the property being acceptable to BB&T.

The stated interest rate assumes that the City expects to borrow less than \$10,000,000 in calendar year 2016 and that the City shall comply with IRS Code Sections 140, 141, 148 and 149(e). BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not qualified tax-exempt financing.

(4) Security:

This financing shall be secured by a first lien security interest on all personal property acquired with financing proceeds.

(5) Financing Documents:

BB&T proposes to use its standard form financing contracts and related documents for this installment financing. We shall provide a sample of those documents to you should BB&T be the successful proposer. A resolution is attached and must be approved before funding.

* * * * *

BB&T shall have the right to cancel this offer by notifying the City of its election to do so (whether or not this offer has previously been accepted by the City) if at any time prior to the closing there is a material adverse change in the City's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the City or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T. We reserve the right to negotiate and/or terminate our interest in this transaction should we be the successful proposer.

BB&T appreciates the opportunity to provide this financing proposal and requests to be notified within five days of this proposal should BB&T be the successful proposer. Please contact me at (678) 989-1110 with your questions or comments. We look forward to hearing from you.

Sincerely,

Branch Banking and Trust Company



Matt Williams
Vice President

8/4/2016

CITY OF VESTAVIA HILLS						
LEASE/PURCHASE PROPOSAL						
FISCAL 2016-2017						
FINANCING INSTITUTION/BANK	BB&T GOVERNMENTAL FINANCE					
			RATES			
VEHICLES	3 years	\$510,882	1.33%			
HEAVY/COMM VEHICLES	5 years	\$55,000	1.49%			
HEAVY EQUIPMENT	7 years	\$164,800	1.66%			
TOTAL		\$730,682				
Note:						
Payments will be made quarterly.						
Please return your proposals on/or before 2:00 p.m. Thursday, August 4, 2016.						
Departments:	Units	Unit Price	Vehicles	Comm Vehicles	Heavy Equip	GT
Informatin Technology Services:						
Ford Explorer	1	27,293	\$27,293			
Police Department:						
Patrol Vehicles - Tahoes & Equipment	4	\$60,000	\$240,000			
Admin Ford Truck - F150 4X4	2	\$31,000	\$62,000			
Detective - Ford Taurus	1	\$27,000	\$27,000			
Motorcycle & Equipment	1	\$30,000	\$30,000			
Fire Department:						
Staff Vehcile	1	\$33,000	\$33,000			
Remount/Rescue Transport Truck	1	\$164,800			\$164,800	
Blding Safety & Inspection Dept:						
Vehicle / SUV	1	\$27,293	\$27,293			
Public Services Dept:						
Senior Transportation Vehicle	1	\$17,648	\$17,648			
Jeep/SUV	1	\$17,648	\$17,648			
Engineer - Explorer 4X4	1	\$29,000	\$29,000			
Work Truck - F450	1	\$55,000		\$55,000		
TOTAL			\$510,882	\$55,000	\$164,800	\$730,682

BB&T Governmental Finance
Draft Amortization Schedule

City of Vestavia Hills
Various Vehicles
\$510,882 @ 1.33; Quarterly; 36 Months

Nominal Annual Rate : 1.330 %

AMORTIZATION SCHEDULE - Normal Amortization

Date	Payment	Interest	Principal	Balance
Loan 09/19/2016				510,882.00
1 12/19/2016	43,499.22	1,698.68	41,800.54	469,081.46
2016 Totals	43,499.22	1,698.68	41,800.54	
2 03/19/2017	43,499.22	1,559.70	41,939.52	427,141.94
3 06/19/2017	43,499.22	1,420.25	42,078.97	385,062.97
4 09/19/2017	43,499.22	1,280.33	42,218.89	342,844.08
5 12/19/2017	43,499.22	1,139.96	42,359.26	300,484.82
2017 Totals	173,996.88	5,400.24	168,596.64	
6 03/19/2018	43,499.22	999.11	42,500.11	257,984.71
7 06/19/2018	43,499.22	857.80	42,641.42	215,343.29
8 09/19/2018	43,499.22	716.02	42,783.20	172,560.09
9 12/19/2018	43,499.22	573.76	42,925.46	129,634.63
2018 Totals	173,996.88	3,146.69	170,850.19	
10 03/19/2019	43,499.22	431.04	43,068.18	86,566.45
11 06/19/2019	43,499.22	287.83	43,211.39	43,355.06
12 09/19/2019	43,499.22	144.16	43,355.06	0.00
2019 Totals	130,497.66	863.03	129,634.63	
Grand Totals	521,990.64	11,108.64	510,882.00	

BB&T Governmental Finance
Draft Amortization Schedule

City of Vestavia Hills
Ford F-450
\$55,000 @ 1.49; Quarterly; 60 Months

Nominal Annual Rate : 1.490 %

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	09/19/2016				55,000.00
1	12/19/2016	2,858.83	204.88	2,653.95	52,346.05
2016 Totals		2,858.83	204.88	2,653.95	
2	03/19/2017	2,858.83	194.99	2,663.84	49,682.21
3	06/19/2017	2,858.83	185.07	2,673.76	47,008.45
4	09/19/2017	2,858.83	175.11	2,683.72	44,324.73
5	12/19/2017	2,858.83	165.11	2,693.72	41,631.01
2017 Totals		11,435.32	720.28	10,715.04	
6	03/19/2018	2,858.83	155.08	2,703.75	38,927.26
7	06/19/2018	2,858.83	145.00	2,713.83	36,213.43
8	09/19/2018	2,858.83	134.90	2,723.93	33,489.50
9	12/19/2018	2,858.83	124.75	2,734.08	30,755.42
2018 Totals		11,435.32	559.73	10,875.59	
10	03/19/2019	2,858.83	114.56	2,744.27	28,011.15
11	06/19/2019	2,858.83	104.34	2,754.49	25,256.66
12	09/19/2019	2,858.83	94.08	2,764.75	22,491.91
13	12/19/2019	2,858.83	83.78	2,775.05	19,716.86
2019 Totals		11,435.32	396.76	11,038.56	
14	03/19/2020	2,858.83	73.45	2,785.38	16,931.48
15	06/19/2020	2,858.83	63.07	2,795.76	14,135.72
16	09/19/2020	2,858.83	52.66	2,806.17	11,329.55
17	12/19/2020	2,858.83	42.20	2,816.63	8,512.92
2020 Totals		11,435.32	231.38	11,203.94	
18	03/19/2021	2,858.83	31.71	2,827.12	5,685.80
19	06/19/2021	2,858.83	21.18	2,837.65	2,848.15
20	09/19/2021	2,858.83	10.68	2,848.15	0.00
2021 Totals		8,576.49	63.57	8,512.92	
Grand Totals		57,176.60	2,176.60	55,000.00	

BB&T Governmental Finance
Draft Amortization Schedule

City of Vestavia Hills
Remount/Rescue Transport Truck
\$164,800 @ 1.66; Quarterly; 84 Months

Nominal Annual Rate : 1.660 %

AMORTIZATION SCHEDULE - Normal Amortization

	Date	Payment	Interest	Principal	Balance
Loan	09/19/2016				164,800.00
1	12/19/2016	6,246.49	683.92	5,562.57	159,237.43
2016 Totals		6,246.49	683.92	5,562.57	
2	03/19/2017	6,246.49	660.84	5,585.65	153,651.78
3	06/19/2017	6,246.49	637.65	5,608.84	148,042.94
4	09/19/2017	6,246.49	614.38	5,632.11	142,410.83
5	12/19/2017	6,246.49	591.00	5,655.49	136,755.34
2017 Totals		24,985.96	2,503.87	22,482.09	
6	03/19/2018	6,246.49	567.53	5,678.96	131,076.38
7	06/19/2018	6,246.49	543.97	5,702.52	125,373.86
8	09/19/2018	6,246.49	520.30	5,726.19	119,647.67
9	12/19/2018	6,246.49	496.54	5,749.95	113,897.72
2018 Totals		24,985.96	2,128.34	22,857.62	
10	03/19/2019	6,246.49	472.68	5,773.81	108,123.91
11	06/19/2019	6,246.49	448.71	5,797.78	102,326.13
12	09/19/2019	6,246.49	424.65	5,821.84	96,504.29
13	12/19/2019	6,246.49	400.49	5,846.00	90,658.29
2019 Totals		24,985.96	1,746.53	23,239.43	
14	03/19/2020	6,246.49	376.23	5,870.26	84,788.03
15	06/19/2020	6,246.49	351.87	5,894.62	78,893.41
16	09/19/2020	6,246.49	327.41	5,919.08	72,974.33
17	12/19/2020	6,246.49	302.84	5,943.65	67,030.68
2020 Totals		24,985.96	1,358.35	23,627.61	
18	03/19/2021	6,246.49	278.18	5,968.31	61,062.37
19	06/19/2021	6,246.49	253.41	5,993.08	55,069.29
20	09/19/2021	6,246.49	228.54	6,017.95	49,051.34
21	12/19/2021	6,246.49	203.56	6,042.93	43,008.41
2021 Totals		24,985.96	963.69	24,022.27	
22	03/19/2022	6,246.49	178.48	6,068.01	36,940.40
23	06/19/2022	6,246.49	153.30	6,093.19	30,847.21
24	09/19/2022	6,246.49	128.02	6,118.47	24,728.74
25	12/19/2022	6,246.49	102.62	6,143.87	18,584.87
2022 Totals		24,985.96	562.42	24,423.54	

City of Vestavia Hills
Remount/Rescue Transport Truck
\$164,800 @ 1.66; Quarterly; 84 Months

Date	Payment	Interest	Principal	Balance
26 03/19/2023	6,246.49	77.13	6,169.36	12,415.51
27 06/19/2023	6,246.49	51.52	6,194.97	6,220.54
28 09/19/2023	6,246.49	25.95	6,220.54	0.00
2023 Totals	18,739.47	154.60	18,584.87	
Grand Totals	174,901.72	10,101.72	164,800.00	

RESOLUTION NUMBER 4880

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated September 20, 2016, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 26th day of September, 2016; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 28th day of September 2016.

2. That on the 28th day of December, 2016, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 4880 by the City Council of the City of Vestavia Hills, Alabama, and as

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

Former Campus of Berry High School
Hoover City Board of Education, Owner(s)

More particularly described in "Exhibit A" attached to and incorporated into this Resolution Number 4880 as though written fully therein.

BE IT FURTHER RESOLVED that pursuant to the above reference petition for annexation, said annexation shall be conditioned upon the successful closing of ownership of the property to the Vestavia Hills Board of Education prior to December 31, 2016. If said property is not sold and ownership transferred to the Vestavia Hills Board of Education, said annexation shall be null and void.

APPROVED and ADOPTED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

EXHIBIT "A" - LEGAL DESCRIPTION**Parcel I**

Part of the SW 1/4 of Section 36, Township 18 South, Range 3 West, situated in Jefferson County, Alabama, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin the NW corner of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 36, run thence Southwardly along the West line of said 1/4-1/4 section, for a distance of 663.05 feet; thence turn an angle to the left of 88°45'15" and run Eastwardly for a distance of 1316.36 feet, to a point on the East line of the SW 1/4 of SW 1/4 of said section, thence turn an angle to the left of 91°21'15" and run Northwardly along the East line of said SW 1/4 of SW 1/4 and along the East line of the NW 1/4 of the SW 1/4 for a distance of 950.23 feet, to the NW corner of the property described in deed to J.M. Crawford recorded in Volume 4799, Page 415 in the Office of the Judge of Probate of said County, thence turn an angle to the right of 91°15' and run Eastwardly and along the North line of said Crawford tract, for a distance of 195.79 feet, to a point on the Southwesterly right of way line of the Columbiana Road; thence turn an angle to the left of 122°56' and run Northwestwardly along the Southwesterly right of way line of the Columbiana Road for a distance of 310.24 feet to a point, said point being in the arc of a curve turning to the right, said curve having a central angle of 7°00' and a radius of 1457.69 feet, thence run Northwestwardly along the arc of said curve and along the Southwesterly right of way line of said Columbiana Road, for a distance of 327.51 feet, to a point, said point being the SE corner of Lot 1, in Block 7, according to the Survey of Gentilly Forest Second Sector, as recorded in Map Book 48, Page 81, in the Office of the Judge of Probate of said County, run thence Westwardly along the South line of said Lot 1, for a distance of 85.00 feet; thence turn an angle to the left of 33°46' and run Southwestwardly along the South line of said Block 7, for a distance of 164.73 feet; thence turn an angle to the right of 12°31' and continue Southwestwardly along the Southeasterly line of said Block 7, for a distance of 505.0 feet; thence turn an angle to the left of 01°19' and continue Southwestwardly along the Southeasterly line of said Block 7, for a distance of 204.00 feet; thence turn an angle to the right of 121°38' and run Northwardly along the Westerly line of Lot 8 in said Block 7, for a distance of 51.00 feet to the SE corner of Lot 9, in said Block 7; thence turn an angle to the left of 93°17' and run Westwardly along the South line of said Lot 9 and along said line extended Westwardly for a distance of 375.00 feet, to a point on the West line of the NW 1/4 of the SW 1/4 of said Section 3; thence turn an angle to the left of 90°00' and run Southwardly along said West line of said NW 1/4 of SW 1/4 for a distance of 421.09 feet to the SW corner of said NW 1/4 of SW 1/4 the point of beginning.

Parcel II

All that part of the NE 1/4 of SE 1/4 of SE 1/4 which lies East of I-65 right of way in Section 35, Township 18 South, Range 3 West, situated in Jefferson County, Alabama.

Less and Except any portion of the above Parcels lying in a public road or right of way.

Parcels I and II above are further described by survey as follows:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36 AND THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 3 WEST, JEFFERSON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 3 WEST SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 11, ACCORDING TO THE SURVEY OF CHIMNEY HILLS, AS RECORDED IN MAP BOOK 108, PAGE 21, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, THENCE RUN NORTH 00°33'11" WEST ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION AND ALONG THE EAST LINE OF SAID SUBDIVISION FOR 421.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK 5, ACCORDING TO THE SURVEY OF GENTILLY FOREST FOURTH SECTOR, AS RECORDED IN MAP BOOK 63 PAGE 56, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; THENCE RUN NORTH 89°29'37" EAST ALONG THE SOUTH LINE OF SAID LOT 9, AND ALONG THE SOUTH LINE OF LOT 9, BLOCK 7, ACCORDING TO THE SURVEY OF GENTILLY FOREST SECOND SECTOR, AS RECORDED IN MAP BOOK 48, PAGE 81, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA FOR 374.73 FEET, TO A POINT ON THE WEST LINE OF LOT 8, BLOCK 7, OF SAID SUBDIVISION; THENCE RUN SOUTH 02°44'44" WEST ALONG THE WEST LINE OF SAID LOT 8, FOR 50.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE RUN NORTH 61°17'01" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 709.05 FEET; THENCE RUN NORTH 48°52'36" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 164.87 FEET; THENCE RUN NORTH 82°36'27" EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 85.00 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 7 OF SAID SUBDIVISION, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF COLUMBIANA ROAD; THENCE RUN ALONG SAID RIGHT OF WAY FOR THE FOLLOWING DESCRIBED COURSES; SOUTH 19°47'41" EAST FOR 1.42 FEET; SOUTH 70°12'19" WEST FOR 37.43 FEET; SOUTH 19°47'41" EAST FOR 105.00 FEET; NORTH 70°12'19" EAST FOR 60.00 FEET; SOUTH 19°51'20" EAST FOR 135.37 FEET; SOUTH 70°54'43" WEST FOR 30.15 FEET; SOUTH 19°47'41" EAST FOR 349.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, RUN NORTH 89°48'33" WEST FOR 70.51 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE RUN SOUTH 00°37'07" EAST ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION , AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 FOR 950.16 FEET; THENCE RUN NORTH 89°19'05" WEST FOR 1,275.05 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE NUMBER 65; THENCE RUN NORTH 29°08'55" WEST ALONG SAID RIGHT OF WAY FOR 154.50 FEET; THENCE RUN NORTH 15°58'24" WEST ALONG SAID RIGHT OF WAY FOR 298.51 FEET; THENCE RUN NORTH 01°52'40" WEST ALONG SAID RIGHT OF WAY FOR 122.78 FEET; THENCE RUN NORTH 17°48'64" WEST ALONG SAID RIGHT OF WAY FOR 128.81 FEET TO THE SOUTHWEST CORNER OF LOT 11, ACCORDING TO THE SURVEY OF CHIMNEY HILLS, AS RECORDED IN MAP BOOK 108, PAGE 21, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; THENCE RUN SOUTH 88°38'04" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 153.67 FEET TO THE POINT OF BEGINNING.

BURGIN H. KENT
burginkent@bishopcolvin.com

BishopColvin
BISHOP, COLVIN, JOHNSON & KENT, LLC

September 20, 2016

Patrick H. Boone, Esq.
Suite 705
Newsouth Federal Savings Bldg.
215 Richard Arrington Jr., Blvd. No.
Birmingham, AL 35203

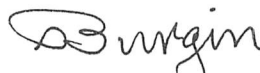
By Hand Delivery

RE: Petition for Annexation to the City of Vestavia Hills, Alabama

Dear Pat:

Enclosed is the original executed Petition for Annexation to the City of Vestavia Hills, Alabama for the old Berry school property. It is my understanding that you are going to file the petition with the City of Vestavia Hills.

Sincerely,


Burgin H. Kent

Enc.
BHK/ae

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: September 20, 2016

To the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama:

The Hoover City Board of Education is the sole owner of the property described in Exhibit A attached hereto and as shown on the survey attached as Exhibit B. Said property is contiguous to the City limits of the City of Vestavia Hills, Alabama. Under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, the Hoover City Board of Education does hereby petition the City of Vestavia Hills, Alabama, that the property described in Exhibit A and as shown on the survey in Exhibit B, which is situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama.

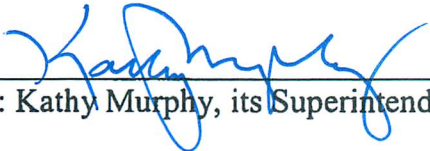
The property is being annexed as a condition of the Board of Education of the City of Vestavia Hills, Alabama, to purchase the subject property from the Hoover City Board of Education. In the event the property is not purchased by the Board of Education of the City of Vestavia Hills, Alabama, by December 31, 2016, this annexation shall be null and void and the City of Vestavia Hills, Alabama, shall de-annex and remove the property from the City of Vestavia Hills, Alabama.

The Hoover City Board of Education does further petition that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, set a date for the hearing of this petition and any objections in writing to the petition or protest, on a date certain and that no less than ninety (90) days before said date certain for said hearing on this petition, that a notice of said hearing along with this petition be published in a newspaper of general circulation in Jefferson County, Alabama.

The Hoover City Board of Education also requests that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

IN WITNESS WHEREOF, the Hoover City Board of Education by its Superintendent, Kathy Murphy, is authorized to execute this petition, has hereto set its signature and seal this, the 20th day of September, 2016.

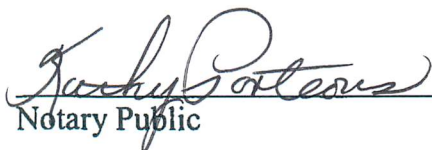
HOOVER CITY BOARD OF EDUCATION


By: Kathy Murphy, its Superintendent

STATE OF ALABAMA)
)
JEFFERSON COUNTY)

I, the undersigned authority, a notary public, in and for said County and said State, hereby certify that Kathy Murphy, whose name as Superintendent of the Hoover City Board of Education, is signed to the foregoing Petition for Annexation, and who is known to me, acknowledged before me on this date that, being informed of the contents of the Petition for Annexation, she, as such officer and with full authority, executed the same voluntarily for and as the act of said Hoover City Board of Education.

Given under my hand and official seal this 20th day of September, 2016.


Notary Public

My commission expires: March 20, 2019



EXHIBIT "A" - LEGAL DESCRIPTION

Parcel I

Part of the SW 1/4 of Section 36, Township 18 South, Range 3 West, situated in Jefferson County, Alabama, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Begin the NW corner of the SW 1/4 of the SW 1/4 of the SW 1/4 of said Section 36, run thence Southwardly along the West line of said 1/4-1/4 section, for a distance of 663.05 feet; thence turn an angle to the left of 88°45'15" and run Eastwardly for a distance of 1316.36 feet, to a point on the East line of the SW 1/4 of SW 1/4 of said section, thence turn an angle to the left of 91°21'15" and run Northwardly along the East line of said SW 1/4 of SW 1/4 and along the East line of the NW 1/4 of the SW 1/4 for a distance of 950.23 feet, to the NW corner of the property described in deed to J.M. Crawford recorded in Volume 4799, Page 415 in the Office of the Judge of Probate of said County, thence turn an angle to the right of 91°15' and run Eastwardly and along the North line of said Crawford tract, for a distance of 195.79 feet, to a point on the Southwesterly right of way line of the Columbiana Road; thence turn an angle to the left of 122°56' and run Northwestwardly along the Southwesterly right of way line of the Columbiana Road for a distance of 310.24 feet to a point, said point being in the arc of a curve turning to the right, said curve having a central angle of 7°00' and a radius of 1457.69 feet, thence run Northwestwardly along the arc of said curve and along the Southwesterly right of way line of said Columbiana Road, for a distance of 327.51 feet, to a point, said point being the SE corner of Lot 1, in Block 7, according to the Survey of Gentilly Forest Second Sector, as recorded in Map Book 48, Page 81, in the Office of the Judge of Probate of said County, run thence Westwardly along the South line of said Lot 1, for a distance of 85.00 feet; thence turn an angle to the left of 33°46' and run Southwestwardly along the South line of said Block 7, for a distance of 164.73 feet; thence turn an angle to the right of 12°31' and continue Southwestwardly along the Southeasterly line of said Block 7, for a distance of 505.0 feet; thence turn an angle to the left of 01°19' and continue Southwestwardly along the Southeasterly line of said Block 7, for a distance of 204.00 feet; thence turn an angle to the right of 121°38' and run Northwardly along the Westerly line of Lot 8 in said Block 7, for a distance of 51.00 feet to the SE corner of Lot 9, in said Block 7; thence turn an angle to the left of 93°17' and run Westwardly along the South line of said Lot 9 and along said line extended Westwardly for a distance of 375.00 feet, to a point on the West line of the NW 1/4 of the SW 1/4 of said Section 3; thence turn an angle to the left of 90°00' and run Southwardly along said West line of said NW 1/4 of SW 1/4 for a distance of 421.09 feet to the SW corner of said NW 1/4 of SW 1/4 the point of beginning.

Parcel II

All that part of the NE 1/4 of SE 1/4 of SE 1/4 which lies East of I-65 right of way in Section 35, Township 18 South, Range 3 West, situated in Jefferson County, Alabama.

Less and Except any portion of the above Parcels lying in a public road or right of way.

Parcels I and II above are further described by survey as follows:

A TRACT OF LAND SITUATED IN THE SOUTHWEST QUARTER OF SECTION 36 AND THE SOUTHEAST QUARTER OF SECTION 35, TOWNSHIP 18 SOUTH, RANGE 3 WEST, JEFFERSON COUNTY, ALABAMA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGIN AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 36, TOWNSHIP 18 SOUTH, RANGE 3 WEST SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 11, ACCORDING TO THE SURVEY OF CHIMNEY HILLS, AS RECORDED IN MAP BOOK 108, PAGE 21, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA, THENCE RUN NORTH 00°33'11" WEST ALONG THE WEST LINE OF SAID QUARTER-QUARTER SECTION AND ALONG THE EAST LINE OF SAID SUBDIVISION FOR 421.00 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK 5, ACCORDING TO THE SURVEY OF GENTILLY FOREST FOURTH SECTOR, AS RECORDED IN MAP BOOK 63 PAGE 56, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; THENCE RUN NORTH 89°29'37" EAST ALONG THE SOUTH LINE OF SAID LOT 9, AND ALONG THE SOUTH LINE OF LOT 9, BLOCK 7, ACCORDING TO THE SURVEY OF GENTILLY FOREST SECOND SECTOR, AS RECORDED IN MAP BOOK 48, PAGE 81, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA FOR 374.73 FEET, TO A POINT ON THE WEST LINE OF LOT 8, BLOCK 7, OF SAID SUBDIVISION; THENCE RUN SOUTH 02°44'44" WEST ALONG THE WEST LINE OF SAID LOT 8, FOR 50.92 FEET TO THE SOUTHWEST CORNER OF SAID LOT 8; THENCE RUN NORTH 61°17'01" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 709.05 FEET; THENCE RUN NORTH 48°52'36" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 164.87 FEET; THENCE RUN NORTH 82°36'27" EAST, ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 85.00 FEET, TO THE SOUTHEAST CORNER OF LOT 1, BLOCK 7 OF SAID SUBDIVISION, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF COLUMBIANA ROAD; THENCE RUN ALONG SAID RIGHT OF WAY FOR THE FOLLOWING DESCRIBED COURSES; SOUTH 19°47'41" EAST FOR 1.42 FEET; SOUTH 70°12'19" WEST FOR 37.43 FEET; SOUTH 19°47'41" EAST FOR 105.00 FEET; NORTH 70°12'19" EAST FOR 60.00 FEET; SOUTH 19°51'20" EAST FOR 135.37 FEET; SOUTH 70°54'43" WEST FOR 30.15 FEET; SOUTH 19°47'41" EAST FOR 349.78 FEET; THENCE LEAVING SAID RIGHT OF WAY, RUN NORTH 89°48'33" WEST FOR 70.51 FEET TO A POINT ON THE EAST LINE OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36; THENCE RUN SOUTH 00°37'07" EAST ALONG THE EAST LINE OF SAID QUARTER-QUARTER SECTION , AND ALONG THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 36 FOR 950.16 FEET; THENCE RUN NORTH 89°19'05" WEST FOR 1,275.05 FEET TO A POINT ON THE EASTERLY RIGHT OF WAY LINE OF INTERSTATE NUMBER 65; THENCE RUN NORTH 29°08'55" WEST ALONG SAID RIGHT OF WAY FOR 154.50 FEET; THENCE RUN NORTH 15°58'24" WEST ALONG SAID RIGHT OF WAY FOR 298.51 FEET; THENCE RUN NORTH 01°52'40" WEST ALONG SAID RIGHT OF WAY FOR 122.78 FEET; THENCE RUN NORTH 17°48'64" WEST ALONG SAID RIGHT OF WAY FOR 128.61 FEET TO THE SOUTHWEST CORNER OF LOT 11, ACCORDING TO THE SURVEY OF CHIMNEY HILLS, AS RECORDED IN MAP BOOK 108, PAGE 21, IN THE PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA; THENCE RUN SOUTH 88°38'04" EAST ALONG THE SOUTH LINE OF SAID SUBDIVISION FOR 153.67 FEET TO THE POINT OF BEGINNING.

OLD BERRY HIGH SCHOOL BOUNDARY SURVEY

PREPARED BY THE SURVEYORS AND ENGINEERS OF ARIZONA AND THE ASSOCIATED COLLEGE OF SURVEYORS IN RESPONSE TO SENATOR JAMES J. WICK, SUTTORUM, HOUSE BILL NO. 2084

PROXIMITY FOR
LAWYER ASSOCIATES
AND OTHERS, OF ARIZONA
PHOENIX, ARIZONA
PHONE 754-3118

GRAPHIC SCALE
1 IN = 100 FT



RIGHT-OF-WAY BOUNDARIES
The boundary lines are shown with a double line. The area between the double lines is the right-of-way. The area outside the double lines is the private land. The area between the double lines and the private land is the easement.

BOUNDARY LINES
The entire property is shown in the attached map. The boundary lines are shown with a solid line. The area between the solid lines is the property. The area outside the solid lines is the private land. The area between the solid lines and the private land is the easement.

ARRINGTON ENGINEERING, SURVEYORS - LAND PLANNERS
1. ALL BOUNDARY LINES AND DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.
2. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.
3. ALL DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.
4. ALL DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.

ARRINGTON ENGINEERING
SURVEYORS - LAND PLANNERS
PHOENIX, ARIZONA

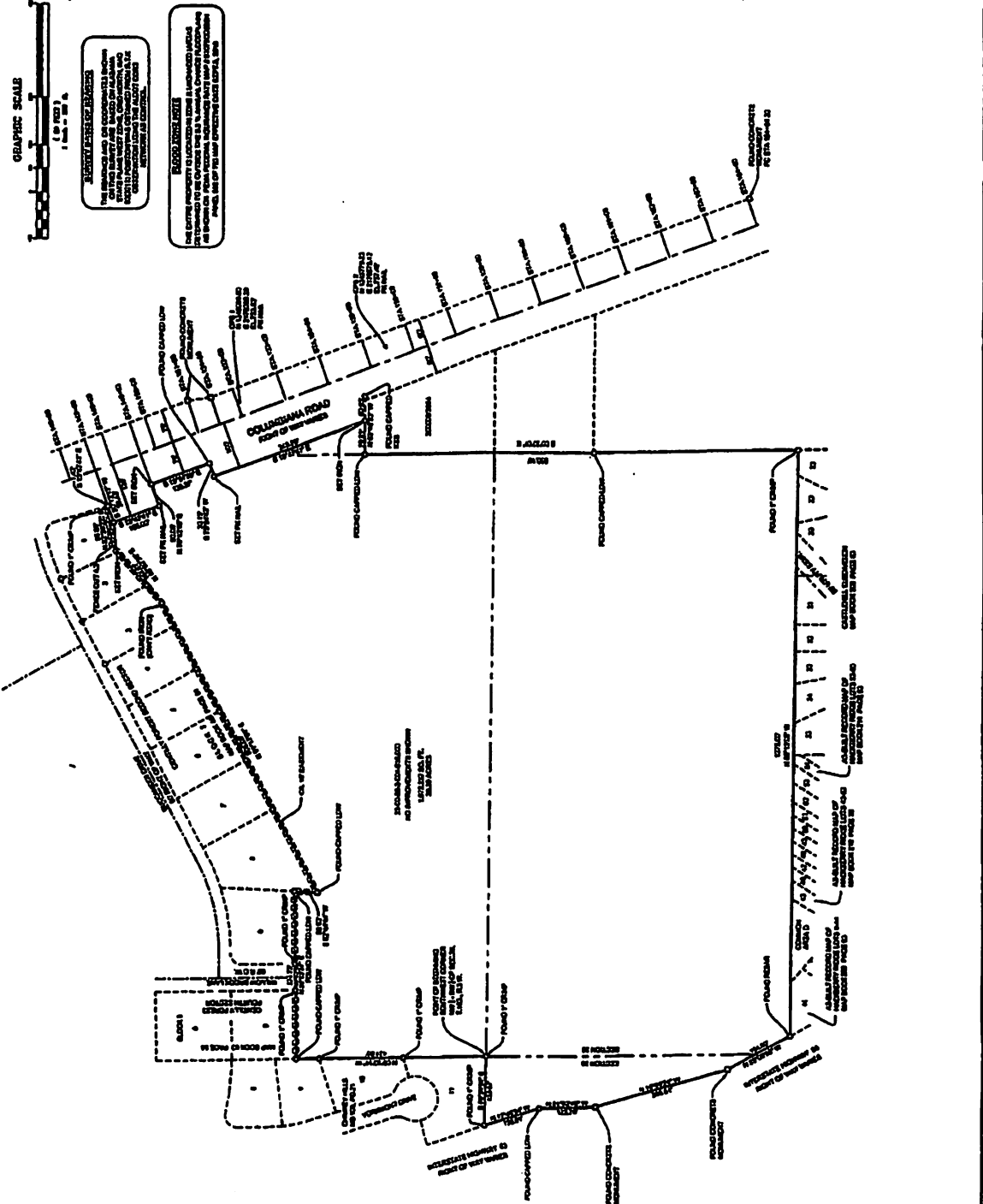
- 1. ALL BOUNDARY LINES AND DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.
- 2. ALL DISTANCES ARE GIVEN IN FEET AND DECIMALS THEREOF.
- 3. ALL DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.
- 4. ALL DISTANCES ARE GIVEN AS SHOWN ON THIS MAP.

ARRINGTON ENGINEERING
SURVEYORS - LAND PLANNERS

PHOENIX, ARIZONA
1000 N. CENTRAL AVENUE
SUITE 100
PHOENIX, ARIZONA 85004

PHONE 754-3118
FAX 754-3119

NO.	DATE	PROJECT
1	1987	...
2	1988	...
3	1989	...
4	1990	...
5	1991	...
6	1992	...
7	1993	...
8	1994	...
9	1995	...
10	1996	...
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22	2008	...
23	2009	...
24	2010	...
25	2011	...
26	2012	...
27	2013	...
28	2014	...
29	2015	...
30	2016	...
31	2017	...
32	2018	...
33	2019	...
34	2020	...
35	2021	...
36	2022	...



ARRINGTON ENGINEERING, SURVEYORS - LAND PLANNERS

ORDINANCE NUMBER 2682

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by Hoover City Board of Education dated September 20, 2016, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills;

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

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality. Said territory is described as follows:

Portion of Former Campus of Berry High School
Hoover City Board of Education

Being more particularly described as follows:

Property description a tract of land situated in the southwest quarter of section 36 and the southeast quarter of Section 35, Township 18 South, Range 3 West, Jefferson County, Alabama being more particularly described as follows;

Commence at the southwest corner of the northwest quarter of the southwest quarter of Section 36, Township 18 South, Range 3 West, said point also being the southeast corner of Lot 11, according to the Survey of Chimney Hills, as recorded in map book 108, page 21, in the Probate Office of Jefferson County, Alabama, thence run north 00° 33' 11" west along the west line of said quarter-quarter section and along the east line of said subdivision for 421.00 feet to the southwest corner of lot 9, block 5, according to the survey of Gentilly Forest Fourth Sector, as recorded in map book 63 page 56, in the Probate Office of Jefferson County, Alabama; thence run north 89° 29' 37" east along the south line of said lot 9, to the southeast corner of said lot 9 also being a point on the west row of Willow Brook Lane and being the point of beginning;

Thence continue the last described course and along the south line of Lot 9, Block 7, according to the survey of Gentilly Forest Second Sector as recorded in map book 48, page 81, in the Probate Office of Jefferson County, Alabama for 374.73 feet, to a point on the west line of Lot 8, Block 7, of said subdivision; thence run south 02° 44' 44" west along the west line of said Lot 8, for 50.92 feet to the southwest corner of said Lot 8; thence run north 61° 17' 01" east along the south line of said subdivision for 709.05 feet; thence run north 48° 52' 36" east along the south line of said subdivision for 164.87 feet; thence run north 82° 36' 27" east, along the south line of said subdivision for 85.00 feet, to the southeast corner of lot 1, Block 7 of said subdivision, said point being on the westerly right of way line of Columbiana Road; thence run along said right-of-way for the following described courses; south 19° 47' 41" east for 1.42 feet; south 70° 12' 19" west for 37.43 feet; south 19° 47' 41" east for 105.00 feet; north 70° 12' 19" east for 50.00 feet; south 19° 51' 20" east for 135.37 feet; south 70° 54' 43" west for 30.15 feet; south 19° 47' 41" east for 349.78 feet; thence leaving said right-of-way, run north 89° 48' 33" west for 70.51 feet to a point on the east line of the northwest quarter of the southwest quarter of said section 36; thence run south 00° 37' 07" east along the east line of said quarter-quarter section, and along the east line of the southwest quarter of the southwest quarter of said Section 36 for 950.16 feet; thence run north 89° 19' 05" west for 157.71 feet to the north west corner of lot 29 of Castlehill Subdivision as recorded in map book 208 page 63, in the Probate Office of Jefferson County; thence turn right and run northwesterly for 1496.00 feet more or less to the point of beginning.

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published/posted in accordance with Alabama law.

APPROVED and ADOPTED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

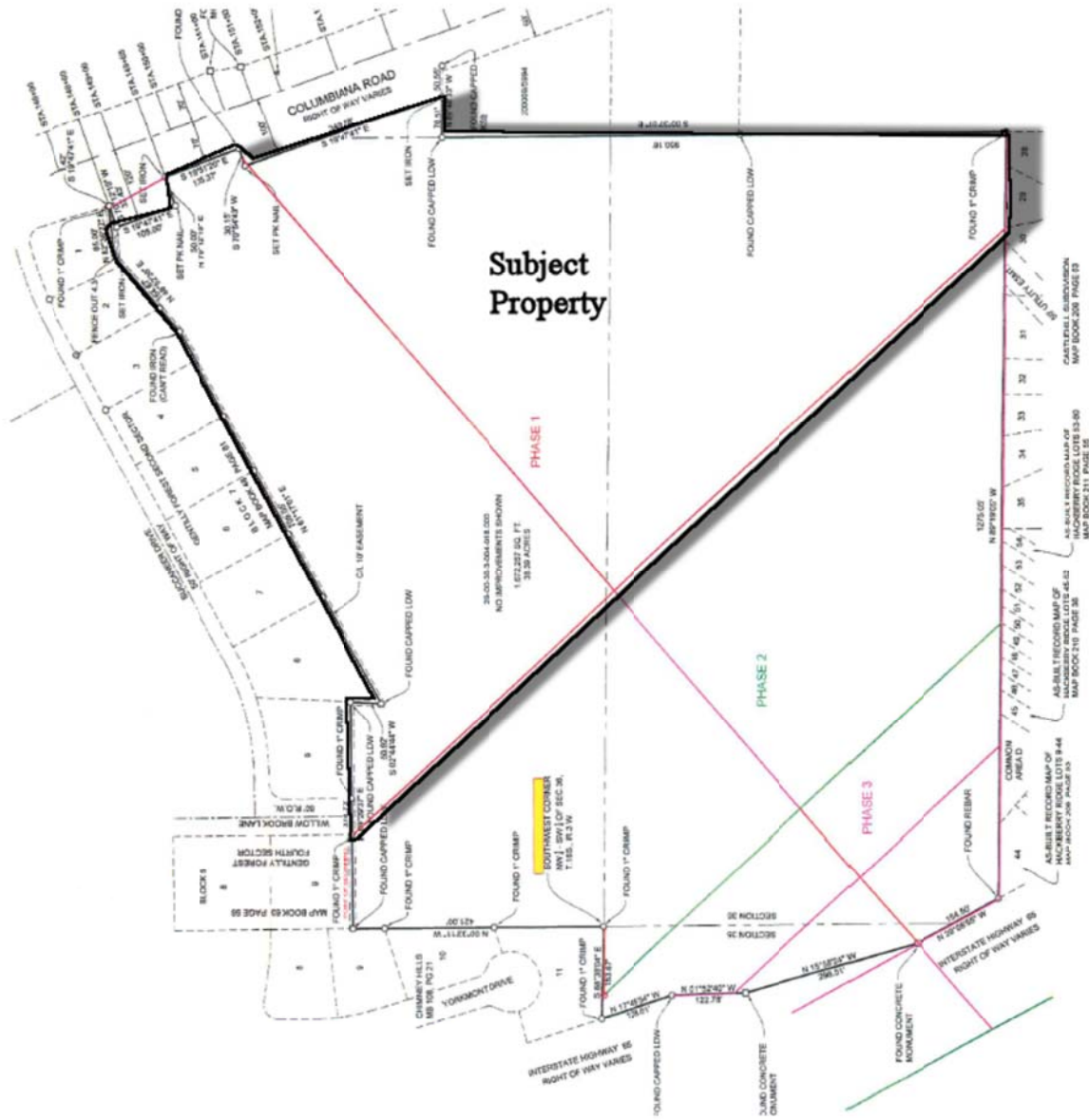
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2682 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 26th day of September, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 4883

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY MANAGER TO INITIATE A SALES TAX REFUND TO MARCUS CABLE AND CHARTER COMMUNICATIONS

WHEREAS, Revenue Discovery Systems (“RDS”) acts as an agent for the City of Vestavia Hills for the collection of City sales, lease and use taxes; and

WHEREAS, RDS, in a letter dated April 16, 2013, advised the Finance Director of a request for a Sales Tax Refund requested by Marcus Cable and Charter Communications (collectively “Charter”) that has been received in the amount of \$98,746.95, including interest; and

WHEREAS, RDS, in response to said request, audited and reviewed the remittance records of Charter and determined that a net amount of \$98,746.95 was due to be refunded to Charter; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to refund said requested overpayment to Charter.

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

1. The City Manager is hereby authorized and directed to initiate a Consumer’s Use Tax Refund to Charter in the amount of \$98,746.95; and
2. Said Resolution Number 4883 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 26th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

RDS
Audit Division

MEMORANDUM

DATE: June 27, 2016
TO: City of Vestavia Hills

The attached joint refund petitions are due to over-payment of sales tax to vendors. The vendors charged Marcus Cable and Charter Communications (collectively "Charter") the general rate of sales tax on items that should have been taxed at the manufacturing rate. The items in question were deemed to be taxed at the manufacturing rate based on the ruling in Gulf Telephone Company, et al., vs. James M. Sizemore, JR., Alabama Department of Revenue, Case No. CV-87-1730-G (Cir. Ct. Montgomery County, Ala. May 3, 1988). The ruling held that the central office equipment ("COE") is subject to the special 1.5% sales tax rate as set out under Ala. Code §40-23-2(3). The COE items are used "to receive, process, record, convert and transmit signals...".

The items included in the Charter refund fits the description and use of the COE items described in the *Gulf Telephone* case. Therefore, after review of the refund it is determined that the refund claim is valid. As a side note, the last period of the refund was July 2012 and the filing of the refund was in 2014. Due to the gap between the refund filing and the last period in which a refund was claimed, it could be assumed that this "taxing issue" has been resolved and refunds of this nature may be over.



April 15, 2014

RDS

Attention: Refunds

2317 3rd Avenue North

Birmingham, AL 35203-3835

Re: Sales Tax Refund Request
Charter Communications
Marcus Cable Associates, LLC
Marcus Cable of Alabama, LLC

Dear Tax Administrator:

Charter Communications, doing business in Alabama as Charter Communications, Marcus Cable Associates, LLC, and Marcus Cable of Alabama, LLC (collectively "Charter"), has recently completed a sales tax review of its Alabama operations for years 2011 through 2012. For the years 2011 through 2012, Charter purchased equipment from various vendors within the state erroneously paying the full sales tax rate on its purchases. Subsequent to the purchases, an analysis was performed on the purchases of equipment to identify equipment purchased for purposes of manufacturing tangible personal property. As a result of the review, purchases of manufacturing equipment from Arris Solutions, Inc., BigBand Networks, and General Instrument Corporation (collectively "vendors") have been identified that qualify for a reduced rate of Alabama state and local sales tax.

Pursuant to Ala. Code §40-23-2(3), retail sellers of machines and parts used in the compounding, processing and manufacturing of tangible personal property are taxed at a special rate equal to one and one-half percent of their gross proceeds. Under Alabama Rule 810-6-2-.98(2), "when used in broadcasting by television, cable tv, and radio stations, equipment, which amplifies, modifies, or otherwise controls electrical currents and signals imposed on electrical current and the attendant electromagnetic waves, qualifies as a machine used in processing tangible personal property and is subject to the reduced machine rate of tax."

In addition, under *Gulf Telephone Company, et. al v. James M. Sizemore, Jr., Commissioner, Alabama Department of Revenue*, No. 87-1730-G (Cir. Ct. Montgomery County, Ala. May 3, 1988), the Court held that telephone central office equipment is "subject to the special 1.5% sales tax rate as set out under Ala. Code §40-23-2(3)."

Also, pursuant to Ala. Code §40-2A-7(c)(1), any petition for refund of sales tax "shall be filed jointly by the taxpayer who collected and paid over the tax to the department and the

consumer/purchaser who paid the tax to the taxpayer.” Sales tax was paid by Charter to the vendors who in turn remitted the tax to RDS for multiple jurisdictions at the full tax rate rather than the reduced rate as prescribed by statute.

As such, Charter respectfully requests that you review the following claim for refund and supporting documentation.

The following items are attached for your review:

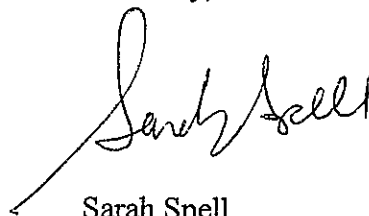
- *Form 2848A, Power of Attorney and Declaration of Representative*
- *RDS Refund Petition*
- *Invoice listing of equipment purchased subject to a reduced rate of tax*

Also enclosed for your review is a CD with the following information:

- *Invoice listing of equipment purchased subject to a reduced rate of tax*
- *Folder containing copies of invoices claimed*

If you have any questions regarding this request or require assistance please contact our designated representative Natalie Haynes from Ernst & Young (314) 290-1782.

Sincerely,

A handwritten signature in black ink that reads "Sarah Spell". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

Sarah Spell
Senior Manager – Transaction Tax

Enclosures

FORM
2848A
(REV. 1/13)

ALABAMA DEPARTMENT OF REVENUE
**Power of Attorney
and Declaration of Representative**



NOTE: If you have questions concerning the completion of this form, please refer to the instructions for Federal Form 2848 (revised March 2012). Alabama Form 2848A is very similar to the federal form.

PART I - POWER OF ATTORNEY

1 TAXPAYER INFORMATION

TAXPAYER NAME(S) AND ADDRESS (Please Type or Print) Charter Communications 12405 Powerscourt Drive St. Louis, MO 63131	SOCIAL SECURITY NUMBER(S)	EMPLOYER IDENTIFICATION NUMBER 43-1659860
		DAYTIME TELEPHONE NUMBER (314)543-2246

Hereby appoint(s) the following representative(s) as attorney(s)-in-fact:

2 REPRESENTATIVE(S) (Please Type or Print)

NAME AND ADDRESS Rick Allen 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1018 FAX NUMBER (866)531-5032
NAME AND ADDRESS Natalie Haynes 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1782 FAX NUMBER (866)647-2911
NAME AND ADDRESS Larissa Schroeder 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1092 FAX NUMBER ()

To represent the taxpayer(s) before the Alabama Department of Revenue for the following tax matters:

3 TAX MATTERS

TYPE OF TAX (Individual, Corporate, Sales, etc.)	TAX FORM NUMBER (40, 20C, 41, 65, etc.)	YEAR(S) or PERIOD(S)
Sales/Use		2011-2014

4 ACTS AUTHORIZED

The representative(s) are authorized to receive and inspect confidential tax information and to perform any and all acts that I (we) can perform with respect to the tax matters described on line 3, (for example, the authority to sign any agreements, consents, or other documents). The authority does not include the power to receive refund checks or the power to sign certain returns.

LIST ANY SPECIFIC ADDITIONS OR DELETIONS TO THE ACTS OTHERWISE AUTHORIZED IN THIS POWER OF ATTORNEY:

5 RECEIPT OF REFUND CHECKS

If you want to authorize a representative named on line 2 to receive, **BUT NOT TO ENDORSE OR CASH**, refund checks, initial here _____ and list the name of that representative below.

NAME OF REPRESENTATIVE TO RECEIVE REFUND CHECK(S) ► _____

6 RETENTION / REVOCATION OF PRIOR POWER(S) OF ATTORNEY

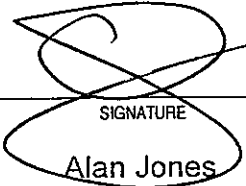
The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Alabama Department of Revenue for the *same* tax matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here.

YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

7 SIGNATURE OF TAXPAYER(S)

If a tax matter concerns a joint return, *both* husband and wife must sign if joint representation is requested, otherwise, see federal instructions. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

▶ If this power of attorney is not signed and dated, it will be returned to the taxpayer.



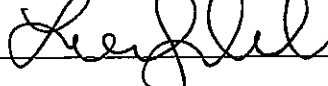
 SIGNATURE	4/21/14 DATE	Vice President, Tax TITLE (If Applicable)
Alan Jones PRINT NAME		
SIGNATURE	DATE	TITLE (If Applicable)
PRINT NAME		

PART II – DECLARATION OF REPRESENTATIVE

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Treasury Department Circular No. 230 (31 CFR, Part 10), as amended, concerning the practice of attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others;
- I am authorized to represent the taxpayer(s) identified in Part I for the tax matter(s) specified there; and
- I am one of the following:
 - a Attorney – a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant – duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent – enrolled as an agent under the requirements of Treasury Department Circular No. 230.
 - d Officer – a bona fide officer of the taxpayer's organization.
 - e Full-Time Employee – a full-time employee of the taxpayer.
 - f Family Member – a member of the taxpayer's immediate family (i.e., spouse, parent, child, brother, or sister).
 - g Enrolled Actuary – enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Service is limited by section 10.3(d)(1) of Treasury Department Circular No. 230).
 - h Unenrolled Return Preparer – an unenrolled return preparer under section 10.7(c)(1)(viii) of Treasury Department Circular No. 230.
 - i Registered Tax Return Preparer – registered as a tax return preparer under the requirements of section 10.4 of Circular 230. Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled and return preparers in the instructions.
 - j Student Attorney or CPA – receives permission to practice before the IRS by virtue of his/her status as a law, business, or accounting student working in LITC or STCP under section 10.7(d) of Circular 230. See instructions for Part II for additional information and requirements.
 - k Enrolled Retirement Plan Agent – enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

▶ If this declaration of representative is not signed and dated, the power of attorney will be returned.

DESIGNATION – INSERT ABOVE LETTER (a-k)	JURISDICTION (State) or ENROLLMENT CARD NO.	SIGNATURE	DATE
b	KS/MO		4/21/14
b	CA		4/21/14
b	MO		4/21/14

FORM
2848A
(REV. 1/13)

ALABAMA DEPARTMENT OF REVENUE
**Power of Attorney
and Declaration of Representative**



NOTE: If you have questions concerning the completion of this form, please refer to the instructions for Federal Form 2848 (revised March 2012). Alabama Form 2848A is very similar to the federal form.

PART I - POWER OF ATTORNEY

1 TAXPAYER INFORMATION

TAXPAYER NAME(S) AND ADDRESS (Please Type or Print) Marcus Cable Associates LLC 12405 Powerscourt Drive St. Louis, MO 63131	SOCIAL SECURITY NUMBER(S)	EMPLOYER IDENTIFICATION NUMBER 75-2775560
		DAYTIME TELEPHONE NUMBER (314)543-2246

Hereby appoint(s) the following representative(s) as attorney(s)-in-fact:

2 REPRESENTATIVE(S) (Please Type or Print)

NAME AND ADDRESS Rick Allen 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1018 FAX NUMBER (866)531-5032
NAME AND ADDRESS Natalie Haynes 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1782 FAX NUMBER (866)647-2911
NAME AND ADDRESS Larissa Schroeder 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314)290-1092 FAX NUMBER ()

To represent the taxpayer(s) before the Alabama Department of Revenue for the following tax matters:

3 TAX MATTERS

TYPE OF TAX (Individual, Corporate, Sales, etc.)	TAX FORM NUMBER (40, 20C, 41, 65, etc.)	YEAR(S) or PERIOD(S)
Sales/Use		2011-2014

4 ACTS AUTHORIZED

The representative(s) are authorized to receive and inspect confidential tax information and to perform any and all acts that I (we) can perform with respect to the tax matters described on line 3, (for example, the authority to sign any agreements, consents, or other documents). The authority does not include the power to receive refund checks or the power to sign certain returns.

LIST ANY SPECIFIC ADDITIONS OR DELETIONS TO THE ACTS OTHERWISE AUTHORIZED IN THIS POWER OF ATTORNEY:

5 RECEIPT OF REFUND CHECKS

If you want to authorize a representative named on line 2 to receive, **BUT NOT TO ENDORSE OR CASH**, refund checks, initial here _____ and list the name of that representative below.

NAME OF REPRESENTATIVE TO RECEIVE REFUND CHECK(S) ► _____

6 RETENTION / REVOCATION OF PRIOR POWER(S) OF ATTORNEY

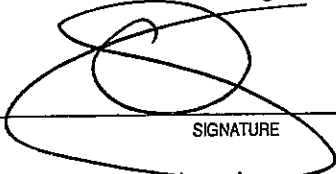
The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Alabama Department of Revenue for the *same* tax matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here.

YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

7 SIGNATURE OF TAXPAYER(S)

If a tax matter concerns a joint return, *both* husband and wife must sign if joint representation is requested, otherwise, see federal instructions. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

► If this power of attorney is not signed and dated, it will be returned to the taxpayer.

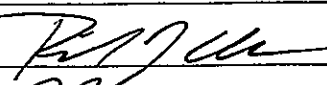
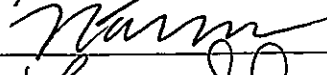

 SIGNATURE	4/21/14 DATE	Vice President, Tax TITLE (If Applicable)
Alan Jones PRINT NAME		
SIGNATURE	DATE	TITLE (If Applicable)
PRINT NAME		

PART II – DECLARATION OF REPRESENTATIVE

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Treasury Department Circular No. 230 (31 CFR, Part 10), as amended, concerning the practice of attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others;
- I am authorized to represent the taxpayer(s) identified in Part I for the tax matter(s) specified there; and
- I am one of the following:
 - a Attorney – a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant – duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent – enrolled as an agent under the requirements of Treasury Department Circular No. 230.
 - d Officer – a bona fide officer of the taxpayer’s organization.
 - e Full-Time Employee – a full-time employee of the taxpayer.
 - f Family Member – a member of the taxpayer’s immediate family (i.e., spouse, parent, child, brother, or sister).
 - g Enrolled Actuary – enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Service is limited by section 10.3(d)(1) of Treasury Department Circular No. 230).
 - h Unenrolled Return Preparer – an unenrolled return preparer under section 10.7(c)(1)(viii) of Treasury Department Circular No. 230.
 - i Registered Tax Return Preparer – registered as a tax return preparer under the requirements of section 10.4 of Circular 230. Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled and return preparers in the instructions.
 - j Student Attorney or CPA – receives permission to practice before the IRS by virtue of his/her status as a law, business, or accounting student working in LITC or STCP under section 10.7(d) of Circular 230. See instructions for Part II for additional information and requirements.
 - k Enrolled Retirement Plan Agent – enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

► If this declaration of representative is not signed and dated, the power of attorney will be returned.

DESIGNATION – INSERT ABOVE LETTER (a-k)	JURISDICTION (State) or ENROLLMENT CARD NO.	SIGNATURE	DATE
b	KS/MO		4/21/14
b	CA		4/21/14
b	MO		4/21/14

FORM
2848A
(REV. 1/13)

ALABAMA DEPARTMENT OF REVENUE
**Power of Attorney
and Declaration of Representative**



NOTE: If you have questions concerning the completion of this form, please refer to the instructions for Federal Form 2848 (revised March 2012). Alabama Form 2848A is very similar to the federal form.

PART I - POWER OF ATTORNEY

1 TAXPAYER INFORMATION

TAXPAYER NAME(S) AND ADDRESS (Please Type or Print) Marcus Cable of Alabama LLC 12405 Powerscourt Drive St. Louis, MO 63131	SOCIAL SECURITY NUMBER(S)	EMPLOYER IDENTIFICATION NUMBER 43-1548562
		DAYTIME TELEPHONE NUMBER (314) 543-2246

Hereby appoint(s) the following representative(s) as attorney(s)-in-fact:

2 REPRESENTATIVE(S) (Please Type or Print)

NAME AND ADDRESS Rick Allen 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314) 290-1018 FAX NUMBER (866) 531-5032
NAME AND ADDRESS Natalie Haynes 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314) 290-1782 FAX NUMBER (866) 647-2911
NAME AND ADDRESS Larissa Schroeder 190 Carondelet Plaza, Suite 1300 Clayton, MO 63105 Check if to be sent notices and communications: <input type="checkbox"/>	TELEPHONE NUMBER (314) 290-1092 FAX NUMBER ()

To represent the taxpayer(s) before the Alabama Department of Revenue for the following tax matters:

3 TAX MATTERS

TYPE OF TAX (Individual, Corporate, Sales, etc.)	TAX FORM NUMBER (40, 20C, 41, 65, etc.)	YEAR(S) or PERIOD(S)
Sales/Use		2011-2014

4 ACTS AUTHORIZED

The representative(s) are authorized to receive and inspect confidential tax information and to perform any and all acts that I (we) can perform with respect to the tax matters described on line 3, (for example, the authority to sign any agreements, consents, or other documents). The authority does not include the power to receive refund checks or the power to sign certain returns.

LIST ANY SPECIFIC ADDITIONS OR DELETIONS TO THE ACTS OTHERWISE AUTHORIZED IN THIS POWER OF ATTORNEY:

5 RECEIPT OF REFUND CHECKS

If you want to authorize a representative named on line 2 to receive, BUT NOT TO ENDORSE OR CASH, refund checks, initial here _____ and list the name of that representative below.

NAME OF REPRESENTATIVE TO RECEIVE REFUND CHECK(S) ► _____

6 RETENTION / REVOCATION OF PRIOR POWER(S) OF ATTORNEY

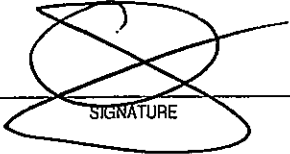
The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Alabama Department of Revenue for the *same* tax matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here.

YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

7 SIGNATURE OF TAXPAYER(S)

If a tax matter concerns a joint return, *both* husband and wife must sign if joint representation is requested, otherwise, see federal instructions. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

► If this power of attorney is not signed and dated, it will be returned to the taxpayer.

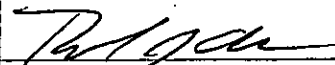


 _____ SIGNATURE Alan Jones _____ PRINT NAME	4/21/14 _____ DATE	Vice President, Tax _____ TITLE (If Applicable)
_____ SIGNATURE _____ PRINT NAME	_____ DATE	_____ TITLE (If Applicable)

PART II – DECLARATION OF REPRESENTATIVE

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
- I am aware of regulations contained in Treasury Department Circular No. 230 (31 CFR, Part 10), as amended, concerning the practice of attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others;
- I am authorized to represent the taxpayer(s) identified in Part I for the tax matter(s) specified there; and
- I am one of the following:
 - a Attorney – a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant – duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent – enrolled as an agent under the requirements of Treasury Department Circular No. 230.
 - d Officer – a bona fide officer of the taxpayer’s organization.
 - e Full-Time Employee – a full-time employee of the taxpayer.
 - f Family Member – a member of the taxpayer’s immediate family (i.e., spouse, parent, child, brother, or sister).
 - g Enrolled Actuary – enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Service is limited by section 10.3(d)(1) of Treasury Department Circular No. 230).
 - h Unenrolled Return Preparer – an unenrolled return preparer under section 10.7(c)(1)(viii) of Treasury Department Circular No. 230.
 - i Registered Tax Return Preparer – registered as a tax return preparer under the requirements of section 10.4 of Circular 230. Your authority to practice before the Internal Revenue Service is limited. You must have been eligible to sign the return under examination and have signed the return. See Notice 2011-6 and Special rules for registered tax return preparers and unenrolled and return preparers in the instructions.
 - j Student Attorney or CPA – receives permission to practice before the IRS by virtue of his/her status as a law, business, or accounting student working in LITC or STCP under section 10.7(d) of Circular 230. See instructions for Part II for additional information and requirements.
 - k Enrolled Retirement Plan Agent – enrolled as a retirement plan agent under the requirements of Circular 230 (the authority to practice before the Internal Revenue Service is limited by section 10.3(e)).

► If this declaration of representative is not signed and dated, the power of attorney will be returned.

DESIGNATION – INSERT ABOVE LETTER (a-k)	JURISDICTION (State) or ENROLLMENT CARD NO.	SIGNATURE	DATE
b	KS/MO		4/21/14
b	CA		4/21/14
b	MO		4/21/14



Ernst & Young LLP
The Plaza in Clayton
Suite 1300
190 Carondelet Plaza
St. Louis, MO 63105-3434

CERTIFIED MAIL

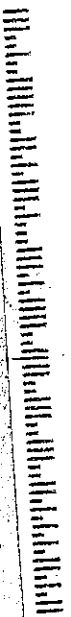


7009 2250 0000 8720 1458

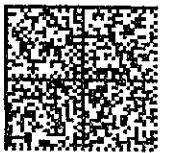
RDS
Attention: Refunds
2317 3rd Avenue North
Birmingham, AL 35203-3835

RDS-317 352031480-1314
NOTIFY SENDER OF NEW ADDRESS
:RDS
600 BEACON PKWY W STE 950
BIRMINGHAM AL 35209-3111

04/27/14



First Class Mail
ComBasPrice



UNITED STATES POSTAGE
\$08.93
02 1M
0004242426
APR 21 2014
MAILED FROM ZIP CODE 63105
PRINCE BOWLES

RECEIVED
MAY 9 2014
BY: _____



Ernst & Young LLP
The Plaza in Clayton
Suite 1300
190 Carondelet Plaza
St. Louis, MO 63105-3434



Direct Class Mail

RDS
Attention: Refunds
2317 3rd Avenue North
Birmingham, AL 35203-3835

RDS-317 352031480-1314 04/27/14
NOTIFY SENDER OF NEW ADDRESS
:RDS
600 BEACON PKWY W STE 950
BIRMINGHAM AL 35209-3111





Ernst & Young LLP
The Plaza in Clayton
Suite 1300
190 Carondelet Plaza
St. Louis, MO 63105-3434



Ernst & Young LLP

RDS
Attention: Refunds
2317 3rd Avenue North
Birmingham, AL 35203-3835

RDS-317 352031480-1314 04/27/14
NOTIFY SENDER OF NEW ADDRESS
:RDS
600 BEACON PKWY W STE 950
BIRMINGHAM AL 35209-3111



9 of 10



RDS Refund Petition

RDS
Attn: Refunds
2317 3rd Ave N
Suite 200
Birmingham, AL 35203

Refund Petition

[x] Joint [] Direct

Note: Separate petitions are required for each type of tax and for each city or county. (Instructions on Back)

The undersigned hereby makes application for refund of (\$5,276.59) Five thousand, two hundred seventy six & 59/100 Dollars. Taxes paid by said undersigned to the Tax Trust Account for (city or county) Vestavia Hills for the period(s) 2010-2012, which amount was erroneously paid or paid in excess of the amount due or was paid through mistake of fact or law.

Explain in detail the reasons for refund claim (attach additional pages if necessary):

Manufacturing equipment subject to a reduced rate of tax under Ala. Code §40-23-2(3).

Signatures: A joint petition must bear the signatures of both the seller and the consumer-purchaser. If a petitioner is an individual, the individual must sign. If a petition is a partnership or limited liability partnership, a partner must sign. If a petition is a corporation, an officer of the corporation must sign. If a petition is a limited liability company, a member must sign.

BigBand Networks

Petitioner's Name (Seller)
109269
RDS Account #
678-473-2000 Telephone #
VP Tax, Assist Sec.
brant.sharp@arisi.com
3871 Lakefield Drive
Suwanee, GA 30024
City State Zip
4-16-14
Date Signed

Marcus Cable of Alabama, LLC

Petitioner's Name (Consumer-Purchaser)
021885 (314) 543-2246
RDS Account # Telephone #
Alan Jones VP of Tax
12405 Powerscourt Drive
St. Louis MO 63131
City State Zip
4/21/14
Date Signed



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 488

DRAFT

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petiton	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Billing Summary

Sales Tax

Audit: Sales Tax/Refund Petiton
Adjustment Schedules: Joint Refund Petition-BigBand

Code	Tax Type	Tax	Interest	Penalty	Total
1 9333	Vestavia Hills S&U	(4,358.59)	(638.26)	0.00	(4,996.85)
Total (1)		(4,358.59)	(638.26)	0.00	(4,996.85)

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Billing for Vestavia Hills S&U [9333]

Sales Tax

Audit: Sales Tax/Refund Petition
Adjustment Schedules: Joint Refund Petition-BigBand

Period	Tax Due	Interest	Penalty	Total	
1 04/30/2011	0.00	0.00	0.00	0.00	1
2 05/31/2011	0.00	0.00	0.00	0.00	2
3 06/30/2011	0.00	0.00	0.00	0.00	3
4 07/31/2011	0.00	0.00	0.00	0.00	4
5 08/31/2011	0.00	0.00	0.00	0.00	5
6 09/30/2011	(4,358.59)	(638.26)	0.00	(4,996.85)	6
7 10/31/2011	0.00	0.00	0.00	0.00	7
8 11/30/2011	0.00	0.00	0.00	0.00	8
9 12/31/2011	0.00	0.00	0.00	0.00	9
10 01/31/2012	0.00	0.00	0.00	0.00	10
11 02/29/2012	0.00	0.00	0.00	0.00	11
12 03/31/2012	0.00	0.00	0.00	0.00	12
13 04/30/2012	0.00	0.00	0.00	0.00	13
14 05/31/2012	0.00	0.00	0.00	0.00	14
15 06/30/2012	0.00	0.00	0.00	0.00	15
16 07/31/2012	0.00	0.00	0.00	0.00	16
Total (16)	(4,358.59)	(638.26)	0.00	(4,996.85)	



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution 10.418

DRAFT

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
--	---	---

Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
1 09/30/11	5019039	BigBand Network	(3,000.00)	Refund petition- Paid General rate on MFG rate items	1
2 09/30/11	5019032	BigBand Network	(214,929.60)	Refund petition- Paid General rate on MFG rate items	2
SEP 2011 - Gen					
3 09/30/11	5019039	BigBand Network	3,000.00	Refund petition- Paid General rate on MFG rate items	3
4 09/30/11	5019032	BigBand Network	214,929.60	Refund petition- Paid General rate on MFG rate items	4
SEP 2011 - Mfg					
Total (4)					



RDS Refund Petition

RDS
Attn: Refunds
2317 3rd Ave N
Suite 200
Birmingham, AL 35203

Refund Petition

[X] Joint [] Direct

Note: Separate petitions are required for each type of tax and for each city or county. (Instructions on Back)

The undersigned hereby makes application for refund of (\$ 55,649)
Fifty five thousand six hundred forty-nine Dollars. Taxes paid by said
undersigned to the Tax Trust Account for (city or county) Vestavia Hills for the
period(s) Mar 2010 - July 2012, which amount was erroneously paid or paid in
excess of the amount due or was paid through mistake of fact or law.

Explain in detail the reasons for refund claim (attach additional pages if necessary):

Reduced machinery rate of 1% rather than the standard 3%
should have been applied to these Vestavia Hills customer
premises settop boxes (cable converters). See Code of Ala.
1975 Sec 40-23-2(3).

Signatures: A joint petition must bear the signatures of both the seller and the
consumer-purchaser. If a petitioner is an individual, the individual must sign. If a
petition is a partnership or limited liability partnership, a partner must sign. If a petition is
a corporation, an officer of the corporation must sign. If a petition is a limited liability
company, a member must sign.

General Instrument Corp.
Petitioner's Name (Seller)
042332 (239) 489-9900 x1011
RDS Account # Telephone #
Drew White / Tax Analyst
Petitioner's Signature/Title
OCV783@motorola.com
Petitioner's Email Address
101 Tournament Dr.
Mailing Address
Horsham, PA 19044
City State Zip
3/20/13
Date Signed

Charter Communications
Petitioner's Name (Consumer-Purchaser)
21885 314-543-5793
Petitioner's Signature/Title
Senior Tax Accountant
steranie.vermette@chartercom.com
Petitioner's Email Address
12405 Powerscourt Dr
Mailing Address
St. Louis, MO 63131
City State Zip
03/28/2013
Date Signed

Revision submitted 10/10/13



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 4833

DRAFT

Charter Communications 12405 Powerscourt Drive, St Louis MO 63131	RDS Acct #: 008663 FEIN/SSAN:	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills
Charter Communications 12405 Powers Court Drive, St Louis MO 631331	Project ID: 29528 Location ID: Refund Petition	Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016

Billing Summary

Sales Tax

Audit: Sales Tax/Refund Petition
Adjustment Schedules: Joint Refund Petition-General Instrument Corp

Code	Tax Type	Tax	Interest	Penalty	Total
1 9333	Vestavia Hills S&U	(28,972.86)	(4,449.05)	0.00	(33,421.91)
Total (1)		(28,972.86)	(4,449.05)	0.00	(33,421.91)

Charter Communications 12405 Powerscourt Drive, St Louis MO 63131	RDS Acct #: 008663 FEIN/SSAN:	Period: 04/01/2011 thru 7/31/2012
Charter Communications 12405 Powers Court Drive, St Louis MO 631331	Project ID: 29528 Location ID: Refund Petition	Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016

Billing for Vestavia Hills S&U [9333]

Sales Tax

Audit: Sales Tax/Refund Petition
Adjustment Schedules: Joint Refund Petition-General Instrument Corp

Period	Tax Due	Interest	Penalty	Total	
1 03/31/2010	0.00	0.00	0.00	0.00	1
2 04/30/2010	0.00	0.00	0.00	0.00	2
3 05/31/2010	0.00	0.00	0.00	0.00	3
4 06/30/2010	0.00	0.00	0.00	0.00	4
5 07/31/2010	0.00	0.00	0.00	0.00	5
6 08/31/2010	0.00	0.00	0.00	0.00	6
7 09/30/2010	0.00	0.00	0.00	0.00	7
8 10/31/2010	0.00	0.00	0.00	0.00	8
9 11/30/2010	0.00	0.00	0.00	0.00	9
10 12/31/2010	0.00	0.00	0.00	0.00	10
11 01/31/2011	0.00	0.00	0.00	0.00	11
12 02/28/2011	0.00	0.00	0.00	0.00	12
13 03/31/2011	0.00	0.00	0.00	0.00	13
14 04/30/2011	(13,230.00)	(2,152.31)	0.00	(15,382.31)	14
15 05/31/2011	(1,824.64)	(290.64)	0.00	(2,115.28)	15
16 06/30/2011	(6,250.40)	(975.05)	0.00	(7,225.45)	16
17 07/31/2011	(1,374.20)	(209.40)	0.00	(1,583.60)	17
18 08/31/2011	0.00	0.00	0.00	0.00	18
19 09/30/2011	0.00	0.00	0.00	0.00	19
20 10/31/2011	0.00	0.00	0.00	0.00	20
21 11/30/2011	0.00	0.00	0.00	0.00	21
22 12/31/2011	0.00	0.00	0.00	0.00	22
23 01/31/2012	(2,564.20)	(349.39)	0.00	(2,913.59)	23
24 02/29/2012	0.00	0.00	0.00	0.00	24
25 03/31/2012	0.00	0.00	0.00	0.00	25
26 04/30/2012	(768.00)	(98.98)	0.00	(866.98)	26
27 05/31/2012	(2,740.62)	(346.47)	0.00	(3,087.09)	27
28 06/30/2012	0.00	0.00	0.00	0.00	28
29 07/31/2012	(220.80)	(26.81)	0.00	(247.61)	29
Total (29)	(28,972.86)	(4,449.05)	0.00	(33,421.91)	



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 488

DRAFT

Charter Communications 12405 Powerscourt Drive, St Louis MO 63131	RDS Acct #: 008663 FEIN/SSAN:	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills
Charter Communications 12405 Powers Court Drive, St Louis MO 631331	Project ID: 29528 Location ID: Refund Petition	Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016

Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
1 04/01/11	7315823	General Instrument Corporation	(32,000.00)	Refund petition- Paid General rate on MFG rate items	1
2 04/01/11	7315820	General Instrument Corporation	(213,500.00)	Refund petition- Paid General rate on MFG rate items	2
3 04/01/11	7315822	General Instrument Corporation	(224,000.00)	Refund petition- Paid General rate on MFG rate items	3
4 04/01/11	7315821	General Instrument Corporation	(192,000.00)	Refund petition- Paid General rate on MFG rate items	4
APR 2011 - Gen					
5 04/01/11	7315820	General Instrument Corporation	213,500.00	Refund petition- Paid General rate on MFG rate items	5
6 04/01/11	7315821	General Instrument Corporation	192,000.00	Refund petition- Paid General rate on MFG rate items	6
7 04/01/11	7315823	General Instrument Corporation	32,000.00	Refund petition- Paid General rate on MFG rate items	7
8 04/01/11	7315822	General Instrument Corporation	224,000.00	Refund petition- Paid General rate on MFG rate items	8
APR 2011 - Mfg					
9 05/19/11	7332149	General Instrument Corporation	(7,232.00)	Refund petition- Paid General rate on MFG rate items	9
10 05/27/11	7334031	General Instrument Corporation	(24,000.00)	Refund petition- Paid General rate on MFG rate items	10
11 05/31/11	7334380	General Instrument Corporation	(60,000.00)	Refund petition- Paid General rate on MFG rate items	11
MAY 2011 - Gen					
12 05/19/11	7332149	General Instrument Corporation	7,232.00	Refund petition- Paid General rate on MFG rate items	12
13 05/27/11	7334031	General Instrument Corporation	24,000.00	Refund petition- Paid General rate on MFG rate items	13
14 05/31/11	7334380	General Instrument Corporation	60,000.00	Refund petition- Paid General rate on MFG rate items	14
MAY 2011 - Mfg					
15 06/02/11	7335008	General Instrument Corporation	(12,000.00)	Refund petition- Paid General rate on MFG rate items	15
16 06/07/11	7336156	General Instrument Corporation	(72,000.00)	Refund petition- Paid General rate on MFG rate items	16
17 06/08/11	7336408	General Instrument Corporation	(12,000.00)	Refund petition- Paid General rate on MFG rate items	17
18 06/14/11	7337688	General Instrument Corporation	(154,000.00)	Refund petition- Paid General rate on MFG rate items	18
19 06/20/11	7415275	General Instrument Corporation	(5,000.00)	Refund petition- Paid General rate on MFG rate items	19
20 06/22/11	7416532	General Instrument Corporation	(8,800.00)	Refund petition- Paid General rate on MFG rate items	20
21 06/25/11	7416661	General Instrument Corporation	(22,800.00)	Refund petition- Paid General rate on MFG rate items	21
22 06/28/11	7417704	General Instrument Corporation	(25,920.00)	Refund petition- Paid General rate on MFG rate items	22
JUN 2011 - Gen					
23 06/02/11	7335008	General Instrument Corporation	12,000.00	Refund petition- Paid General rate on MFG rate items	23
24 06/07/11	7336156	General Instrument Corporation	72,000.00	Refund petition- Paid General rate on MFG rate items	24
25 06/08/11	7336408	General Instrument Corporation	12,000.00	Refund petition- Paid General rate on MFG rate items	25
26 06/14/11	7337688	General Instrument Corporation	154,000.00	Refund petition- Paid General rate on MFG rate items	26
27 06/20/11	7415275	General Instrument Corporation	5,000.00	Refund petition- Paid General rate on MFG rate items	27
28 06/22/11	7416532	General Instrument Corporation	8,800.00	Refund petition- Paid General rate on MFG rate items	28
29 06/25/11	7416661	General Instrument Corporation	22,800.00	Refund petition- Paid General rate on MFG rate items	29
30 06/28/11	7417704	General Instrument Corporation	25,920.00	Refund petition- Paid General rate on MFG rate items	30
JUN 2011 - Mfg					
31 07/11/11	7343899	General Instrument Corporation	(12,000.00)	Refund petition- Paid General rate on MFG rate items	31
32 07/29/11	7347681	General Instrument Corporation	(56,710.00)	Refund petition- Paid General rate on MFG rate items	32
JUL 2011 - Gen					
33 07/11/11	7343899	General Instrument Corporation	12,000.00	Refund petition- Paid General rate on MFG rate items	33
34 07/29/11	7347681	General Instrument Corporation	56,710.00	Refund petition- Paid General rate on MFG rate items	34
JUL 2011 - Mfg					
35 01/25/12	7385796	General Instrument Corporation	(70,210.00)	Refund petition- Paid General rate on MFG rate items	35



Charter Communications 12405 Powerscourt Drive, St Louis MO 63131	RDS Acct #: 008663 FEIN/SSAN: Project ID: 29528	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter
Charter Communications 12405 Powers Court Drive, St Louis MO 631331	Location ID: Refund Petition	Interest Date: 07/31/2016

Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
36 01/31/12	7386794	General Instrument Corporation	(14,000.00)	Refund petition- Paid General rate on MFG rate items	36
37 01/31/12	7386795	General Instrument Corporation	(44,000.00)	Refund petition- Paid General rate on MFG rate items	37
JAN 2012 - Gen					
38 01/25/12	7385796	General Instrument Corporation	70,210.00	Refund petition- Paid General rate on MFG rate items	38
39 01/31/12	7386794	General Instrument Corporation	14,000.00	Refund petition- Paid General rate on MFG rate items	39
40 01/31/12	7386795	General Instrument Corporation	44,000.00	Refund petition- Paid General rate on MFG rate items	40
JAN 2012 - Mfg					
41 04/19/12	7401787	General Instrument Corporation	(38,400.00)	Refund petition- Paid General rate on MFG rate items	41
APR 2012 - Gen					
42 04/19/12	7401787	General Instrument Corporation	38,400.00	Refund petition- Paid General rate on MFG rate items	42
APR 2012 - Mfg					
43 05/03/12	7404484	General Instrument Corporation	(9,320.00)	Refund petition- Paid General rate on MFG rate items	43
44 05/10/12	7405968	General Instrument Corporation	(46,600.00)	Refund petition- Paid General rate on MFG rate items	44
45 05/15/12	7406631	General Instrument Corporation	(41,031.00)	Refund petition- Paid General rate on MFG rate items	45
46 05/21/12	7407818	General Instrument Corporation	(40,080.00)	Refund petition- Paid General rate on MFG rate items	46
MAY 2012 - Gen					
47 05/03/12	7404484	General Instrument Corporation	9,320.00	Refund petition- Paid General rate on MFG rate items	47
48 05/10/12	7405968	General Instrument Corporation	46,600.00	Refund petition- Paid General rate on MFG rate items	48
49 05/15/12	7406631	General Instrument Corporation	41,031.00	Refund petition- Paid General rate on MFG rate items	49
50 05/21/12	7407818	General Instrument Corporation	40,080.00	Refund petition- Paid General rate on MFG rate items	50
MAY 2012 - Mfg					
51 07/19/12	7421799	General Instrument Corporation	(11,040.00)	Refund petition- Paid General rate on MFG rate items	51
JUL 2012 - Gen					
52 07/19/12	7421799	General Instrument Corporation	11,040.00	Refund petition- Paid General rate on MFG rate items	52
JUL 2012 - Mfg					
Total (52)					

REVISED

General Instrument Corp.
Refund Claim 2010 - 2012

Instrument Number	Instrument Date	Customer Name	City	State	County	Invoice Amount	City Tax	Less Discount/County Applied	A	B	C	F-A-B-C
7237106	Mar-10 2010-04-02 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	77,520.00	2,325.60	0.00	3.0%	0.00	775.20	1,560.40
7237114	Mar-10 2010-04-02 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	28,710.00	861.30	0.00	3.0%	0.00	287.10	574.20
7239781	Apr-10 2010-04-16 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	26,730.00	801.90	0.00	3.0%	0.00	267.30	534.60
7241545	Apr-10 2010-04-23 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	68,250.00	2,047.50	0.00	3.0%	0.00	682.50	1,365.00
7256194	Jun-10 2010-07-05 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	67,230.00	2,016.90	0.00	3.0%	0.00	672.30	1,344.60
7275110	Oct-10 2010-10-04 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	70,350.00	2,110.50	0.00	3.0%	0.00	703.50	1,407.00
7282938	Nov-10 2010-11-02 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	53,460.00	1,603.80	0.00	3.0%	0.00	534.60	1,069.20
7294714	Jan-11 1/4/2011 0:00	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	139,650.00	4,189.50	192.25	3.0%	0.00	1,396.50	2,666.83
7295465	Jan-11 1/7/2011 0:00	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	121,900.00	3,645.00	0.00	3.0%	0.00	1,215.00	2,430.00
7297545	Jan-11 1/7/2011 0:00	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	54,270.00	1,628.10	0.00	3.0%	0.00	542.70	1,085.40
7298668	Feb-11 2/8/2011 0:00	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	70,350.00	2,110.50	0.00	3.0%	0.00	703.50	1,407.00
7308786	Mar-11 2011-03-07 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	34,650.00	1,039.50	0.00	3.0%	0.00	346.50	693.00
7308799	Mar-11 2011-03-07 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	69,300.00	2,079.00	0.00	3.0%	0.00	693.00	1,386.00
7316330	Apr-11 2011-04-04 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	67,230.00	2,016.90	0.00	3.0%	0.00	672.30	1,344.60
7316351	Apr-11 2011-04-04 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	67,230.00	2,016.90	0.00	3.0%	0.00	672.30	1,344.60
7326665	May-11 2011-05-05 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	69,300.00	2,079.00	0.00	3.0%	0.00	693.00	1,386.00
7326688	May-11 2011-05-05 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	52,260.00	1,567.80	0.00	3.0%	0.00	522.60	1,045.20
7343156	Jun-11 2011-06-06 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	91,260.00	2,737.80	0.00	3.0%	0.00	912.60	1,825.20
7343772	Jul-11 2011-07-08 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	156,000.00	4,680.00	0.00	3.0%	0.00	1,560.00	3,120.00
7348311	Aug-11 2011-08-01 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	131,670.00	3,950.10	0.00	3.0%	0.00	1,316.70	2,633.40
7349324	Aug-11 2011-08-04 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	66,330.00	1,989.90	0.00	3.0%	0.00	663.30	1,326.60
7369229	Nov-11 2011-11-07 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	78,000.00	2,340.00	0.00	3.0%	0.00	780.00	1,560.00
7369962	Nov-11 2011-11-09 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	122,000.00	3,660.00	0.00	3.0%	0.00	1,220.00	2,440.00
7383192	Jan-12 2012-01-05 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	78,000.00	2,340.00	0.00	3.0%	0.00	780.00	1,560.00
7384675	Jan-12 2012-01-18 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	91,500.00	2,745.00	0.00	3.0%	0.00	915.00	1,830.00
7393024	Mar-12 2012-03-06 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	213,500.00	6,405.00	0.00	3.0%	0.00	2,135.00	4,270.00
7396787	Mar-12 2012-03-22 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	152,500.00	4,575.00	0.00	3.0%	0.00	1,525.00	3,050.00
7404578	May-12 2012-05-03 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	96,720.00	2,901.60	0.00	3.0%	0.00	967.20	1,934.40
7409387	May-12 2012-05-25 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	39,000.00	1,170.00	0.00	3.0%	0.00	390.00	780.00
7409395	May-12 2012-05-25 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	45,140.00	1,354.20	0.00	3.0%	0.00	451.40	902.80
7422672	Jul-12 2012-07-24 12:00AM	CHARTER	VESTAVIA HILLS	AL	JEFFERSON	1,560.00	46.80	0.00	3.0%	0.00	15.60	31.20
rounding in Jan 2011						126,360.00	3,790.80	0.00	3.0%	0.00	1,263.60	2,527.20
												3.00
												55,648.83

FORM
2848A
(REV. 10/05)

ALABAMA DEPARTMENT OF REVENUE
**Power of Attorney
and Declaration of Representative**



NOTE: If you have questions concerning the completion of this form, please refer to the instructions for Federal Form 2848 (revised March 2004). Alabama Form 2848A is very similar to the federal form.

PART I - POWER OF ATTORNEY

1 TAXPAYER INFORMATION

TAXPAYER NAME(S) AND ADDRESS (Please Type or Print) General Instrument Corporation 101 Tournament Dr. Bldg. One Horsham, PA 19044	SOCIAL SECURITY NUMBER(S)	EMPLOYER IDENTIFICATION NUMBER 36-4134221
		DAYTIME TELEPHONE NUMBER (847) 523-9099

Hereby appoint(s) the following representative(s) as attorney(s)-in-fact:

2 REPRESENTATIVE(S) (Please Type or Print)

NAME AND ADDRESS Rosemarie Greaser PO Box 60577 Fort Myers, FL 33906	TELEPHONE NUMBER (239) 489-9900 FAX NUMBER (239) 489-1621
NAME AND ADDRESS Jack Bonura PO Box 60577 Fort Myers, FL 33906	TELEPHONE NUMBER (239) 489-9900 FAX NUMBER (239) 489-1621
NAME AND ADDRESS Alice White PO Box 60577 Fort Myers, FL 33906	TELEPHONE NUMBER (239) 489-9900 FAX NUMBER (239) 489-1621

To represent the taxpayer(s) before the Alabama Department of Revenue for the following tax matters:

3 TAX MATTERS

TYPE OF TAX (Individual, Corporats, Sales, etc.)	TAX FORM NUMBER (40, 20C, 41, 66, etc.)	YEAR(S) or PERIOD(S)
Sellers Use Tax	2620	2010 to present
City and County Tax	9501	2010 to present

4 ACTS AUTHORIZED

The representative(s) are authorized to receive and inspect confidential tax information and to perform any and all acts that I (we) can perform with respect to the tax matters described on line 3, (for example, the authority to sign any agreements, consents, or other documents). The authority does not include the power to receive refund checks or the power to sign certain returns.

LIST ANY SPECIFIC ADDITIONS OR DELETIONS TO THE ACTS OTHERWISE AUTHORIZED IN THIS POWER OF ATTORNEY:

5 RECEIPT OF REFUND CHECKS

If you want to authorize a representative named on line 2 to receive, BUT NOT TO ENDORSE OR CASH, refund checks, initial here _____ and list the name of that representative below.

NAME OF REPRESENTATIVE TO RECEIVE REFUND CHECK(S) ▶ R. Greaser, J. Bonura, A. White

6 NOTICES AND COMMUNICATIONS

Notices and other written communications will be sent to the first representative listed in Part I, section 2.

- a If you want the second representative listed to receive such notices and communications, check this box
- b If you do not want any notices or communications sent to your representative, check this box
- c If you want any notices and communications sent to both you and your representative, check this box

7 RETENTION / REVOCATION OF PRIOR POWER(S) OF ATTORNEY

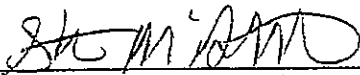
The filing of this power of attorney automatically revokes all earlier power(s) of attorney on file with the Alabama Department of Revenue for the same tax matters and years or periods covered by this document. If you do not want to revoke a prior power of attorney, check here

YOU MUST ATTACH A COPY OF ANY POWER OF ATTORNEY YOU WANT TO REMAIN IN EFFECT.

8 SIGNATURE OF TAXPAYER(S)

If a tax matter concerns a joint return, both husband and wife must sign if joint representation is requested, otherwise, see federal instructions. If signed by a corporate officer, partner, guardian, tax matters partner, executor, receiver, administrator, or trustee on behalf of the taxpayer, I certify that I have the authority to execute this form on behalf of the taxpayer.

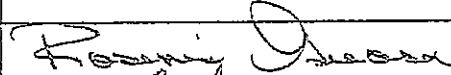
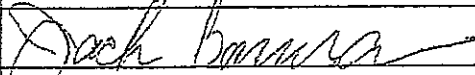
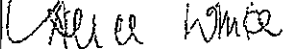
▶ If this power of attorney is not signed, it will be returned.

	9-11-12	Sr. Manager, Indirect Tax
SIGNATURE	DATE	TITLE (if Applicable)
Steven A. McGrath		
PRINT NAME		
SIGNATURE	DATE	TITLE (if Applicable)
PRINT NAME		

PART II - DECLARATION OF REPRESENTATIVE

Under penalties of perjury, I declare that:

- I am not currently under suspension or disbarment from practice before the Internal Revenue Service;
 - I am aware of regulations contained in Treasury Department Circular No. 230 (31 CFR, Part 10), as amended, concerning the practice of attorneys, certified public accountants, enrolled agents, enrolled actuaries, and others;
 - I am authorized to represent the taxpayer(s) identified in Part I for the tax matter(s) specified there; and
 - I am one of the following:
 - a Attorney - a member in good standing of the bar of the highest court of the jurisdiction shown below.
 - b Certified Public Accountant - duly qualified to practice as a certified public accountant in the jurisdiction shown below.
 - c Enrolled Agent - enrolled as an agent under the requirements of Treasury Department Circular No. 230.
 - d Officer - a bona fide officer of the taxpayer's organization.
 - e Full-Time Employee - a full-time employee of the taxpayer.
 - f Family Member - a member of the taxpayer's immediate family (i.e., spouse, parent, child, brother, or sister).
 - g Enrolled Actuary - enrolled as an actuary by the Joint Board for the Enrollment of Actuaries under 29 U.S.C. 1242 (the authority to practice before the Service is limited by section 10.3(d)(1) of Treasury Department Circular No. 230).
 - h Unenrolled Return Preparer - an unenrolled return preparer under section 10.7(c)(1)(viii) of Treasury Department Circular No. 230.
- ▶ If this declaration of representative is not signed and dated, the power of attorney will be returned.

DESIGNATION - INSERT ABOVE LETTER (a-h)	JURISDICTION (State) or ENROLLMENT CARD NO.	SIGNATURE	DATE
H	AL - 1010		9/10/12
H	AL - 1003		9/10/12
H	AL - 1011		9/10/12



RDS Refund Petition

RDS
Attn: Refunds
2317 3rd Ave N
Suite 200
Birmingham, AL 35203

Refund Petition

Joint Direct

Note: Separate petitions are required for each type of tax and for each city or county. (Instructions on Back)

The undersigned hereby makes application for refund of (\$ 58,151.40)
Fifty eight thousand, one hundred fifty one & 40/100 Dollars. Taxes paid by said
undersigned to the Tax Trust Account for (city or county) Vestavia Hills for the
period(s) 2010-2012, which amount was erroneously paid or paid in
excess of the amount due or was paid through mistake of fact or law.

Explain in detail the reasons for refund claim (attach additional pages if necessary):

Manufacturing equipment subject to a reduced rate of tax under
Ala. Code §40-23-2(3).

Signatures: A joint petition must bear the signatures of both the seller and the consumer-purchaser. If a petitioner is an individual, the individual must sign. If a petition is a partnership or limited liability partnership, a partner must sign. If a petition is a corporation, an officer of the corporation must sign. If a petition is a limited liability company, a member must sign.

Arris Solutions, Inc.
Petitioner's Name (Seller)
110916107- 678-473-8200
RDS Account # Telephone #
VP - RP Tax, Assist. Sec.
Petitioner's Signature/Title
brant.sharp@arrisi.com
Petitioner's Email Address
3871 Lakefield Drive
Mailing Address
Suwanne GA 30024
City State Zip
4-16-14
Date Signed

Marcus Cable of Alabama, LLC
Petitioner's Name (Consumer-Purchaser)
021885 (314) 543-2246
RDS Account # Telephone #
Alan Jones VP of Tax
Petitioner's Signature/Title
12405 Powerscourt Drive
Petitioner's Email Address
St. Louis MO 63131
Mailing Address City State Zip
4/21/14
Date Signed

7010



RDS Refund Petition

RDS
Attn: Refunds
2317 3rd Ave N
Suite 200
Birmingham, AL 35203

Refund Petition

[x] Joint [] Direct

Note: Separate petitions are required for each type of tax and for each city or county. (Instructions on Back)

The undersigned hereby makes application for refund of (\$204.12) Two hundred four & 12/100 Dollars. Taxes paid by said undersigned to the Tax Trust Account for (city or county) Vestavia Hills for the period(s) 2010-2012, which amount was erroneously paid or paid in excess of the amount due or was paid through mistake of fact or law.

Explain in detail the reasons for refund claim (attach additional pages if necessary):

Manufacturing equipment subject to a reduced rate of tax under Ala. Code §40-23-2(3).

Signatures: A joint petition must bear the signatures of both the seller and the consumer-purchaser. If a petitioner is an individual, the individual must sign. If a petition is a partnership or limited liability partnership, a partner must sign. If a petition is a corporation, an officer of the corporation must sign. If a petition is a limited liability company, a member must sign.

Marcus Cable Associates LLC

Arris Solutions, Inc.

Petitioner's Name (Seller) 11691677 678-473-2000
RDS Account # Telephone #
Petitioner's Signature/Title CVP - VP Tax, Assist Sec.
Petitioner's Email Address brant.sharp@arrisi.com
Mailing Address 3871 Lakefield Drive
Suwanne GA 30024
City State Zip
Date Signed 4-16-14

Petitioner's Name (Consumer-Purchaser)
RDS Account # 169936 Telephone #
Petitioner's Signature/Title Alan Jones VE of Tax
Petitioner's Email Address
Mailing Address 12405 Powerscourt Drive
St. Louis MO 63131
City State Zip
Date Signed 4/21/14



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 488

DRAFT

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Billing Summary

Sales Tax

Audit: Sales Tax/Refund Petition
Adjustment Schedules: Joint Refund Petition-Arris and BigBand

Code	Tax Type	Tax	Interest	Penalty	Total
1 9333	Vestavia Hills S&U	(52,986.42)	(7,341.76)	0.00	(60,328.18)
Total (1)		(52,986.42)	(7,341.76)	0.00	(60,328.18)



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 4105

DRAFT

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Billing for Vestavia Hills S&U [9333]

Sales Tax

Audit: Sales Tax/Refund Petition
Adjustment Schedules: Joint Refund Petition-Arris and BigBand

Period	Tax Due	Interest	Penalty	Total	
1 04/30/2011	(7,889.70)	(1,283.53)	0.00	(9,173.23)	1
2 05/31/2011	(5,189.25)	(826.58)	0.00	(6,015.83)	2
3 06/30/2011	0.00	0.00	0.00	0.00	3
4 07/31/2011	(60.00)	(9.14)	0.00	(69.14)	4
5 08/31/2011	(2,509.72)	(374.46)	0.00	(2,884.18)	5
6 09/30/2011	(7,183.55)	(1,051.94)	0.00	(8,235.49)	6
7 10/31/2011	0.00	0.00	0.00	0.00	7
8 11/30/2011	0.00	0.00	0.00	0.00	8
9 12/31/2011	0.00	0.00	0.00	0.00	9
10 01/31/2012	(4,482.76)	(610.81)	0.00	(5,093.57)	10
11 02/29/2012	(301.80)	(40.43)	0.00	(342.23)	11
12 03/31/2012	0.00	0.00	0.00	0.00	12
13 04/30/2012	0.00	0.00	0.00	0.00	13
14 05/31/2012	(463.12)	(58.55)	0.00	(521.67)	14
15 06/30/2012	(24,459.32)	(3,032.02)	0.00	(27,491.34)	15
16 07/31/2012	(447.20)	(54.30)	0.00	(501.50)	16
Total (16)	(52,986.42)	(7,341.76)	0.00	(60,328.18)	

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
1 04/18/11	T01274367	Arris Solutions Inc	(50,150.00)	Refund petition- Paid General rate on MFG rate items	1
2 04/18/11	T01274371	Arris Solutions Inc	(50,150.00)	Refund petition- Paid General rate on MFG rate items	2
3 04/18/11	T01274370	Arris Solutions Inc	(135,150.00)	Refund petition- Paid General rate on MFG rate items	3
4 04/18/11	T01274369	Arris Solutions Inc	(108,885.00)	Refund petition- Paid General rate on MFG rate items	4
5 04/18/11	T01274368	Arris Solutions Inc	(50,150.00)	Refund petition- Paid General rate on MFG rate items	5
APR 2011 - Gen					
6 04/18/11	T01274368	Arris Solutions Inc	50,150.00	Refund petition- Paid General rate on MFG rate items	6
7 04/18/11	T01274371	Arris Solutions Inc	50,150.00	Refund petition- Paid General rate on MFG rate items	7
8 04/18/11	T01274367	Arris Solutions Inc	50,150.00	Refund petition- Paid General rate on MFG rate items	8
9 04/18/11	T01274369	Arris Solutions Inc	108,885.00	Refund petition- Paid General rate on MFG rate items	9
10 04/18/11	T01274370	Arris Solutions Inc	135,150.00	Refund petition- Paid General rate on MFG rate items	10
APR 2011 - Mfg					
11 05/17/11	T01280936	Arris Solutions Inc	(36,000.00)	Refund petition- Paid General rate on MFG rate items	11
12 05/23/11	T01282059	Arris Solutions Inc	(35,300.00)	Refund petition- Paid General rate on MFG rate items	12
13 05/23/11	T01282055	Arris Solutions Inc	(35,300.00)	Refund petition- Paid General rate on MFG rate items	13
14 05/23/11	T01282054	Arris Solutions Inc	(35,300.00)	Refund petition- Paid General rate on MFG rate items	14
15 05/23/11	T01282057	Arris Solutions Inc	(38,912.50)	Refund petition- Paid General rate on MFG rate items	15
16 05/23/11	T01282060	Arris Solutions Inc	(35,300.00)	Refund petition- Paid General rate on MFG rate items	16
17 05/23/11	T01282058	Arris Solutions Inc	(43,350.00)	Refund petition- Paid General rate on MFG rate items	17
MAY 2011 - Gen					
18 05/17/11	T01280936	Arris Solutions Inc	36,000.00	Refund petition- Paid General rate on MFG rate items	18
19 05/23/11	T01282057	Arris Solutions Inc	38,912.50	Refund petition- Paid General rate on MFG rate items	19
20 05/23/11	T01282055	Arris Solutions Inc	35,300.00	Refund petition- Paid General rate on MFG rate items	20
21 05/23/11	T01282058	Arris Solutions Inc	43,350.00	Refund petition- Paid General rate on MFG rate items	21
22 05/23/11	T01282059	Arris Solutions Inc	35,300.00	Refund petition- Paid General rate on MFG rate items	22
23 05/23/11	T01282054	Arris Solutions Inc	35,300.00	Refund petition- Paid General rate on MFG rate items	23
24 05/23/11	T01282060	Arris Solutions Inc	35,300.00	Refund petition- Paid General rate on MFG rate items	24
MAY 2011 - Mfg					
25 07/29/11	T01298206	Arris Solutions Inc	(3,000.00)	Refund petition- Paid General rate on MFG rate items	25
JUL 2011 - Gen					
26 07/29/11	T01298206	Arris Solutions Inc	3,000.00	Refund petition- Paid General rate on MFG rate items	26
JUL 2011 - Mfg					
27 08/18/11	T01302936	Arris Solutions Inc	(125,486.00)	Refund petition- Paid General rate on MFG rate items	27
AUG 2011 - Gen					
28 08/18/11	T01302936	Arris Solutions Inc	125,486.00	Refund petition- Paid General rate on MFG rate items	28
AUG 2011 - Mfg					
29 09/19/11	T01310115	Arris Solutions Inc	(74,776.00)	Refund petition- Paid General rate on MFG rate items	29
30 09/29/11	T01313153	Arris Solutions Inc	(173,933.32)	Refund petition- Paid General rate on MFG rate items	30
31 09/29/11	T01313152	Arris Solutions Inc	(110,468.27)	Refund petition- Paid General rate on MFG rate items	31
SEP 2011 - Gen					

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
32 09/19/11	T01310115	Arris Solutions Inc	74,776.00	Refund petition- Paid General rate on MFG rate items	32
33 09/29/11	T01313152	Arris Solutions Inc	110,468.27	Refund petition- Paid General rate on MFG rate items	33
34 09/29/11	T01313153	Arris Solutions Inc	173,933.32	Refund petition- Paid General rate on MFG rate items	34
SEP 2011 - Mfg					
35 01/23/12	T01338491	Arris Solutions Inc	(121,448.00)	Refund petition- Paid General rate on MFG rate items	35
36 01/26/12	T01339474	Arris Solutions Inc	(3,780.00)	Refund petition- Paid General rate on MFG rate items	36
37 01/26/12	T01339475	Arris Solutions Inc	(88,704.00)	Refund petition- Paid General rate on MFG rate items	37
38 01/31/12	T01340417	Arris Solutions Inc	(10,205.92)	Refund petition- Paid General rate on MFG rate items	38
JAN 2012 - Gen					
39 01/23/12	T01338491	Arris Solutions Inc	121,448.00	Refund petition- Paid General rate on MFG rate items	39
40 01/26/12	T01339474	Arris Solutions Inc	3,780.00	Refund petition- Paid General rate on MFG rate items	40
41 01/26/12	T01339475	Arris Solutions Inc	88,704.00	Refund petition- Paid General rate on MFG rate items	41
42 01/31/12	T01340417	Arris Solutions Inc	10,205.92	Refund petition- Paid General rate on MFG rate items	42
JAN 2012 - Mfg					
43 02/03/12	T01341692	Arris Solutions Inc	(15,090.00)	Refund petition- Paid General rate on MFG rate items	43
FEB 2012 - Gen					
44 02/03/12	T01341692	Arris Solutions Inc	15,090.00	Refund petition- Paid General rate on MFG rate items	44
FEB 2012 - Mfg					
45 05/07/12	T01364679	Arris Solutions Inc	(18,156.00)	Refund petition- Paid General rate on MFG rate items	45
46 05/30/12	T01370265	Arris Solutions Inc	(5,000.00)	Refund petition- Paid General rate on MFG rate items	46
MAY 2012 - Gen					
47 05/07/12	T01364679	Arris Solutions Inc	18,156.00	Refund petition- Paid General rate on MFG rate items	47
48 05/30/12	T01370265	Arris Solutions Inc	5,000.00	Refund petition- Paid General rate on MFG rate items	48
MAY 2012 - Mfg					
49 06/13/12	T01373820	Arris Solutions Inc	(18,040.00)	Refund petition- Paid General rate on MFG rate items	49
50 06/18/12	T01374711	Arris Solutions Inc	(592,234.00)	Refund petition- Paid General rate on MFG rate items	50
51 06/18/12	T01374713	Arris Solutions Inc	(230,028.00)	Refund petition- Paid General rate on MFG rate items	51
52 06/18/12	T01374712	Arris Solutions Inc	(160,512.00)	Refund petition- Paid General rate on MFG rate items	52
53 06/18/12	T01374714	Arris Solutions Inc	(149,952.00)	Refund petition- Paid General rate on MFG rate items	53
54 06/28/12	T01377717	Arris Solutions Inc	(54,200.00)	Refund petition- Paid General rate on MFG rate items	54
55 06/28/12	T01377713	Arris Solutions Inc	(18,000.00)	Refund petition- Paid General rate on MFG rate items	55
JUN 2012 - Gen					
56 06/13/12	T01373820	Arris Solutions Inc	18,040.00	Refund petition- Paid General rate on MFG rate items	56
57 06/18/12	T01374712	Arris Solutions Inc	160,512.00	Refund petition- Paid General rate on MFG rate items	57
58 06/18/12	T01374711	Arris Solutions Inc	592,234.00	Refund petition- Paid General rate on MFG rate items	58
59 06/18/12	T01374714	Arris Solutions Inc	149,952.00	Refund petition- Paid General rate on MFG rate items	59
60 06/18/12	T01374713	Arris Solutions Inc	230,028.00	Refund petition- Paid General rate on MFG rate items	60
61 06/28/12	T01377717	Arris Solutions Inc	54,200.00	Refund petition- Paid General rate on MFG rate items	61
62 06/28/12	T01377713	Arris Solutions Inc	18,000.00	Refund petition- Paid General rate on MFG rate items	62
JUN 2012 - Mfg					



Revenue Discovery Systems
PRA Government Services LLC

Exhibit - Resolution No. 438

DRAFT

Marcus Cable 12405 Powerscourt Drive, St Louis MO 63131 Charter Communications 12405 Powers Court Drive, St Louis MO 631331	RDS Acct #: 021885 FEIN/SSAN: Project ID: 29528 Location ID: Refund Petition	Period: 04/01/2011 thru 7/31/2012 Auditor: Chris Wills Auditor: Josh Foshee & Tim Hunter Interest Date: 07/31/2016
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Additional Taxable Purchases [9333]

Sales Tax

Order Date	Inv. #	Vendor	Amount	Description	
63 07/18/12	T01382572	Arris Solutions Inc	(22,360.00)	Refund petition- Paid General rate on MFG rate items	63
JUL 2012 - Gen					
64 07/18/12	T01382572	Arris Solutions Inc	22,360.00	Refund petition- Paid General rate on MFG rate items	64
JUL 2012 - Mfg					
Total (64)					

Charter Communications
 AL Sales Tax Refund
 Arris Solutions Inc

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama Rate Paid	State of Alabama Red. Rate	AL Refund	Jefferson County Rate Paid	Jefferson County Red. Rate	Jefferson Refund	City of Vestavia Hills Rate Paid	City of Vestavia Hills Red. Rate	City Refund
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	3/21/2011	482595	T01268065	95,475.00	8,592.75	4.00%	1.50%	2,386.88	2.00%	.75%	1,193.44	3.00%	1.00%	1,909.50
									QUARTER, 4CH, 2AUD, ANALOG INT								
									4.00%	1.50%	1,174.50	2.00%	.75%	587.25	3.00%	1.00%	939.60
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	3/21/2011	482595	T01268201	46,980.00	4,228.20	4.00%	1.50%	1,174.50	2.00%	.75%	587.25	3.00%	1.00%	939.60
									QUARTER, 2CH, 2AUD, ANALOG INT								
									4.00%	1.50%	2,700.00	2.00%	.75%	1,350.00	3.00%	1.00%	2,160.00
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	3/25/2011	482595	T01269183	108,000.00	9,720.00	4.00%	1.50%	450.00	2.00%	.75%	225.00	3.00%	1.00%	360.00
									VIPr, VIPr-2800 DUAL NODE TRA								
									4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488424	T01274367	50,150.00	4,513.50	4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00
									SD-GIGE-DP-LIC								
									4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488425	T01274368	50,150.00	4,513.50	4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00
									SD-GIGE-DP-LIC								
									4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488429	T01274369	108,885.00	9,799.65	4.00%	1.50%	2,722.13	2.00%	.75%	1,361.06	3.00%	1.00%	2,177.70
									XMS MBD-2G-6TB								
									4.00%	1.50%	2,722.13	2.00%	.75%	1,361.06	3.00%	1.00%	2,177.70
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488431	T01274370	135,150.00	12,163.50	4.00%	1.50%	3,378.75	2.00%	.75%	1,689.38	3.00%	1.00%	2,703.00
									SD-GIGE-DP-LIC								
									4.00%	1.50%	3,378.75	2.00%	.75%	1,689.38	3.00%	1.00%	2,703.00
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488431	T01274370	86,700.00	7,803.00	4.00%	1.50%	2,177.70	2.00%	.75%	1,088.85	3.00%	1.00%	1,088.85
									SD-GIGE-DP-LIC								
									4.00%	1.50%	2,177.70	2.00%	.75%	1,088.85	3.00%	1.00%	1,088.85
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	Al	4/18/2011	488431	T01274370	48,450.00	4,360.50	4.00%	1.50%	1,174.50	2.00%	.75%	587.25	3.00%	1.00%	867.00
									SD-GIGE-DP-LIC								
									4.00%	1.50%	1,174.50	2.00%	.75%	587.25	3.00%	1.00%	867.00

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

Charter Communications

AL Sales Tax Refund

Charis Solutions Inc

Exhibit - Resolution No. 488

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama			Jefferson County			City of Vestavia Hills				
									Rate Paid	Red. Rate	AL Refund	Rate Paid	Red. Rate	Jefferson Refund	Rate Paid	Red. Rate	Vestavia Hills Refund		
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	4/18/2011	488439	T01274371	50,150.00	4,513.50	9.00%	4.00%	1.50%	1,253.75	2.00%	.75%	626.88	3.00%	1.00%	1,003.00	
							28,900.00			SD-GIGE-DP-LIC									
							21,250.00			XMS MBD-2G-6TB									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/17/2011	500916	T01280936	35,000.00	3,240.00	9.00%	4.00%	1.50%	900.00	2.00%	.75%	450.00	3.00%	1.00%	720.00	
							36,000.00			VIPr, VIPr-2800 DUAL NODE TRA									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488420	T01282054	35,300.00	3,177.00	9.00%	4.00%	1.50%	882.50	2.00%	.75%	441.25	3.00%	1.00%	706.00	
							6,400.00			XMS/MIN/UFG-1G-2G									
							28,900.00			SD-GIGE-DP-LIC									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488421	T01282055	35,300.00	3,177.00	9.00%	4.00%	1.50%	882.50	2.00%	.75%	441.25	3.00%	1.00%	706.00	
							6,400.00			XMS/MIN/UFG-1G-2G									
							28,900.00			SD-GIGE-DP-LIC									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488433	T01282057	38,912.50	3,502.13	9.00%	4.00%	1.50%	972.81	2.00%	.75%	486.41	3.00%	1.00%	778.25	
							32,512.50			SD-GIGE-DP-LIC									
							6,400.00			XMS/MIN/UFG-1G-2G									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488435	T01282058	43,350.00	3,901.50	9.00%	4.00%	1.50%	1,083.75	2.00%	.75%	541.88	3.00%	1.00%	867.00	
							43,350.00			SD-GIGE-DP-LIC									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488437	T01282059	35,300.00	3,177.00	9.00%	4.00%	1.50%	882.50	2.00%	.75%	441.25	3.00%	1.00%	706.00	
							28,900.00			SD-GIGE-DP-LIC									
							6,400.00			XMS/MIN/UFG-1G-2G									
Vestavia Hills	Marcus Cable of Alabama LLC	Arcis Solutions Inc	AL	5/23/2011	488438	T01282060	35,300.00	3,177.00	9.00%	4.00%	1.50%	882.50	2.00%	.75%	441.25	3.00%	1.00%	706.00	
							28,900.00			SD-GIGE-DP-LIC									
							6,400.00			XMS/MIN/UFG-1G-2G									

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

Charter Communications

AL Sales Tax Refund
 Arris Solutions Inc

Exhibit - Resolution No. 488

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama Rate Paid	AL Refund	Jefferson County Rate Paid	Jefferson County Refund	City of Vestavia Hills Rate Paid	City of Vestavia Hills Refund
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Vestavia-Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	7/29/2011	1517924	T01298206	3,000.00	270.00	4.00%	1.50%	75.00	2.00%	.75%	37.50	3.00%	1.00%	60.00
FEATURE, PREMIUM FEATURE, DIGI																	
Vestavia-Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	8/18/2011	1510935	T01302936	125,486.00	11,293.74	4.00%	1.50%	3,137.15	2.00%	.75%	1,568.58	3.00%	1.00%	2,509.72
FEATURE, PREMIUM FEATURE, DIGI																	

Vestavia-Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	9/19/2011	1510936	T01310115	74,776.00	6,729.84	4.00%	1.50%	1,869.40	2.00%	.75%	934.70	3.00%	1.00%	1,495.52
XMS/STO/H/1TB/FRU																	
XMS/FLEX/FRUKIT																	
XMS FLEX/XH-24TB																	
SW/CM/SRM/1.0																	
SW/CM/MMS/1.0																	
SW/CM/EAM/1.0																	
SME/FLEX/GBPS																	
SME/2K/MBPS																	
SW/CM/MC/1.0																	
XMS-FLEX/4X/10G																	
SME/FLEX/9BASE																	
SMX/STO/SX-PS/FRU																	

Vestavia-Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	9/29/2011	1536208	T01313152	110,468.27	9,942.14	4.00%	1.50%	2,761.71	2.00%	.75%	1,380.85	3.00%	1.00%	2,209.37
SW/CM/EAM/1.0																	
IMP_REVENUE																	
SME/2K/MBPS																	
SW/CM/MMS/1.0																	
SW/CM/SRM/1.0																	
MOT/CLINT/4-0-PS																	

C4; 1-CMNTS KIT C4 CMNTS 12U CAM

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

13,028.02

Charter Communications

Al Sales Tax Refund

Araris Solutions Inc

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama			Jefferson County			City of Vestavia Hills		
									Rate Paid	Red. Rate	AL Refund	Rate Paid	Red. Rate	Jefferson Refund	Rate Paid	Red. Rate	City Refund

Vestavia Hills	Marcus Cable of Alabama LLC	Araris Solutions Inc	AL	9/29/2011	1537164	TD1313153	173,933.32	15,653.99	9.00%	4.00%	1.50%	4,348.33	2.00%	.75%	2,174.17	3.00%	1.00%	3,478.67	

Vestavia Hills	Marcus Cable of Alabama LLC	Araris Solutions Inc	AL	1/23/2012	1560852	TD1338491	121,448.00	10,930.32	9.00%	4.00%	1.50%	3,036.20	2.00%	.75%	1,518.10	3.00%	1.00%	2,428.96	

Vestavia Hills	Marcus Cable of Alabama LLC	Araris Solutions Inc	AL	1/26/2012	1560852	TD1339474	3,780.00	340.20	9.00%	4.00%	1.50%	94.50	2.00%	.75%	47.25	3.00%	1.00%	75.60	

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

WMS MANAGED ELEMENT RIGHT

Charter Communications

AL Sales Tax Refund

Artris Solutions Inc

Exhibit - Resolution No. 4883

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama Rate Paid	State of Alabama Red. Refund	Jefferson County Rate Paid	Jefferson County Red. Refund	City of Vestavia Hills Rate Paid	City of Vestavia Hills Red. Refund
VMS MANAGED ELEMENT RIGHT														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	1/26/2012	1560852	TO1339475	88,704.00	7,983.36	4.00%	2,217.60	2.00%	1,108.80	3.00%	1,774.08
CVEX SDV SESS MINGR SW LIC														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	1/31/2012	1560852	TO1340417	10,205.92	918.53	4.00%	255.15	2.00%	127.57	3.00%	204.12
CSA ENH														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	2/3/2012	1560852	TO1341692	15,090.00	1,358.10	4.00%	377.25	2.00%	188.63	3.00%	301.80
CVEX SERVER, SUPPORTS CVE														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	5/7/2012	1595842	TO1364679	18,156.00	1,634.04	4.00%	453.90	2.00%	226.95	3.00%	363.12
KEYBOARD AND MOUSE F														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	5/30/2012	1603252	TO1370265	5,000.00	450.00	4.00%	125.00	2.00%	62.50	3.00%	100.00
QUARTET, ACH, 2AUD, ANALOG INT														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	18,040.00	1,623.60	4.00%	451.00	2.00%	225.50	3.00%	360.80
CVEX MNGR SRV FOR USE W/BGSS00031														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	5,000.00	450.00	4.00%	125.00	2.00%	62.50	3.00%	100.00
SME/FLEX/GBPS														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	7,040.00	633.60	4.00%	176.00	2.00%	88.00	3.00%	132.00
SW/CM/MMS/1.0														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	2,500.00	225.00	4.00%	62.50	2.00%	31.25	3.00%	46.88
SW/CM/SRM/1.0														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	3,000.00	270.00	4.00%	75.00	2.00%	37.50	3.00%	56.25
SW/CM/EAM/1.0														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1594778	TO1373820	1,000.00	90.00	4.00%	22.50	2.00%	11.25	3.00%	16.88
SW/CM/MC/10.1														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1581065	TO1374211	592,234.00	53,301.06	4.00%	14,805.85	2.00%	7,402.93	3.00%	11,844.68
CVEX SDV SESS MINGR SW LIC														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1581065	TO1374211	206,976.00	18,627.84	4.00%	4,674.40	2.00%	2,337.20	3.00%	3,511.20
BEO6000A/BEO6200 SINGLE A														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1581065	TO1374211	41,280.00	3,715.20	4.00%	931.20	2.00%	465.60	3.00%	698.40
BEO6200 CHASSIS W/ TWO PS														
Vestavia Hills	Marcus Cable of Alabama LLC	Artris Solutions Inc	AL	6/13/2012	1581065	TO1374211	231,168.00	20,958.02	4.00%	5,199.20	2.00%	2,599.60	3.00%	3,898.80

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

City	Purchasing Entity	Vendor	Stat e	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama			Jefferson County			City of Vestavia Hills		
									Rate Paid	Red. Rate	AL Refund	Rate Paid	Red. Rate	Jefferson Refund	Rate Paid	Red. Rate	City Refund

Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	6/18/2012	158105	T01374712	160,512.00	14,445.08	9.00%	4.00%	1.50%	4,012.80	2.00%	.75%	2,006.40	3.00%	1.00%	3,210.24	

Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	6/18/2012	158708	T01374713	230,028.00	20,702.57	9.00%	4.00%	1.50%	5,750.70	2.00%	.75%	2,875.35	3.00%	1.00%	4,600.56	

Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	6/18/2012	158708	T01374714	149,952.00	13,495.68	9.00%	4.00%	1.50%	3,748.80	2.00%	.75%	1,874.40	3.00%	1.00%	2,999.04	

Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	6/18/2012	159803	T01377713	18,000.00	1,620.00	9.00%	4.00%	1.50%	450.00	2.00%	.75%	225.00	3.00%	1.00%	360.00	

Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	6/18/2012	1599354	T01377717	54,200.00	4,876.00	9.00%	4.00%	1.50%	1,355.00	2.00%	.75%	677.50	3.00%	1.00%	1,084.00	

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

Charter Communications

AL Sales Tax Refund

Arris Solutions Inc

Exhibit - Resolution No. 4883

State of Alabama Rate Paid	Alabama Red. Rate	AL Refund	Jefferson County Rate Paid	Jefferson County Red. Rate	Jefferson Refund	City of Vestavia Hills Rate Paid	City of Vestavia Hills Red. Rate	City Refund
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City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Red. Rate	Total Tax Amount
Vestavia Hills	Marcus Cable of Alabama LLC	Arris Solutions Inc	AL	7/18/2012	1613974	101382572	22,360.00	2,012.40
							8,448.00	9.00%
							400.00	
							840.00	
							10,752.00	
							1,920.00	

Arris Solutions Inc Vestavia Hills AL Refund Claim 72,944.40 36,472.20 58,355.52

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Red. Rate	Total Tax Amount
Vestavia Hills	Marcus Cable of Alabama LLC	BigBand Network	AL	3/29/2011	487309	5018246	45,900.00	3,672.00
							2,400.00	8.00%
							36,000.00	
							3,400.00	
							100.00	
							4,000.00	

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Red. Rate	Total Tax Amount
Vestavia Hills	Marcus Cable of Alabama LLC	BigBand Network	AL	9/30/2011	1538146	5019032	24,929.60	19,343.66
							480.00	9.00%
							42,240.00	
							2,112.00	
							1,200.00	
							14,400.00	
							80,640.00	
							5,376.00	
							-22,080.00	

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

Charter Communications

AL Sales Tax Refund

BigBand Network

Exhibit - Resolution No. 4883

City	Purchasing Entity	Vendor	State	Invoice Date	Purchase Order #	Invoice #	Purchases Subject to Ref. Rate	Total Tax Amount	State of Alabama			Jefferson County			City of Vestavia Hills					
									Rate Paid	Refund	AL	Rate Paid	Refund	Jefferson	Rate Paid	Refund	City	Rate Paid	Refund	
Vestavia Hills	Marcus Cable of Alabama, LLC	BigBand Network	AL	9/30/2011	1538146	5019039	3,000.00	270.00	9.00%	4.00%	1.50%	75.00	2.00%	.75%	37.50	3.00%	90.00	1.00%	60.00	
							3,000.00	270.00	9.00%	SFP MODULE MM BI-DIRC 1000BASE-SX 550M 850NM										
												6,595.74			3,297.87					5,276.59

59,136.00		CVEX SDV SESSION MANAGER SOFTWARE LICENSE
20,000.00		CVEX SERVER SUPPORTS CVEX SDV- SESSION MANAGER
5,094.72		ONE YEAR ENHANCED CUSTOMER SUPPORT
6,330.88		ONE YEAR ENHANCED CUSTOMER SUPPORT

Exemption: Ala. Code §40-23-2(3): Manufacturing equipment subject to a reduced rate of tax.

ORDINANCE NUMBER 2683

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by Hoover City Board of Education dated September 20, 2016, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills;

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

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality. Said territory is described as follows:

Portion of Former Campus of Berry High School (Part 2)
Hoover City Board of Education

Being more particularly described as follows:

Property Description A Tract Of Land Situated In The Southwest Quarter Of Section 36 And The Southeast Quarter Of Section 35, Township 18 South, Range 3 West, Jefferson County, Alabama Being More Particularly Described As Follows;

Commence At The Southwest Corner Of The Northwest Quarter Of The Southwest Quarter Of Section 36, Township 18 South, Range 3 West Said Point Also Being The Southeast Corner Of Lot 11, According To The Survey Of Chimney Hills, As Recorded In Map Book 108, Page 21, In The Probate Office Of Jefferson County, Alabama, Thence Run North 00° 33' 11" West Along The West Line Of Said Quarter-Quarter Section And Along The East Line Of Said Subdivision For 421.00 Feet To The Southwest Corner Of Lot 9, Block 5, According To The Survey Of Gentilly Forest Fourth Sector, As Recorded In Map Book 63 Page 56, In The Probate Office Of Jefferson County, Alabama; Thence Run North 89° 29' 37" East Along The South Line Of Said Lot 9, To The Southeast Corner Of Said Lot 9 Also Being A Point On The West Row Of Willow Brook Lane And Being The Point Of Beginning;

Thence Turn Right And Run Southeasterly To The North West Corner Of Lot 29 Of Castlehill Subdivision As Recorded In Map Book 208 Page 63, In The Probate Office Of Jefferson County Alabama;

Thence Turn Right And Run North 89° 19' 36" West Along The North Line Of Lots 30 Thru 35 Of Castle Hill Subdivision As Recorded In Map Book 208 Page 63 In The Probate Office Of Jefferson County Alabama And Lots 50 Thru 54 Of Hachbeery Ridge As Recorded In Map Book 211 Page 55 And Map Book 210 Page 36 In The Probate Office Of Jefferson County Alabama To The Northwest Corner Of Lot 50 As Recorded In Map Book 210 Page 36, In The Probate Office Of Jefferson County Alabama;

Thence Turn Right And Run Northwesterly To A Point Located On The South Line Of Lot 11 Of Chimney Hills Subdivision As Recorded In Map Book 108 Page 21, In The Probate Office Of Jefferson County Alabama; Said Point Being Located On The South Line Of Said Lot 11 Being 115.00 Feet West Of The Southeast Corner Of Said Lot 11; Thence Run South 88° 38' 04" East For 115.00 To The South East Corner Of Said Lot 11; Said Southeast Corner Of Lot 11 Also Being The Southwest Corner Of The Northwest Quarter Of The Southwest Quarter Of Section 36, Township 18 South, Range 3 West;

Thence Run North 00° 33' 11" West Along The West Line Of Said Quarter-Quarter Section And Along The East Line Of Said Subdivision For 421.00 Feet To The Southwest Corner Of Lot 9, Block 5, According To The Survey Of Gentilly Forest Fourth Sector, As Recorded In Map Book 63 Page 56, In The Probate Office Of Jefferson County, Alabama; Thence Run North 89° 29' 37" East Along The South Line Of Said Lot 9, To The Southeast Corner Of Said Lot 9 Also Being A Point On The West Row Of Willow Brook Lane To The Point Of Beginning.

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published/posted in accordance with Alabama law.

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

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

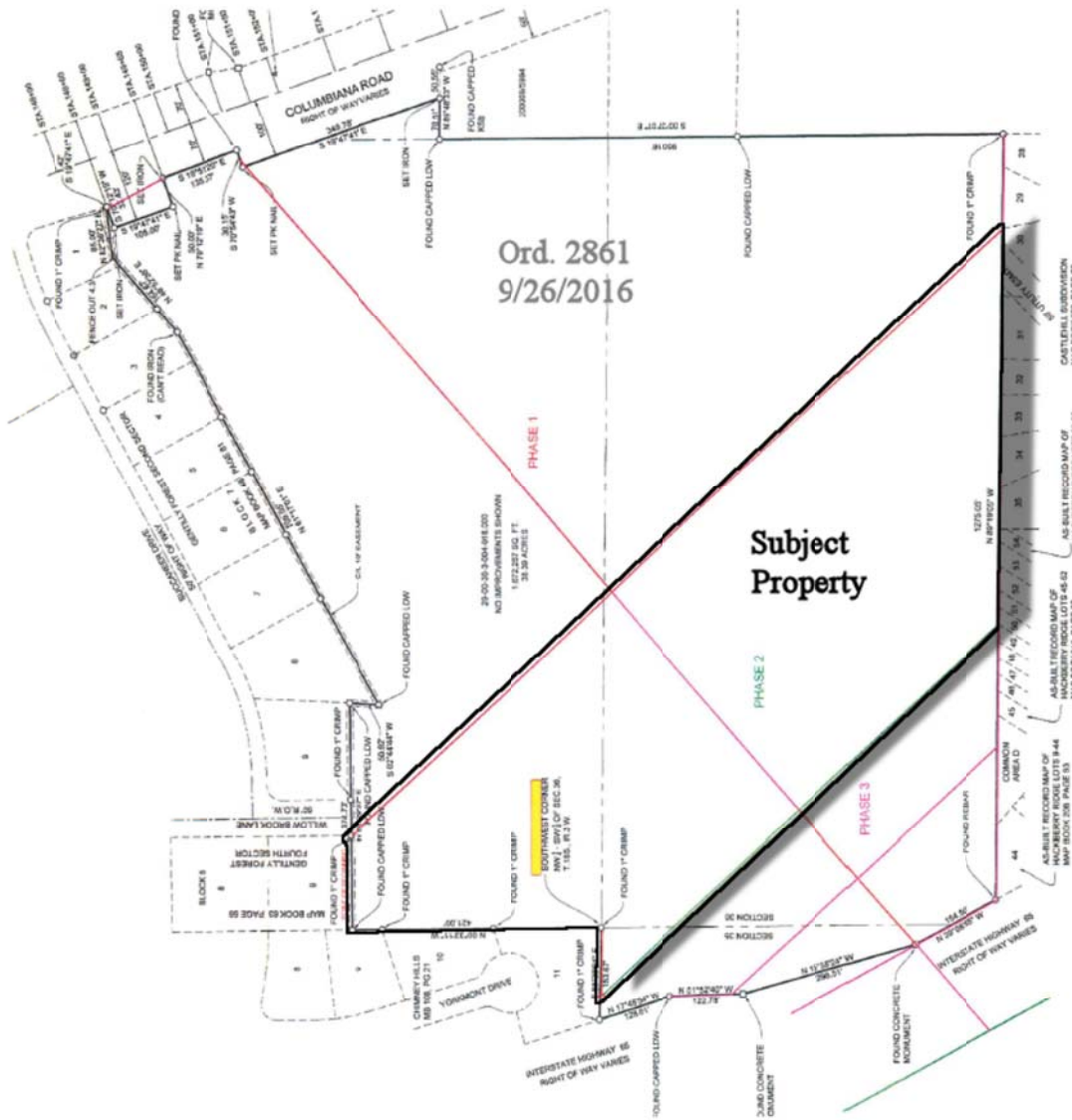
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2683 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28th day of September, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk



ORDINANCE NUMBER 2684

AN ORDINANCE TO ALTER, REARRANGE, AND EXTEND THE CORPORATE LIMITS OF THE CITY OF VESTAVIA HILLS, ALABAMA, SO AS TO EMBRACE AND INCLUDE WITHIN THE CORPORATE AREA OF SAID CITY ALL TERRITORY NOW WITHIN SUCH CORPORATE LIMITS AND ALSO CERTAIN OTHER TERRITORY CONTIGUOUS TO SAID CITY.

WHEREAS, a certain petition signed by Hoover City Board of Education dated September 20, 2016, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

WHEREAS, this Council has determined and found that the matters set forth and alleged in said petition are true and correct, and that it is in the public interest that said territory be annexed to the City of Vestavia Hills;

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

SECTION 1. That said Council hereby assents to the annexation of said territory to the City of Vestavia Hills, Alabama, the corporate limits of the City to be extended and rearranged pursuant to the provisions of Title 11, Chapter 42, Article 2, Code of Alabama, 1975 (Sections 11-42-20 through 11-42-23, as amended) so as to embrace and include said territory, in addition to the territory already within its present corporate limits. The new boundary line does not lie at any point more than half the distance between the old city boundary and the corporate boundary of any other municipality. Said territory is described as follows:

Portion of Former Campus of Berry High School (Part 3)
Hoover City Board of Education

Being more particularly described as follows:

Property Description A Tract Of Land Situated In The Southwest Quarter Of Section 36 And The Southeast Quarter Of Section 35, Township 18 South, Range 3 West, Jefferson County, Alabama Being More Particularly Described As Follows;

Commence At The Southwest Corner Of The Northwest Quarter Of The Southwest Quarter Of Section 36, Township 18 South, Range 3 West Said Point Also Being The Southeast Corner Of Lot 11, According To The Survey Of Chimney Hills, As Recorded In Map Book 108, Page 21, In The Probate Office Of Jefferson County, Alabama, Thence Run North 88° 38' 04" West Along The South Line Of Said Lot 11 For 113.00 Feet To A Point And Being The Point Of Beginning;

Thence Turn And Run Southeasterly To The Northwest Corner Of Lot 50 Of Hackberry Ridge As Recorded In Map Book 210 Page 36, In The Probate Office Of Jefferson County Alabama; Thence Run North 89° 19' 05" West For 205 Feet To A Point Located On The North Line Of Common Area D As Recorded In Map Book 210 Page 36, In The Probate Office Of Jefferson County Alabama; Thence Turn Right And Run Northwesterly For 607.00 Feet More Or Less To A Point On The Easterly Right Of Way Line Of Interstate 65. Thence Turn And Run North 01° 52' 40" West For 102.00 Feet To A Point On Said On The Easterly Right Of Way Line Of Interstate 65; Thence Run North 17° 48' 54" West For 128.61 To The Southwest Corner Of Lot 11 Of Chimney Hills Subdivision As Recorded In Map Book 108, Page 21, In The Probate Office Of Jefferson County, Alabama, Thence Run South 88° 38' 04" West For 40.67 Feet To The Point Of Beginning.

SECTION 2. That the City Clerk shall file a certified copy of this Ordinance containing an accurate description of said annexed territory with the Probate Judge of Jefferson County, Alabama, and also cause a copy of this Ordinance to be published/posted in accordance with Alabama law.

APPROVED and ADOPTED this the 29th day of September, 2016.

Alberto C. Zaragoza, Jr.
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2684 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 29th day of September, 2016, as same appears in the official records of said City.

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

Rebecca Leavings
City Clerk

