

**Vestavia Hills
City Council Agenda
August 28, 2017
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Steve Browning, Minister of Community Engagement – Shades Mountain Baptist Church
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Financial Reports – Melvin Turner, III, Finance Director
7. City Manager’s Report
8. Councilors’ Reports
9. Approval of Minutes – August 14, 2017 (Regular Meeting)

Old Business

10. Ordinance Number 2725 – Annexation – 90-Day Final – 3308 Misty Lane, Lot 1, The Woods At Rocky Ridge; Jill And Will Smith, Owners (*public hearing*)
11. 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*)
12. Ordinance Number 2727 – Rezoning – 3009 and 3017 Sunview Drive; Rezone From Vestavia Hills R-4 (Residential) To Vestavia Hills R-9 (Residential); DCR Group, LLC, Owners (*public hearing*)
13. 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*)
14. 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*)
15. 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*)

New Business

16. Resolution Number 4977 – A Resolution authorizing Alabama Department of Transportation to move forward with plans on Project Number HSIP-I459(303) I-459 Intestate Median Crossover Protection, Guardrail and Guardrail End Anchors from SR-150 to SR-38 (US-280)

New Business (Unanimous Consent Requested)

First Reading (No Action Taken At This Meeting)

17. 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.*)
18. Resolution Number 4978 – A Resolution Accepting A Bid For Right-Of-Way Vegetation Control For FY 2018
19. Resolution Number 4979 – A Resolution Accepting A Bid For “Inside The Fence” Recreational Field Maintenance For FY 2018
20. Citizen Comments
21. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

AUGUST 14, 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
Kevin York, Police Captain
Scott Key, Fire Marshal
Melvin Turner, Finance Director
George Sawaya, Asst. Treasurer
Brian Davis, Public Services Director
Christopher Brady, City Engineer
Cinnamon McCulley, Communications Specialist

Dennis Anderson, Administrative Pastor, Vestavia Hills Baptist Church, provided the invocation, followed by the Pledge of Allegiance.

PROCLAMATION – NATIONAL SENIOR CITIZENS DAY

The Mayor presented a Proclamation designating August 21, 2017 as “National Senior Citizens Day.” Mr. Downes read the Proclamation. The Mayor stated that this holiday was established back in 1988 in honor of our senior citizens. He presented the Proclamation to the City’s Senior Citizens Association representatives, including Diane and Butch Zaragoza, Ruby Denson, JoAnn Mote, Anne Boston and others.

ANNOUNCEMENTS, GUEST RECOGNITION

- Mr. Pierce welcomed Becky Hicks, member of the Chamber of Commerce, to the meeting.
- Mr. Pierce announced that Back to School in the Hills will be held Friday evening, beginning at 6:30 PM, in order to make up for the recent rain delay at Vestavia Hills Cahaba Heights Elementary School.

CITY MANAGER'S REPORT

- Mr. Downes asked Mr. Boone to discuss the history of flooding along Patton Creek and the lower Montgomery Highway area.
 - Mr. Boone stated that he had addressed, at the last meeting, the issues of 1) spending public funds for private purposes, 2) when governmental entities spend public dollars it must be for a public purpose and 3) the City doesn't have the responsibility of draining private property. He gave a breakdown of the history of flooding of Highway 31 and described the terms of the National Flood Insurance Program (NFIP). In 1977, the City applied to enter into the National Flood Insurance Program. As a result, FEMA studied the matter and drew up a floodplain map. The City proposed Ordinance Number 551, which was widely opposed, over three public hearings, by 18 owners of businesses located at the southern end of the City. The Council rejected the ordinance by unanimous vote. The City finally entered the NFIP program in 1997. In 2004, property owners located on south Highway 31 corridor sued the City because the City spent public dollars to dredge the creek on three separate occasions in order to ease flooding on public roads. The lawsuit claimed the City allowed development at the north end of town to push more water downstream and allow flooding in the southern end, with serious damages as a result. The circuit court decided this case in favor of the City. The case was appealed to the Alabama Supreme Court, which issued a 2008 ruling with a vote of 9-0, in which the court said: "municipalities do not have the legal duty to drain private property; the infrequent dredging did not constitute an acceptance of maintenance of Patton Creek; and the City did not add to the flooding with development upstream. Further, if a City undertakes the duty to begin preventing this flooding, the City will always be responsible for said duty." In 2004, the Council engaged professionals to study the flooding problem and put together a plan, which made many recommendations, including several retention/detention ponds located along Patton Creek. This plan would have required the seizure of properties by eminent domain at a cost in excess of \$8 million. Later, Malcolm Pirney sent the plan to FEMA to apply for grants. FEMA studied it for a couple of years and came back and denied any grant money because the benefit/cost ratio wasn't feasible.
 - Discussion ensued as to the owner of Patton Creek and whose responsibility it was to clear the areas under bridges. Mr. Boone stated the creek is owned by several private property owners as it traverses

through the City. He stated that Highway 31 is a federal highway, maintained by ALDOT, and Columbiana Road is a Jefferson County roadway. Mr. Brady explained that the elevated floor of the newer buildings kept them protected from floodwater damage. The drain near the bowling alley reversed water flow because the drain was lower than the creek during the recent flooding event. The Mayor opened the meeting for a public hearing.

- Butch Zaragoza stated that, when he was mayor, they worked with the dealership at the southern end to add monitors to alert property owners when the waters began to rise. He stated they worked with ALDOT to ensure areas under the bridges were cleaned out and the County had responsibility for Columbiana Road.
 - Mr. Weaver asked if there are other problems outside of the City. Mr. Brady stated that the Country Club needs some attention and, in an event such as the recent flash flooding, no infrastructure could hold that amount of water.
 - Mr. Downes showed the lower Highway 31 flood map and where the floodway actually lies. He explained the areas where no building should occur and where buildings are required to be raised 12” above the floodplain. Many of these buildings would not have been allowed to be constructed at all if the City had entered the National Flood Insurance Program in the 70s.
- Mr. Downes presented to the Council his proposed budget for the 2018 fiscal year. He stated there will be a work session at 1 PM on Wednesday in the Executive Conference Room to discuss the proposed budget in its entirety. He read a “budget statement” that explained and highlighted parts of his proposed budget.

COUNCILOR REPORTS

- Mrs. Cook reported that she, the mayor and Councilor George Pierce attended the recent Vestavia Hills City Schools Teacher Institute. She said it was a great start to the new school year.
- Mr. Pierce announced a Chamber Board meeting Thursday, 7:45 AM, at the Chamber of Commerce.
- The mayor announced National Senior Citizens Day on Monday, August 21. He stated that the City will host a celebration with key note speakers Gov. Kay Ivey and Senator Jabo Waggoner, beginning at 5 PM, City Hall.
- Mr. Weaver stated that the Planning and Zoning Commission met last Thursday night to consider several applications and one rezoning case on Old Columbiana Road to allow for some improvement on the property. He stated that case was recommended for approval and will soon come to the Council for consideration.
- Mr. Head stated that they have concluded the community meetings for the Community Spaces plan. He stated that the contractor is compiling all the information and will soon bring options forward to the Council for consideration.

- Mr. Downes reminded everyone of the special Senate primary election tomorrow for the seat vacated by Jeff Sessions.

APPROVAL OF MINUTES

The minutes of the June 19, 2017 (Work Session), July 17, 2017 (Work Session), and July 24, 2017 (Regular Meeting), regular meeting were presented for approval.

MOTION Motion to dispense with the reading of the minutes of June 19, 2017 (Work Session), and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

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

MOTION Motion to dispense with the reading of the minutes of July 17, 2017 (Work Session) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

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

MOTION Motion to dispense with the reading of the minutes of July 24, 2017 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mr. Head. Roll call vote as follows:

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

The Mayor suspended the rules and moved one New Business item to the beginning of the agenda to accommodate the City's financial auditors.

NEW BUSINESS

RESOLUTION NUMBER 4971

Resolution Number 4971 – A Resolution Accepting The 2015-2016 Audit For The City Of Vestavia Hills, Alabama

Jason Harp and Courtney Brown of Carr, Riggs and Ingram, presented the financial audit for the 2016-2017 fiscal year. He read and explained the financial condition of the City. He stated that the audit shows positive growth and that the City is in a good financial position with approximately 138 days of operating reserves. He explained some upcoming changes in

GASB accounting that will affect the City's future balances and suggested some ways to offset those changes.

Mr. Harp showed graphs depicting the progression of revenues over the past ten years, showing positive growth. He stated the audit showed no difficulties with management.

Mayor Curry reiterated there were no adverse findings in the audit and that the City is in good a financial position.

Mrs. Cook asked about general tax revenues and asked if they have been adjusted for inflation. Mr. Downes said they had not.

MOTION Motion to approve Resolution Number 4971 was made by Mrs. Cook and second was by Mr. Weaver.

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.

OLD BUSINESS

RESOLUTION NUMBER 4964

Resolution Number 4964 – Annexation – 90-Day – 1644 Shades Crest Road; Michael Wedgworth, Owner (*public hearing*)

MOTION Motion to approve Resolution Number 4964 was made by Mr. Head and second was by Mr. Weaver.

Mr. Pierce read the report from the Annexation Committee which showed no adverse information in that the property is contiguous and the use is similar to surrounding area. He stated the representative from the board of education had no concerns because of the slow buildout forecast of the subdivision.

Mike Wedgworth and Patrick Gilbert, Wedgworth Construction, introduced themselves and gave a background of the proposal for a 13-lot conservation subdivision. Mr. Wedgworth indicated that the annexation request is conditioned upon successful rezoning of said subdivision. He described the larger lots that he is proposing, along with larger back yards to allow a bit more privacy toward the back of the property. He described the conservation subdivision and indicated that this proposal fits the definition within the zoning ordinance. This is a gated community with a private street. He stated they are full design build which makes each home construction time to be slower than a regular builder. He stated that, within the two

adjacent communities that were built by his company, he found there are three school-aged children attending City schools.

Mrs. Cook asked the Council to consider that this is an annexation request and not a rezoning request, which places the Council under no obligation to approve. Mrs. Cook asked Mr. Wedgworth what was his market. Mr. Wedgworth said the price point of the homes would lend itself to empty-nesters and older, more established owners. Mrs. Cook agreed that the price point of the home would lend itself to older adults, but her concern was there is no guarantee without a covenant for age restriction on the property ownership. She asked Mr. Wedgworth if he would be willing to agree to impose such a covenant. Mr. Wedgworth said he could not commit to that at this time. Mrs. Cook indicated that she would only be willing to support the annexation request if there were age restrictions on property ownership to 55 and older, to limit the number of school-age children in the subdivision. Mr. Wedgworth said he would not agree to such a covenant.

Mr. Wedgworth stated that, when he markets homes that exceed \$800,000, it has to be generic enough to sell to the person who might have a family of older children and probably buying about their third home; age restrictions over 65 would limit the viability of this type of home with its price point. He stated if they were held to that restriction, he might have to opt to develop in the County. He explained that the previous Council administration recently annexed properties that are bringing 50 to 60 homes to the City, much faster than these 13 homes. He indicated that the buildout of this subdivision would go for years and have a much lesser impact than other subdivisions.

Mr. Pierce stated that he, too, was concerned about impacts to the schools with other subdivisions that had been annexed. He said, with the value of these homes and slow buildout, the school officials didn't indicate there would be a concern. He stated he would be more comfortable if there was excess room in the schools.

The Mayor opened the floor for a public hearing.

Donald Harwell, 1857 Willoughby Road, stated that Mr. Wedgworth builds great homes and that a portion of the assessed taxes go to the County schools anyway, so what was the difference if this was in the City or County. He stated he thought these homes should be in the City. He stated he did not have an issue with this particular subdivision.

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

Mrs. Cook – no

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

RESOLUTION NUMBER 4968

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*)

Mr. Downes explained that this abatement references 2600 Kingswood Road. Corporal Coleman indicated this property is in violation of the City’s weed ordinance and, even after receiving numerous citations, the property owner had not addressed the concerns to the satisfaction of the City. Corporal Coleman asked the City to abate the nuisance and place a lien on the property.

Officer Coleman described the situation, his actions to date and requested that the City Council declare the situation a nuisance. He stated he had gone by the property that day and the homeowners had worked on the property, but the backyard was still not in compliance.

Harold Wade, 2600 Kingswood Road, stated that he and his wife are elderly and have been incapacitated and were unable to care for the bushes. He stated they have been working on the property, but needed more time. He stated they don’t have a large budget and cannot hire someone to finish the property. He stated that they are part-time residents in the home.

Mrs. Cook asked Mr. Wade if he was physically able to do the work.

Mr. Wade stated he could do it a little at a time.

Discussion ensued and Officer Coleman stated the initial complaint was in May and he had contacted the property owner in May. The front of the home was compliance and the side yard was partially done, but none of the backyard appeared to have been completed.

Mr. Pierce asked Mr. Wade if he would be able to maintain the property once it was brought into compliance.

Mr. Wade stated that once it was done, he could maintain it.

Discussion ensued as to the condition of the property, trimming of bushes, actions, needed in order to bring the property into compliance.

MOTION Motion to postpone consideration of Resolution Number 4968 until the the 1st Council meeting in September, September 11, 2017, was by Mrs. Cook and second was by Mr. Weaver.

Mrs. Cook – yes

Mr. Pierce – yes

Mayor Curry – yes

Mr. Head – yes

Mr. Weaver – yes

Motion carried.

RESOLUTION NUMBER 4969

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*)

Mr. Downe explained that this property is located at 1600 Gentilly Drive in the same neighborhood and a similar situation.

MOTION Motion to consider Resolution Number 4969 was made by Mrs. Cook and second was by Mr. Pierce.

Corporal Coleman stated he received the original complaint in May and received no response from the homeowner. He stated that this homeowner appeared before the Council last year, for the same reason, and that he had not done anything to maintain the property since the City took action last year. There is a dead tree in the front yard.

Charles Fletcher, owner of the property, stated he went to the extension service in May before Memorial Day to speak to them about some azaleas. He stated he had radiation treatments in June and he had hired someone to work on the vines. He stated that the notice to destroy weeds that he was served did not explain fully what needed to be done and that he has worked on the property throughout the summer. The owner stated he had the means to hire someone to work on the property.

Discussion ensued that the homeowner must abide by the City's ordinances, by whatever method needed and the Council needed some assurance that he would do it. The Council reiterated that this was a repeat offense.

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.

ORDINANCE NUMBER 2724

Ordinance Number 2724 – An Ordinance Authorizing And Directing The Purchasing And Closing Of The Sale Of Real Estate (*public hearing*)

Mr. Downes explained that this property, located at 1933 Merryvale Road, is strategically situated immediately adjacent to Wald Park and the City negotiated to purchase for \$390,000. The owner has agreed to the terms of the agreement with a closing date between

November 26 and January 26 based on the fact the owners need to remove furniture and personal property from the home, due to the passing of the owners' parents.

MOTION Motion to consider Ordinance Number 2724 was made by Mrs. Cook and second was by Mr. Weaver.

The Mayor commended Mr. Downes and Mr. Boone for negotiating this deal.

The Mayor opened the floor for a public hearing.

David Harwell, 1803 Catala Road, stated that he pulled up the agenda and researched this property and it appears that the City might be paying too much for this property. He stated that, over the years, the City sells at a loss and overpays for purchasing properties.

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

RESOLUTION NUMBER 4972

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

MOTION Motion to approve Resolution Number 4972 was made by Mrs. Cook and second was by Mr. Head.

Mr. Downes explained that this Resolution gives the City permission to dispose of an old Dodge Nitro, which is not longer needed by the Building Safety department.

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 4973

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*)

MOTION Motion to consider Resolution Number 4973 was made by Mr. Pierce and second was by Mr. Weaver.

Todd Ianniello, representing Metro Diner, stated that they will be at 1088 Montgomery Highway just in front of the City Hall.

Mr. Pierce asked about the training of employees.

Mr. Ianniello explained that they only have beer and wine on premise and training is done by the manager.

Mr. Downes stated that the application has been cleared by the Police Department.

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.

NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)

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 28, 2017, at 6:00 PM.

- Ordinance Number 2725 – Annexation – 90-Day Final – 3308 Misty Lane, Lot 1, The Woods At Rocky Ridge; Jill And Will Smith, Owners (*public hearing*)
- 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*)
- 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*)
- 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*)

- 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*)
- 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*)
- Resolution Number 4975 – A Resolution Approving And Adopting The General Fund Budget, A Special Revenue Fund Budget, A Capital Project Fund Budget, And A Community Spaces 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.*)
- 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.*)

CITIZEN COMMENTS

The Mayor reminded everyone of a work session beginning at 1 PM to discuss the budget and a special called meeting at 6 PM that same evening to amend the City Manager’s employment contract.

EXECUTIVE SESSION

The Mayor stated that the Council needed to go into Executive Session to discuss the possible purchase/sale of real estate for an estimated 20 minutes with no business to follow. He opened the floor for a motion.

MOTION: Motion was by Mrs. Cook and second was by Mr. Weaver to go into Executive Session to discuss the possible purchase/sale of real estate for an estimated 20 minutes with no business to follow. Mr. Boone approved that the Council could go into Executive Session for this purpose.

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

The Council exited the Council Chambers at 8:11 PM. At 8:27 the Council re-entered the Council Chambers and called the meeting back to order.

At 8:28 PM, Mrs. Cook made a motion to adjourn seconded by Mr. Pierce. The meeting adjourned at 8:28 PM.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

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.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

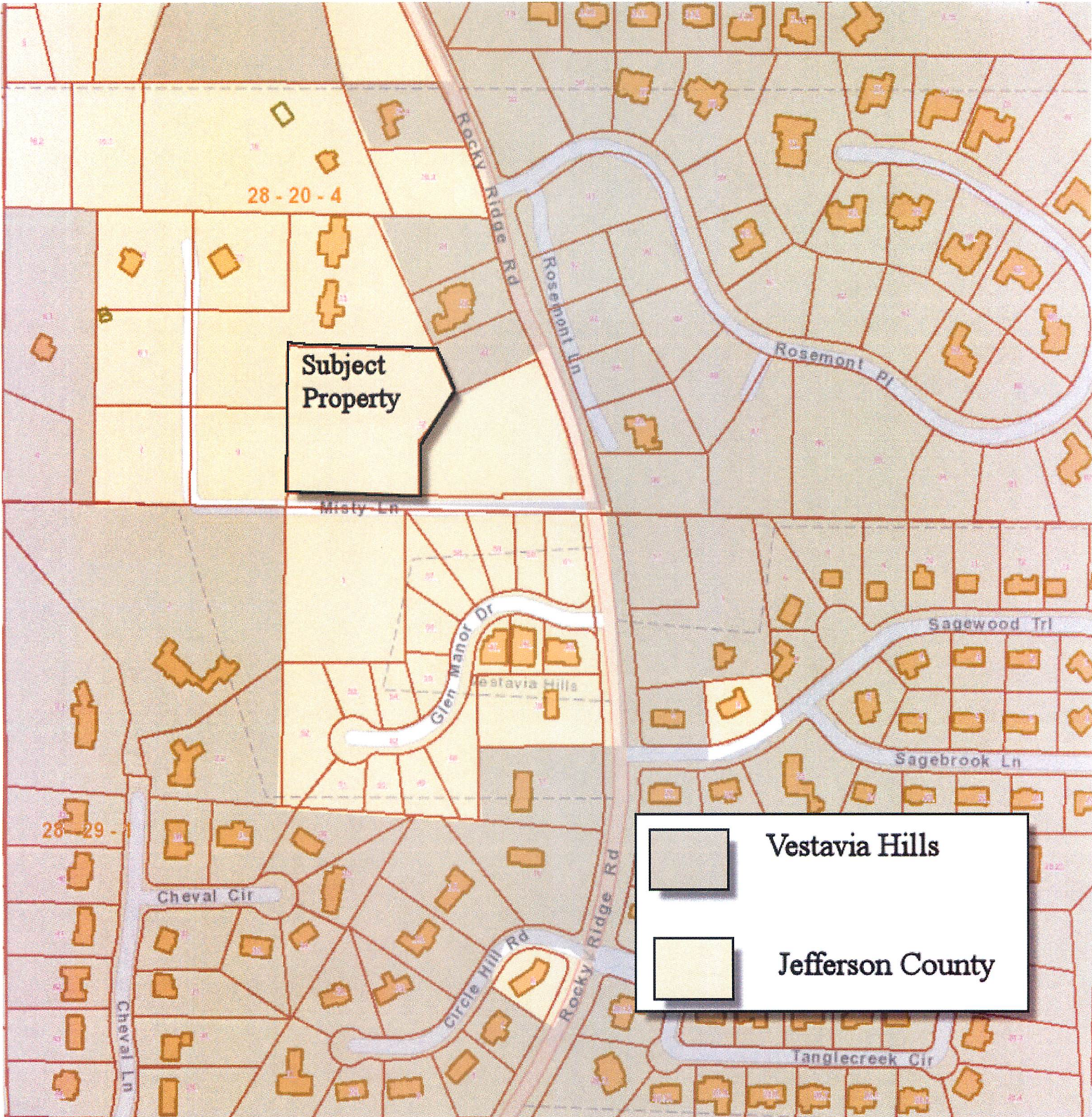
Rebecca Leavings
City Clerk

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
201416-3509	8/13/2014	12/8/2016	2016	LERETA	\$3,835.75
9809-4585	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 in fire 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 6th 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

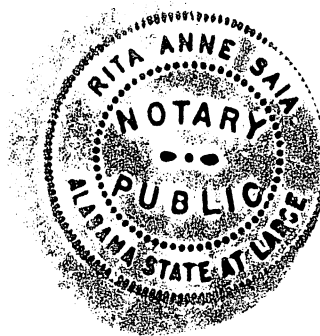


EXHIBIT "B"

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

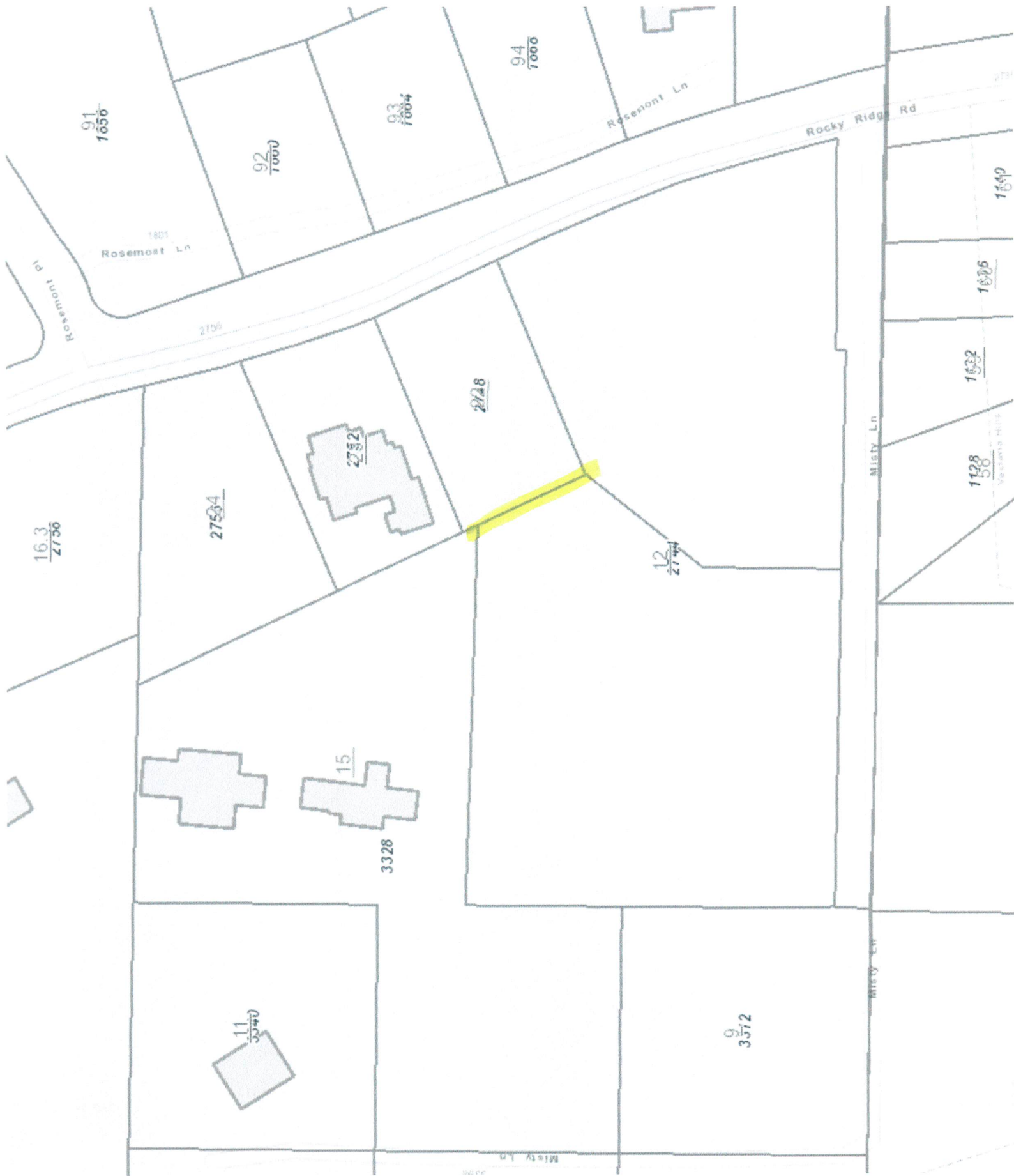
Information on Children:

N/A

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

	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": _____



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 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

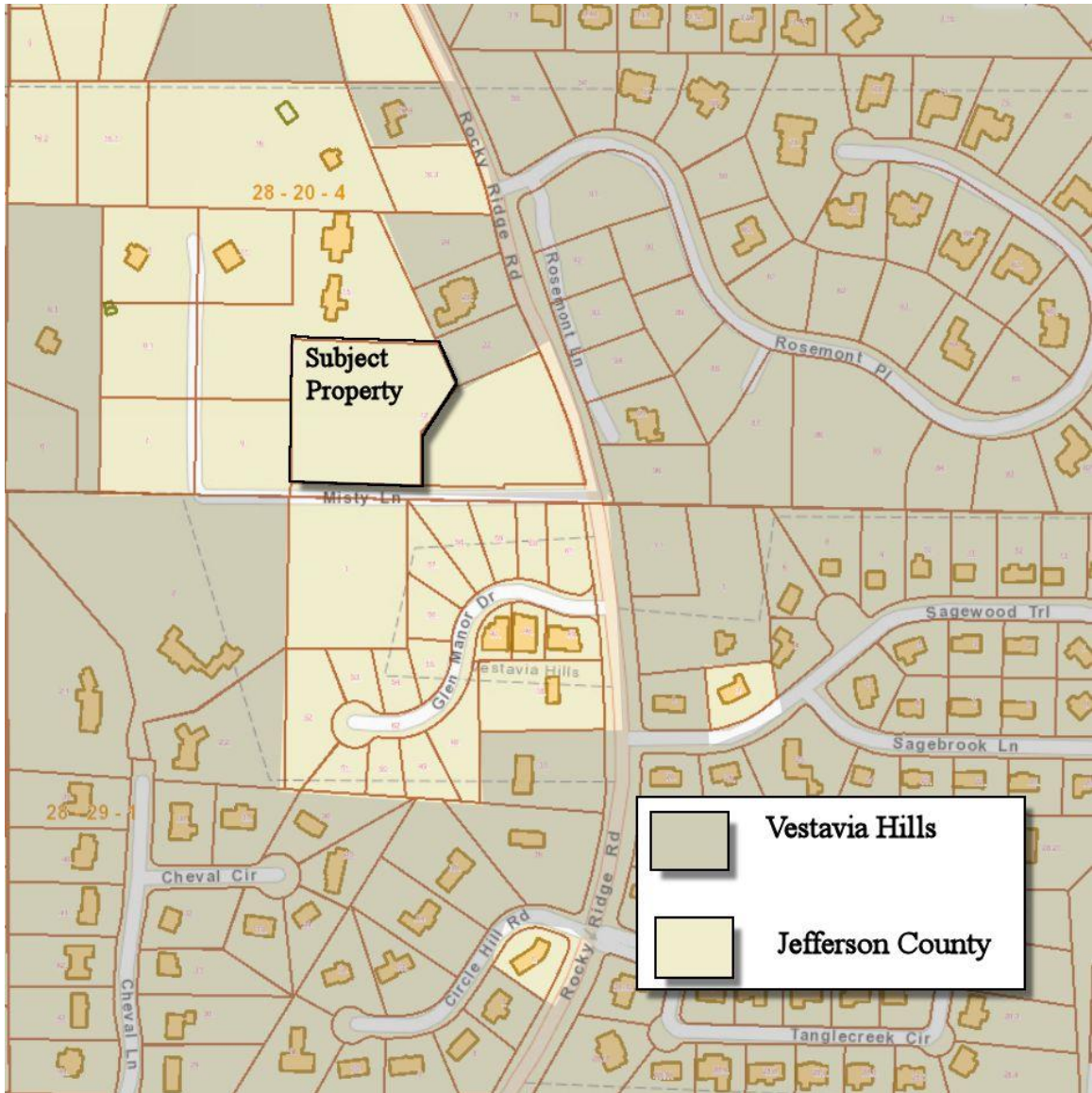
Rebecca Leavings
City Clerk

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 28th 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.

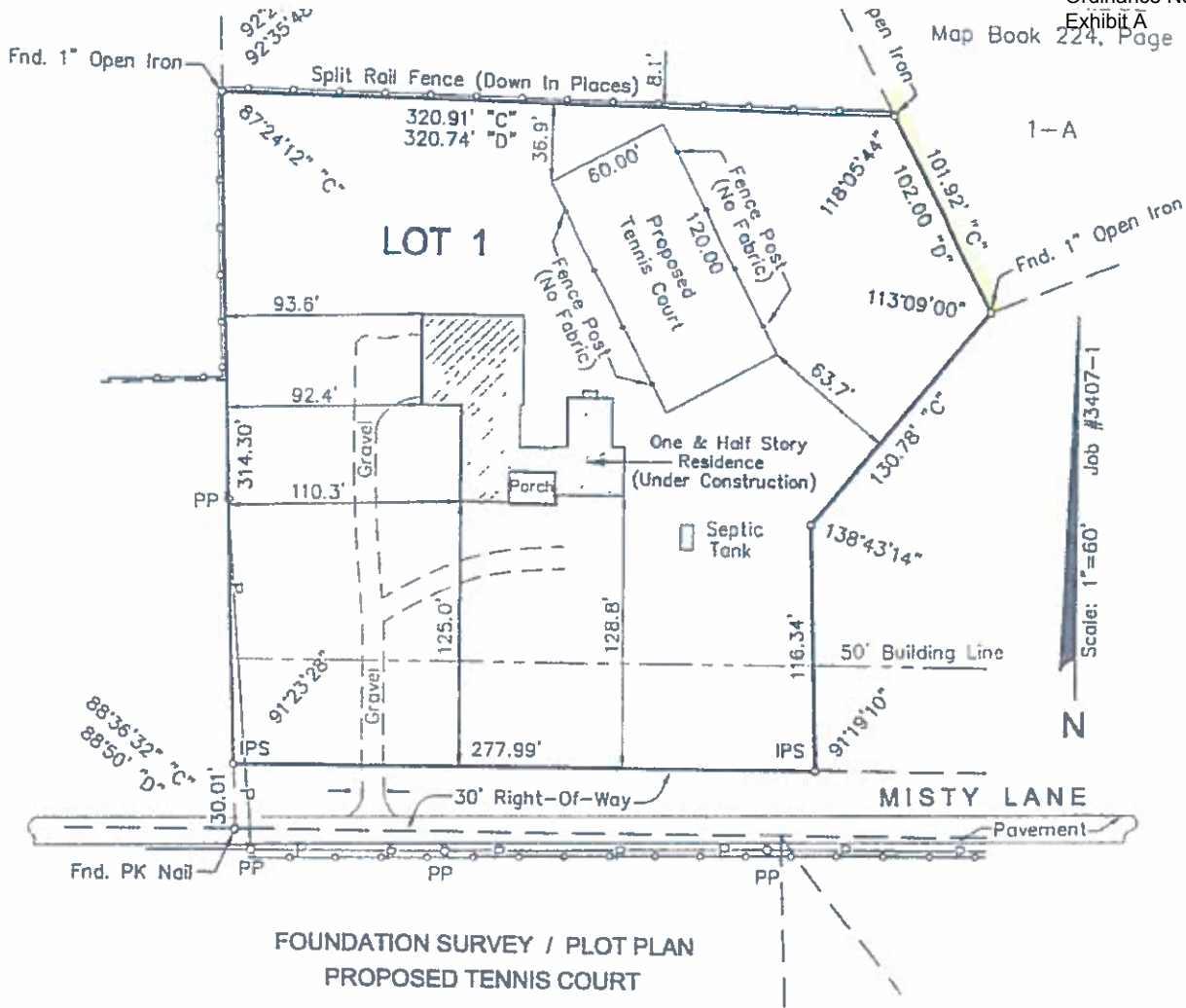
City Planner Recommendation: No recommendation
 2. **City Engineer Review:** I have reviewed the application and have no issues with this request.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed 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

Exhibit - Resolution No. 4942



**FOUNDATION SURVEY / PLOT PLAN
PROPOSED TENNIS COURT**

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. Boatright, 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



(Signature)
James R. Boatright, 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 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 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

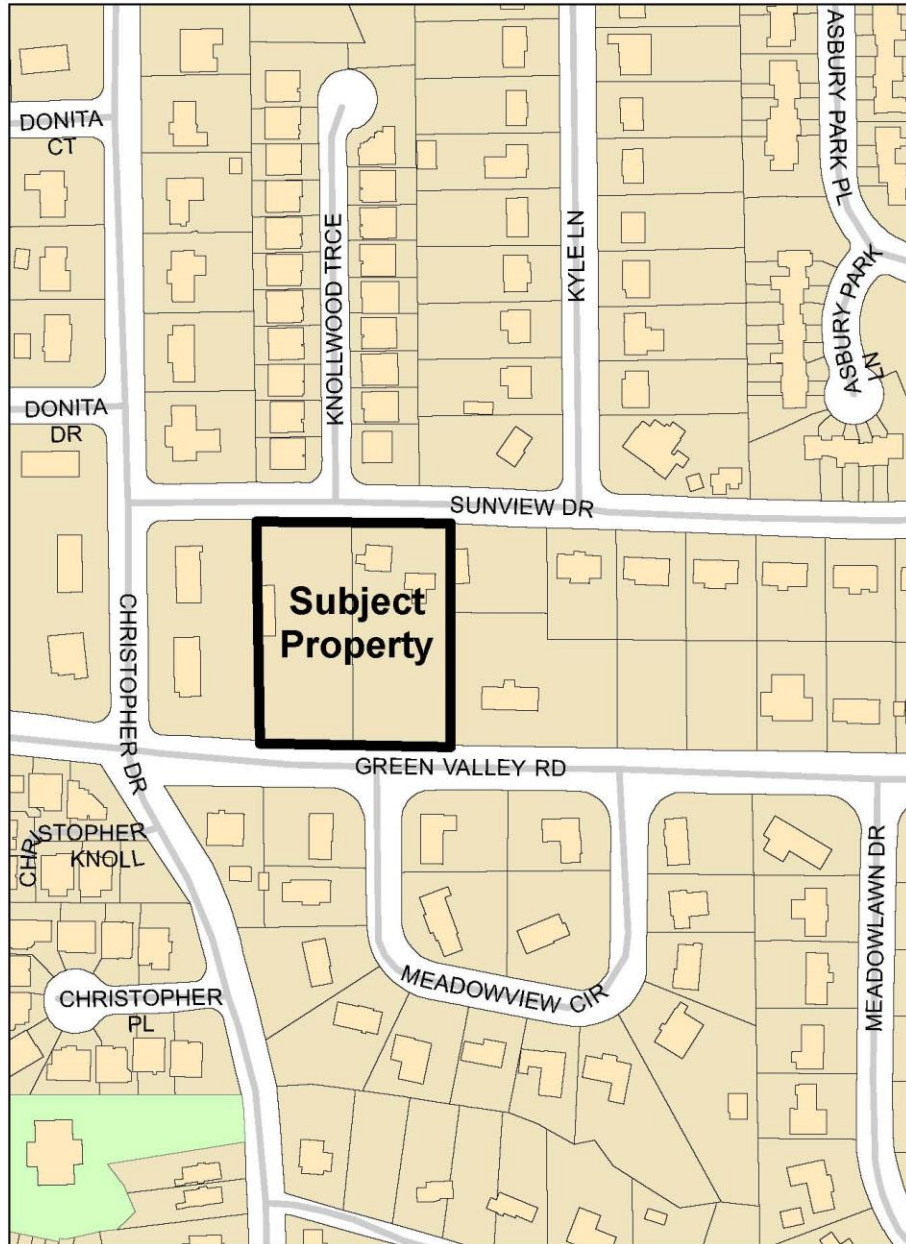
CERTIFICATION:

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 28th 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
- **REPRESNTING 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

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:

Progressive Properties, PLLC

attn: Eric Rogers

1419 22nd Avenue

Tuscaloosa, AL 35401

paying postage fees →

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.

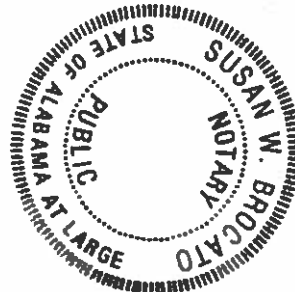
[Signature]
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 8th day of June, 20 17.

[Signature]
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.

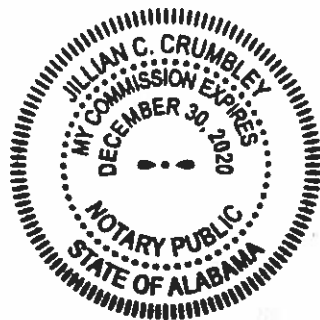
Phillip J. Parker - 6-9-2017
Phillip J. Parker 6-9-2017

Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 9th day of June, 2017.

Jillian C. Crumbley
Notary Public
My commission expires 30th
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

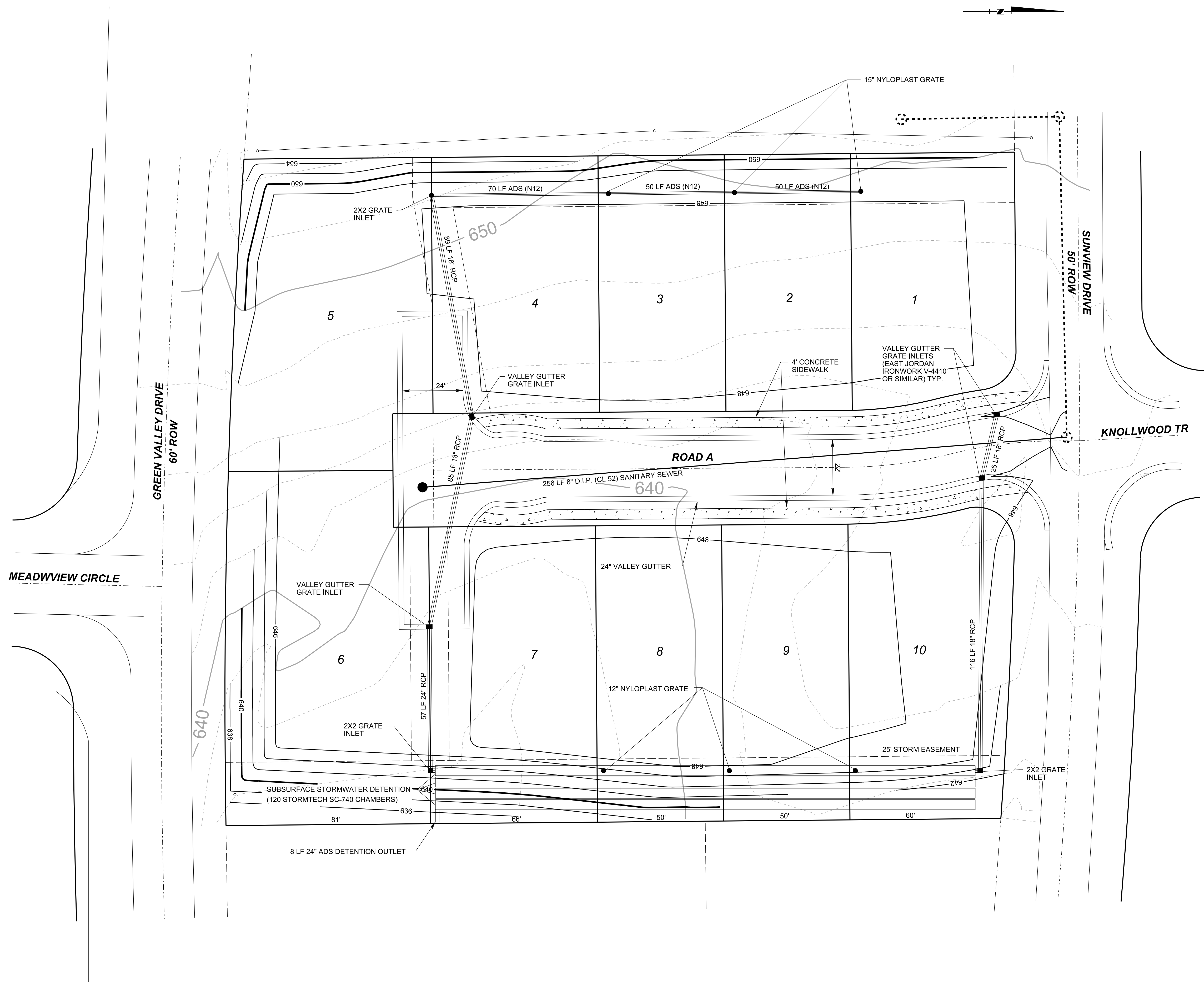
Eric Rogers 6/8/2017
Representing Agent (if any)/date
Eric Rogers

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

[Signature]
Notary Public

My commission expires ~~11-15-2020~~ 15
day of November, 2020.



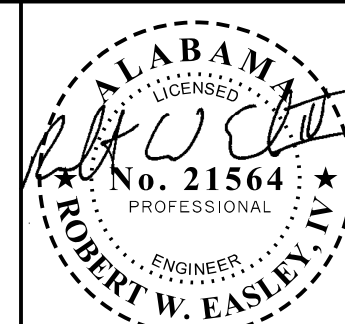


SITE DATA	
PAVING AREA	- 950 SY
24" VALLEY GUTTER	- 750 LF
CUT	- 865 CY
FILL	- 11,200 CY
TOPSOIL	- 2,200 CY

No.	Date	By	Checked	Revision Description

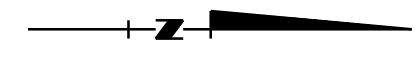
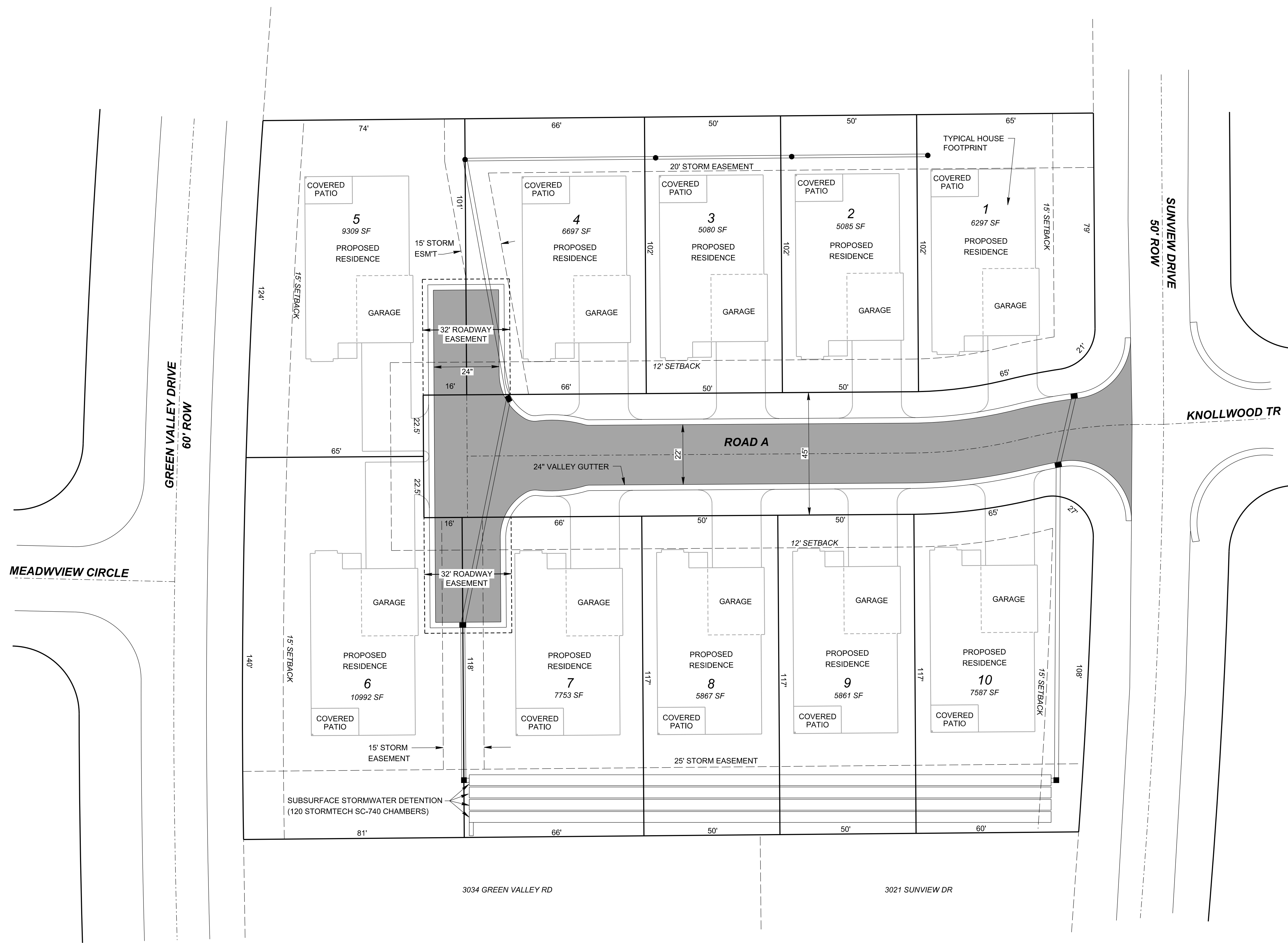
Alabama Engineering Company, Inc.
 2 Office Park Circle, Suite 11
 Birmingham, Alabama 35223
 Phone (205) 803-2161
 Fax (205) 803-2162

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. C1.0
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 12' ALONG ROAD A	
FRONT YARD SETBACK 15' ALONG SUNVIEW DRIVE AND GREEN VALLEY ROAD	
REAR YARD SETBACK 15'	
SIDE YARD SETBACK 5'	

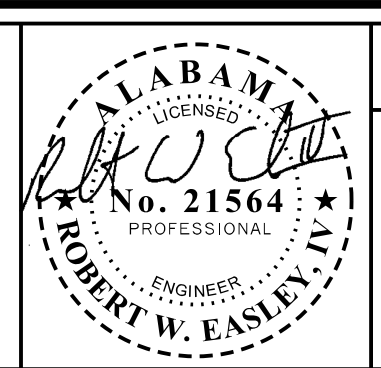
No.	Date	By	Checked	Revision Description

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

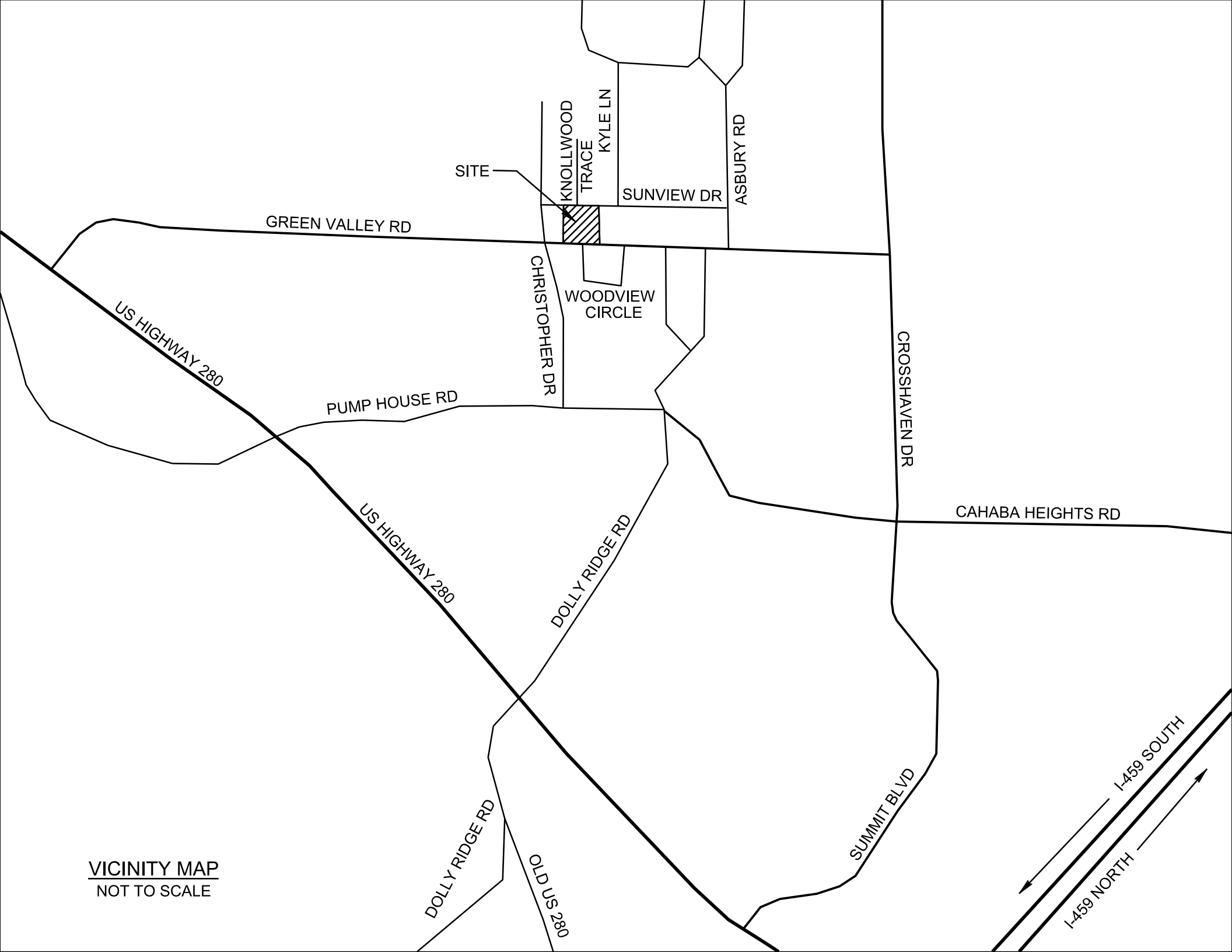
 Robert W. Easley, IV, PE

 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. C1.0
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

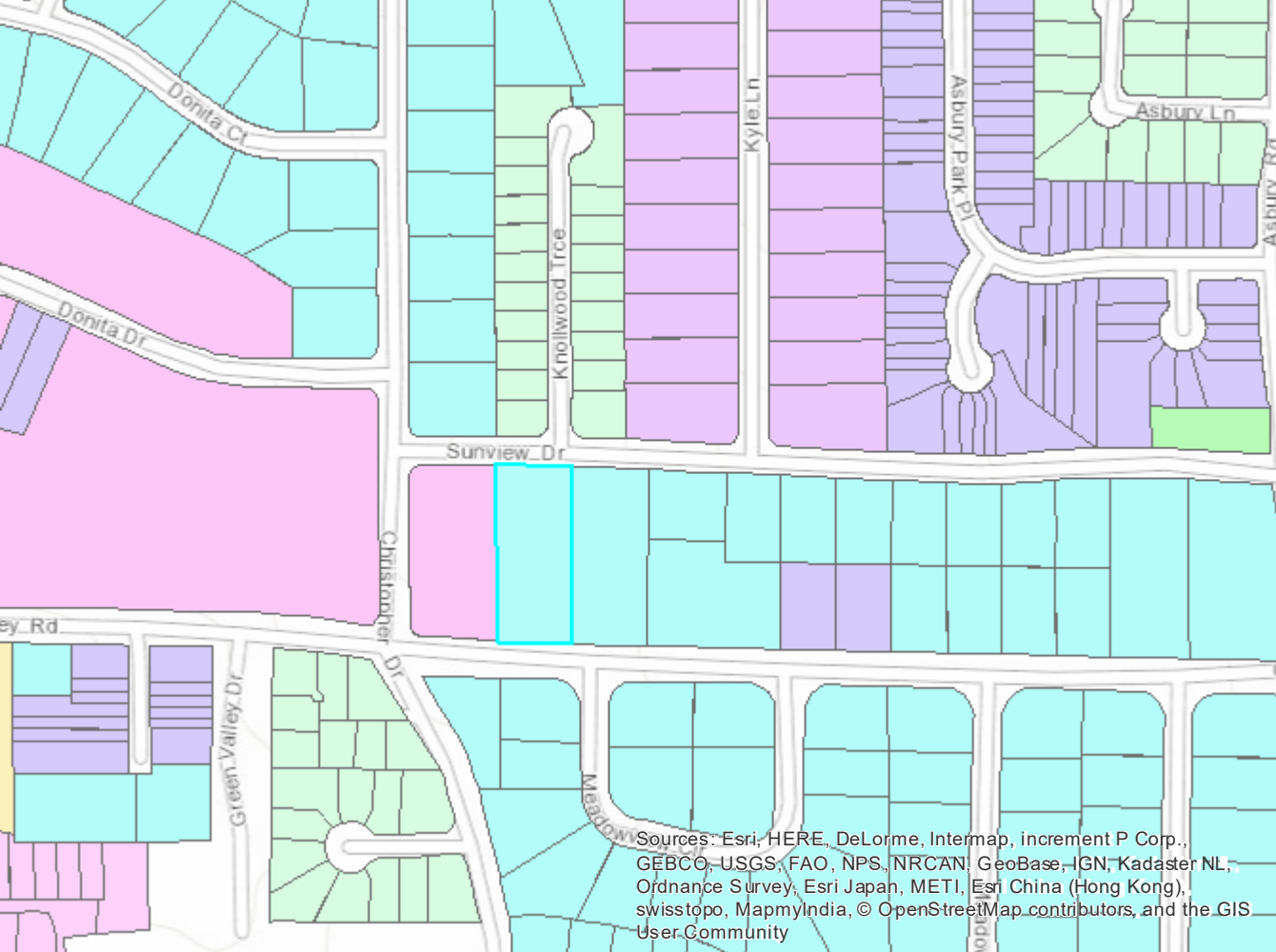
SUMMIT BLVD

I-459 SOUTH
I-459 NORTH

DOLLY RIDGE RD


OLD US 280

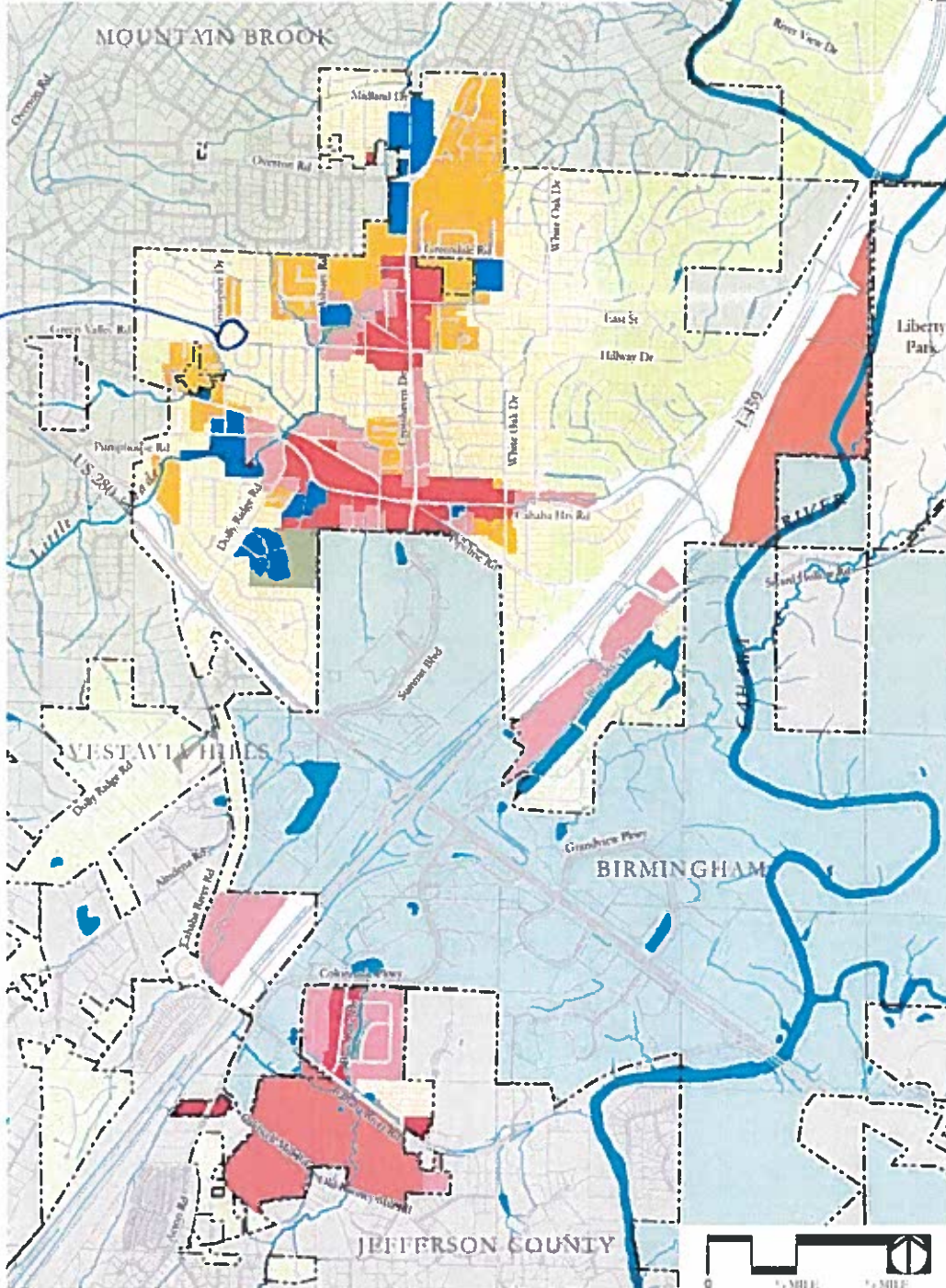
VICINITY MAP
NOT TO SCALE



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 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

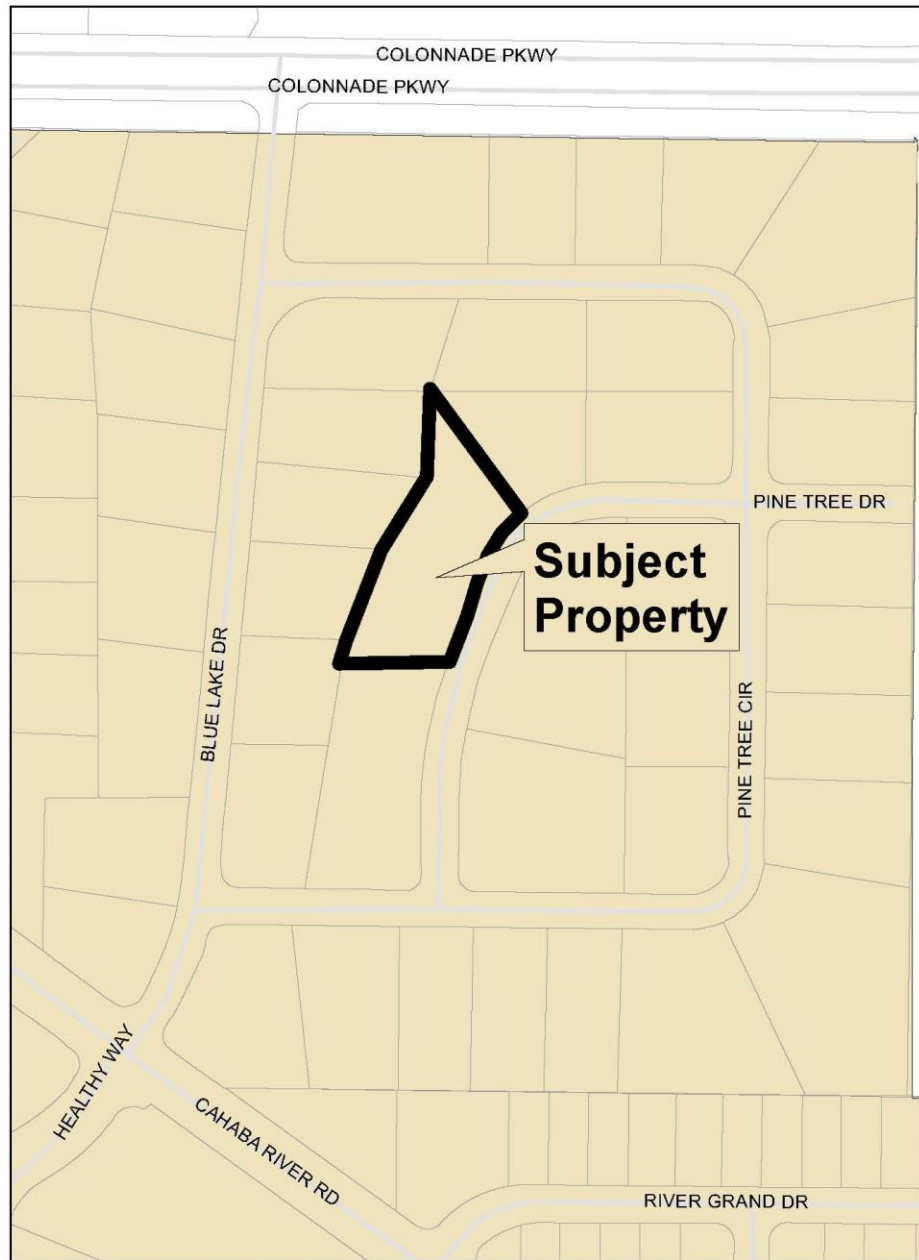
CERTIFICATION:

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 28th 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.

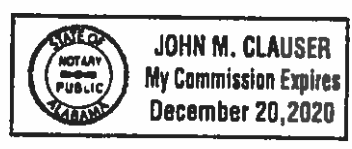
VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

June Pryor
Owner Signature/Date

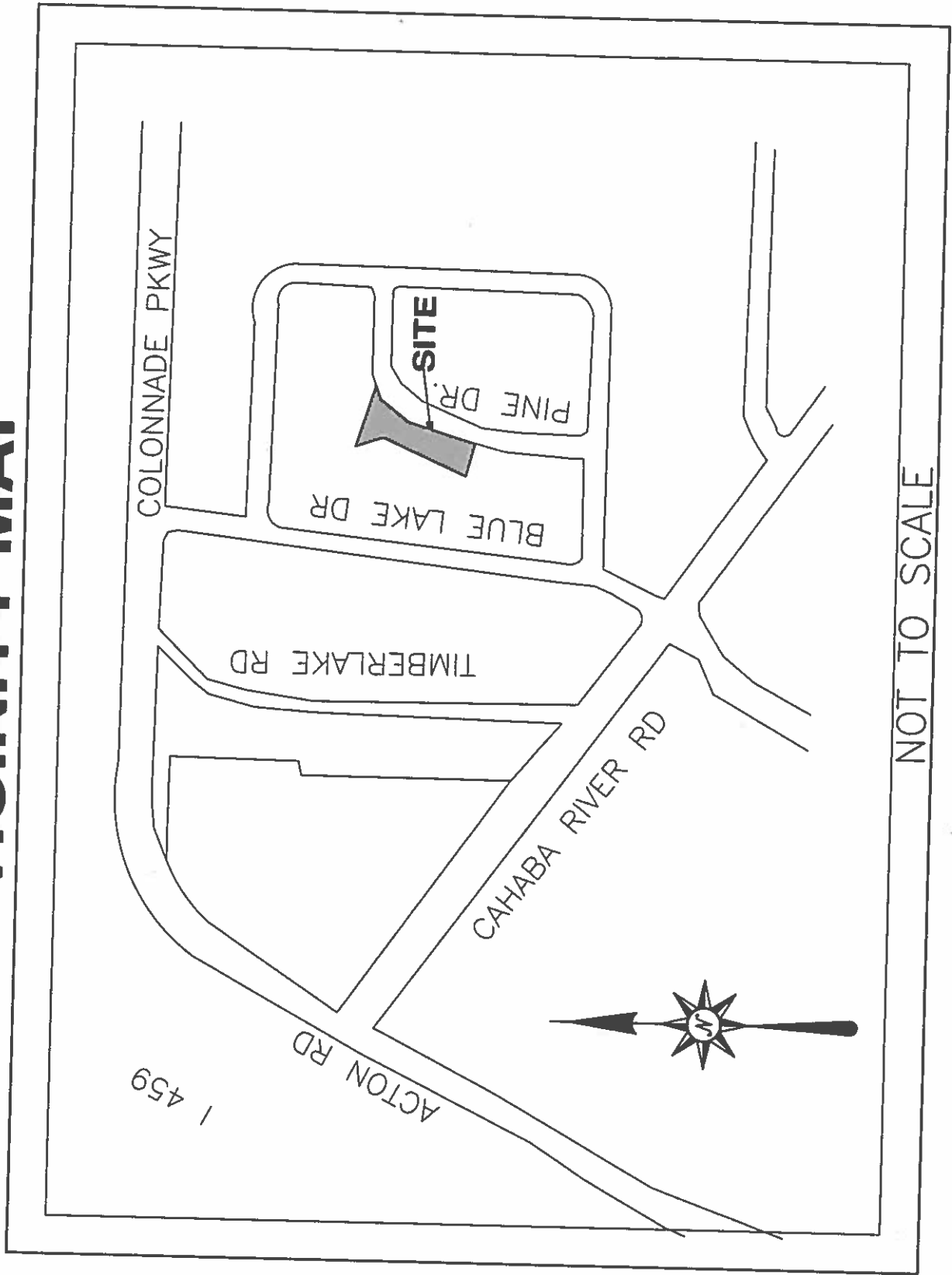
Representing Agent (if any)/date

Given under my hand and seal
this 25th day of May, 20 17.

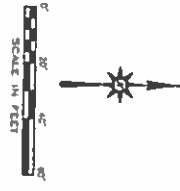
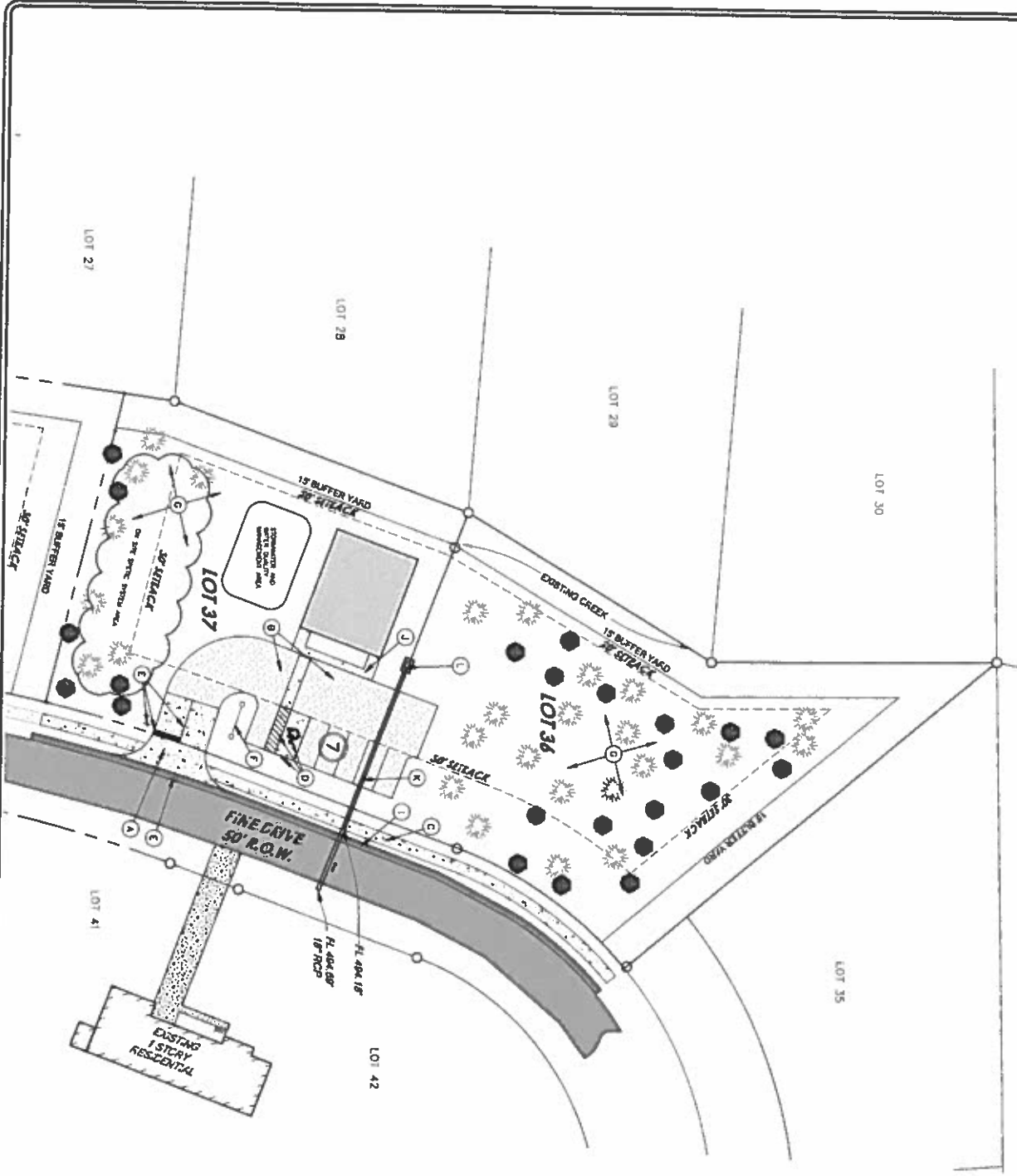
John M. Clauser
Notary Public
My commission expires 20th
day of December, 20 20.



VICINITY MAP



NOT TO SCALE



- STIPPLE LEGEND**
- A CONCRETE PAVING MARKS - DRIVEWAY
 - B EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - C EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - D EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - E EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - F EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - G EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - H EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - I EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - J EXISTING DRIVEWAY PAVEMENT - DRIVEWAY
 - K EXISTING DRIVEWAY PAVEMENT - DRIVEWAY

Dimensions for this site comply with the City of Wetumpka, GA standards for storm water runoff.



<p>DATE: 11/15/2011 TIME: 10:00 AM DRAWN BY: J. GONZALEZ CHECKED BY: M. STRENGTH</p>	<p>GONZALEZ - STRENGTH & ASSOCIATES, INC. CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION 1000 HAWTHORNE LANE (SUITE 200) WETUMPA, ALABAMA 36082 PHONE: (205) 444-5444 FAX: (205) 444-5444 WWW.GONZALEZSTRENGTH.COM</p>	<p>RE-ZONING EXHIBIT H2 CLINIC WETUMPA, AL AWH ARCHITECTS</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th>REVISION</th> <th>DATE</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	REVISION	DATE								
REVISION	DATE												



LAZOR/
OFFICE

+

AMH
ARCHITECTS



LAZOR/
OFFICE

+

AMH
ARCHITECTS

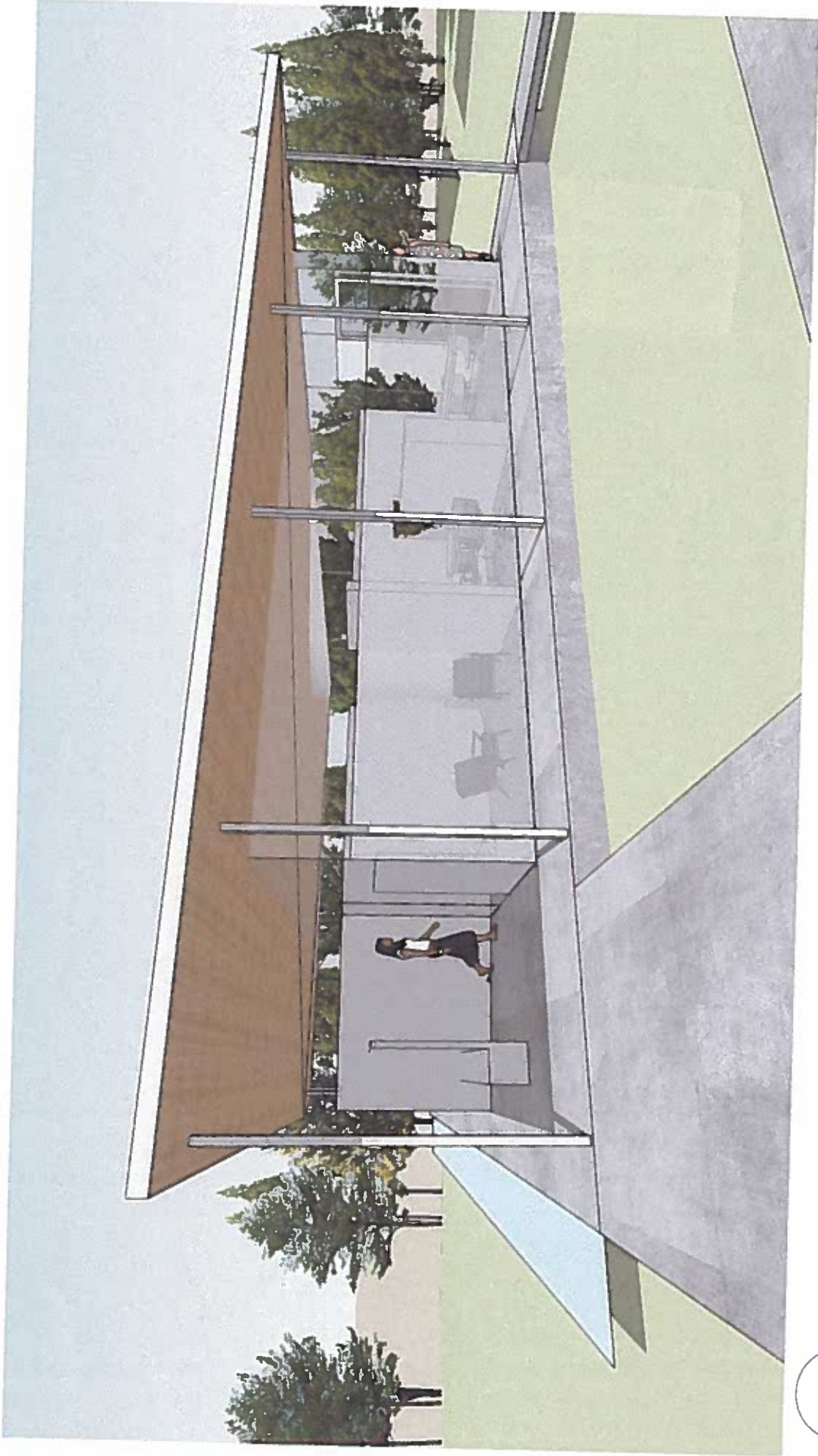


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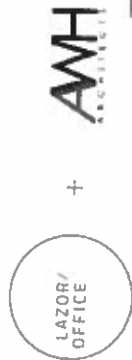
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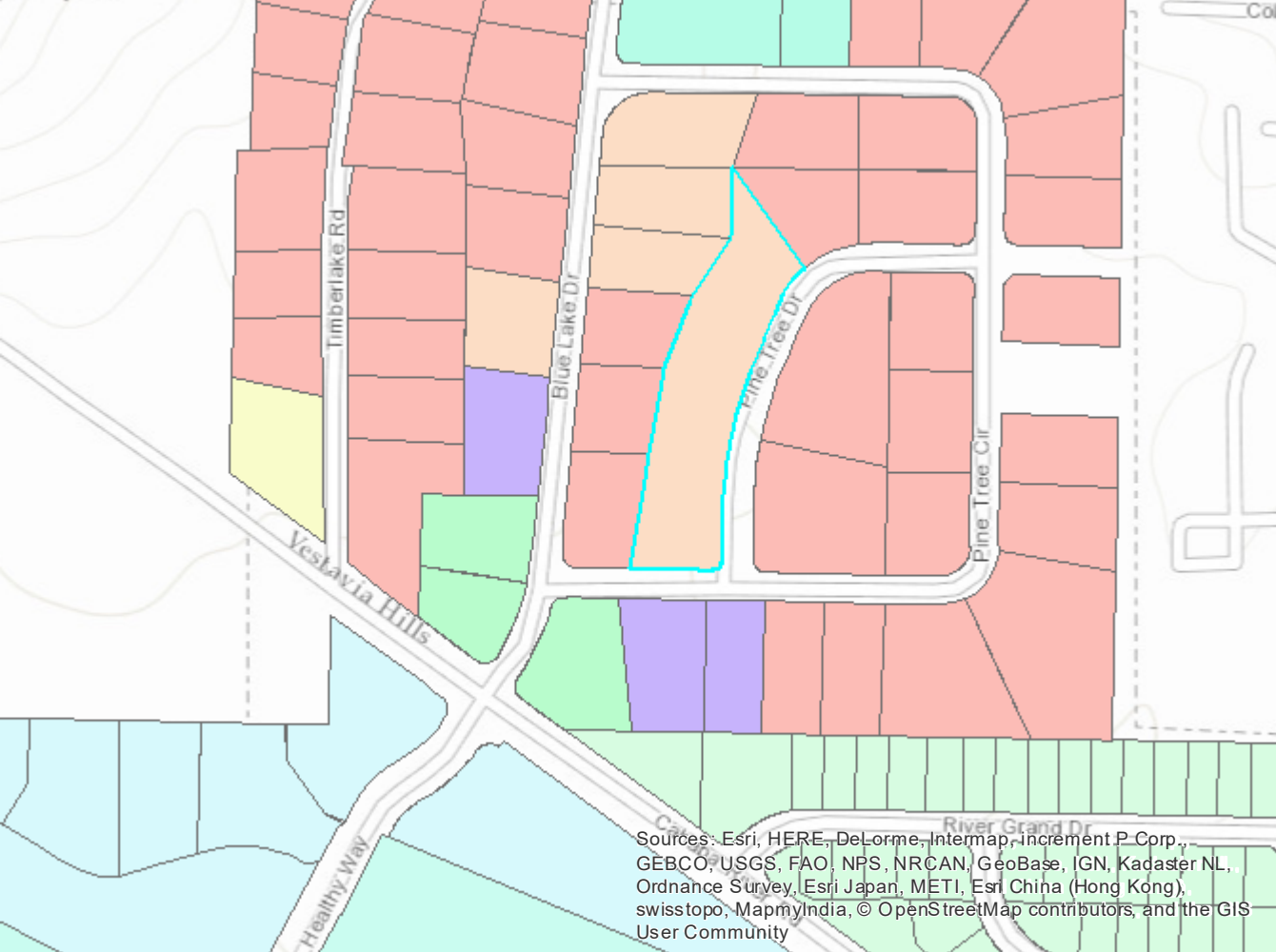




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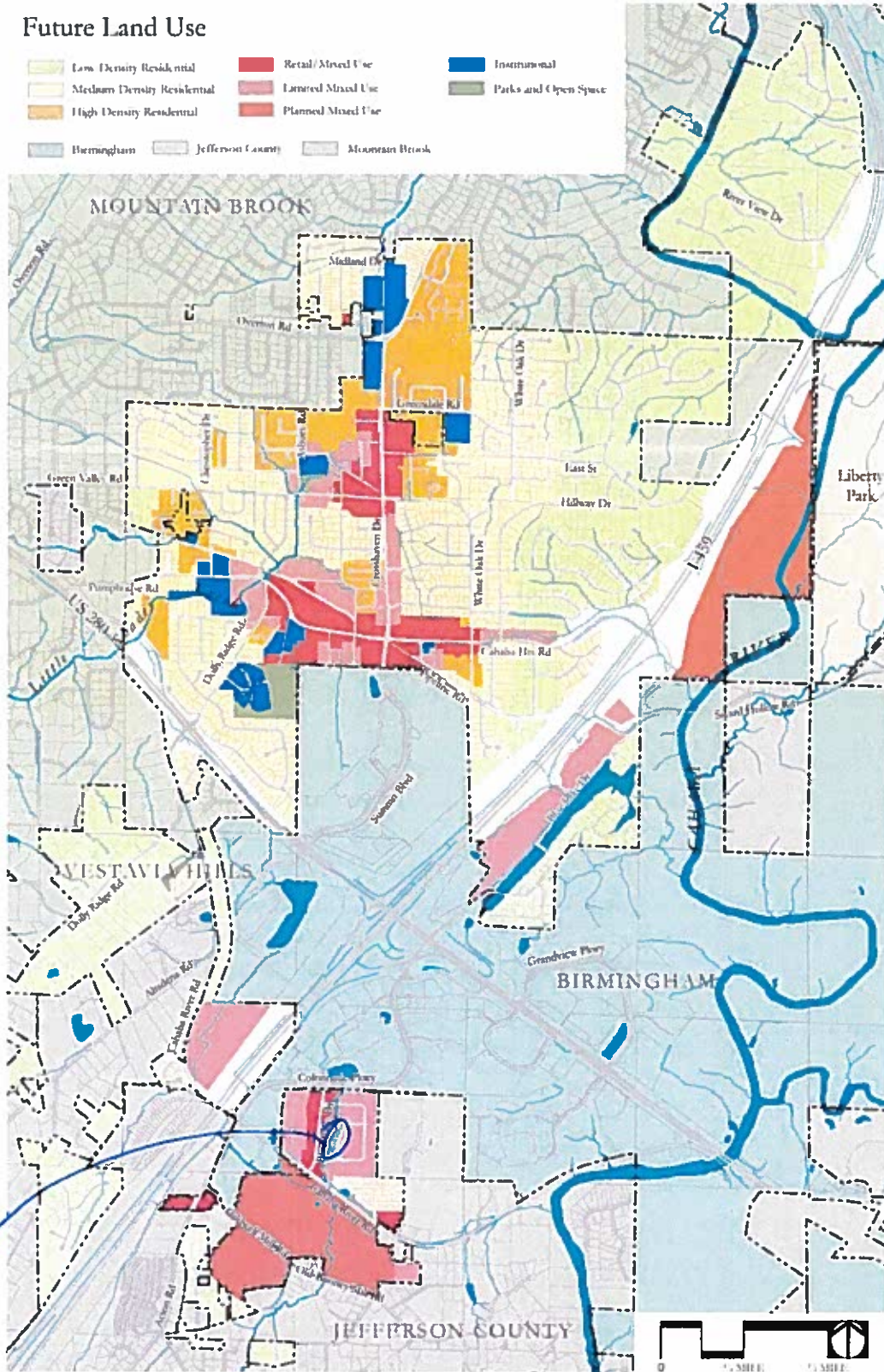






Sources: Esri, HERE, DeLorme, Intermap, Increment P. Corp., GBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), swisstopo, MapmyIndia, © OpenStreetMap contributors, and the GIS User Community

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 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

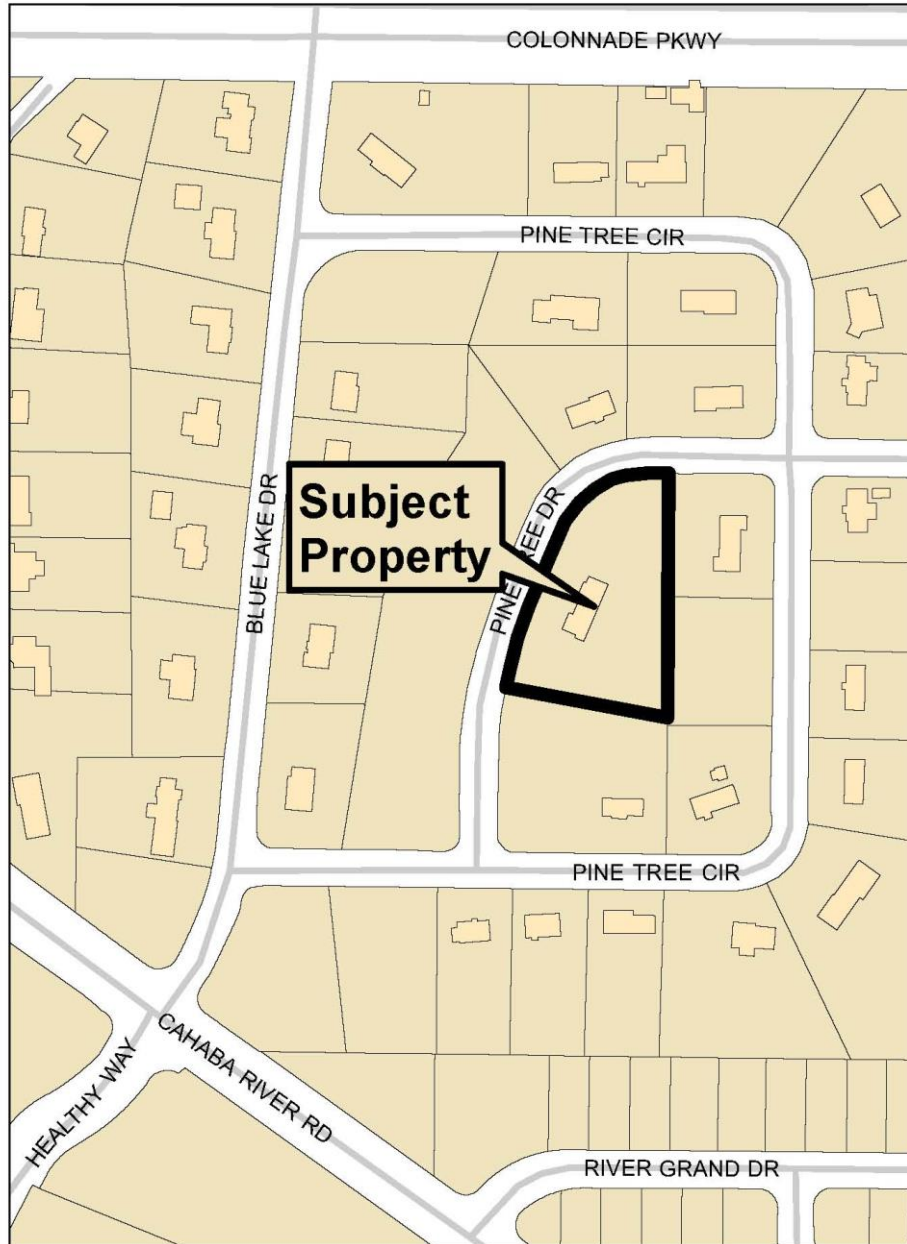
CERTIFICATION:

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 28th 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. 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 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.

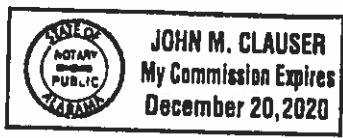
VI. I do hereby declare the above statements are true and that I, the owner, and/or my duly appointed representative will be at the scheduled hearing.

[Signature]
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal
this 25th day of May, 2017.

[Signature]
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

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 |

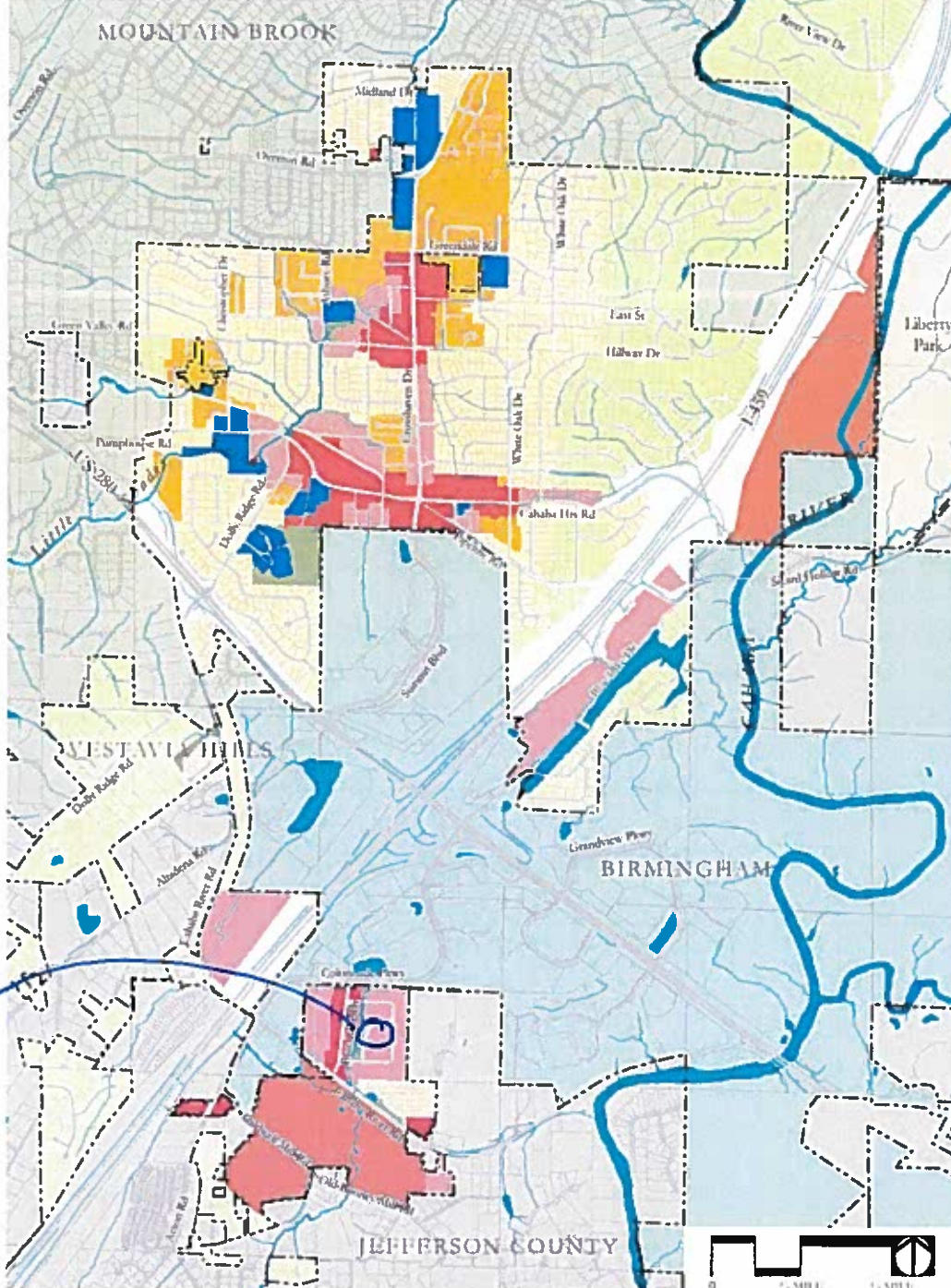
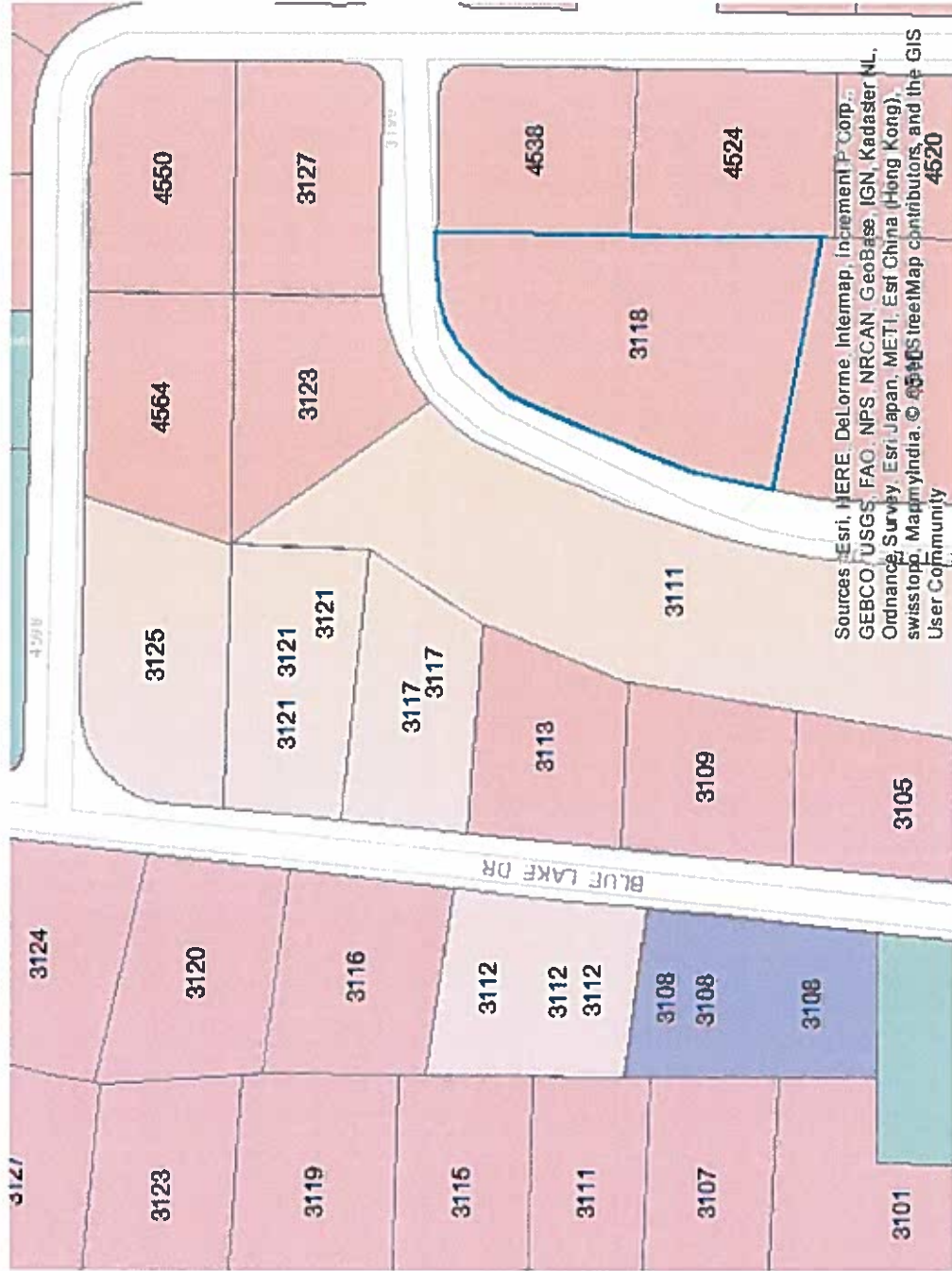
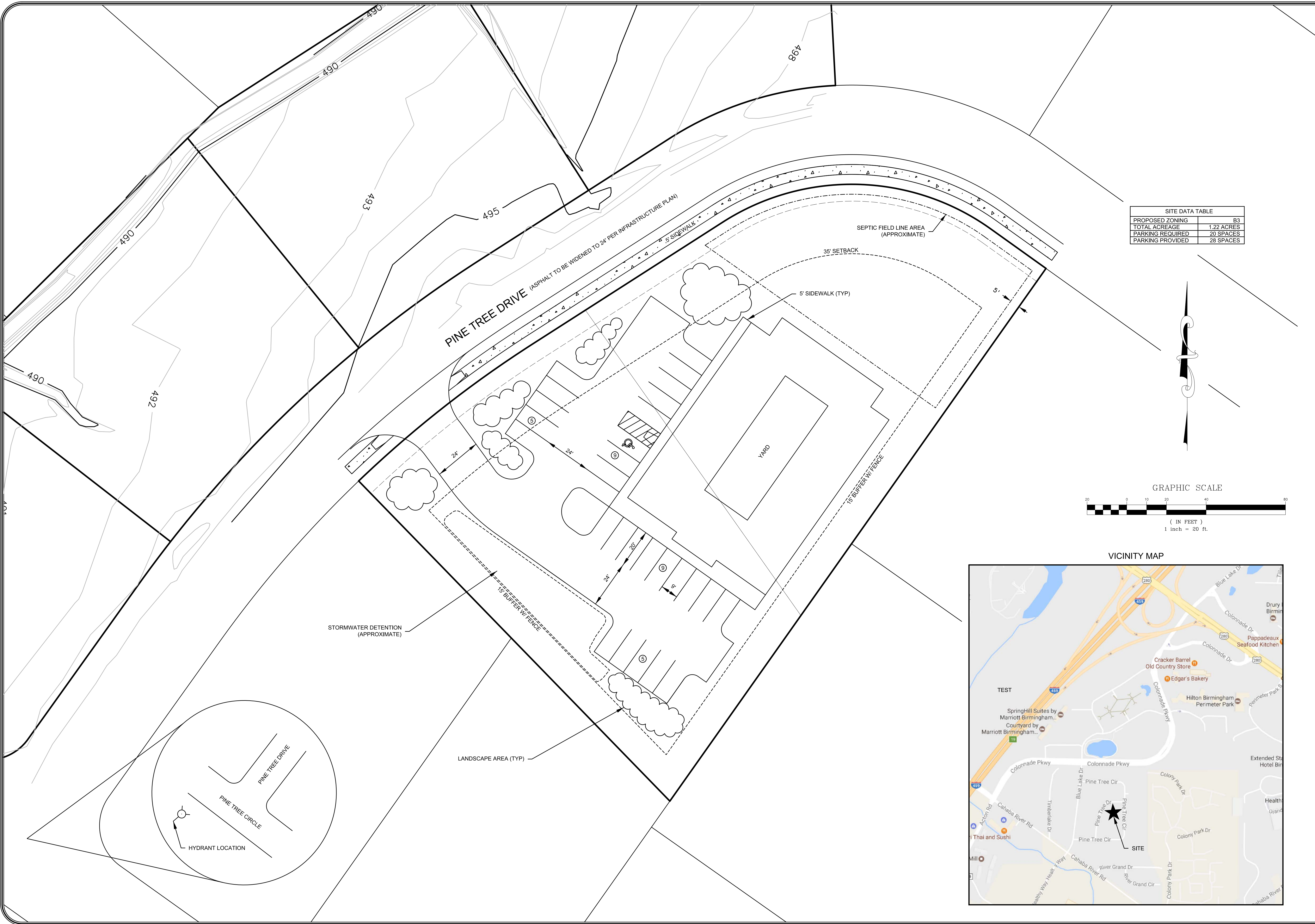


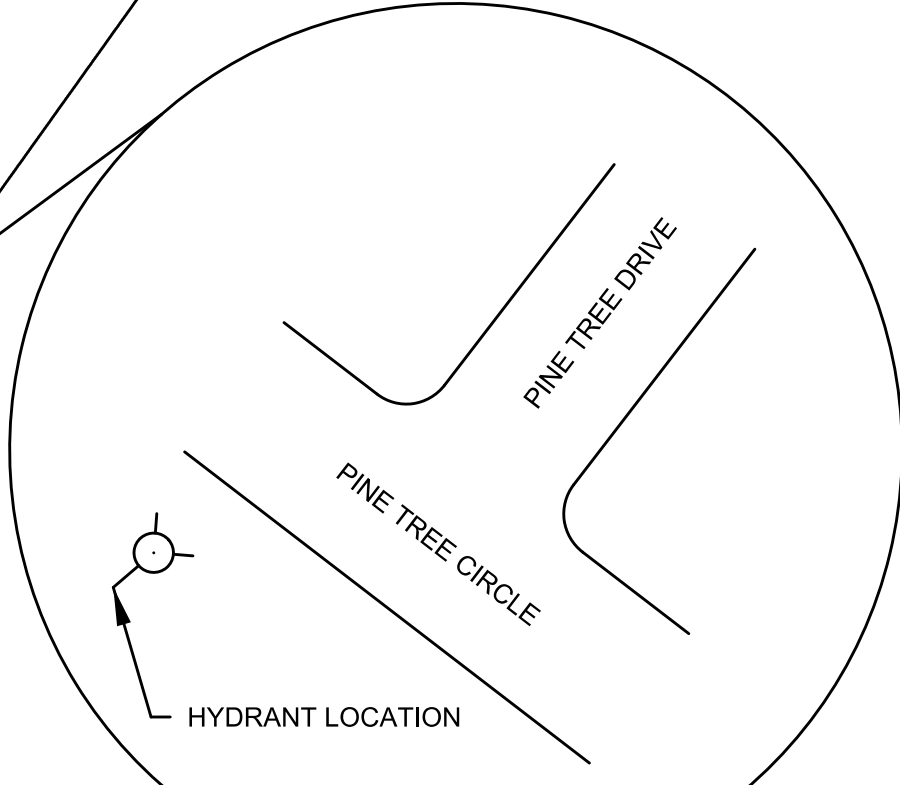
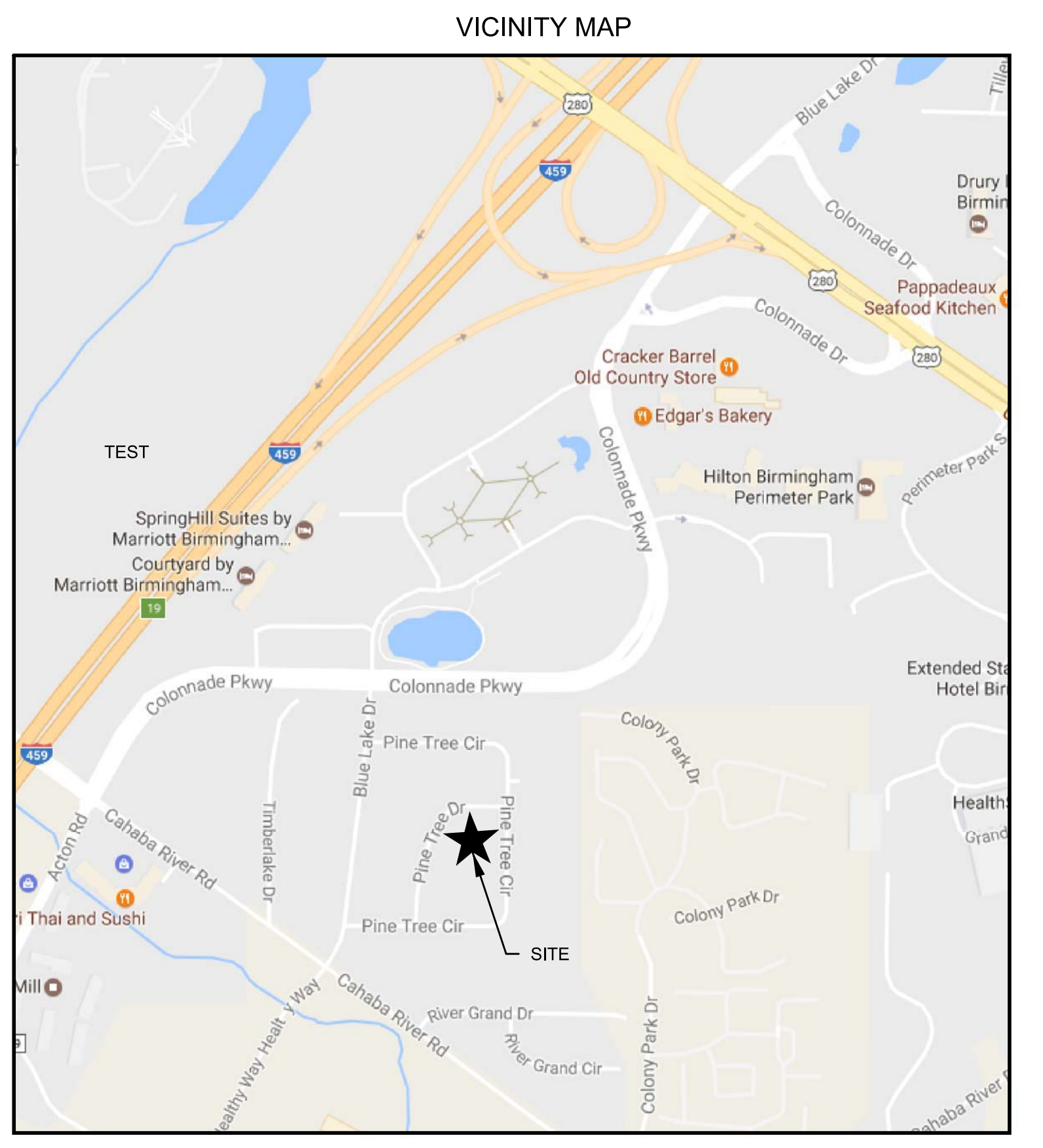
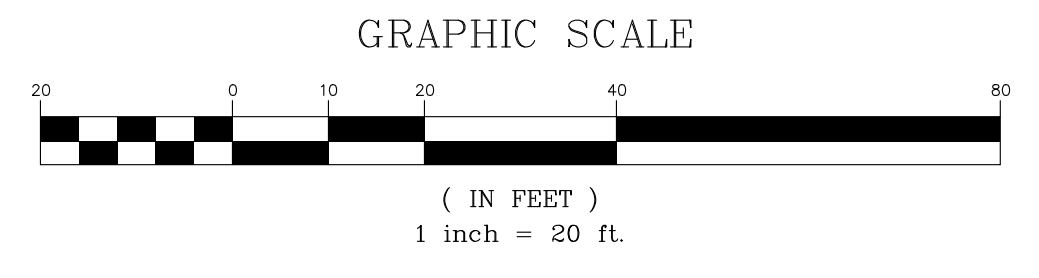
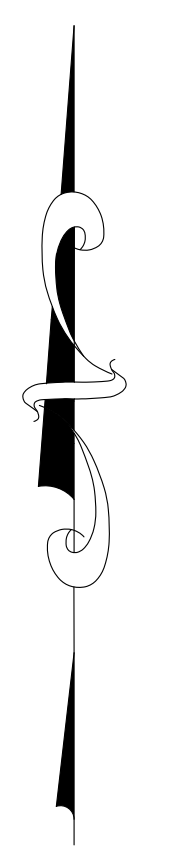
Figure 4: Future Land Use Map



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

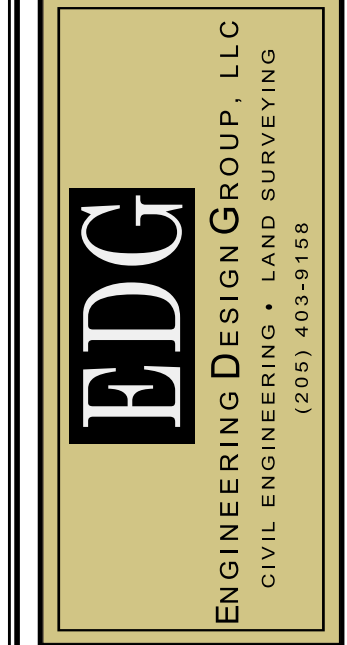


REVISIONS	

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



SHEET NO. EXH



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

	General Funds	Special Funds	Capital Projects Funds	Sidewalk Projects Fund
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 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

RESOLUTION

WHEREAS, the City of Vestavia Hills, Alabama (hereinafter at times referred to as City) is desirous of having certain improvements made on I-459 within the City Limits of Vestavia Hills, in accordance with plans prepared by the Alabama Department of Transportation and designated as Project Number: HSIP-I459(313) I-459 Interstate Median Crossover Protection, Guardrail and Guardrail End Anchors from SR-150 to SR-38(US-280).

WHEREAS, The Alabama Department of Transportation is now or may later be desirous of receiving Federal Aid for improvement of said highway; and

WHEREAS, The Federal Highway Administration, an agency of the United States of America, will not participate in any funding for the construction of said project until and unless the City will agree to certain requirements of the Federal Highway Administration. The City, for the purpose of complying with requirements of the Federal Highway Administration in regard to its funding of improvements of the type and kind in this agreement provided for, does hereby pass and adopt the following resolution:

BE IT RESOLVED by the Council of Vestavia Hills, that the plans of said project including alignment, profile, grades, typical sections and paving layouts as submitted to this City and which are now on file in the office of the City Clerk are hereby approved and that the location of said project as staked out by the Alabama Department of Transportation and as shown by said plans referred to are hereby approved and the Alabama Department of Transportation, in cooperation with the Federal Highway Administration, is hereby authorized to proceed with the grading, draining, paving, and otherwise improving and construction of said project in accordance with said plans.

The City by and through its Council hereby grants to the Alabama Department of Transportation the full use of and access to the dedicated widths of any existing streets for the construction of said

project and hereby agrees to permit and allow the Alabama Department of Transportation to close and barricade the said project and intersecting streets for as long as necessary while the said project is being graded, drained, paved, and otherwise improved, and hereby agrees that the use of any street or highway for parking within an interchange area will not at any time be permitted.

The City hereby further agrees to adopt or pass such legally effective ordinances and/or laws as will permanently barricade and/or relocate certain intersecting streets as required by the State and to permanently deny or limit access at certain locations as required by the State along said improvements, all of which are more specifically stated as follows:

N/A – This project does not require permanent barricade or relocation of any intersection streets.

Please refer to: Project Notes (Sheets 2B-2C)

Please refer to: General Traffic Control Plan Notes (Sheets 2D-2E)

Please refer to: Traffic Control Plan (Sheets 6 - 13)

BE IT FURTHER RESOLVED by the City Council, that for and in consideration of the Alabama Department of Transportation in cooperation with the Federal Highway Administration, constructing said highway and routing traffic along the same through the City over said project, such City hereby agrees with the Alabama Department of Transportation and for the benefit of the Federal Highway Administration, that on the above mentioned project the City will not in the future permit encroachments upon the right of way; nor will it pass any ordinances or laws fixing a speed limit contrary to those limits provided for in Title 32, Chapter 5, Code of Alabama 1975, as amended, and other laws of Alabama; nor will it permit other than parallel parking in areas where parking is permitted; nor will it allow the placing

of any informational, regulatory, or warning signs, signals, median crossover, curb and pavement or other markings, and traffic signals without written approval of the Alabama Department of Transportation and the Federal Highway Administration, of the location, form and character of such installations. The traffic control devices and signs installed during construction, and those installed after completion of this project shall be in accordance with the latest edition of the national Manual on Uniform Traffic Control Devices and accepted standards adopted by the Alabama Department of Transportation of the State of Alabama and by the Federal Highway Administration. The City further agrees that subsequent traffic control devices deemed necessary by it in keeping with applicable statutes, rules and regulations to promote the safe and efficient utilization of the highway under the authority of Title 32, Chapter 5, Code of Alabama 1975, and all other applicable laws of Alabama, shall be subject to and must have the approval of the Alabama Department of Transportation of the State of Alabama and of the Federal Highway Administration, prior to installation and the City further agrees that it will enforce traffic and control the same under the provisions of Title 32, Chapter 5, Code of Alabama 1975, and other applicable laws of Alabama.

BE IT FURTHER RESOLVED by this City Council:

1. That the City agrees to perform all maintenance on crossroads, service drives, or relocated roads that are not designated Federal or State highways that are in the jurisdiction of the City;
2. That the City agrees to perform all maintenance on any existing road which has been replaced by a new road; or if the exiting road is not sued, the City has the option of vacating same.
3. That the City agrees to perform all maintenance on interchanges to the theoretical crossing of the denied access line.
4. That the City agrees to perform all maintenance on grad separations along the roadway to the end of the bridge, or the denied access fence, whichever the case.

It is understood and agreed that no changes in this Resolution or agreement shall in the future be made without having obtained the prior approval of the Federal Highway Administration.

This Resolution is passed, adopted and approved this the 28th day of August, 2017.

Rusty Weaver
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings
City Clerk

Certification:

I the undersigned, Clerk of the City of Vestavia Hills, do hereby certify that the above an foregoing is a true and correct copy of a Resolution duly and lawfully adopted by the Council of the foregoing City, at its regular meeting held on the 28th day of August, 2017, which Resolution is on file in the Office of the City Clerk.

Given under my hand and official seal of such City this ____ day of _____, 2017.

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 \$38,616,956 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 \$3,968,866 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 \$2,398,341 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 \$34,755,260, 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 \$3,571,979, 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 \$2,158,507, 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 \$34,755,260, which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$38,616,956 multiplied by 90% equals
\$34,755,260; 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 \$3,571,979 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$3,968,866 multiplied by 90% equals
\$3,571,979; 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 \$2,158,507 which said amount is not exceeding the aggregate within ten (10) percent of the estimated expenses:

\$2,398,341 multiplied by 90% equals
\$2,158,507; 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 \$34,755,260 from the General Fund, \$3,571,979 from the Special Revenue Fund, \$2,158,507 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 11th 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

<u>REVENUE:</u>	<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	22,287,361		900,130		23,187,491
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		205,000			205,000
VEHICLE TAGS / ADMINISTRATION		127,613			<u>127,613</u>
TOTAL REVENUE	\$38,566,956	\$3,838,140	\$1,190,780	\$587,496	\$44,183,372

**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	7,332,145			540,000	7,872,145
CITY COUNCIL	82,781				82,781
MAYOR & ADMINISTRATION	1,177,012				1,177,012
CITY CLERK	404,977				404,977
MUNICIPAL COMPLEX	293,013				293,013
INFORMATION SERVICES / TECHNOLOGY	552,128		49,295		601,423
POLICE	8,573,385		506,686		9,080,071
FIRE	9,651,475		1,057,768		10,709,243
BUILDING SAFETY & INSPECTIONS	557,698		54,752		612,450
PUBLIC SERVICES	6,849,229		652,840	42,420	7,544,489
CITY GARAGE	308,565				308,565
PUBLIC LIBRARY	2,052,944		27,000		2,079,944
4 CENT GASOLINE TAX		199,000			199,000
5 CENT GASOLINE TAX		95,000			95,000
7 CENT GASOLINE TAX		935,580			935,580
E-911 FUNDS		1,729,727			1,729,727
COURT & CORRECTIONS		537,400			537,400
LIBRARY STATE AID		21,639			21,639
LIBRARY BOOKS & DONATIONS		323,000			323,000
VEHICLE TAGS / ADMINISTRATION		127,520			127,520
SUB-TOTAL EXPENDITURES	\$37,835,352	\$3,968,866	\$2,348,341	\$582,420	\$44,734,979
TRANSFER-OUT:					
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
TOTAL - TRANSFER-OUT	\$781,604		50,000		\$831,604
TOTAL EXPENDITURES	\$38,616,956	\$3,968,866	\$2,398,341	\$582,420	\$45,566,583

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		754,476
TOTAL - OTHER REVENUE SOURCES	\$50,000	\$27,128	\$754,476	\$0	\$831,604
REVENUE OVER / (UNDER) EXPENDITURES	\$0	(\$103,598)	(\$453,085)	\$5,076	(\$551,607)
USE OF RESERVES / FUND BALANCE	\$0	\$103,598	\$453,085	(\$5,076)	\$551,607
REPORT BALANCE	\$0	\$0	\$0	\$0	\$0

RESOLUTION NUMBER 4978

**A RESOLUTION ACCEPTING A BID FOR RIGHT-OF-WAY
VEGETATION CONTROL IN THE CITY OF VESTAVIA HILLS**

WHEREAS, on July 18, 2017 at 10:00 a.m. the City of Vestavia Hills publicly read aloud bids submitted for right-of-way vegetation control throughout the City of Vestavia Hills; and

WHEREAS, the Public Services Director has reviewed the bids, detailed them in an Interoffice Memorandum to the City Manager dated August 22, 2017 and recommended acceptance of the bid submitted by Kellis Vegetation. A copy of said Interoffice Memorandum is marked as Exhibit A attached to and incorporated into this Resolution Number 4978 as if written fully therein; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept the recommendation of the Public Services Director and accept said bid as detailed in Exhibit A.

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

1. The bid submitted by Kellis Vegetation as detailed in attached Exhibit A and recommended by the Public Services Director, is hereby accepted; and
2. The Mayor and City Manager are hereby authorized to execute and deliver any and all documents necessary to secure said agreement and/or for said purchase upon written approval of the City Attorney, a copy of which is marked as "Exhibit B" attached to and incorporated into this Resolution Number 4978 as though written fully therein; and
3. This Resolution Number 4978 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 11th day of September, 2017.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Exhibit A

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

INTEROFFICE MEMO

Date: August 22, 2017

TO: Jeff Downes
City Manager

From: Brian Davis
Public Service Director

RE: ROW vegetation control

On July 18 bids were opened for ROW vegetation control. One bid was received and it was from our current contractor, Kellis Vegetation. Multiple invitations were sent to various contractors.

The bid was for \$24,000 per year for 3 years, which has been budgeted in the FY18 budget. My recommendation is to accept the submitted bid. A copy of the bid and sample agreement is attached.

CC: Rebecca Leavings
Christopher Brady

Attachment: Bid submittal

BID SUMMARY

BID-2017-06

BID: ROW Vegetation Control

BID OPENED: July 18, 2017
10:00 AM

PEOPLE PRESENT FOR BID OPENING

1. Wendy Appling, Deputy City Clerk
2. Brian Davis, Vestavia Public Services Director
3. Christopher Brady, City Engineer

BIDDERS:

- | | | |
|----|-------------------|-------------|
| 1. | EDCO | No Bid |
| 2. | Kellis Vegetation | \$24,100.00 |

Contract for R.O.W Vegetation Control

1. Scope of Services

_____ is to provide all supervision, labor, equipment and services required to perform all R.O.W. VEGETATION CONTROL for Vestavia Hills Public Service as specified herein from October 1, 2017, to September 30, 2020, for the contract price not to exceed _____ annually.

2. Safety Standards

- a) All equipment to be used and all work to be performed must be in full compliance with the most current safety requirements for performing this type of work.
- b) _____ shall be solely responsible for pedestrian and vehicular safety and control on the worksite and shall provide the necessary warning devices, barricades and ground personnel needed to give safety, protection and warning to persons and vehicular traffic within the area.

3. Discontinuance of Work

_____ upon receipt of either written or oral notice to discontinue such practice shall immediately discontinue any practice obviously hazardous as determined by the City of Vestavia Hills.

4. Observance of Laws, Ordinances and Regulators

_____ at all times during the term of this contract shall observe and abide by all Federal, State and Local laws which in any way effect the conduct of the work and shall comply with all decrees and orders of courts of competent jurisdiction. _____ shall comply fully and completely with any and all applicable state and federal statutes, rules and regulations as they relate to hiring, wages and any other applicable conditions of employment.

5. Protection of Underground Utilities

_____ shall be responsible for contacting the appropriate utility for location of any underground services, which are in the work area and could be damaged by operations of _____.

6. Addition or Deletion of Areas

The City of Vestavia Hills reserves the right to change, add or delete areas for vegetation control. This is conditional upon the total amount of funds available. The City of Vestavia Hills shall give notice to _____ of the areas to be serviced and the total amount of the annual service contract. Unless otherwise authorized by the City of Vestavia Hills, failure of _____ to comply with the approved service schedule shall be sufficient cause to give notice that _____ is in default of the contract.

7. Work Schedule

_____ will schedule the work during typical work hours for related services, unless authorized by the City of Vestavia Hills. Serviced areas shall be completed on Tuesday-Thursday, weekly, unless changed by City of Vestavia Hills.

8. Licenses and Permits

_____ shall, at his expense, procure all necessary licenses and permits specified in bid documents needed to contract. (See attached Bidder Requirements)

9. Subcontracts

_____ will not be allowed to subcontract work under this contract unless written approval is granted by the City of Vestavia Hills. _____, as approved, shall bind the subcontractor. All directions given to the subcontractor in the field shall bind _____ as if the notice has been given directly to _____.

10. Execution of the Contract

The contract, when executed, shall be deemed to include the entire agreement between the parties. _____ shall not base any claim for modification of the contract upon any prior presentation or promise made by representatives of the City of Vestavia Hills.

11. Supervision

This contract will be under the direct supervision of the City of Vestavia Hills. Any alterations or modifications of the work performed under this contract shall be made only by written agreement between _____ and City of Vestavia Hills and shall be

made prior to commencement of the altered or modified work. No claims for any extra work or materials shall be allowed unless covered by written agreement.

12. Work Crew Supervision

_____ shall provide qualified supervision of each crew at all times while working under this contract. Each supervisor shall be authorized by _____ to accept and act upon all directives issued by the City of Vestavia Hills. (Within the Contract's scope of work) Failure of the supervisor to act on said directives shall be sufficient cause to give notice that _____ is in default of the contract unless such directives would create potential injury or safety hazard.

13. Payments

Payments will be made on a monthly basis in accordance with the City's billing and payment policy.

14. Contract Termination

The City of Vestavia Hills shall have the right at any time to cancel this contract for reasons other than breach by _____ and require _____ to cease work thereon. In such cases _____ will be paid for all work actually performed the date of termination, but will not be paid for any work not performed or for any anticipated profits on work not actually performed by the termination date.

15. Insurance

_____ agrees to obtain and maintain in force during the terms of this agreement insurance of the type, with the coverage and in the amounts specified below:

- a) For personal injuries, including death, in an amount of not less than:
 - i) \$500,000 for any one person occurrence
 - ii) \$1,000,000 for any one occurrence

- b) For damage to property not belonging to _____ or his subcontractors in an amount not less than:
 - i) \$500,000 for any one accident
 - ii) \$1,000,000 aggregate amount

- c) For personal injuries including death and/or for damages to property not belonging to _____ or his subcontractors caused

- by automotive equipment or used by _____ or his subcontractors in an amount not less than:
- i) \$500,000 personal injury per person per occurrence
 - ii) \$1,000,000 personal injury per occurrence
 - iii) \$500,000 property damage per accident
- d) Workmen's Compensation, State and Federal Statutory requirements plus:
- i) \$500,000 employer's liability per person
Such insurance shall be placed with an insurer acceptable to the City of Vestavia Hills and the policies shall provide notice by the insurer to the City of Vestavia Hills of cancellation, non-renewal or material change in any such policy and shall contain an endorsement naming the City of Vestavia Hills as an additional insured there under.

16. Compliance with Title 41-16-5, CODE OF ALABAMA, 1975, Boycott Limitations

Act 2016-312 of the Alabama Legislature prohibits a governmental entity from entering into certain public contracts with a business entity unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not engage in, the boycott of a person or an entity based upon the person or business doing business with a jurisdiction with which the state can enjoy open trade. The prohibition does not apply if a business offers to provide goods or services for at least 20 percent less than the lowest certifying business entity or to a contract with a value less than \$15,000.00. The Contractor represents and warrants that it is not currently engaged in, and will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state can enjoy open trade.

17. Crew Information

- a) Crews will be dressed neat. Shirts shall be worn at all times
- b) Courtesy to persons utilizing City facilities is required at all times
- c) Breaks will be taken individually
- d) No "horseplay" will be tolerated on the job.
- e) All refuse from lunches and breaks will be disposed of immediately.

18. Equipment

- a) Equipment will be mechanically sound. Inoperable equipment in the field will not be charged to the City of Vestavia Hills. The City of Vestavia Hills reserves the option to demand replacement of any equipment, which in its opinion has a poor operational record.

- b) Equipment will not be stored on City property.
- c) All equipment, which is to be used on the work, shall be of sufficient size and in such mechanical condition as to meet requirements of the work and to produce a satisfactory quality of work.
- d) Equipment used on any portion of the project shall be such that no injury to plant materials, curbs, drives, walks, roadways, buildings or adjacent property will result from its use.

19. Required Work

- a) See attached Bidder Requirements
- b) If work is unsatisfactory _____ will be notified by the Public Service Director or his designee and will be given a specific deadline to make corrections. If this is not done to the satisfaction of the Public Service Director or his designee, there will be a 25% penalty for that month's payment.
- c) Any damages caused to City facilities shall be repaired or replaced immediately by the _____.

Signed for _____

Date

Signed for the City of Vestavia Hills

Mayor

Date

City Manager

Date

RESOLUTION NUMBER 4979

**A RESOLUTION ACCEPTING A BID FOR “INSIDE THE FIELD”
RECREATIONAL FIELD MAINTENANCE FOR THE CITY OF
VESTAVIA HILLS**

WHEREAS, on June 29, 2017 at 10:00 a.m. the City of Vestavia Hills publicly read aloud bids submitted for “inside the field” recreational field maintenance for the City of Vestavia Hills; and

WHEREAS, the Public Services Director has reviewed the bids, detailed them in an Interoffice Memorandum to the City Manager dated August 22, 2017 and recommended acceptance of the bid submitted by Specialty Turf Supply. A copy of said Interoffice Memorandum is marked as Exhibit A attached to and incorporated into this Resolution Number 4979 as if written fully therein; and

WHEREAS, the Mayor and City Council feel it is in the best public interest to accept the recommendation of the Public Services Director and accept said bid as detailed in Exhibit A.

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

1. The bid submitted by Specialty Turf Supply as detailed in attached Exhibit A and recommended by the Public Services Director, is hereby accepted; and
2. The Mayor and City Manager are hereby authorized to execute and deliver any and all documents necessary to secure said agreement and/or for said purchase upon written approval of the City Attorney, a copy of which is marked as “Exhibit B” attached to and incorporated into this Resolution Number 4979 as though written fully therein; and
3. This Resolution Number 4979 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 11th day of September, 2017.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

Exhibit A

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

INTEROFFICE MEMO

Date: August 22, 2017

TO: Jeff Downes
City Manager

From: Brian Davis
Public Service Director

RE: Field Maintenance Contract

On June 29 the city received bids for “inside the fences”. Two contractors attended the pre-bid meeting, but only one bid was submitted by Specialty Turf Supply. The amount was \$970,513.38 for a 3 year contract which is \$323,504.46 for fiscal year 2018. I have requested \$330,000 for field maintenance contract for the upcoming budget.

The city’s athletic fields have seen significant improvement over the past 3 years and are now some of the best fields in the area. I am requesting that we accept the bid submitted by STS and continuing the positive momentum.

Attached is the bid document submitted by STS which includes a sample contract. Please let me know if you have any questions.

CC: Rebecca Leavings
Jason Burnett

Attachment: Bid submittal

BID SUMMARY

BID-2017-04

BID: ROW Vegetation Control

BID OPENED: June 29, 2017
10:00 AM

PEOPLE PRESENT FOR BID OPENING

1. Wendy Appling, Deputy City Clerk
2. Brian Davis, Vestavia Public Services Director
3. Michael Hill

BIDDERS:

1. Specialty Turf \$323,504.46/yr

STATE OF ALABAMA

JEFFERSON COUNTY

CONTRACT

WITNESSETH THIS CONTRACT, made and entered into on this the ____ day of _____, 2017, by and between the City of Vestavia Hills, Alabama, a municipal corporation, located at 1032 Montgomery Highway, Vestavia Hills, Alabama 35216 (hereinafter referred to as "City"), and _____, an Alabama corporation (hereinafter referred to as "Contractor").

WITNESSETH THESE RECITALS:

WHEREAS, The City of Vestavia Hills, Alabama ("City") invited competitive bids for athletic field maintenance (hereinafter referred to as "the work"), which is more particularly described in Exhibit A to Section II of this Contract; and

WHEREAS, the Contractor, _____, submitted a bid for the completion of work described in the Invitation to Bid, which the City has determined to be the lowest, best and most responsible bid received; and

WHEREAS, the City and the Contractor have agreed to the terms, provisions and conditions of this Contract and have further agreed that it is in the best interests of the parties that this Contract be reduced to writing.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS, that in consideration of the mutual covenants, promises and premises contained herein and other good and valuable consideration, the receipt and sufficiency is whereof is hereby acknowledged by each of the parties hereto, the City and Contractor mutually and expressly agree as follows:

I. CONTRACTOR

Contractor, _____, represents, covenants and warrants that it is duly licensed and qualified to furnish the equipment, labor, materials and supplies and perform the work described herein.

II. GENERAL STATEMENT OF WORK

The Contractor shall furnish all labor, materials, equipment, machinery, supplies, tools, power, utilities, transportation, fuel and services, and perform all labor necessary for the work described in Exhibit A, which is attached hereto and incorporated into this contract by reference as though set out fully herein.

III. TERM OF THE CONTRACT

The term of this contract shall be for a three (3) year period, beginning October 1, 2017, and ending on September 30, 2020. The effective date of this contract shall be October 1, 2017.

IV. CONTRACT PRICE

As consideration of this contract, the City agrees to pay to Contractor for the faithful performance of this contract the following sums:

- A. _____ for the twelve (12) month period beginning October 1, 2017 and ending September 30, 2018; and
- B. _____ for the twelve (12) month period beginning October 1, 2018 and ending September 30, 2019; and
- C. _____ for the twelve (12) month period beginning October 1, 2019 and ending September 30, 2020.

V. PAYMENT OF CONTRACT PRICE

Payments will be made on a monthly basis in accordance with the City's billing and payment policy.

VI. TERMINATION OF CONTRACT

The contracting agency shall have the right at any time to cancel this contract for reasons other than breach by the contractor and require the contractor to cease work thereon. In such cases the contractor will be paid for all work actually performed the date of termination, but will not be paid for any work not performed or for any anticipated profits on work not actually performed by the termination date.

VII. COMPLIANCE WITH APPLICABLE LAWS

The contractor at all times during the term of this contract shall observe and abide by all Federal, State and Local laws which in any way effect the conduct of the work and shall comply with all decrees and orders of courts of competent jurisdiction. The contractor shall comply fully and completely with any and all applicable state and federal statutes, rules and regulations as they relate to hiring, wages and any other applicable conditions of employment.

VIII. LICENSE

The contractor shall, at his expense, procure all necessary licenses and permits needed to contract.

IX. QUALITY OF WORK

All labor, materials and supplies applied/installed by the Contractor in the performance of this agreement shall be done in a professional, proficient and workmanlike manner.

X. CREW INFORMATION

- a) Crews will be dressed neat. Shirts shall be worn at all times
- b) Courtesy to persons utilizing City facilities is required at all times
- c) Breaks will be taken individually
- d) No "horseplay" will be tolerated on the job.
- e) All refuse from lunches and breaks will be disposed of immediately.

XI. EQUIPMENT

- a) Equipment will be mechanically sound. Inoperable equipment in the field will not be charged to the contracting agency. The contracting agency reserves the option to demand replacement of any equipment which in its opinion has a poor operational record.
- b) All equipment which is proposed to be used on the work shall be of sufficient size and in such mechanical condition as to meet requirements of the work and to produce a satisfactory quality of work.
- c) Equipment can be stored on City property with consent of City, however the City will not be responsible for any damage to stored equipment.
- d) Equipment used on any portion of the project shall be such that no injury to plant materials, curbs, drives, walks, roadways, buildings or adjacent property will result from its use.
- e) Reel Mowers are preferred for mowing of all turf areas.
- e) Sharpen blades on cutting tools periodically to insure clean, smooth cuts and to prevent damage to plant materials.

XII. SAFETY STANDARDS

- a) All equipment to be used and all work to be performed must be in full compliance with the most current safety requirements for performing this type of work.
- b) The contractor shall be solely responsible for pedestrian and vehicular safety and control on the worksite and shall provide the necessary warning devices, barricades and ground personnel needed to give safety, protection and warning to persons and vehicular traffic within the area.

XIII. PROTECTION OF UNDERGROUND UTILITIES

The contractor shall be responsible for contacting the appropriate utility for location of any underground services which are in the work area and could be damaged by the contractors operations.

XIV. DISCONTINUANCE OF WORK

Any practice obviously hazardous as determined by the contracting agency shall be immediately discontinued by the contractor upon receipt of either written or oral notice to discontinue such practice.

XV. INDEPENDENT CONTRACTOR

The Contractor, _____, is an independent contractor for purposes of this agreement. Nothing contained herein shall be construed to mean that said Contractor is the servant, agent or employee of the City of Vestavia Hills, Alabama.

XVI. IMMIGRATION

By signing this contract, the contracting parties affirm, for the duration of the contract, that they will not violate federal immigration law or knowingly employ, hire for employment or continue to employ an unauthorized alien with the State of Alabama. Furthermore, a

contracting party found to be in violation of this provision shall be deemed in breach of the contract and shall be responsible for all damages resulting therefrom.

XVII. INDEMNITY

To the fullest extent permitted by law, the Contractor shall defend, indemnify and hold harmless the City of Vestavia Hills, Alabama, a municipal corporation, and the Vestavia Hills Park and Recreation Board, as Owner, and their agents, employees and consultants, including the Mayor, elected members of the City Council, the appointed members of the Vestavia Hills Park and Recreation Board, (hereinafter collectively referred to as the "Indemnitees") from and against all claims, damages, losses and expenses, including but not limited to attorneys' fees, arising out of, or related to, or resulting from performance of the work provided such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destructing of tangible property, including loss of use resulting therefrom, and is caused in whole or in part by negligent acts or omissions of the Contractor, subcontractor, anyone directly or indirectly employed by them, or anyone for whose acts they may be liable, regardless of whether such claim, damage, loss or expense is caused in part, or is alleged by not legally established to have been caused in whole or in part by the negligence or other fault of a party indemnified hereunder. This indemnification shall extend to all claims, damages, losses and expenses for injury or damage to adjacent or neighboring property, or persons injured thereon, that arise out of, relate to, or result from performance of the work.

XVIII. INSURANCE

The contractor agrees to obtain and maintain in force during the terms of this agreement insurance of the type, with the coverage and in the amounts specified below:

- a) For personal injuries, including death, in an amount of not less than:
 - i) \$500,000 for any one person occurrence
 - ii) \$1,000,000 for any one occurrence
- b) For damage to property not belonging to the contractor or his subcontractors in an amount not less than:
 - i) \$500,000 for any one accident
 - ii) \$1,000,000 aggregate amount
- c) For personal injuries including death and/or for damages to property not belonging to the contractor or his subcontractors caused by automotive equipment or used by the contractor or his subcontractors in an amount not less than:
 - i) \$500,000 personal injury per person per occurrence
 - ii) \$1,000,000 personal injury per occurrence
 - iii) \$500,000 property damage per accident
- d) Workmen's Compensation, State and Federal Statutory requirements plus:
 - i) \$500,000 employer's liability per personSuch insurance shall be placed with an insurer acceptable to the contracting agency and the policies shall provide notice by the insurer to the contracting agency of cancellation, non-renewal or material change in any such policy and shall contain an endorsement naming the City of Vestavia Hills as an additional insured there under.

XIX. ADDITIONAL INSURED

The Contractor shall cause the commercial general liability insurance coverage and the commercial umbrella liability insurance coverage required by the contract documents to include:

- a) The City of Vestavia Hills, Alabama, a municipal corporation, and its public officials and employees, the Vestavia Hills Park and Recreation Board, and its appointed Board members as additional insureds for claims caused in whole or in part by the Contractor's negligent acts or omissions during the Contractor's operations; and
- b) The insurance policy coverages shall state that these coverages shall be primary insurance for the additional insureds; and
- c) Contain no exclusions of the additional insureds relative to job accidents; and
- d) The policies must be on an "occurrence" basis.

XX. ADDITIONAL SERVICES

The contracting agency reserves the right to change, add or delete areas for lawn service. This is conditional upon the total amount of funds available. The City of Vestavia Hills shall give notice to the contractor of the areas to be serviced and the total amount of the annual lawn service contract. Unless otherwise authorized by the contracting agency, failure of the contractor to comply with the approved field service schedule shall be sufficient cause to give notice that the contractor is in default of the contract.

XXI. ASSIGNMENT

This contract shall not be assignable by the Contractor in any respect without having first obtained the written consent of the City evidenced by a properly enacted resolution of the City.

XXII. SUBCONTRACTORS

The contractor will not be allowed to subcontract work under this contract unless written approval is granted by the contracting agency. The subcontractor, as approved, shall be bound by the contractor. All directions given to the subcontractor in the field shall bind the contractor as if the notice has been given directly to the contractor.

XXIII. CHANGES IN WORK

The City may make changes in the scope of the work required to be performed by the Contractor under the contract by eliminating any portion of the work and the corresponding unit price charged therefor. Any change order for additional work shall be done by mutual agreement and in writing. Any change order for deletion of work shall be in writing given by City to Contractor. The deletion of work pursuant to this contract is subject to and conditioned upon the total amount of public funds available.

XXIV. REMOVAL OF DEBRIS AND CLEANING

The Contractor shall, periodically or as directed during the progress of the work, remove and legally dispose of all surplus excavated material and debris, and keep the project area and public rights of way reasonable clear and clean. Upon completion of the work, it shall remove all temporary construction facilities, debris and unused materials provided for the work, and put the whole site of the work and public rights of way in a neat and clean condition.

XXV. COMPLIANCE WITH TITLE 41-16-5, CODE OF ALABAMA, 1975, BOYCOTT LIMITATIONS

Act 2016-312 of the Alabama Legislature prohibits a governmental entity from entering into certain public contracts with a business entity unless the contract includes a representation that the business is not currently engaged in, and an agreement that the business will not engage in, the boycott of a person or an entity based upon the person or business doing business with a jurisdiction with which the state can enjoy open trade. The prohibition does not apply if a business offers to provide goods or services for at least 20 percent less than the lowest certifying business entity or to a contract with a value less than \$15,000.00. The Contractor represents and warrants that it is not currently engaged in, and will not engage in, the boycott of a person or an entity based in or doing business with a jurisdiction with which this state can enjoy open trade.

XXVI. MISCELLANEOUS

- A. **NON WAIVER:** The failure of the City to insist, in any one or more instances, upon a strict performance of any of the covenants of this contract, or to exercise any option herein contained, shall not be construed as a waiver, or a relinquishment for the future of such covenant or option, but the same shall continue and remain in full force and effect.
- B. **WAIVER OF MODIFICATIONS:** Any waiver, alteration or modification of any of the provisions of this Contract or cancellation or replacement of this contract shall not be valid unless in writing and signed by the City and Contractor. This contract may be amended at any time by written agreement of the parties' signatory hereto. No claims for any extra work or materials shall be allowed unless covered by written agreement of the parties.
- C. **NOTICES:** Any and all notices required or permitted to be given under this agreement will be sufficient if furnished in writing and sent by Registered Mail to the parties' last known address.
- D. **CONSTRUCTION OF TERMS:** The City and Contractor negotiated the terms, provisions and conditions of this contract and both parties had the equal opportunity for input for the drafting of this contract. Therefore, any ambiguities of this contract shall be construed fairly and equitably regardless of the participation of either party in drafting

this contract. The reference in terms to gender and number shall be modified as may be appropriate.

- E. **GOVERNING LAW:** This contract shall be interpreted, construed and governed to the laws of the State of Alabama. The jurisdiction and venue for the resolution of any dispute shall be in Jefferson County, Alabama.
- F. **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.
- G. **EXECUTION IN COUNTERPARTS:** The contract may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.
- H. **BINDING EFFECT:** The contract shall inure to the benefit of, and shall be binding upon City and Contractor, and their heirs, successors and assigns.
- I. **SEVERABILITY:** In the event any provision of this contract shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof.
- J. **ENTIRE AGREEMENT:** This written Contract contains the entire agreement between the City and the Contractor.

IN WITNESS WHEREOF, the City of Vestavia Hills, Alabama, a municipal corporation, and _____ an Alabama corporation, have hereunto caused this contract to be executed by their duly authorized officers and their respective seals to be affixed hereto on this the ____ day of _____, 2017.

CITY:
CITY OF VESTAVIA HILLS, ALABAMA
A Municipal Corporation

By _____
Ashley Curry
Its Mayor

By _____
Jeffrey D. Downes
Its City Manager

ATTESTED

By _____

CONTRACTOR:

By _____
Its _____

ATTESTED

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

Given under my hand and official seal, this the ____ day of _____, 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 of Manager of the City of Vestavia Hills, Alabama, a

municipal corporation, is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said City of Vestavia Hills, Alabama.

Given under my hand and official seal, this the ____ day of _____, 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 _____, whose name as _____ of the _____, a Alabama corporation, is signed to the foregoing Contract, and who is known to me, acknowledged before me on this day that, being informed of the contents of the instrument, he, as such officer and with full authority, executed the same voluntarily for and as the act of said _____, a Alabama corporation.

Given under my hand and official seal, this the ____ day of _____, 2017

Notary Public

My Commission Expires:

SEAL

EXHIBIT A

(PROVIDED BY CONTRACTOR THROUGH THE BID)