

**CITY OF VESTAVIA HILLS  
CITY COUNCIL  
ORGANIZATIONAL AGENDA  
NOVEMBER 7, 2016  
4:30 PM**

1. Call To Order – Mayor Ashley C. Curry
2. Roll Call
3. Invocation – Joe Comer, Horizon Church
4. Pledge Of Allegiance
5. Oath of Office – Administered by the Honorable Judge Alan King
  - a. Mayor Ashley C. Curry
  - b. Dennis “Rusty” Weaver, Council, Place Number 1
  - c. Kimberly Cook, Council, Place Number 2
  - d. Paul J. Head, Council, Place Number 3
  - e. George Pierce, Council, Place Number 4
6. Election Of Mayor Pro-Tem
7. Resolution Number 4890 – Appointment Of City Attorney
8. Resolution Number 4891 – Appointment Of Municipal Judge
9. Resolution Number 4892 – Appointment Of Municipal Prosecutor
10. Resolution Number 4893 - Appointment of Indigent Defenders
11. Resolution Number 4894 – Appointment Of City Clerk
12. Resolution Number 4895 – Appointment Of City Treasurer
13. Ordinance Number 2687 – An Ordinance To Establish The Time, Place And Procedure For Council Meetings
14. Motion to adjourn to reception

**RESOLUTION NUMBER 4890**

**A RESOLUTION APPOINTING PATRICK H.  
BOONE AS THE CITY ATTORNEY FOR THE CITY  
OF VESTAVIA HILLS, ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Patrick H. Boone is hereby appointed as City Attorney  
for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November 7, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4891**

**A RESOLUTION APPOINTING JIM STURDIVANT  
AS THE MUNICIPAL JUDGE FOR THE CITY OF  
VESTAVIA HILLS, ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Jim Sturdivant is hereby appointed as Municipal  
Judge for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November 7, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4892**

**A RESOLUTION APPOINTING JOSEPH BASGIER  
AS THE CITY PROSECUTOR FOR THE CITY OF  
VESTAVIA HILLS, ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Joseph Basgier is hereby appointed as City Prosecutor  
for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November 7, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4893**

**A RESOLUTION APPOINTING MELISSA  
DOGGETT AND BRIAN PACE AS THE CITY  
INDIGENT DEFENDERS FOR THE MUNICIPAL  
COURT OF THE CITY OF VESTAVIA HILLS,  
ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Melissa Doggett and Brian Pace are hereby appointed to provide defense services for indigent defendants as appointed by the Municipal Judge and whose salary will be funded by the Fair Trial Tax Fund are hereby appointed as Indigent Defenders for the Municipal Court for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November 7, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4894**

**A RESOLUTION APPOINTING REBECCA  
LEAVINGS AS CITY CLERK FOR THE CITY OF  
VESTAVIA HILLS, ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Rebecca Leavings is hereby appointed as City Clerk  
for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4895**

**A RESOLUTION APPOINTING MELVIN TURNER  
III AS THE CITY TREASURER FOR THE CITY OF  
VESTAVIA HILLS, ALABAMA**

**BE IT RESOLVED** by the Mayor and City Council of the City of Vestavia Hills,  
Alabama, as follows:

- (1) That Melvin Turner III is hereby appointed as City  
Treasurer for the City of Vestavia Hills, Alabama; and
- (2) That said appointment shall be effective November 7, 2016.

**APPROVED AND ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2687**

**TO ESTABLISH THE TIME AND PLACE FOR REGULAR CITY COUNCIL MEETINGS; THE PROCEDURE FOR CALLING SPECIAL MEETINGS; ESTABLISH A QUORUM; ESTABLISH CONDUCT AND PROCEDURES FOR COUNCIL MEETINGS OF THE CITY OF VESTAVIA HILLS, ALABAMA; REPEALING ORDINANCE 2531.**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, in session duly assembled and by authority thereof as follows:

**GENERAL PURPOSE**

SECTION 1. That the rules or order of procedure herein contained shall govern deliberations and meetings of the City Council of the City of Vestavia Hills, Alabama.

**DATE, TIME AND PLACE OF REGULAR MEETINGS**

SECTION 2. Regular meetings of the City Council shall be held on the second and fourth Mondays of each month at six o'clock (6:00) PM in the Council Chambers at Vestavia Hills City Hall. In the event that a regular meeting falls on a holiday or the first day of Spring Break, the Council shall pass a resolution to set a new time and date for said hearing. A regular work session of the City Council shall be held every third Monday of the month, beginning at 6:00 PM.

**SPECIAL MEETINGS**

SECTION 3. Special meetings may be held at the call of the Mayor by serving notice on each member of the Council not less than 24 hours before the time set for such special meetings; or special meetings may be held as provided by Section 11-43-50, of the Alabama Code, 1975, whenever two Council members, or the Mayor request, in writing, that the Mayor call such meeting. Upon the failure or refusal of the Mayor to call such meeting when requested, the two Council members making the request shall have the right to call such meeting. Only those items of business for which the special



meeting is convened shall be voted upon at said special meeting. All written notice shall state the specific purpose or purposes for such special meetings.

### **PUBLIC MEETINGS**

**SECTION 4.** All meetings of the City Council shall be open and public, except when the Council meets in executive session as authorized by state law.

### **EXECUTIVE SESSION**

**SECTION 5.** The Council may meet in executive session only for those purposes authorized by state law. When a Council member makes a motion to go into executive session for an enumerated purpose, the presiding officer shall put the motion to a vote. If the Council shall unanimously vote in favor of the motion, the body shall then move into executive session to discuss the matter for which the executive session was called. No action may be taken in an executive session. When the discussion has been completed, the Council shall resume its deliberations in public.

### **QUORUM**

**SECTION 6.** The attendance of three members of the City Council, at any regular or special meeting, is necessary to constitute a quorum.

**SECTION 7.** Every officer, whose duty it is to report at the regular meetings of the Council, who shall be in default thereof, may be fined at the discretion of the Council.

### **AGENDA**

**SECTION 8.** Any person, firm, partnership, corporation, association or other entity with business or applications to present to the City Council at a regular meeting must first make application with the City Clerk by noon on the Wednesday preceding the City Council meeting on the following Monday. The purpose of such applications is to provide the public and members of the City Council with advance notice of the presentation and to afford them the opportunity to study and investigate the matter prior to the meeting. General comments from the public are invited at the end of each meeting.

The City Council may waive the requirement of such applications in cases of emergency or when the public interest may require it; provided, however, that such waiver shall be approved by a majority vote of those City Council members present at the meeting.

All items of a general or permanent nature or that include the expenditure of unbudgeted funds shall be announced at a first reading and heard at the next regularly scheduled meeting of the Council or shall be approved by a unanimous consent vote of the City Council members present prior to the commencement of said item of business.

### **ORDER OF BUSINESS**

**SECTION 9.** The order of business shall be as follows:

1. A call to order
2. Roll call
3. Invocation and pledge of allegiance
4. Announcements, and special recognitions
5. Presentations
6. City Manager Reports
7. Mayor/Councilor Reports
8. Financial Reports – Finance Director/City Treasurer
9. Approval of minutes of prior meeting(s)
10. Resolutions, ordinances and orders of old business
11. Resolutions, ordinances and orders of new business
12. First Reading; Notice of Public Hearing
13. Comments from public
14. Motion for Adjournment

### **MOTIONS**

**SECTION 10.**

- A. Motions shall be reduced to writing when required by the presiding officer or any other member of the City Council.

- B. No member shall speak on the same motion or subject without permission of the presiding officer.
- C. No person, not a member of the City Council, shall be allowed to address the same while in session without permission of the presiding officer.
- D. Motions to reconsider must be made by a member of the City Council who voted with the majority, and at the same or next succeeding meeting of the City Council.
- E. A roll call vote shall be taken for each vote taken by the City Council and the vote (“yeas” and “nays”) of each member shall be recorded; and any member may call for a division of the questions.

### **RULES OF ORDER**

#### **SECTION 11.**

- A. All questions of order shall be decided by the presiding officer of the City Council with the right to appeal to the City Council by any members.
- B. The presiding officer of the City Council may, at his discretion, call any member to take the chair, to allow him to address the City Council, make a motion to discuss any other matter of issue.
- C. Unless otherwise stated, the latest edition of “Robert’s Rules of Order” shall govern the conduct of the meetings of the City Council.

### **ORDINANCES AND RESOLUTIONS**

#### **SECTION 12.**

- A. All ordinances and resolutions shall be in writing.
- B. No ordinance or resolution intended to be of permanent operation shall be adopted by the City Council at the same meeting which it is introduced, unless unanimous consent of those present is given for the immediate consideration of such ordinance or resolution, such consent to be shown by a vote taken by yeas and nays, and the names of the members voting shall be entered upon the minutes, and no ordinance or resolution intended to be of permanent operation shall become a law, unless on its final

passage of a majority of the members elected to said City Council of the City of Vestavia Hills, Alabama, shall vote in its favor.

- C. All ordinances, resolutions or propositions submitted to the City Council which require the expenditure of funds shall lie over until the next regular meeting; provided, that such ordinances or resolutions may be considered earlier by unanimous consent of the City Council; and provided further, that this rule shall not apply to the current expenses of, or contracts previously made with, or regular salaries of officers, or wages of employees of the City or for previously budgeted items.
- D. All ordinances and resolutions intended to be of permanent operation shall be subject to the laws of the State of Alabama regarding veto of ordinances and resolutions and passage over veto as specifically set forth in Titles 11-45-3 and 11-45-4, et. seq., Code of Alabama, 1975.

#### **AMENDMENT OF RULES OF PROCEDURE**

SECTION 13. The procedural rules of the City Council may be altered, amended or temporarily suspended if a majority of the members of the City Council present at the meeting shall vote in favor to do so.

SECTION 14. The provisions of this Ordinance are hereby declared severable. If any provision or portion of this Ordinance is for any reason held to be invalid, such provision or portion shall be deemed a separate and independent provision and such holding shall not affect the validity of the remainder thereof.

#### **ATTENDANCE OF DEPARTMENT HEADS**

SECTION 15. The following Department Heads and such other officers, employees and representatives of the City of Vestavia Hills, Alabama, shall attend all meetings of the City Council and shall remain in the Council Room for such length of time as the City Council or Mayor may direct:

- A. City Manager
- B. City Clerk
- C. City Treasurer

D. City Attorney

All other Department Heads, officers, employees and representatives of the City of Vestavia Hills shall attend at the request of the City Manager, Mayor and/or City Council or when said Department Head has business or a request to be presented to the City Council.

**EFFECTIVE DATE**

SECTION 16. This Ordinance shall become effective immediately upon its approval and adoption. Any and all resolutions and ordinances, which are contrary to or in conflict with the terms and provisions of the Ordinance Number 2248, are hereby rescinded and repealed.

**APPROVED and ADOPTED** this the 7<sup>th</sup> day of November, 2016.

Ashley C. Curry  
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 # 2687 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 7<sup>th</sup> day of November, 2016, as same appears in the official records of said City.

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

Rebecca Leavings  
City Clerk