

**Vestavia Hills  
City Council Agenda  
August 14, 2017  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Dennis Anderson, Administrative Pastor – Vestavia Hills Baptist Church
4. Pledge Of Allegiance
5. Proclamation – National Senior Citizens Day
6. Announcements and Guest Recognition
7. City Manager’s Report
8. Councilors’ Reports
9. Approval of Minutes – June 19, 2017 (Work Session), July 17, 2017 (Work Session), and July 24, 2017 (Regular Meeting)

**Old Business**

10. Resolution Number 4964 – Annexation – 90-Day – 1644 Shades Crest Road; Michael Wedgworth, Owner (*public hearing*)
11. Resolution Number 4968 – A Resolution Declaring A Weed And Other Vegetation Nuisance Pursuant To Ordinance Number 2567 And Directing The City Manager To Abate Said Nuisance (*public hearing*)
12. Resolution Number 4969 – A Resolution Declaring A Weed And Other Vegetation Nuisance Pursuant To Ordinance Number 2567 And Directing The City Manager To Abate Said Nuisance (*public hearing*)
13. Ordinance Number 2724 – An Ordinance Authorizing And Directing The Purchasing And Closing Of The Sale Of Real Estate (*public hearing*)

**New Business**

14. Resolution Number 4971 – A Resolution Accepting The 2015-2016 Audit For The City Of Vestavia Hills, Alabama
15. Resolution Number 4972 – A Resolution Determining That Certain Personal Property Is Not Needed For Public Or Municipal Purposes And Directing The Sale/Disposal Of Said Surplus Property

16. Resolution Number 4973 – A Resolution Approving An Alcohol License For MD Alabama, LLC, D/B/A Metro Diner, Travis Anthony Grappo, Carl Walter Sahlsten, Jr. And Chris Thomas Sullivan, Executives (*public hearing*)

**New Business (Unanimous Consent Requested)**

**First Reading (No Action Taken At This Meeting)**

17. Ordinance Number 2725 – Annexation – 90-Day Final – 3308 Misty Lane, Lot 1, The Woods At Rocky Ridge; Jill And Will Smith, Owners (*public hearing*)
18. Ordinance Number 2726 – Rezoning – 3308 Misty Lane, Lot 1, The Woods At Rocky Ridge; Rezone From Jefferson County E-2 (Residential) To Vestavia Hills R-1 (Residential), Compatible Zoning For Annexation; Jill And Will Smith, Owners (*public hearing*)
19. Ordinance Number 2727 – Rezoning – 3009 and 3017 Sunview Drive; Rezone From Vestavia Hills R-4 (Residential) To Vestavia Hills R-9 (Residential), Compatible Zoning For Annexation; DCR Group, LLC, Owners (*public hearing*)
20. Ordinance Number 2728 – Rezoning – 3111 Pine Tree Drive; Rezone From Jefferson County R-1 (Residential) To Vestavia Hills O-1 (Office) with conditions, June Pryor, Owner (*public hearing*)
21. Ordinance Number 2729 – Rezoning – 3118 Pine Tree Drive; Rezone From Vestavia Hills R-1 (Residential) To Vestavia Hills B-3 (Residential) with a conditional use and conditions, June Pryor, Owner (*public hearing*)
22. Resolution Number 4974 – A Resolution For Approval Of The Final 10% Of The Budget For The City Of Vestavia Hills, Alabama For The Fiscal Year 2016-2017 (*public hearing*)
23. Resolution Number 4975 – A Resolution Approving And Adopting The General Fund Budget, A Special Revenue Fund Budget, A Capital Project Fund Budget, And A Sidewalk Project Fund Budget For The City Of Vestavia Hills For The Period Beginning October 1, 2017 Until September 30, 2018 (*public hearing to be held September 11, 2017 at 6:00 p.m.*)
24. Resolution Number 4976 – A Resolution Authorizing The Mayor To Execute And Deliver An Addendum To The Employment Contract For The City Manager (*public hearing to be held August 16, 2017 at 6:00 p.m.*)
25. Citizen Comments
26. Executive Session
27. Motion For Adjournment

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**JUNE 19, 2017**

The City Council of Vestavia Hills met in a regular work session on this date at 6:00 PM following posting/publication as required by Alabama law. The Mayor called the meeting to order and the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Kimberly Cook, Councilor  
Rusty Weaver, Mayor Pro-Tem  
George Pierce, Councilor

**MEMBERS ABSENT:**

Paul J. Head, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Patrick Boone, City Attorney  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Marvin Green, Asst. Fire Chief

The Mayor indicated that he was putting together a Proclamation in Senator Waggoner's honor as the longest serving member of the House and Senate, a total of 44 years of service. Being from Vestavia Hills, Senator Waggoner has always been very instrumental concerning legislative issues that affect the City.

The Mayor expressed concern over attendance of members of the various Boards, Commissions and Committees of the City. He stated he has received reports of problems with attendance and stated that he intends to send a letter to members reminding them of the need for punctuality at meetings.

Kendall Carter, a high school student, has begun a club at the Vestavia Hills High School to get the area youth more involved in the Community. The Mayor stated that he is very excited to have the opportunity to work with this new club on civic issues.

The Mayor expressed that the community has expressed concerns over the lack of regulation of drones within the city limits. The police department has been searching

ordinances of other cities and will update the Council on a later date with recommendations.

**EXECUTIVE SESSION**

The Mayor indicated that the Council needed to go into executive session to discuss pending/existing litigation and the possible sale/purchase of real estate. Mr. Boone concurred that the Council could go into executive session for this matter. The Mayor estimated the session would last approximately 45 minutes and no other business would follow. He then opened the floor for a motion

**MOTION** Motion to enter into executive session for discussion of pending/existing litigation and the possible sale/purchase of real estate for an estimated 45 minutes was by Mrs. Cook. Second was by Mr. Weaver. Roll Call vote as follows:

Mrs. Cook – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

The Council entered into Executive Session at 6:31 PM. At 7:35 PM, the Council exited Executive Session and the Mayor called the work session back to order.

There being no further business, meeting adjourned at 7:36 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**JULY 17, 2017**

The City Council of Vestavia Hills met in a regular work session on this date at 6:00 PM following posting/publication as required by Alabama law. The Mayor called the meeting to order and the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Kimberly Cook, Councilor  
Rusty Weaver, Mayor Pro-Tem  
George Pierce, Councilor

**MEMBERS ABSENT:**

Paul J. Head, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Patrick Boone, City Attorney  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Marvin Green, Asst. Fire Chief  
Christopher Brady, City Engineer

Mr. Downes addressed local traffic concerns along Caldwell Mill Road which is a mix of both City and County developments. He stated that they have been working with Jefferson County to study three individual intersections in an attempt to slow traffic that has begun using this route as “cut through” to get to the Camp Horner/Caldwell Mill intersection. The City has agreed to survey two of the intersections in order to allow the County to determine funding for the needed improvements. He stated that he hopes this will help to expedite the assistance needed by the residents of the area to slow and calm the traffic.

Lt. Johnny Evans addressed the council concerning some possible purchases of equipment by the Police Department. He explained that these items needed to be purchased and invoiced prior to mid-August so the FBI would reimburse the City for the cost. The items included a mobile analyzer that would help to open smart phones to obtain needed information during an investigation along with some “truck boxes” used in vehicles to store and secure weapons. Because of the timing, this purchase was going to

be presented to the Council for unanimous consent and he asked the Council to support this purchase.

Mr. Downes addressed the Council concerning the past history of “thru road agreements” with Jefferson County and the City’s attempt to re-establish these agreements. He indicated they are working with the County and suggested that Crosshaven Drive and GreenValley Road be added to the agreement but to remove Tyler and Massey Road. He explained that the County would once again have maintenance responsibilities over these roadways and the City would continue to maintain sidewalks.

Mr. Downes updated the Council on needed street repairs and advised them of some emergency situations that are occurring due to the tremendous rainfall events that have come in recent months. One situation has occurred at Morgan Drive in front of the shopping center that needs attention now and cannot wait on bidding. He stated that the intent is to revise the resolution that was on as a first read at the last meeting and update it to declare this situation an emergency and increase the funding to allow these repairs.

Mr. Downes stated that there have been requests to livestream the City’s meetings and work sessions. He indicated that it would take about \$35,000 to update the Executive Council Room for the needed audio along with additional funding to equip the Council Chambers for livestreaming. Discussion ensued as to the advantages and disadvantages of such an endeavor.

### **EXECUTIVE SESSION**

The Mayor indicated that the Council needed to go into executive session to discuss the possible sale/purchase of real estate. The Mayor estimated the session would last approximately 45 minutes and no other business would follow. He then opened the floor for a motion

**MOTION** Motion to enter into executive session for discussion of the possible sale/purchase of real estate for an estimated 45 minutes was by Mrs. Cook. Second was by Mr. Pierce. Roll Call vote as follows:

Mrs. Cook – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

The Council entered into Executive Session at 7:35 PM. At 8:15 PM, the Council exited Executive Session and the Mayor called the work session back to order.

There being no further business, meeting adjourned at 8:16 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**JULY 24, 2017**

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM. The Mayor called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Mayor Ashley C. Curry  
Rusty Weaver, Mayor Pro-Tem  
Kimberly Cook, Councilor  
Paul Head, Councilor  
George Pierce, Councilor

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Patrick Boone, City Attorney  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Jason Hardin, Police Captain  
Marvin Green, Interim Fire Chief  
Keith Blanton, Building Safety Director  
Melvin Turner, Finance Director  
George Sawaya, Asst. Treasurer  
Brian Davis, Public Services Director  
Christopher Brady, City Engineer  
Lori Beth Kearley, Asst. City Engineer  
Cinnamon McCulley, Communications Specialist

Pastor Steve Blair, Church of the Highlands - Grants Mill Campus, provided the invocation, followed by the Pledge of Allegiance.

### **PRESENTATION – VESTAVIA HILLS POLICE FOUNDATION**

Mr. Ammons presented a Power Point presentation to introduce the creation of the new Vestavia Hills Police Foundation. He stated the Foundation has obtained the 501c3 nonprofit designation. He then introduced the new Board members: Steve Ammons, President; Burke Swearingin, Vice President; Courtney Brown, Treasurer; Heather Pike, Secretary; Dave Horn, Captain Brian Gilliam, Ex-officio. Mr. Ammons explained the mission of the Foundation which is *“to support the Vestavia Hills Police Department, its officers, their families and the*



*City of Vestavia Hills*” along with several goals and objections including community outreach, benevolence and education/development.

Charlie Long, Chaplain, presented a check to the Multiple Sclerosis Society on behalf of the Police Foundation in honor of those suffering from the disease.

Officer Curtis Peacock, introduced his wife, Regina, along with Jennifer Ely, the Chairperson of the MS Foundation. He stated each of these ladies suffer from MS which has significantly their lives. He stated that he is honored that the Foundation is working to better the lives of these individuals.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mrs. Cook announced that there will be a Board of Education meeting on July 31, 2017 . She noted that there is a bid for vendor services for online store of trademark items for the Board of Education and advised anyone interested to contact the Board for more information. She also stated that VHLPMS is searching for a German teacher; contact the Principal if interested.
- Mr. Pierce welcomed Chamber of Commerce members Scott Perry and Anna Hamiter to the meeting.
- Mr. Pierce announced that the annual Back to School in the Hills is scheduled to begin at 6:30 PM on August 11, 2017 at the Cahaba Heights Sports Park. He advised anyone with questions to contact Lisa Christopher at the Chamber.
- Mr. Weaver stated that the Planning and Zoning Commission considered some rezoning requests at the last meeting and all of the requests received positive recommendations. These requests should come to Council soon.
- Mayor Curry announced that August 21, 2017 is National Senior Citizens Day. Observance of the day will be here at the City Hall with special guests, Senator Jabo Waggoner and Gov. Kay Ivey coming to honor this day with our seniors.

### **CITY MANAGER’S REPORT**

- Mr. Downes stated that over the past several months there have been repeated heavy rain events throughout the City. He explained that he has worked with Public Services and has developed the “Stormwater Infrastructure Issues in the City” which identifies several apparent needed repairs. He described what the City has done up to this point, what’s happened and what’s needing to be done. This detail was presented to the audience and explained. Mr. Downes stated these are the improvements that are now “known” as needed, however, more deficiencies might manifest as time passes. The recent rains have created many problems - one of the largest appears to be evolving on Morgan Drive in the right-of-way at the shopping center and requires immediate attention. He gave a summation of the gas tax revenues and the use for said revenues. He explained the changes in personnel including the recent hiring of an assistant engineer, contracting grass cutting in order to allow Public Works personnel to focus on infrastructure

maintenance. Mr. Downes stated that the new budget will include the hiring of an employee specifically hired to study stormwater issues throughout the City. He stated all of these steps are necessary to bring the City toward the MP4 specifications that'll be required of the City within the next 12 months. He stated that tonight, the Council will be presented a Resolution to use the remainder of the gas tax revenues along with an emergency allocation to replace/repair the pipe along Morgan Drive to be derived from Capital Reserves.

- Mr. Weaver thanked the Engineering Department and stated that he knows they are overworked, especially during these trying times. He also acknowledged the work of the City Manager to trying to work through private property issues that affect the public.
- Mr. Pierce asked if the replacement of the pipe at Morgan Drive is top priority. Mr. Downes stated that it is because it's blocking deliveries to the shopping center. He stated that the magnitude of this project warrants these actions but they do need to put more dedicated resources to avoid this type of situation in the future.
- Mrs. Cook asked if this will affect school traffic. Mr. Brady stated the hope there'll not be a problem but there might be some temporary lane closures and relocation of utilities.
- Mr. Head asked for a clarification of the costs of the projects. Mr. Downes explained.
- Discussion ensued as to the repair of the parking lot, if Council approval is needed if the funds prove insufficient, utility relocations, legality of private property repairs by the City, etc.
- Mr. Boone stated that if this is approved, Mr. Morgan will have to give a construction easement to complete this process. He stated that the Council can give this if it serves a public purpose and explained why this does qualify.

### **COUNCILOR REPORTS**

- Mr. Head announced that the Community Spaces meetings will begin again this week starting on Wednesday and be held at various times. Details are posted on the City's website.
- Mrs. Cook stated that the City has been working with the vendor to livestream these Community Spaces meetings. She stated if someone cannot make it, they can listen online and have the opportunity to use the Vestavia Listens portal to allow some participation from home.
- The Mayor encouraged everyone to attend these meetings to give some opinions and to dialog with the vendor for a better product.

### **FINANCIAL REPORTS**

Mr. Turner presented the financial reports for month ending June 2017. He read and explained the balances.

Mrs. Cook pointed out that the revenues are up this year which is a sign of positive growth in the City.

Mr. Pierce pointed out that this is a slow month, but overall for the year, the City is carrying a positive balance.

### **APPROVAL OF MINUTES**

The minutes of the July 10, 2017, regular meeting were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of July 10, 2017, regular meeting and approve them as presented was by Mr. Pierce and second by Mr. Weaver. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

### **OLD BUSINESS**

### **NEW BUSINESS**

### **RESOLUTION NUMBER 4970**

**Resolution Number 4970 – A Resolution Determining That Certain Personal Property Is Not Needed For Public Or Municipal Purposes And Directing The Sale/Disposal Of Said Surplus Property**

**MOTION** Motion to approve Resolution Number 4970 was made by Mr. Weaver and second was by Mrs. Cook.

Mr. Downes explained that this Resolution surpluses an old 2000 Grand Marquis that was formerly Mayor Reynolds service vehicle and has served as a pool car for years. The vehicle is no longer operable and has exceeded its expected usage in the City.

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

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

**RESOLUTION NUMBER 4967**

**Resolution Number 4967 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver Into A Second Amendment To The Remediation Agreement Regarding Property Located At 1756 Indian Creek Drive, Vestavia Hills, Alabama**

**MOTION** Motion to approve Resolution Number 4967 was made by Mrs. Cook and second was by Mr. Weaver.

Mr. Downes stated that this Indian Creek Drive property has been on ongoing issue. He stated that the process of abatement of a nuisance began a few months ago and a mediation agreement was initially reached. The owner has partially complied with this agreement and the property has improved considerably, but still hasn't fulfilled the terms of the agreement. For instance, one of the requirements was for her to put forth a good effort to sell the property; another was not to inhabit the home during the overnight hours. These issues have proved challenging and this amendment to the agreement reduces the maximum sales price to \$725,000 to make the property more marketable and further limits the ability to allow individuals to occupy the premises overnight in an effort to overcome these last two problems.

Mayor Curry asked if this Resolution sets forth the requirement for a new realtor. Mr. Boone stated that Martha Turner is the realtor and this document sets forth her listing until next January. He gave a brief background of this request which dates back to the previous Council. He explained that this amendment does not relinquish the City's right to demolish this home if these agreements are not followed.

Discussion ensued as to further action of the Council, provisions in the agreement, repercussions of non-compliance, etc. All of the City's actions are led by Attorney Ben Goldman, Hand Arendall. He has negotiated this second amendment.

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

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

The Mayor opened the floor for unanimous consent for the immediate consideration and action on Resolution Number 4962 and Resolution Number 4966.

**MOTION** Motion for unanimous consent for the immediate consideration and action on Resolution Number 4962 and Resolution Number 4966 was by Mr. Weaver. Second was by Mr. Pierce. Roll call vote as follows:

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

**RESOLUTION NUMBER 4962**

**Resolution Number 4962 – A Resolution Authorizing the City Manager To Allocate Funding Within The Gas Tax Fund Budget And Capital Reserve Fund For Fiscal Year 2016-2017 For Street Resurfacing And Infrastructure Repair (*public hearing*)**

**MOTION** Motion to approve Resolution Number 4962 was made by Mrs. Cook and second was by Mr. Weaver.

The Mayor stated that the City Manager had discussed his during his opening comments and an amendment was needed in order to insert the amount of funding being requested. He opened the floor for a motion for an amendment to Resolution Number 4962.

**MOTION** Motion to amend Resolution Number 4962 to insert \$300,000 for the total cost as earlier described by Mr. Downes was by Mrs. Cook. Mr. Pierce seconded the motion. Roll call vote as follows:

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

The Mayor opened the floor for a public hearing.

Mr. Boone stated that the City Council has the legal authority to declare this situation a public issue and an emergency situation that allows for the project to be completed without going through the competitive bid process and allows the City Manager to spend the requested funds.

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

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

**RESOLUTION NUMBER 4966**

**Resolution Number 4966 – A Resolution Authorizing The City Manager To Purchase Certain Equipment For The Vestavia Hills Police Department To Be Reimbursed By The FBI(*public hearing*)**

**MOTION** Motion to approve Resolution Number 4966 was made by Mrs. Cook and second was by Mr. Weaver.

Chief Rary explained that this purchase is equipment deemed needed by the Police Department the cost will be reimbursed by the FBI. He indicated one of the items would allow the Police Department to unlock smartphones without going through the individual manufacturer. He stated they are also requesting several ‘truck vaults’ which will allow storage of certain long guns in the police vehicles. The purchases have to be made as soon as possible in order to have the invoices into the FBI for reimbursement by August 15, 2017.

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

Mrs. Cook – yes	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – 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 regular meeting on August 14, 2017, at 6:00 PM.

- Resolution Number 4964 – Annexation – 90-Day – 1644 Shades Crest Road; Michael Wedgworth, Owner (*public hearing*)
- Resolution Number 4968 – A Resolution Declaring A Weed And Other Vegetation Nuisance Pursuant To Ordinance Number 2567 And Directing The City Manager To Abate Said Nuisance (*public hearing*)
- Resolution Number 4969 – A Resolution Declaring A Weed And Other Vegetation Nuisance Pursuant To Ordinance Number 2567 And Directing The City Manager To Abate Said Nuisance (*public hearing*)
- Ordinance Number 2724 – An Ordinance Authorizing And Directing The Purchasing And Closing Of The Sale Of Real Estate (*public hearing*)

### **CITIZEN COMMENTS**

None.

Mr. Pierce recognized Cahaba Heights Foundation and the Cahaba Heights Merchants Association for the Meadowlawn Movies. He stated he appreciates their efforts for Christmas in July and indicated this is a great use for this park.

Mrs. Cook thanked the Cahaba Heights Merchants Association which raised \$1,800 to fund the cost of putting this movie event in place and it was very much appreciated.

At 7:19 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 7:20 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4964**

**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 May 9, 2017, 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 14th day of August, 2017; 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 2<sup>nd</sup> day of August, 2017.

2. That on the 27th day of November, 2017, 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 4964 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:

1644 Shades Crest Road  
Michael Wedgworth, Owner(s)

Legal Description:

Beginning 209 feet West of the Southeast corner of the Southwest ¼ of the Northwest ¼ of Secion 25, Township 18, Range 3 West; thence North 973.5 feet to Columbiana Road; thence Northwardly along the South side of said road 414 feet; thence South 1,075.08 feet; thence East 281.82 feet to the point of beginning.

Situated in Jefferson County, Alabama, Birmingham Division.

Less and except any portion of subject property lying within a road right of way.

Being more particularly described as follows:

Begin at an iron pin found at the intersection of the West line of Overlook Crest as recorded in Map Book 210 on Page 43 in the Office of the Judge of Probate, Jefferson County, Alabama, Birmingham Division and the North Right-of-Way line of Shades Crest Road; thence run in a Westerly direction along said North Right-of-Way line for a distance of 281.21 feet to a concrete monument found; thence turn an interior counterclockwise angle to the left of 89°39'02" and run in a Northerly direction for a distance of 826.12 feet to a concrete monument found on the South Right-of-Way line of Green Springs Highway and also being on a curve to the right having a central angle of 26°34'00" and a radius of 644.50 feet; thence turn an interior counterclockwise angle to the left to the chord of said curve and run in a Southeasterly direction along the arc of said curve and also along said South Right-of-Way line for a distance of 298.84 feet to a ½" rebar found; then turn an interior counterclockwise angle to the left from the chord of said curve of 111°16'52" and run Southerly along the West line of Overlook Crest as recorded in Map Book 210 on Page 43 in the Office of the Judge of Probate, Jefferson County, Alabama, Birmingham Division for a distance of 718.68 feet to the Point of Beginning.

**APPROVED and ADOPTED** this the 14th day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**1644 Shades Crest Road  
Michael Wedgworth**

Annexation Committee Petition Review

Property: 1644 Shades Crest Rd

Owners: Michael Wedgworth

Date: 7/10/17

1. The property in question is contiguous to the city limits.  
Yes  No  Comments: \_\_\_\_\_  
\_\_\_\_\_
2. The land use of the petitioned property is compatible with land use in the area.  
Yes  No  Comments: \_\_\_\_\_  
\_\_\_\_\_
3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.  
Yes  No  Comments \_\_\_\_\_  
\_\_\_\_\_
4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.  
Yes  No  Comments \_\_\_\_\_  
\_\_\_\_\_
5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of N/A. Meets city criteria: Yes  No   
Comment: \_\_\_\_\_
6. This street has fewer than 100% of the individual properties within the limits of the city  
Yes  No   
Number of total homes N/A Number in city \_\_\_\_\_
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.  
Agreed to by petitioner: Yes  No  Comment \_\_\_\_\_  
\_\_\_\_\_

Property: 1644 Shades Crest Road

8. A non-refundable administrative fee of \$100 has been paid to the city. Furthermore, voluntary contributions, including an application fee, of \$ \_\_\_\_\_ will be paid to offset costs associated with the annexation.  
Yes \_\_\_\_\_ No \_\_\_\_\_ Comment \_\_\_\_\_

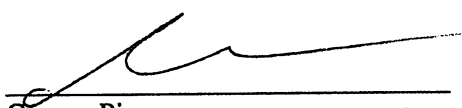
9. Property is free and clear of hazardous waste, debris and materials.  
Yes  No \_\_\_\_\_ Comment \_\_\_\_\_

10. Are there any concerns from city departments?  
Yes \_\_\_\_\_ No  Comments: \_\_\_\_\_

11. Information on children: Number in family N/A; Plan to enroll in VH schools Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

12. Board of Education comments/concerns: NONE, PRICE OF HOMES AND SLOW BUILD OUT IS AGREEABLE TO BOE.

Other Comments: \_\_\_\_\_

  
George Pierce  
Chairman

4-11-17

**PARCEL #:** 29 00 25 2 008 002.000  
**OWNER:** REEVES CATHERINE  
**ADDRESS:** 1644 SHADES CREST RD VESTAVIA AL 35226-3241  
**LOCATION:** 1644 SHADES CREST RD BHAM AL 35226

[ 111-B- ] Baths: 2.5 H/C Sqft: 2,706  
 18-023.0 Bed Rooms: 2 Land Sch: A116  
 Land: 154,900 Imp: 284,400 Total: 439,300  
 Acres: 0.000 Sales Info: \$0

<< Prev Next >> [ 1 / 0 Records ] Processing...

Tax Year : 2016

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

**SUMMARY**

**ASSESSMENT**

PROPERTY CLASS: 3 OVER 65 CODE: X  
 EXEMPT CODE: 3-2 DISABILITY CODE:  
 MUN CODE: 01 COUNTY HS YEAR: 0  
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00  
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1  
 CLASS USE:  
 FOREST ACRES: 0 TAX SALE:  
 PREV YEAR VALUE: \$410,600.00 BOE VALUE: 0

**VALUE**

LAND VALUE 10% \$154,940  
 LAND VALUE 20% \$0  
 CURRENT USE VALUE [DEACTIVATED] \$0

**CLASS 2**

**CLASS 3**  
 BLDG 002 111 \$264,700  
 BLDG 001 111 \$19,700

TOTAL MARKET VALUE [APPR. VALUE: \$439,300]: \$439,340

Assesment Override:

MARKET VALUE:  
 CU VALUE:  
 PENALTY:  
 ASSESSED VALUE:

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	1	\$43,940	\$285.61	\$43,940	\$285.61	\$0.00
COUNTY	3	1	\$43,940	\$593.19	\$2,000	\$27.00	\$566.19
SCHOOL	3	1	\$43,940	\$360.31	\$0	\$0.00	\$360.31
DIST SCHOOL	3	1	\$43,940	\$0.00	\$0	\$0.00	\$0.00
CITY	3	1	\$43,940	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	1	\$43,940	\$224.09	\$0	\$0.00	\$224.09
SPC SCHOOL2	3	1	\$43,940	\$738.19	\$0	\$0.00	\$738.19

**\*\* DELINQUENT \*\***

TOTAL FEE & INTEREST: (Detail) \$55.36

**ASSD. VALUE: \$43,940.00**

**\$2,201.39**

**GRAND TOTAL: \$1,944.14**

**FULLY PAID**

**DEEDS**

INSTRUMENT NUMBER	DATE
<a href="#">2017031117</a>	3/23/2017
<a href="#">201102-14240</a>	02/23/2011

**PAYMENT INFO**

PAY DATE	TAX YEAR	PAID BY	AMOUNT
3/14/2017	2016	CATHERINE REEVES	\$1,944.14
11/17/2015	2015	CATHERINE REEVES	\$1,763.22
1/7/2015	2014	-	\$1,741.67
12/16/2013	2013	CATHERINE J REEVES	\$1,739.67
12/11/2012	2012	REEVES CATHERINE	\$1,741.24
20111231	2011	***	\$1,570.04
20101209	2010	***	\$1,761.04

**EXHIBIT "C"**

**CITY OF VESTAVIA HILLS**  
*Department Review of Proposed Annexation*  
*(To Be completed by City Staff)*

The following properties have requested to be annexed into the City. Please review this request and then forward it to the next department on the list as soon as is reasonably possible. Please forward completed form to the City Clerk's office not later than 5:00 PM on ~~Thursday~~,  
May 31, 2017 Wednesday

Location: 11644 Shades Crest Rd

**Engineering:** Date: 5/31/17 Initials: CB  
Comments: please see attached memo for comments.

\* see email from Christopher Brady dated 5/31/17

**Police Department:** Date: 5-26-17 Initials: AM  
Comments: No problems with this address.

**Fire Department:** Date: 5/23/2017 Initials: (SK)  
Comments: Increase road width & hammerhead to 20 feet.

\* see email from Scott Key dated 5/26/17

**Public Works:** Date: \_\_\_\_\_ Initials: \_\_\_\_\_  
Comments: \_\_\_\_\_

## Wendy Dickerson

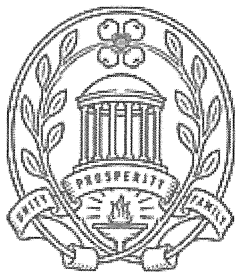
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**From:** Christopher Brady  
**Sent:** Wednesday, May 31, 2017 12:11 PM  
**To:** Wendy Dickerson; Brian Davis  
**Cc:** Rebecca Leavings; Lori Beth Kearley  
**Subject:** RE: Annexation Packet for 1644 Shades Crest Road

See below Engineering/Public Services comments for you to cut and paste as needed:

**2017 Annexation Review – Engineering/Public Services**  
**Review comments, 5/31/17, CBrady**

**1644 Shades Crest Road** -- no significant concerns noted; Shades Crest Road is anticipated to be maintained by Jefferson County as part of future “through road” agreement. Proposed development is conducting a traffic study to determine any roadway improvements/turn lane requirements. We have reviewed preliminary plans and discussed drainage and other City design requirements with proposed developer and design engineer.



**Christopher Brady, City Engineer**

Department of Public Services

P 205 978 0150 | [vha.org](http://vha.org)

City of Vestavia Hills

  [WWW.ALIFEABOVE.ORG](http://WWW.ALIFEABOVE.ORG)

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**From:** Wendy Dickerson  
**Sent:** Tuesday, May 23, 2017 12:25 PM  
**To:** Christopher Brady; Kevin York; Scott Key  
**Cc:** Rebecca Leavings  
**Subject:** Annexation Packet for 1644 Shades Crest Road

I have attached the Annexation Packet for 1644 Shades Crest Rd. Please review the packet/property and come by my office to sign Exhibit C/write comments by Wednesday, May 31, 2017.

*Thanks, Wendy*



## Wendy Dickerson

---

**From:** Scott Key  
**Sent:** Friday, May 26, 2017 2:08 PM  
**To:** Wendy Dickerson  
**Subject:** Mike Wedgeworth

Wendy,

I spoke to Mike Whitworth today about his subdivision. He has agreed to widen the rear hammerhead from 16 to 20 feet. He and I discussed the 18 foot we at with the island and I am good with that. Do I need to come and sign the annexation request?

Thank you,

**Scott A. Key**

Battalion Chief / Fire Marshal

P [205 978 0218](tel:2059780218) | [vhal.org](http://vhal.org)

F [205 978 0205](tel:2059780205)

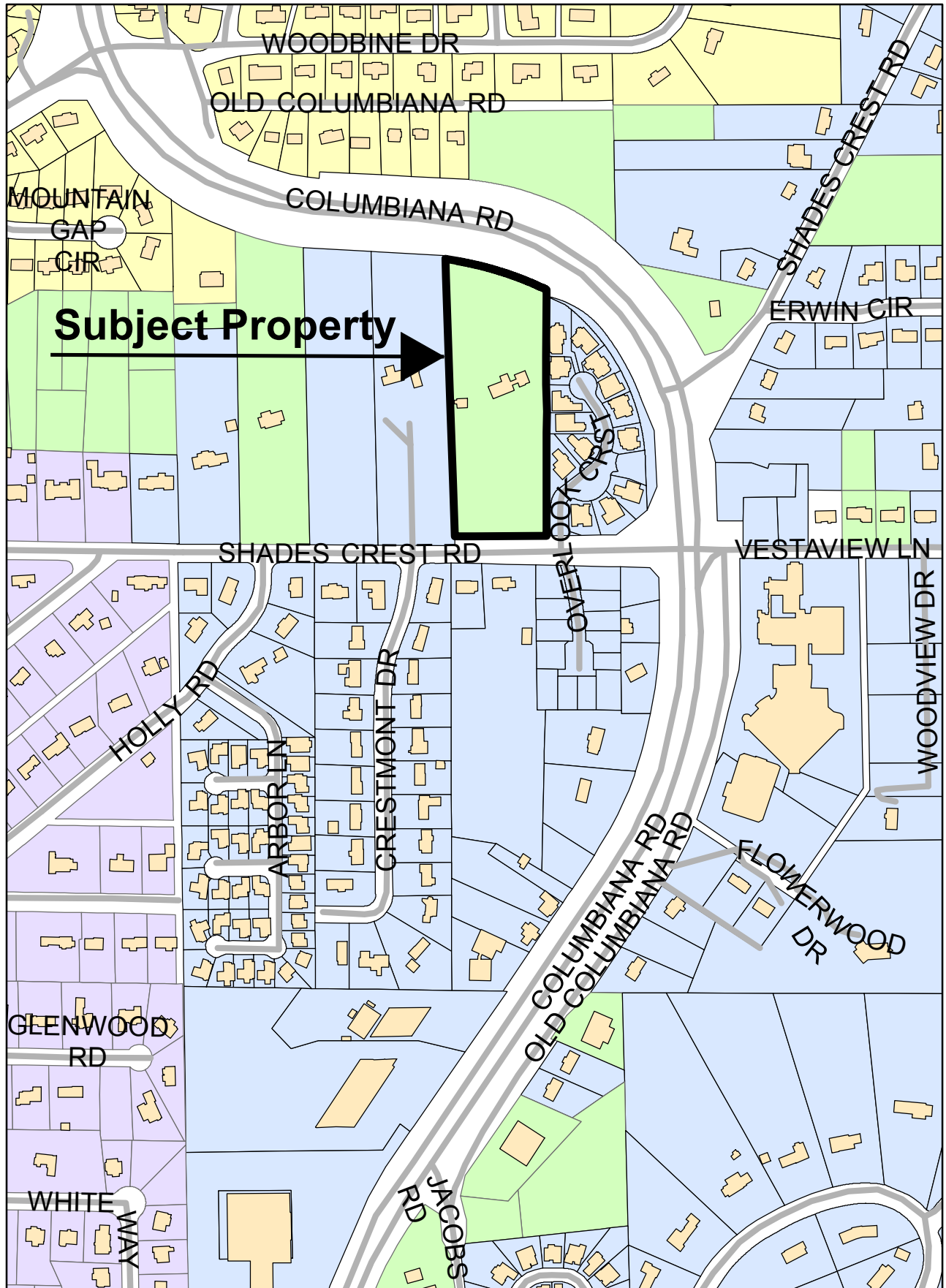
City of Vestavia Hills

**Turn Your Attention  
to Fire Prevention**

**CONFIDENTIALITY NOTICE:**

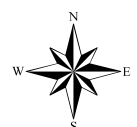
This communication, together with any attachments hereto or links contained herein, is for the sole use of the intended recipient(s) and may contain information that is confidential or legally protected. If you are not the intended recipient, you are hereby notified that any review, disclosure, copying, dissemination, distribution, taking of any action in reliance on the contents of this information or use of this communication is **STRICTLY PROHIBITED**. If you have received this communication in error, please notify the sender immediately by return e-mail message or telephone and delete the original and all copies of the communication, along with any attachments hereto or links herein, from your system.

# 1644 Shades Crest Road



- Jefferson County
- Vestavia Hills
- Homewood
- Hoover

Department of GIS  
City of Vestavia Hills  
May 23, 2017





Development • Construction • Sales

May 15, 2017

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

Attention: Ms. Rebecca Leavings

Dear Ms. Leavings:

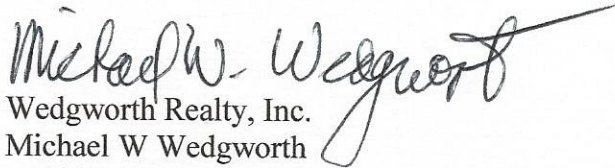
Please find my annexation application for 1644 Shades Crest Road along with the requested information. All of the information is also attached on thumb drive with one for annexation and one for zoning.

We are requesting R-2 Vestavia Conservation. This will enable us to move the homes closer to the street and allow us a 35.0 rear yard which is consistent with the current Jefferson County R-1 Zoning.

I know we are very concerned about our school systems surging enrollment. While I certainly cannot predict who will buy in this 13 Home Community, I did an informal survey of school enrollment in Overlook Crest North and South. Overlook Crest North has a total of 3 children in the School district currently out of a total of 14 homes. Overlook Crest South does not have any children in the school district out of 12 homes. If it would help I could perhaps check this more formally by checking tax records versus actual school enrollment.

Please do not hesitate to call if additional information is required.

Cordially,

  
Wedgworth Realty, Inc.  
Michael W Wedgworth  
President

Enclosures: Annexation Petition, site plan, survey, Location map, Jefferson County Zoning letter and Fire Dues Letter.

**STATE OF ALABAMA**

**Jefferson COUNTY**

**PETITION FOR ANNEXATION TO THE  
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: May 9, 2017

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

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are 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, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do 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.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

**EXHIBIT "A"**

LOT: \_\_\_\_\_

BLOCK: \_\_\_\_\_

SURVEY: See attached survey

RECORDED IN MAP BOOK \_\_\_\_\_, PAGE \_\_\_\_\_ IN THE  
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: R-1

COMPATIBLE CITY ZONING: R-2 We are requesting R-2 Conservation Zoning

**1644 Shades Crest Road Legal Description.**

Beginning 209 feet West of the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of Section 25, Township 18, Range 3 West; thence North 973.5 feet to Columbiana Road; thence Northwardly along the South side of said road 414 feet; thence South 1,075.08 feet; thence East 281.82 feet to the point of beginning.

Situated in Jefferson County, Alabama, Birmingham Division.

Less and except any portion of subject property lying within a road right of way.

Being more particularly described as follows:

Begin at an iron pin found at the intersection of the West line of Overlook Crest as recorded in Map Book 210 on Page 43 in the Office of the Judge of Probate, Jefferson County, Alabama, Birmingham Division and the North Right-of-Way line of Shades Crest Road; thence run in a Westerly direction along said North Right-of-Way line for a distance of 281.21 feet to a concrete monument found; thence turn an interior counterclockwise angle to the left of 89° 39' 02" and run in a Northerly direction for a distance of 826.12 feet to a concrete monument found on the South Right-of-Way line of Green Springs Highway and also being on a curve to the right having a central angle of 26° 34' 00" and a radius of 644.50 feet; thence turn an interior counterclockwise angle to the left to the chord of said curve and run in a Southeasterly direction along the arc of said curve and also along said South Right-of-Way line for a distance of 298.84 feet to a 1/2" rebar found; thence turn an interior counterclockwise angle to the left from the chord of said curve of 111°16'52" and run Southerly along the West line of Overlook Crest as recorded in Map Book 210 on Page 43 in the Office of the Judge of Probate, Jefferson County, Alabama, Birmingham Division for a distance of 718.68 feet to the Point of Beginning.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

SIGNATURE(S)

DESCRIPTION OF PROPERTY

Wedgworth Realty, Inc.

By Michael W. Wedgworth, President

Michael W. Wedgworth

Lot \_\_\_\_\_ Block \_\_\_\_\_ Survey: See attached

*(Use reverse side hereof for additional signatures and property descriptions, if needed).*

STATE OF ALABAMA

JEFFERSON COUNTY

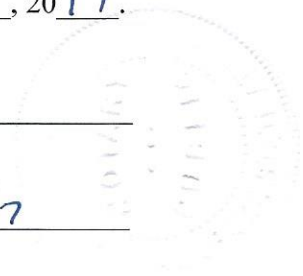
MICHAEL W WEDGWORTH being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

Michael W. Wedgworth  
Signature of Certifier

Subscribed and sworn before me this the 12 day of May, 2017.

[Signature]  
Notary Public

My commission expires: 8/25/17



**EXHIBIT "B"**

**VESTAVIA HILLS BOARD OF EDUCATION**

**1204 Montgomery Highway  
Vestavia Hills AL 35216**

*(To be completed by the City)*

Date of Annexation Petition \_\_\_\_\_ Action Taken: Grant \_\_\_\_\_  
Deny \_\_\_\_\_  
Resolution: Date: \_\_\_\_\_ Number: \_\_\_\_\_  
Overnight Ordinance: Date: \_\_\_\_\_ Number: \_\_\_\_\_  
90 Day Final Ordinance: Date: \_\_\_\_\_ Number: \_\_\_\_\_

*(To be completed by Homeowner)*

Name(s) of Homeowner(s): **Wedgworth Realty, Inc.**

Address: **4154 Crosshaven Drive**

City: **Birmingham** State: **Alabama** Information on Zip: **35243**

**Children: New Development - See cover letter.**

**Plan to Enroll In  
Vestavia Hills School?**

	Name(s)	Age	School Grade	Yes	No
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes". August, 2018



# Rocky Ridge Fire District

---

2911 Metropolitan Way  
Birmingham, AL 35243  
Main: 205.822.0532  
Fax: 205.978.9876



**Turn Your Attention to Fire Prevention!**

May 12, 2017

Re: 1644 Shades Crest Road  
Birmingham, AL 35226

To Whom It May Concern:

Please accept this letter as confirmation that the property listed above is not located within the boundaries of the Rocky Ridge Fire District and is not assessed annual dues for fire coverage.

If you have any questions or need anything additional, please feel free to contact me.

Best Regards,

Susan Bartlett  
Bookkeeper





# JEFFERSON COUNTY TOPOGRAPHICAL MAPPING

Township 19 South - Range 3 West, Section 25 - NW  
Jefferson County, Alabama



This map has been prepared by Jefferson County Information Technology GIS Division. Any use of this map shall be at the sole risk of the person or entity using it. Jefferson County makes no warranty, expressed or implied, as to the accuracy of the information reproduced herein. This product shall be accepted AS IS, WITH ALL FAULTS. Any person, entity or company that makes use of this product shall hold harmless Jefferson County, its elected officials, employees and agents from and against any claims, damages, loss, action, cause of action or liability arising from the use of this GIS product.

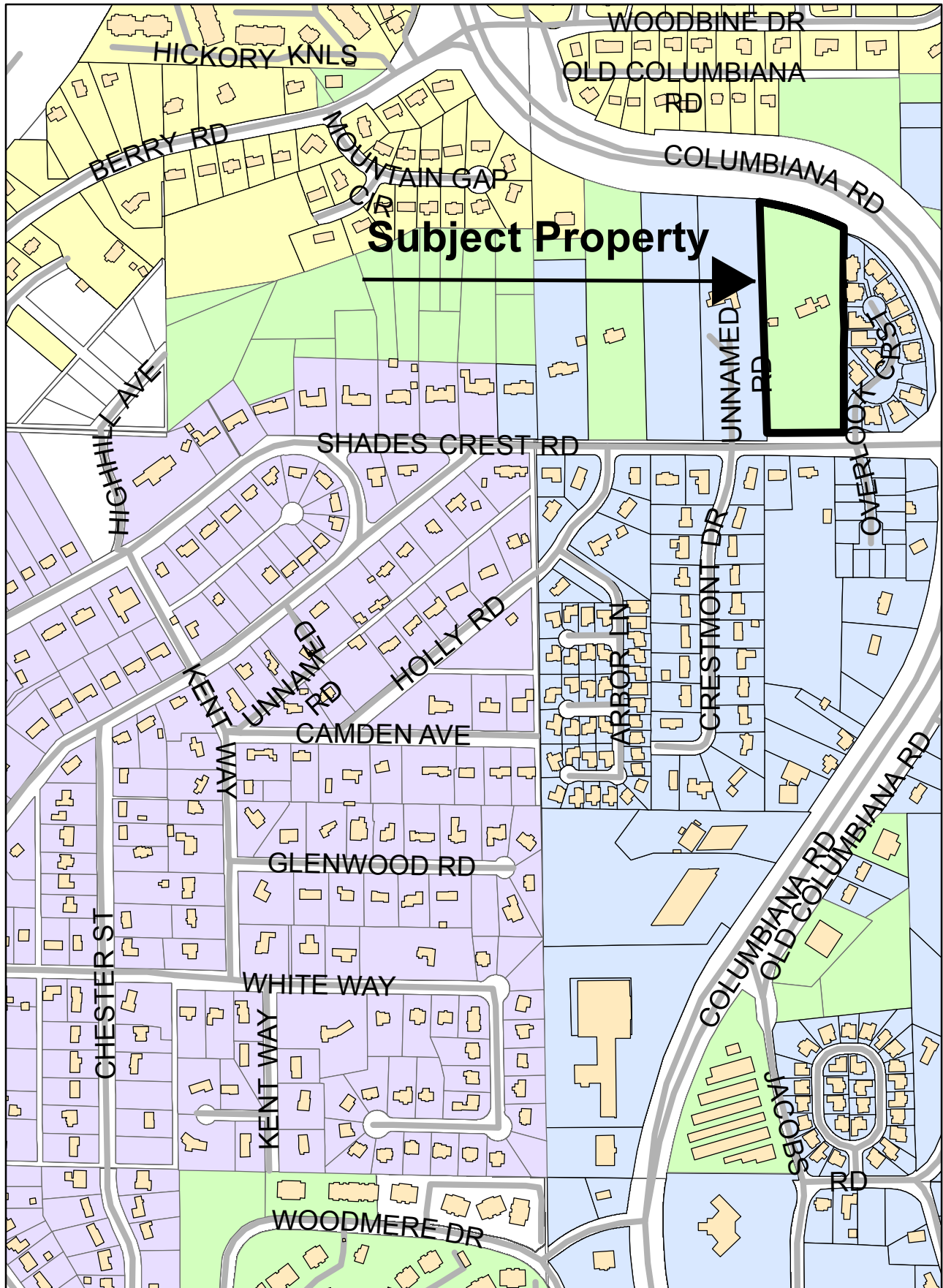
Map Created: 12/28/2016  
Planimetrics Created: 02/20/08  
Orthophotography Created: 02/20/09  
Contour Interval = 2 Feet  
Projection: State Plane Alabama West  
Datum: NAD 83 - NAVD 88  
1 inch = 40 feet



Map prepared by Jefferson County Information Technology GIS Division



# 1644 Shades Crest Road Area Map of Houses/Buildings



- Jefferson County
- Vestavia Hills
- Homewood
- Hoover



# JEFFERSON COUNTY COMMISSION

Tony Petelos – Chief Executive Officer



JAMES A. "JIMMIE" STEPHENS - PRESIDENT  
SANDRA LITTLE-BROWN – PRESIDENT PRO-TEMPORE  
GEORGE F. BOWMAN  
DAVID CARRINGTON  
T. JOE KNIGHT

## OFFICE OF DEVELOPMENT SERVICES

Room B-200 - Courthouse  
716 Richard Arrington, Jr. Boulevard North  
Birmingham, Alabama 35203-0005  
Telephone: 205-325-5638 Fax: 205-325-5224

May 3, 2017

RE: LETTER OF CERTIFICATION OF ZONING  
PARCEL I.D.#: 29-25-2-008-002.000  
IN: SECTION 25 TOWNSHIP 18 RANGE 3 WEST  
PROPERTY SITE ADDRESS: 1644 SHADES CREST ROAD  
BIRMINGHAM, AL 35226

This is to certify that the above referenced property is located within the unincorporated areas of Jefferson County and is zoned R-1 (Single Family). This property is not located within a zoning overlay district or planned unit development. There is a record of one (1) variance issued for the property, which allowed construction of a second residence in lieu of the allowed one (1) with the condition that the original residence is to be used for a guest house only upon completion of the second residence. Attached to this letter are a Zoning Map, excerpts from the County Zoning Regulations that pertain to this particular district and excerpts from the official minutes of the County Board of Zoning Adjustment concerning variance case A-02-025.

We do not have a record of any outstanding zoning violations on the property as of the date of this letter. Any/all inquiries about building codes, certificates of occupancies, should be directed to the County's Department of Inspection Services. The telephone number for that department is (205) 325-5321. You will also note on the Zoning Map that much of the surrounding zoning is controlled by the municipalities of Vestavia Hills, Homewood, and Hoover. Any inquiry regarding zoning for those properties within those municipal limits would need to be directed to those municipalities respectively.

The Zoning Regulations are available in their entirety through the County's website: [jeffconline.jccal.org](http://jeffconline.jccal.org). You will need to navigate to the page for our department (Land Development/Zoning), select "Regulations and Ordinances" on the left side of the screen that will guide you to a page where there is a link to the County's Zoning Regulations. The County Zoning Map is also available online through the Tax Assessor's website: [maps.jccal.org](http://maps.jccal.org). Please feel free contact me if I can be of any further assistance.

Sincerely,

Handwritten signature of Michael R. Morrison in cursive.

Michael R. Morrison, Planner/Acting Zoning Administrator  
Office of Development Services

Attachments: Zoning Map, Section 803 of the County Zoning Regulations, excerpts from the February 25, 2002 minutes of the Jefferson County Board of Zoning Adjustment regarding case A-02-025, invoice.

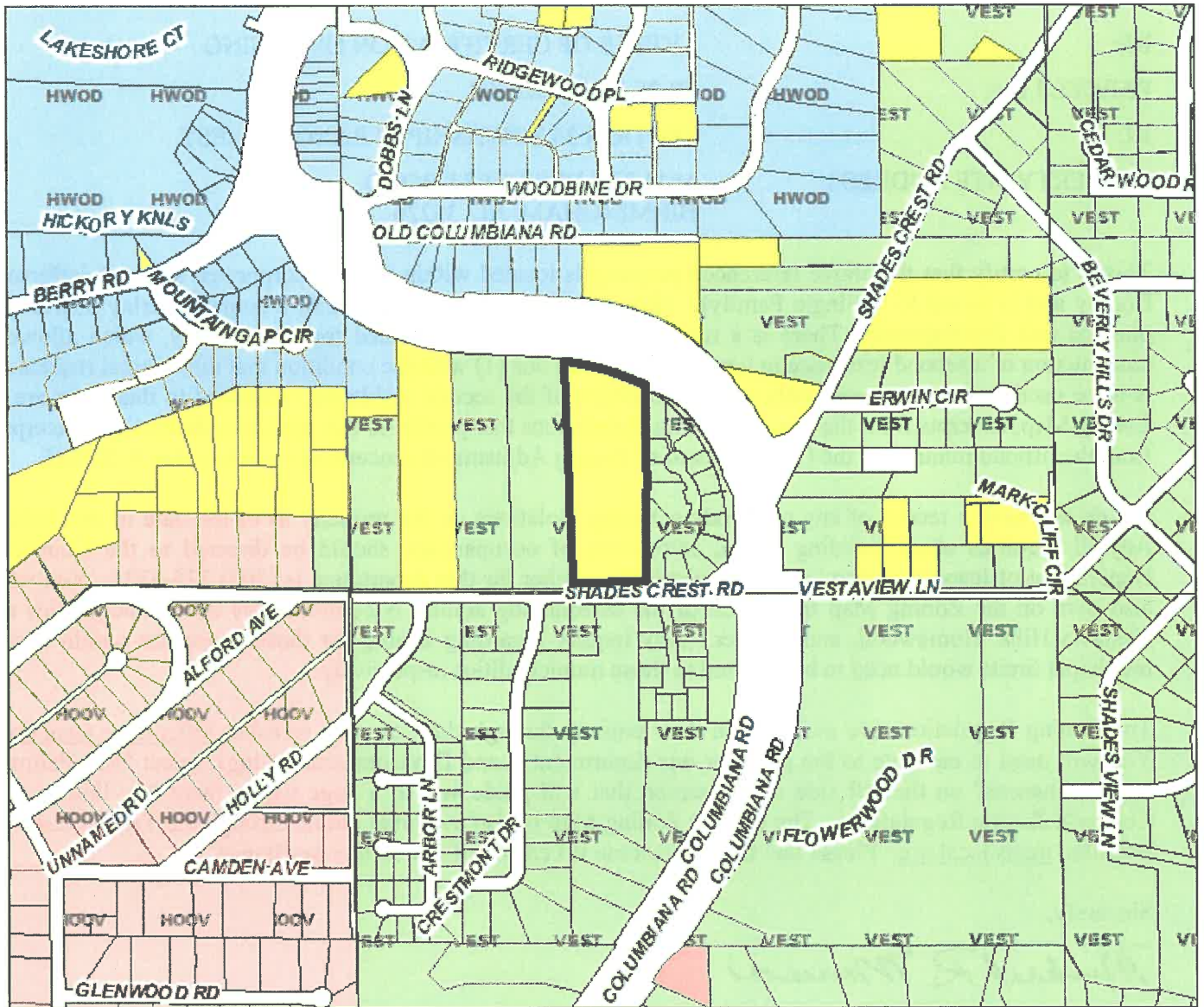
Visit our website at [jeffconline.jccal.org](http://jeffconline.jccal.org)

PLEASE NOTE: "Article 4 of the Jefferson County Zoning Resolution states that no building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations of this Resolution for the district in which it is located. The applicant should contact the Zoning Office in Land Planning and Development Services to obtain a Zoning Approval, which is required prior to the issuance of a Building Permit."



# 29-25-2-008-002.000

## Current Zoning



	E-MF Estate Mini-Farm		R-5(A) Mobile Home Subdivision		PC-1 Pet Cemetery		I-1 Light Industrial
	E-1 Single Family Estate		R-5(B) Mobile Home Park		AIR-1 Airport		I-2 Heavy Industrial
	E-2 Single Family Estate		R-6 Single Family		CC-1 Country Club		I-2(A) Salvage District
	R-R Rural Residential		R-7 Planned Unit Development		C-F Preferred Commercial		I-3 Industrial
	R-1 Single Family		A-1 Agriculture		C-N Neighborhood Commercial		I-3(S) Strip Mining
	R-1(S) Single Family Sewer		INST-1 Institutional 1		C-1 Commercial		I-4 Industrial Park
	R-2 Single Family		INST-2 Institutional 2		C-1(A) Conditional Use Alcohol		I-5 Sanitary Sewage Disposal
	R-3 Two Family		INST-3 Institutional 3		C-2 Outdoor Amusement		I-5(A) Private WW Treatment Plant
	R-3 Garden Homes		U-1 Utility 1		C-3 Commercial		I-O Obnoxious Odors
	R-T Townhomes		U-2 Utility 2		C-4 Package Store		HW-1 Hazardous Waste
	R-4 Multi-Family		CEM-1 Cemetery		C-5 Adult Entertainment		C-U Current Use

**SECTION 605  
R-1 SINGLE FAMILY DISTRICT**

**605.01 Use Regulations.** Within an R-1 Single Family District, a building or land shall be used only for the following purposes:

- a. Any use permitted in an E-1 Estate District.
- b. Home day care in accordance with Article 16, Section 1602 of this Resolution.
- c. Customary accessory buildings or structures as follows:
  - 1. No more than two (2) such accessory buildings or structures shall be allowed per parcel or lot;
  - 2. The combined total floor area of such buildings or structures shall not exceed 1,200 square feet; and,
  - 3. All such buildings or structures shall be permitted only in accordance with Article 10, Sections 1001 and 1002 of this Resolution.

**605.02 Area and Dimensional Regulations.** In all the above permitted uses, with the exception of accessory buildings, the area and dimensional regulations set forth below shall be observed:

- a. Minimum Lot Area: 15,000 square feet, or  
12,500 square feet for lots on which all plumbing drains are connected to and served by live sanitary sewer lines
- b. Minimum Lot Width: 75 feet
- c. Minimum Yard Requirements: Front: 35 feet  
Rear: 35 feet  
Side: 10 feet
- d. Minimum Floor Area: 1,000 square feet (one story)  
1,100 square feet (two story; 800 first floor)
- e. Setbacks shall be measured in accordance with Article 10 of this Resolution, Sections 1001 through 1003.

Minutes, Board of Zoning Adjustments, February 25, 2002

**A-02-025** Sarah Ann White, owner; James Powers, agent, request a variance from the terms of the zoning regulations to construct a second residence (in lieu of the allowed one) on a parcel already containing a house and an accessory building. Parcel ID# 29-25-2-8-2 in Sec. 25 Twp 18 Range 3 West. Zoned R-1 (Single Family) (VESTAVIA) (Site Location: 1644 Shades Crest Road, Birmingham, AL 35226)

James Powers, 5164 Trace Crossing Drive, was present at the hearing. There was no opposition present.

Mr. Powers stated that the property owner [Sarah Ann White] and her family have had the existing house since 1920, and Ms. White is requesting to build a

Minutes, Board of Zoning Adjustments, February 25, 2002

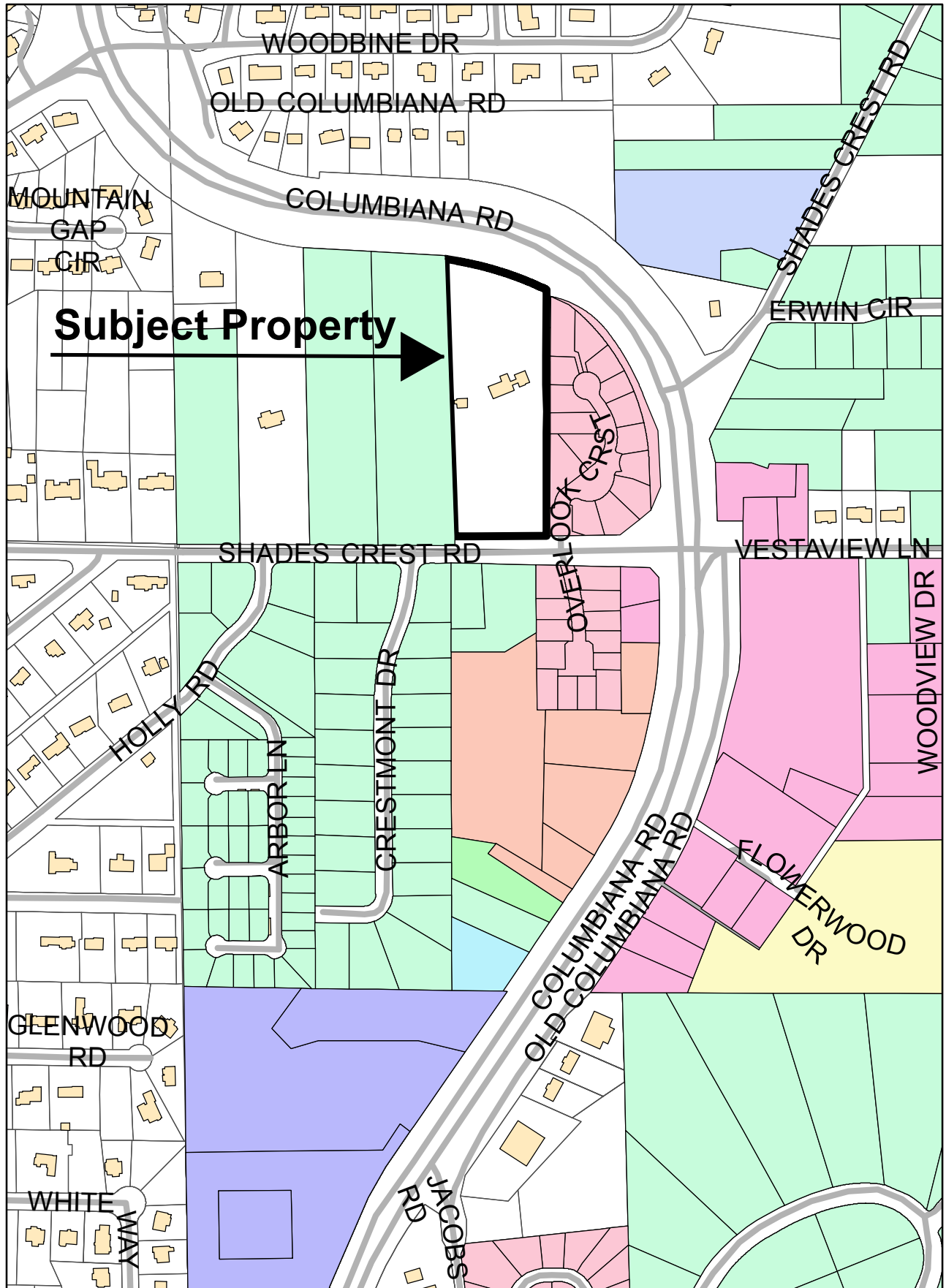
new home beside the existing house. There is an existing garage at the site and Ms. White is proposing to attach the new home to the garage. The existing house will be used as a guesthouse. Mr. Powers explained that the property has six and a half acres and this should be adequate to construct a second residence.

Motion was made by Lacy and seconded by McCutcheon to approve this request with the condition that the original residence be utilized for a guest house only, upon completion of the second residence. The motion was carried with a unanimous vote.





# 1644 Shades Crest Road



	B-1		B-2		Inst-1		R-2		R-9
	B-1*		B-3*		Inst-1*		R-2/PART		

Department of GIS  
 City of Vestavia Hills  
 May 23, 2017



**§5.3. R-2 Medium Density Residential District**

This district is intended to accommodate detached, single-family dwellings on moderately-sized lots together with other uses, as may be permitted on appeal, which are compatible with such residential uses.

5.3.1. Use Regulations: See [Table 5](#) (at the end of this Article) for Permitted Uses, Special Exception Uses, and Conditional Uses.

1. Only low intensity institutional uses shall be permitted and only by Special Exception per [§12.3](#) or as Conditional Uses per [§13.3](#), as indicated in Table 5.

5.3.2. Area and Dimensional Regulations. The area and dimensional regulations set forth following and in Table 5.3 shall be observed (See also [Article 4 General Regulations](#)):

1. Only one main structure and its accessory buildings may be built on any lot of record, which, at the time of enactment of this Ordinance, is separately owned.
2. On no lot separately owned shall the aggregate width of required side yards be such that less than twenty-four (24) feet of the width of the lot be left to build upon after side yard requirements are observed.

5.3.3. Development Standards.

1. For accessory structures, see [§4.4](#).
2. For parking requirements, see [Article 8](#).
3. For landscaping requirements for permitted non-residential uses, see [Article 9](#).
4. For sign regulations, see [Article 11](#).

Table 5.3 R-2 District Area and Dimensional Regulations	
Min. Floor Area	1,600 sq. ft.
Min. Yard Setbacks	
Front	50 ft
Rear	30 ft
Side	15 ft
Min. Lot Area	15,000 sq. ft.
Min. Lot Width	100 ft
Max. Building Height	35 ft or 2 ½ stories, whichever is less
Max. Building Area	
On percent of lot	30%

equipment and provided no clients or customers shall be allowed on premises.

The Board of Zoning Adjustment may approve other home occupations per [§12.3 Special Exceptions](#) so long as they present no greater impact on the neighborhood than those listed above and provided conditions required by the BZA will be met to limit noise, traffic or other impacts that might otherwise disrupt the residential character of the neighborhood.

## **§7.2. Gas and Service Stations**

### 7.2.1. Use Limitations

1. The following uses shall be prohibited: painting, body work, major repair, dismantling for recovery of parts, and sales or rental of motor vehicles or trailers.
2. Service stations shall not include more than three (3) service bays.

### 7.2.2. Area and Dimensional Regulations

1. All oil drainage pits and hydraulic lifts shall be located within an enclosed Structure and shall be located no closer than fifty (50) feet to an abutting residential lot line and no closer than twenty-five (25) feet to any other lot line.
2. All permitted mechanical repair work shall be conducted within an enclosed structure and shall be located no closer than fifty (50) feet to any abutting residential lot line and no closer than twenty-five (25) feet to any other lot line.
3. Fuel pumps, pump islands and other service facilities may occupy required yards; however, such shall be set back at least fifteen (15) feet from any lot line. Canopies shall not extend closer than five (5) feet to any lot line.

- 7.2.3. No storage of vehicles shall be permitted for periods in excess of thirty (30) days. Vehicles shall not be permitted to remain

on the property longer than forty-eight (48) hours unless such vehicles are stored within an enclosed building or within a rear or side yard screened in accordance with [§9.4 Screening](#).

## **§7.3. Conservation Subdivisions**

### 7.3.1. Intent

1. To provide the flexibility to achieve the most effective development on lands that are constrained by natural hazards, environmentally sensitive areas or environmental regulations, which may limit the amount or type of development on such properties;
2. To enhance quality of life by promoting the creation of accessible greenspace throughout the community;
3. To protect sensitive, environmental land features to protect the health and safety of residents and neighboring property owners;
4. To reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation;
5. To encourage interaction within the community by allowing clustering of homes and orienting them closer to the street, thereby providing gathering places and encouraging the use of parks as focal points within the community;
6. To encourage street systems that tend to reduce traffic speeds and reliance on main arteries.
7. To promote construction of convenient walking trails, bike paths, and greenways within new developments that are connected to Adjacent neighborhoods and activity centers to increase accessibility for pedestrians and bicyclists; and

8. To reduce perceived density by providing a maximum number of lots with direct access to and views of open space.

7.3.2. Applicability. The Conservation Subdivision option is available as a use by right in any zoning district in which single-family detached dwellings may be permitted. The applicant shall comply with all other provisions of this Ordinance and all other applicable regulations, except those which may be modified as specified within this Section.

7.3.3. Ownership of Development Site. The tract of land to be subdivided and/or developed may be held in single, separate, and multiple ownership. If held in multiple ownership, the site shall be developed according to a single plan with common authority and common maintenance responsibility as approved by the City Attorney.

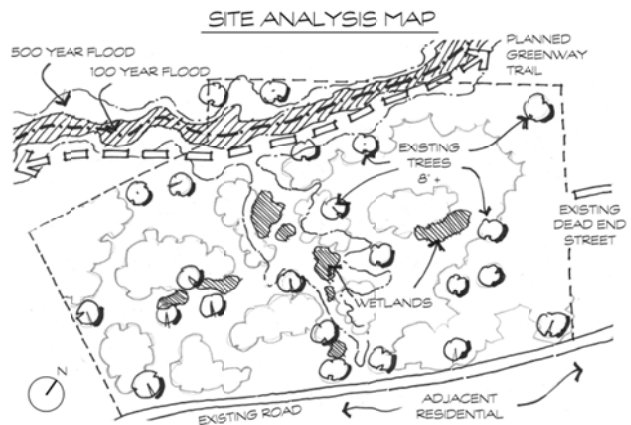
7.3.4. Density Determination. The maximum number of lots shall be determined by the minimum lot size of the Applicable District, the minimum lot size as required by City or County Health Department standards for septic tank use (or similar density limitation where applicable), or the maximum density of the applicable district, whichever is most restrictive. Furthermore, density determination shall also take into account the amount of land necessary for internal streets and other subdivision requirements. In making this calculation, the following shall not be included in the total acreage of the Parcel:

1. Bodies of open water over 5,000 sq. ft. of contiguous area; and
2. Wetlands, as defined by the City or by the Army Corps of Engineers pursuant to Section 404 of the Clean Water Act.

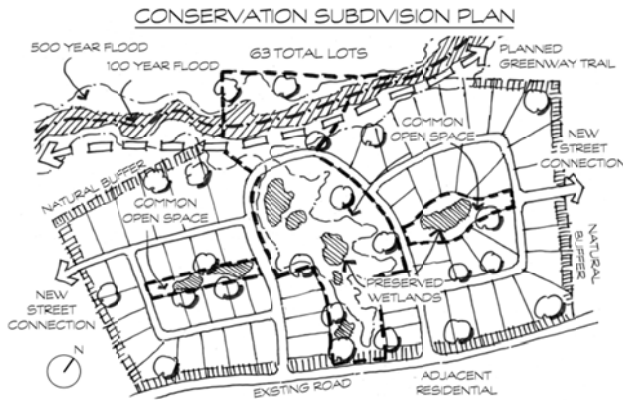
7.3.5. Application Requirements

1. Site Analysis Map Required. Concurrent with the submission of a subdivision plat, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that important site features have been adequately identified prior to the creation of the site design, and that the proposed open space will meet the requirements of this Section. The site analysis map shall include the following:

- a. Property boundaries;
- b. All streams, rivers, lakes, wetlands, flood hazard boundaries, and other hydrologic features;
- c. All boundaries of applicable regulated buffer areas, easements, and rights-of-way;
- d. Topography at 5-foot or smaller intervals;
- e. All Primary and Secondary Conservation Areas labeled by type, as described in §7.3.6;
- f. General vegetation characteristics;
- g. General soil types;
- h. Planned location of protected Open Space;
- i. Existing roads and structures; and
- j. Potential connections with existing greenspace and trails.



2. Conservation Subdivision Plan. The developer shall prepare a conservation subdivision plan which yields no more lots than identified under §7.3.4. The conservation subdivision plan shall identify open spaces to be protected in accord with §7.3.6 and may include lots which do not meet the size and setback requirements of the applicable district. The Conservation Subdivision Plan shall include an Open Space Management Plan, as described in §7.3.6 and shall be prepared and submitted prior to the issuance of a land disturbance permit.



3. Instrument of Permanent Protection Required. An instrument of permanent protection, such as a conservation easement or permanent restrictive covenant and as described in §7.3.6.5, shall be placed on the open space concurrent with the issuance of a land disturbance permit.
4. Other Requirements. The applicant shall adhere to all other applicable requirements of the applicable district and the Subdivision Regulations.

7.3.6. Open Space Management Plan. For the purposes of conservation subdivisions, open space is defined as the portion of the conservation development or subdivision that has been set aside for permanent protection. Activities within the open space are restricted in perpetuity

through the use of a legal instrument approved by the City Attorney.

1. Standards to Determine Open Space
  - a. The minimum restricted open space shall comprise at least twenty-five (25) percent of the gross tract area.
  - b. The following are considered Primary Conservation Areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of the Conservation Subdivision:
    - (1) The 100-year floodplain;
    - (2) Riparian zones of at least 75 feet width along perennial and intermittent stream shown on the United States Geological Survey (USGS) quadrangle topographic maps.
    - (3) Slopes above twenty-five (25) percent of at least 10,000 sq. ft. contiguous area;
    - (4) Wetlands determined to be jurisdictional by the Corps pursuant to the Clean Water Act;
    - (5) Existing and planned trails that connect the site to neighboring areas; and
    - (6) Archaeological sites, cemeteries and burial grounds.
  - c. The following are considered Secondary Conservation Areas and should be included within the open space to the maximum extent feasible:
    - (1) Important historic sites
    - (2) Existing healthy, native forests of at least one (1) acre contiguous area;
    - (3) Individual existing healthy trees greater than eight (8) inches caliper; and

- (4) Other significant natural features and scenic viewsheds, particularly those that can be seen from public streets.
  - d. Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the twenty-five (25) percent minimum area requirement (exception: historic Structures and existing trails may be counted). Large areas of impervious surface, such as streets and parking lots shall be excluded from the open space.
  - e. At least thirty-three (33) percent of the open space shall be suitable for passive recreational use.
  - f. At least seventy-five (75) percent of the open space shall be in a contiguous tract, which may be divided by a local Street whose area shall be excluded from the open space. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.
  - g. The open space shall be directly accessible to the largest practicable number of lots and/or Buildings within the site. Non-abutting lots shall be provided with safe, convenient access to the open space.
2. The following uses shall be permitted within the open space:
    - a. Conservation of natural, archeological or historical resources;
    - b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
    - c. Boardwalks or walking /bicycle trails constructed of porous paving materials;
    - d. Passive recreation areas, such as open fields;
    - e. Active recreation areas, provided that they are limited to no more than ten (10) percent of the total open space and are not located within Primary Conservation Areas. Active recreation areas may include impervious surfaces. Active recreation areas in excess of this limit must be located outside of the protected open space.
    - f. Landscaped Stormwater Management facilities, community wastewater disposal systems and individual wastewater disposal systems located on soils particularly suited to such uses. Such facilities shall be located outside of Primary Conservation Areas;
    - g. Easements for drainage, access, and underground utility lines;
    - h. Other conservation-oriented uses compatible with the purposes of this Ordinance.
  3. The following uses shall be prohibited within the open space:
    - a. Golf courses;
    - b. Roads, parking lots and similar impervious surfaces, except as specifically authorized in the previous sections;
    - c. Agricultural and forestry activities not conducted according to accepted best management practices;
    - d. Impoundments; and
    - e. Other activities as determined by the applicant and recorded on the legal instrument providing for permanent protection.
  4. Ownership and Management of Open Space. Ownership and maintenance of the common open space and any facilities thereon shall be as provided for

in [§4.6](#) Ownership and Management of Common Open Spaces.

5. Legal Instrument for Protection of Open Space. The open space shall be protected in perpetuity by a binding legal instrument that is recorded with the deed. The instrument for permanent protection shall include clear restrictions on the use of the open space. These restrictions shall include all restrictions contained in this article, as well as any further restrictions the applicant chooses to place on the use of the open space. The instrument shall be one of the following:
  - a. A permanent conservation easement in favor of either:
    - (1) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; *or*
    - (2) a governmental entity with an interest in pursuing goals compatible with the purposes of this Ordinance, and if the entity accepting the easement is not the City, then a third right of enforcement favoring the City shall be included in the easement.
  - b. A permanent restrictive covenant for conservation purposes in favor of a governmental entity.
  - c. An equivalent legal tool that provides permanent protection, as approved by the City Attorney.
6. Tax Assessment of Open Space. Once a legal instrument for permanent protection has been placed upon the open space, the applicant may request the County Tax Assessor to reassess the open space at a

lower value to reflect its more limited use.

#### **§7.4. Bed and Breakfast**

##### 7.4.1. Use Limitations

1. Bed and Breakfasts are permitted only in detached single-family dwellings. Lodging located in a non-residential building is considered either a “hotel” or “motel” and is not subject to the requirements of this §7.4.
2. The maximum number of allowable guest rooms shall be determined by dividing the gross interior floor area of the principal building (excluding garages) by 500 sq. ft. And, no more than fifty (50) percent of the GFA (excluding garages) of the principal building shall be utilized for guest accommodations. All guest rooms shall be located within the principal building.

7.4.2. Parking. For each approved guest room, there shall be provided one (1) parking space, in addition to those required for the dwelling use. Such additional required parking spaces shall be properly situated on site and screened from adjacent properties. Such parking areas should not detract from the residential character of the neighborhood. Recreational vehicle parking shall be prohibited.

7.4.3. Modifications to Dwelling. Aside from any alterations necessary to ensure the safety of the dwelling, no exterior modifications shall be allowed unless approved by the BZA as a part of the Special Exception approval process. Approved exterior modifications should not detract from the residential character of the dwelling or the neighborhood.



**RESOLUTION NUMBER 4968**

**A RESOLUTION DECLARING A WEED AND  
OTHER VEGETATION NUISANCE PURSUANT TO  
ORDINANCE NUMBER 2567 AND DIRECTING THE  
CITY MANAGER TO ABATE SAID NUISANCE**

**WHEREAS**, on May 11, 2015, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2567 to establish a procedure for the abatement of grass and weeds and for the prosecution and abatement of grass and weed violations; and

**WHEREAS**, the City's Compliance Officer has made a "First Demand" on the property located at 2600 Kingswood Road; a copy of which is marked as "Exhibit A," attached to and incorporated into this Resolution Number 4968 as if written fully therein; and

**WHEREAS**, a public hearing was conducted at the regularly scheduled City Council meeting of August 14, 2017 at 6:00 PM in which the facts of the matter were discussed; and

**WHEREAS**, the Mayor and City Council feel it is in the best public interest to declare the property a nuisance and direct the City Manager to abate said nuisance pursuant to the provisions set forth in Ordinance Number 2567; and

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

1. The property located at 2600 Kingswood Road is hereby declared a nuisance pursuant to the provisions of Ordinance Number 2567 and the City Manager is hereby authorized to abate said nuisance pursuant to the terms and provisions of said ordinance.
2. This Resolution shall become effective immediately upon its approval and adoption.

**APPROVED and ADOPTED** this the 14<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



# VESTAVIA HILLS

POLICE DEPARTMENT

ASHLEY C. CURRY  
*Mayor*

DANNY P. RARY  
*Chief of Police*

May 23, 2017

To: Owner of listed property

Property Location: 2600 Kingswood Rd.  
Vestavia Hills, Al. 35226

A complaint has been received that the following Violation exists on the above referenced property.

City Ordinance Number 2567

All premises and exterior property shall be maintained free from weeds or plant growth in excess of (12) twelve inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. This is pertaining to the front and backyard. The bushes need to be trimmed.

Legal action could be taken against you if the yard is not taken care of within 48 Hrs.  
Please give me a call so we can resolve this matter at 205-978-0113

Respectfully,


Officer Jimmy Coleman  
Code Enforcement

Vestavia Hills Police Department

VESTAVIAHILLSPOLICE.COM

VESTAVIA HILLS CITY HALL  
1032 MONTGOMERY HWY  
VESTAVIA HILLS, AL 35216

P.O. BOX 660854  
VESTAVIA HILLS, AL 35266-0854  
205 978 0140


**VESTAVIA HILLS**  
 POLICE DEPARTMENT

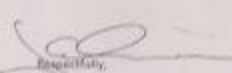
MAY 23, 2017

Owner of listed property  
 Property Location: 2600 Kingswood Rd  
 Vestavia Hills, AL 35226

A complaint has been received that the following Violation exists on the above referenced property.

City Ordinance Number 2567  
 All premises and exterior property shall be maintained free from weeds or plant growth in excess of (32) twelve inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. This is pertaining to the front and backyard. The bushes need to be trimmed.

Legal action could be taken against you if the yard is not taken care of within 48 hrs.  
 Please give me a call so we can resolve this matter at 205-978-0113

  
 Officer Jeffrey Coleman  
 Code Enforcement  
 Vestavia Hills Police Department

\*\*\*\*\* CONTACT INFO \*\*\*\*\*  
 VESTAVIA HILLS CITY HALL  
 1032 MONTGOMERY HIGHWAY  
 VESTAVIA HILLS, AL 35226

FAX: 205-978-0113  
 205-978-0113

Posted 7-20-2017  
**NOTICE TO DESTROY WEEDS**  
Bushes and other unsightly vegetation

Notice is hereby given that on the 14th day of AUG., 2017, at 6 in the council chamber of Vestavia Hills City Hall, located at 1032 Montgomery Highway Vestavia Hills, Alabama, the City Council of the City of Vestavia Hills, Alabama, will hold a public hearing and will determine whether the weeds growing upon or in front of this property; and at that time and place determine whether the weeds constitute a public nuisance which shall be abated by removal of the noxious weeds; and, if so, will order the abatement and removal of the nuisance. If abatement and removal are ordered, the cost of abatement and removal shall be assessed upon the lots and lands from which or from which the weeds are removed, and the cost shall be added to the next regular bills for taxes levied against respective lots and lands for municipal purposes. **IF ABATEMENT IS PERFORMED, THE COSTS SHALL BE NO LESS THAN \$500.00.** The costs shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The costs shall be subject to the same commissions and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

If no objections are filed with the City Clerk at least five days before the meeting of the City Council unless the person appears before the City Council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice of fact and waives any rights he or she may have to contest the removal of the weeds and the action of the City Council shall be final.

In the event that you cut the weeds prior to abatement by the City, return this sign to Vestavia Hills City Hall, and inform the City Building Inspector of the same. Otherwise, **IT IS A MISDEMEANOR TO REMOVE THIS SIGN, PUNISHABLE BY UP TO SIX MONTHS IMPRISONMENT AND/OR \$500.00 FINE.**















NO

**RESOLUTION NUMBER 4969**

**A RESOLUTION DECLARING A WEED AND  
OTHER VEGETATION NUISANCE PURSUANT TO  
ORDINANCE NUMBER 2567 AND DIRECTING THE  
CITY MANAGER TO ABATE SAID NUISANCE**

**WHEREAS**, on May 11, 2015, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2567 to establish a procedure for the abatement of grass and weeds and for the prosecution and abatement of grass and weed violations; and

**WHEREAS**, the City's Compliance Officer has made a "First Demand" on the property located at 1600 Gentilly Drive; a copy of which is marked as "Exhibit A," attached to and incorporated into this Resolution Number 4969 as if written fully therein; and

**WHEREAS**, a public hearing was conducted at the regularly scheduled City Council meeting of August 14, 2017 at 6:00 PM in which the facts of the matter were discussed; and

**WHEREAS**, the Mayor and City Council feel it is in the best public interest to declare the property a nuisance and direct the City Manager to abate said nuisance pursuant to the provisions set forth in Ordinance Number 2567; and

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

1. The property located at 1600 Gentilly Drive is hereby declared a nuisance pursuant to the provisions of Ordinance Number 2567 and the City Manager is hereby authorized to abate said nuisance pursuant to the terms and provisions of said ordinance.
2. This Resolution shall become effective immediately upon its approval and adoption.

**APPROVED and ADOPTED** this the 14<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



## VESTAVIA HILLS

POLICE DEPARTMENT

ASHLEY C. CURRY  
*Mayor*

DANNY P. RARY  
*Chief of Police*

May 23, 2017

To: Owner of listed property

Property Location: 1600 Gentilly Dr.  
Vestavia Hills, Al. 35226

A complaint has been received that the following Violation exists on the above referenced property.

City Ordinance Number 2567

All premises and exterior property shall be maintained free from weeds or plant growth in excess of (12) twelve inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. This is pertaining to the front and backyard. The bushes need to be trimmed.

Legal action could be taken against you if the yard is not taken care of within 48 Hrs.  
Please give me a call so we can resolve this matter at 205-978-0113

A handwritten signature in black ink, appearing to read "Jimmy Coleman", is written over the word "Respectfully,".

Respectfully,  
Officer Jimmy Coleman  
Code Enforcement  
Vestavia Hills Police Department

VESTAVIAHILLSPOLICE.COM

VESTAVIA HILLS CITY HALL  
1032 MONTGOMERY HWY  
VESTAVIA HILLS, AL 35216

P.O. BOX 660854  
VESTAVIA HILLS, AL 35266-0854  
205 978 0140



NOTICE  
[Illegible text]

NOTICE  
[Illegible text]

1 ORI # AL0010900		2 Date of Report 07 19 17		3 Time of Report 14:00		4 Incident Type Report <input type="checkbox"/> AM <input type="checkbox"/> PM <input checked="" type="checkbox"/> MIL <input type="checkbox"/> Incident <input checked="" type="checkbox"/> Offense <input type="checkbox"/> Supplement		5 Supplement Date		6 Agency Case Number 2017-00021282					
8 Agency Name <b>Vestavia Hills Police Department</b>										9 Sector					
10 Type of Incident or Offense <input type="checkbox"/> Felony <input checked="" type="checkbox"/> Misdemeanor <input type="checkbox"/> Attempted <input checked="" type="checkbox"/> Completed <b>Weeds</b>						11 Degree (Circle) 1 2 3		12 UCR Code		13 State Code/Local Ordinance <b>VHC 302.4</b>					
14 Type of Incident or Offense <input type="checkbox"/> Felony <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Attempted <input type="checkbox"/> Completed						15 Degree (Circle) 1 2 3		16 UCR Code		17 State Code/Local Ordinance					
18 Place of Occurrence <input type="checkbox"/> Check here if event occurred at victim's residence						Victim Demographics (Where victim is an individual)									
If offense occurred at victim's residence, then only the approximate location should be listed in this section. (For example, a block number should be entered.) If the offense occurred elsewhere, then the specific address should be listed here.						19 Sex <input type="checkbox"/> M <input type="checkbox"/> F		20 Race <input type="checkbox"/> W <input type="checkbox"/> A <input type="checkbox"/> B <input type="checkbox"/> I		21 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other					
						22 Multiple Victims <input type="checkbox"/> LE Officer		23 Age		24 Offender Suspected of Using <input type="checkbox"/> Alcohol <input type="checkbox"/> Drugs <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Computer Equipment		25 Juvenile Gang <input type="checkbox"/> Adult Gang <input type="checkbox"/> None/Unknown		26 Hate Bias <input type="checkbox"/> Yes <input type="checkbox"/> No	
29 Point of Entry <input type="checkbox"/> Door <input type="checkbox"/> Roof <input type="checkbox"/> Window <input type="checkbox"/> Other		30 Method of Entry <input type="checkbox"/> Forcible <input type="checkbox"/> Attempted Forcible <input type="checkbox"/> No Force		31 Local Use		32 Lighting <input checked="" type="radio"/> Natural 2 Moon 3 Artificial Exterior 4 Artificial Interior 5 Unknown		33 Weather <input checked="" type="radio"/> Clear 2 Cloudy 3 Rain 4 Fog 5 Snow 6 Hail 7 Unknown		34 Location Type (Circle) 01 Terminal 09 Drug Store 17 Liquor Store 02 Bank 10 Field/Woods 18 Parking Lot/Garage 03 Bar 11 Gov/Public Building 19 Storage Facility 04 Church 12 Supermarket 20 Residence/Home 05 Commercial 13 Highway/Street 21 Restaurant 06 Construction 14 Hotel/Motel 22 School/College 07 Conv Store 15 Jail/Prison 23 Service/Gas Station 08 Dept Store 16 Lake/Waterway 24 Specialty Store 25 Other/Unknown					
35 Occurred from MM/DD/YY 07 19 17		36 Time of Event 13:00		37 Day of Week Wednesday		38 Occurred to MM/DD/YY 07 19 17		39 Time of Event 13:00		40 Day of Week Wednesday		41 # Premises Entered (Burglary)			
42 Type Criminal Activity B Buying/Receiving D Distributing/Selling O Operating/Promoting T Transporting/Importing C Cultivating/Manu E Exploiting Children P Possessing/Concealing U Using/Consuming						43 Victim Type I Individual F Financial (Bank) R Religious Org B Business G Government S Society									
44 Loss Code		45 Property Code		46 Qty				47 Property Description Include Make, Model, Size Type, Serial #, Color, Drug Type, Drug Qty, Etc.				48 Dollar Value Stolen Damaged		49 Recovered Date Value	
Loss Code (Enter letter in loss code column) S Stolen B Burned R Recovered F Forged/ D Damaged/ Counterfeited Destroyed N None C Confiscated/ Seized		Property Code (Enter # in property type column) 01 Aircraft 02 Alcohol 03 Autos 04 Bicycles 05 Buses 06 Clothes		07 Computer 08 Consumables 09 Credit Card 10 Drugs 11 Drug Equip 12 Farm Equip 13 Firearms 14 Gambling Equipment 15 Heavy Construction		16 Household Goods 17 Jewelry 18 Livestock 19 Merchandise 20 Money 21 Negotiable Instrument 22 Non-negotiable Instru 23 Office Equipment 24 Other Motor Vehicle		25 Purse/Wallet 26 Radios/TV/VCR 27 Recordings 28 RV's 29 Structure - Single Occupancy Dwelling 30 Structure - Other Dwelling 31 Structure - Other Commercial 32 Structure - Industrial/ Manufacturing 33 Structure - Public/Community		34 Structure - Storage 35 Structure - Other 36 Tools - Power/Hand 37 Trucks 38 Vehicle Parts/Accessories 39 Watercraft 77 Other					
50 Stolen Vehicle Only <input type="checkbox"/> Area Stolen <input type="checkbox"/> Business <input type="checkbox"/> Rural		51 Ownership verified by: <input type="checkbox"/> Tag Receipt <input type="checkbox"/> Title <input type="checkbox"/> Bill of Sale <input type="checkbox"/> Other		52 Veh. Categories <input type="checkbox"/> Recovered <input type="checkbox"/> Victim's Vehicle <input type="checkbox"/> Abandoned <input type="checkbox"/> Stolen <input type="checkbox"/> Suspect's Vehicle <input type="checkbox"/> Unauthorized Use <input type="checkbox"/> Other		53 Vehicle Year		54 Vehicle Make		55 Vehicle Model		56 Number Veh Stolen		57 Vehicle Description	
58 Vehicle Style		59 Vehicle Color Top Bottom		60 License		61 LST		62 LIY		63 Tag Color		64 Vehicle VIN Number		65 Warrant Signed <input type="checkbox"/> Yes <input type="checkbox"/> No Warrant Number	
Motor Vehicle Recovery Only Required For 24XX UCR Code		66 Stolen in your jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No Where?		67 Recovered in your jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No Where?		68 Case #		69 SFX		70 Case #		71 SFX		72 Case #	
73 SFX		74 Case Status 1 Pending 2 Inactive <input checked="" type="radio"/> Closed		75 Multiple Cases Closed Listed Above <input type="checkbox"/> Multiple Cases Closed Listed On Supplement <input type="checkbox"/>		76 Entered NCIC/AC/JIC <input type="checkbox"/> Yes <input type="checkbox"/> No		77 Case Disposition 1 Cleared by Arrest (Juvenile) 2 Cleared by Arrest (Adult) 3 Unfounded 4 Exceptional Clearance 5 Administratively Cleared		78 Exceptional Clearance (Circle One) A Suspect/Offender Dead B Prosecution Declined/ Other Prosecution C Extradition Denied D Victim Refused to Cooperate E Juvenile (No Custody) F Death of Victim		79 Reporting Officer <b>Coleman, James</b> Officer ID Number		80 Assisting Officer Officer ID Number	
81 Supervisor Approval Officer ID Number		82 Watch Commander Officer ID Number		NIC/AIN #:											

28 Domestic Violence  
Yes  No

EVENT

PROPERTY

VEHICLES

ADMINISTRATION

Vestavia Hills Police Department

Incident/Offense Report - Continued	83 Date of Report (MM/DD/YY) 07   19   17	84 Time of Report 14:00	85 Agency Case Number 2017-00021282	87 Offender <input checked="" type="checkbox"/> Suspect <input type="checkbox"/> Missing Person	<input type="checkbox"/> Check if Multiple
-------------------------------------	--	----------------------------	--	---	--

88 Reported By (Last, First, Middle Name) Cpl. J. Coleman,	<input type="checkbox"/> Victim Or	89 Suffix	90 <input type="checkbox"/> Resident <input type="checkbox"/> Non-Resident	91 Home Phone	92 Work Phone (205)978-0113	93 Other Phone
---	------------------------------------	-----------	---	---------------	--------------------------------	----------------

94 Victim #	95 Victim (Last, First, Middle Name) City of Vestavia	96 Suffix	97 Address (Street, City, State, Zip) 1032 Montgomery Highway Vestavia Hills, AL 35226	98 Home Phone	99 Work Phone (205)978-0140	100 Other Phone
-------------	--	-----------	--	---------------	--------------------------------	-----------------

101 Employer/School	102 Occupation	103 Address (Street, City, State, Zip)	104 Work Phone	105 Other Phone
---------------------	----------------	--	----------------	-----------------

106 Sex <input type="checkbox"/> M <input type="checkbox"/> F	107 Race <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	<input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other	108	109 HGT	110 WGT	111 Date of Birth	112 Age	113 Victim SSN	114 Complainant SSN
--	---	--	-----	---------	---------	-------------------	---------	----------------	---------------------

<input type="checkbox"/> Multiple Victims <input type="checkbox"/> LE Officer	115	116 Ethnicity <input type="checkbox"/> Hispanic <input type="checkbox"/> Other	117 Injury <input type="checkbox"/> Yes <input type="checkbox"/> No	118 Offender known to victim? <input type="checkbox"/> Yes <input type="checkbox"/> No	119 Victim was? (Explain Relationship.)	120 Relationship Code
--	-----	--	---	---	---	-----------------------

121 Weapons Used <input type="checkbox"/> Firearm <input type="checkbox"/> Knife <input type="checkbox"/> Hands, Fist, Feet, Voice, etc. <input type="checkbox"/> Other Dangerous	122 Description of Weapons/Firearms/Tools Used in Offense Describe: _____	<input type="checkbox"/> Handgun <input type="checkbox"/> Rifle <input type="checkbox"/> Shotgun <input type="checkbox"/> Unknown
---	--	--

123 Place of Occurrence 1600 Gentilly Dr. Vestavia Hills, AL 35226	(Enter exact street address here)	124 Type N None I Internal Injury M Minor Injury T Loss of Teeth B Broken Bones L Severe Laceration O Other Major Injury U Unconscious	125 Sector
--	-----------------------------------	--	------------

126 Circumstances: Homicide & Assault	127 Location: Rape	128 Assault <input type="checkbox"/> Simple <input type="checkbox"/> Aggravated	129 Treatment for Assault? <input type="checkbox"/> Yes <input type="checkbox"/> No	130 Verify for Rape Exam? <input type="checkbox"/> Yes <input type="checkbox"/> No	131 Treatment for Rape? <input type="checkbox"/> Yes <input type="checkbox"/> No
---------------------------------------	--------------------	---	--	---	---

132 Off #	133 Name (Last, First, Middle) Fletcher, Charles	134 SFX	135 Alias	136 Social Security # 223-66-2578	137 Race <input checked="" type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	138 Sex <input checked="" type="checkbox"/> M <input type="checkbox"/> F	139 Date of Birth 04   24   51	140 Age 66
-----------	---	---------	-----------	--------------------------------------	--	---	-----------------------------------	---------------

141 Address (Street, City, State, Zip) 1600 Gentilly Dr. Vestavia Hills, AL 35226	142 HGT 6'0	143 WGT 224	144 Ethnicity <input checked="" type="checkbox"/> Other	145 Language <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other
--	----------------	----------------	--	--

146 Probable Destination	147 Eye HAZ	148 Hair BRO	149 Complexion	150 Armed <input type="checkbox"/> Yes <input type="checkbox"/> No	Weapon
--------------------------	----------------	-----------------	----------------	---	--------

151 Clothing	152 <input type="checkbox"/> Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations	153 <input type="checkbox"/> Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted
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154 Off #	155 Name (Last, First, Middle)	156 SFX	157 Alias	158 Social Security #	159 Race <input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	160 Sex <input type="checkbox"/> M <input type="checkbox"/> F	161 Date of Birth	162 Age
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163 Address (Street, City, State, Zip)	164 HGT	165 WGT	166 Ethnicity <input type="checkbox"/> Other	167 Language <input type="checkbox"/> English <input type="checkbox"/> Spanish <input type="checkbox"/> Other
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166 Probable Destination	169 Eye	170 Hair	171 Complexion	172 Armed <input type="checkbox"/> Yes <input type="checkbox"/> No	Weapon
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173 Clothing	174 <input type="checkbox"/> Scars <input type="checkbox"/> Marks <input type="checkbox"/> Tattoos <input type="checkbox"/> Amputations	175 <input type="checkbox"/> Arrested <input type="checkbox"/> Dual Arrest (Domestic Violence) <input type="checkbox"/> Wanted
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Name (Last, First, Middle)	Sex	Race	Date of Birth	Address	Contact Telephone Numbers
176	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	177   178	179	180   181 Home   182 Work   183 Other
184	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	185   186	187	188   189 Home   190 Work   191 Other
192	<input type="checkbox"/> M <input type="checkbox"/> F	<input type="checkbox"/> W <input type="checkbox"/> B <input type="checkbox"/> A <input type="checkbox"/> I	193   194	195	196   197 Home   198 Work   199 Other

200 Witness # 1 SSN	201 Witness # 2 SSN	202 Witness # 3 SSN
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203 7-19-2017 512 Weed Ordinance

**Cpl. Coleman has received numerous complaints about the listed location. The property hasn't been maintained. The bushes haven't been trimmed. The complainant stated that he was worried about the property values of the neighborhood. The bushes fall under the weed ordinance. Cpl. sent the owner a letter on 5-23-2017 about his property. The owner has called but Cpl. and the owner have played phone tag. Cpl. did leave the owner about the complaint and that he needed to clean the property up and trim his bushes. The suspect has come before the city council in the past about the same problem.**

204 Continued on Supplement <input type="checkbox"/> Yes <input type="checkbox"/> No	205 Assisting Agency ORI	206 Assisting Agency Case Number	207 SFX	208 Warrant Signed <input type="checkbox"/> Yes <input type="checkbox"/> No	Warrant #	209 Add. Cases Closed Narrative <input type="checkbox"/> Y <input type="checkbox"/> N
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I hereby affirm that I have read this report and that all the information given by me is correct to the best of my knowledge. I will assume full responsibility for notifying the agency if any stolen property or missing person herein reported is returned.

210 \_\_\_\_\_ Signature

211 Local Use

212 State Use

















## **NOTICE TO DESTROY WEEDS**

*Bushes and other unsightly vegetation*

Notice is hereby given that on the 14th day of AUG, 2017, at 6:00 P.M. in the council chamber of Vestavia Hills City Hall, located at 1032 Montgomery Highway Vestavia Hills, AL 35216, the City Council of the City of Vestavia Hills, Alabama, will hold a public hearing and will consider a resolution regarding the weeds growing upon or in front of this property, and at that time and place will determine whether the weeds constitute a public nuisance which shall be abated by removal of the noxious or dangerous weeds; and, if so, will order the abatement and removal of the nuisance. If abatement and removal are ordered, the cost of abatement and removal shall be assessed upon the lots and lands from which or in front of which the weeds are removed, and the cost shall be added to the next regular bills for taxes levied against the respective lots and lands for municipal purposes. **IF ABATEMENT IS PERFORMED, THE COSTS TAXED SHALL BE NO LESS THAN \$500.00.** The costs shall be collected at the same time and in the same manner as ordinary municipal taxes are collected. The costs shall be subject to the same commissions and fees and the same procedure for foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

If no objections are filed with the City Clerk at least five days before the meeting of the City Council and unless the person appears before the City Council in person or through his or her representative to show cause, if any, why his or her objection should be sustained, it shall be presumed that the person accepts the notice as fact and waives any rights he or she may have to contest the removal of the weeds and the action of the City Council shall be final.

In the event that you cut the weeds prior to abatement by the City, return this sign to Vestavia Hills City Hall, and inform the City Building Inspector of the same. Otherwise, **IT IS A MISDEMEANOR TO REMOVE THIS SIGN, PUNISHABLE BY UP TO SIX MONTHS IMPRISONMENT AND/OR A \$50.00 FINE.**





**ORDINANCE NUMBER 2724**

**AN ORDINANCE AUTHORIZING AND DIRECTING THE  
PURCHASING AND CLOSING OF THE SALE OF REAL ESTATE**

**THIS ORDINANCE NUMBER 2724** is considered, approved, enacted and adopted by the City Council of the City of Vestavia Hills, Alabama on this the 14th day of August, 2017.

**WITNESSETH THESE RECITALS:**

**WHEREAS**, municipalities in Alabama have the legal authority to acquire real estate by purchase pursuant to Title 11-40-1, *Code of Alabama, 1975*; and

**WHEREAS**, the City Council (the “City Council”) of the City of Vestavia Hills, Alabama, a municipal corporation (the “City”) finds and determines that the consideration of the purchase by the City of the real estate and improvements for the property located at 1933 Merryvale Road hereinafter described in Section 1 below (the “Property”) will promote the health, safety and general welfare of the City; and

**WHEREAS**, the Ordinance Number 2724 will be introduced by a first reading at the regularly scheduled meeting of the City Council on July 24, 2017 and considered for approval by the City Council at its regularly scheduled meeting on August 14, 2017 pursuant to the procedure for adoption of an ordinance set forth at Title 11-45-2(b), *Code of Alabama, 1975*; and

**WHEREAS**, a copy of an Agreement for the Purchase and Sale of Real Estate by and between Patricia Crim Dietlein, as “Seller,” and the City of Vestavia Hills, Alabama, a municipal corporation, as “Purchaser,” setting forth a purchase price of Three Hundred Ninety Thousand Dollar(s) (\$390,000.00) is attached hereto, marked as Exhibit A and is incorporated into this Ordinance Number 2724 by reference as though set out fully herein; and

**WHEREAS**, the Alabama Open Meetings Act set forth at Title 36-25A-7(a)(7), *Code of Alabama, 1975*, provides that the material terms of a contract to purchase real property shall be disclosed in a public meeting prior to the execution of the contract; and

**WHEREAS**, only the City Council by the enactment of an ordinance or resolution can authorize and direct the execution and delivery of a contract for and on behalf of the municipality (*Van Antwerp, et al v. Board of Commissions of City of*

*Mobile, et al*, 217 Ala. 201, 115 So. 239 (1928); and *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (2011)); and

**WHEREAS**, Title 11-47-5, *Code of Alabama, 1975*, reads as follows:

“Contracts entered into by a municipality shall be in writing, signed and executed in the name of the city or town by the officers authorized to make the same and by the party contracting. In cases not otherwise directed by law or ordinance, such contracts shall be entered into and executed by the mayor in the name of the city or town and all obligations for the payment of money by the municipality, except for bonds and interest coupons, shall be attested by the clerk. This section shall not be construed to cover purchases for ordinary needs of the municipality;”  
and

**WHEREAS**, Title 11-43-21(b)(7), *Code of Alabama, 1975*, requires the City Manager to sign all lawful contracts on behalf of the municipality and reads as follows:

“(b) The City Manager shall have the power and it shall be his duty:...

(7) To make and execute all lawful contracts on behalf of the municipality as to matters within the jurisdiction; provided, that no contract, purchase or obligation involving more than \$100.00 shall be binding until after the approval by the governing body.”

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

**1. PROMOTION OF PUBLIC WELFARE:** The City Council of the City of Vestavia Hills, Alabama, a municipal corporation, finds and determines that the purchase by the City of the hereinafter-described real property and improvements (the “Property”) will promote the health, safety and general welfare of the City:

That certain real estate and improvements situated at 1933 Merryvale Road in the City of Vestavia Hills, Alabama 35216, more particularly described as follows:

Lot A, according to the Amended Map of a Resurvey of Lots 1,2,3, and 4 Block 6, Waldridge Terrace, as Recorded in Map Book 52, Page 18, in the Probate Office of Jefferson County, Alabama

The above-described property shall be hereinafter referred to as “the Property.”

2. **PURCHASE PRICE:** The City of Vestavia Hills, Alabama hereby agrees to pay the sum of Three Hundred Ninety Thousand Dollar(s) (\$390,000.00) to purchase the Property.

3. **AGREEMENT FOR THE PURCHASE AND SALE OF REAL ESTATE:** The purchase and closing of the sale of the Property shall be completed all in accordance with the terms, provisions, conditions and limitations of an Agreement for the Purchase and Sale of Real Estate (“Agreement”) negotiated, submitted and recommended by the City Manager and City Attorney. The Agreement is by and between Patricia Crim Dietlein (“Seller”) and the City of Vestavia Hills, a municipal corporation (“Purchaser”) for the purchase of the Property at a purchase price of Three Hundred Ninety Thousand Dollar(s) (\$390,000.00). A copy of said Agreement is attached hereto, marked as Exhibit A and is incorporated into this Ordinance Number 2724 by reference as though set out fully herein. The City Council hereby accepts and approves the Agreement and the City Manager and Mayor are hereby authorized to execute and deliver said Agreement and any and all other documents necessary to close the purchase of this sale all in accordance with Exhibit A.

4. **FUNDING:** The City Council authorized and directed the City Manager to borrow funds by way of Ordinance Number 2702 to be used for the purchase of the Property.

5. **ARTICLE AND SECTION HEADINGS:** The article and section headings and captions contained herein are included for convenience only, and shall not be considered a part hereof or affect in any manner the construction or interpretation hereof.

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

7. **POSTING OF ORDINANCE NUMBER 2724:** If the City Council approves, enacts and adopts Ordinance Number 2724, as written or as amended, then in such event, said Ordinance shall be posted in three (3) public places within the City as required by Title 11-45-8(b)(1), *Code of Alabama, 1975*.

8. **EFFECTIVE DATE OF ORDINANCE NUMBER 2702:** Ordinance Number 2724 shall become effective five (5) days after posting in accordance with Title 11-45-8(b), *Code of Alabama, 1975*.

**DONE, ORDERED, APPROVED and ADOPTED** this the 14th day of August, 2017.

CITY OF VESTAVIA HILLS, ALABAMA

By \_\_\_\_\_  
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 #2724 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 \_\_\_\_\_ day of \_\_\_\_\_, 2017 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills New Merkle House, Vestavia Hills Civic Center and Vestavia Hills Library in the Forest this the \_\_\_\_ day of \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk

**STATE OF ALABAMA**

**JEFFERSON COUNTY**

**AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE**

**THIS AGREEMENT FOR PURCHASE AND SALE OF REAL ESTATE** (“the Agreement”), is hereby made and entered into as of the \_\_\_\_ day of July, 2017 by and between Patricia Crim Dietlein, (hereinafter referred to as “Seller”), and the City of Vestavia Hills, Alabama, a municipal corporation (hereinafter referred to as “Purchaser”).

**WITNESS THESE RECITALS:**

**WHEREAS**, the Seller owns real estate and improvements situated at 1933 Merryvale Road in the City of Vestavia Hills, Jefferson County, Alabama, more particularly described in Section 2 below (hereinafter referred to as “Property”); and

**WHEREAS**, Purchaser wishes to purchase the Property for the purchase price set forth in Section 3 below subject to the terms, provisions and conditions set forth in this Agreement for Purchase and Sale of Real Estate (“Agreement”); and

**WHEREAS**, Seller is willing to sell the Property to Purchaser for the purchase price set forth in section 3 below subject to the terms, provisions and conditions set forth in this Agreement.

**NOW, THEREFORE**, in consideration of the premises, the mutual covenants hereinafter contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by the parties hereto, Seller and Purchaser hereby mutually covenant and agree as follows:

**1. PURCHASE AND SALE.** For and in consideration of One and No/100 Dollars (\$1.00) in hand paid by Purchaser to Seller and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by Seller, Seller agrees to sell and Purchaser agrees to purchase the Property for the Purchase Price (as defined below) and on the terms, provisions and conditions hereinafter set forth.

**2. PROPERTY.** The Property is situated at 1933 Merryvale Road in the City of Vestavia Hills, Jefferson County, Alabama (Parcel 2800303014001.000). The legal description of the Property to be conveyed by Seller to Purchaser is set forth below:

Lot A, according to the Amended Map of a Resurvey of Lots 1, 2, 3 and 4, Block 6, Waldridge Terrace, as recorded in Map Book 52, Page 18, in the Probate Office of Jefferson County, Alabama.

The above described Property does not constitute the homeplace of the Seller.

Agreement for Purchase and Sale of Real Estate  
Page 2

3. **PURCHASE PRICE.** The purchase price for the Property shall be Three Hundred Ninety Thousand Dollars (\$390,000.00) (the “Purchase Price”).

4. **PAYMENT OF PURCHASE PRICE.** The payment of the Purchase Price shall be paid by the Purchaser to the Seller as follows:

A. **EARNEST MONEY (“THE EARNEST MONEY”):** Earnest Money in the amount of Ten Thousand Dollars (\$10,000.00) shall be paid by Purchaser concurrently with the execution and delivery of this Agreement. The Earnest Money shall be paid to Land Title Company of Alabama, Inc. (“title company”), 600 – 20<sup>th</sup> Street North in the City of Birmingham, Alabama 35203. The title company shall deposit said earnest money in an interest-bearing account and pay the same to the Seller at closing. If Purchaser terminates the Purchase Agreement during the Inspection Period or Approval Period, the Earnest Money will be returned to Purchaser.

B. **CASH ON CLOSING THIS SALE:** The entire remaining balance of the Purchase Price shall be paid to Seller by Purchaser in cash or immediately available funds at closing.

5. **CLOSING AND CLOSING DATE.** Subject to the terms, provisions and conditions of this Agreement, the closing of the sale and purchase of the Property (the “Closing”) shall occur on or before November 26, 2017. The date of closing, at the option of the Seller, may be extended to January 26, 2018, if Seller may receive more favorable tax consequences on this transaction by a change of law.

6. **CONVEYANCE.** Seller agrees to convey the Property to Purchaser by statutory warranty deed (the “Deed”) at the Closing, subject to the Permitted Exceptions (as herein defined).

7. **TITLE INSURANCE.** Purchaser shall, within thirty (30) days after the Effective Date, secure a title commitment (the “Title Commitment”) naming Purchaser as the proposed insured on a Chicago Title Insurance Company Standard Form Owners Policy issued by Land Title Company of Alabama, Inc. as agent for Chicago Title Insurance Company (the “Title Agent”) for the Property described in Section 2 hereof in the amount of the Purchase Price (the “Title Policy”) subject to the following permitted exceptions (a) easements, covenants and other encumbrances of record, (b) mineral and mining rights not owned by Seller, (c) matters that would be disclosed by a current survey of the Property. The premium for the title policy shall be paid by Purchaser.

8. **INSPECTIONS:** Purchaser, or Purchaser’s representatives, shall have the right to enter the Property for the purpose of inspection of the same, and/or making boundary line and topographical surveys of the same, and/or making soil tests thereon, and/or in general observing and investigating the condition of the Property. Purchaser agrees to indemnify Seller from and against any liability that results from Purchaser performing any of its inspections as provided herein, and such indemnity shall survive any termination of this Agreement. Seller or her designee shall be present at any and all inspections by Purchaser.

Agreement for Purchase and Sale of Real Estate  
Page 3

9. **INSPECTION PERIOD:** Purchaser shall have a period of sixty (60) days following the effective date of this Agreement (“Inspection Period”) to determine, either personally or through or with a representative of Purchaser’s choosing, any and all conditions of the Property (including without limitation the condition of all improvements thereon) material to Purchaser’s decision to purchase the Property. The determination shall include, without limitation, Purchaser satisfying itself as to title matters, soil testing, survey matters, structural matters, zoning matters, subdivision regulations, engineering and site planning, environmental matters, specifically including, but not limited to Phase I ESA, existing contracts and financial matters affecting the Property, all soil, landscaping and other physical conditions of the Property, availability and sufficient quantities of all utilities, and all additional matters that Purchaser believes relevant, in its sole and absolute discretion, in determining whether or not to purchase the Property. Purchaser, at Purchaser’s sole discretion, for any reason or no reason, shall have the right and option to cancel this Agreement by giving written notice of termination to Seller no later than the last day of the Inspection Period, in which the right and option to cancel this Agreement by giving written notice of termination to Seller no later than the last day of the Inspection Period, in which event this Agreement shall be of no further force or affect except for any indemnity or other obligations that expressly survive, and the Earnest Money shall be refunded to Purchaser. If Purchaser cancels and terminates this Agreement prior to the expiration of the Inspection Period, then in such event the Earnest Money shall be refunded by the Seller to Purchaser in full. Should the Purchaser fail to cancel and terminate this Agreement prior to the expiration of the Inspection Period, then in such event the earnest money shall be non-refundable and kept by the Seller.

10. **ENVIRONMENTAL CONCERNS:** Seller has no actual knowledge that the Property has in the past been used or is presently used for the handling, storage, manufacturing, refining, transportation or disposal of “toxic material”, “hazardous substances” or “hazardous waste”.

11. **CONDITION OF PROPERTY:** Purchaser acknowledges and agrees that:

A. Seller has not made and does not make any covenant, representation of warranty, either expressed or implied, regarding the physical condition of the Property or any portion thereof, the suitability of the Property for any particular purpose or use whatsoever, utility availability for the Property, whether the Property is subject to surface or subsurface contamination by toxic or hazardous waste or with respect to any other matters affecting the Property or Purchaser’s contemplated use thereof;

B. Purchaser has been given the absolute and unfettered right during the Inspection Period to conduct such Inspections of the Property as Purchaser, in its sole discretion, may determine necessary in order to satisfy itself of all conditions and other aspects of the Property. Seller or her designee shall be present at any and all inspections by Purchaser; and



Agreement for Purchase and Sale of Real Estate  
Page 4

C. Purchaser has available to it such resources, expertise, consultants and advisors so that it can make a sound and reasonable judgment as to the condition of the Property as well as to all economic conditions, suitability requirements and all other matters affecting the use, development and ownership of the Property. Purchaser acknowledges and agrees that the Property is to be sold and conveyed to, and accepted by, Purchaser in its present condition, "AS IS, WHERE IS AND WITH ALL FAULTS," and Purchaser hereby assumes the risk that adverse physical characteristics and existing conditions may have not been revealed by the Inspections.

**12. CLOSING COSTS:** The Closing shall be held at the Vestavia Hills Municipal Center located at 1032 Montgomery Highway, Vestavia Hills, Alabama. The closing attorney shall be Patrick H. Boone.

**A. CLOSING COSTS FOR SELLER:** The Seller shall pay the following costs:

(1) None.

**B. CLOSING COSTS FOR PURCHASER:** The Purchaser shall pay the following closing costs:

(1) The fee for recording the deed, if any.

(2) Legal fee to Purchaser's attorney.

(3) Cost of due diligence during Inspection Period.

(4) Cost of title insurance policy.

**13. TAXES:** The ad valorem taxes shall be prorated between Seller and Purchaser. For purposes of this Agreement, the municipal ad valorem taxes shall be deemed to be paid in advance, while the state and county ad valorem taxes shall be deemed to be paid in arrears.

**14. ASSIGNMENT:** Purchaser may not assign this Agreement or any of its rights hereunder without the express written consent of Seller. Any assignment in violation of the restriction on assignment in this Section 14 shall be void and of no force and effect.

**15. POSSESSION:** Possession of the Property shall be given to Purchaser no later than April 30, 2018.

**16. BROKER:** None.

**A. PURCHASER:** The Purchaser is not represented in this contemplated transaction by any real estate broker/agent.

**B. SELLER:** The Seller is not represented in this contemplated transaction by any real estate broker/agent.

Agreement for Purchase and Sale of Real Estate  
Page 5

**17. NOTICES:** All notices and demands to be given or made hereunder shall be in writing and shall be given by (i) personal or hand delivery, (ii) nationally recognized express overnight delivery service (with charges therefor prepaid, or (iii) certified or registered mail, return receipt requested (with postage therefor prepaid). Notices shall be deemed received upon (a) receipt, if hand or personally delivered, (b) the next business day after the notice has been deposited with a nationally recognized express overnight delivery service, or (the third business day after the notice has been deposited with the United States Postal Service. Notices shall be provided to the parties at the follow addresses:

**IF TO SELLER:**

Patricia Crim Dietlein  
1108 Crown Drive  
Birmingham, Alabama 35235  
Telephone No. 205-853-0286  
E-mail: [PDietlein@aol.com](mailto:PDietlein@aol.com)

**IF TO PURCHASER:**

Jeffrey D. Downes, City Manager  
Vestavia Hills Municipal Center  
1032 Montgomery Highway  
Vestavia Hills, Alabama 35216  
Telephone No. 205-978-0195  
E-Mail: [jdownes@vhal.org](mailto:jdownes@vhal.org)

Either party hereto may change the address to which it is to receive notice or the representative to whom notice is to be given by written notice to the other part in the manner set forth above.

**18. DEFAULT AND REMEDIES:**

A. In the event that Seller shall fail to consummate the transaction as contemplated herein for any reason other than Purchaser's default, then Purchaser may, as its sole and exclusive remedy, either (i) enforce this Agreement and the purchase and sale transaction contemplated herein by specific performance or (ii) terminate this Agreement, whereupon the Earnest Money paid to Seller and accrued interest shall be promptly returned to Purchaser, this Agreement shall be deemed cancelled and terminated and, except for the indemnification obligations of Purchaser set forth in Section 9 above, neither party shall have any further obligation or liability to the other hereunder. Purchaser hereby expressly waives any right to seek or obtain any monetary judgment or damages against Seller in the event of any default hereunder by Seller and acknowledges and agrees that no other damages, rights or remedies shall be collectible, enforceable or available to Purchaser.

Agreement for Purchase and Sale of Real Estate  
Page 6

B. If, at any time after the expiration of the Inspection Period, Purchaser shall fail to perform its obligation to close the transaction contemplated herein for any reason other than Seller's default, then the Earnest Money shall be non-refundable and kept by Seller as liquidated damages in which event this Agreement shall automatically be deemed terminated and cancelled and, except for the indemnification obligations of Purchaser set forth in Section 9 above, neither party shall have any further obligation or liability to the other hereunder. Because of the difficulty, inconvenience and uncertainty of ascertaining actual damages, no other damages, rights or remedies shall in any case be collectible, enforceable or available to Seller and Seller agrees to accept and retain the Earnest Money as its total damages and relief hereunder in the event Purchaser fails to close the purchase and sale transaction contemplated herein.

**19. EFFECTIVE DATE:** The "Effective Date" to be inserted on the first page of this Agreement is the date upon which this Agreement has been fully executed by Seller and Purchaser and each of Seller and Purchaser has received a fully executed original counterpart.

**20. RISK OF LOSS:** Seller agrees to keep in force sufficient hazard insurance on the Property to protect all interests until this sale is closed and the deed delivered. If the Property is destroyed or materially damaged between the date hereof and the closing, and Seller is unable or unwilling to restore it to its previous condition prior to closing. Purchaser shall have the option of cancelling this contract and receiving the Earnest Money back or accepting the Property in its then condition. If Purchaser elects to accept the Property in its damaged condition, any insurance proceeds otherwise payable to Seller by reason of such damage shall be applied to the balance of the purchase price or otherwise be payable to Purchaser.

**21. REMOVAL OF ITEMS:** Seller and Purchaser acknowledge and agree, that if this sale closes, then in such event the Purchaser will raze the house on the Property. Purchaser shall preserve as many dogwood trees and magnolia trees as is reasonably possible. Therefore, the Seller shall have the right to remove any part of the structure or plantings on the Property prior to April 30, 2018.

**22. MEMORIUM:** Purchaser shall place and maintain a park bench with a small plaque "In Memory of Carmen R. Crim and Helen L. Crim" or other inscription agreed upon by Purchaser and Seller thereon at a location on the perimeter of the Property at the completion of the project. Purchaser shall pay the cost of the park bench and plaque and the Purchaser shall select the exact site for placement of said park bench and plaque.

**23. MISCELLANEOUS**

**A. GOVERNING LAW:** This Agreement and the rights and obligations of the parties hereto shall be governed by and construed in accordance with the laws of the State of Alabama. The jurisdiction and venue for the resolution of any dispute shall be in Jefferson County, Alabama.

Agreement for Purchase and Sale of Real Estate  
Page 7

**B. BINDING AGREEMENT:** This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

**C. SURVIVAL:** All representations and warranties of this Agreement shall survive the Closing, as shall any covenants for performance after Closing.

**D. TIME OF THE ESSENCE:** Time is of the essence of this Agreement.

**E. NO WAIVER:** The failure of either party to exercise any rights under this Agreement shall not constitute a waiver of any right, nor excuse the other party's full performance. No express waiver of any matter shall affect any other matter under this Agreement. Express waivers are only effective if in writing.

**F. CONSTRUCTION OF TERMS:** Descriptive headings are for convenience only and shall not control or affect the meaning or construction of any provision. Any ambiguities of this Agreement shall be construed fairly and equitably regardless of the participation of either party in drafting this Agreement. The reference in terms to gender and number shall be modified as may be appropriate.

**G. SEVERABILITY:** In case of any of the provisions of this Agreement shall for any reason be held invalid, illegal or unenforceable by any court of competent jurisdiction in any respect, the remaining provisions shall remain in effect and the Agreement be performed in a fair and equitable manner as to any uncertainties arising from the unenforceable provisions.

**H. DATES:** If any date provided in this Agreement falls on a Saturday, Sunday or holiday, the date shall be the next business day.

**I. EXECUTION IN COUNTERPARTS:** This Agreement may be executed simultaneously in any number of counterparts, each of which shall be an original, but all of which shall constitute but one and the same instrument.

**J. ENTIRE AGREEMENT:** This written Agreement contains the entire agreement between the parties, incorporating all prior agreements, and may only be amended in writing executed by both parties.

**IN WITNESS WHEREOF,** Seller and Purchaser have executed this Agreement to be executed as of the date first above written.

WITNESSED:

**SELLER:**

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Patricia Crim Dietlein

Agreement for Purchase and Sale of Real Estate  
Page 8

**PURCHASER:**  
THE CITY OF VESTAVIA HILLS, ALABAMA  
A Municipal Corporation

By \_\_\_\_\_  
Ashley C. Curry  
Mayor

By \_\_\_\_\_  
Jeffrey D. Downes  
City Manager

ATTESTED:

By \_\_\_\_\_

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Patricia Crim Dietlein, a married woman, whose name is signed to the foregoing Agreement for Purchase and Sale of Real Estate, and who is known to me, acknowledged before me on this day that being informed of the contents of the Agreement, she executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of July, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

Agreement for Purchase and Sale of Real Estate  
Page 9

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Ashley C. Curry, whose name as Mayor of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Agreement for Purchase and Sale of Real Estate, and who is known to me, acknowledged before me on this day that being informed of the contents of the Agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama, a municipal corporation, on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of July, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name as City Manager of the City of Vestavia Hills, Alabama, a municipal corporation, is signed to the foregoing Agreement for Purchase and Sale of Real Estate, and who is known to me, acknowledged before me on this day that being informed of the contents of the Agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama, a municipal corporation, on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of July, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**RESOLUTION NUMBER 4971**

**A RESOLUTION ACCEPTING THE 2015-2016 AUDIT  
FOR THE CITY OF VESTAVIA HILLS, ALABAMA**

**WHEREAS**, the audit for the fiscal year 2015-2016 has been submitted to the Mayor and the City Council for review; and

**WHEREAS**, the Mayor and the City Council feel it is in the best public interest to accept the audit performed by Carr, Riggs, and Ingram, LLC.

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

1. That the City Council wishes to accept the audit for the fiscal year 2015-2016;  
and
2. That a copy of the submitted audit be affixed to this resolution marked “Exhibit A.”

**ADOPTED and APPROVED** this the 14<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# City of Vestavia Hills, Alabama

## Financial Statements

September 30, 2016



**CRI** CARR  
RIGGS &  
INGRAM

CPAs and Advisors

[CRIcpa.com](http://CRIcpa.com)



**City of Vestavia Hills, Alabama**  
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**September 30, 2016**

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Carr, Riggs & Ingram, LLC  
3700 Colonnade Parkway  
Suite 300  
Birmingham, AL 35243  
  
(205) 933-7822  
(205) 933-7944 (fax)  
www.cricpa.com

## Independent Auditor's Report

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

### Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of City of Vestavia Hills, Alabama (the "City") as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

### Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

### Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

## **Opinions**

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, each major fund, and the aggregate remaining fund information of the City of Vestavia Hills, Alabama, as of September 30, 2016, and the respective changes in financial position, for the year then ended in accordance with accounting principles generally accepted in the United States of America.

## **Other Matters**

### *Required Supplementary Information*

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and the schedules listed in the table of contents as "required supplementary information" be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

### *Other Information*

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The combining nonmajor fund financial statements are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining nonmajor fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining nonmajor fund financial statements are fairly stated, in all material respects, in relation to the basic financial statements as a whole.

## **Other Reporting Required by Government Auditing Standards**

In accordance with *Government Auditing Standards*, we have also issued our report dated July 21, 2017, on our consideration of the City's internal control over financial reporting and on

our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City's internal control over financial reporting and compliance.

*Carly Riggs & Ingram, L.L.C.*

Birmingham, Alabama  
July 21, 2017

**City of Vestavia Hills**  
**Management's Discussion & Analysis (MD&A)**  
**September 30, 2016**

The City of Vestavia Hills' Management Discussion and Analysis report provides an overview of the City's financial activities for fiscal year ended September 30, 2016. Please read the report in conjunction with the City's financial statements and notes to the financial statements that immediately follow this analysis.

**Financial Highlights: Significant Items to Note**

- ❖ The assets of the City exceeded the liabilities at the close of the 2016 fiscal year by \$71.46 million (net position).
- ❖ The City's net position decreased 2.4% (\$1,780 million) in 2016.
- ❖ The total cost of the City's programs for the 2016 fiscal year was \$43.52 million. The net cost was \$35.98 million after subtracting grants and charges for services.
- ❖ At the end of the 2016 fiscal year, the general fund unassigned fund balance, excluding the City's committed funds for economic stabilization fund balance of \$9.8 million, was \$2.8 million, or 9.0% of the total general fund operating expenses before debt service.
- ❖ Major capital expenditures for the 2016 fiscal year totaled \$6.5 million including \$3.1 million for projects in progress and \$2.7 million for completed projects.
- ❖ The City decreased its outstanding General Obligation Warrants by \$.710 million, inclusive of \$.530 million held in QECB Debt Sinking Fund.

**Using the Annual Financial Report - An Overview for the User**

The annual financial report consists of five parts - *management's discussion and analysis* (this section), the *independent auditor's report*, the *basic financial statements*, *required supplementary information*, and *other supplementary information*.

The City's basic financial statements are comprised of three components: 1) *government-wide financial statements*, 2) *fund financial statements*, and 3) *notes to the basic financial statements*.

**Government-Wide Financial Statements** - The focus of these statements is to provide readers with a broad overview of the City's finances as a whole, similar to a private-sector business, instead of an individual fund basis.

*Government-wide statements* report both long-term and short-term information about the City's overall financial status including the capitalization of capital assets and depreciation of all exhaustible capital assets and the outstanding balances of long-term debt and other obligations. These statements report all assets and liabilities perpetuated by these activities using the accrual basis of accounting. The accrual basis takes into account all of the City's current year revenues and expenses regardless of when cash is received or paid. This approach moves the financial reporting method for governmental entities closer to the financial reporting methods used in the private sector.

The following *government-wide financial statements* report is on all of the governmental activities of the City as a whole.

The *statement of net position* (on page 5) is most closely related to a balance sheet. It presents information on all of the City's assets (what it owns) and liabilities (what it owes), with the difference between the two reported as net position. The net position reported in this statement represents the accumulation of changes in net position for the current fiscal year and all fiscal

years in the past combined. Over time, the increase or decrease in net position reported in this statement may serve as a useful indicator of whether the financial position of the City is improving or deteriorating.

The *statement of activities* (on page 6) is most closely related to an income statement. It presents information showing how the City's net position changed during the current fiscal year only. All of the current year revenues and expenses are accounted for in the *statement of activities* regardless of when cash is received or paid. This statement shows gross expenses and offsetting program revenues to arrive at net cost information for each major expense function or activity of the City. By showing the change in net position for the year, the reader may be able to determine whether the City's financial position has improved or deteriorated over the course of the current fiscal year.

However, the reader will also need to consider non-financial factors, such as changes in the City's property tax base and the condition of the City's infrastructure assets, in order to assess the overall health of the City.

***Fund Financial Statements*** - A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance-related legal and internal requirements. All of the funds of the City can be classified as governmental funds.

***Governmental Funds*** - Governmental *fund financial statements* begin on page 7. These statements account for basically the same governmental activities reported in the *government-wide financial statements*. *Fund financial statements* presented herein display information on each of the City's most important governmental funds or *major funds*. This is required in order to better assess the City's accountability for significant governmental programs or certain dedicated revenue. The City's *major funds* are the General Fund, the Capital Projects Fund and Debt Service Fund.

The *Fund Financial Statements* are measured on the modified-accrual basis of accounting. As a result, the *fund financial statements* focus more on the near term use and availability of spendable resources. The information provided in these statements is useful in determining the City's immediate financial needs. This is in contrast to the accrual-based *government-wide financial statements*, which focus more on overall long-term availability of spendable resources. The relationship between governmental activities reported in the *government-wide financial statements* and the governmental funds reported in the *fund financial statements* are reconciled on pages 8 and 10 of these financial statements. These reconciliations are useful to readers in understanding the long-term impact of the City's short-term financing decisions.

***Notes to the Basic Financial Statements*** - The *notes to the basic financial statements* provide additional information that is essential for the statements to fairly represent the City's financial position and its operations. The notes contain important information that is not part of the basic financial statements. However, the notes are an integral part of the statements, not an appendage to them. The *notes to the basic financial statements* begin on page 12 in this section.

After the presentation of the basic financial statements, the *required supplementary information* is presented following the notes to the basic financial statements. The *required supplementary information* beginning on page 42 provides a comparison of the adopted budget of the City's General Fund to the actual operating results for the fiscal year. The comparison of this data allows users to assess management's ability to project and plan for its operations throughout the year. Various information regarding changes in the City's net pension liability and employer contributions to the pension plan are also presented in this section.

## Analysis of the City of Vestavia Hills' Overall Financial Position

As indicated earlier, net assets may serve over time as a useful indicator of a government's financial position. Refer to *Table 1* when reading the following analysis of net position.

**Table 1: Summary of Net Position**

	As of September 30, (dollars in thousands)	
	<u>2016</u>	<u>2015</u>
Assets:		
Current and other assets	\$ 25,139	\$ 26,582
Capital assets	<u>133,836</u>	<u>132,102</u>
Total Assets	158,975	158,684
Deferred outflows	<u>6,875</u>	<u>1,830</u>
Liabilities:		
Other liabilities	10,162	4,116
Long-term liabilities	<u>84,226</u>	<u>81,865</u>
Total Liabilities	<u>94,388</u>	<u>85,981</u>
Deferred inflows	-	1,289
Net position:		
Net invested in capital assets	77,269	76,917
Restricted	1,420	951
Unrestricted	<u>(7,227)</u>	<u>(4,625)</u>
Total Net Position	<u>\$ 71,462</u>	<u>\$ 73,244</u>

The City's assets exceeded liabilities by \$71.46 million at September 30, 2016.

Net investment in capital assets of \$77.27 million reflects the City's investment in capital assets (e.g., land, infrastructure, buildings, improvements other than buildings, fixtures, furniture, equipment and transportation equipment), less accumulated depreciation and debt related to the acquisition of the assets. Since these capital assets are used in governmental activities, this portion of net position is not available for future spending or funding of operations.

Restricted net position in the amount of \$1,420,000 represents net position reserved for payment to the Debt Sinking fund, \$532,000, prepayment of the 2017 debt service, \$600,000, and road and maintenance, \$288,000. Unrestricted net position of (\$7.23) million resulted principally from the employees' net pension liability, \$23.67 million (Employees' Retirement System of Alabama), economic incentive program, \$59,000 and "Other Post Employment Benefits" (OPEB) Actuarial Trust funds, \$178,000 net of current liability, \$27,000.

## Analysis of the City of Vestavia Hills' Operating Results

The results of this fiscal year's operations as a whole are reported in detail in the *Statement of Activities* on page 6. *Table 2* below condenses the results of operations for the fiscal year into a format where the reader can easily see the total revenues of the City for the year. It also shows the impact that operations had on changes in net position as of September 30, 2016 and 2015.

**Table 2: Summary of Changes in Net Position**

	<b>Fiscal Year Ended</b>	
	<b>September 30,</b>	
	(dollars in thousands)	
	<u>2016</u>	<u>2015</u>
Program Revenues:		
Charges for services	\$ 6,483	\$ 7,697
Operating grants/contributions	757	642
Capital grants/contributions	299	435
General Revenues:		
Taxes	29,773	28,066
Utility franchise fees	2,722	2,780
Investment earnings	141	148
Miscellaneous	328	215
Sale of assets	928	172
Donation	-	14
Donated infrastructure assets	311	2,068
Economic incentives	-	<u>(3,320)</u>
Total Revenues	<u>41,742</u>	<u>38,917</u>
Program Expenses:		
General government	10,562	9,339
Public safety	18,494	16,556
Public works/Public services	10,139	9,667
Library	2,442	2,623
Parks & recreation/Pubic services	-	1,184
Interest on long term debt	1,884	2,949
Total Expenses	<u>43,521</u>	<u>42,318</u>
Change in net position	(1,779)	(3,401)
Net Position, beginning of year originally stated	<u>73,242</u>	<u>95,268</u>
Restatement (GASB 68-Note 13)	-	<u>(18,625)</u>
Net Position Beginning of year restated	<u>-</u>	<u>76,643</u>
Net Position, ending	<u>\$ 71,463</u>	<u>\$ 73,242</u>

The City's revenues, excluding donated infrastructure assets, which do not provide spendable funds, and fiscal 2015 net economic incentive proceeds, focused on spurring future revenue growth, increased \$1.26 million or 3.14%. The increase resulted principally from taxes, \$1.706 million or 6.08% and sale of assets, \$.756 million or 439%. The revenue increase was principally offset by decreases in charges for services, \$1.214 million or 15.77% and capital grants/contributions, \$.136 million or 31.26%.

The charges for services decrease resulted principally due to revenues received in fiscal 2015 from the partnership agreement with Daniel Corporation for the development of Patchwork Farms, \$1.050 million, in addition to decreases in fiscal 2016 in building permits/new construction, \$.161 million or 13.04%, court fines and fees, \$.77 million or 15.84% and utility franchise fees, \$.63 million or 2.90%.

The City's program expenses increased slightly, \$1.20 million or 2.84%. The slight increase resulted from offsetting increases and decreases within the following divisions: increase of



expenses in public safety, \$1.94 million or 11.71%, decrease of expenses in public works, \$.472 million or 4.88%, and decrease in interest on long term debt, \$1.06 million or 36.11%. The increase of expenses in public safety resulted principally due to increased compensation and related taxes and benefit costs, and purchase of new E911 communication equipment. The offsetting decrease of expenses resulted principally due to reduced street paving and a reduction in interest on long term debt due to refinancing of warrant issue 2009A.

Table 3 is a condensed statement taken from the Statement of Activities on page 6 showing the total cost for providing services for six major City activities. Total cost of services is compared to the net cost of providing these services. The net cost of services is the remaining cost of services after subtracting grants and charges for services that the City used to offset the program's total cost. In other words, the net cost shows the financial burden that was placed on all taxpayers for each of these activities. This information allows citizens to consider the cost of each program in comparison to the benefits provided.

**Table 3: Net Cost of Government-Wide Activities**

	<b>Fiscal Year Ended September 30, 2016</b>	
	(dollars in thousands)	
	<b>Total Cost of Services</b>	<b>Net Cost of Services</b>
General government administration	\$ 10,562	\$ 6,654
Public safety	18,494	17,117
Public works/Public services	10,139	8,007
Library	2,442	2,322
Interest on long term debt	1,884	1,884
Total	<u>\$ 43,521</u>	<u>\$ 35,984</u>

### **Performance of City Funds**

As noted earlier, the City uses fund accounting to control and manage resources in order to ensure compliance with finance-related legal and internal requirements. Using funds to account for resources for particular purposes helps the reader to determine the City's accountability for these resources whether provided by taxpayers and other entities, and to help to provide more insight into the City's overall financial health. The following analysis of the City's funds should be read in reference to the *fund financial statements* that begin on page 7.

**Governmental Funds** - The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of available resources. Such information is useful in assessing the City's financial requirements (Note: the reconciliation statement between the *fund financial statements* and the *government-wide financial statements* are presented on pages 8 and 10). At the end of the fiscal year, the City's governmental funds reported a combined fund balance of \$19.27 million, which includes a \$9.82 million committed fund balance to be used for economic stabilization in the event of an unforeseen emergency and \$2.81 million of unassigned general fund balance which is available for future needs.

### **Budgetary Highlights of the General Fund**

On or before October 1 of each year, the City Manager prepares and submits an annual budget to be adopted by the City Council. The fiscal 2016 budget was adopted September 14, 2015. The comparison of the general fund budget to the actual results is detailed in the "Statement of Revenues, Expenditures and Changes in Fund Balances - Budget and Actual" on page 42. The City's actual results as compared to the City's budget can be briefly summarized as follows:

- ❖ Actual revenues exceeded budget by \$.976 million or 2.65%. Charges for services, fines and forfeitures and fees were under budget totaling \$125,203; however, the decrease was offset due to taxes, licenses and permits, grants, proceeds from sale of assets, investment revenues and other revenues exceeding budget totaling \$1.1 million.
- ❖ Actual expenditures exceeded budget by \$188,931 or .61%. Public safety and library were under budget totaling \$383,800; however, the decrease was offset due to expenditures exceeding budget in general government administration, public works, and capital outlay totaling \$572,700. The expenditures exceeding budget were principally within the following divisions: non-departmental (legal fees, property reappraisal fees, economic incentives and Personnel Board of Jefferson County fees) and public works (sanitation contract, utilities and maintenance expenses).

### Capital Assets and Debt Administration

**Capital Assets** - The City's investment in capital assets for governmental activities for the year ended September 30, 2016, amounted to \$77.27 million, net of accumulated depreciation and debt related to the acquisition of the assets. The City's investment in capital assets, which includes land, land improvements, infrastructure, buildings and improvements, fixtures, equipment, vehicles and furniture at actual or estimated historical cost, equipment under capital lease, and construction in progress, is shown in *Table 4*. Assets are presented net of accumulated depreciation.

**Table 4: Capital Assets (net of accumulated depreciation)**

	Fiscal Year Ended September 30, (dollars in thousands)	
	2016	2015
Land	\$ 71,288	\$ 67,322
Construction-in-progress	3,077	23,239
Infrastructure-in-progress	-	1,334
Buildings	27,506	9,415
Improvements	5,004	5,135
Recreational facilities	11,261	12,248
Vehicular equipment	3,490	3,648
Equipment and fixtures	4,327	2,747
Books and artwork	693	706
Infrastructure	7,190	6,308
Capital assets, net of depreciation	\$ <u>133,836</u>	\$ <u>132,102</u>

Additions to capital assets during the current year included the following:

Donated Infrastructure assets (streets)	\$ 199
Construction-in-progress projects (includes sidewalk design and construction)	3,535
Buildings	19,162
Land	4,306
Vehicles	505
Equipment, furniture & fixtures	2,426
Computer equipment and software	269
Books & Artwork	185
Infrastructure	994
	\$ <u>31,581</u>

**Long-Term Debt** - At year-end, the City had \$62.1 million in general obligation warrants, capital leases and compensated absences. This represents an increase of .47% in debt over last year fiscal year, as shown in *Table 5* below.

**Table 5: Outstanding Debt**

**As of September 30, 2016**  
(dollars in thousands)

	<u>Beginning Balance</u>	<u>Net Change</u>	<u>Ending Balance</u>
Governmental activities:			
Warrants payable	\$ 57,340	\$ (710)	\$ 56,630
Capital leases	2,694	730	3,424
Compensated absences	<u>1,789</u>	<u>272</u>	<u>2,061</u>
<b>Totals</b>	<b>\$ <u>61,823</u></b>	<b>\$ <u>292</u></b>	<b>\$ <u>62,115</u></b>

Long-term debt activity for the year consisted of the following:

- ❖ The City reduced its General Obligation Warrants by \$.710 million. The ending balance includes \$530,058 held in the debt sinking fund for the “Qualified Energy Conservation Bonds” (QECB) payment.
- ❖ The net increase in capital leases resulted from the purchase of vehicles, trucks and heavy equipment less current year principal payments.
- ❖ The long-term liability in compensated absences increased principally due to accumulated compensatory time within the public safety division.
- ❖ A favorable bond rating facilitates the City’s ability to meet financial obligations. Moody’s Investors Service and Fitch Ratings assigned the City of Vestavia Hills a rating of Aa1 and AA+ in fiscal year 2016.

**Economic Factors and Next Year’s Budget**

**Ad Valorem Tax** – The City’s ad valorem tax is based on an annual reassessment of real property. Over the previous six years, ad valorem taxes have shown some volatility due to inclement weather and tornados which severely damaged and/or destroyed local residence and businesses. The rebuilding of residential properties and businesses has resulted in increase collections of ad valorem taxes. The corresponding annual percentage changes are reflected below.

<b>Ad Valorem Taxes - Real</b>			
<u>Fiscal Year</u>	<u>Collection</u>	<u>Variance</u>	<u>% Change</u>
2011	11,860,083	(205,023)	-1.70%
2012	12,246,789	386,706	3.26%
2013	11,892,447	(354,342)	-2.90%
2014	12,284,147	391,700	3.30%
2015	12,265,526	(18,621)	-.15%
2016	12,840,240	574,713	4.69%

**Personnel Administration Costs** – The City’s personnel administration is provided by the Personnel Board of Jefferson County (PBJC). Participating municipalities pay an annual fee

based on the number of classified employees employed by the municipality times a percentage of the PBJC's operating budget. The City of Vestavia Hills paid \$239,095 in fiscal 2016, \$18,933 less or a 7.34% decrease from fiscal 2015.

**Medical Costs** – The City of Vestavia Hills' health insurance is with the "State of Alabama Local Government Health Insurance Board". In fiscal 2016, Vestavia Hills retained its preferred insurance classification rating resulting from minimal medical claims and 80% or greater employee participation in the State of Alabama Wellness Screening Program. The Alabama Local Government Health Insurance Board increased the annual insurance premium 7.8% in calendar year 2016, representing a budgeted contribution of \$1.53 million for the City of Vestavia Hills.

**Retirement Costs** –The City's retirement program for employees is provided through the Retirement System of Alabama (RSA). Less than favorable economic and market conditions in previous years have resulted in the City's increased required contribution to the program plan. The pension plan is currently funded at 65.63%, reflecting an unfunded liability of \$23.7 million. Vestavia Hills' contribution factors for fiscal 2016 were as follows, 12.32% - Tier 1 and 10.38% - Tier 2, representing a budgeted contribution of \$1.92 million.

**Cost-of-Living Raise** – A 2% cost of living adjustment was included in the 2016 fiscal budget.

**Comments from City Manager:**

"Current Year Economic Growth and Anticipated Results for the Next Fiscal Year"

During FY 2016, the City of Vestavia Hills experienced a second consecutive year of record growth in commercial new construction and kept a relatively rapid pace in new home construction. The nearly \$40 million in new commercial construction that commenced in FY 2016 resulted from an introduction of several new retail business to trade areas of the City as well as new to market headquarters and healthcare oriented business.

New Business with significant capital investment and operational commencement in FY 2016 include:

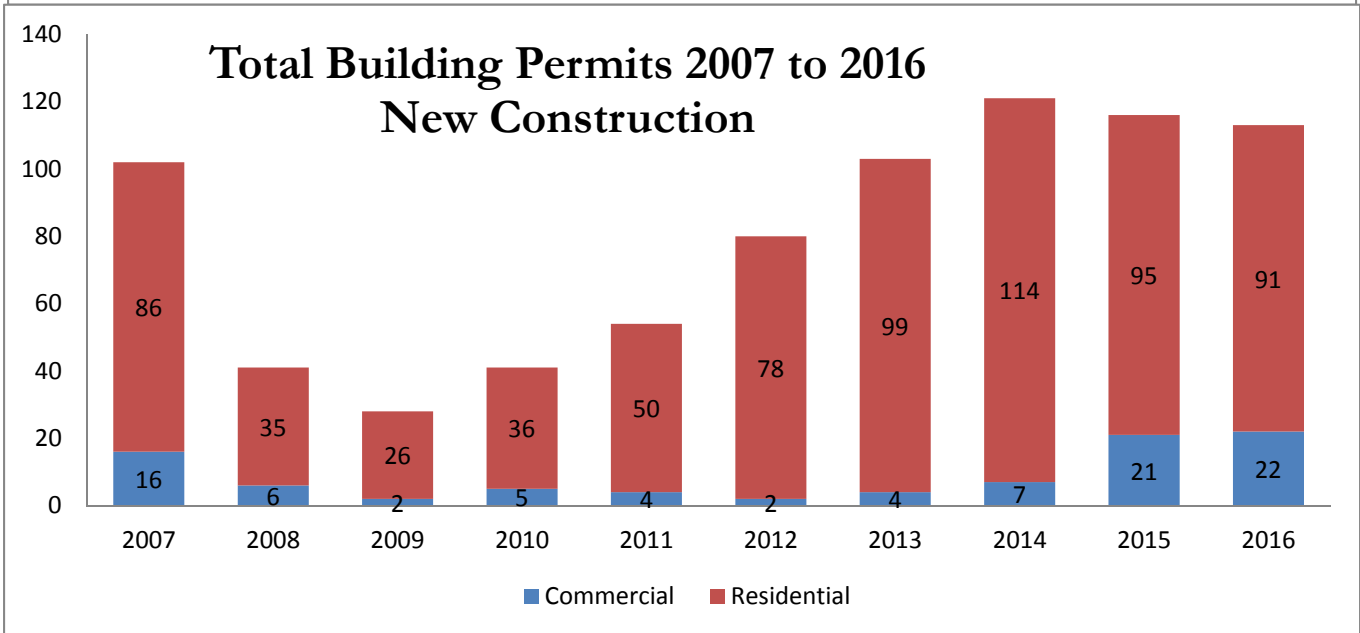
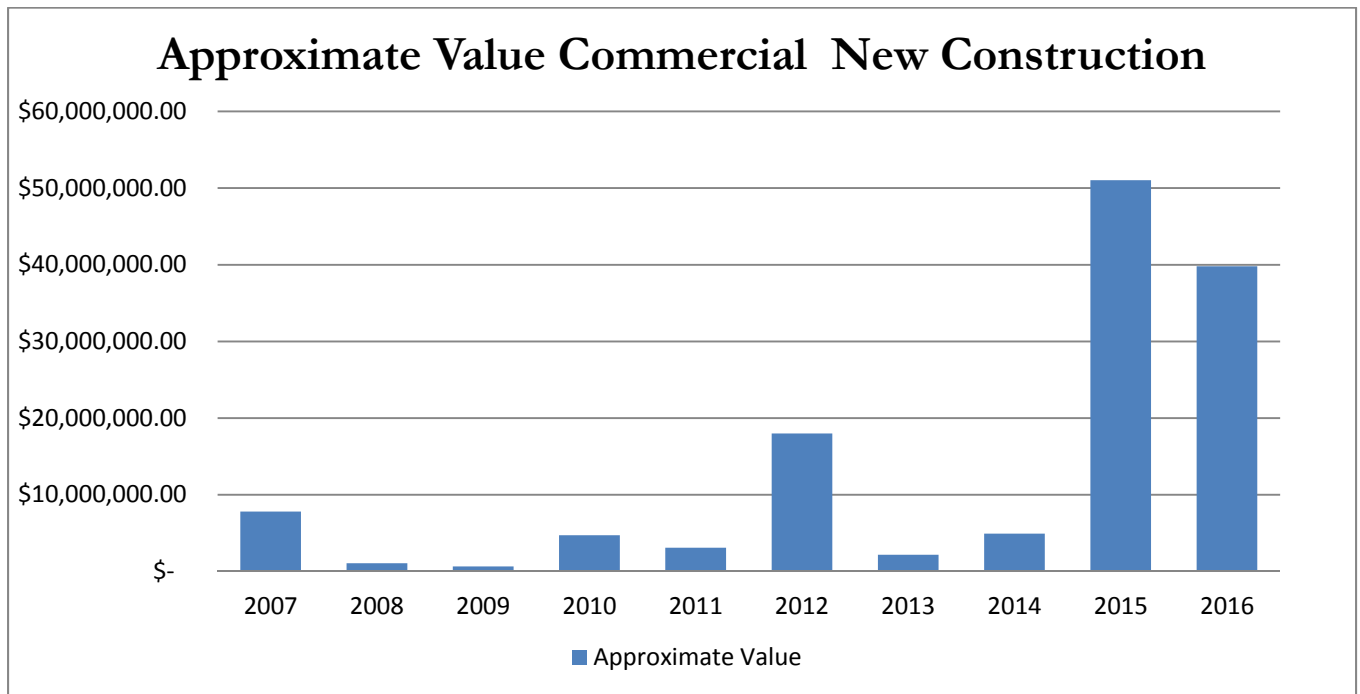
- Sprouts Farmers Market
- Chipotle
- Jersey Mike's
- Papa Murphy's
- Zaxby's
- Chick-Fil-A
- Aspire Rehabilitation
- Rime-Med Jet Headquarters

Anticipated and confirmed new business activity in 2017 includes: Publix Grocery, The Reserve at Patchwork Apartments, four new residential subdivisions.

This level of construction and new retail sales activity contributed to an 8.4% growth in sales tax receipts comparing FY 2016 actual results to those in FY 2015. The growth was the result of the execution of the City's economic development plan that relies upon public-private partnerships as the basis for its success. Given the City's reliance upon the ad valorem tax and sales tax as its primary general fund revenue sources, the future looks bright for healthy revenue growth as the record construction will give way to a growth in taxable property values which are anticipated to grow greater than 5% in the next year and several noteworthy retail development projects beginning to generate a significant sales tax revenue increase for the City in FY 2017.

In addition to these positive revenue metrics, sustainability of our school system is a priority to our economic success. A joint effort of the Vestavia Hills School Board and the City of Vestavia Hills resulted in the acquisition of the old Berry School campus that will be converted to a junior high/middle school. This allows capacity growth for the schools thus ensuring an ability to manage the new construction growth that is expressed in the charts and in the previously mentioned comments.

These positive general fund revenue results were matched with a careful expenditure of funds and resulted in a general fund surplus of \$443,870 for FY 2016. As the City plans for its strategic priorities, the City leadership is putting the final touches on a master plan to improve recreational amenities in all parts of the City. The next several years will involve a focus in this area and capital improvements that will support those strategic goals. Finally, the FY 2016 financial results will foreshadow the City's notification in 2017 that its credit rating will increase to AAA status from Moody's Investors Service. We anticipate further strength in our financial condition as we address our community needs.



#### Contacting the City's Financial Management

This financial report is designed to provide citizens, taxpayers, investors, and creditors with a general overview of the City's finances and to show the City's accountability for the money it receives. If you have any questions about this report or need additional financial information, contact Melvin Turner, III, Finance Director - City of Vestavia Hills, 513 Montgomery Highway, Vestavia Hills, AL 35216, or by calling (205) 978-0128, Monday through Friday, 8:00 a.m. to 5:00 p.m., Central Standard Time.

**City of Vestavia Hills, Alabama**  
**Statement of Net Position**

*September 30, 2016*

	<b>Governmental Activities</b>
<b>Assets</b>	
Cash and temporary investments	\$ 20,869,346
Cash - restricted	2,216,911
Receivables	1,973,722
Inventory	38,768
Prepaid expenses	41,214
Land	71,288,103
Construction in progress	3,077,438
Capital assets, net of accumulated depreciation	59,470,062
<b>Total assets</b>	<b>158,975,564</b>
<b>Deferred Outflows of Resources</b>	
Deferred charges - debt refunding	1,664,649
Employer pension contributions subsequent to measurement date	1,911,298
Differences between expected and actual experience	1,819,177
Net difference between projected and actual earnings on plan investments	1,479,820
<b>Total deferred outflows of resources</b>	<b>6,874,944</b>
<b>Liabilities</b>	
Accounts payable	4,338,440
Court and performance bonds payable	1,523,364
Accrued interest payable	348,192
Noncurrent liabilities	
Due within one year:	
Compensated absences	363,787
Warrants payable, net	2,625,000
Obligation due under long-term capital leases	963,615
Due in more than one year:	
Compensated absences	2,061,462
Warrants payable, net	56,032,929
Obligation due under long-term capital leases	2,460,352
Net pension liability	23,670,732
<b>Total liabilities</b>	<b>94,387,873</b>
<b>Net position</b>	
Net investment in capital assets	77,269,317
Restricted	1,420,389
Unrestricted (deficit)	(7,227,071)
<b>Total net position</b>	<b>\$ 71,462,635</b>

See accompanying notes to basic financial statements.

## City of Vestavia Hills, Alabama Statement of Activities

Year ended September 30, 2016

Program Activities	Expenses	Program Revenues			Net (Expense) Revenue and Changes in Net Assets
		Fees, Fines and Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions	Primary Government  Total
<b>Primary government</b>					
Governmental activities:					
General government administration	\$ 10,562,037	\$ 3,609,686	\$ -	\$ 298,425	\$ (6,653,926)
Public safety	18,493,943	690,658	686,309	-	(17,116,976)
Public works	10,138,974	2,082,378	50,000	-	(8,006,596)
Library	2,442,566	100,193	20,293	629	(2,321,451)
Interest on long-term debt	1,884,006	-	-	-	(1,884,006)
<b>Total primary government</b>	<b>\$ 43,521,526</b>	<b>\$ 6,482,915</b>	<b>\$ 756,602</b>	<b>\$ 299,054</b>	<b>(35,982,955)</b>

General revenues:

Taxes:

Ad Valorem (real and personal property)	14,528,727
Sales and use	13,058,992
Other taxes	2,184,779
Utility franchise fees	2,721,544
Investment earnings	141,220
Donated infrastructure assets	311,241
Miscellaneous	328,224
Gain on sale of assets	928,181
	<u>34,202,908</u>

Change in net position (1,780,047)

Net position - beginning of year 73,242,682

**Net position at end of year \$ 71,462,635**

See accompanying notes to basic financial statements.



## City of Vestavia Hills, Alabama Governmental Funds Balance Sheet

<i>September 30, 2016</i>	<b>General</b>	<b>Debt Service</b>	<b>Capital Projects</b>
<b>Assets</b>			
Cash and temporary investments	\$ 13,138,835	\$ 600,011	\$ 6,127,910
Cash - restricted	1,525,646	530,058	161,207
Accounts receivable, net of allowance for uncollectibles	1,782,808	-	46,658
Accrued interest	-	1,945	-
Inventory	38,768	-	-
Prepaid expenses	41,214	-	-
Interfund receivables	111,483	-	59,981
<b>Total assets</b>	<b>\$ 16,638,754</b>	<b>\$ 1,132,014</b>	<b>\$ 6,395,756</b>
<b>Liabilities</b>			
Accounts payable	\$ 1,593,890	\$ -	\$ 2,544,795
Court and performance bonds payable	1,523,364	-	-
Interfund payables	59,981	-	-
<b>Total liabilities</b>	<b>3,177,235</b>	<b>-</b>	<b>2,544,795</b>
<b>Fund balance</b>			
Nonspendable	79,982	-	-
Restricted for:			
Road maintenance	-	-	-
Debt service requirement	-	1,132,014	-
Committed to:			
Capital projects	-	-	1,748,128
Emergency reserve	9,824,113	-	-
Assigned	744,174	-	2,102,833
Unassigned	2,813,250	-	-
<b>Total fund balance</b>	<b>13,461,519</b>	<b>1,132,014</b>	<b>3,850,961</b>
<b>Total liabilities and fund balance</b>	<b>\$ 16,638,754</b>	<b>\$ 1,132,014</b>	<b>\$ 6,395,756</b>

See accompanying notes to basic financial statements.

<b>Other Governmental Funds</b>	<b>Total Governmental Funds</b>
\$ 1,002,590	\$ 20,869,346
-	2,216,911
142,311	1,971,777
-	1,945
-	38,768
-	41,214
27,644	199,108
<u>\$ 1,172,545</u>	<u>\$ 25,339,069</u>

\$ 199,755	\$ 4,338,440
-	1,523,364
139,127	199,108
<u>338,882</u>	<u>6,060,912</u>

-	79,982
288,375	288,375
-	1,132,014
-	1,748,128
-	9,824,113
545,288	3,392,295
-	2,813,250
<u>833,663</u>	<u>19,278,157</u>

<u>\$ 1,172,545</u>	<u>\$ 25,339,069</u>
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**City of Vestavia Hills, Alabama**  
**Reconciliation of the Governmental Funds**  
**Balance Sheet to the Statement of Net Position**

*September 30, 2016*

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**Fund balance - total governmental funds** \$ 19,278,157

Amounts reported for governmental activities in the statement of net position are different because:

Capital assets used in governmental activities are not current financial resources and therefore are not reported in the governmental funds balance sheet.

Governmental capital assets	\$ 176,529,467	
Accumulated depreciation	<u>(42,693,864)</u>	133,835,603

Deferred outflows of resources related to debt refundings and pensions are applicable to future periods and, therefore, are not reported in the governmental funds balance sheet.

6,874,944

Long-term liabilities are not due and payable in the current period and therefore, they are not reported in the governmental funds balance sheet.

Warrants payable, net	(58,657,929)	
Net pension liability	(23,670,732)	
Compensated absences	(2,425,249)	
Accrued interest payable	(348,192)	
Capital lease payable	<u>(3,423,967)</u>	<u>(88,526,069)</u>

**Net position of governmental activities** \$ 71,462,635

**City of Vestavia Hills, Alabama**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
**Governmental Funds**

*Year ended September 30, 2016*

	General	Debt Service	Capital Projects	Other Governmental Funds	Total Governmental Funds
<b>Revenues</b>					
Taxes	\$ 27,645,092	\$ -	\$ -	\$ 1,467,177	\$ 29,112,269
Licenses and permits	4,228,918	-	-	113,021	4,341,939
Intergovernmental	-	-	-	660,230	660,230
Charges for services	362,092	-	-	-	362,092
Fines and forfeitures	410,475	-	-	488,968	899,443
Fees	2,774,763	-	-	-	2,774,763
Grants	547,717	-	487,017	19,004	1,053,738
Proceeds from sale of assets	42,483	-	1,253,941	-	1,296,424
Interest revenues	99,568	11,556	29,636	460	141,220
Library revenues	-	-	-	102,112	102,112
Other revenues	664,333	213,913	176,005	-	1,054,251
<b>Total revenues</b>	<b>36,775,441</b>	<b>225,469</b>	<b>1,946,599</b>	<b>2,850,972</b>	<b>41,798,481</b>
<b>Expenditures</b>					
Current (operating):					
General government					
administration	5,988,377	155,389	101,304	526,449	6,771,519
Public safety	16,415,405	-	267,972	845,481	17,528,858
Public works	6,957,917	-	381,784	914,774	8,254,475
Library	1,643,715	-	-	73,067	1,716,782
Debt service	-	4,421,060	914,089	108,446	5,443,595
Capital outlay	206,850	-	5,581,510	756,711	6,545,071
<b>Total expenditures</b>	<b>31,212,264</b>	<b>4,576,449</b>	<b>7,246,659</b>	<b>3,224,928</b>	<b>46,260,300</b>
<b>Excess of revenues over (under) expenditures</b>	<b>5,563,177</b>	<b>(4,350,980)</b>	<b>(5,300,060)</b>	<b>(373,956)</b>	<b>(4,461,819)</b>
<b>Other financing sources (uses)</b>					
Operating transfers in	-	4,386,706	2,710,059	27,128	7,123,893
Operating transfers out	(5,119,307)	(2,004,586)	-	-	(7,123,893)
Other financing sources - proceeds of capital lease	-	-	1,240,566	448,305	1,688,871
Other financing uses- transfer to Board of Education	-	-	(2,000,000)	-	(2,000,000)
Other financing uses- payment to refunded bond escrow agent	-	(10,923,875)	-	-	(10,923,875)
Other financing sources - proceeds of refunding bonds	-	11,810,000	-	-	11,810,000
Other financing sources - original issuance premium	-	1,265,051	-	-	1,265,051
<b>Total other financing sources (uses)</b>	<b>(5,119,307)</b>	<b>4,533,296</b>	<b>1,950,625</b>	<b>475,433</b>	<b>1,840,047</b>
<b>Excess of revenues and other financing sources over (under) expenditures and other financing uses</b>	<b>443,870</b>	<b>182,316</b>	<b>(3,349,435)</b>	<b>101,477</b>	<b>(2,621,772)</b>
<b>Fund balance, beginning of year</b>	<b>13,017,649</b>	<b>949,698</b>	<b>7,200,396</b>	<b>732,186</b>	<b>21,899,929</b>
<b>Fund balance, end of year</b>	<b>\$ 13,461,519</b>	<b>\$ 1,132,014</b>	<b>\$ 3,850,961</b>	<b>\$ 833,663</b>	<b>\$ 19,278,157</b>

See accompanying notes to basic financial statements.

**City of Vestavia Hills, Alabama**  
**Reconciliation of the Statement of Revenues, Expenditures, and**  
**Changes in Fund Balances of Governmental Funds to the**  
**Government-wide Statement of Activities**

*September 30, 2016*

Net change in fund balances - total governmental funds		\$ (2,621,772)
<p>Amounts reported for governmental activities in the statement of activities are different because:</p> <p>Governmental funds report capital outlays as expenditures. However, in the government-wide statement of activities, the cost of those assets is allocated over their estimated useful lives as depreciation expense.</p>		
Expenditures for capital assets	\$ 6,545,071	
Less current year depreciation	<u>(4,448,281)</u>	2,096,790
<p>Some revenues reported in the government-wide statement of activities do not provide current financial resources and therefore are not reported as revenues in the governmental funds.</p> <p>The net effect of transactions involving the disposal of capital assets is to decrease net position.</p>		
		(674,173)
<p>The effect of donated infrastructure and other assets is to increase net position.</p>		
		311,241
<p>The issuance of long-term debt provides current financial resources to governmental funds, but increases long-term liabilities in the government-wide statement of net position.</p>		
Proceeds of refunding warrants		(11,810,000)
Proceeds of capital leases		(1,688,871)
Bond issuance premium		(1,265,051)
<p>Repayment of long-term debt principal (including capital leases) are expenditures in the governmental funds, but reduce long-term liabilities in the statement of net position.</p>		
		3,524,046
<p>The amount paid in order to refund old debt ("reacquisition price") is reported as an other financing use in the governmental funds. However, the principal amount of refunded debt is reported as a reduction of long-term liabilities in the government-wide statement of net position.</p>		
		9,955,000
<p>Furthermore, the difference between the reacquisition price and the carrying amount of the old debt is deferred and amortized in the government-wide statement of net position.</p>		
		968,875
<p>Some expenses reported in the government-wide statement of activities do not require the use of current financial resources and therefore are not reported as expenditures in governmental funds.</p>		
Difference in pension expense related to deferred outflows of resources and net pension liability	\$ (290,587)	
Change in long-term compensated absences	(321,089)	
Change in accrued interest payable	(3,731)	
Amortization of bond premiums/discounts, net	118,687	
Amortization of loss on refunding	<u>(79,412)</u>	<u>(576,132)</u>
<b>Change in net position of governmental activities</b>		<b><u>\$ (1,780,047)</u></b>

See accompanying notes to basic financial statements.



**City of Vestavia Hills, Alabama**  
**Notes to Financial Statement Index**

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**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

The City of Vestavia Hills, Alabama (the “City”) was incorporated on November 8, 1950. The City operates under a Council-Manager form of government organized to comply with the provisions of Title 11, Chapter 43, Sections 20-22 of the Code of Alabama 1975, as amended. The City Council is composed of five officials (four Councilors and the Mayor who serves as President of the Council) elected at-large for concurrent four year terms. The City Manager is appointed by the City Council. The terms of the current administration are scheduled to expire October 31, 2016.

The accounting policies of the City conform to generally accepted accounting principles (GAAP) as applicable to the governmental units. This report, the accounting systems and classification of accounts conform to standards of the Governmental Accounting Standards Board (GASB) or, where applicable, the Financial Accounting Standards Board (FASB). The accounting and reporting framework and the more significant accounting policies are discussed in subsequent subsections of this note.

**A. Related Organization**

The City Council is responsible for appointing the members of the Vestavia Hills Board of Education (the Board). However, the City has no control or influence in the presentation or adoption of the Board's annual operating budget; the City is not responsible for any budget deficits incurred by the Board; and the Board has the authority to issue debt securities, which are neither secured by the City's revenues or obligations of the City. Accordingly, the financial statements of the Board are not presented in the accompanying financial statements because the City is not considered to be financially accountable for the Board.

The City currently receives advalorem taxes from the Jefferson County Tax Collector based on a total millage rate of 49.30 mills. Of the 49.30 mills received from the County, 20.55 mills are kept by the City to fund general government operations and the balance of 28.75 mills is remitted by the City to the Vestavia Hills Board of Education. During the year ended September 30, 2016, the total advalorem taxes remitted to the Board amounted to approximately \$18.6 million and \$445,500 was due the Board of Education at September 30, 2016.

**B. Government-Wide Financial Statements**

The Statement of Net Position and Statement of Activities display information about the reporting government as a whole. They include funds of the reporting entity except for fiduciary funds and component units that are fiduciary in nature (at year end the City had no fiduciary type activity).

Governmental activities generally are financed through taxes, intergovernmental revenues, and other nonexchange revenues.

The Statement of Activities demonstrates the degree to which the direct expenses of a given function or segment are offset by program revenues. Direct expenses are those that are clearly identifiable with a specific function or segment. Program revenues include 1) charges to

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions that are restricted to meeting the operational or capital requirements of a particular function or segment. Taxes and other items not properly included among program revenues are reported instead as general revenues.

**C. Fund Financial Statements**

Fund financial statements of the reporting entity are organized into funds, each of which is considered to be a separate accounting entity. Each fund is accounted for by providing a separate set of self-balancing accounts that constitute its assets, liabilities, fund equity, revenues, and expenditure/expenses. Funds are organized into three major categories: governmental, proprietary, and fiduciary (the City has no proprietary or fiduciary funds at year end). An emphasis is placed on major funds within the governmental categories. At a minimum, governmental funds other than the general fund must be reported as major funds if they meet both of the following criteria:

- a. *Ten percent criterion.* An individual governmental fund reports at least 10 percent of any of the following: a) total governmental fund assets, b) total governmental fund liabilities, c) total governmental fund revenues, or d) total governmental fund expenditures.
- b. *Five percent criterion.* An individual governmental fund reports at least 5 percent of the aggregated total for both governmental funds and proprietary funds of any one of the items for which it met the 10 percent criterion.

The funds of the financial reporting entity are described below:

Governmental funds

**1. General Fund**

The General Fund is the principal fund of the City and is always classified as a major fund. It is used to account for all revenues and expenditures applicable to the general operations of City government which are not properly accounted for in another fund. All general operating revenues which are not restricted or designated as to their use by outside sources are recorded in the General Fund.

**2. Special Revenue Funds**

Special Revenue Funds are used to account for the proceeds of specific revenue sources that are restricted to expenditures for specified purposes.

**3. Debt Service Funds**

The Debt Service Fund is used to account for financial resources related to the City's debt service and debt defeasances. The City elects to report this fund as a major fund to enhance consistency from year to year.



**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**4. Capital Project Funds**

Capital Projects Funds are used to account for financial resources that are received and used for the acquisition, construction, or improvement of capital assets.

**5. Major and Nonmajor Funds**

The General Fund, Capital Projects Fund, and Debt Service Fund are classified as major funds and are described above.

The remaining Other Governmental Funds (Special Revenue Funds) are classified as nonmajor funds and are described above.

**D. Measurement Focus and Basis of Accounting**

Measurement focus is a term used to describe "which" transactions are recorded within the various financial statements. Basis of accounting refers to "when" transactions are recorded regardless of the measurement focus applied.

Measurement focus

On the Government-Wide Statement of Net Position and the Statement of Activities, governmental activities are presented using the "economic resources" measurement focus. The accounting objectives of this measurement focus are the determination of operating income, changes in net position (or cost recovery), financial position, and cash flows. All assets and liabilities (whether current or noncurrent) associated with their activities are reported.

In the fund financial statements, the "current financial resources" measurement focus or the "economic resources" measurement focus is used as appropriate. All governmental funds utilize a "current financial resources" measurement focus. Only current financial assets and liabilities are generally included on their balance sheets. Their operating statements present sources and uses of available spendable financial resources during a given period. These funds use fund balance as their measure of available spendable financial resources at the end of the period.

Basis of accounting

In the Government-Wide Statement of Net Position and Statement of Activities, governmental activities are presented using the accrual basis of accounting. Under the accrual basis of accounting, revenues are recognized when earned and expenses are recorded when the liability is incurred or economic asset used. Revenues, expenses, gains, losses, assets and liabilities resulting from exchange and exchange-like transactions are recognized when the exchange takes place.

In the fund financial statements, governmental funds are presented on the modified accrual basis of accounting. Under the modified accrual basis of accounting, revenues are recognized

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

when "measurable and available". Measurable means knowing or being able to reasonably estimate the amount. Available means collectible within the current period or within sixty days after year end. Expenditures (including capital outlay) are recorded when the related fund liability is incurred, except for general obligation bond principal and interest which are reported when due.

**E. Receivables**

In the Government-Wide statements, receivables consist of all revenues earned at year-end and not yet received. Allowances for uncollectible accounts receivable are based upon historical trends and the periodic aging of accounts receivable. Major receivable balances for the governmental activities include sales and use taxes, advalorem taxes, and other taxes.

In the fund financial statements, receivables in governmental funds include the receivables mentioned in the preceding paragraph and other similar intergovernmental revenues since they are usually both measurable and available. Nonexchange transactions collectible but not available are deferred in the fund financial statements in accordance with modified accrual, but not deferred in the government-wide financial statements in accordance with the accrual basis. Interest and investment earnings are recorded when earned only if paid within 60 days since they would be considered both measurable and available.

**F. Equity Classifications**

Government-wide statements

Equity is classified as net position and displayed in three components:

- a. *Net investment in capital assets* - Consists of capital assets including restricted capital assets, net of accumulated depreciation, construction in progress, land, and reduced by the outstanding balances of any bonds, mortgages, notes, or other borrowings that are attributable to the acquisition, construction, or improvement of those assets.
- b. *Restricted* - Constraints placed on the use either by (1) external groups such as creditors, grantors, contributors, or laws or regulations of other governments; or (2) law through constitutional provisions or enabling legislation.
- c. *Unrestricted* - All other net position that do not meet the definition of "restricted" or "net investment in capital assets".

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

*Fund statements*

In the fund financial statements, governmental funds report aggregate amounts for five classifications of fund balances based on the constraints imposed on the use of these resources. The nonspendable fund balance classification includes amounts that cannot be spent because they are either (a) not in spendable form – prepaid items or inventories; or (b) legally or contractually required to be maintained intact.

The spendable portion of the fund balance comprises the remaining four classifications: restricted, committed, assigned, and unassigned.

*Restricted fund balance.* This classification reflects the constraints imposed on resources either (a) externally by creditors, grantors, contributors, or laws or regulations of other governments; or (b) imposed by law through constitutional provisions or enabling legislation.

*Committed fund balance.* These amounts can only be used for specific purposes pursuant to constraints imposed by formal resolutions of the City Council – the government’s highest level of decision making authority. Those committed amounts cannot be used for any other purpose unless the City Council removes the specified use by taking the same type of action imposing the commitment. This classification also includes contractual obligations to the extent that existing resources in the fund have been specifically committed for use in satisfying those contractual requirements.

*Assigned fund balance.* The classification reflects the amounts constrained by the City’s “intent” to be used for specific purposes, but are neither restricted nor committed. The City Council and management have the authority to assign amounts to be used for specific purposes. Assigned fund balances include all remaining amounts (except negative balances) that are reported in governmental funds, other than the General Fund, that are not classified as nonspendable and are neither restricted nor committed.

*Unassigned fund balance.* This fund balance is the residual classification for the General Fund. It is also used to report negative fund balances in all governmental funds.

The City has assigned \$500,000 of the General Fund fund balance for the City’s unfunded pension liability and \$244,174 for encumbrances.

The City has assigned \$2,102,833 of the Capital Projects Fund fund balance for encumbrances.

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

The City has assigned \$545,288 of the Other Governmental Funds fund balance for use as follows: \$277,753 for the City's Emergency 911 Fund, \$1,018 for the Court & Corrections Fund, \$237,848 for the Library and \$28,669 for Vehicle Tags.

When both restricted and unrestricted resources are available for use, it is the City's policy to use restricted resources first, then committed, assigned, and unassigned – in order as needed.

The City Council has adopted an Emergency Reserve Fund Balance Policy. Under this policy, it is the City's intent to develop and maintain a General Fund Emergency Reserve fund balance representing at least 25% of prior year actual General Fund expenditures (modified accrual basis) plus operating transfers out. The City Council has currently committed \$9,824,113 of General Fund fund balance for economic stabilization in case of an emergency. An emergency that would warrant use of their committed fund balance is defined as an unforeseen non-routine event that generally represents an economic impact to the City greater than 5% of the previous 5 year average of sales tax collections by the City and this event cost can't be absorbed by reducing the current year budgeted expenses, increasing current year budgeted revenue, or the event occurred too late in the year to overcome the impact by adjusting the budget in the normal course of the City's business.

**G. Long-term Debt**

In the government-wide financial statements long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities statement of net position. Bond premiums and discounts are deferred and amortized over the life of the bonds. Losses resulting from the refunding of bonds are deferred and amortized over the remaining life of the old debt or the life of the new debt, whichever is shorter. Debt issuance costs (except for prepaid insurance costs) are recognized as an expense in the period incurred.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as bond issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs are reported as debt service expenditures except as noted above.

**H. Expenditures/Expenses**

In the government-wide financial statements, expenses are classified by function for the governmental activities.

In the fund financial statements, expenditures are classified as follows:

Governmental Funds – By Character:	Current (further classified by function)
	Debt Service
	Capital Outlay

In the fund financial statements, governmental funds report expenditures of financial resources.

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**I. Fixed Assets**

The accounting treatment for property, plant, and equipment (fixed assets) depends on whether the assets are reported in the government-wide or fund financial statements.

In the government-wide financial statements, fixed assets with initial individual costs of more than \$5,000 and an estimated useful life in excess of one year are accounted for as capital assets. All fixed assets are valued at historical cost, or estimated historical cost if actual is unavailable, except for donated fixed assets which are recorded at their estimated fair value at the date of donation. Historical cost was used to value the majority of the assets.

Depreciation of all exhaustible fixed assets is recorded as an allocated expense in the Statement of Activities, with accumulated depreciation reflected in the Statement of Net Assets. Depreciation is provided over the assets' estimated useful lives using the straight-line method of depreciation. The range of estimated useful lives by type of assets is as follows:

Buildings	20-50 years
Improvements	10-50 years
Machinery and equipment	3-20 years
Infrastructure	25-50 years

*Fund financial statements*

In the fund financial statements, fixed assets used in governmental fund operations are accounted for as expenditures of the government upon acquisition.

**J. Encumbrances**

Encumbrance accounting, under which purchase orders, contracts and other commitments for the expenditure of monies are recorded in order to reserve that portion of the applicable appropriation, is employed as an extension of formal budgetary integration. Any encumbrances outstanding at year-end are reported as assigned, restricted, or committed fund balance as applicable and do not constitute expenditures or liabilities because the commitments will be honored during the subsequent year.

**K. Inventory**

Inventory items, which consist mainly of garage parts, are valued at cost which approximates market. The cost of inventory is recorded as an expenditure when consumed rather than when purchased.

**L. Pension**

The Employees' Retirement System of Alabama (the Plan) financial statements are prepared using the economic resources measurement focus and accrual basis of accounting.

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

Contributions are recognized when due and payable in accordance with the terms of the plan. Expenses are recognized when the corresponding liability is uncured, regardless of when the payment is made. Investments are reported at fair value. Financial statements are prepared in accordance with requirements of the Governmental Accounting Standard Board (GASB). Under these requirements, the Plan is considered a component unit of the State of Alabama and is included in the State’s Comprehensive Annual Financial Report.

**M. Interfund Transactions**

During the course of normal operations, the City incurs numerous transactions between funds to provide services, construct assets, service debt, etc. These transactions are generally reported as operating transfers except in instances where the transfer represents the reimbursement to a fund for expenditures incurred for the benefit of another fund. Remaining fund balances in discontinued funds and non-recurring, non-routine transfers are accounted for as residual equity transfers.

Details of current interfund receivables and payables are as follows:

<b>Payable from</b>	<b>Payable to</b>	<b>Amount</b>
General Fund	Capital Projects Fund	\$ 59,981
Other Governmental Funds	General Fund	111,483
Other Governmental Funds	Other Governmental Funds	27,644
		\$ 199,108

The purpose of the interfund receivable balance to the Capital Projects Fund from the General Fund is for the sales tax capital reserve transfer.

The purpose of the interfund receivable balance to the General Fund from the Other Governmental Funds is for the motor vehicle tag fees due to the General Fund.

The purpose of the interfund receivable balance to the Other Governmental Funds from the Other Governmental Funds is for reimbursement of paving expenses paid from one fund on behalf of the other.

Interfund receivables and payables and transfers between funds within governmental activities are eliminated in the Statement of Net Position and the Statement of Activities.

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

Transfers for the fiscal year ended September 30, 2016 consisted of the following:

<b>Transfer to</b>	<b>Transfer From</b>		<b>Total</b>
	<b>General Fund</b>	<b>Debt Service Fund</b>	
Debt Service Fund	\$ 4,386,706	\$ -	\$ 4,386,706
Other Governmental Funds	27,128	-	27,128
Capital Projects Fund	705,473	2,004,586	2,710,059
<b>Total</b>	<b>\$ 5,119,307</b>	<b>\$ 2,004,586</b>	<b>\$ 7,123,893</b>

The purpose of the transfer from the General Fund to the Debt Service Fund is for the reimbursement of debt service paid from the Debt Service Fund.

The purpose of the transfer from the General Fund to the Other Governmental Funds is for operations of the Municipal Court.

The purpose of the transfer from the General Fund to the Capital Projects Fund is for the capital reserve allocation from the General Fund.

The purpose of the transfer from the Debt Service Fund to the Capital Projects Fund is to transfer proceeds of debt to be used for capital purchases.

**O. Property Taxes**

All ad valorem real property taxes levied by municipalities in Jefferson County, Alabama are assessed by the Jefferson County Tax Assessor and collected by the Jefferson County Tax Collector. The Jefferson County Tax Assessor attaches taxes as enforceable liens on property as of September 30 and taxes become due October 1 through December 31. Property taxes not paid by January 1 are considered delinquent. Personal property taxes are also collected by the Jefferson County Tax Collector and are due throughout the year. After collecting property taxes, the Jefferson County Tax Collector remits the City’s portion by check on a monthly basis. Taxes collected by the Jefferson County Tax Collector prior to fiscal year end but remitted to the City after September 30 are accrued in the General Fund.

**P. Management Estimates**

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect the reported amounts of assets and liabilities, contingent liabilities and the reported amount of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES (CONTINUED)**

**Q. Deferred outflows/inflows**

In addition to assets, the Statement of Net Position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element represents a consumption of net position that applies to a future period(s) and so will not be recognized as an outflow of resources (expense/expenditure) until then. The City currently has four items that qualify for reporting in this category. The first is the deferred charge on refunding reported in the government-wide statement of net position. A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt. The second one is related to pensions resulting from City contributions subsequent to the measurement date that will be recognized as a reduction of net pension liability in 2017. The third one is the difference between expected and actual experience of the pension plan and the fourth one is the difference between projected and actual earnings on plan investments. In addition to liabilities, the Statement of Net Position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, deferred inflows of resources, represents an acquisition of net position that applies to a future period(s) and so will not be recognized as an inflow of resources (revenue) until that time. At this time, the City has no transactions that meets the definition of deferred inflows of resources.

**R. Subsequent Events**

The City has evaluated subsequent events through the date of issuance of these financial statements.

**NOTE 2 – CASH AND INVESTMENTS**

The City maintains several checking accounts that are separately held by several of the City's funds. In addition, investments may also be held by an individual City fund. Deposits and investments are stated at market values. At year-end, the City's only investments are certificates of deposits that are amortized at cost in accordance with GASB 72.

At year-end, the carrying amount and bank balance of the City's deposit accounts were as follows:

	<b>Carrying Amount</b>	<b>Bank Balance</b>
All funds	\$ 23,086,257	\$ 22,626,959

At September 30, 2016, all of the bank balance of the City's funds was either covered by federal depository insurance or secured by collateral through the Alabama State Treasury's Security for Alabama Funds Enhancement (SAFE) Program. Under the SAFE program, the City's funds are protected through a collateral pool administered by the Alabama State Treasury.



**NOTE 2 – CASH AND INVESTMENTS (CONTINUED)**

Certain banks holding deposits belonging to the state, counties, cities, or agencies of any of these entities must pledge securities as collateral against these deposits. In the event of the failure of a bank, securities pledged by that bank would be liquidated by the State Treasurer to replace the public deposits. If the securities pledged failed to produce adequate funds for that purpose, every bank participating in the pool would share the liability for the remaining balance. At September 30, 2016, all of the City's depositories are participating in the SAFE program.

Included in the carrying amount above are restricted assets totaling \$2,216,911 which included deposits of \$1,523,364 related to construction, land disturbance, and court appearance bonds. These deposits consist of cash equivalents and are considered restricted as they are payable to various third parties upon completion of a future event. Accordingly, a corresponding liability is recorded for this amount.

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 3 – CAPITAL ASSETS**

Following is a summary of the changes in the City's capital assets for the year ended September 30, 2016:

	Balance at 9/30/2015	Additions	Disposals/ Retirements/ Completed	Balance at 9/30/2016
<b>Capital assets not being depreciated:</b>				
Land	\$ 67,321,602	\$ 3,966,501	-	\$ 71,288,103
Construction in progress	23,239,441	3,535,084	(23,697,087)	3,077,438
Infrastructure in progress	1,334,085	-	(1,334,085)	-
<b>Total capital assets not being depreciated</b>	<b>91,895,128</b>	<b>7,501,585</b>	<b>(25,031,172)</b>	<b>74,365,541</b>
<b>Capital assets being depreciated:</b>				
Land improvements	8,997,140	338,515	-	9,335,655
Buildings	12,788,888	19,043,381	(883,840)	30,948,429
Building equipment and fixtures	404,735	119,514	(171,261)	352,988
Vehicles	7,400,122	505,280	(409,045)	7,496,357
Equipment	5,803,034	958,533	(151,652)	6,609,915
Computer equipment	1,593,764	268,521	(13,385)	1,848,900
Recreational equipment	2,058,753	66,565	-	2,125,318
Office furniture and fixtures	980,402	1,396,704	-	2,377,106
Office equipment	129,759	3,956	-	133,715
Recreational facilities	22,960,832	-	-	22,960,832
Books and artwork	1,411,860	185,385	-	1,597,245
Infrastructure	15,183,851	1,193,615	-	16,377,466
<b>Total capital assets being depreciated</b>	<b>79,713,140</b>	<b>24,079,969</b>	<b>(1,629,183)</b>	<b>102,163,926</b>
<b>Less accumulated depreciation for:</b>				
Land improvements	3,861,626	469,959	-	4,331,585
Buildings	3,374,132	888,481	(600,207)	3,662,406
Building equipment and fixtures	187,934	32,501	(87,786)	132,649
Vehicles	3,752,176	662,838	(409,045)	4,005,969
Equipment	4,294,230	401,550	(150,517)	4,545,263
Computer equipment	1,238,853	208,008	(13,385)	1,433,476
Recreational equipment	1,618,927	111,739	-	1,730,666
Office furniture and fixtures	787,781	169,428	-	957,209
Office equipment	96,149	6,894	-	103,043
Recreational facilities	10,713,156	986,850	-	11,700,006
Books and artwork	705,799	198,653	-	904,452
Infrastructure	8,875,760	311,380	-	9,187,140
<b>Total accumulated depreciation</b>	<b>39,506,523</b>	<b>4,448,281</b>	<b>(1,260,940)</b>	<b>42,693,864</b>
<b>Total capital assets being depreciated, net</b>	<b>40,206,617</b>	<b>19,631,688</b>	<b>(368,243)</b>	<b>59,470,062</b>
<b>Governmental activities capital assets, net</b>	<b>\$ 132,101,745</b>	<b>\$ 27,133,273</b>	<b>\$ (368,243)</b>	<b>\$ 133,835,603</b>

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 3 – CAPITAL ASSETS (CONTINUED)**

Depreciation expense was charged to functions of the primary government as follows:

**Governmental activities:**

General government administration	\$	872,913
Public safety		965,085
Public works		1,884,499
Library		725,784
<b>Total depreciation expense</b>	<b>\$</b>	<b>4,448,281</b>

**NOTE 4 – CAPITALIZED LEASES**

At September 30, 2016, approximately \$3,107,893 in accumulated depreciation has been recorded in the government-wide financial statements related to assets costing \$7,014,065 purchased under capital leases. The current portion of the outstanding liability related to these capital leases at September 30, 2016 reported in the government-wide financial statements totaled \$963,615. The remaining long-term portion of these capital lease obligations reported in the government-wide financial statements totaled \$2,460,352 at September 30, 2016.

The following schedule shows the future minimum lease payments at September 30, 2016:

<b>Fiscal year</b>	<b>Interest</b>	<b>Principal</b>	<b>Total Lease Payment</b>
2017	\$ 57,145	\$ 963,615	\$ 1,020,760
2018	41,202	838,309	879,511
2019	26,393	780,430	806,823
2020	13,087	595,510	608,597
2021	3,416	154,700	158,116
2022 and thereafter	1,513	91,403	92,916
<b>Total</b>	<b>\$ 142,756</b>	<b>\$ 3,423,967</b>	<b>\$ 3,566,723</b>

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 5 – ACCOUNTS RECEIVABLE**

The following details the description and amounts of accounts receivable for the City:

Sales taxes	\$ 1,064,449
Property taxes	324,573
Franchise fees	140,000
Transport receivable	108,589
Intergovernmental	197,739
Other receivables	136,427
<b>Total</b>	<b>\$ 1,971,777</b>

**NOTE 6 – LONG-TERM DEBT**

The following is a summary of the changes in long-term debt of the City for the year ended September 30, 2016:

Warrant obligations at September 30, 2015	\$ 57,340,000
Principal payments	(2,565,000)
Refunded warrants	(9,955,000)
Debt issuance	11,810,000
Total warrants outstanding	56,630,000
Long-term portion of accumulated compensated absences	2,061,462
Bond issuance discount	(127,093)
Unamortized bond premium	2,155,022
<b>Total long-term debt at September 30, 2016</b>	<b>\$ 60,719,391</b>

## City of Vestavia Hills, Alabama Notes to Financial Statements

### NOTE 6 – LONG-TERM DEBT (CONTINUED)

Outstanding warrant obligations of the City at September 30, 2016 consist of the following:

General Obligation Warrants, Series 2008 were issued in the principal amount of \$9,615,000 in February 2009. The warrants bear interest at an average of 4.38%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2028 and are callable on or after February 1, 2019 without premium or penalty, and at which time the warrants are callable at 100% plus accrued interest.	\$ 1,195,000
General Obligation Warrants, Series 2009-A were issued in the principal amount of \$10,940,000 in December 2009. The warrants bear interest at an average of 3.56%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2028 and are callable at any time without penalty.	935,000
Taxable General Obligation Warrants, Series 2009-B were issued in the principal amount of \$6,070,000 in December 2009. The warrants bear interest at an average of 4.8%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2028 and are callable at any time without penalty.	5,765,000
General Obligation Warrants, Series 2012 were issued in the principal amount of \$11,000,000 in June 2012. The warrants bear interest at an average of 3.5%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2022 and are callable at any time without penalty.	3,755,000
General Obligation Warrants, Qualified Energy Conservation Bonds (QECCB) Series 2013 were issued in the principal amount of \$4,245,000 in May 2013. The warrants bear interest at an average of 2.20%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2033 and are callable at any time without penalty. (Net of \$530,058 held in sinking fund for repayment)	3,714,942
General Obligation Warrants, Series 2013A were issued in the principal amount of \$10,000,000 in December 2013. The warrants bear interest at an average of 4.00%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2033 and are callable at any time without penalty.	10,000,000
General Obligation Warrants, Series 2014 were issued in the principal amount of \$9,605,000 in January 2014. The warrants bear interest at an average of 3.00%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2031 and are callable at any time without penalty.	9,010,000
General Obligation Warrants, Series 2014 (CWSRF-DL) were issued in the principal amount of \$960,000 in September 2014. The warrants bear interest at an average of 2.00%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2034 and are callable at any time without penalty.	880,000
General Obligation Warrants, Series 2015 were issued in the principal amount of \$9,205,000 in August 2015. The warrants bear interest at an average of 2.00%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2028 and are callable at any time without penalty.	9,035,000
General Obligation Warrants, Series 2016 were issued in the principal amount of \$11,810,000 in June 2016. The warrants bear interest at an average of 3.00%, payable semiannually on February 1 and August 1. The warrants mature serially with a final maturity in 2028 and are callable at any time without penalty.	11,810,000
<b>Total outstanding</b>	<b>56,099,942</b>
<b>Amount held in sinking fund for QECCB payment</b>	<b>530,058</b>
<b>Total obligation warrants</b>	<b>\$ 56,630,000</b>

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 6 – LONG-TERM DEBT (CONTINUED)**

The following schedule shows the debt service requirements at September 30, 2016:

Fiscal year	Debt Service Related to Principal	Debt Service Related to Interest	Total Debt Service
2017	\$ 2,625,000	\$ 2,023,938	\$ 4,648,938
2018	2,710,000	1,916,579	4,626,579
2019	2,700,000	1,825,342	4,525,342
2020	2,805,000	1,725,011	4,530,011
2021	2,900,000	1,614,324	4,514,324
2022-2026	15,405,000	6,544,701	21,949,701
2027-2031	16,185,000	3,761,045	19,946,045
2032-2034	11,300,000	525,045	11,825,045
	<u>\$ 56,630,000</u>	<u>\$ 19,935,985</u>	<u>\$ 76,565,985</u>

The total interest paid by the City during 2016 relative to the above warrants was \$1,856,060.

The City makes annual contributions into an invested sinking fund in the amount of \$171,051 each fiscal year to pay the principal payment on the QECB warrants. This amount is included in the table above as debt service requirements. These amounts shall be held in the sinking fund and applied to the payment of the principal of the Warrants at maturity on February 1, 2033. The balance in the sinking fund is \$530,058 as of September 30, 2016.

The City issued its General Obligation Warrants, Series 2016, dated July 14, 2016, in the principal amount of \$11,810,000. The Warrant proceeds were used to currently refund the remaining Series 2009-A Warrants and to finance certain capital improvement projects as outlined in the Warrant indenture. Interest is payable semiannually on February 1<sup>st</sup> and August 1<sup>st</sup> of each year.

As a result of the refunding the City recorded deferred charges of \$968,875 in the Government-wide Statement of Net Position. These charges represent the difference between the reacquisition price and the net carrying amounts of the refunded warrants. These costs are being amortized over the average remaining life of the refunded warrants. The unamortized portion of these costs as of September 30, 2016 was \$967,193. The transaction resulted in an economic gain of \$669,040.

**NOTE 7 – PENSION PLAN**

**Plan description**

The City contributes to the Employees' Retirement System of Alabama (ERS), an agent multiple-employee retirement system, which acts as a common investment and administrative agent for the various state agencies and departments.

**NOTE 7 – PENSION PLAN (CONTINUED)**

The Employees' Retirement System of Alabama (ERS), an agent multiple-employer public employee retirement plan, was established as of October 1, 1945, under the provisions of Act 515 of the Legislature of 1945. The purpose of the ERS is to provide retirement allowances and other specified benefits for state employees, State Police, and on an elective basis, to all cities, counties, towns, and quasi-public organizations. The responsibility for the general administration and operation of ERS is vested in its Board of Control. The ERS Board of Control consists of 13 trustees. The Plan is administered by the Retirement Systems of Alabama (RSA). Title 36-Chapter 27 of the Code of Alabama grants the authority to establish and amend the benefit terms to the ERS Board of Control. The Plan issues a publicly available financial report that can be obtained at [www.rsa-al.gov](http://www.rsa-al.gov).

The ERS Board of Control consists of 13 trustees as follows:

- 1) The Governor, ex officio.
- 2) The State Treasurer, ex officio.
- 3) The State Personnel Director, ex officio.
- 4) The State Director of Finance, ex officio.
- 5) Three vested members of ERS appointed by the Governor for a term of four years, no two of whom are from the same department of state government nor from any department of which an ex officio trustee is the head.
- 6) Six members of ERS who are elected by members from the same category of ERS for a term of four years as follows:
  - a. Two retired members with one from the ranks of retired state employees and one from the ranks of retired employees of a city, county, or a public agency each of whom is an active beneficiary of ERS.
  - b. Two vested active state employees.
  - c. Two vested active employees of an employer participating in ERS pursuant to § 36-27-6.

**Benefits provided**

State law establishes retirement benefits as well as death and disability benefits and any ad hoc increase in postretirement benefits for the ERS. Benefits for ERS members vest after 10 years of creditable service. State employees who retire after age 60 (52 for State Police) with 10 years or more of creditable service or with 25 years of service (regardless of age) are entitled to an annual retirement benefit, payable monthly for life. Local employees who retire after age 60 with 10 years or more of creditable service or with 25 or 30 years of service (regardless of age), depending on the particular entity's election, are entitled to an annual retirement benefit, payable monthly for life.

**NOTE 7 – PENSION PLAN (CONTINUED)**

**Benefits provided (continued)**

Service and disability retirement benefits are based on a guaranteed minimum or a formula method, with the member receiving payment under the method that yields the highest monthly benefit. Under the formula method, members of the ERS (except State Police) are allowed 2.0125% of their average final compensation (highest 3 of the last 10 years) for each year of service. State Police are allowed 2.875% for each year of State Police service in computing the formula method.

Act 377 of the Legislature of 2012 established a new tier of benefits (Tier 2) for members hired on or after January 1, 2013. Tier 2 ERS members are eligible for retirement after age 62 (56 for State Police) with 10 years or more of creditable service and are entitled to an annual retirement benefit, payable monthly for life. Service and disability retirement benefits are based on a guaranteed minimum or a formula method, with the member receiving payment under the method that yields the highest monthly benefit. Under the formula method, Tier 2 members of the ERS (except State Police) are allowed 1.65% of their average final compensation (highest 5 of the last 10 years) for each year of service. State Police are allowed 2.375% for each year of state police service in computing the formula method.

Members are eligible for disability retirement if they have 10 years of credible service, are currently in-service, and determined by the RSA Medical Board to be permanently incapacitated from further performance of duty. Preretirement death benefits are calculated and paid to the beneficiary on the member’s age, service credit, employment status and eligibility for retirement.

The ERS serves approximately 876 local participating employers. These participating employers include 294 cities, 65 counties, and 517 other public entities. The ERS membership includes approximately 84,393 participants. As of September 30, 2015, membership consisted of:

Retirees and beneficiaries currently receiving benefits	22,211
Terminated employees entitled to but not yet receiving benefits	1,353
Terminated employees not entitled to a benefit	5,451
Active Members	<u>55,378</u>
Total	<u>84,393</u>

**Contributions**

Covered members of the ERS contributed 5% of earnable compensation to the ERS as required by statute until September 30, 2011. From October 1, 2011, to September 30, 2012, covered members of the ERS were required by statute to contribute 7.25% of earnable compensation. Effective October 1, 2012, covered members of the ERS are required by statute to contribute 7.50% of earnable compensation. Certified law enforcement, correctional officers, and firefighters of the ERS contributed 6% of earnable compensation as required by statute until September 30, 2011. From October 1, 2011, to September 30, 2012, certified law enforcement, correctional officers, and firefighters of the ERS were required by statute to contribute 8.25% of earnable compensation. Effective October 1, 2012, certified law enforcement, correctional officers, and firefighters of the



**NOTE 7 – PENSION PLAN (CONTINUED)**

**Contributions (continued)**

ERS are required by statute to contribute 8.50% of earnable compensation. State Police of the ERS contribute 10% of earnable compensation. ERS local participating employers are not required by statute to increase contribution rates for their members.

Tier 2 covered members of the ERS contribute 6% of earnable compensation to the ERS as required by statute. Tier 2 certified law enforcement, correctional officers, and firefighters of the ERS are required by statute to contribute 7% of earnable compensation. Tier 2 State Police members of the ERS contribute 10% of earnable compensation. These contributions rates are the same for Tier 2 covered members of ERS local participating employers.

The ERS establishes rates based upon an actuarially determined rate recommended by an independent actuary. The actuarially determined rate is the estimated amount necessary to finance the costs of benefits earned by employees during the year, with additional amounts to finance any unfunded accrued liability, the pre-retirement death benefit and administrative expenses of the Plan. For the year ended September 30, 2016, the City's active employee contribution rate was 12.07% of covered employee payroll and the City's average contribution rate to fund the normal and accrued liability costs was 11.47%.

The City's contractually required contribution rate for the year ended September 30, 2016 was 12.32% of pensionable pay for Tier 1 employees and 10.38% of pensionable pay for Tier 2 employees. These required contribution rates are based upon the actuarial valuation dated September 30, 2013, a percent of annual pensionable payroll, and actuarially determined as an amount that, when combined with member contributions, is expected to finance the costs of benefits earned by members during the year, with an additional amount to finance any unfunded accrued liability. Total employer contributions to the pension plan were \$1,911,298 for the year ended September 30, 2016.

**NOTE 7 – PENSION PLAN (CONTINUED)**

**Net Pension Liability**

The City’s net pension liability was measured as of September 30, 2015, and the total pension liability used to calculate the net pension liability was determined by an actuarial valuation as September 30, 2014 rolled forward to September 30, 2015 using standard roll-forward techniques as shown in the following table:

<b>Total Pension Liability Roll Forward</b>		
<b>Total Pension Liability</b>	Expected	Actual
as of September 30, 2014 (a)	\$ 63,831,684	\$ 65,806,525
<b>Entry Age Normal Cost for</b>		
October 1, 2014 – September 30, 2015 (b)	1,319,081	1,319,081
<b>Actual Benefit Payment and Refunds for</b>		
October 1, 2014 – September 30, 2015 (c)	(3,390,895)	(3,390,895)
<b>Total Pension Liability</b>		
as of September 30, 2015		
[(a) x (1.08)] + (b) – [(c) x (1.04)]	\$ 66,730,769	\$ 68,863,597

Difference between Expected and Actual Experience (Gain)/Loss	\$ 2,132,828
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**Actuarial assumptions**

The total pension liability in the September 30, 2014 actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Inflation	3.00%
Salary increases	3.75%-7.25%
Investment rate of return	8.00%*

\*Net of pension plan investment expense

Mortality rates for ERS were based on the RP-2000 Combined Mortality Table Projected with Scale AA to 2015 set forward three years for males and two years for females. The rates of mortality for the period after disability retirement are according to the sex distinct RP-2000 Disability Mortality Table.

The actuarial assumptions used in the September 30, 2014 valuation were based on the results of an investigation of the economic and demographic experience for the ERS based upon participant data as of September 30, 2010. The Board of Control accepted and approved these changes on January 27, 2012, which became effective at the beginning of fiscal year 2012.

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 7 – PENSION PLAN (CONTINUED)**

The long-term expected rate of return on pension plan investments was determined using a log-normal distribution analysis in which best-estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. The target asset allocation and best estimates of geometric real rates of return for each major asset class are as follows:

	Target Allocation	Long-Term Expected Rate of Return *
<b>Fixed Income</b>	25.00%	5.00%
<b>U. S. Large Stocks</b>	34.00%	9.00%
<b>U. S. Mid Stocks</b>	8.00%	12.00%
<b>U. S. Small Stocks</b>	3.00%	15.00%
<b>International Developed Market Stocks</b>	15.00%	11.00%
<b>International Emerging Market Stocks</b>	3.00%	16.00%
<b>Real Estate</b>	10.00%	7.50%
<b>Cash</b>	2.00%	1.50%
<b>Total</b>	<b>100.00%</b>	

\* Included assumed rate of Inflation of 2.50%

**Discount rate**

The discount rate used to measure the total pension liability was the long-term rate of return, 8%. The projection of cash flows used to determine the discount rate assumed that plan member contributions will be made at the current contribution rate and that the employer contributions will be made in accordance with the funding policy adopted by the ERS Board of Control. Based on those assumptions, components of the pension plan's fiduciary net position were projected to be available to make all projected future benefit payments of current plan members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the total pension liability.

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 7 – PENSION PLAN (CONTINUED)**

**Changes in Net Pension Liability**

	Total Pension Liability (a)	Plan Fiduciary Net Position (b)	Net Pension Liability (Asset) (a)-(b)
<b>Balances at September 30, 2014</b>	\$ 63,831,684	\$ 45,121,543	\$ 18,710,141
Changes for the year:			
Service cost	1,319,081	-	1,319,081
Interest	4,970,899	-	4,970,899
Changes in assumptions	-	-	-
Difference between expected and actual experience	2,132,828	-	2,132,828
Contributions – employer	-	1,777,403	(1,777,403)
Contributions – employee	-	916,651	(916,651)
Net investment income	-	532,576	(532,576)
Benefit payments, including refunds of employee contributions	(3,390,895)	(3,390,895)	-
Administrative expense	-	-	-
Transfers among employers	-	235,587	(235,587)
Net changes	5,031,913	71,322	4,960,591
<b>Balances at September 30, 2015</b>	\$ 68,863,597	\$ 45,192,865	\$ 23,670,732

**Sensitivity of the net pension liability to changes in the discount rate**

The following table presents the City’s net pension liability calculated using the discount rate of 8%, as well as what the City’s proportionate share of the net pension liability would be if it were calculated using a discount rate that is 1-percentage point lower (7%) or 1-percentage-point higher (9%) than the current rate:

	1% Decrease 7.00%	Current Discount Rate 8.00%	1% Increase 9.00%
Plan’s Net Pension Liability	\$ 31,797,410	\$ 23,670,732	\$ 16,789,258

**Pension plan fiduciary net position**

Detailed information about the pension plan’s fiduciary net position is available in the separately issued RSA Comprehensive Annual Report for the fiscal year ended September 30, 2015. The supporting actuarial information is included in the GASB Statement No. 68 Report for the ERS prepared as of September 30, 2015. The auditor’s report dated October 17, 2016 on the Schedule of Changes in Fiduciary Net Position by Employer and accompanying notes are also available. The additional financial and actuarial information is available at [www.rsa-al.gov](http://www.rsa-al.gov).

**City of Vestavia Hills, Alabama**  
**Notes to Financial Statements**

**NOTE 7 – PENSION PLAN (CONTINUED)**

**Pension Expense and Deferred Outflows of Resources and Deferred Inflows of Resources Related to Pensions**

For the year ended September 30, 2016, the City recognized pension expense of \$2,201,884. At September 30, 2016, the reported deferred outflows of resources and deferred inflows of resources related to pensions of the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual experience	\$ 1,819,177	\$ -
Changes of assumptions	-	-
Net difference between projected and actual earnings on plan investments	1,479,820	-
Employer contributions subsequent to the measure date	1,911,298	-
<b>Total</b>	<b>\$ 5,210,295</b>	<b>\$ -</b>

The City reported \$1,911,298 as deferred outflows of resources related to pensions resulting from City contributions subsequent to the measurement date which will be recognized as a reduction of the net pension liability in the year ended September 30, 2017. Other amounts reported as deferred outflows of resources and deferred inflows of resources to pensions will be recognized in pension expense as follows:

<b>Year Ended September 30:</b>	
2017	\$ 603,010
2018	603,010
2019	603,012
2020	925,392
2021	313,651
Thereafter	250,922
<b>Total</b>	<b>\$ 3,298,997</b>

**NOTE 8 – ACCUMULATED COMPENSATED ABSENCES**

For vacation leave and other compensated absences with similar characteristics, GASB Statement No. 16 requires the accrual of a liability as the benefits are earned by the employees if both of these conditions are met:

- a. The employee's right to receive compensation is attributable to services already rendered.
- b. It is probable that the employer will compensate the employees for the benefits through paid time off or some other means, such as cash payments at termination or retirement.

**NOTE 8 – ACCUMULATED COMPENSATED ABSENCES (CONTINUED)**

A City employee receives twelve days of annual vacation for the first twelve years of service; eighteen days of annual vacation during years twelve to twenty-five; and twenty-four days of annual vacation leave after twenty-five years of satisfactory employment. Annual vacation leave can accumulate up to forty days or 320 hours and an employee cannot be paid for annual leave in lieu of time off. At year end, any annual vacation leave over 320 hours is converted hour for hour to sick leave. Employees also earn other compensatory time off for working on city holidays, and other approved circumstances over their normal work week. This compensatory time off accrues in the same manner as overtime pay at a rate of time and a half. There is no annual maximum limit for this compensatory time off and an employee can use it as other time off or is paid for the balance upon separation from the City. Sick leave can be accumulated, but upon separation from service all sick leave is canceled and is not transferable to annual leave. Sick leave can be converted as years of service upon retirement in the Retirement Systems of Alabama.

A liability for vacation pay is reported in the governmental funds only if the obligation has matured, for example, as a result of an employee's resignation or retirement. All vacation pay is accrued when incurred in the government-wide statements. The current portion of accrued vacation at September 30, 2016 reported in the government-wide financial statements is \$363,787. The remaining long-term incurred portion of the accrued vacation of the governmental activities at September 30, 2016 totaled \$2,061,462.

**NOTE 9 – POST-EMPLOYMENT BENEFITS**

**Plan description**

The City of Vestavia Hills' medical benefits are provided through a comprehensive medical plan and are made available to employees upon actual retirement.

The retirement eligibility provisions are as follows: 10 years of consecutive service and attainment of age 60; or, 25 years of service and attainment of age 55. Complete plan provisions are included in the official plan documents.

**Contribution rates**

Employees do not contribute to their post-employment benefits costs until they become retirees and begin receiving those benefits. The plan provisions and contribution rates are contained in the official plan documents.

**Funding policy**

Until fiscal year ending September 30, 2008, the City of Vestavia Hills recognized the cost of providing post-employment medical benefits (the City of Vestavia Hills' portion of the retiree medical benefit premiums) as an expense when the benefit premiums were due and thus financed the cost of the post-employment benefits on a pay-as-you-go basis. Effective with the Fiscal Year beginning October 1, 2008, the City of Vestavia Hills implemented Government Accounting

**NOTE 9 – POST-EMPLOYMENT BENEFITS (CONTINUED)**

Standards Board Statement Number 45, *Accounting and Financial Reporting by Employers for Post-employment Benefits Other than Pensions* (GASB 45). The funding policy is not to fund the ARC except to the extent of the current year’s retiree funding costs.

In fiscal year ending September 30, 2016, the City of Vestavia Hills’ portion of health care funding cost for retired employees totaled \$80,000. These amounts were applied toward the Net OPEB Benefit Obligation as shown in the table on the following page.

**Annual required contribution**

The City’s annual required contribution (ARC) is an amount actuarially determined in accordance with GASB 45. The ARC is the sum of the normal cost plus the contribution to amortize the actuarial accrued liability (AAL). A level dollar, open amortization period of 30 years (the maximum amortization period allowed by GASB 43/45) has been used for the post-employment benefits. The total ARC for the fiscal year beginning October 1, 2015 is \$81,000, as set forth below:

	<b>Medical</b>
Normal cost	\$ 38,000
30-year UAL amortization amount	43,000
<b>Annual required contribution (ARC)</b>	<b>\$ 81,000</b>

**Net post-employment benefit obligation (asset)**

The table below shows the City’s net other post-employment benefit (OPEB) obligation (asset) for fiscal year ending September 30, 2016:

	<b>Medical</b>
Annual required contribution	\$ 81,000
Interest on net OPEB obligation	(2,700)
ARC adjustment	4,000
<b>Annual OPEB cost</b>	<b>82,300</b>
Contributions	-
Current year retiree premium	(80,000)
Change in net OPEB obligation	2,300
Beginning net OPEB obligation 10/01/15	(64,682)
<b>Ending net OPEB obligation (asset) 09/30/16</b>	<b>\$ (62,382)</b>

**NOTE 9 – POST-EMPLOYMENT BENEFITS (CONTINUED)**

**Funded status and funding progress**

In the fiscal year ending September 30, 2016, the City made no contributions to its post-employment benefits plan. The plan was not funded at all, has no assets, and hence has a funded ratio of zero. As of October 1, 2015, the most recent actuarial valuation, the AAL was \$774,095, which is defined as that portion, as determined by a particular actuarial cost method (the City uses the projected unit credit cost method), of the actuarial present value of post-employment plan benefits and expenses which is not provided by normal cost. Since no plan funding has occurred through fiscal year 2015, the entire actuarial accrued liability of \$774,095 was unfunded.

At September 30, 2016, the City has \$158,136 in the General Fund for future funding of benefits. The City intends to transfer these funds to its post-employment benefits plan at a future date. This \$158,136 will not reduce the AAL until it is transferred to the City’s post-employment benefits plan.

	<b>Medical</b>
Actuarial Accrued Liability (AAL)	\$ 774,095
Actuarial Value of Plan Assets	-
Unfunded Act. Accrued Liability (UAAL)	\$ 774,095
Funded Ratio (Act. Val. Assets/AAL)	0%
Covered Payroll (active plan members)	\$ 15,839,133
UAAL as a percentage of covered payroll	4.89%

The required schedule of funding progress immediately following the notes to the financial statements presents multiyear trend information about whether the actual value of plan assets are increasing or decreasing over time relative to the actuarial accrued liability for benefits. The projection of benefits for financial reporting purposes does not explicitly incorporate the potential effects of legal or contractual funding limitations.

**Actuarial Methods and Assumptions**

Actuarial valuations involve estimates of the value of reported amounts and assumptions about the probability of events far into the future. The actuarial valuation for post-employment benefits includes estimates and assumptions regarding (1) turnover rate; (2) retirement rate; (3) health care cost trend rate; (4) mortality rate; (5) discount rate (investment return assumption); and (6) the period to which the costs apply (past, current, or future years of service by employees). Actuarially determined amounts are subject to continual revision as actual results are compared to past expectations and new estimates are made about the future.

The actuarial calculations are based on the types of benefits provided under the terms of the substantive plan (the plan as understood by the City and its employee plan members) at the time of the valuation and on the pattern of sharing costs between the City and its plan members to that point. The projection of benefits for financial reporting purposes does not explicitly incorporate the potential effects of legal or contractual funding limitations on the pattern of cost sharing between



**NOTE 9 – POST-EMPLOYMENT BENEFITS (CONTINUED)**

**Actuarial Methods and Assumptions (continued)**

the City and plan members in the future. Consistent with the long-term perspective of actuarial calculations, the actuarial methods and assumptions used include techniques that are designed to reduce short-term volatility in actuarial liabilities and the actuarial value of assets.

**Actuarial cost method**

The ARC is determined using the projected unit credit cost method. The employer portion of the cost for retiree medical care in each future year is determined by projecting the current cost levels using the healthcare cost trend rate and discounting this projected amount to the valuation date using the other described pertinent actuarial assumptions, including the investment return assumption (discount rate), mortality, and turnover.

**Actuarial value of plan assets**

Since the OPEB obligation has not as yet been funded, there are not any assets. It is anticipated that in future valuations, should funding take place, a smoothed market value consistent with Actuarial Standards Board Actuarial Standards of Practice Number 6 (ASOP 6), as provided in paragraph number 125 of GASB Statement 45 will be used.

**Turnover rate**

An age-related turnover scale based on actual experience as described by administrative staff has been used. The rates, when applied to the active employee census, produce a composite average annual turnover of approximately 10%. It has further been assumed that 43% of retirees decline medical coverage at retirement and that an additional 27% defer retirement until Medicare eligibility.

**Post-employment benefit plan eligibility requirements**

Based on past experience, it has been assumed that entitlement to benefits will commence three years after initial eligibility to retire. Medical benefits are provided to employees upon actual retirement. The retirement eligibility provisions are as follows: 10 years of consecutive service and attainment of age 60; or, 25 years of service and attainment of age 55. In addition, "Tier II" retirement plan members (those hired on and after January 1, 2013) would not be eligible to retire before age 62. Medical benefits are provided to employees upon actual retirement.

**Investment return assumption (discount rate)**

GASB Statement 45 states that the investment return assumption should be the estimated long-term investment yield on the investments that are expected to be used to finance the payment of benefits. As of September 30, 2016, the City has allocated \$158,136 in the General Fund for future funding of benefits. Since the City intends to transfer these funds to its post-employment benefits plan at a future date, the valuation has been calculated using a 4% annual investment return assumption.

**NOTE 9 – POST-EMPLOYMENT BENEFITS (CONTINUED)**

**Health care cost trend rate**

The expected rate of increase in medical cost is based on a graded schedule beginning with 8% annually, down to an ultimate annual rate of 5.0% for ten years out and later.

**Mortality rate**

The 1994 Group Annuity Reserving (94GAR) table, projected to 2002, based on a fixed blend of 50% of the unloaded male mortality rate and 50% of the unloaded female mortality rates, is used. This is a published mortality table which was designed to be used in determining the value of accrued benefits in defined benefit pension plans.

**Method of determining value of benefits**

The "value of benefits" has been assumed to be the portion of the premium after retirement date expected to be paid by the employer for each retiree and has been used as the basis for calculating the actuarial present value of OPEB benefits to be paid. The employer pays a portion of the medical insurance premiums which are "unblended" as required by GASB 45 for valuation purposes. The portion of the total retiree medical premium (single or family coverage) paid by the employer is 2.5% times the total years of service at retirement, subject to a maximum of 87.5%, a minimum dollar amount of \$240 per month, and a maximum dollar amount of \$600 per month. The employer does not pay for coverage after Medicare eligibility (age 65).

**Inflation rate**

Included in both the Investment Return Assumption and the Healthcare Cost Trend rates above is an implicit inflation assumption of 2.50% annually.

**Projected salary increases**

This assumption is not applicable since neither the benefit structure nor the valuation methodology involves salary.

**Post-retirement benefit increases**

The plan benefit provisions in effect for retirees as of the valuation date have been used and it has been assumed for valuation purposes that there will not be any changes in the future.

Below is a summary of OPEB cost and contributions for the last three fiscal calendar years:

	<b>OPEB Costs and Contributions</b>			
	FY 2013	FY 2014	FY 2015	FY 2016
OPEB Cost	\$ 85,967	\$ 89,492	\$ 81,669	\$ 82,300
Contribution	-	-	-	-
Retiree premium	92,854	100,282	78,996	80,000
Total contribution and premium	92,854	100,282	78,996	80,000
Change in net OPEB obligation	\$ (6,887)	\$ (10,790)	\$ 2,673	\$ 2,300

**NOTE 10 – DEFERRED COMPENSATION PLAN**

The City offers its employees deferred compensation plans created in accordance with Internal Revenue Code (IRC) Section 457. The plans, available to all City employees, permit them to defer a portion of their salary until future years. The deferred compensation is payable to employees upon termination, retirement, death, or unforeseen emergency.

It is the opinion of the City's legal counsel that the City has no liability for losses under the plans. Under the plans, participants select investments from alternatives offered by the plan administrators, who are under contract with the City to manage the plans. Investment selection by a participant may be changed from time to time. The City manages none of the investment selections. By making the selection, enrollees accept and assume all risks that pertain to the particular plan and its administration.

The City placed the deferred compensation plans' assets into trust for the exclusive benefit of the plans participants' and beneficiaries' in accordance with Governmental Accounting Standards Board (GASB) Statement No. 32, Accounting and Financial Reporting for Internal Revenue Code Section 457 Deferred Compensation Plans.

The City has little administrative involvement and does not perform the investing function for the plans. The City does not hold the assets in a trustee capacity and does not perform fiduciary accountability for the plans. Therefore, the City employees' deferred compensation plans created in accordance with IRC 457 are not reported in the financial statements of the City.

**NOTE 11 – CONTINGENCIES AND COMMITMENTS**

**A. Litigation**

Several suits have been filed and are pending against the City. In the opinion of management and the City's attorney, these matters are either without merit, are covered by insurance or involve amounts that would not have a material adverse effect on the City's financial statements.

**B. Project commitments**

As of September 30, 2016, the City had executed contracts for various project commitments in the amount of \$8,493,490. At year end, \$3,077,438 had been expended on these construction contracts with \$1,114,992 assigned in the Fund financial statements.

**NOTE 12 – FUTURE ACCOUNTING PRONOUNCEMENTS**

The Governmental Accounting Standards Board has issued statements that will become effective in subsequent fiscal years. The statements address:

- Amendments to accounting and financial reporting for pensions;

**NOTE 12 – FUTURE ACCOUNTING PRONOUNCEMENTS (CONTINUED)**

- GAAP hierarchy;
- Tax abatement disclosures;
- Financial reporting and accounting related to other post-employment benefits and
- Certain asset retirement obligations.
- Certain debt extinguishment issues

The City is currently evaluating the effects that these statements will have on its financial statements for subsequent fiscal years.

**NOTE 13 – SUBSEQUENT EVENT**

On May 31, 2017 the City issued General Obligation Warrants Series 2017 to purchase property in the amount of \$9,100,000.

## **Required Supplementary Information**

**City of Vestavia Hills, Alabama**  
**Statement of Revenues, Expenditures, and Changes in Fund Balances**  
**Budget to Actual—General Fund**

*Year ended September 30, 2016*

	<b>Budget - Original and Final</b>	<b>General Fund Actual</b>	<b>Variance</b>
<b>Revenues</b>			
Taxes	\$ 26,730,262	\$ 27,645,092	\$ 914,830
Licenses and permits	4,193,148	4,228,918	35,770
Charges for services	384,650	362,092	(22,558)
Fines and forfeitures	419,628	410,475	(9,153)
Fees	2,868,255	2,774,763	(93,492)
Grants	514,392	547,717	33,325
Proceeds from sale of assets	12,000	42,483	30,483
Investment revenues	71,778	99,568	27,790
Other revenues	604,771	664,333	59,562
<b>Total revenues</b>	<b>35,798,884</b>	<b>36,775,441</b>	<b>976,557</b>
<b>Expenditures</b>			
General government administration	5,737,131	5,988,377	(251,246)
Public safety	16,722,288	16,415,405	306,883
Public works	6,655,245	6,957,917	(302,672)
Library	1,720,669	1,643,715	76,954
Capital outlay	188,000	206,850	(18,850)
<b>Total expenditures</b>	<b>31,023,333</b>	<b>31,212,264</b>	<b>(188,931)</b>
<b>Excess of revenues over expenditures</b>	<b>4,775,551</b>	<b>5,563,177</b>	<b>787,626</b>
<b>Other financing sources (uses)</b>			
Operating transfers out	(4,774,151)	(5,119,307)	(345,156)
<b>Total other financing sources (uses)</b>	<b>(4,774,151)</b>	<b>(5,119,307)</b>	<b>(345,156)</b>
<b>Excess of revenues and other financing sources over (under) expenditures</b>	<b>1,400</b>	<b>443,870</b>	<b>442,470</b>
<b>Fund balances, beginning of year</b>	<b>9,063,351</b>	<b>13,017,649</b>	<b>3,954,298</b>
<b>Fund balances, end of year</b>	<b>\$ 9,064,751</b>	<b>\$ 13,461,519</b>	<b>\$ 4,396,768</b>

**City of Vestavia Hills, Alabama**  
**Schedule of Changes in the Net Pension Liability**  
**and Related Ratios**  
**(As of Measurement Date)**

	2015	2014
<b>Total pension liability</b>		
Service Cost	\$ 1,319,081	\$ 1,277,907
Interest	4,970,899	4,747,042
Changes in benefit terms	-	-
Differences between expected and actual experience	2,132,828	-
Changes of assumptions	-	-
Benefit payments, including refunds of employee contributions	(3,390,895)	(3,062,574)
<b>Net change in total pension liability</b>	5,031,913	2,962,375
<b>Total pension liability - beginning</b>	63,831,684	60,869,309
<b>Total pension liability - ending (a)</b>	\$ 68,863,597	\$ 63,831,684
<b>Plan Fiduciary Net Position</b>		
Contributions - employer	\$ 1,777,403	\$ 1,750,292
Contributions - employee	916,651	851,524
Net investment income	532,576	4,842,808
Benefit payments, including refunds of employee contributions	(3,390,895)	(3,062,574)
Transfers among employers	235,587	245,477
<b>Net change in plan fiduciary net position</b>	71,322	4,627,527
<b>Plan net position - beginning</b>	45,121,543	40,494,016
<b>Plan net position - ending (b)</b>	\$ 45,192,865	\$ 45,121,543
<b>Net pension liability - ending (a) - (b)</b>	\$ 23,670,732	\$ 18,710,141
<b>Plan fiduciary net position as a percentage of total pension liability</b>	65.63%	70.69%
<b>Covered employee payroll*</b>	\$ 15,248,055	\$ 14,710,190
<b>Net pension liability as a percentage of covered employee payroll</b>	155.24%	127.19%

\*Employer's covered payroll during the measurement period is the total covered payroll. For FY 2016 the measurement period is October 1, 2014-September 30, 2015.

**City of Vestavia Hills, Alabama**  
**Schedule of Employer Contributions**  
**(As of Fiscal Year End)**

	<b>2016</b>	<b>2015</b>
Actuarially Determined Contribution	\$ 1,911,298	\$ 1,829,808
Employer Contributions to Pension Plan	1,911,298	1,829,808
Annual Contribution Deficiency (Excess)	\$ -	\$ -
Covered Employee Payroll*	\$ 15,839,133	\$ 15,248,055
Employer Contributions to Pension Plan as a % of Covered Employee Payroll	12.07%	12.00%

\*Employer's covered payroll for the year ending 2016 is the total covered payroll for the 12 month period underlying the financial statement.



**City of Vestavia Hills, Alabama**  
**Other Post-Employment Benefits**  
**Funding Progress and Trend Information**

**Post-employment benefits (See Note 9)**

The following table shows the City's annual other post-employment benefits (OPEB) cost, percentage of the cost contributed, and the net unfunded OPEB liability (asset):

Post Employment Benefit	Fiscal Year Ended	Annual OPEB Cost	Percentage	Net OPEB Obligation (Asset)
			of Annual Cost Contributed	
Medical	September 30, 2013	85,967	108.01%	(56,565)
Medical	September 30, 2014	89,492	112.06%	(67,355)
Medical	September 30, 2015	81,669	96.73%	(64,682)
Medical	September 30, 2016	82,300	98.42%	(62,382)

**Funded status and funding progress**

In the fiscal year ending September 30, 2016, the City made no contributions to its post-employment benefits plan. The plan was not funded at all, has no assets, and hence has a funded ratio of zero. As of October 1, 2015, the most recent actuarial valuation, the AAL was \$774,095, which is defined as that portion, as determined by a particular actuarial cost method (the City uses the projected unit credit cost method), of the actuarial present value of post-employment plan benefits and expenses which is not provided by normal cost. Since no plan funding has occurred through fiscal year 2014, the entire actuarial accrued liability of \$774,095 was unfunded.

The following is the schedule of funding progress obtained from the actuarial valuations:

Actuarial Valuation Date September 30	Actuarial Value of Assets (a)	Liability (AAL) -Entry age (b)	Unfunded AAL (UAAL) (b-a)	Funded Ratio (a/b)	Covered Payroll (c)	UAAL to Covered Payroll (b-a)/c)
2009	-	\$ 980,657	\$ 980,657	0.00%	\$ 13,981,608	7.01%
2010	-	980,657	980,657	0.00%	14,000,000	7.00%
2011	-	933,115	933,115	0.00%	11,006,562	8.48%
2012	-	970,440	970,440	0.00%	13,597,707	7.14%
2013	-	875,360	875,360	0.00%	14,200,951	6.16%
2014	-	910,374	910,374	0.00%	14,046,113	6.48%
2015	-	774,095	774,095	0.00%	15,248,055	5.08%
2016	-	774,095	774,095	0.00%	15,839,133	4.89%

**City of Vestavia Hills, Alabama**  
**Notes to Required Supplementary Information**

**NOTE 1 – SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES**

**a. Budgets and budgetary accounting**

The City adopts annual budgets for the general fund, capital projects fund, and special revenue funds and such budgets are prepared on a basis consistent with generally accepted accounting principles. Any revisions that alter the total expenditures must be approved by the City Council. The budget of the General fund is presented in the Statement of Revenues, Expenditures and Changes in Fund Balance - Budget and Actual. Revenues collected for and submitted to the Board of Education were not budgeted since they were remitted to the Board as received.

The City does not adopt budgets for the Debt Service Fund.

Budget information presented in the financial statements is based on the original budget as adopted by the City Council on September 14, 2015.

**NOTE 2 – SCHEDULE OF CHANGES IN NET PENSION LIABILITY**

The total pension liabilities presented in these schedules were provided by the Retirement Systems of Alabama's actuarial consultants, Cavanaugh Macdonald Consulting, LLC. The net pension liability is measured as the total pension liability less the components of the plan net position reserved to fund the total pension liability. Those components are annuity savings and pension accumulation. The related ratios show plan net position as a percentage of the total pension liability and the net pension liability as a percentage of covered employee payroll.

**NOTE 3 – SCHEDULE OF EMPLOYER CONTRIBUTIONS**

Contributions were made in accordance with actuarially determined contribution requirements. The employer contribution rate expressed as a percent of payroll is determined annually by reviewing a variety of factors including benefits promised, member contributions, investment earnings, mortality, and withdrawal experience. The City's employer contribution rates for fiscal year ended September 30, 2015 were 12.32% for tier 1 employees (hired before January 1, 2013) and 10.38% for tier 2 employees (hired after January 1, 2013).

## **Supplementary Information**

**City of Vestavia Hills, Alabama**  
**Combining Balance Sheet—Other Governmental Funds**

*Year ended September 30, 2016*

	State Shared Gasoline Tax Funds			
	Four Cent	Five Cent	Seven Cent	Emergency 911
<b>Assets</b>				
Cash and temporary investments	\$ -	\$ -	\$ 249,743	\$ 211,372
Accounts receivable, net of allowance for uncollectibles	19,520	9,526	39,982	73,283
Interfund receivables	-	-	27,644	-
<b>Total assets</b>	<b>\$ 19,520</b>	<b>\$ 9,526</b>	<b>\$ 317,369</b>	<b>\$ 284,655</b>
<b>Liabilities</b>				
Accounts payable	\$ -	\$ -	\$ 30,396	\$ 6,902
Interfund payable	18,583	9,061	-	-
<b>Total liabilities</b>	<b>18,583</b>	<b>9,061</b>	<b>30,396</b>	<b>6,902</b>
<b>Fund equity</b>				
Fund balance:				
Restricted for road maintenance	937	465	286,973	-
Assigned	-	-	-	277,753
<b>Total fund equity</b>	<b>937</b>	<b>465</b>	<b>286,973</b>	<b>277,753</b>
<b>Total liabilities and fund equity</b>	<b>\$ 19,520</b>	<b>\$ 9,526</b>	<b>\$ 317,369</b>	<b>\$ 284,655</b>

<b>Court &amp; Corrections</b>	<b>Library</b>	<b>Vehicle Tags</b>	<b>Totals</b>
\$ 2,870	\$ 239,268	\$ 299,337	\$ 1,002,590
-	-	-	142,311
-	-	-	27,644
<b>\$ 2,870</b>	<b>\$ 239,268</b>	<b>\$ 299,337</b>	<b>\$ 1,172,545</b>

\$ 1,852	\$ 1,420	\$ 159,185	\$ 199,755
-	-	111,483	139,127
<b>1,852</b>	<b>1,420</b>	<b>270,668</b>	<b>338,882</b>

-	-	-	288,375
1,018	237,848	28,669	545,288
<b>1,018</b>	<b>237,848</b>	<b>28,669</b>	<b>833,663</b>
<b>\$ 2,870</b>	<b>\$ 239,268</b>	<b>\$ 299,337</b>	<b>\$ 1,172,545</b>

**City of Vestavia Hills, Alabama**  
**Combining Statement of Revenues, Expenditures, and Changes in**  
**Fund Balances—Other Governmental Funds**

*Year ended September 30, 2016*

	<b>State Shared Gasoline Tax Funds</b>		
	<b>Four Cent</b>	<b>Five Cent</b>	<b>Seven Cent</b>
<b>Revenues</b>			
Taxes	\$ 2,186	\$ -	\$ 648,432
License and permits	-	-	-
Intergovernmental	212,174	104,562	343,494
Fines and forfeitures	-	-	-
Grants	-	-	-
Investment revenues	-	-	5
Library revenues	-	-	-
<b>Total revenues</b>	<b>214,360</b>	<b>104,562</b>	<b>991,931</b>
<b>Expenditures</b>			
General government administration	-	-	-
Public safety	-	-	-
Public works	214,027	104,408	596,339
Library	-	-	-
Debt service	-	-	-
Capital outlay	-	-	-
<b>Total expenditures</b>	<b>214,027</b>	<b>104,408</b>	<b>596,339</b>
<b>Excess of revenues over (under) expenditures</b>	<b>333</b>	<b>154</b>	<b>395,592</b>
<b>Other financing sources (uses)</b>			
Operating transfers in	-	-	-
Other financing sources-capital lease	-	-	-
<b>Total other financing sources (uses)</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Excess of revenues and other sources over expenditures and other uses</b>	<b>333</b>	<b>154</b>	<b>395,592</b>
<b>Fund balance, beginning of year</b>	<b>604</b>	<b>311</b>	<b>(108,619)</b>
<b>Fund balance, end of year</b>	<b>\$ 937</b>	<b>\$ 465</b>	<b>\$ 286,973</b>

<b>Emergency 911</b>	<b>Court &amp; Corrections</b>	<b>Library</b>	<b>Vehicle Tags</b>	<b>Totals</b>
\$ 816,559	\$ -	\$ -	\$ -	\$ 1,467,177
-	-	-	113,021	113,021
-	-	-	-	660,230
-	488,968	-	-	488,968
-	-	19,004	-	19,004
-	94	244	117	460
-	-	102,112	-	102,112
<b>816,559</b>	<b>489,062</b>	<b>121,360</b>	<b>113,138</b>	<b>2,850,972</b>
-	411,852	-	114,597	526,449
632,535	212,946	-	-	845,481
-	-	-	-	914,774
-	-	73,067	-	73,067
108,446	-	-	-	108,446
554,671	61,117	140,923	-	756,711
<b>1,295,652</b>	<b>685,915</b>	<b>213,990</b>	<b>114,597</b>	<b>3,224,928</b>
<b>(479,093)</b>	<b>(196,853)</b>	<b>(92,630)</b>	<b>(1,459)</b>	<b>(373,956)</b>
-	27,128	-	-	27,128
448,305	-	-	-	448,305
<b>448,305</b>	<b>27,128</b>	<b>-</b>	<b>-</b>	<b>475,433</b>
(30,788)	(169,725)	(92,630)	(1,459)	101,477
<b>308,541</b>	<b>170,743</b>	<b>330,478</b>	<b>30,128</b>	<b>732,186</b>
<b>\$ 277,753</b>	<b>\$ 1,018</b>	<b>\$ 237,848</b>	<b>\$ 28,669</b>	<b>\$ 833,663</b>

July 21, 2017

To the City Council  
Vestavia Hills, Alabama

We have audited the financial statements of the governmental activities, the aggregate discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Vestavia (the "City") for the year ended September 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated September 1, 2016. Professional standards also require that we communicate to you the following information related to our audit.

#### Significant Audit Findings

##### *Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the Board are described in Note 1 to the financial statements. No new accounting policies were adopted and the application of existing policies was not changed during 2016. We noted no transactions entered into by the Board during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City's financial statements were:

The estimate of deferred outflows/inflows of resources, net pension liability, and pension expense. These estimates are prepared by the RSA's actuaries based on the information provided by participating employers.

Management's estimate of the residual value of capital assets based on the City's depreciation policy and management's approximation of the remaining useful lives of the assets. We evaluated the City's annual depreciation expense and other key factors used to develop the residual value of capital assets in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the liability to the Jefferson County Personnel Board is based on the City's estimate of actual amount due. We evaluated the key factors and assumptions used to develop the balance in determining that it is reasonable in relation to the financial statements taken as a whole.



Certain financial statement disclosures are particularly sensitive because of their significance to financial statement users. The most sensitive disclosure affecting the financial statements was:

The disclosure of the City's post-employment benefits other than pensions in Note 9 to the financial statements. These disclosures contain actuarial assumptions and valuations that may differ from actual results.

The financial statement disclosures are neutral, consistent, and clear.

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

*Disagreements with Managements*

For purposes of this letter, professional standards define a disagreement with management as a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated July 21, 2017.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

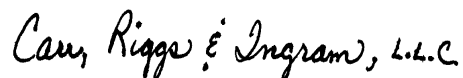
We applied certain limited procedures to the budgetary comparison schedule, the schedule of the City's proportionate share of the net pension liability, and the schedule of City contributions, which is required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

We were engaged to report on the supplementary information, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

Restriction on Use

This information is intended solely for the use of the City Council and management of the City and is not intended to be and should not be used by anyone other than these specified parties.

Very truly yours,



Carr, Riggs & Ingram, L.L.C.  
Birmingham, Alabama



Carr, Riggs & Ingram, LLC  
3700 Colonnade Parkway  
Suite 300  
Birmingham, AL 35243  
  
(205) 933-7822  
(205) 933-7944 (fax)  
www.cricpa.com

**Independent Auditor’s Report on Internal Control Over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards***

To the City Council  
City of Vestavia Hills, Alabama

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, each major fund, and the aggregate remaining fund information of City of Vestavia Hills, Alabama (the City), as of and for the year ended September 30, 2016, and the related notes to the financial statements, which collectively comprise the City’s basic financial statements and have issued our report thereon dated July 21, 2017.

**Internal Control over Financial Reporting**

In planning and performing our audit of the financial statements, we considered the City’s internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City’s internal control. Accordingly, we do not express an opinion on the effectiveness of the City’s internal control.

*A deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity’s financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

**Compliance and Other Matters**

As part of obtaining reasonable assurance about whether the City’s financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those

provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

**Purpose of this Report**

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

*Carr, Riggs & Ingram, L.L.C.*

Birmingham, Alabama  
July 21, 2017

**RESOLUTION NUMBER 4972**

**A RESOLUTION DETERMINING THAT CERTAIN  
PERSONAL PROPERTY IS NOT NEEDED FOR  
PUBLIC OR MUNICIPAL PURPOSES AND  
DIRECTING THE SALE/DISPOSAL OF SAID  
SURPLUS PROPERTY**

**WITNESSETH THESE RECITALS**

**WHEREAS**, the City of Vestavia Hills, Alabama, is the owner of personal property detailed in the attached "Exhibit A"; and

**WHEREAS**, the City has determined that it would be in the best public interest to sell or dispose of said property.

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

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 4972 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, APPROVED and ADOPTED** on this the 14<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# “EXHIBIT A”

**From:** Keith Blanton <[kblanton@vhal.org](mailto:kblanton@vhal.org)>  
**Date:** August 1, 2017 at 7:39:05 AM CDT  
**To:** Mark Salter <[msalter@vhal.org](mailto:msalter@vhal.org)>, Rebecca Leavings <[rleavings@vhal.org](mailto:rleavings@vhal.org)>  
**Subject: RE: Surplus Vehicle**

Sounds great to me.



**KEITH BLANTON, CBO, MCP**  
Building Official  
P 205 978 0125 | [vhal.org](http://vhal.org)  
City of Vestavia Hills

  [WWW.ALIFEABOVE.ORG](http://WWW.ALIFEABOVE.ORG)

**From:** Mark Salter  
**Sent:** Tuesday, August 01, 2017 7:24 AM  
**To:** Rebecca Leavings  
**Cc:** Keith Blanton  
**Subject:** Surplus Vehicle

I would like to have declared surplus the following vehicle for sale on [govdeals.com](http://govdeals.com);  
2009 Dodge Nitro SE, VIN# 1D8GT28K19W518279, 129215 current miles. Thanks

**RESOLUTION NUMBER 4973**

**A RESOLUTION APPROVING ALCOHOL LICENSE FOR  
MD ALABAMA, LLC, D/B/A METRO DINER; TRAVIS  
ANTHONY GRAPPO, CARL WALTER SAHLSTEN, JR.  
AND CHRIS THOMAS SULLIVAN, EXECUTIVES**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for MD Alabama, LLC, D/B/A Metro Diner, located at 1088 Montgomery Highway, Vestavia Hills, Alabama, for the sale of 040 - Restuarant Beer (On or Off Premises) and 060 - Retail Table Wine (On or Off Premises); Travis Anthony Grappo, Carl Walter Sahlsten, Jr. and Chris Thomas Sullivan, executives.

**APPROVED and ADOPTED** this the 14th day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# EXHIBIT A

## INTEROFFICE MEMORANDUM

**DATE:** 8/7/17

**TO:** Dan Rary, Police Chief

**FROM:** Wendy Dickerson, Deputy City Clerk

**RE:** Alcohol License Request – 040 - Restuarant Beer (On or Off Premises) and 060 - Retail Table Wine (On or Off Premises)


Please find attached information submitted by Travis Anthony Grappo, Carl Walter Sahlsten, Jr. and Chris Thomas Sullivan who request an alcohol license to sell 040 - Restuarant Beer (On or Off Premises) and 060 - Retail Table Wine (On or Off Premises) at the MD Alabama, LLC, D/B/A Metro Diner, 1088 Montgomery Highway, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 14th day of August, 2017 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

---

### Reply

I have reviewed the available background information on the above referenced applicant and submit the following to the City Council:

	<i>Application cleared by P.D. This indicates that there are <b>NO</b> convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>
	<i>Needs further review. This indicates that the Police Chief has found records of some convictions of alcohol related arrests</i>
	<i>Does not recommend. This indicates that the Police Chief has found records of convictions for drug trafficking, convictions regarding arrest involving danger to children, weapon charges, violent felony crimes against persons, felony sexual offenses or habitual alcohol related arrests</i>

Reviewed: \_\_\_\_\_







**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20170803141242471**

**Type License:** 040 - RETAIL BEER (ON OR OFF PREMISES)    **State:** \$150.00    **County:** \$75.00

**Type License:** 060 - RETAIL TABLE WINE (ON OR OFF PREMISES)    **State:** \$150.00    **County:** \$75.00

**Trade Name:** METRO DINER

**Filing Fee:** \$100.00

**Applicant:** MD ALABAMA LLC

**Transfer Fee:**

**Location Address:** 1088 MONTGOMERY HWY    VESTAVIA HILLS, AL 35216

**Mailing Address:** 1511 N WESTSHORE BLVD ; SUITE 750    TAMPA, FL 33607

**County:** JEFFERSON    **Tobacco sales:** NO

**Tobacco Vending Machines:**

**Type Ownership:** LLC

**Book, Page, or Document info:** 379-920

**Date Incorporated:** 04/05/2016    **State incorporated:** FL

**County Incorporated:** HILLSBOROUGH

**Date of Authority:** 01/10/2017

**Alabama State Sales Tax ID:** R009577853

**Federal Tax ID:** 37-1824642

<b>Name:</b>	<b>Title:</b>	<b>Date and Place of Birth:</b>	<b>Residence Address:</b>
TRAVIS ANTHONY GRAPPO 8387772 - AL	MEMBER/JVP	01/31/1971 ORLANDO, FL	75 MT LAUREL AVE BIRMINGHAM, AL 35242
CARL WALTER SAHLSTEN JR S423139623730 - FL	MEMBER/CEO	10/13/1962 MIAMI, FL	12302 MARBLEHEAD DR TAMPA, FL 33626
CHRIS THOMAS SULLIVAN S415118480550 - FL	MEMBER/CO-CHAIRMAN	02/15/1948 LAKE CITY, FL	3507 BAYSHORE BLVD TAMPA, FL 33629

Has applicant complied with financial responsibility ABC RR 20-X-5-.14? YES

Does ABC have any actions pending against the current licensee? NO

Has anyone, including manager or applicant, had a Federal/State permit or license suspended or revoked? NO

Has a liquor, wine, malt or brewed license for these premises ever been denied, suspended, or revoked? NO

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? NO

Are any of the applicants, whether individual, member of a partnership or association, or officers and directors of a corporation itself, in any manner monetarily interested, either directly or indirectly, in the profits of any other class of business regulated under authority of this act? NO

Does applicant own or control, directly or indirectly, hold lien against any real or personal property which is rented, leased or used in the conduct of business by the holder of any vinous, malt or brewed beverage, or distilled liquors permit or license issued under authority of this act? NO

Is applicant receiving, either directly or indirectly, any loan, credit, money, or the equivalent thereof from or through a subsidiary or affiliate or other licensee, or from any firm, association or corporation operating under or regulated by the authority of this act? NO

**Contact Person:** TRAVIS GRAPPO

**Home Phone:** 205-919-8757

**Business Phone:** 205-919-8757

**Cell Phone:** 205-919-8757

**Fax:**

**E-mail:** TGRAPPO@METRODINER.COM

**PREVIOUS LICENSE INFORMATION:**

**Trade Name:**

**Previous License Number(s)**

**Applicant:**

**License 1:**

**License 2:**



**STATE OF ALABAMA**  
**ALCOHOLIC BEVERAGE CONTROL BOARD**  
**ALCOHOL LICENSE APPLICATION**



**Confirmation Number: 20170803141242471**

If applicant is leasing the property, is a copy of the lease agreement attached? **YES**  
 Name of Property owner/lessor and phone number: **VESTAVIA PLAZA LLC 205-939-4440**  
 What is lessors primary business? **REAL ESTATE**  
 Is lessor involved in any way with the alcoholic beverage business? **NO**  
 Is there any further interest, or connection with, the licensee's business by the lessor? **NO**

Does the premise have a fully equipped kitchen? **YES**  
 Is the business used to habitually and principally provide food to the public? **YES**  
 Does the establishment have restroom facilities? **YES**  
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? **YES**

Will the business be operated primarily as a package store? **NO**  
 Building Dimensions Square Footage: **4800** Display Square Footage:  
 Building seating capacity: **126** Does Licensed premises include a patio area? **YES**  
 License Structure: **SHOPPING CENTER** License covers: **PORTION OF**  
 Location is within: **CITY LIMITS** Police protection: **CITY**

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:



# STATE OF ALABAMA

## ALCOHOLIC BEVERAGE CONTROL BOARD

### ALCOHOL LICENSE APPLICATION



**Confirmation Number: 20170803141242471**

**Initial each**

**Signature page**

In reference to law violations, I attest to the truthfulness of the responses given within the application.

In reference to the Lease/property ownership, I attest to the truthfulness of the responses given within the application.

In reference to ACT No. 80-529, I understand that if my application is denied or discontinued, I will not be refunded the filing fee required by this application.

In reference to Special Retail or Special Events retail license, I agree to comply with all applicable laws and regulations concerning this class of license, and to observe the special terms and conditions as indicated within the application.

In reference to the Club Application information, I attest to the truthfulness of the responses given within the application.

In reference to the transfer of license/location, I attest to the truthfulness of the information listed on the attached transfer agreement.

In accordance with Alabama Rules & Regulations 20-X-5-.01(4), any social security number disclosed under this regulation shall be used for the purpose of investigation or verification by the ABC Board and shall not be a matter of public record.

The undersigned agree, if a license is issued as herein applied for, to comply at all times with and to fully observe all the provisions of the Alabama Alcoholic Beverage Control Act, as appears in Code of Alabama, Title 28, and all laws of the State of Alabama relative to the handling of alcoholic beverages.

The undersigned, if issued a license as herein requested, further agrees to obey all rules and regulations promulgated by the board relative to all alcoholic beverages received in this State. The undersigned, if issued a license as herein requested, also agrees to allow and hereby invites duly authorized agents of the Alabama Alcoholic Beverage Control Board and any duly commissioned law enforcement officer of the State, County or Municipality in which the license premises are located to enter and search without a warrant the licensed premises or any building owned or occupied by him or her in connection with said licensed premises. The undersigned hereby understands that he or she violate any provisions of the aforementioned laws his or her license shall be subject to revocation and no license can be again issued to said licensee for a period of one year. The undersigned further understands and agrees that no changes in the manner of operation and no deletion or discontinuance of any services or facilities as described in this application will be allowed without written approval of the proper governing body and the Alabama Alcoholic Beverage Control Board.

I hereby swear and affirm that I have read the application and all statements therein and facts set forth are true and correct, and that the applicant is the only person interested in the business for which the license is required.

Applicant Name (print): *Todd Tanniello*

Signature of Applicant: *[Handwritten Signature]*

Notary Name (print): *Valencia Johnson*

Notary Signature: *Valencia Johnson* Commission expires: *4-22-18*

<b>Application Taken:</b>	<b>App. Inv. Completed:</b>	<b>Forwarded to District Office:</b>
<b>Submitted to Local Government:</b>	<b>Reviewed by Supervisor:</b>	<b>Received from Local Government:</b>
<b>Received in District Office:</b>		<b>Forwarded to Central Office:</b>

**ORDINANCE NUMBER 2725**

**ANNEXING CERTAIN TERRITORY TO THE  
CORPORATE LIMITS OF THE CITY OF  
VESTAVIA HILLS, ALABAMA.**

**WHEREAS**, on the 24th day of April, 2017, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

**WHEREAS**, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

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

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

3308 Misty Lane  
Lot 1, The Woods at Rocky Ridge  
Will and Jill Smith, Owner(s)

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof with the Probate Judge of Jefferson County, Alabama.

**ADOPTING and APPROVED** this the 28th day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

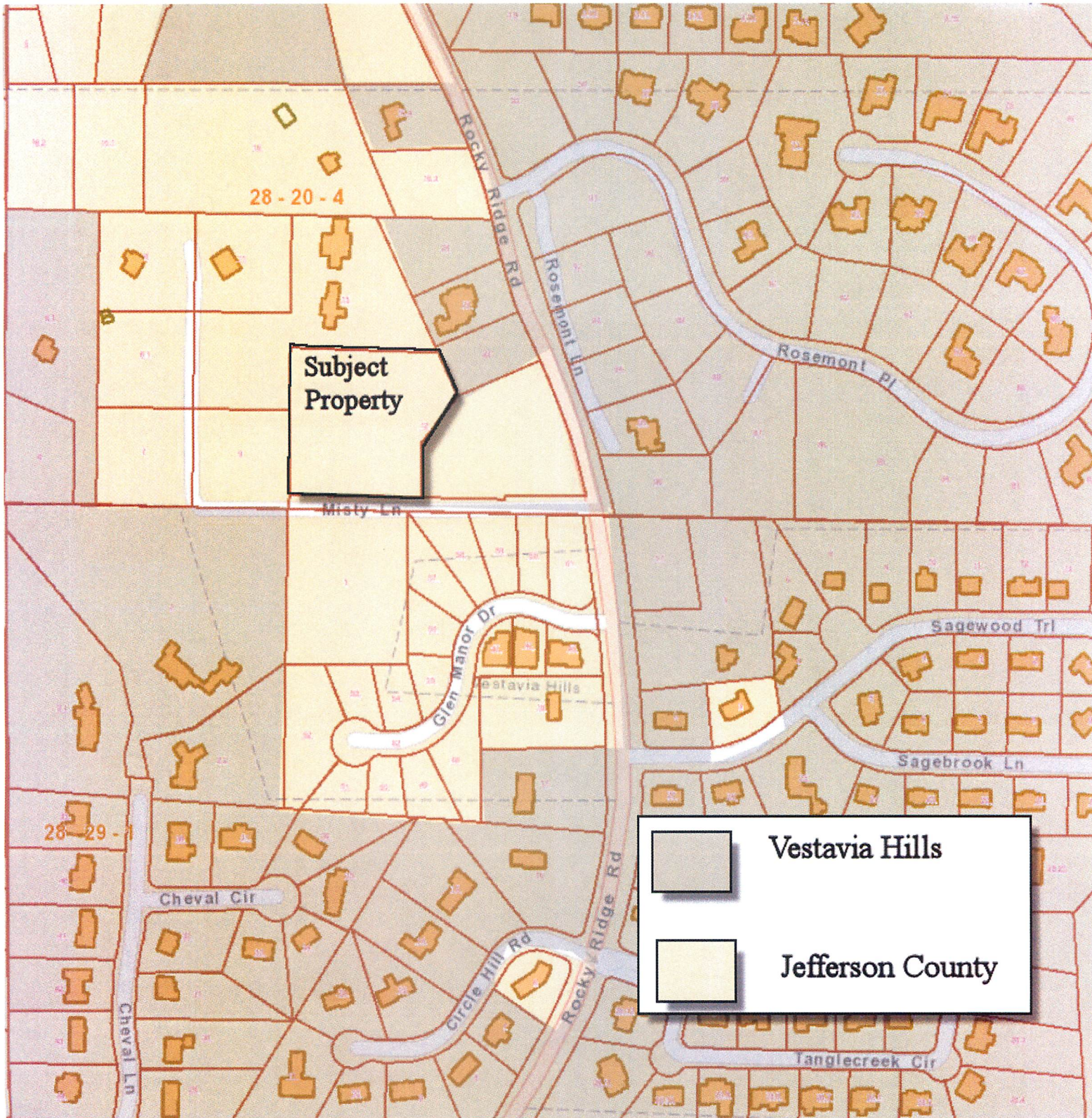
Rebecca Leavings  
City Clerk

**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 # 2725 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 August, 2017, 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 \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk



**PARCEL #:** 28 00 20 4 002 012.000  
**OWNER:** SMITH JILL R  
**ADDRESS:** 3308 MISTY LN BIRMINGHAM AL 35243  
**LOCATION:** 3308 MISTY LN AL 35243

[ 111-A+ ] Baths: 3.5 H/C Sqft: 4,460  
 18-011.0 Bed Rooms: 4 Land Sch: A414  
 Land: 214,500 Imp: 560,700 Total: 775,200  
 Acres: 0.000 Sales Info: 08/13/2014  
 \$425,000

<< Prev Next >> [ 1 / 0 Records ] Processing...

Tax Year : 2016

[SUMMARY](#) [LAND](#) [BUILDINGS](#) [SALES](#) [PHOTOGRAPHS](#) [MAPS](#)

**SUMMARY**

**ASSESSMENT**

PROPERTY CLASS: 3 OVER 65 CODE:  
 EXEMPT CODE: 2-2 DISABILITY CODE:  
 MUN CODE: 01 COUNTY HS YEAR: 2016  
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00  
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1  
 CLASS USE: FOREST ACRES: 0 TAX SALE:  
 PREV YEAR VALUE: \$214,500.00 BOE VALUE: 0

**VALUE**

LAND VALUE 10% \$214,500  
 LAND VALUE 20% \$0  
 CURRENT USE VALUE [DEACTIVATED] \$0  
**CLASS 2**  
**CLASS 3**  
 UTILITY WOOD OR 26WCCEX \$9,100  
 TENNIS COURT CO 46TCCON \$38,300  
 POOL GUNITE 30 29G0300 \$12,600  
 BLDG 001 111 \$500,700  
 TOTAL MARKET VALUE [APPR. VALUE: \$775,200]: \$775,200  
 Assesment Override:  
 MARKET VALUE:  
 CU VALUE:  
 PENALTY:  
 ASSESSED VALUE:

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	1	\$77,520	\$503.88	\$4,000	\$26.00	\$477.88
COUNTY	3	1	\$77,520	\$1,046.52	\$2,000	\$27.00	\$1,019.52
SCHOOL	3	1	\$77,520	\$635.66	\$0	\$0.00	\$635.66
DIST SCHOOL	3	1	\$77,520	\$0.00	\$0	\$0.00	\$0.00
CITY	3	1	\$77,520	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	1	\$77,520	\$395.35	\$0	\$0.00	\$395.35
SPC SCHOOL2	3	1	\$77,520	\$1,302.34	\$0	\$0.00	\$1,302.34

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$77,520.00

\$3,883.75

GRAND TOTAL: \$3,835.75

FULLY PAID

**DEEDS**

**PAYMENT INFO**

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
<a href="#">201416-3509</a>	8/13/2014	12/8/2016	2016	LERETA	\$3,835.75
<a href="#">9809-4585</a>	06/30/1998	11/20/2015	2015	LERETA	\$2,149.29
		12/30/2014	2014	DAVID P CONDON, PC	\$1,050.09
		1/15/2014	2013	BRUNO CAPITAL MANAGEMENT CORP	\$1,050.09

**Annexation Committee Petition Review**

Property: 3308 Misty Lane

Owners: Will and Jill Smith

Date: 1-23-17

1. The property in question is contiguous to the city limits.  
Yes  No  Comments: \_\_\_\_\_  
\_\_\_\_\_
2. The land use of the petitioned property is compatible with land use in the area.  
Yes  No  Comments: \_\_\_\_\_  
\_\_\_\_\_
3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.  
Yes  No  Comments \_\_\_\_\_  
\_\_\_\_\_
4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.  
Yes  No  Comments NARROW ROADWAY 12-14'  
NO PUBLIC TURN AROUND. DRIVEWAY GATE ENCROACHMENT
5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 115,200. Meets city criteria: Yes  No   
Comment: \_\_\_\_\_
6. This street has fewer than 100% of the individual properties within the limits of the city  
Yes  No   
Number of total homes 5 Number in city 1
7. Fire dues pursuant to Act #604 of the State of Alabama, and any other assessments on the property shall be the responsibility of the property owner, and their payment proven to the city.  
Agreed to by petitioner: Yes  No  Comment \_\_\_\_\_  
\_\_\_\_\_



Property: 3308 Misty Lane


8. A non-refundable administrative fee of \$100 has been paid to the city.  
Furthermore, voluntary contributions, including an application fee, of  
\$ \_\_\_\_\_ will be paid to offset costs associated with the annexation.  
Yes \_\_\_\_\_ No \_\_\_\_\_ Comment \_\_\_\_\_

9. Property is free and clear of hazardous waste, debris and materials.  
Yes  No \_\_\_\_\_ Comment \_\_\_\_\_

10. Are there any concerns from city departments?  
Yes  No \_\_\_\_\_ Comments: Engineering had concerns  
with width of street, 12-14', asphalt in  
poor condition, no drainage infra structure  
and driveway gate encroachment

11. Information on children: Number in family 0; Plan to enroll in VH  
schools Yes \_\_\_\_\_ No \_\_\_\_\_ Comments: \_\_\_\_\_

Other Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

  
\_\_\_\_\_  
George Pierce  
Chairman



STATE OF ALABAMA

JEFFERSON COUNTY

**PETITION FOR ANNEXATION TO THE  
CITY OF VESTAVIA HILLS, ALABAMA**

Date of Petition: Sept. 1, 2016

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

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are 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, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in JEFFERSON County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

The undersigned petitioners do 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.

We, the undersigned petitioners do also ask that the Honorable Mayor and City Council of the City of Vestavia Hills, Alabama, do all things necessary and requisite to comply with the terms of Act No. 32 of the Special Session of the Alabama Legislature of 1964.

Will Smith:

WILLSMITH15@GMAIL.COM

205-914-9455

**EXHIBIT "A"**

LOT: 1

BLOCK: \_\_\_\_\_

SURVEY: THE WOODS AT ROCKY RIDGE

RECORDED IN MAP BOOK 239, PAGE 57 IN THE  
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: E-1

COMPATIBLE CITY ZONING: E-2

LEGAL DESCRIPTION (METES AND BOUNDS):

Southwest QUARTER of the Southeast QUARTER  
of SECTION 20, TOWNSHIP 18 SOUTH, RANGE  
2 WEST JEFFERSON County ALABAMA.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals, or caused these presents to be executed by their duly authorized representatives, with full authority.

**SIGNATURE(S)**

**DESCRIPTION OF PROPERTY**

\_\_\_\_\_ Lot 1 Block \_\_\_\_\_ Survey THE WOODS AT ROCKY RIDGE  
\_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Survey \_\_\_\_\_  
\_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Survey \_\_\_\_\_

*(Use reverse side hereof for additional signatures and property descriptions, if needed).*

STATE OF ALABAMA

JEFFERSON COUNTY

Jim R. Smith being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

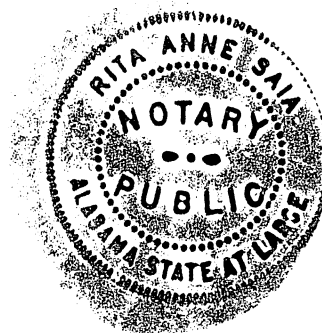
Jim R. Smith  
Signature of Certifier

Subscribed and sworn before me this the 6<sup>th</sup> day of September, 2016.

Rita Anne Saia  
Notary Public

My commission expires: 12/7/17

RITA ANNE SAIA  
Notary Public - State of Alabama  
My Commission Expires  
December 7, 2017



**EXHIBIT "B"**

**VESTAVIA HILLS BOARD OF EDUCATION**

**1204 Montgomery Highway  
 Vestavia Hills AL 35216**

*(To be completed by the City)*

Date of Annexation Petition \_\_\_\_\_ Action Taken: Grant \_\_\_\_\_  
 Deny \_\_\_\_\_

Resolution: Date: \_\_\_\_\_ Number: \_\_\_\_\_  
 Overnight Ordinance: Date: \_\_\_\_\_ Number: \_\_\_\_\_  
 90 Day Final Ordinance: Date: \_\_\_\_\_ Number: \_\_\_\_\_

*(To be completed by Homeowner)*

Name(s) of Homeowner(s): Jill R. Smith

Address: 3308 Misty Lane

City: Birmingham State: AL Zip: 35243

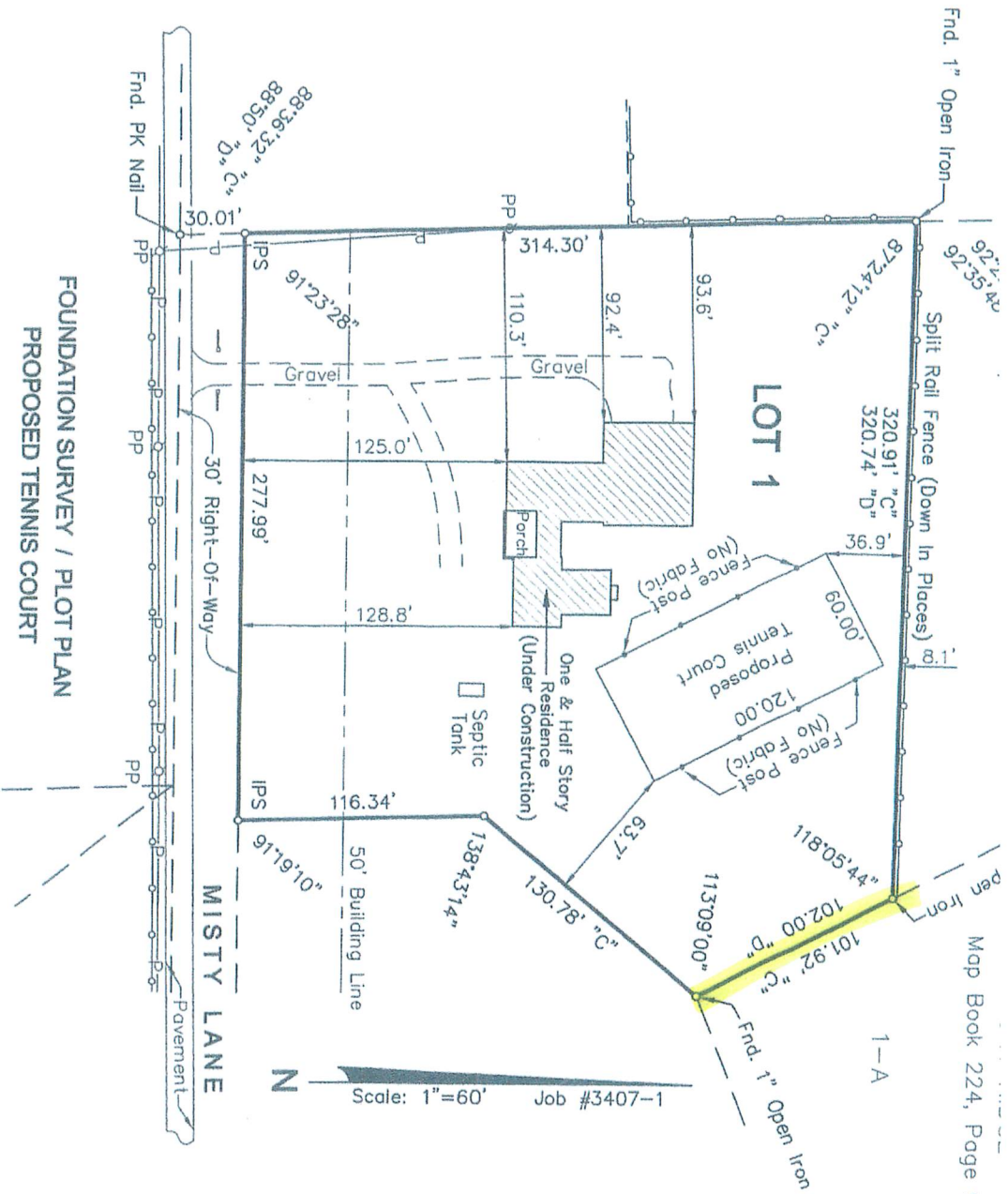
**Information on Children:**

*N/A*

**Plan to Enroll In  
 Vestavia Hills School?**

	<b>Name(s)</b>	<b>Age</b>	<b>School Grade</b>	<b>Yes</b>	<b>No</b>
1.					
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": \_\_\_\_\_



Description: LOT 1, THE WOODS AT ROCKY RIDGE, as recorded in Map Book 239, Page 57, in the Office of the Judge of Probate, Jefferson County, Alabama.

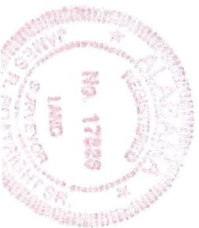
The correct address is: 3308 Misty Lane Birmingham, AL 35243

NOTE: IPS = Iron Pin Set (#5 Rebar)  
PP = Power Pole  
Fnd. = Found

STATE OF ALABAMA:  
JEFFERSON COUNTY:

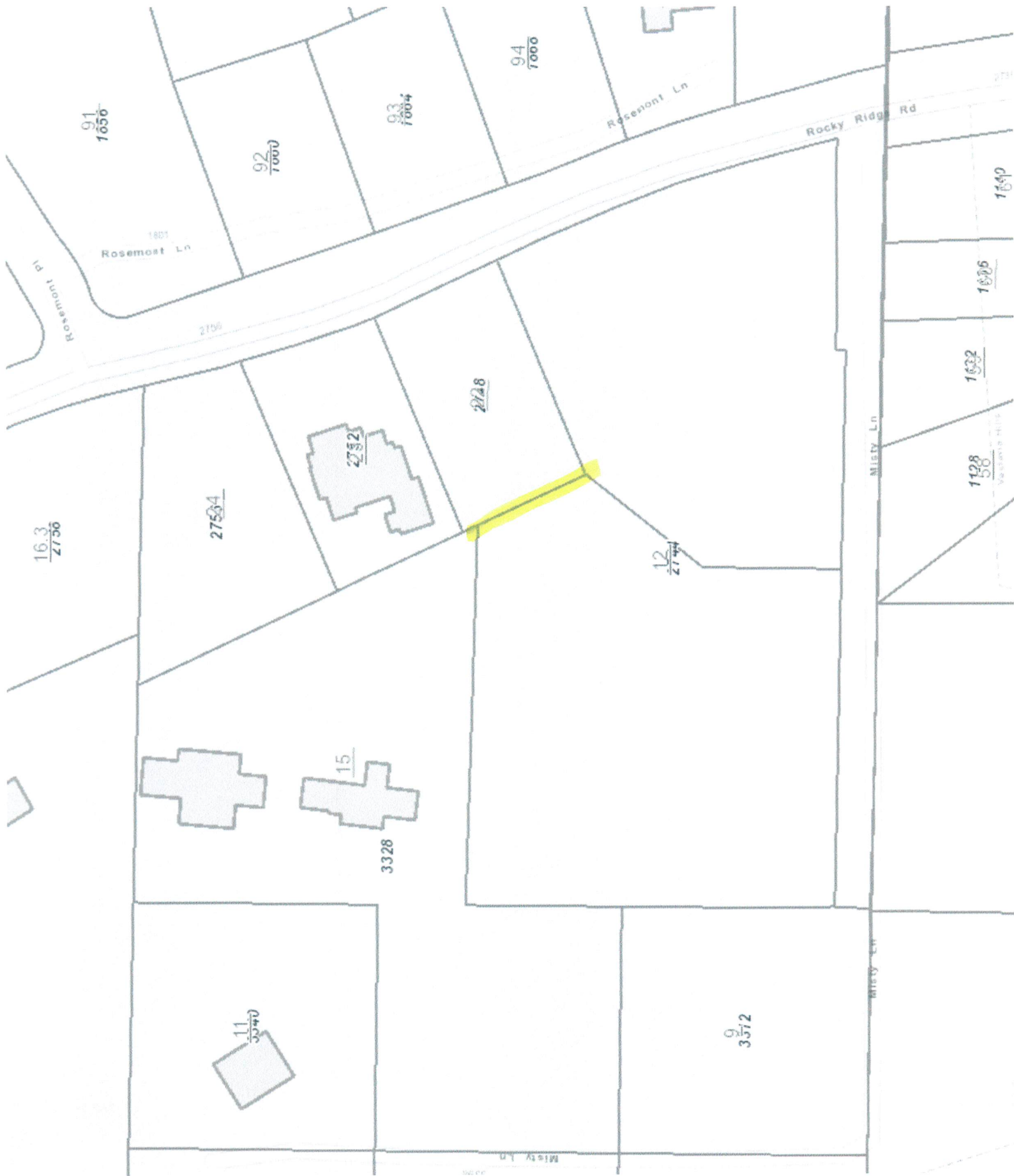
I, James R. Bootright, Sr., a Licensed Land Surveyor, do hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Land Surveying in the State of Alabama, to the best of my knowledge, information, and belief.

According to my survey this the 27th day of May, 2015



James R. Bootright, Sr., AL REG. NO. 17826  
704 Mary Vann Lane, Birmingham AL 35215  
Phone (205) 854-3669 Fax (205) 854-0071

80/78  
82/17  
82/73





**ORDINANCE NUMBER 2726**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM JEFFERSON COUNTY E-2 TO VESTAVIA HILLS R-1**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-2 (low density residential district) to Vestavia Hills R-1 (low density residential district):

3308 Misty Lane  
Lot 1, The Woods at Rocky Ridge  
Will and Jill Smith, Owner(s)

**APPROVED and ADOPTED** this the 28<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

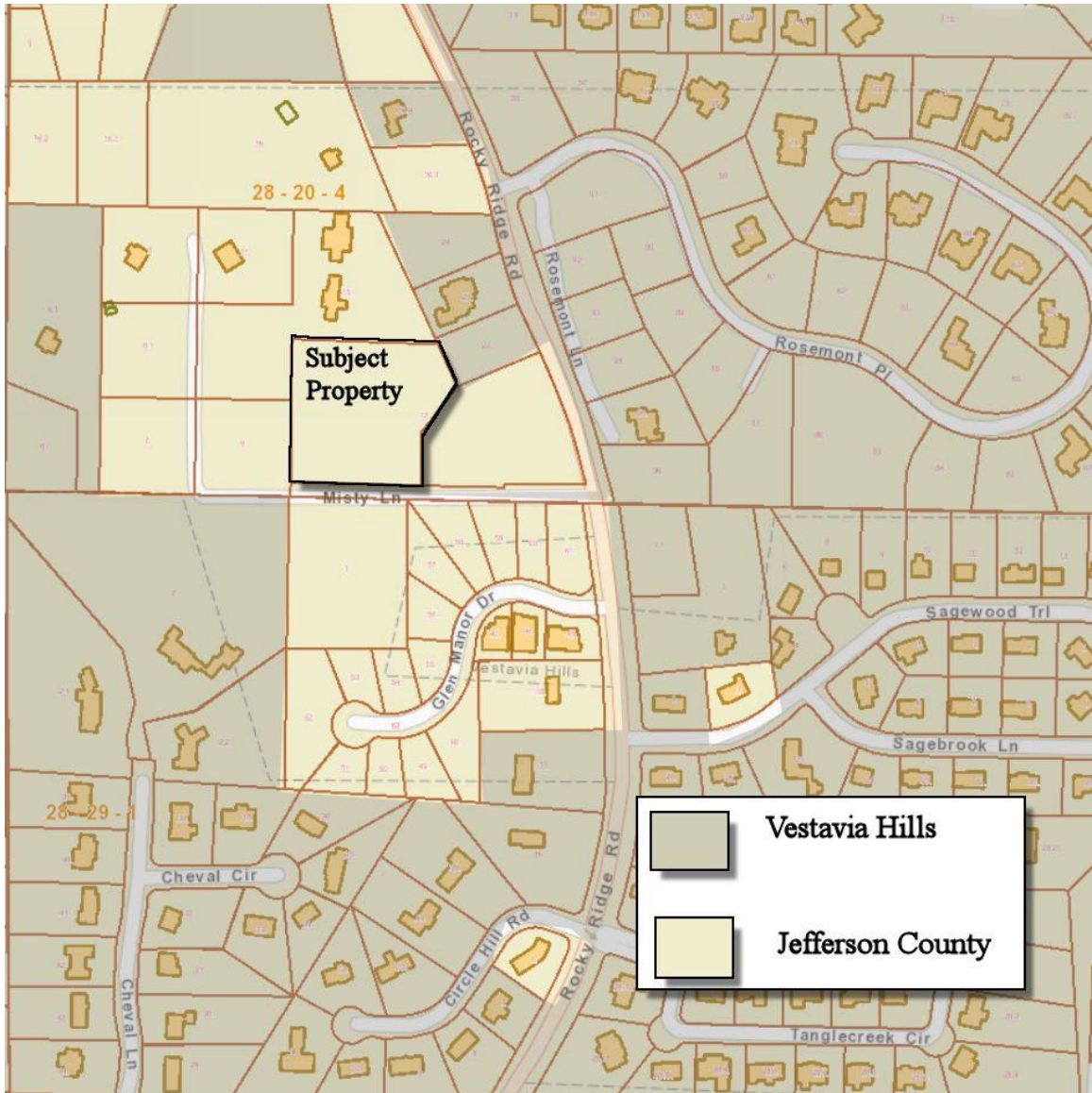
Rebecca Leavings  
City Clerk

**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 # 2726 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 28<sup>th</sup> day of August, 2017 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 \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk



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

Date: **JUNE 8, 2017**

- **CASE: P-0617-29**
- **REQUESTED ACTION:** Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 3308 Misty Lane
- **APPLICANT/OWNER:** William & Jill Smith
- **REPRESNTING AGENT:**
- **GENERAL DISCUSSION:** Property is on Misty Lane, adjacent to Rocky Ridge Rd. Property began the annexation process by City Council with their approval of the overnight annexation (Ord. 3308) on 4/24/17. This is a compatible rezoning.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the Comprehensive Plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** No recommendation
  2. **City Engineer Review:** I have reviewed the application and have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
  4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Gilchrist made a motion to recommend rezoning approval of 3308 Misty Ln. from Jefferson County E-2 to Vestavia Hills R-1. Second was by Mr. Burrell. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  
Mr. Gilchrist – yes  
Mr. Wolfe – yes  
Mr. Larson – yes  
Motion carried

Mr. Burrell – yes  
Mr. House – yes  
Mrs. Cobb – yes



**ORDINANCE NUMBER 2727**

**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 R-4 TO VESTAVIA HILLS R-9**

**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 R-4 (medium density residential district) to Vestavia Hills R-9 (planned residential district) with the conditions that the covenants/HOA agreements are to be submitted with the final plat and that fences will be allowed on lots that have frontages on Sunview Drive and Green Valley Road:

3009 and 3017 Sunview Drive  
DCR Group, LLC, Owner(s)

**APPROVED and ADOPTED** this the 28<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

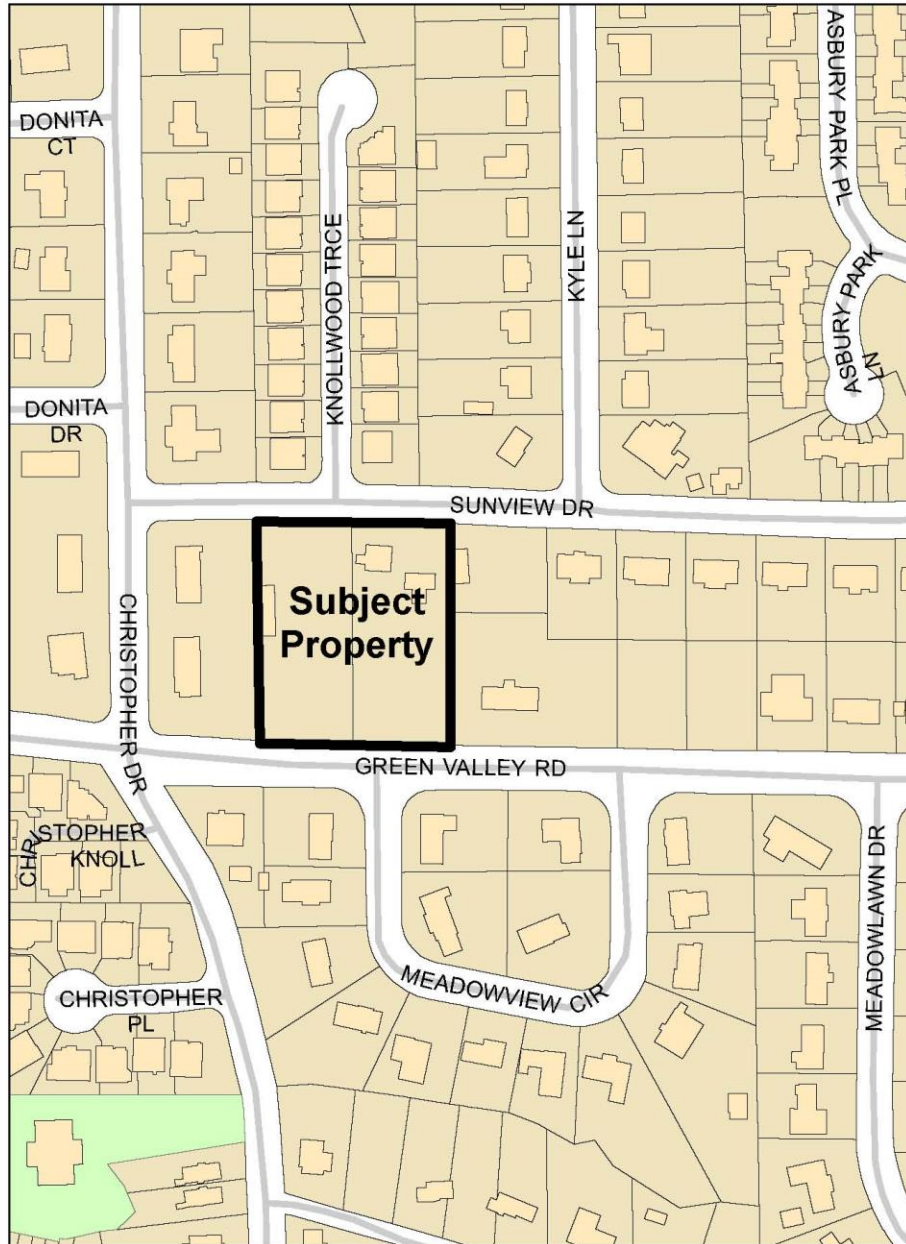
I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2727 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of August, 2017 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 \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk



# 3009 and 3017 Sunview Drive



Jefferson County  
Vestavia Hills

City of Vestavia Hills  
Department of GIS  
July 31, 2017



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

Date: **JULY 13, 2017**

- **CASE: P-0717-34**
- **REQUESTED ACTION:** Rezoning from Vestavia Hills R-4 to Vestavia Hills R-9 For The Purpose Of Residential Development
- **ADDRESS/LOCATION:** 3009 & 3017 Sunview Dr.
- **APPLICANT/OWNER:** Phillip J. & Nellie Faye Parker and DCR Group, LLC
- **REPRESENTING AGENT:** Eric Rogers
- **GENERAL DISCUSSION:** Property is Sunview Dr. and adjacent to Christopher Dr. and across from Knollwood Trace. The lots back up against Green Valley Rd. 10 lots are proposed, averaging around 7053 sq. ft. The proposed setbacks are 12' front, 5' on the side, and 15' in the rear. There is a 15' setback with lots that have frontage along Sunview Dr. and Green Valley Rd. The proposed street will have a 45' ROW and sidewalks on both sides. The development will be serviced by sewer.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Community Plan for medium density residential. Additionally, a similar development is across Sunview Dr. on Knollwood Trace. The lot to the west is zoned RC-1. There are also zero lot line developments within close proximity to these lots.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** No recommendation
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.

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

**MOTION** Mr. House made a motion to recommend rezoning approval 3009 & 3017 Sunview Dr. from Vestavia Hills R-4 to Vestavia Hills R-9 with the following conditions:

- A. Covenants/HOA agreements to be submitted with final plat;
- B. Fences will be allowed on lots that have frontages on Sunview Dr. and Green Valley Rd.

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

Mr. Goodwin – yes  
Mr. Wolfe – yes  
Mr. Weaver – yes  
Mrs. Cobb – yes  
Motion carried

Mr. Burrell – yes  
Mr. Brooks – yes  
Mr. House – yes  
Mr. Larson – yes

P0717-36//28-15-3-15-11 & 12  
3009 3017 Sunview Drive  
Rezone to R-9  
Phillip & Nellie Parker/DCR Group,  
LLC R4

P&Z Application  
Page 4

## CITY OF VESTAVIA HILLS

### APPLICATION

## PLANNING AND ZONING COMMISSION

### I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. *\*\*No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

### II. APPLICANT INFORMATION: (owner of property)

NAME: Phillip J. and Nellie Faye Parker (1) AND DCR Group, LLC, David J. Roberts (2)

ADDRESS: 312 Clay Street, Goodwater, AL 35072 (1) AND 4024 Meadowlawn Drive, Vestavia, AL 35243 (2)

MAILING ADDRESS (if different from above) \_\_\_\_\_

PHONE NUMBER: Home \_\_\_\_\_ Office \_\_\_\_\_

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: Eric Rogers, Progressive Properties, PLLC

*Please have all notices for fees due sent to Eric Rogers at:*

*paying postage fees* →

*Progressive Properties, PLLC  
attn: Eric Rogers  
1419 22nd Avenue  
Tuscaloosa, AL 35401*

P0717-36//28-15-3-15-11 & 12  
3009 3017 Sunview Drive  
Rezone to R-9  
Phillip & Nellie Parker/DCR Group,  
LLC R4

**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: 10 lot single family home subdivision 264

*(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.)**

3009 Sunview Drive, Vestavia Hills, AL 35243 (1) AND 3017 Sunview Drive, Vestavia Hills, AL 35243 (2)

Property size: 264 feet X 315 feet. Acres: 1.86

**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.

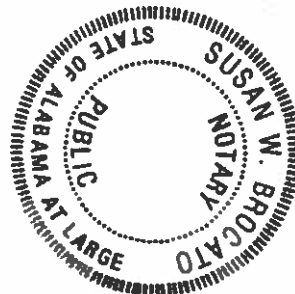
  
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this 8<sup>th</sup> day of June, 20 17.

  
Notary Public

My commission expires 5-1-19  
day of \_\_\_\_\_, 20\_\_\_\_\_.



**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: 10 lot single family home subdivision 264

*(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.)**

3009 Sunview Drive, Vestavia Hills, AL 35243 (1) AND 3017 Sunview Drive, Vestavia Hills, AL 35243 (2)

Property size: 264 feet X 315 feet. Acres: 1.86

**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.**

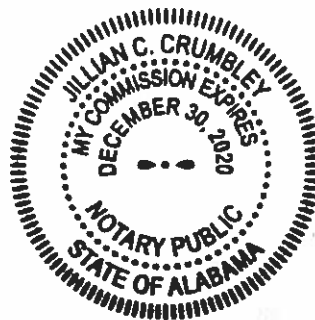
*Phillip J. Parker - 6-9-2017*  
*Phillip J. Parker 6-9-2017*

Owner Signature Date

Representing Agent (if any)/date

Given under my hand and seal  
this 9<sup>th</sup> day of June, 2017.

*Jillian C. Crumbley*  
Notary Public  
My commission expires 30<sup>th</sup>  
day of December, 2020.



P0717-36//28-15-3-15-11 & 12  
3009 3017 Sunview Drive  
Rezone to R-9  
Phillip & Nellie Parker/DCR Group,  
LLC R4

**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-4

To: R-9

For the intended purpose of: 10 lot single family home subdivision 264

*(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.)**

3009 Sunview Drive, Vestavia Hills, AL 35243 (1) AND 3017 Sunview Drive, Vestavia Hills, AL 35243 (2)

Property size: 264 feet X 315 feet. Acres: 1.86

**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

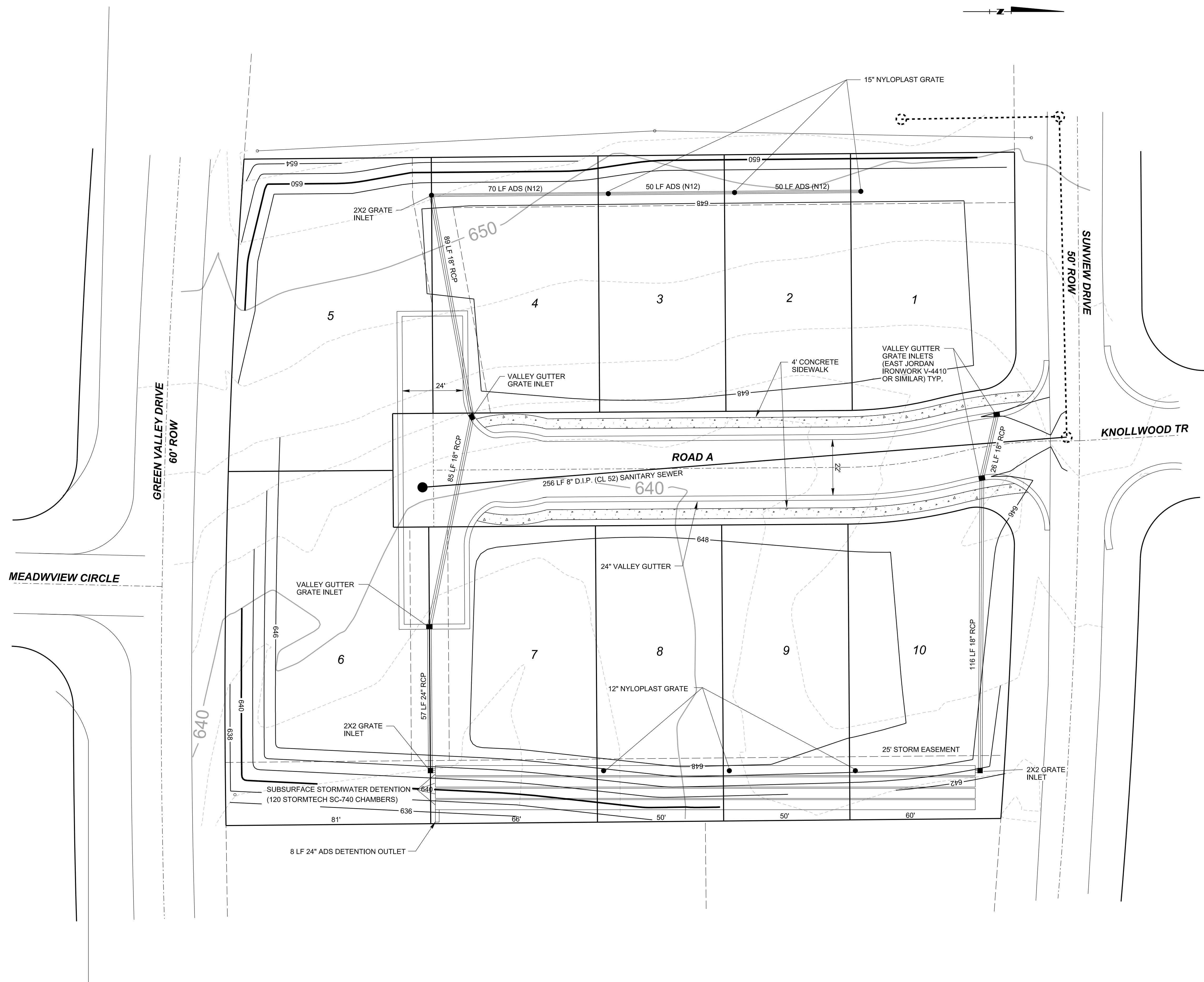
Eric Rogers 6/8/2017  
Representing Agent (if any)/date  
Eric Rogers

Given under my hand and seal  
this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

[Signature]  
Notary Public

My commission expires ~~11-15-2020~~ 15  
day of November, 2020.



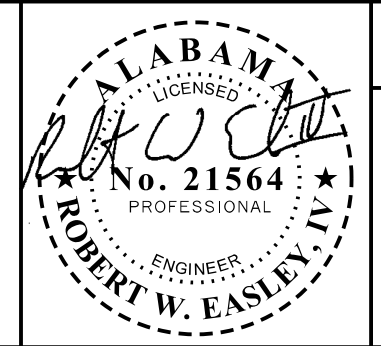


SITE DATA	
PAVING AREA	- 950 SY
24" VALLEY GUTTER	- 750 LF
CUT	- 865 CY
FILL	- 11,200 CY
TOPSOIL	- 2,200 CY

No.	Date	By	Checked	Revision Description

**Alabama Engineering Company, Inc.**  
 2 Office Park Circle, Suite 11  
 Birmingham, Alabama 35223  
 Phone (205) 803-2161  
 Fax (205) 803-2162

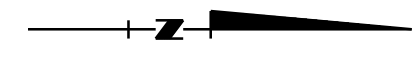
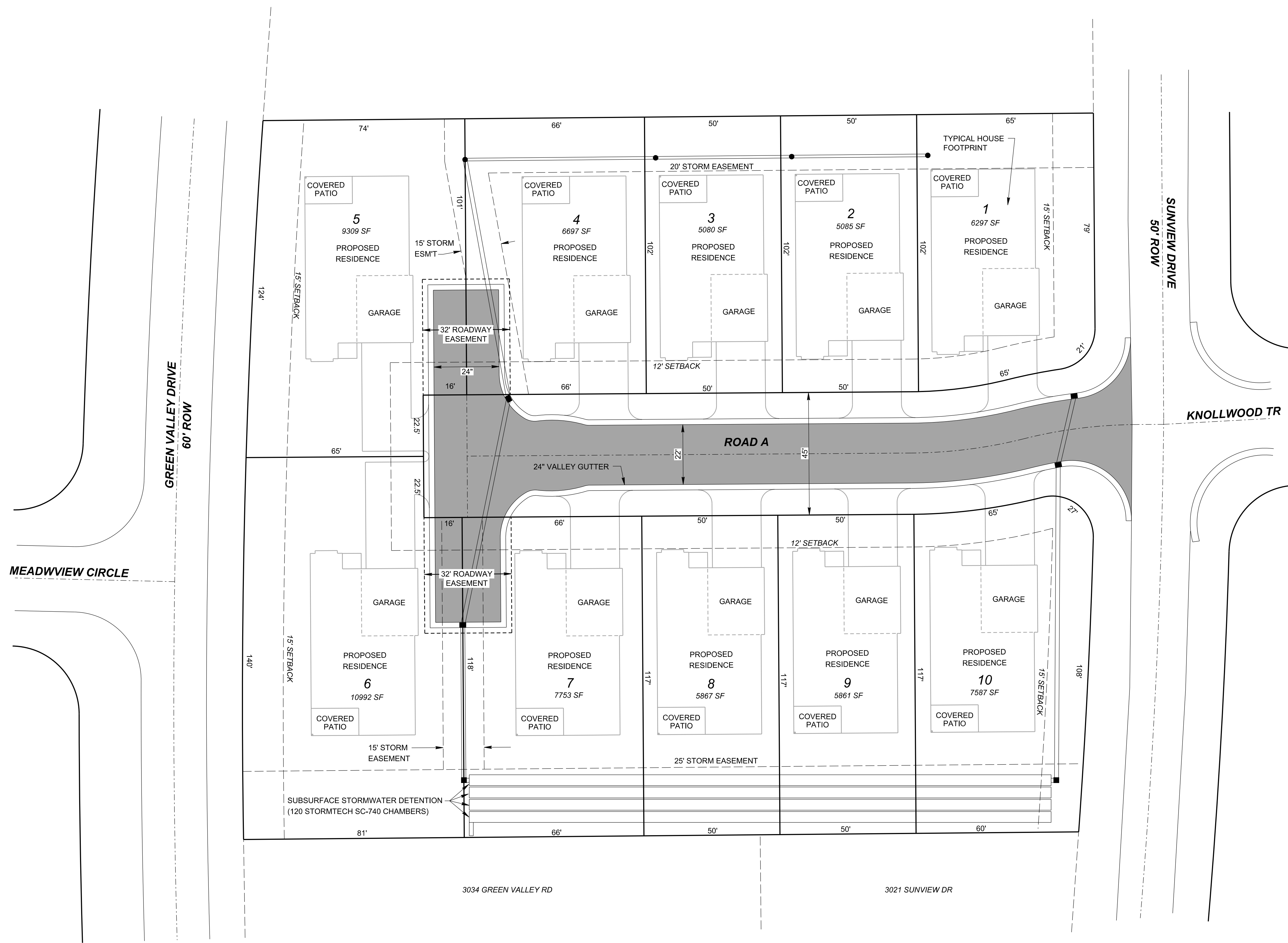
Not valid for construction  
 unless signed in this block  
 Robert W. Easley, IV, PE  
 Date



**Pricing Plan**  
 3009 & 3017 Sunview Drive  
 Progressive Properties, LLC  
 Vestavia Hills, Alabama

Scale 1"=20'	Date 06/08/2017
Drawn by PHI	Sheet No. <b>C1.0</b>
Checked RWE	Sequence No.
File Name Sunview zoning	1 of 1



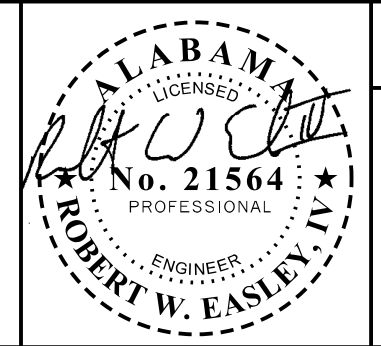


SITE DATA	
GROSS SITE AREA	- 1.88 AC
NUMBER OF LOTS	- 10
GROSS DENSITY	- 5.3 LOTS / AC
AVERAGE LOT SIZE	- 7053 SF
FRONT YARD SETBACK ALONG ROAD A	12'
FRONT YARD SETBACK ALONG SUNVIEW DRIVE AND GREEN VALLEY ROAD	15'
REAR YARD SETBACK	15'
SIDE YARD SETBACK	5'

No.	Date	By	Checked	Revision Description

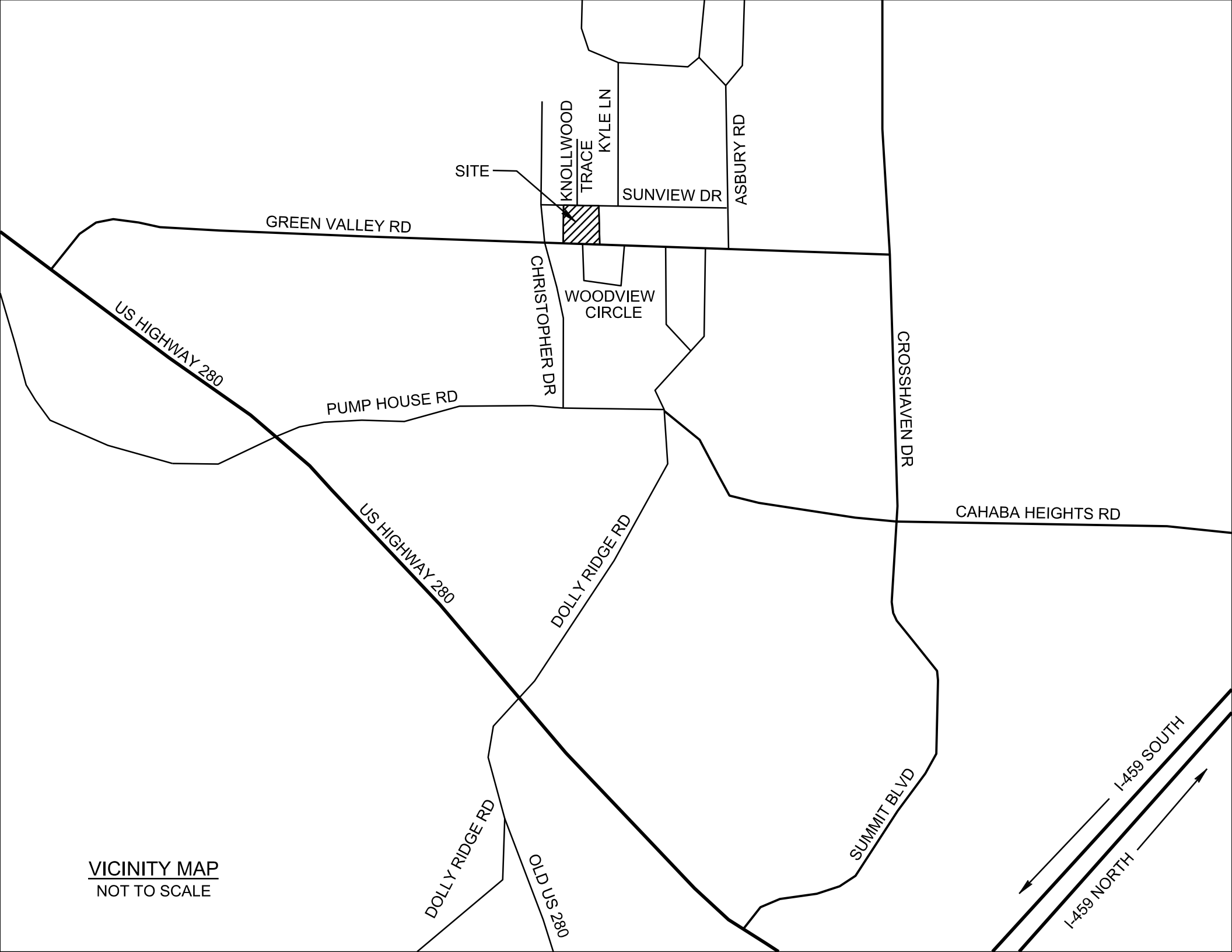
**Alabama Engineering Company, Inc.**  
 2 Office Park Circle, Suite 11  
 Birmingham, Alabama 35223  
 Phone (205) 803-2161  
 Fax (205) 803-2162

Not valid for construction  
 unless signed in this block  
  
 Robert W. Easley, IV, PE  
  
 Date \_\_\_\_\_



**Rezoning Site Plan**  
**3009 & 3017 Sunview Drive**  
**Progressive Properties, LLC**  
 Vestavia Hills, Alabama

Scale	1"=20'	Date	06/08/2017
Drawn by	PH	Sheet No.	<b>C1.0</b>
Checked	RWE	Sequence No.	
File Name	Sunview zoning	1 of 1	



SITE

KNOLLWOOD  
TRACE

KYLE LN

SUNVIEW DR

ASBURY RD

GREEN VALLEY RD

CHRISTOPHER DR

WOODVIEW  
CIRCLE

CROSSHAVEN DR

US HIGHWAY 280

PUMP HOUSE RD

CAHABA HEIGHTS RD

US HIGHWAY 280

DOLLY RIDGE RD

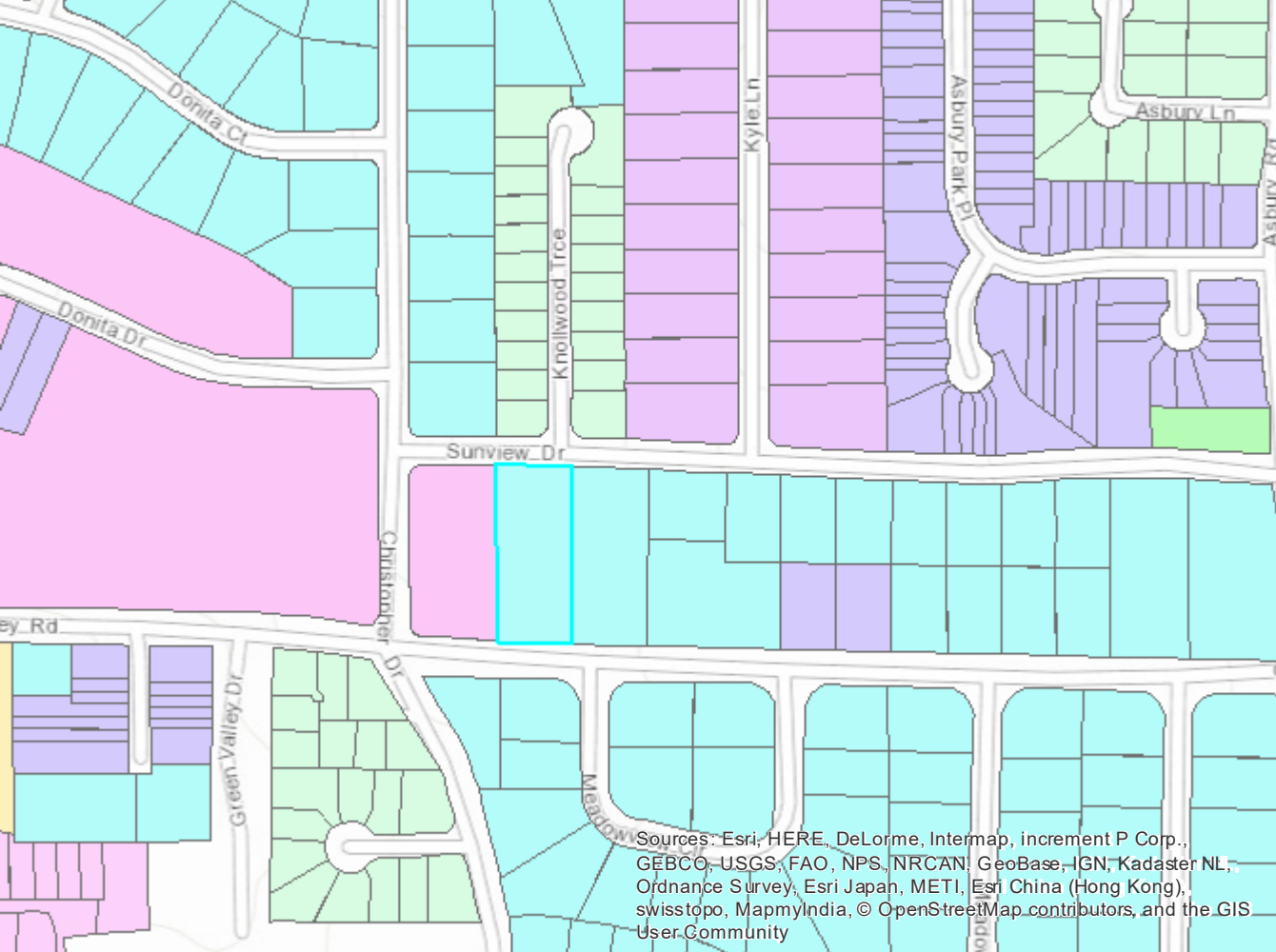
SUMMIT BLVD

DOLLY RIDGE RD

OLD US 280












I-459 NORTH  
I-459 SOUTH

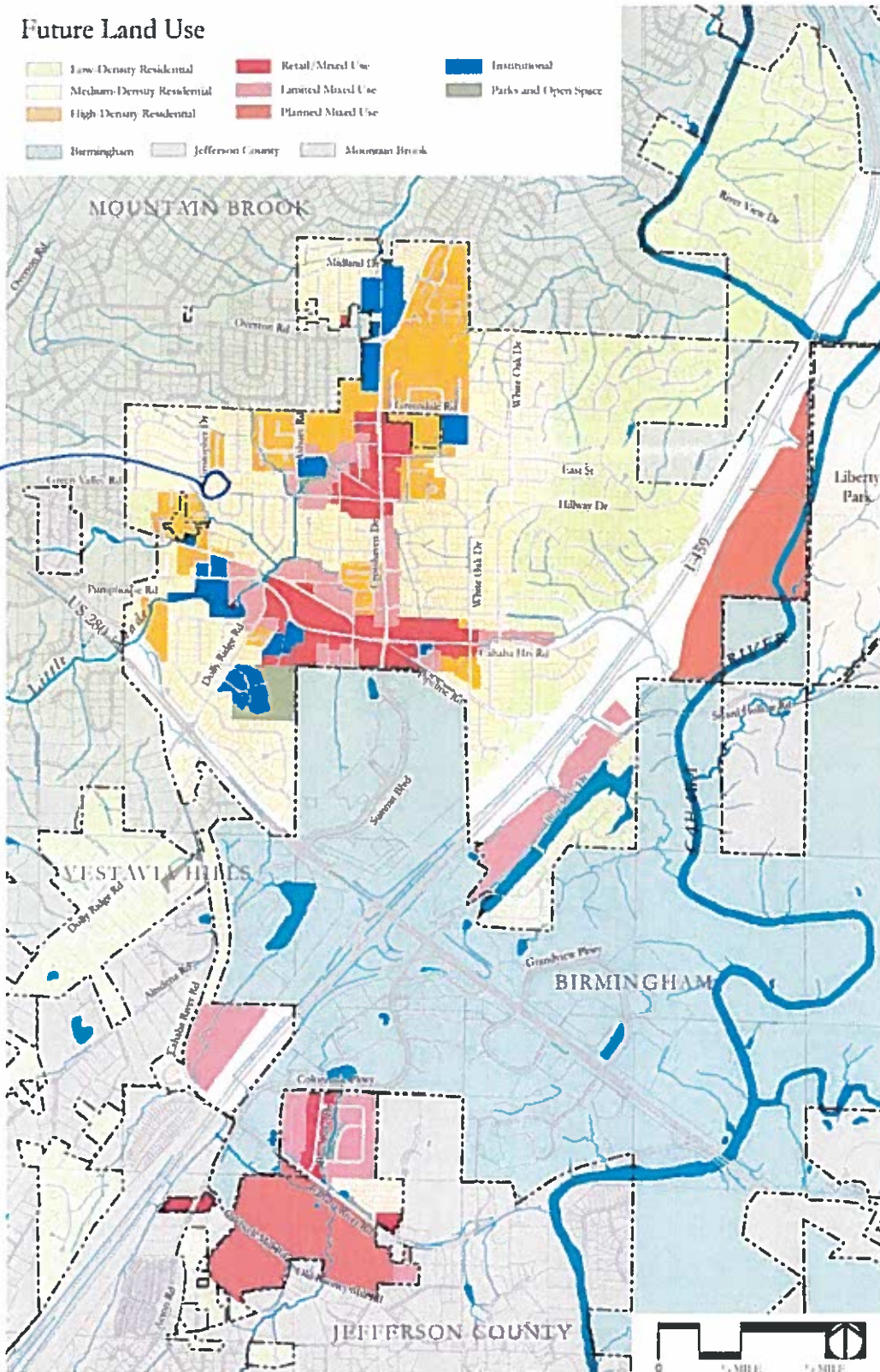
VICINITY MAP  
NOT TO SCALE



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp.,  
GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL,  
Ofdnance Survey, Esri Japan, METI, Esri China (Hong Kong),  
swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS  
User Community

### Future Land Use

- |  |   |  |
|--|---|--|
|  Low Density Residential    |  Retail/Mixed Use  |  Institutional        |
|  Medium-Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High Density Residential   |  Planned Mixed Use |  |
|  Birmingham                 |  Jefferson County  |  Mountain Brook       |



Subject Property

Figure 4: Future Land Use Map

**ORDINANCE NUMBER 2728**

**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 R-1 TO VESTAVIA HILLS O-1**

**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 R-1 (low density residential district) to Vestavia Hills O-1 (office park district) based on the renderings presented:

3111 Pine Tree Drive  
June Pryor, Owner(s)

**APPROVED and ADOPTED** this the 28<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

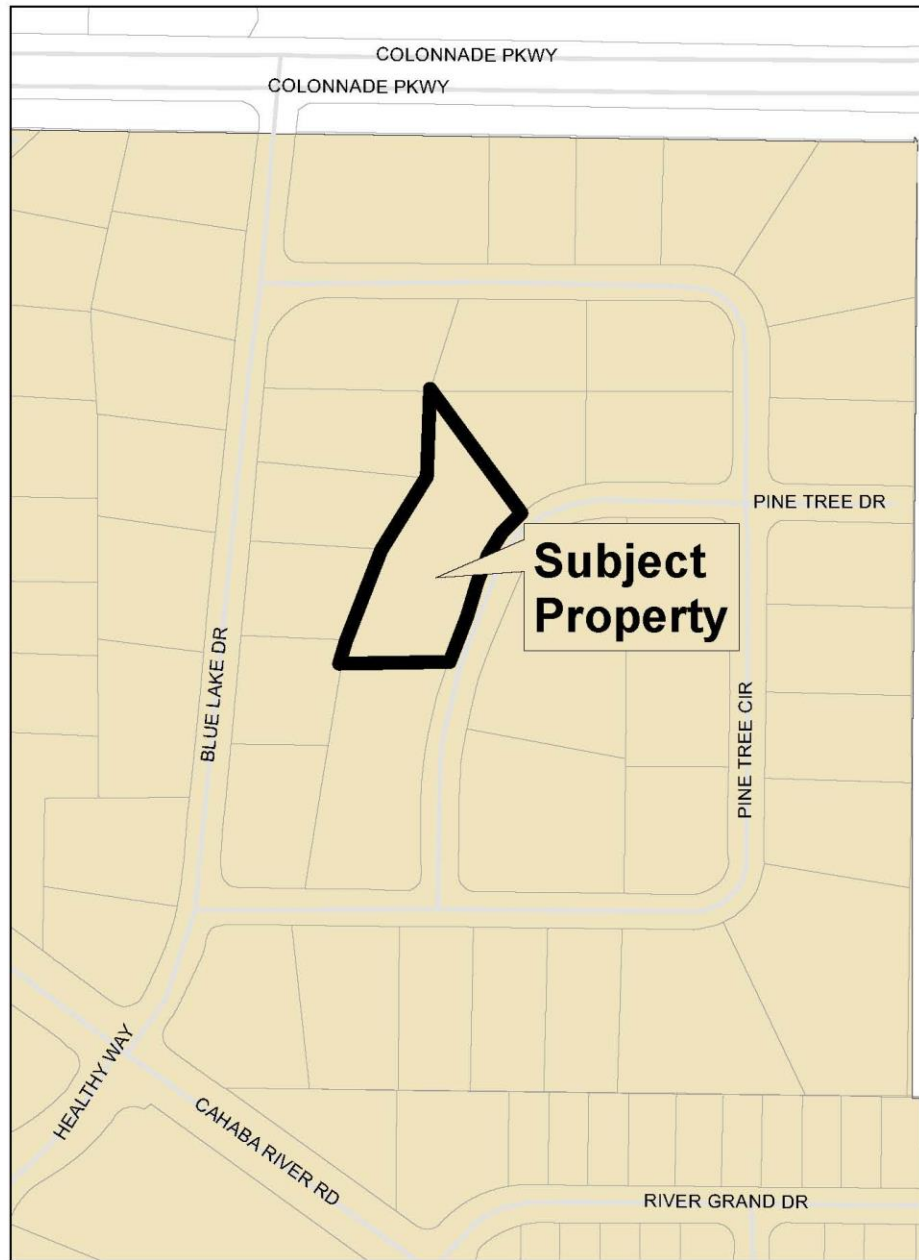
**CERTIFICATION:**

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 # 2728 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 28<sup>th</sup> day of August, 2017 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 \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk

# 3111 Pine Tree Drive



 Vestavia Hills City Limits

Department of GIS  
City of Vestavia Hills  
August 1, 2017



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

Date: **JULY 13, 2017**

- **CASE:** P-0717-34
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-1 Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3111 Pine Tree Dr.
- **APPLICANT/OWNER:** June Pryor
- **REPRESENTING AGENT:** Todd Thompson
- **GENERAL DISCUSSION:** Property is on Pine Tree Dr. and adjacent to property rezoned at the end of last year for an ENT medical office. Applicant is seeking rezoning to build a second office building (1,600 sq. ft. +/-). The proposed building meets all requirements of an O-1 zoning, including parking and buffering. The proposed architecture is similar to what was approved at the adjacent lot. Currently, the project sits on two lots; however, the lots would be recombined after rezoning is approved. A proposed site plan and tree save plan is attached.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited mixed use/open space. Additionally, the property directly south is already zoned O-1
- **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:** Rezoning conditioned on resurvey approval/recordation.
  2. **City Engineer Review:** Approval needed on creek and drainage.
  3. **City Fire Marshal Review:** I will review for possible fire hydrant location and driveway/parking access.



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

**MOTION** Mr. Burrell made a motion to recommend rezoning approval 3111 Pine Tree Dr. from Vestavia Hills R-1 to Vestavia Hills O-1 with the following conditions:

- A. Based on renderings presented.

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

Mr. Goodwin – yes

Mr. Wolfe – yes

Mr. Weaver – yes

Mrs. Cobb – yes

Motion carried

Mr. Burrell – yes

Mr. Brooks – yes

Mr. House – yes

Mr. Larson – yes

**CITY OF VESTAVIA HILLS**

**APPLICATION**

**PLANNING AND ZONING COMMISSION**

**I. INSTRUCTIONS AND INFORMATION:**

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which it shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. *\*\*No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

**II. APPLICANT INFORMATION: (owner of property)**

NAME:

June Pryor

ADDRESS:

3118 Pine Tree Drive  
Birmingham, AL 35243

MAILING ADDRESS (if different from above)

PHONE NUMBER:

Home 967-0509

Office

960-8929

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT:

**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: VH R-1

To: O-1

For the intended purpose of: Office Use

(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.)**

3111 Pinetree Drive Lots 37936

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: \_\_\_\_\_

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

Application fees submitted.

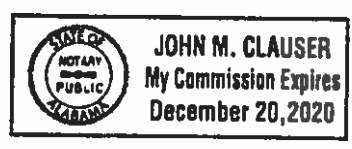
**VI.** I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

June Pryor  
Owner Signature/Date

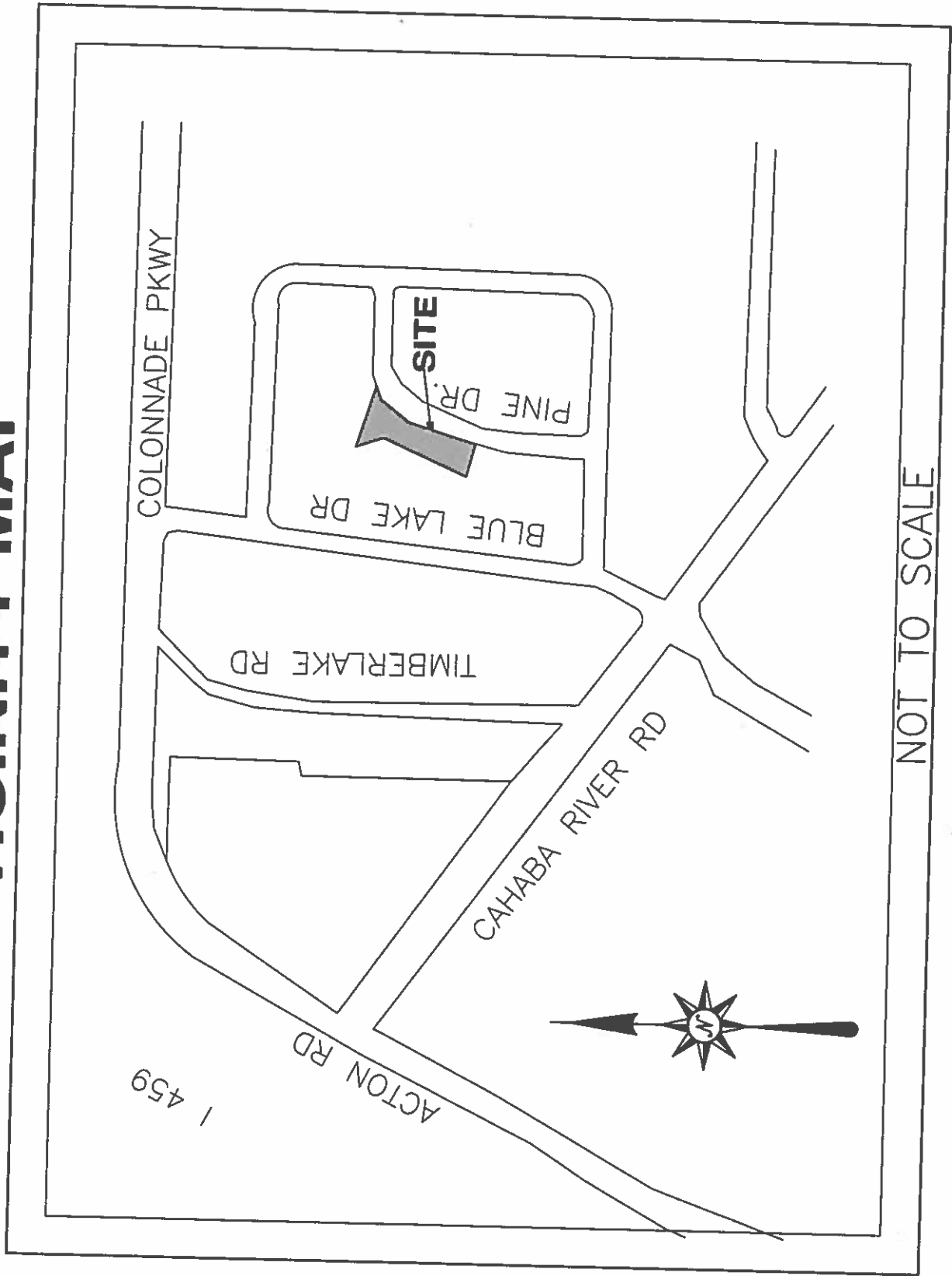
\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 25<sup>th</sup> day of May, 20 17.

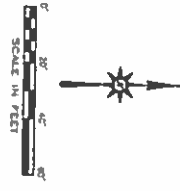
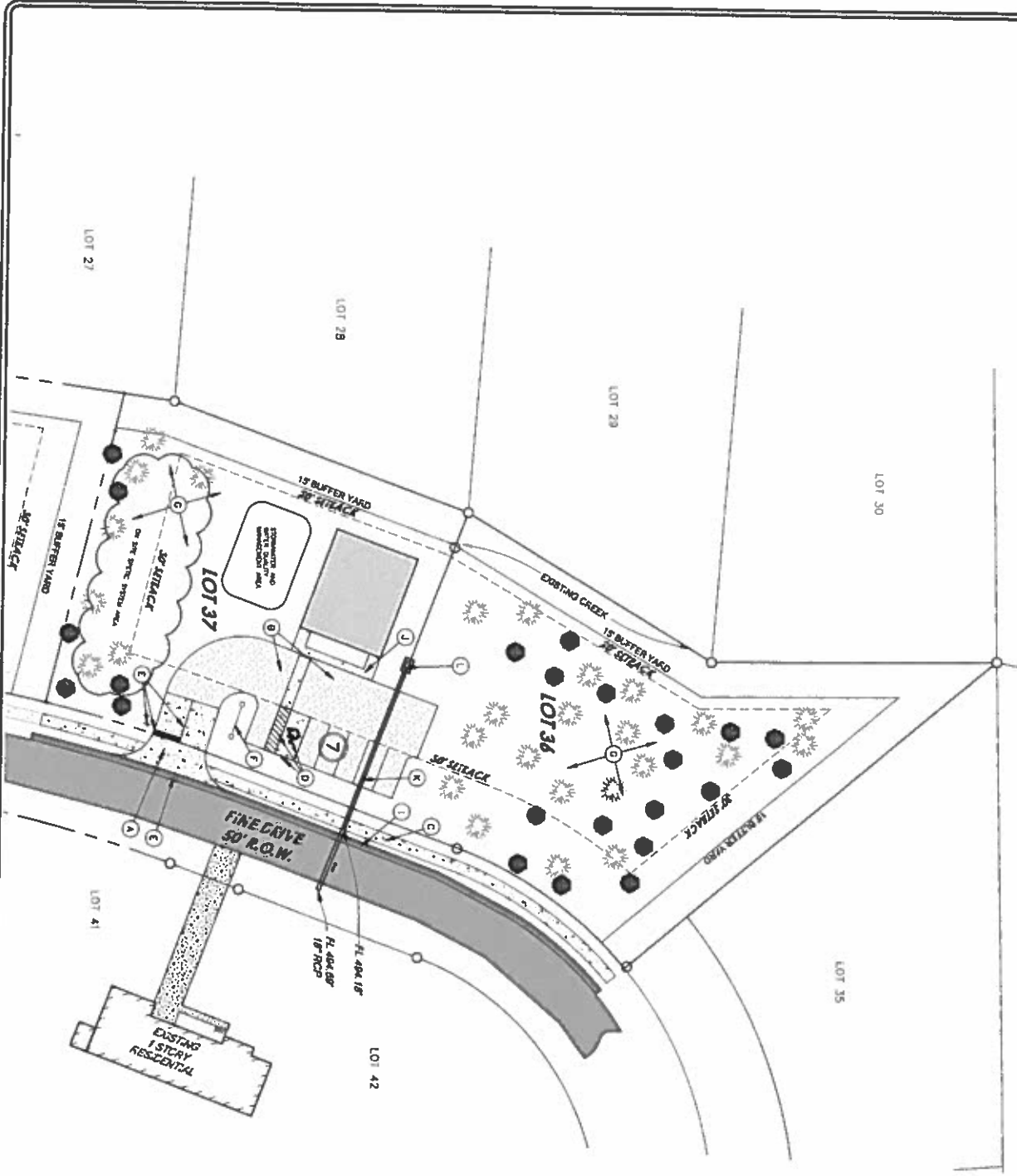
John M. Clauser  
Notary Public  
My commission expires 20<sup>th</sup>  
day of December, 20 20.



# VICINITY MAP



NOT TO SCALE



- STYLING**
- A CONCRETE PAVING AREA - TRUCKS
  - B EXISTING DRIVEWAY - TRUCKS
  - C EXISTING DRIVEWAY - TRUCKS
  - D EXISTING DRIVEWAY - TRUCKS
  - E EXISTING DRIVEWAY - TRUCKS
  - F EXISTING DRIVEWAY - TRUCKS
  - G EXISTING DRIVEWAY - TRUCKS
  - H EXISTING DRIVEWAY - TRUCKS
  - I EXISTING DRIVEWAY - TRUCKS
  - J EXISTING DRIVEWAY - TRUCKS
  - K EXISTING DRIVEWAY - TRUCKS
  - L EXISTING DRIVEWAY - TRUCKS
  - M EXISTING DRIVEWAY - TRUCKS
  - N EXISTING DRIVEWAY - TRUCKS
  - O EXISTING DRIVEWAY - TRUCKS
  - P EXISTING DRIVEWAY - TRUCKS
  - Q EXISTING DRIVEWAY - TRUCKS
  - R EXISTING DRIVEWAY - TRUCKS
  - S EXISTING DRIVEWAY - TRUCKS
  - T EXISTING DRIVEWAY - TRUCKS
  - U EXISTING DRIVEWAY - TRUCKS
  - V EXISTING DRIVEWAY - TRUCKS
  - W EXISTING DRIVEWAY - TRUCKS
  - X EXISTING DRIVEWAY - TRUCKS
  - Y EXISTING DRIVEWAY - TRUCKS
  - Z EXISTING DRIVEWAY - TRUCKS

Dimensions for this site comply with the City of Wetumpka, ALA. standards for storm water runoff.



<p><b>GONZALEZ - STRENGTH &amp; ASSOCIATES, INC.</b>          CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC &amp; TRANSPORTATION          1000 HAWTHORNE LANE (DOWNS)          WETUMPKA, ALABAMA 36082          PHONE: (205) 444-5444          FAX: (205) 444-5444          www.gsa-strength.com</p>	<p><b>RE-ZONING EXHIBIT</b></p> <p><b>H2 CLINIC</b>          WETUMPKA, AL</p> <p><b>AWH ARCHITECTS</b></p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">DATE</td> <td style="width: 25%;">SCALE</td> <td style="width: 25%;">DRAWN BY</td> <td style="width: 25%;">CHECKED BY</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </table>	DATE	SCALE	DRAWN BY	CHECKED BY												
DATE	SCALE	DRAWN BY	CHECKED BY															



LAZOR/  
OFFICE

+

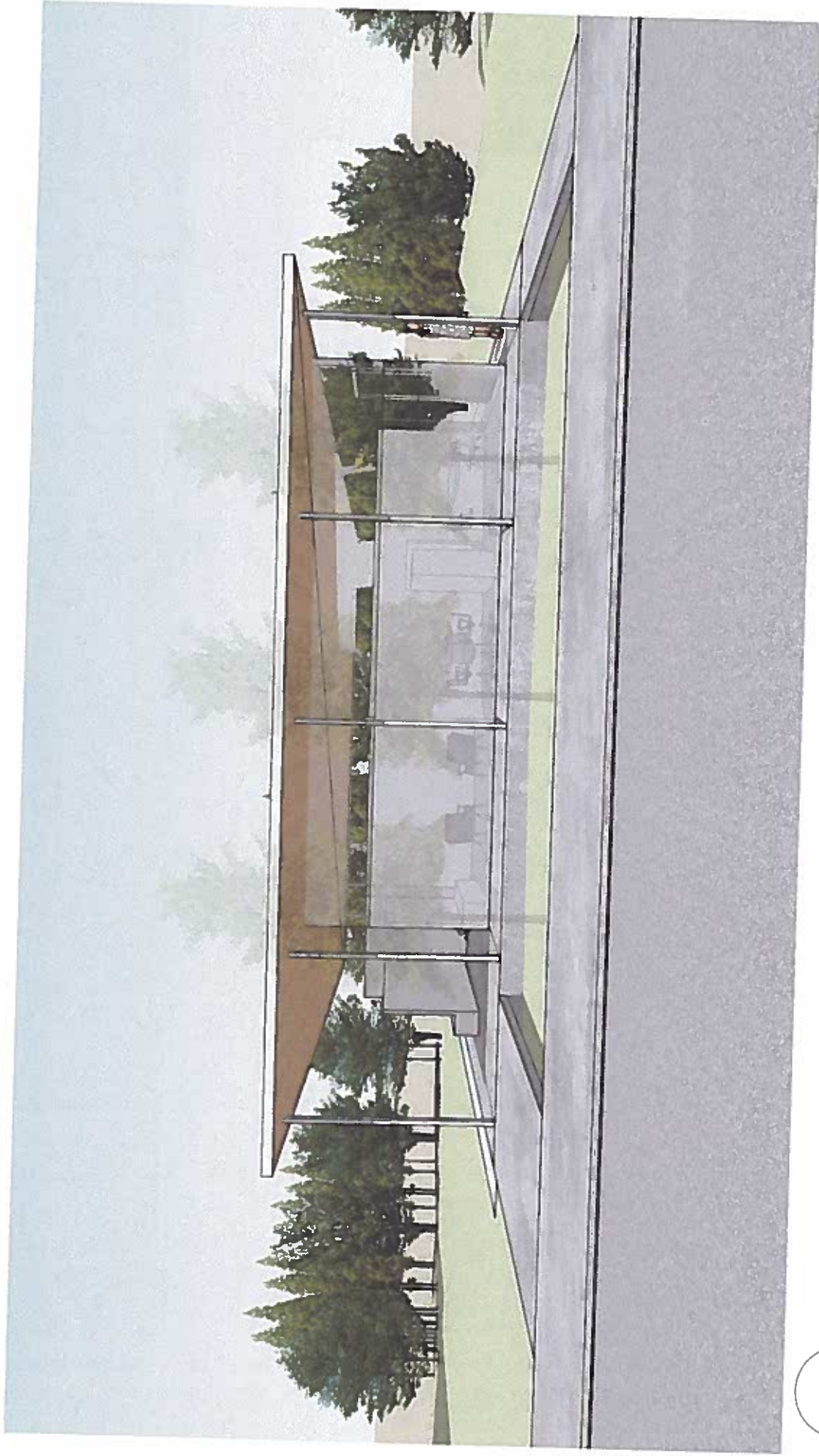
AMH  
ARCHITECTS



LAZOR/  
OFFICE

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AMH  
ARCHITECTS



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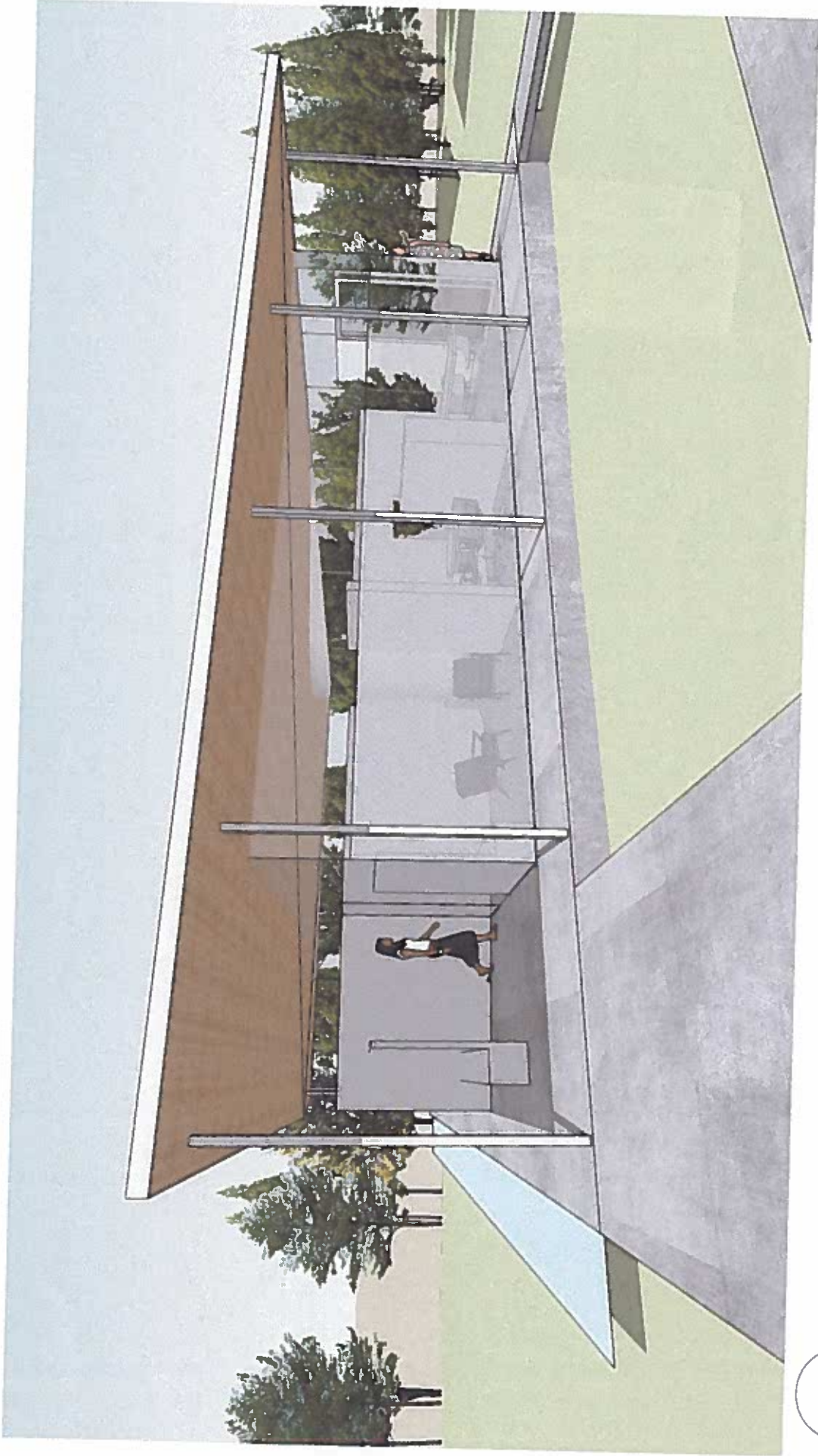






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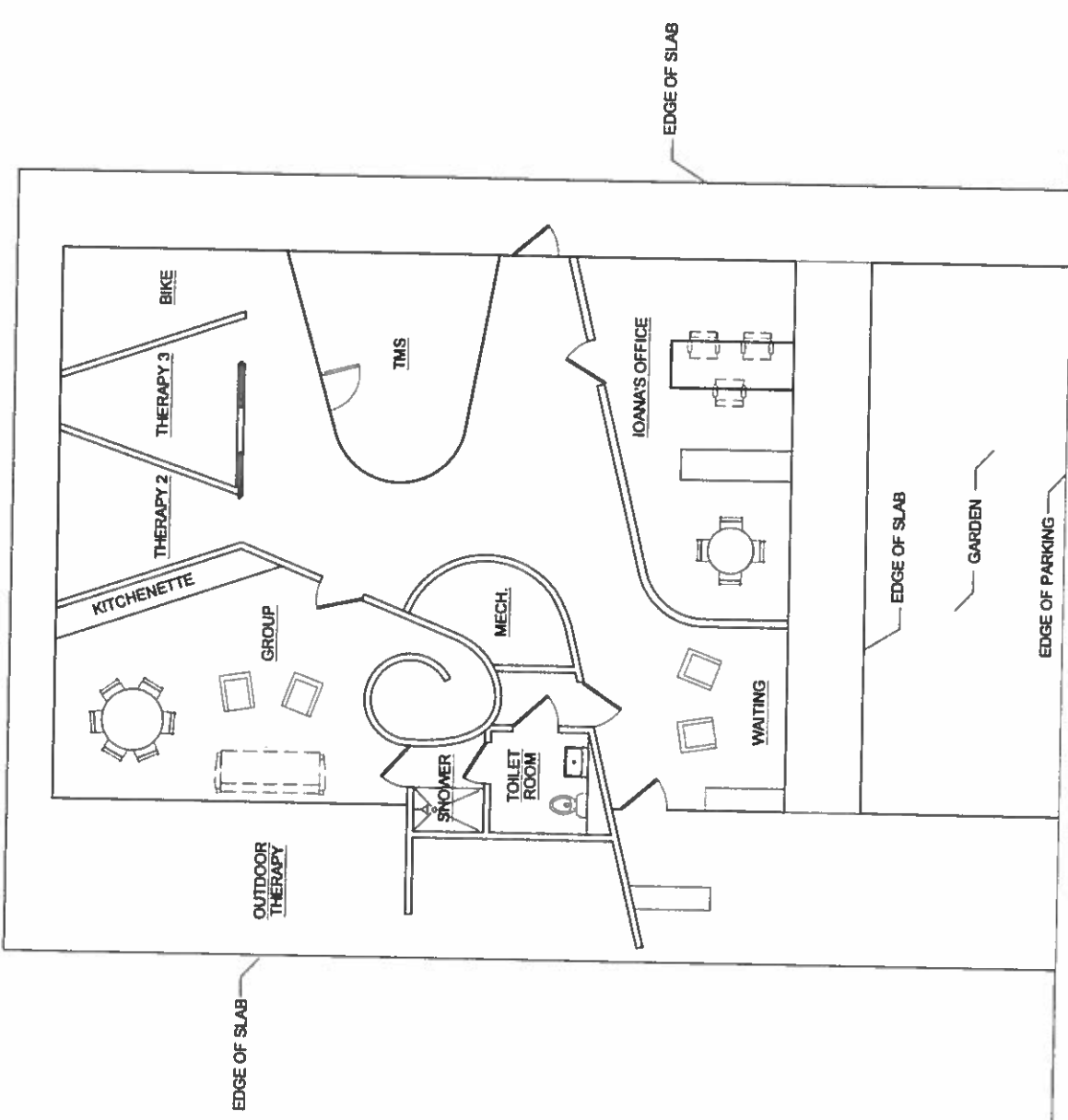


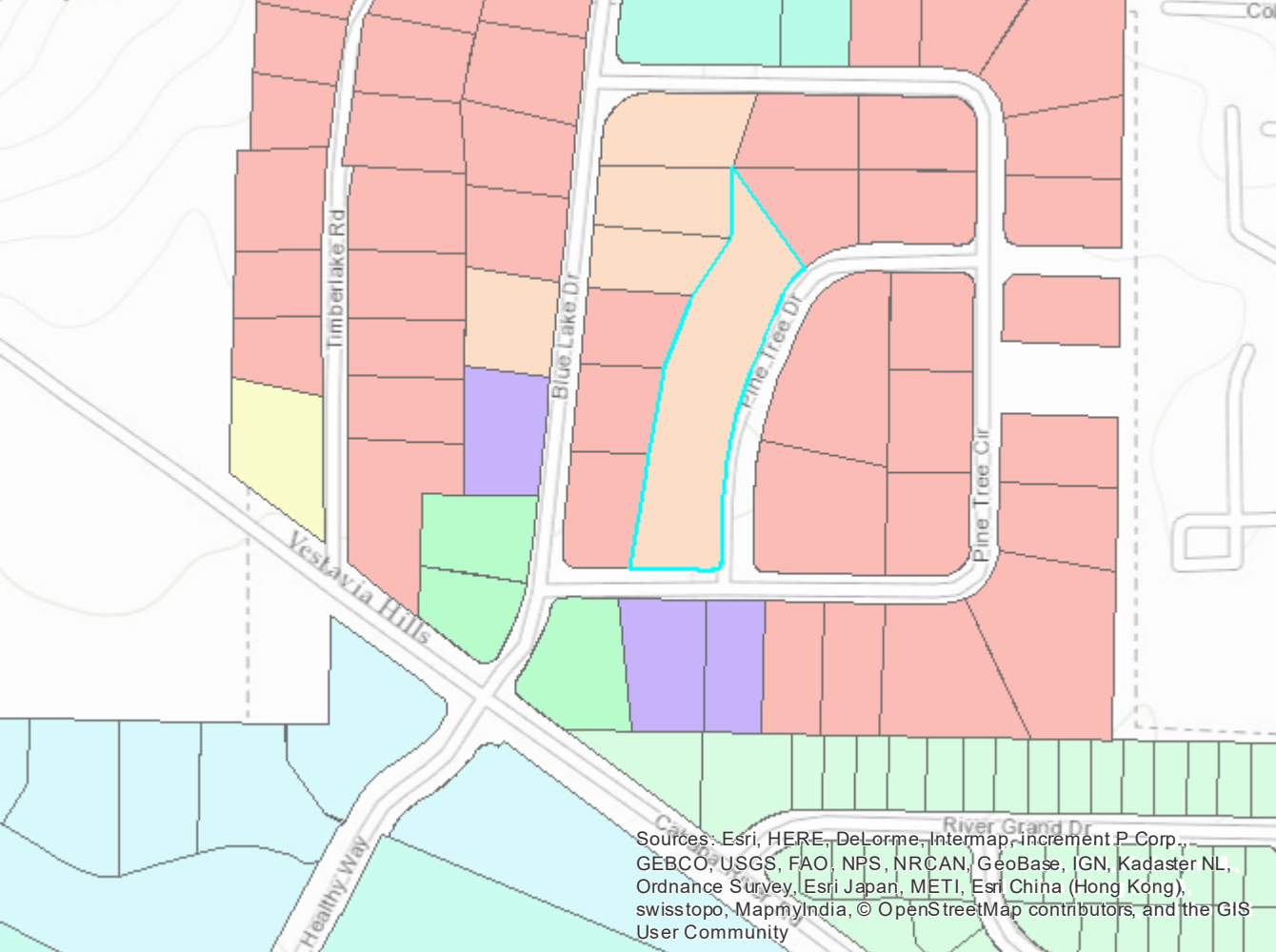




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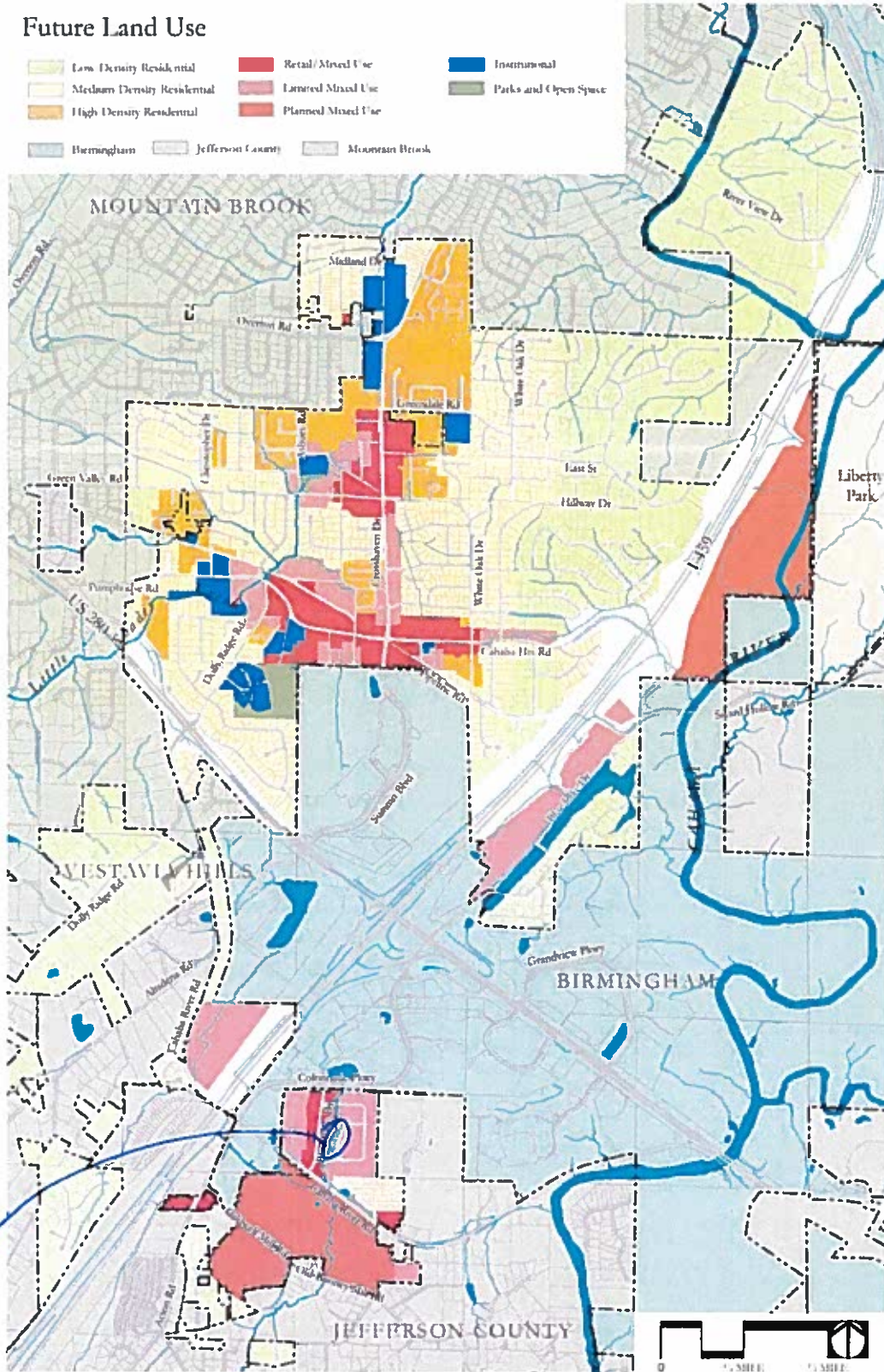






Sources: Esri, HERE, DeLorme, Intermap, Increment P. Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

## Future Land Use



*Subject Parcel*

Figure 4: Future Land Use Map

**ORDINANCE NUMBER 2729**

**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 R-1 TO VESTAVIA HILLS B-3 WITH THE CONDITIONAL USE FOR A KENNEL**

**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 R-1 (low density residential district) to Vestavia Hills B-3 (business district) with the conditional use for a kennel with the zoning limited to B-2 uses and the Council strongly encourages high STC sound rating for exterior walls:

3118 Pine Tree Drive  
June Pryor, Owner(s)

**APPROVED and ADOPTED** this the 28<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

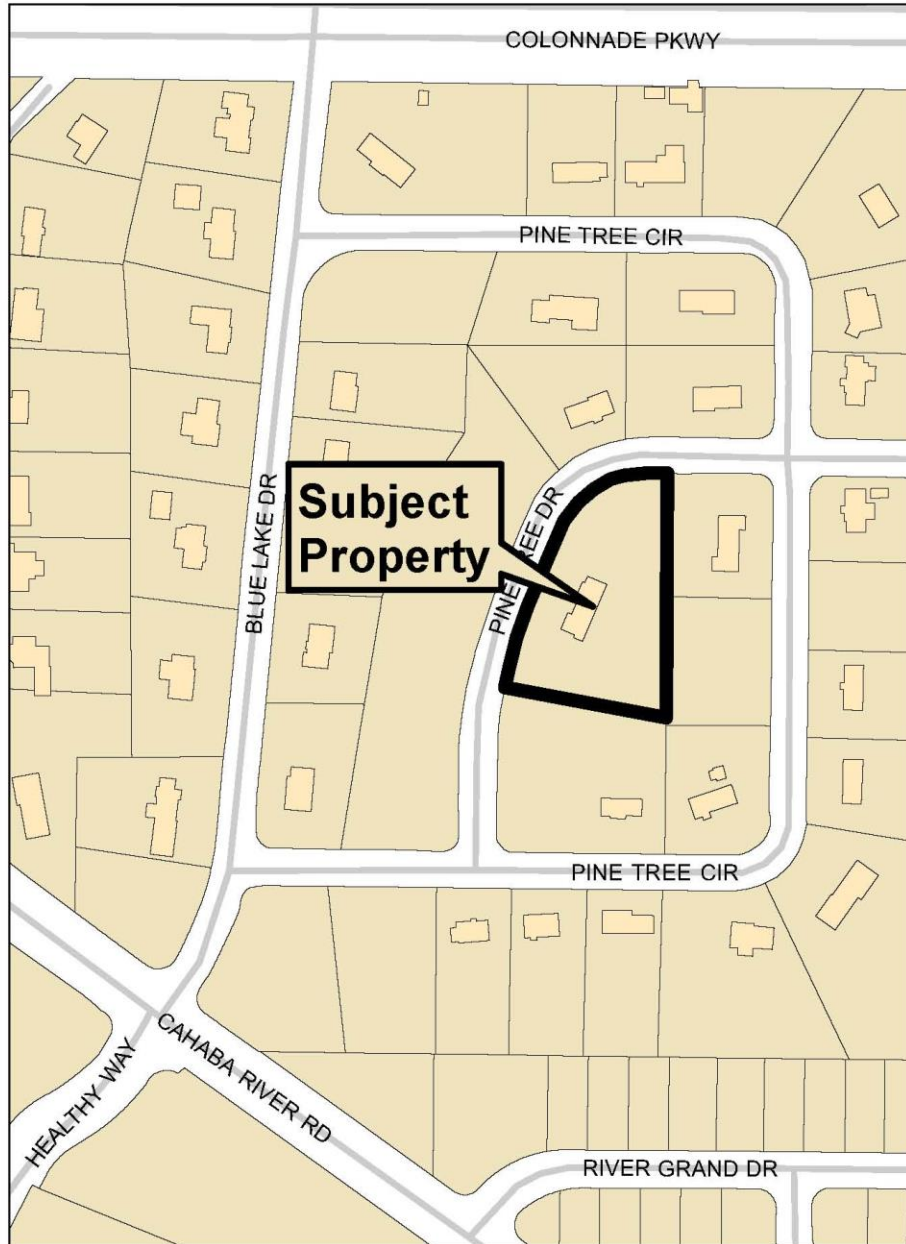
I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2729 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 28<sup>th</sup> day of August, 2017 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 \_\_\_\_\_, 2017.

Rebecca Leavings  
City Clerk



# 3118 Pine Tree Drive



- Jefferson County
- Vestavia Hills

City of Vestavia Hills  
Department of GIS  
July 31, 2017



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

Date: **JULY 13, 2017**

- **CASE: P-0317-07**
- **REQUESTED ACTION:** from Vestavia Hills R-1 to Vestavia Hills B-3 With A Conditional Use For A Kennel
- **ADDRESS/LOCATION:** 3118 Pine Tree Dr.
- **APPLICANT/OWNER:** June Pryor
- **REPRESENTING AGENT:** Engineering Design Group
- **GENERAL DISCUSSION:** Property is on NE corner of Pine Tree Dr. and Pine Tree Cir. and consists of two lots. Applicant is seeking rezoning and Conditional Use for a pet boarding facility. The boarding facility would be the Pawms Pet Resort which would relocate from their site on Rocky Ridge Rd. The proposed building would be 8,115 sq. ft. with 29 parking spaces, exceeding the zoning requirements. The owner will also construct a sidewalk along the front. A site plan is attached.

The facility would have no outdoor kennels but instead play in an indoor courtyard in the center of the facility. There will be no outdoor kennels. A rendering is attached. As required by the zoning ordinance, kennels require conditional use approval. A description of the business by the owner/operator is attached.

- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for limited 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:** Zoning contingent on resurvey being.

2. **City Engineer Review:** Will continue to evaluate based on Timberlake Dr. improvements.

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 3118 Pine Tree Dr. from Vestavia Hills R-1 to Vestavia Hills B-3 With A Conditional Use For A Kennel with the following conditions:

- A. Zoning limited to B-2 uses;
- B. Strongly encourage high STC sound rating for exterior walls.

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

Mr. Goodwin – yes	Mr. Burrell – yes
Mr. Wolfe – yes	Mr. Brooks – yes
Mr. Weaver – yes	Mr. House – yes
Mrs. Cobb – yes	Mr. Larson – yes
Motion carried	

## CITY OF VESTAVIA HILLS

### APPLICATION

### PLANNING AND ZONING COMMISSION

#### I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered**. All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. *\*\*No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

#### II. APPLICANT INFORMATION: (owner of property)

NAME: June Pryor

ADDRESS: 3118 Pine Tree Dr  
Birmingham, AL 35243

MAILING ADDRESS (if different from above) \_\_\_\_\_

PHONE NUMBER: Home 967-0509 Office 960-8929

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: \_\_\_\_\_

**III. ACTION REQUESTED**

Request that the above described property be zoned/rezoned

From: R-1

To: B-3 with a conditional use variance to allow an enclosed outdoor exercise area for dogs

For the intended purpose of: Dog and cat boarding, grooming, and day care

(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.)**

3118 Pine Tree Drive, Birmingham, AL 35243

Lots 41 + 42 as shown on the attached survey

Property size: 403 feet X 334 feet. Acres: 1.12

**V. INFORMATION ATTACHED:**

Attached Checklist complete with all required information.

Application fees submitted.

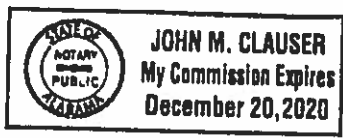
VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

June Pryor  
Owner Signature/Date

\_\_\_\_\_  
Representing Agent (if any)/date

Given under my hand and seal  
this 25<sup>th</sup> day of May, 2017.

John M. Clauser  
Notary Public  
My commission expires December 20, 2020  
day of \_\_\_\_\_, 20\_\_\_\_.



June 9, 2017

**P0717-33//28-27-4-3-1-**  
**3118 Pine Tree Drive**  
Rezone to B3  
June Pryor R-1

Mr. Conrad G. Garrison  
City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, Alabama 35216

**Re: The Pawms Pet Resort**

Dear Mr. Garrison:

My name is Jeff Hardwick, and I own The Pawms Pet Resort. We've been open since March of 2007 on Rocky Ridge in Vestavia and recently we have another location that opened in June of 2016 in Avondale. Our goal is simple: We wish to provide affordable and quality care for pets in a variety of different services that range from boarding to daycare, grooming and training. Our daycare, for instance, started in 2008 has been a big hit in the community. Basically, daycare is an outlet for the dog so he or she can not only exercise but develop much needed social skills by playing with other dogs. Also, many of my clients find it hard to make the time to walk their dogs every day, so we provide a great substitute at a reasonable cost. It's great seeing not only our clients pleased at the end of the day, but the dogs are typically worn out too. It's one of the many satisfying aspects of my job.

I went into this business because of two reasons: First, I enjoy working with people, and of course dogs and cats. Second, I knew I could provide services at a higher level than people are normally accustomed to when it comes to boarding facilities. We've managed to increase our client base over the last decade due to a well-trained staff, and still maintain reasonable rates. I always try to put myself in the client's shoes as any small business owner should. Like many other jobs, it can get tough at times, however, I feel rewarded by the satisfaction I get from pleasing my clients. I'm also proud of the fact that we could accomplish this in the area where I was raised. Vestavia is and will always be very special to me. To be able to serve clients where you grew up is a pretty cool feeling. I feel very lucky to be in this business, and wish to continue providing top notch services at the new Pine Tree Drive location. I have a strong vision for this facility, which I will make sure will be great for the dogs, and conform to the existing high end character of Blue Lake District. I plan to use Rives Construction to build a state of the art facility which we feel will be a nice addition to the neighborhood. My goal is to have an aesthetically pleasing building that better than an average boarding facility, and fits in with the character of the existing office buildings in the area.

My development team includes Rives Construction, Wade Lowry, PC, with Engineering Design Group, LLC, and Lance Black, AIA, with Black Design Architecture. The interior of the building will consist of a nice customer lobby, a cat boarding area, interior kennel areas, an office, a bathing area, and some upscale (penthouse suites) interior kennels and of course the courtyard for exercising the dogs and daycare. There will be no outdoor kennels. The outside exercise area will be an enclosed courtyard,

within the walls of our building. We are also working with a sound engineer at Rives Construction to minimize reverb as much as possible. Please know that the courtyard will be monitored by an employee at all times, and any dog that becomes disruptive will be immediately escorted back indoors. We want our services to be considered an amenity to the area.

Sincerely,

Jeff Hardwick

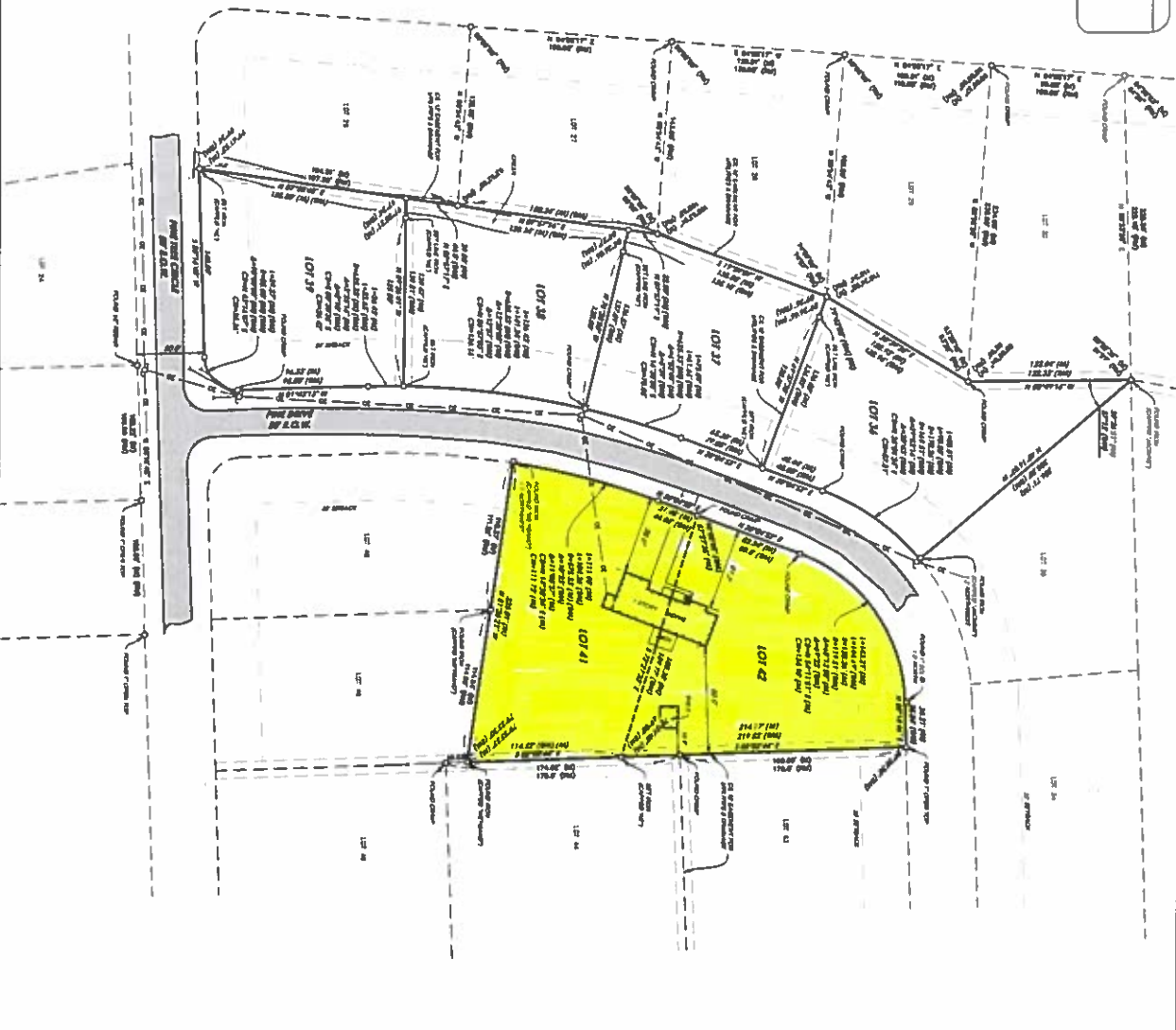
**LEGEND**

UNITS FOOT  
 1" = 40' HORIZ. DISTANCE  
 1" = 10' VERT. DISTANCE

PROPERTY LINE  
 CONCRETE

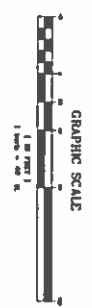
1" = 10' HORIZ. DISTANCE  
 1" = 10' VERT. DISTANCE

- NOTES**
1. THE STATE RECORD OF THE PUBLIC RECORDS HAS BEEN REFERENCED BY THIS SURVEYOR TO VERIFY THE ACCURACY OF THE RECORDS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE RECORDS SINCE THE DATE OF THE SURVEY.
  2. ALL OF THE PROPERTY LINES AND DISTANCES ARE SHOWN AS SHOWN ON THE RECORDS AND NOT AS SHOWN ON THE RECORDS.
  3. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE RECORDS SINCE THE DATE OF THE SURVEY.
  4. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE RECORDS SINCE THE DATE OF THE SURVEY.
  5. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY CHANGES TO THE RECORDS SINCE THE DATE OF THE SURVEY.



**BOUNDARY SURVEY OF  
 3111, AND 3118 PINE DRIVE  
 BIRMINGHAM, ALABAMA 35243**

SHOWN IN THE SOUTHWEST 1/4 OF SECTION 27,  
 TOWNSHIP 18 SOUTH, RANGE 2 WEST,  
 JEFFERSON COUNTY, ALABAMA



**DESCRIPTION**

LOT 31, 32, 33, 34, AND 35 ACCORDING TO THE SURVEY OF PINE DRIVE, JEFFERSON COUNTY, ALABAMA, BEING BOOK 42, PAGE 22, AS RECORDED IN THE PUBLIC RECORDS OF SAID COUNTY, ALABAMA.

THESE LOTS ARE PARTS OF THE SURVEY AND DRAINAGE MADE BY THE SURVEYOR OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA, AS SHOWN IN THE SOUTHWEST 1/4 OF SECTION 27, TOWNSHIP 18 SOUTH, RANGE 2 WEST, JEFFERSON COUNTY, ALABAMA.

**SURVEYOR**

*[Signature]*  
 DATE: 08-15-15

**ARRINGTON ENGINEERING**  
 Civil Engineers - Surveyors - Land Planners

1100 20th Street, N.W.  
 Atlanta, Georgia 30309  
 Phone: 404.525.2000  
 Fax: 404.525.2001  
 Website: www.arrington.com

**REGISTERED PROFESSIONAL ENGINEER**  
 No. 11064  
 State of Alabama












**REGISTERED SURVEYOR**  
 No. 11064  
 State of Alabama

**REGISTERED LAND PLANNER**  
 No. 11064  
 State of Alabama

DATE: 08-15-15  
 SHEET NO. 1 OF 1



### Future Land Use

- |  |   |  |
|--|---|--|
|  Low Density Residential    |  Retail/Mixed Use  |  Institutional        |
|  Medium Density Residential |  Limited Mixed Use |  Parks and Open Space |
|  High Density Residential   |  Planned Mixed Use |  |
|  Birmingham                 |  Jefferson County  |  Mountain Brook       |

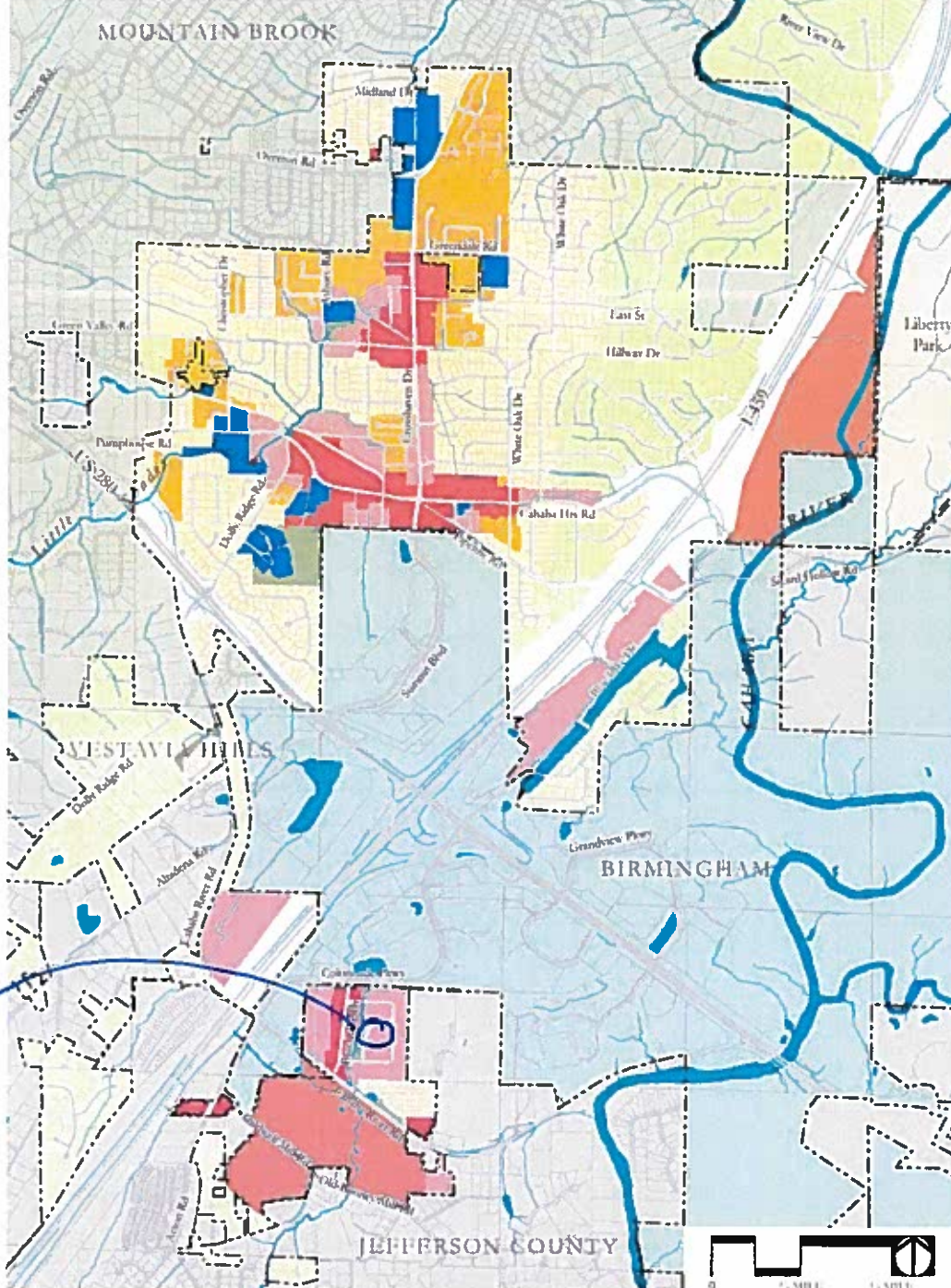
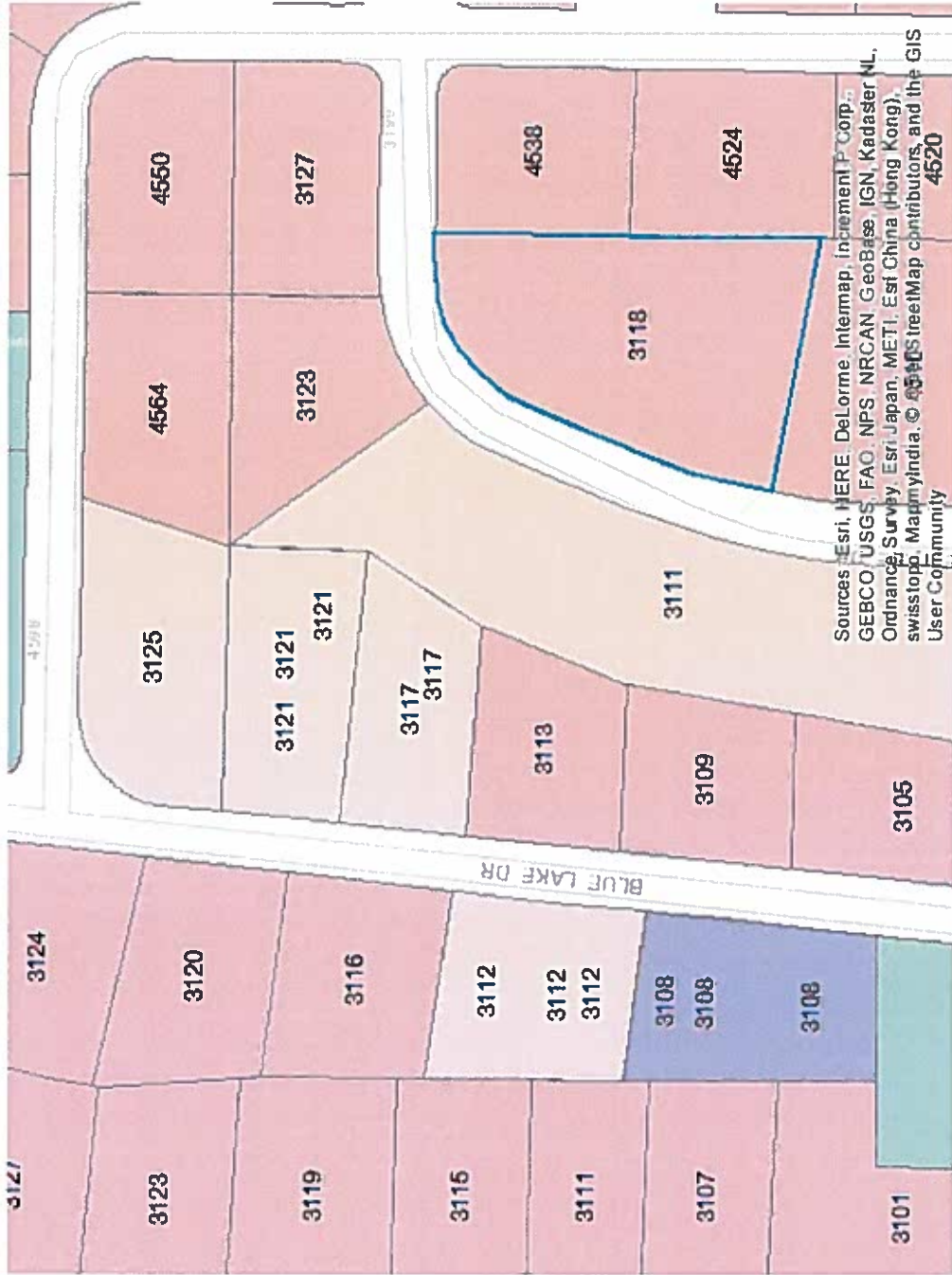
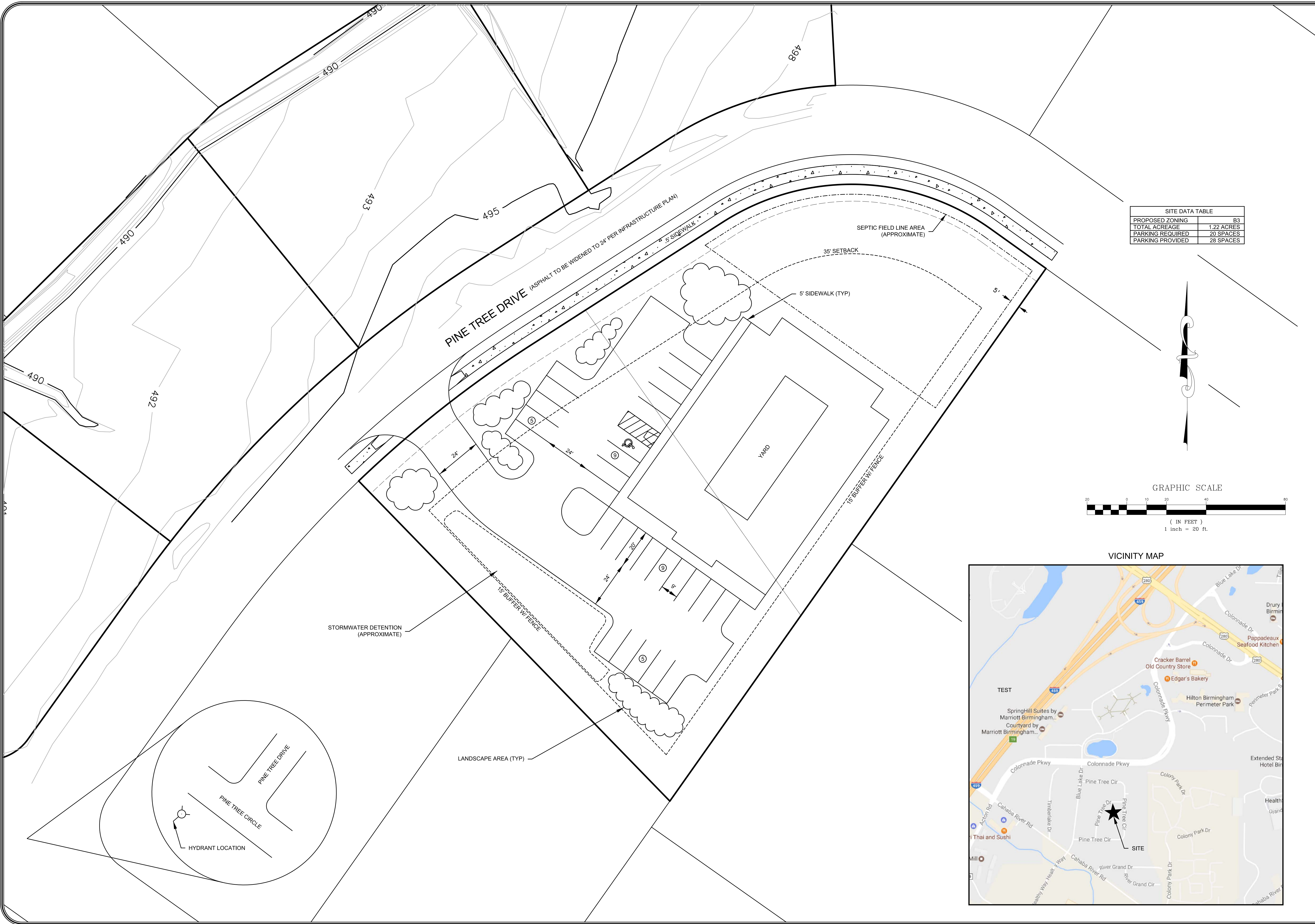


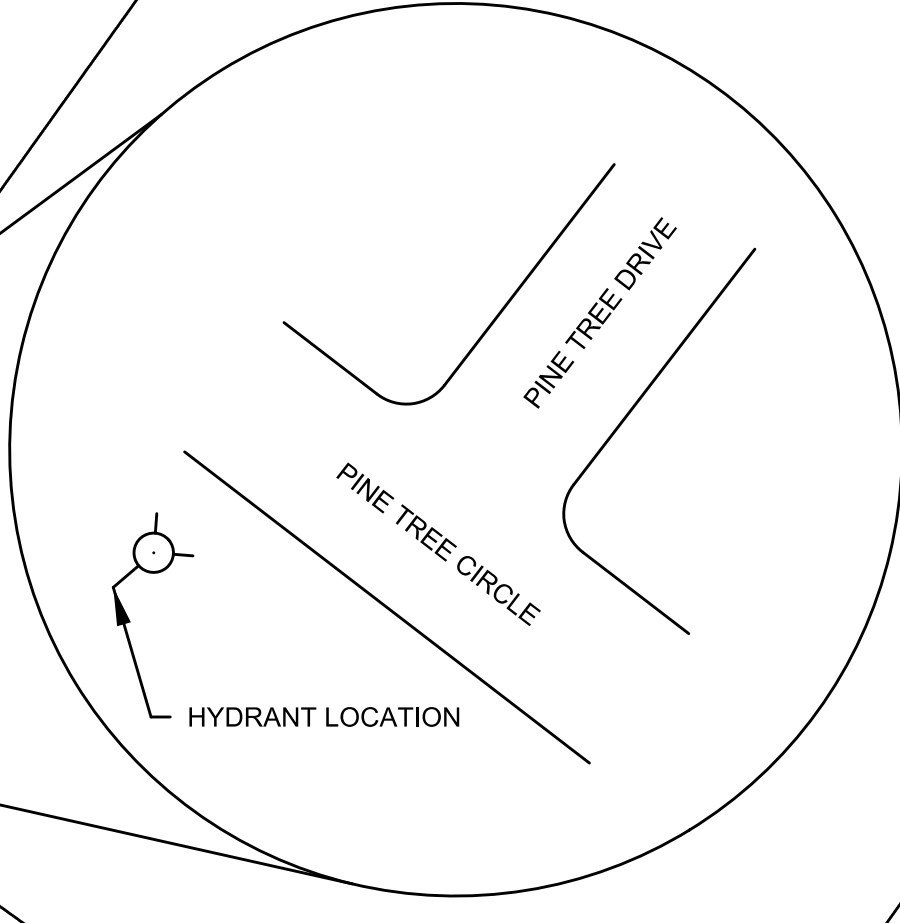
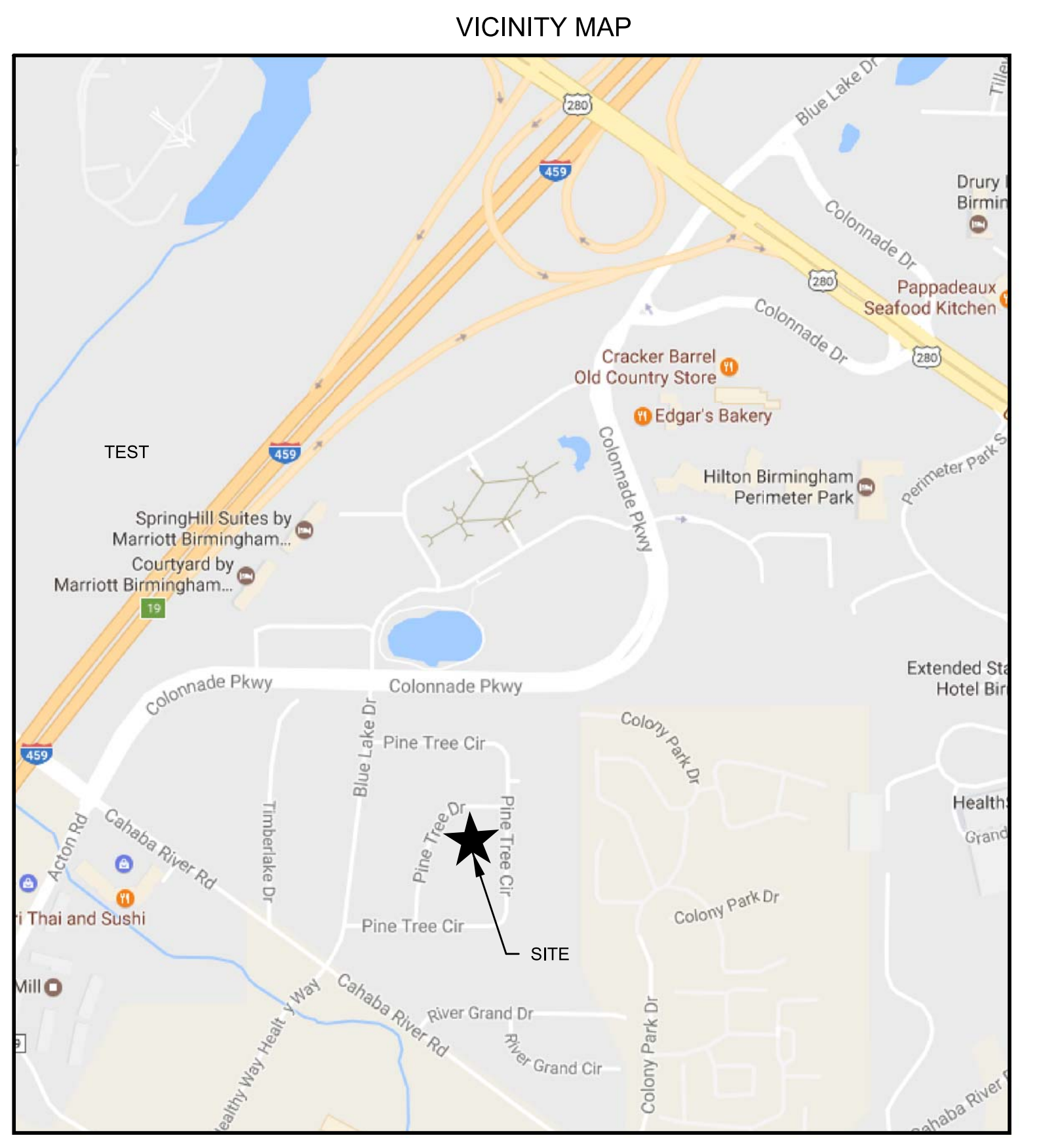
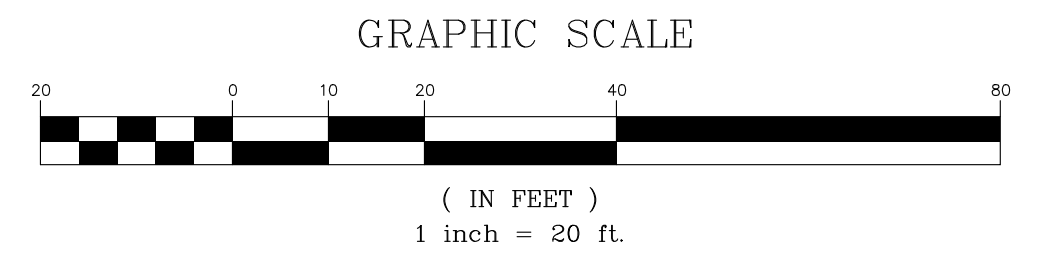
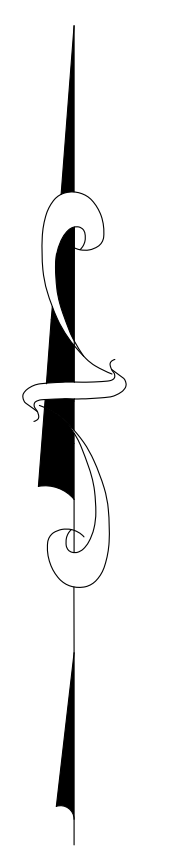
Figure 4: Future Land Use Map



Sources: Esri, HERE, DeLorme, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBasis, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © 2011 DeLorme, Esri, and the GIS User Community



SITE DATA TABLE	
PROPOSED ZONING	B3
TOTAL ACREAGE	1.22 ACRES
PARKING REQUIRED	20 SPACES
PARKING PROVIDED	28 SPACES



REVISIONS	

DRAWN BY:	KK
CHECKED BY:	HL
PROJECT NO.:	JHAR0003
CAD FILE:	PLOT LAYOUT 2.dgn
SCALE:	1" = 20'

PROJECT: PAWMS PET RESORT  
TITLE: CONCEPTUAL SITE PLAN

120 BISHOP CIRCLE, SUITE 300  
PELHAM, AL 35124  
TEL - (205) 403-9158  
FAX - (205) 403-9175





**RESOLUTION NUMBER 4974**

**A RESOLUTION FOR APPROVAL OF THE FINAL 10%  
OF THE BUDGET FOR THE CITY OF VESTAVIA HILLS,  
ALABAMA FOR THE FISCAL YEAR 2016-2017**

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, at its regular meeting of August 22, 2016, adopted and approved Resolution Number 4866 to adopt 90% of a General Fund budget, 90% of a Special Revenue Fund budget, 90% of a Capital Project Fund budget and 90% of a Sidewalk Fund Budget for the fiscal year 2016-2017; and

**WHEREAS**, the City Council of the City of Vestavia Hills, Alabama, wishes to adopt the final portion (10%) of aforesaid budgets for the fiscal year 2016-2017.

**Total Budget Recap**

	<b>General Funds</b>	<b>Special Funds</b>	<b>Capital Projects Funds</b>	<b>Sidewalk Projects Fund</b>
Total Budget Approved	\$ 37,238,529.00	\$ 2,893,517.00	\$ 1,194,463.00	\$ 120,000.00
Less 90% approved in Res. 4308 & 4233	\$ 33,514,676.00	\$ 2,604,165.00	\$ 1,075,017.00	\$ 108,000.00
Final 10% to be approved	\$ 3,723,853.00	\$ 289,352.00	\$ 119,446.00	\$ 12,000.00

**BE IT RESOLVED**, by the City Council of the City of Vestavia Hills, Alabama, that the final portion of the annual budget amounting to \$3,723,853.00 (general funds), \$289,352.00 (special funds), \$119,446 (capital projects funds) and \$12,000 (Sidewalk Projects Fund) for the fiscal year 2016-2017 is hereby adopted.

**APPROVED and ADOPTED** this the 28<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**RESOLUTION NUMBER 4975**

**A RESOLUTION APPROVING AND ADOPTING THE GENERAL FUND BUDGET, A SPECIAL REVENUE FUND BUDGET, A CAPITAL PROJECT FUND BUDGET, AND A SIDEWALK PROJECT FUND BUDGET FOR THE CITY OF VESTAVIA HILLS FOR THE PERIOD BEGINNING OCTOBER 1, 2017 UNTIL SEPTEMBER 30, 2018.**

**WHEREAS**, the City Manager has prepared and presented a “general fund budget” which has been reviewed and amended by the City Council for said period reflecting anticipated expenditures in the amount of \$38,696,171 including transfers out, to be effective for the period beginning October 1, 2017, through September 30, 2018; and

**WHEREAS**, the City Manager has prepared a “special fund budget” for said period reflecting anticipated expenditures in the amount of \$3,969,049 including transfers from the General Fund, to be effective for the period beginning October 1, 2017, through September 30, 2018; and

**WHEREAS**, the City Manager has prepared a “capital projects fund budget” for said period reflecting expenditures in the amount of \$2,408,956 to be effective for the period beginning October 1, 2017, through September 30, 2018.

**WHEREAS**, the City Manager has prepared a “community spaces fund budget” for said period reflecting expenditures in the amount of \$582,420 to be effective for the period beginning October 1, 2017, through September 30, 2018.

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

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

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

**WHEREAS**, the City Council agrees to approve and adopt ninety (90) percent, or \$34,826,554, of the municipal “general fund budget” for the City of Vestavia Hills for fiscal year 2017-2018 upon the terms, conditions, and provisions set forth below; and

**WHEREAS**, the City Council agrees to approve and adopt ninety (90) percent, or \$3,572,144, of the municipal “special revenue fund budget” for the City of Vestavia Hills for fiscal year 2017-2018 upon the terms, conditions and provisions set forth below; and

**WHEREAS**, the City Council agrees to approve and adopt ninety (90) percent, or \$2,168,060, of the “capital project fund budget” for the City of Vestavia Hills for fiscal year 2017-2018 upon the terms, conditions and provisions set forth below.

**WHEREAS**, the City Council agrees to approve and adopt ninety (90) percent, or \$524,178, of the “sidewalk project fund budget” for the City of Vestavia Hills for fiscal year 2017-2018 upon the terms, conditions and provisions set forth below.

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

1. The municipal “general fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$34,826,554, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:



\$38,696,171 multiplied by 90% equals  
\$34,826,554; and

2. The municipal “special revenue fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$3,572,144 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$3,969,049 multiplied by 90% equals  
\$3,572,144; and

3. The “capital projects fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$2,168,060 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,408,956 multiplied by 90% equals  
\$2,168,060; and

4. The “community spaces fund budget” for the City of Vestavia Hills, Alabama, prepared by the City Manager and submitted to the City Council is hereby approved and adopted to the extent of expenditures of \$524,178 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$582,420 multiplied by 90% equals  
\$524,178; and

5. The City Manager is hereby authorized to expend the sum of \$34,826,554 from the General Fund, \$3,572,144 from the Special Revenue Fund, \$2,168,060 from the Capital Projects Fund, and \$524,178 from the Community Spaces

Fund for municipal expenses for the period beginning October 1, 2017, and ending September 30, 2018.

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

**BE IT FURTHER RESOLVED**, this Resolution shall become effective immediately upon its approval and adoption.

**APPROVED and ADOPTED** this the 11<sup>th</sup> day of September, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

CITY OF VESTAVIA HILLS  
ANNUAL BUDGET  
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES  
FISCAL YEAR ENDING SEPTEMBER 30, 2018

REVENUE:	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>COMMUNITY SPACES</u>	<u>TOTAL</u>
STATE REVENUE	136,905		290,650	587,496	1,015,051
COUNTY REVENUE	15,801,690				15,801,690
CITY REVENUE	22,366,576		900,130		23,266,706
PARKS & RECREATION	341,000				341,000
4 CENT GASOLINE TAX		199,000			199,000
5 CENT GASOLINE TAX		95,000			95,000
7 CENT GASOLINE TAX		927,000			927,000
E-911 FUNDS		1,746,888			1,746,888
COURT & CORRECTIONS		516,000			516,000
LIBRARY STATE AID		21,639			21,639
LIBRARY BOOKS & DONATIONS		293,000			293,000
VEHICLE TAGS / ADMINISTRATION		127,613			<u>127,613</u>
<b>TOTAL REVENUE</b>	<b>\$38,646,171</b>	<b>\$3,926,140</b>	<b>\$1,190,780</b>	<b>\$587,496</b>	<b>\$44,350,587</b>

CITY OF VESTAVIA HILLS  
ANNUAL BUDGET  
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES  
FISCAL YEAR ENDING SEPTEMBER 30, 2018

<u>EXPENDITURES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>COMMUNITY SPACES</u>	<u>TOTAL</u>
NON DEPARTMENTAL	7,347,553			540,000	7,887,553
CITY COUNCIL	82,781				82,781
MAYOR & ADMINISTRATION	1,148,056				1,148,056
CITY CLERK	404,978				404,978
MUNICIPAL COMPLEX	293,013				293,013
INFORMATION SERVICES / TECHNOLOGY	552,129		49,295		601,424
POLICE	8,573,407		506,686		9,080,093
FIRE	9,738,715		1,057,768		10,796,483
BUILDING SAFETY & INSPECTIONS	557,700		54,752		612,452
PUBLIC SERVICES	6,849,235		652,840	42,420	7,544,495
CITY GARAGE	308,565				308,565
PUBLIC LIBRARY	2,058,435	199,000	37,615		2,096,050
4 CENT GASOLINE TAX		95,000			95,000
5 CENT GASOLINE TAX		935,582			935,582
7 CENT GASOLINE TAX		1,729,727			1,729,727
E-911 FUNDS		537,401			537,401
COURT & CORRECTIONS		21,639			21,639
LIBRARY STATE AID		323,000			323,000
LIBRARY BOOKS & DONATIONS		127,700			127,700
VEHICLE TAGS / ADMINISTRATION					
<b>SUB-TOTAL EXPENDITURES</b>	<b>\$37,914,567</b>	<b>\$3,969,049</b>	<b>\$2,358,956</b>	<b>\$582,420</b>	<b>\$44,824,992</b>
<b>TRANSFER-OUT:</b>					
General Fund to Special Funds (prosecutor's salary)	27,128				\$27,128
General Fund to Capital Reserve Fund (Sales Tax %)	754,476				754,476
Capital/Confiscation to General Fund (policeman salary offset)			50,000		50,000
<b>TOTAL - TRANSFER-OUT</b>	<b>\$781,604</b>		<b>50,000</b>		<b>\$831,604</b>
<b>TOTAL EXPENDITURES</b>	<b>\$38,696,171</b>	<b>\$3,969,049</b>	<b>\$2,408,956</b>	<b>\$582,420</b>	<b>\$45,656,596</b>

CITY OF VESTAVIA HILLS  
ANNUAL BUDGET  
SUMMARY OF "ALL FUNDS" REVENUE & EXPENDITURES  
FISCAL YEAR ENDING SEPTEMBER 30, 2018

<u>OTHER REVENUE SOURCES:</u>	<u>GENERAL</u>	<u>SPECIAL</u>	<u>CAPITAL</u>	<u>COMMUNITY SPACES</u>	<u>TOTAL</u>
TRANSFER-IN:					
From Capital/Confiscation (policeman salary offset)	\$50,000				50,000
From General Fund (prosecutor's salary)		27,128			27,128
From General Fund (projected sales tax %)			754,476		<u>754,476</u>
<b>TOTAL - OTHER REVENUE SOURCES</b>	<b>\$50,000</b>	<b>\$27,128</b>	<b>\$754,476</b>	<b>\$0</b>	<b>\$831,604</b>
<b>REVENUE OVER / (UNDER) EXPENDITURES</b>	<b>\$0</b>	<b>(\$15,781)</b>	<b>(\$463,700)</b>	<b>\$5,076</b>	<b>(\$474,405)</b>
<b>USE OF RESERVES / FUND BALANCE</b>	<b>\$0</b>	<b>\$15,781</b>	<b>\$463,700</b>	<b>(\$5,076)</b>	<b>\$474,405</b>
<b>REPORT BALANCE</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**RESOLUTION NUMBER 4976**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AND DELIVER AN ADDENDUM TO THE EMPLOYMENT CONTRACT FOR THE CITY MANAGER**

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

1. The Mayor is hereby authorized to execute and deliver a Third Addendum to Employment Contract for Jeffrey D. Downes as City Manager; and
2. Copy of said contract is attached to this Resolution Number 4976 marked as “Exhibit A” and is incorporated by reference as though written fully therein; and
3. This Resolution Number 4976 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, ADOPTED and APPROVED** this the 16<sup>th</sup> day of August, 2017.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

# Exhibit A

STATE OF ALABAMA

JEFFERSON COUNTY

## **THIRD ADDENDUM TO EMPLOYMENT CONTRACT FOR CITY MANAGER**

**WITNESSETH THIS THIRD ADDENDUM TO EMPLOYMENT CONTRACT FOR CITY MANAGER**, made and entered into on this the \_\_\_\_\_ day of August, 2017, by and between the City of Vestavia Hills, Alabama, as employer, (“City”) and Jeffrey D. Downes, as employee, (“City Manager”).

### **WITNESSETH THESE RECITALS:**

**WHEREAS**, on May 31, 2013, the City, as employer, and City Manager, as employee, entered into a written Employment Contract (“contract”) wherein the City employed the City Manager for a two (2) year term beginning July 15, 2013 and ending July 15, 2015 for and in consideration of an annual salary of One Hundred Fifty Thousand Dollars (\$150,000.00) plus other benefits pursuant to the Council-Manager Act of 1982 as amended by Act Number 2010-544; and

**WHEREAS**, on May 29, 2015, the City and City Manager executed and delivered a First Addendum to Employment Contract for City Manager, which extended the term of said Employment Contract to September 30, 2015 and further provided that the City Manager is in fact an employee of the City and shall receive increases in compensation when the City Council approves and authorizes cost of living increases in wages for all employees; and

**WHEREAS**, on May 29, 2015, the City and City Manager executed and delivered a Second Addendum to Employment Contract for City Manager, which extended the term of said Employment Contract so that said term would end on September 30, 2018; and

**WHEREAS**, the City presently pays to the City Manager an annual salary in the amount of One Hundred Sixty-one Thousand Five Hundred Sixty-nine Dollars (\$161,569.00); and

**WHEREAS**, Title 11-43A-18, *Code of Alabama, 1975*, provides among other things that the City and City Manager may enter into a contract for an indefinite term; and

**WHEREAS**, the City and City Manager wish to further amend the Employment Contract and have agreed that it is in the best interest to both parties that this agreement be reduced to writing and duly executed and delivered.

**NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:** That the City and City Manager expressly and mutually covenant and agree as follows:

1. **EXTENSION OF CONTRACT TERM:** Effective October 1, 2017, the term of this Employment Contract shall be for a period of three (3) years beginning on October 1, 2017 and ending on September 30, 2020.

2. **AUTOMATIC RENEWAL:** The City and City Manager mutually agree and understand that as of October 1, 2018, and each following October 1<sup>st</sup>, another year will be added to the Employment Contract so as to provide for a continuing three (3) year term; provided, however, that on or before June 1, 2018 and on or before every other June 1<sup>st</sup> thereafter:

(a) the City may provide City Manager with written notice that the automatic extension of one (1) additional year will not occur, for any reason or no reason; and

(b) the City Manager may provide City with written notice that the automatic extension of one (1) additional year will not occur, for any reason or no reason.

3. **INCREASE IN ANNUAL SALARY:** The annual base salary shall be increased to One Hundred Ninety Thousand Dollars (\$190,000.00) per year payable at the times and in accordance with payroll procedures of the City beginning on the date of execution and delivery of this Third Addendum to Employment Contract by City and City Manager.

4. **STEP INCREASES IN COMPENSATION:** All merit employees receive a five percent (5%) annual merit increase in salary until maximum step is attained. Therefore, beginning October 1, 2018, the City shall pay to City Manager a five percent (5%) annual merit increase in salary based upon evaluation during the term of this contract and any extension thereof; provided, however, the City shall not be obligated to pay more than a total of six annual merit increases. Stated another way, in no event shall the City be required to pay such an annual merit increase after September 30, 2024.

5. **DEFERRED COMPENSATION:** Pursuant to the authority of Title 11-91-1, et seq., *Code of Alabama, 1975*, the City Manager, at any time during the term of this Employment Contract, or any extension thereof, shall have the right to defer a portion of his compensation utilizing a Non-Qualified Deferred Compensation Plan or other financial planning tool as requested by him.



**6. CONFIRMATION AND RATIFICATION OF CONTRACT AS AMENDED:** The City and City Manager further agree that any and all terms, provisions and conditions of the Employment Contract, dated May 31, 2013, as amended twice on May 29, 2015, that are not amended by this Third Addendum, are hereby ratified, approved and confirmed by the parties so that the same shall remain in full force and effect.

**IN WITNESS WHEREOF**, the City of Vestavia Hills, Alabama has caused this Third Addendum to Employment Contract of City Manager to be executed by its duly authorized officers and its seal to be hereunder affixed; and Jeffrey D. Downes has hereunto set his hand and seal, all being done in duplicate originals with one (1) original being delivered to each party on this the \_\_\_\_\_ day of August, 2017.

CITY OF VESTAVIA HILLS, ALABAMA

By \_\_\_\_\_  
Ashley C. Curry  
Its Mayor

ATTESTED:

By \_\_\_\_\_  
Rebecca Leavings  
City Clerk

\_\_\_\_\_  
Jeffrey D. Downes

WITNESSED:

By \_\_\_\_\_

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Ashley C. Curry, whose name as Mayor of the City of Vestavia Hills, Alabama is signed to the foregoing Third Addendum to Employment Contract for City Manager, and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he in his capacity as such and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of August, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL

**STATE OF ALABAMA  
JEFFERSON COUNTY**

**GENERAL ACKNOWLEDGMENT**

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Jeffrey D. Downes, whose name is signed to the foregoing Third Addendum to Employment Contract for City Manager and who is known to me, acknowledged before me on this day that being informed of the contents of the agreement, he executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the \_\_\_\_\_ day of August, 2017.

\_\_\_\_\_  
Notary Public

My Commission Expires:

\_\_\_\_\_  
SEAL