

Vestavia Hills
City Council Agenda
May 30, 2018
6:00 PM

1. Call to Order
2. Roll Call
3. Invocation – Steve Dedmon, Vestavia Hills Chaplain
4. Pledge Of Allegiance
5. Candidates, Announcements and Guest Recognition
6. City Manager’s Report
7. Councilors’ Reports
8. Financial Report – Melvin Turner, III, Finance Director
9. Approval of Minutes – May 14, 2018 (Regular Meeting)

Old Business

10. Ordinance Number 2605-A – Rezoning – 3127 Blue Lake Drive And 4565 Pine Tree Circle; Lot 10-A, Acton’s Resurvey Of Lot 8 Thru 10 And Lots 11 & 12, Topfield Subdivision; Rezone From Vestavia Hills B-1.2 (Neighborhood Mixed Use District) To B-1.2 (Neighborhood Mixed Use District) With A Revised Site Plan; Pine Tree Partners LLC And Seed Corn, Owners (*public hearing*)
11. Resolution Number 5048 – Annexation – 90-Day – 3332 Misty Lane; Jacob and Marjorie Pollard (*public hearing*)
12. Ordinance Number 2759 – Annexation – Overnight – 3332 Misty Lane; Jacob and Marjorie Pollard (*public hearing*)
13. Resolution Number 5044 – Annexation – 90-Day – 2441 Jannebo Road; Lot 116, Buckhead, 4th Sector; Richard and Samantha Wheeler (*public hearing*)
14. Ordinance Number 2760 – Annexation – Overnight – 2441 Jannebo Road; Lot 116, Buckhead, 4th Sector; Richard and Samantha Wheeler (*public hearing*)
15. Resolution Number 5045 – Annexation – 90-Day – 2764 Altadena Lake Drive; Lot 4, Block 5, First Add, Altadena Valley, 4th Sector; Murray and Kelly Statham (*public hearing*)
16. Ordinance Number 2761 – Annexation – Overnight – 2764 Altadena Lake Drive; Lot 4, Block 5, First Add, Altadena Valley, 4th Sector; Murray and Kelly Statham (*public hearing*)

17. Resolution Number 5046 – Annexation – 90-Day – 2424 Dolly Ridge Road; Lot 15, Rocky Ridge Estates; Jim Thornton Construction (*public hearing*)
18. Resolution Number 5047 – Annexation – 90-Day – 2432 Dolly Ridge Road; Lot 18 & S. 25’ of Lot 17, Rocky Ridge Estates; Jim Thornton Construction (*public hearing*)
19. Ordinance Number 2764 – An Ordinance Prohibiting Drivers From Operating A Vehicle Through Private Or Public Property In Order To Avoid Traffic Control Devices (*public hearing*)
20. Resolution Number 5053 – Vacation – 801 South Bend Lane; Lot 16, South Bend Subdivision; Vacation Of 10’ Drainage Easement To Allow Construction Of A Single-Family Home; BC South, LLC: Blake Pittman, Representing (*public hearing*)

New Business

21. Ordinance Number 2766 – Annual Jefferson County Tax Levy – Authorizing The Jefferson County Tax Assessor/Collector To Assess And Collect Ad Valorem Taxes In The City Of Vestavia Hills, Alabama
22. Ordinance Number 2767 – Annual Shelby County Tax Levy – Authorizing The Shelby County Tax Assessor/Collector To Assess And Collect Ad Valorem Taxes In The City Of Vestavia Hills, Alabama
23. Resolution Number 5056 - A Resolution Authorizing Preliminary Action For, And Reimbursement Of Qualified Expenditures From, General Obligation Warrants, Series 2018
24. Resolution Number 5057 – A Resolution Authorizing An Amendment To Special Economic Development Agreement By The City Of Vestavia Hills And SCP At Liberty Park, LLC
25. Resolution Number 5058 – Alcohol License – Slice LLC D/B/A 2018 Wing Dings For A 140 – Special Events License; Jeffrey Saied Bajalieh, Christopher Saleh Bajalieh And Jason Brian Bajalieh, Executives (*public hearing*)
26. Resolution Number 5059 – A Resolution Declaring Certain Personal Property As Surplus And Directing The City Manager To Dispose/Sell Said Surplus
27. Resolution Number 5060 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Ingenuity For New Vehicle And Boat Registration
28. Resolution Number 5063 – A Resolution Reappointing Donald Harwell to the Birmingham-Jefferson County Transit Authority

New Business (Unanimous Consent Requested)

First Reading (No Action Taken At This Meeting)

29. Resolution Number 5061 – A Resolution Authorizing The Mayor And City Manager To Execute And Deliver A Contract With Southern Software, Inc., For A Records Management System For The City Of Vestavia Hills Police Department And To Split Funding For Said System Evenly Within The City Of Vestavia Hills General Fund Budgets Of FY2018 And FY2019 (*public hearing*)
30. Resolution Number 5062 – A Resolution Approving Additional Funding For A Filtering System For The Swimming Pool At Wald Park (*public hearing*)
31. Ordinance Number 2762 – Rezoning – 3293 Overton Trail; Rezone From Vestavia Hills R-5 To Vestavia Hills R-2 For Construction Of A Single-Family Home; Ben And Susanne Webb, Owners (*public hearing*)
32. Ordinance Number 2763 – Rezoning – 3107 Timberlake Road; Rezone from Vestavia Hills R-1 to Vestavia Hills O-1; Estate of Ivorene Norris, Owner (*public hearing*)
33. Ordinance Number 2768 - An Ordinance Pertaining To The Start Time For On-Premises Alcohol Sales On Sundays (*public hearing*)
34. Ordinance Number 2769 - An Ordinance Rescinding Ordinance Number 1782 And Amending Chapter 5.5; Article II, Entitled “Erosion And Sediment Control” Of The *Vestavia Hills Code Of Ordinances* (*public hearing*)
35. Ordinance Number 2770 - An Ordinance Establishing Methods For Controlling The Introduction Of Pollutants Into Municipal Separate Storm Sewer System In Order To Comply With The Requirements Of The National Pollutant Discharge Elimination System (NPDES) Permit Process (Illicit Discharge) (*public hearing*)
36. Ordinance Number 2771 – An Ordinance Establishing Post-Construction Best Management Practices For Permanent Stormwater Management Control Structures (*public hearing*)
37. Citizen Comments
38. Motion For Adjournment

CITY OF VESTAVIA HILLS

CITY COUNCIL

MINUTES

MAY 14, 2018

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry 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
Rebecca Leavings, City Clerk
Dan Rary, Police Chief
Melvin Turner, Finance Director
George Sawaya, Asst. Finance Director
Marvin Green, Fire Chief
Cinnamon McCulley, Communications Specialist
Brian Davis, Public Services Director

Rev. Randy Overstreet, Pastor of Liberty Park Baptist Church, provided the invocation followed by the Pledge of Allegiance.

ANNOUNCEMENTS, GUEST RECOGNITION

- Raymond Johnson, Jr., candidate for District Attorney, Jefferson County, introduced himself and requested support in the upcoming primary election.
- Mr. Pierce welcomed Gary Jordon, Jeff Florio, Ben Chambliss and Mark Macoy representing the Vestavia Hills Chamber of Commerce.
- Mr. Pierce stated that on Saturday, June 2, 2018, beginning at 11:30 AM, the Hot Wings Challenge and Festival will be held here at City Hall.
- Mr. Pierce stated that the annual Chamber of Commerce I Love America night, will be held on Thursday, June 28 with several family activities. He encouraged everyone to attend.
- Mayor Curry announced that tomorrow is Peace Officers Memorial Day. He stated he didn't receive the notice in time but that this week, May 13 – 19, is also Police Week. He

gave statistics on officers killed in the line of duty. He stated that also there are approximately 60,000 assaults on Police Officers resulting in about 16,000 injuries. An average of 160 officers are killed each year in the line of duty. The Mayor asked everyone to acknowledge the service and sacrifices of our Police Department and departments all over the country and to take a moment tomorrow to remember these brave individuals.

- Mr. Head announced a Park Board meeting tomorrow beginning at 7:30 AM in the Executive Conference Room.
- Mr. Pierce stated that David Harwell will be having surgery tomorrow and asked everyone to remember him in prayers.
- Mrs. Cook announced a regular Board of Education meeting Wednesday beginning at 6 PM.

PROCLAMATION

The Mayor presented a Proclamation designating May 20-26, 2018 as “Public Works Week”. Mr. Downes read the Proclamation and the Mayor presented it to Brian Davis, Public Services Director.

PROCLAMATION

The Mayor presented a Proclamation designating May 2018 as “World Neurofibromatosis Awareness Month”. Mr. Downes read the Proclamation and the Mayor presented it to the Moss family.

CITY MANAGER’S REPORT

- Mr. Downes gave an update of ordinances that are being drafted and reviewed and would be coming for presentation soon.
 - Three (3) storm water ordinances to make the City compliant with Storm Water Management Authority requirements. He stated that the City is under a deadline to adopt these ordinances by the end of July. He added that the Cahaba River Society has reviewed these and offered a few revisions. He indicated they will be discussed at the next work session.
 - An ordinance establishing a second and third entertainment district in the City. The City currently has one district in the Rocky Ridge business district. Businesses in Cahaba Heights and the City Center have requested the creation of two additional districts.
 - An ordinance allowing on-premise sales of alcohol beginning at 10 AM on Sundays, as allowed by the “Mimosa Bill,” which was recently adopted by the State Legislature.

COUNCILOR REPORTS

- Mr. Pierce announced the Chamber of Commerce Board meeting beginning at 7:45 AM.
- Mayor announced a follow-up on the opioid epidemic and the next Freedom from Addiction Coalition Community Breakfast will be on June 12, 2018 at 8 AM at Canterbury United Methodist Church, 350 Overbrook Road, Mountain Brook, AL 35213.
- Mayor stated that he is beginning an implementation of a response team. He stated that he has formed a citizens' advisory board for Vestavia Hills in order to have a plan for individuals to seek immediate help with addiction.
- Mr. Weaver stated that the Planning and Zoning Commission met last Thursday with only two requests for final maps.
- Mr. Head stated that an issue has developed with Community Pool. He read a prepared statement that explained that the filtration system for the pool has been rendered inoperable which will require significant and expensive repairs. The pool will remain closed until the filtration can be repaired. He indicated that this was something that could not have been prevented. He asked everyone to be patient as the City works through a resolution.

APPROVAL OF MINUTES

The minutes of the April 12 and April 17 (Work Session); April 16, 2018 (Work Session); and April 23, 2018 (Regular Meeting) were presented for approval.

MOTION Motion to dispense with the reading of the minutes of the April 12 and April 17 (Work Session) and approve them as presented was by Mrs. Cook and second by Mr. Weaver. Roll call vote as follows:

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

MOTION Motion to dispense with the reading of the minutes of the April 16, 2018 (Work Session) and approve them as presented was by Mr. Pierce and second by Mr. Weaver. Roll call vote as follows:

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

MOTION Motion to dispense with the reading of the minutes of the April 23, 2018 (Regular Meeting) and approve them as presented was by Mrs. Cook and second by Mr. Weaver. Roll call vote as follows:

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

OLD BUSINESS

ORDINANCE NUMBER 2758

Ordinance Number 2758 – An Ordinance To Declare Property Located At 1280 Montgomery Highway As Surplus And To Authorize And Direct The Sale Of Real Estate For Construction And Operation Of A Two- Building Retail Development Including Baumhowers Victory Grille Restaurant (public hearing)

MOTION Motion to approve Ordinance Number 2758 was made by Mr. Weaver and second was by Mr. Pierce.

Mr. Downes explained that the next Resolution also deals with this same issue. He asked that they be discussed together and gave background regarding City efforts to sell the current Public Works building, located along the Highway 31 business corridor. He stated that the long-term viability along Highway 31 comes from redevelopment along the corridor and one of these areas includes the Public Works building. This request would be to redevelop the property into a two-building retail development which includes a Baumhowers Victory Grill restaurant. The Resolution that follows this Ordinance would be to offer incentives for this proposed development. He explained the terms of the sales agreement and incentives and showed exhibits detailing the stated terms. He explained that the property is a challenging site, with fill materials throughout the soil and use challenges due to existing covenants. The City's agreement to prepare the site, by removing and relocating the fill dirt that would be needed elsewhere for the Community Spaces plan, would clear the way for redevelopment of the site. If approved tonight, the project will enter into a 120-day inspection period with a proposed closing date in January 2019. This would include the City doing the mass grading to prepare the site. If City elects not to prepare the site for redevelopment, the purchase price would be reduced.

Jordy Henson stated that he is excited about what the City is doing to redevelop sites all over the City. He explained that his company is confident that they can locate a high quality user for this property and he looks forward to working with the City on this proposed development. He explained the estimated size of the proposed restaurant and the additional building, which will provide employment for approximately 100 individuals. He also reiterated the challenges of the site which include current lack of visibility for southbound traffic, slope, etc.

Ken Upchurch described how this will help reduce Community Spaces Plan costs by removing the fill dirt from the Public Works site for use at the Wald Park site. He stated there are economic advantages in doing both projects at the same time. He showed a diagram where soil is needed on the Wald Park site.

Mr. Downes stated that the Community Spaces Plan contains an improved park maintenance building along with the temporary utilization of the building next door that was recently purchased by the City. He stated that to provide more efficient fleet maintenance the City will likely privatize this service.

Discussion ensued as to the cost of grading, funding for said grading, etc.

Mr. Upchurch stated that the contract states the savings will be applied to provide more amenities for the Community Spaces plan. The Council will approve all expenses as they occur.

Mr. Pierce stated that moving and relocating dirt is not cheap and it makes sense to do it all at one time. He stated that would make both projects more economical.

Mrs. Cook pointed out that there is a clerical error on page 3. She asked why the proceeds from the sales contract are being applied to the Community Spaces plan budget. Discussion ensued.

The Mayor opened the floor for a public hearing on Ordinance Number 2758 and Resolution Number 5042. 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 5042

Resolution Number 5042 - A Resolution Authorizing A Special Economic Development Agreement By The City Of Vestavia Hills And HES Investments LLC For Construction Of A Two Building Retail Development Including Baumhowers Victory Grille Restaurant (public hearing)

MOTION Motion to approve Resolution Number 5042 was made by Mr. Weaver and second was by Mr. Pierce.

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 5049

Resolution Number 5049 – Alcohol License – Carmike Cinemas LLC D/B/A AMC Vestavia Hills 10 For A 160 – Special Retail – More Than 30 Days; Kevin M. Conner, John D. McDonald And Craig R. Ramsey, Executives (public hearing)

MOTION Motion to approve Resolution Number 5037 was made by Mrs. Cook and second was by Mr. Weaver.

Frank Lewis, AMC Theaters, explained his company has been renovating some facilities that have not shown recent profits. He stated their plan includes a full renovation of the building with the installation of recliners, a full-service restaurant and bar. He explained the concept and stated the new concept has been successful in many neighborhoods. He stated that this concept brings adults back into the theaters which is the desired audience. He explained the training of employees through use of a third-party company that comes in to audit and check compliance.

The Mayor stated that Mr. Lewis made an in-depth presentation at a recent Council work session. He stated that this model has worked successfully in other areas of the country and helps to bring adults back to the theaters, which are a more desirable audience.

Mr. Lewis explained the royalties the theater has to pay for each movie leaves little profit. Offering this type of affordable luxury has helped to bring positive revenues back into area theaters.

Mr. Pierce asked about the timeframe for completion of the renovation.

Mr. Lewis stated they are doing it in two phases; one half at a time. He stated he hopes to be completed by mid-August.

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.

RESOLUTION NUMBER 5050

Resolution Number 5050 – A Resolution Accepting A Bid For Makerspace Improvements At The Vestavia Hills Library In The Forest

MOTION Motion to approve Resolution Number 5050 was made by Mr. Weaver and second was by Mr. Pierce.

Taneisha Tucker, Library Director, explained the Makerspace to be constructed at the Library in the Forest. She stated it is a DIY area to allow people to make crafts.

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 5051

Resolution Number 5051 – A Resolution Authorizing The City Manager To Execute And Deliver A Full And Final Settlement Agreement, Release And Lease Termination

MOTION Motion to approve Resolution Number 5051 was made by Mr. Pierce and second was by Mr. Weaver.

Mr. Downes explained that this is related to the current lease that is in place between the City and Gold’s Gym for the facility next door to City Hall. At the request of Golds, this authorizes the City to release Gold’s from their lease obligations at the end of June of this year with Gold’s paying rent up until that time along with a \$510,000 early termination payment. This also allows for the City to move ahead with Community Spaces Plan for that building. He recommended acceptance of the agreement.

The Mayor stated that it is important to note that Gold’s approached the City for termination of this lease.

Mr. Pierce reiterated that Gold’s made the choice to close the facility and transfer their memberships. The City did not force this termination.

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 5052

Resolution Number 5052 – A Resolution (1) To Recognize The Ten-Step Planning Process For The Preparation Of The 2018 City Of Vestavia Hills Floodplain Management Plan (“Plan”), Consistent With Activity 510 Of The Community Rating System Coordinator’s Manual, 2017 Edition; (2) To Confirm The Membership Of A Floodplain Management Planning Committee (“Planning Committee”) Appointed By The City Manager To Oversee The Preparation Of The Plan; (3) To Recognize The City Engineer And Floodplain Administrator As Chair Of The Planning Committee; (4) To Authorize The Staff Of The City’s Department Of Engineering To Provide Staff Support To The Planning Committee; And (5) To Complete The Plan Within The Period Of Performance Ending On September 30, 2018, As Required By The FEMA Flood Mitigation Assistance (“FMA”) Grant Awarded To The City For Preparing The Plan

MOTION Motion to approve Resolution Number 5052 was made by Mr. Weaver and second was by Mr. Pierce.

Christopher Brady, City Engineer, gave a background of a grant that the City obtained to design new FEMA storm water ordinances. He indicated that the terms of the agreement include the creation of a Planning Committee which is recognized by way of this Resolution.

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 (REQUESTING UNANIMOUS CONSENT)

The Mayor stated that this item requires unanimous consent. He opened the floor for a motion.

MOTION Motion for unanimous consent for consideration and action on Resolution Numbers 5054, 5055 and Ordinance Number 2765 was by Mrs. Cook and second was by Mr. Weaver. Roll call vote as follows:

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

RESOLUTION NUMBER 5054

Resolution Number 5054 - A Resolution Authorizing The City Manager To Settle Pending Litigation (*public hearing*)

MOTION Motion to approve Resolution Number 5054 was made by Mr. Weaver and second was by Mr. Pierce

Bent Owens, attorney representing the City in the Patchwork Farms litigation, explained that the City has the opportunity to settle the suit. He recommended that the City accept the terms of the settlement agreement and stated this Resolution helps to settle a portion of the litigation. He explained that these terms were derived through negotiations with Daniel Corporation who is also a defendant in the litigation. The proposal is for the City to pay an amount totaling \$50,000, which would be more economical than letting this case go to court. He indicated that there are some peripheral requirements of the settlement. The first is for the Council to remove the complainants from the PUD. He recommended that all parties work together to make this amendment to the PUD. Another component of the settlement requires continuing maintenance of Lot 3B, which is currently the responsibility of the Commercial Owners Association. This lot

is a creek bed and the Commercial Owners Association must undertake to maintain that lot into perpetuity.

Mr. Downes stated that the Association took over maintenance of the park in January and would be charged with this maintenance.

Mr. Owens stated this settles the case at a fraction of the cost and mitigates risk.

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.

RESOLUTION NUMBER 5055

Resolution Number 5055 – Annexation – 90 Day – Gresham School Campus; Vestavia Hills Board Of Education, Owners (public hearing)

MOTION Motion to approve Resolution Number 5055 was made by Mr. Pierce and second was by Mrs. Cook

The Mayor stated that this Resolution begins the 90-day annexation of the Gresham School.

Mrs. Cook asked if there had been any other discussions with regard with moving forward with the repairs of the field lights, as noted in the Annexation Report. Mr. Weaver explained that repairs have not been completed but should be soon.

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 2765

Ordinance Number 2765 – Annexation – Overnight - Gresham School Campus; Vestavia Hills Board Of Education, Owners (public hearing)

MOTION Motion to approve Ordinance Number 2765 was made by Mrs. Cook and second was by Mr. Pierce.

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

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

FIRST READING (NO ACTION TO BE TAKEN AT THIS MEETING)

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on May 30, 2018 (rescheduled from May 28, 2018 in lieu of Memorial Day), at 6:00 PM.

- Resolution Number 5048 – Annexation – 90-Day – 3332 Misty Lane; Jacob and Marjorie Pollard (*public hearing*)
- Ordinance Number 2759 – Annexation – Overnight – 3332 Misty Lane; Jacob and Marjorie Pollard (*public hearing*)
- Resolution Number 5044 – Annexation – 90-Day – 2441 Jannebo Road; Lot 116, Buckhead, 4th Sector; Richard and Samantha Wheeler (*public hearing*)
- Ordinance Number 2760 – Annexation – Overnight – 2441 Jannebo Road; Lot 116, Buckhead, 4th Sector; Richard and Samantha Wheeler (*public hearing*)
- Resolution Number 5045 – Annexation – 90-Day – 2764 Altadena Lake Drive; Lot 4, Block 5, First Add, Altadena Valley, 4th Sector; Murray and Kelly Statham (*public hearing*)
- Ordinance Number 2761 – Annexation – Overnight – 2764 Altadena Lake Drive; Lot 4, Block 5, First Add, Altadena Valley, 4th Sector; Murray and Kelly Statham (*public hearing*)
- Resolution Number 5046 – Annexation – 90-Day – 2424 Dolly Ridge Road; Lot 15, Rocky Ridge Estates; Jim Thornton Construction (*public hearing*)
- Resolution Number 5047 – Annexation – 90-Day – 2432 Dolly Ridge Road; Lot 18 & S. 25' of Lot 17, Rocky Ridge Estates; Jim Thornton Construction (*public hearing*)
- Ordinance Number 2605-A – Rezoning – 3127 Blue Lake Drive And 4565 Pine Tree Circle; Lot 10-A, Acton's Resurvey Of Lot 8 Thru 10 And Lots 11 & 12, Topfield Subdivision; Rezone From Vestavia Hills B-1.2 (Neighborhood Mixed Use District) To B-1.2 (Neighborhood Mixed Use District) With A Revised Site Plan; Pine Tree Partners LLC And Seed Corn, Owners
- Ordinance Number 2764 – An Ordinance Prohibiting Drivers To Operate A Vehicle Through Private Or Public Property In Order To Avoid Traffic Control Devices (*public hearing*)
- Resolution Number 5053 – Vacation – 801 South Bend Lane; Lot 16, South Bend Subdivision; Vacation Of 10' Drainage Easement To Allow Construction Of A Single-Family Home; BC South, LLC: Blake Pittman, Representing (*public hearing*)

CITIZEN COMMENTS

None.

At 7:23 PM, Mr. Pierce made a motion to adjourn. The meeting adjourned at 7:24 PM.

Ashley Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2605-A

AN ORDINANCE TO AMEND ORDINANCE NUMBER 2605 AND 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-1.2 WITH A REVISED SITE PLAN

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, on the 12th day of October, 2015, adopted and approved Ordinance Number 2605 from Vestavia Hills R-1 (low density residential district) to Vestavia Hills B-1.2 (neighborhood mixed use district) and conditioned to develop pursuant to a site plan for a retail development; and

WHEREAS, the developer has found that an alternate site plan would work better for the property in order to develop it to its best and highest development; said site plan is marked as Exhibit A and it attached to and incorporated into this Ordinance Number 2605-A as though written fully therein.

NOW, THEREFORE, 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-1.2 (neighborhood mixed use district):

3127 Blue Lake Drive and 4565 Pine Tree Circle
Lot 10-A, Acton's Resurvey of Lot 8 thru 10 and
Lots 11 & 12, Topfield Subdivision
Pine Tree Partners, LLC and Seed Corn, Owners

BE IT FURTHER ORDAINED that said development is conditioned on the property being developed substantially as shown in Exhibit A, attached.

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

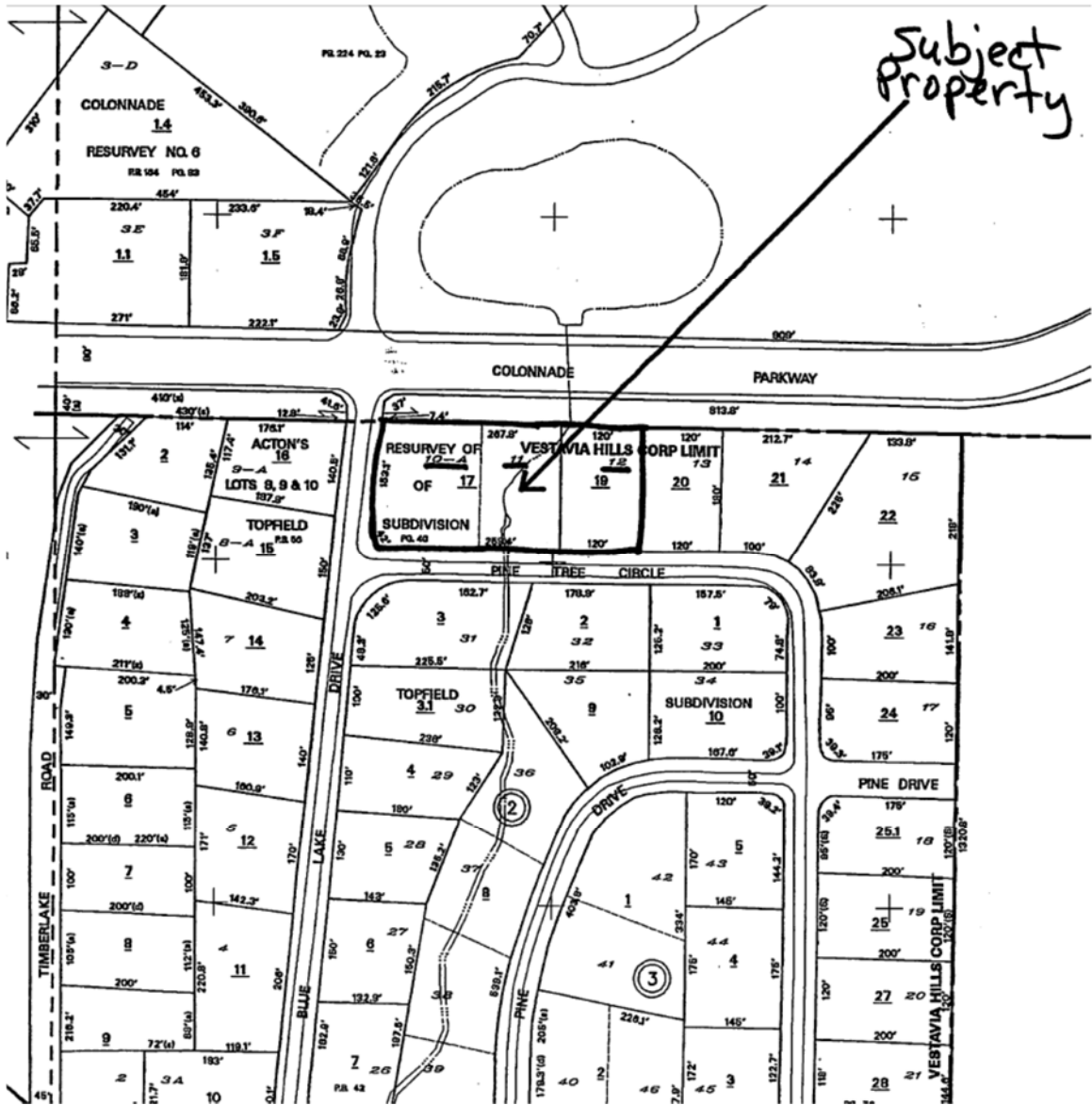
Rebecca Leavings
City Clerk

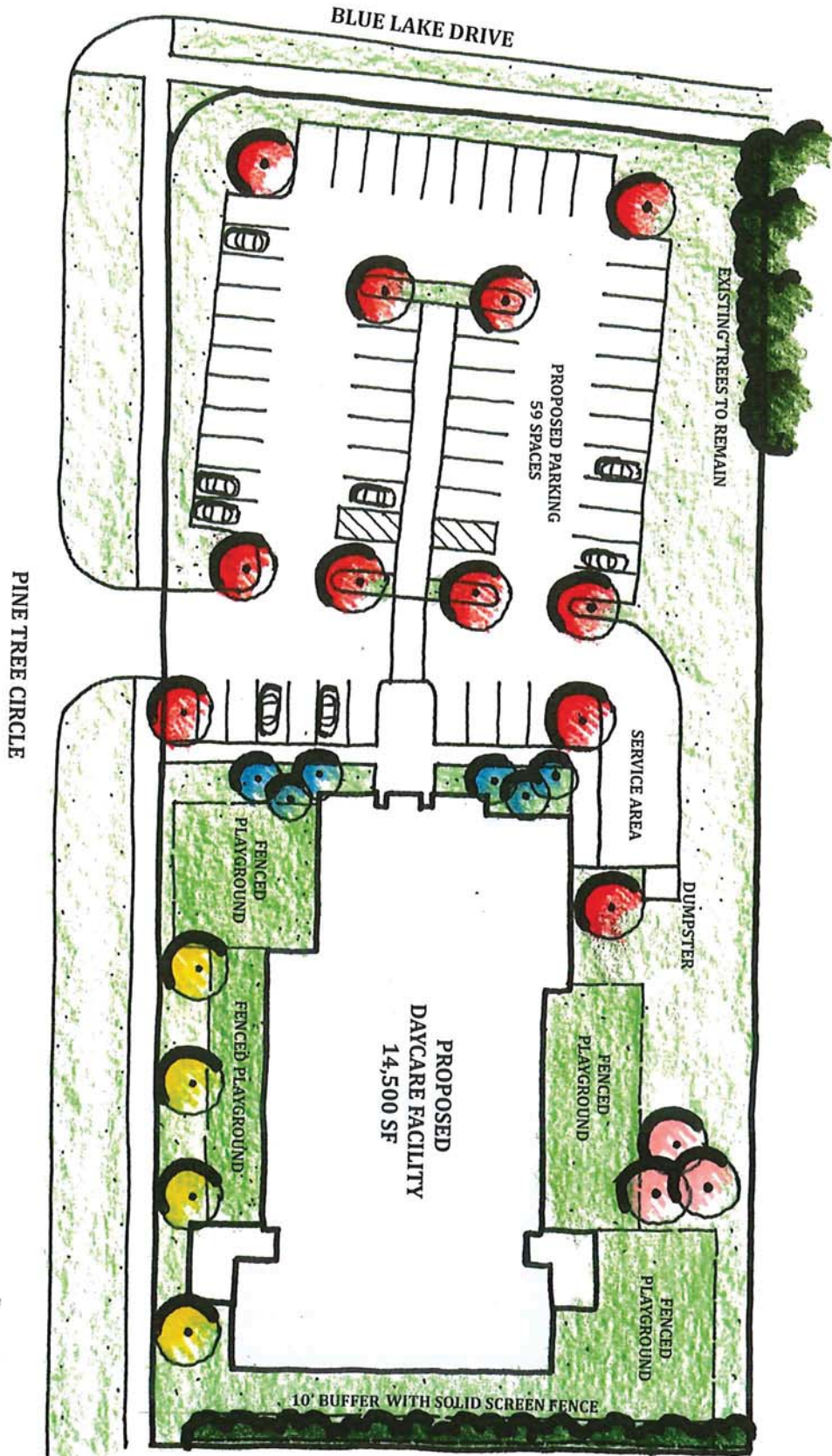
CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2605 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 30th day of May, 2018 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk





PRELIMINARY PLANS
NOT FOR
CONSTRUCTION

GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
 3175 PARKWAY LAKE DRIVE
 HOOVER, ALABAMA 35224
 PHONE: (205) 843-2499
 FAX: (205) 843-2025
 www.Gonzalez-Strength.com

TITLE SOUTHERN COMPANY DAYCARE			
DRW. BY	CHK. BY	SCALE 1"=30'	DATE 1/31/18

NO.	REVISIONS DESCRIPTION	DATE

This drawing is the property of Gonzales-Strength & Associates, Inc. and it will be reproduced for others in whole or in part only with the written consent of Gonzales-Strength & Associates, Inc. No part of this drawing shall be used for any other project without the written consent of Gonzales-Strength & Associates, Inc. © Copyright 2018



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

Date: **MARCH 8, 2018**

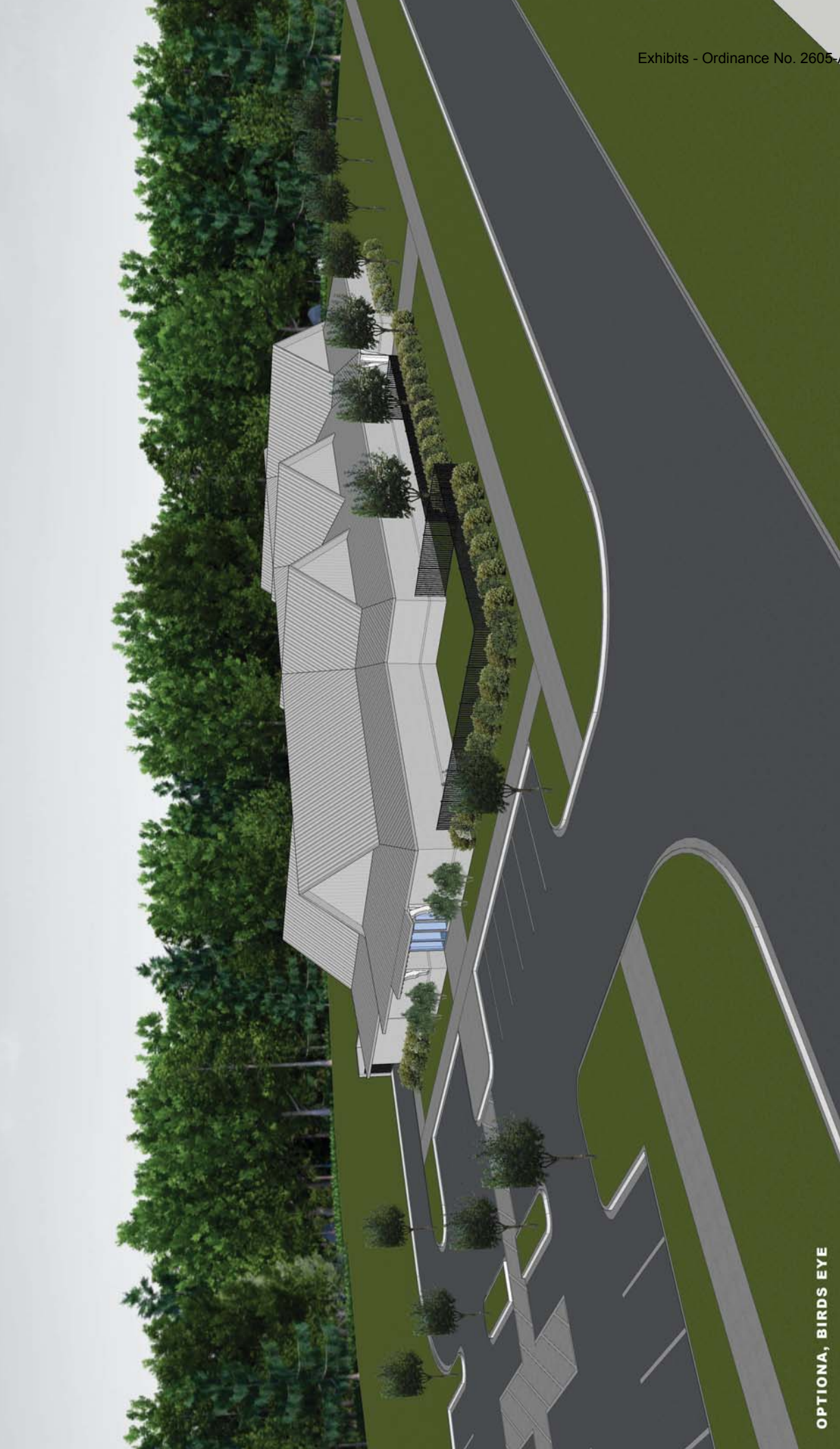
- **CASE: P-0318-10**
- **REQUESTED ACTION:** Rezoning Vestavia Hills B-1.2 Vestavia Hills B-1.2
- **ADDRESS/LOCATION:** 3127 Blue Lake Dr., 4565 Pine Tree Cir.
- **APPLICANT/OWNER:** Pine Tree Partners & Seed Corn, LLC
- **REPRESENTING AGENT:** Derek Waltchack
- **GENERAL DISCUSSION:** Property is on Blue Lake Dr. and on the corner of Colonnade Parkway and Pine Tree Cir. Property was rezoned on 10/12/15 by City Council to B-1.2. As required by code, site plans are “locked in” with the approval of the B-1.2 zoning, requiring any major changes to a plan to be re-heard in public hearings and subject to Council approval. This is not a land use change. Applicant proposes flipping the site plan and moving the building to the east side of the property. The proposed changes appear to meet all zoning requirements.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is consistent with the Cahaba Heights Community Plan for retail/mixed use. Additionally, the property directly to the south at 3125 Blue Lake Dr. 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: No recommendation
 2. **City Engineer Review:** Approval needed on creek and drainage.
 3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
 4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

MOTION Mrs. Burrell made a motion to recommend approving the amended site plan for 3127 Blue Lake Dr., 4565 Pine Tree Cir., consistent with the materials presented. Second was by Mr. Gilchrist. Motion was carried on a roll call; vote as follows:

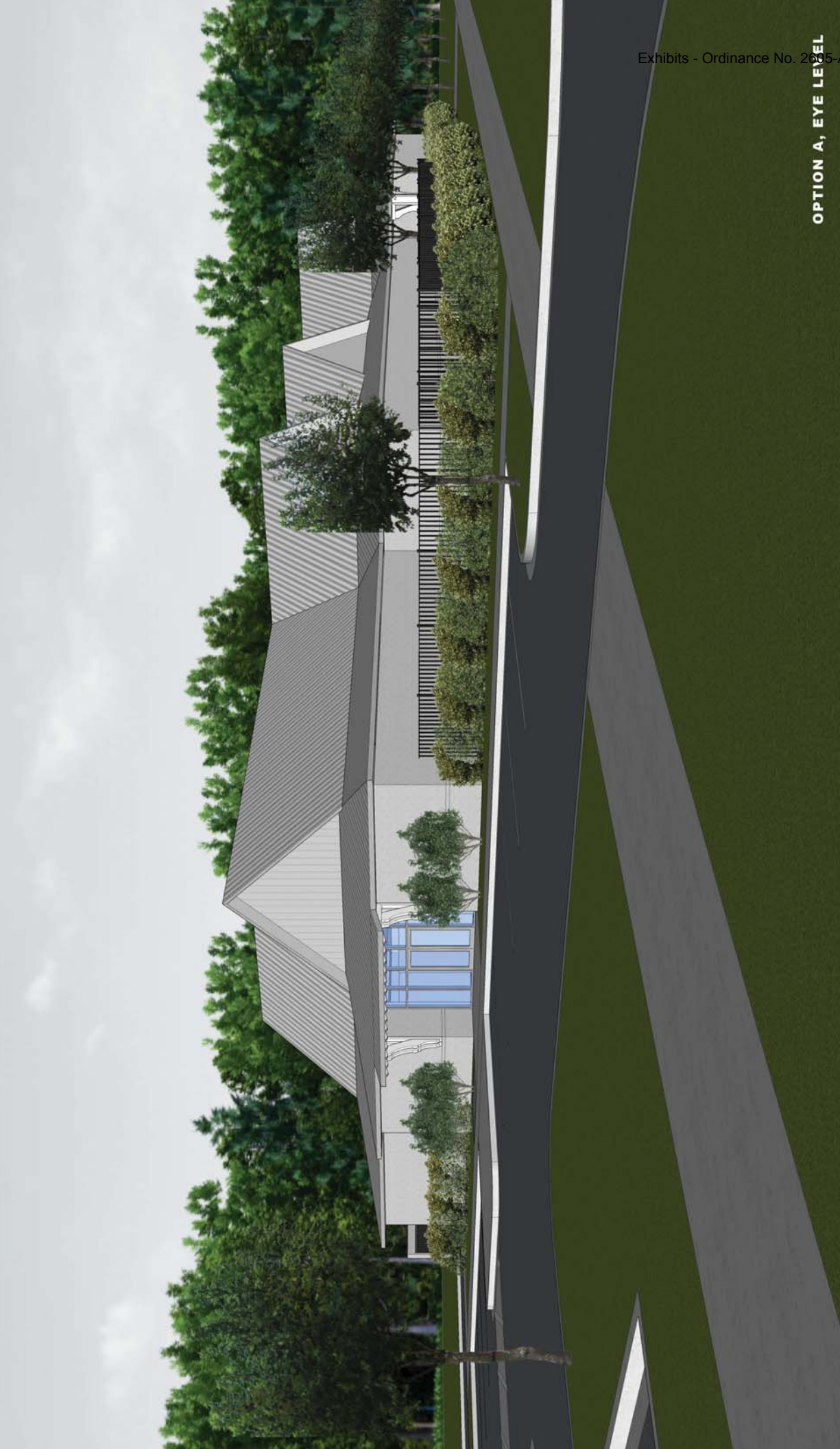
Mr. Goodwin – yes
Mr. Brooks – yes
Mr. House – yes
Mr. Burrell – yes
Mr. Larson – yes

Mrs. Barnes – yes
Mr. Weaver – yes
Mrs. Cobb – abstained
Mr. Gilchrist – yes
Motion carried.



OPTIONA, BIRDS EYE

OPTION A, EYE LEVEL



Previously Approved



BLUE LAKE DRIVE

Exhibits Ordinance No. 2605 A

SITE PLAN

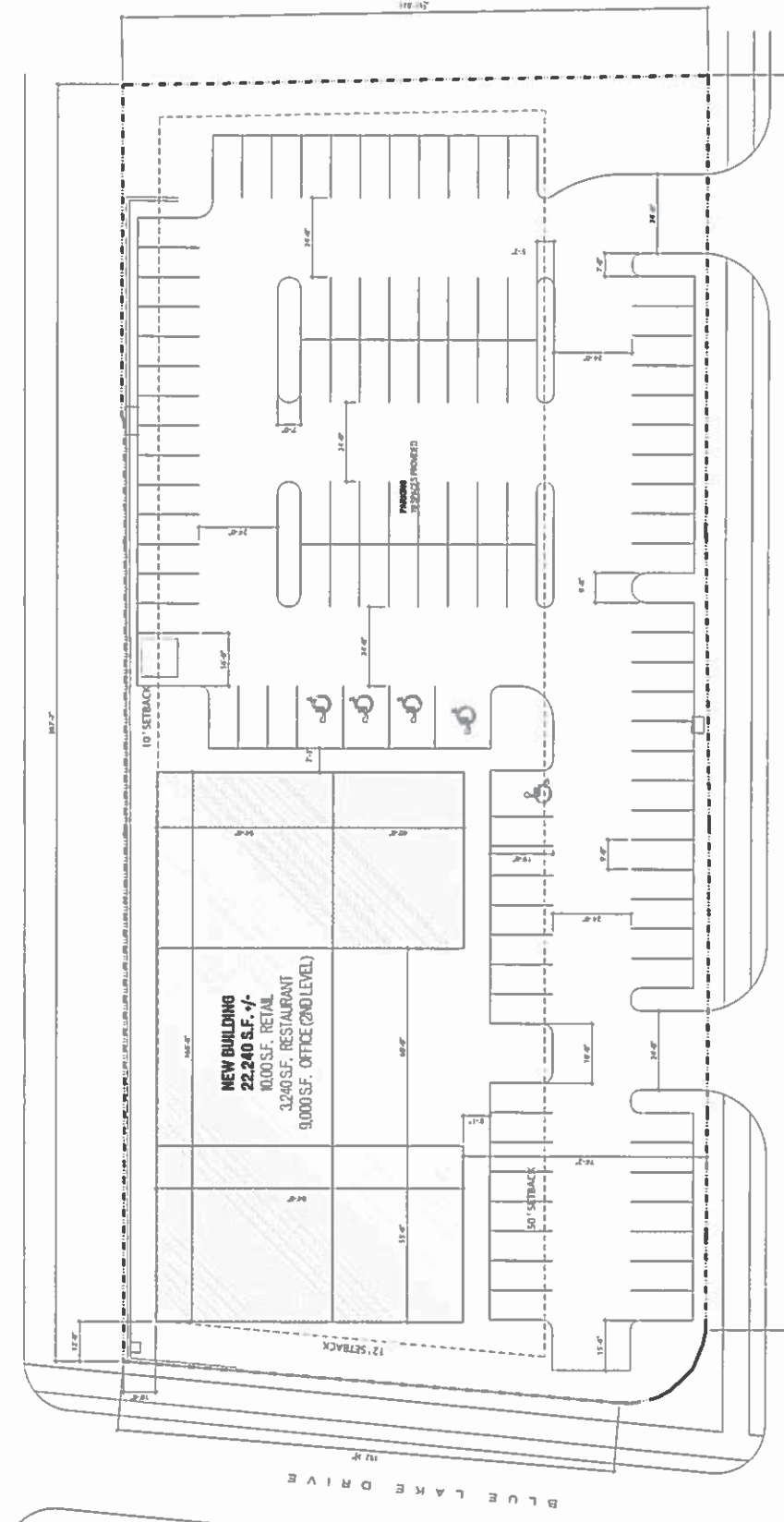
06/20/2018

TSC

TSC

A1.0

CONCEPTUAL



1 | SITE PLAN

PINE TREE CIRCLE

BLUE LAKE DRIVE

RESOLUTION NUMBER 5048

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 19, 2018, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 30th day of May, 2018; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 6th day of June, 2018.

2. That on the 24th day of September, 2018, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5048 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

3332 Misty Lane
Jacob and Marjorie Pollard, Owner(s)

More particularly described as follows:

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 20, Township 18, Range 2 West,
Described as follows: Begin 210 Feet East of the SW corner of said $\frac{1}{2}$ of
 $\frac{1}{4}$; thence North 210 feet for a point of beginning, thence North 210 feet;
thence East 210 feet; thence South 210 feet; thence West 210 feet to the
point of beginning.

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

ANNEXATION DETAIL SHEET

Address: 3332 Misty Lane

Parcel ID#: 28-00-20-4-002-008.001

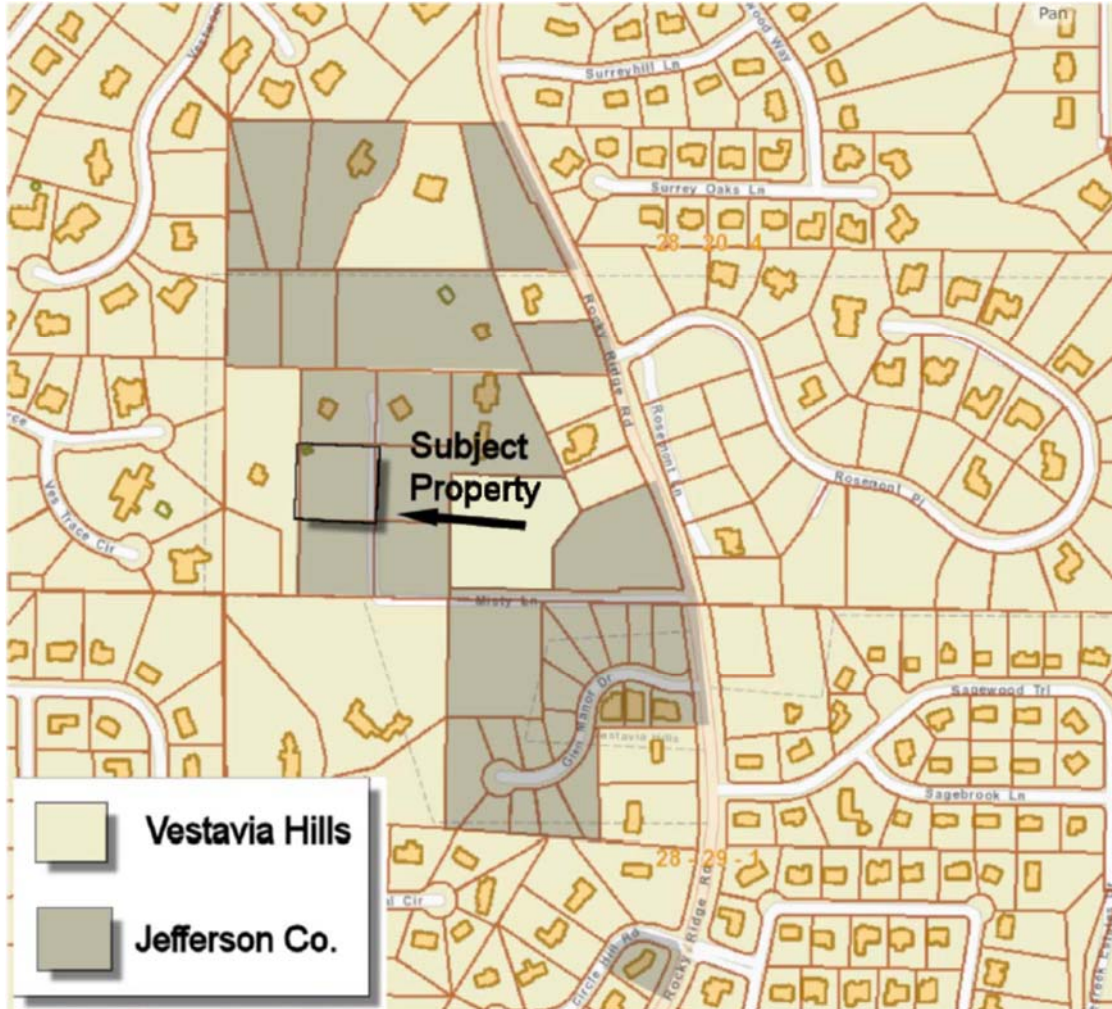
Owner(s): Jacob and Marjorie Pollard

Current Use: Vacant Property

Proposed Use: Construct one single-family residence (approx. 4,000 SF)

Google Image:





Annexation Committee Petition Review

Property: 3332 Misty Lane

Owners: Jacob and Marjorie Pollard

Date: 4-6-18

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 current roadway does not meet city minimum standards

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of Lot - 113,120. Meets city criteria: Yes No

Comment: VACANT LOT, PROPOSED HOME VALUE \$150,000,000

6. This street has fewer than 100% of the individual properties within the limits of the city

Yes No
Number of total homes 2 Number in city 2

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: 3332 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: Current Roadway does NOT meet city minimum standards.

11. Information on children: Number in family 5; Plan to enroll in VH schools Yes No _____ Comments: children ages 5-4-1, 2 children currently enrolled in VHCS.

Other Comments: Road issue was discussed



George Pierce
Chairman 4-6-18

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 3332 Misty Lane

Engineering: Date: _____ Initials: _____

Comments: _____

3332 Misty Lane -- concerns noted; no dedicated roadway right-of-way to access this property; existing asphalt drive is approximately 10' wide, crosses private property, and does not have adequate shoulders; there is no public accessed turnaround for garbage or fire response. This area is not on City's maintenance schedule and current roadways do not meet City's minimum standards.

Police Department: Date: _____ Initials: _____

The police department has reviewed the listed properties up for annexation; we have no reason to oppose said annexation on the law enforcement side.

3332 Misty Lane; 2764 Altadena Lake Drive; 2441 Jannebo Road; 2432 Dolly Ridge Road; 2424 Dolly Ridge Road.

Fire Department: Date: _____ Initials: _____

Comments: _____

PARCEL #: 28 00 20 4 002 008.001
OWNER: GREENE SHARON L
ADDRESS: 4257 OLD CAHABA PARKWAY HELENA AL 35080
LOCATION: 3332 MISTY LN VESTAVIA HILLS AL 35243

18-011.0 Baths: 0.0 H/C Sqft: 0
 Bed Rooms: 0 Land Sch: A114
 Land: 113,100 Imp: 0 Total: 113,100
 Acres: 0.000 Sales Info: \$0

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

Tax Year : 2017

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

VACANT

SUMMARY

ASSESSMENT

PROPERTY CLASS: 2 OVER 65 CODE:
 EXEMPT CODE: DISABILITY CODE:
 MUN CODE: 01 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$0
 LAND VALUE 20% \$113,120
 CURRENT USE VALUE [DEACTIVATED] \$0
 TOTAL MARKET VALUE [APPR. VALUE: \$113,100]: \$113,120
 Assesment Override:

CLASS USE:
 FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$113,100.00 BOE VALUE: 0

MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	1	\$22,620	\$147.03	\$0	\$0.00	\$147.03
COUNTY	2	1	\$22,620	\$305.37	\$0	\$0.00	\$305.37
SCHOOL	2	1	\$22,620	\$185.48	\$0	\$0.00	\$185.48
DIST SCHOOL	2	1	\$22,620	\$0.00	\$0	\$0.00	\$0.00
CITY	2	1	\$22,620	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	1	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	1	\$22,620	\$115.36	\$0	\$0.00	\$115.36
SPC SCHOOL2	2	1	\$22,620	\$380.02	\$0	\$0.00	\$380.02

ASSD. VALUE: \$22,620.00

\$1,133.26

GRAND TOTAL: \$1,133.26

FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
2018003457	1/10/2018	12/8/2017	2017	GREENE SHARON	\$1,133.26
9511-1114	10/10/1995	12/29/2016	2016	GREENE MICKEY	\$1,133.26
		12/21/2015	2015	-	\$1,133.26
		12/9/2014	2014	-	\$1,148.26
		12/19/2013	2013	-	\$1,148.26
		12/12/2012	2012	GREENE SHARON L	\$1,148.26
		20111108	2011	***	\$1,148.26
		20101208	2010	***	\$1,148.26
		20091124	2009	***	\$1,148.26
		20081217	2008	***	\$1,148.26

M.B. & J.L. Pollard

2627 Fargo Circle
Vestavia Hills, AL 35226

Planning and Zoning Committee Members,

My name is Jacob Pollard, my wife Marjorie and I currently live in Vestavia. We moved from Helena to Vestavia in 2013 after our daughter was born in 2012. Since then we have never given a second thought to living anywhere else. The community, public services, school system, and our friends and neighbors are the reason we have been able to set our roots here.

We now have three children; Colette, Graham, and Asher. Our daughter, Colette, is in 5K this year at VHEW. As our family has grown, we quickly realized that we need more space and began the search for land on which to build a home. We have recently closed on one acre located at 3332 Misty Lane, in Jefferson County.

We have had house plans drawn, and have septic approval from Jefferson County. Documents for both are enclosed with our Petition for annexation.

We are Vestavians. We love our land, and envision raising our children in Vestavia where our family can enjoy the outdoors and all the amenities that the City of Vestavia has to offer.

Thank you for your time in reviewing this request.

Sincerely,

Jacob and Marjorie Pollard

STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 2/19/2018

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.

JACOB POLLARD - (205) 965-7291 JACOB.ALABAMA@BNET.ORG
MARGORIE POLLARD - (205) 612-9734 MARGORIE_629@HOTMAIL.COM

EXHIBIT "A"

LOT: N/A

BLOCK: N/A

SURVEY: N/A

RECORDED IN MAP BOOK 28, PAGE 20-4 IN THE
PROBATE OFFICE OF JEFFERSON COUNTY, ALABAMA.

COUNTY ZONING: E-2 ESTATE

COMPATIBLE CITY ZONING: R-1

LEGAL DESCRIPTION (METES AND BOUNDS):

THE SOUTH 1/2 OF THE SE 1/4 OF SECTION 20,
TOWNSHIP 18, RANGE 2 WEST, DESCRIBED AS
FOLLOWS: BEGIN 210 FEET EAST OF THE SOUTHWEST
CORNER OF SAID 1/2 OF 1/4, THENCE NORTH 210
FEET FOR A POINT OF BEGINNING; THENCE NORTH 210
FEET; THENCE EAST 210 FEET; THENCE SOUTH 210 FEET;
THENCE WEST 210 FEET TO THE POINT OF BEGINNING

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

SIGNATURE(S)

DESCRIPTION OF PROPERTY

<u>[Signature]</u>	Lot <u>N/A</u> Block <u>N/A</u> Survey <u>(REVERSE FOR DESCRIPTION)</u>
<u>Margie B. Pollard</u>	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

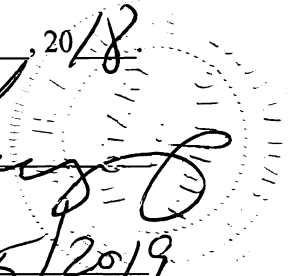
Margie + Jacob Pollard being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

[Signature]
Signature of Certifier

Subscribed and sworn before me this the 20th day of Feb, 2018

[Signature]
Notary Public

My commission expires: 7/15/2019



DESCRIPTION:

THE SOUTH $\frac{1}{2}$ OF THE SE $\frac{1}{4}$ OF SECTION 20, TOWNSHIP 18,
RANGE 2 WEST, DESCRIBED AS FOLLOWS: BEGIN 210 FEET
EAST OF THE SOUTHWEST CORNER OF SAID SOUTH $\frac{1}{2}$ OF SE $\frac{1}{4}$,
THENCE NORTH 210 FEET FOR A POINT OF BEGINNING; THENCE
NORTH 210 FEET; THENCE EAST 210 FEET; THENCE SOUTH 210 FEET;
THENCE WEST 210 FEET TO THE POINT OF BEGINNING.

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): MARTORIE & JACOB POLLARD

Address: 2627 FARGO CIRCLE

City: VESTAVIA State: AL Zip: 35226

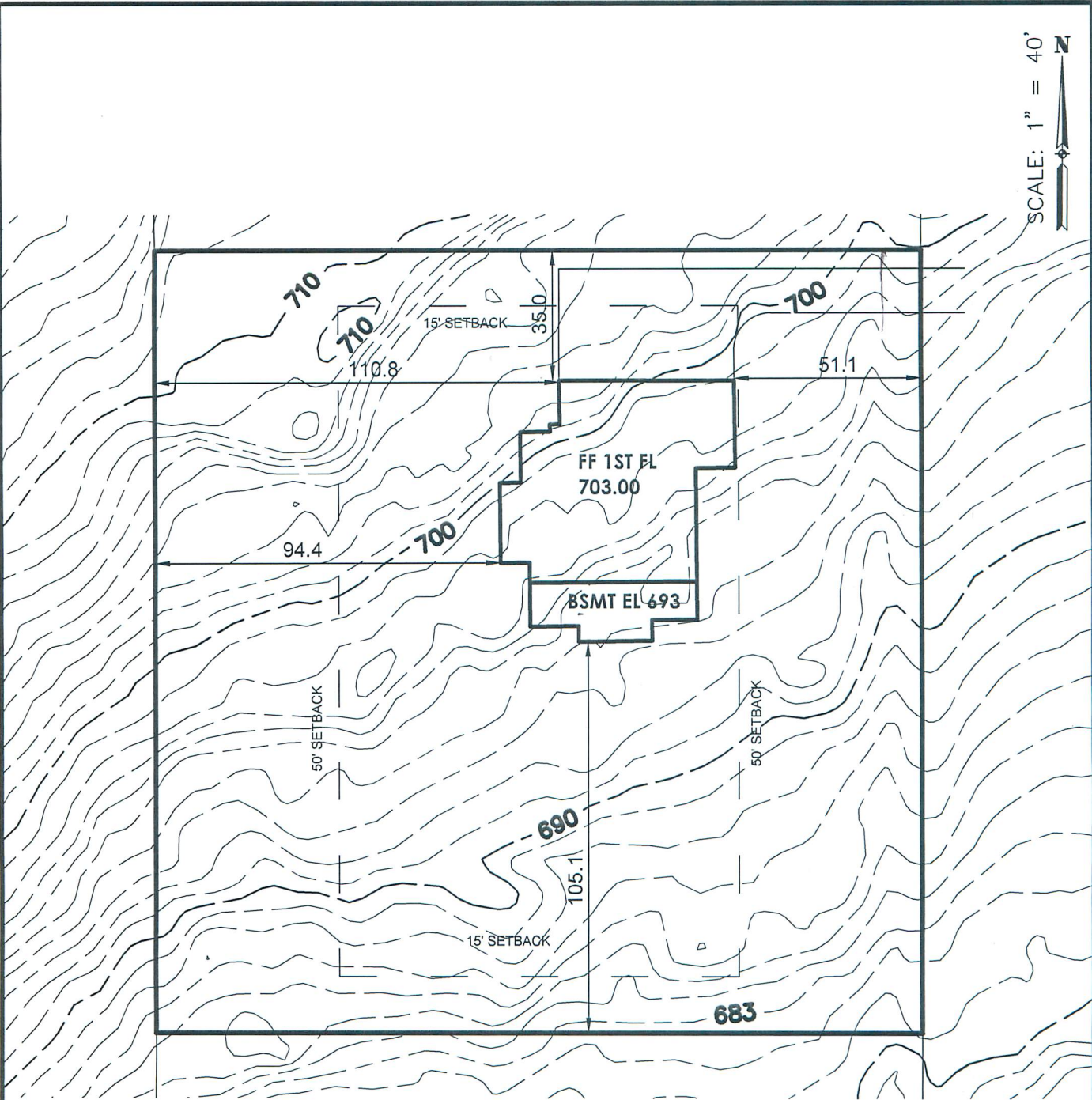
Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	COLETTE POLLARD	5	K-5	✓	
2.	GRAHAM POLLARD	4	PRE-SCHOOL	✓	
3.	ASHER POLLARD	1	N/A	✓	
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

SCALE: 1" = 40'



PLOT PLAN

3332 MISTY LANE
 BIRMINGHAM, AL
 DB 9511 PG 1114
 JEFFERSON COUNTY, ALABAMA
 PREPARED FOR: JACOB POLLARD
 PREPARED 12/1/17 ME
 PROJECT #66885

NOTE TO PROSPECTIVE HOME OWNER:
 THE DRIVEWAY LOCATION SHOWN ON THIS PLOT PLAN IS
 SUBJECT TO CHANGE TO BEST MATCH THE LOT GRADE
 AND/OR EXISTING UTILITY APPURTENANCES.

ARRINGTON ENGINEERING AND LAND SURVEYING INC. PERFORMED NO SURVEYING, TITLE SEARCH, OR FLOOD ZONE DETERMINATION IN CONNECTION WITH THE PREPARATION OF THIS PLOT PLAN. WE MAKE NO GUARANTEE THAT THIS PROPERTY IS NOT SUBJECT TO ANY ADDITIONAL EASEMENTS, SETBACKS, RESTRICTIONS OR COVENANTS, OTHER THAN THOSE SHOWN ON THIS PLOT PLAN. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL LOT RESTRICTIONS PRIOR TO CONSTRUCTION.

APPROVED TO STAKE BY:



ARRINGTON ENGINEERING
 Civil Engineers - Surveyors - Land Planners
 Office: (205) 985-9315 Fax: (205) 985-9385
 2032 Valleydale Road Birmingham AL 35244

Liability Release:

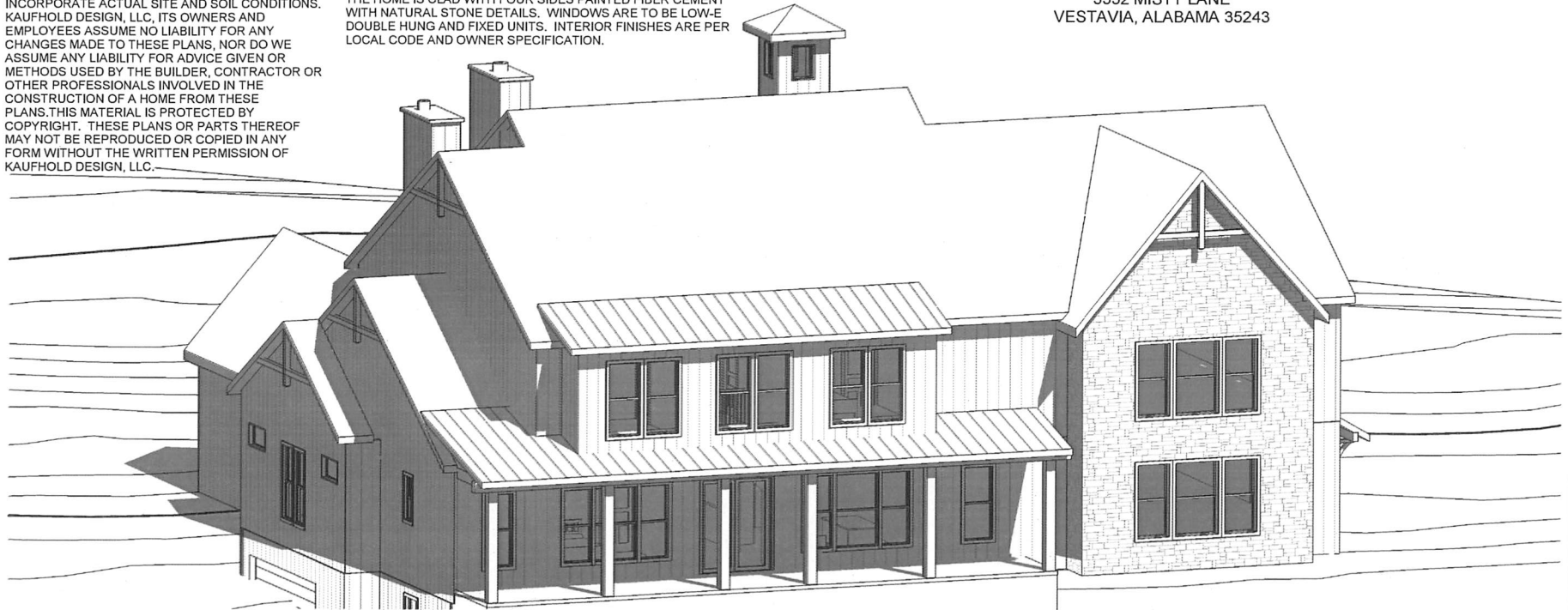
KAUFHOLD DESIGN, LLC, ITS OWNERS AND EMPLOYEES ASSUME NO LIABILITY FOR ANY HOME CONSTRUCTED FROM THIS PLAN. IT IS THE RESPONSIBILITY OF THE PURCHASER OF THIS PLAN TO PERFORM THE FOLLOWING BEFORE BEGINNING CONSTRUCTION: THE BUILDER OR CONTRACTOR MUST VERIFY THE DIMENSIONS AND ALL ASPECTS OF THE PLANS FOR COMPLIANCE WITH ALL LOCAL BUILDING CODES AND ORDINANCES WHERE THE HOUSE IS TO BE CONSTRUCTED. VERIFY ALL STRUCTURAL ELEMENTS FOR DESIGN, SIZE AND REINFORCEMENT WITH LOCAL ENGINEERING AND BUILDING OFFICIALS. PLANS INDICATE LOCATIONS ONLY; ENGINEERING ASPECTS SHOULD INCORPORATE ACTUAL SITE AND SOIL CONDITIONS. KAUFHOLD DESIGN, LLC, ITS OWNERS AND EMPLOYEES ASSUME NO LIABILITY FOR ANY CHANGES MADE TO THESE PLANS, NOR DO WE ASSUME ANY LIABILITY FOR ADVICE GIVEN OR METHODS USED BY THE BUILDER, CONTRACTOR OR OTHER PROFESSIONALS INVOLVED IN THE CONSTRUCTION OF A HOME FROM THESE PLANS. THIS MATERIAL IS PROTECTED BY COPYRIGHT. THESE PLANS OR PARTS THEREOF MAY NOT BE REPRODUCED OR COPIED IN ANY FORM WITHOUT THE WRITTEN PERMISSION OF KAUFHOLD DESIGN, LLC.

Project Description:

A NEW RESIDENTIAL SINGLE FAMILY DWELLING WITH THREE LEVELS MEASURING APPROXIMATELY 36' 8" IN HEIGHT. THE HEATED AND COOLED AREA OF THE BASEMENT IS 906SF. LEVEL ONE IS 2,708SF AND LEVEL TWO IS 1,440SF. THE STRUCTURE INCLUDES AN ENCLOSED 449SF TWO CAR GARAGE IN THE BASEMENT AND A 1,101SF THREE CAR GARAGE ON THE MAIN LEVEL. THE HOME HAS A COVERED FRONT PORCH AT 401SF AND A REAR PORCH MEASURING 636SF. THE PRIMARY STRUCTURE IS WOOD FRAME CONSTRUCTION ON CONCRETE SLAB AND CRAWL SPACE. ALL BEARING ELEMENTS REST UPON CONCRETE FOOTINGS, CMU STEM WALL, HAUNCH OR THICKEED SLAB. THIS PLAN INCLUDES DECORATIVE AND STRUCTURAL WOOD COLUMNS AND A 30 YEAR SHINGLE ROOF. THE HOME IS CLAD WITH FOUR SIDES PAINTED FIBER CEMENT WITH NATURAL STONE DETAILS. WINDOWS ARE TO BE LOW-E DOUBLE HUNG AND FIXED UNITS. INTERIOR FINISHES ARE PER LOCAL CODE AND OWNER SPECIFICATION.

THE POLLARD HOME

3332 MISTY LANE
VESTAVIA, ALABAMA 35243



Kaufhold Design

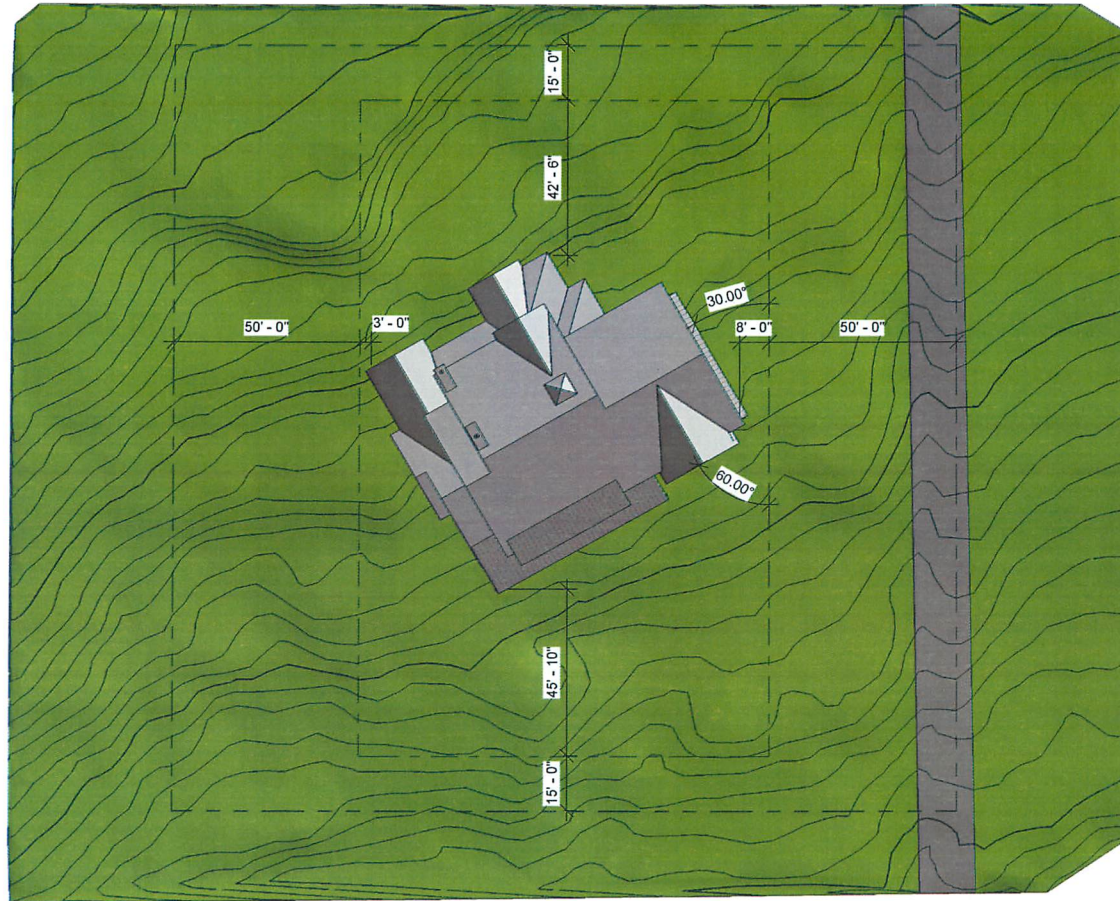
Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

No.	Description	Date

TITLE PAGE

Project number	2018-1006	A1
Date	FEBRUARY 2018	
Drawn by	MICAH KAUFHOLD	Scale 1 1/2" = 1'-0"
Checked by	THE POLLARDS	



① Site
1" = 30'-0"

Kaufhold Design

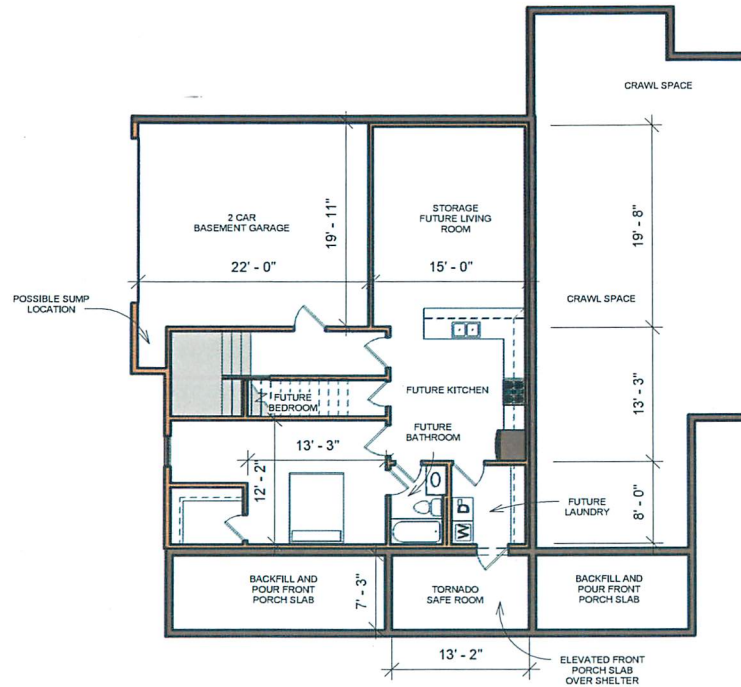
Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

No.	Description	Date

SITE PLAN

Project number	2018-1006	A2
Date	FEBRUARY 2018	
Drawn by	MICAHKAUFHOLD	Scale As indicated
Checked by	THE POLLARDS	



1 BASEMENT LEVEL
3/32" = 1'-0"

Kaufhold Design

Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

No.	Description	Date

BASEMENT LEVEL

Project number	2018-1006	A3
Date	FEBRUARY 2018	
Drawn by	MICAH KAUFHOLD	
Checked by	THE POLLARDS	
Scale		3/32" = 1'-0"



① FRONT-SOUTH
3/32" = 1'-0"



② BACK-REAR-NOTRTH
3/32" = 1'-0"

Kaufhold Design

Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

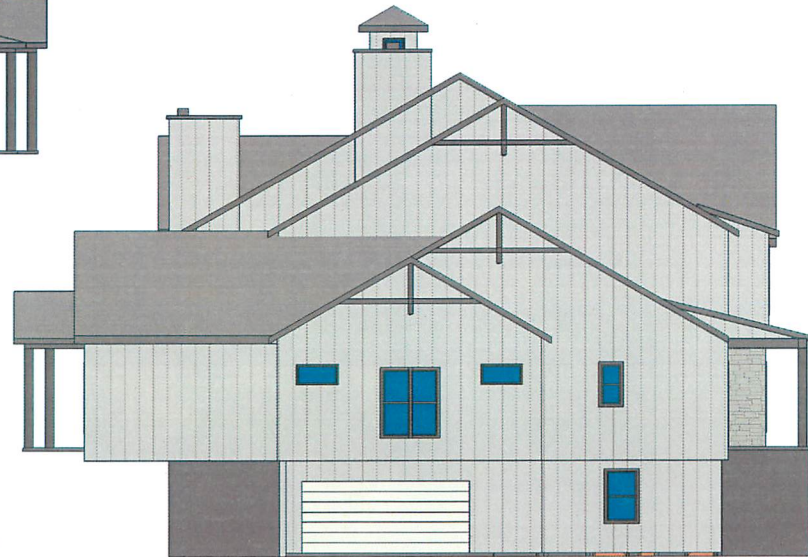
No.	Description	Date

ELEVATIONS

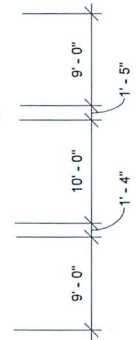
Project number	2018-1006	A10
Date	FEBRUARY 2018	
Drawn by	MICAH KAUFHOLD	
Checked by	HARRIS DOYLE	
Scale		3/32" = 1'-0"



① SIDE-RIGHT-EAST
3/32" = 1'-0"



② SIDE-LEFT-WEST
3/32" = 1'-0"



Kaufhold Design

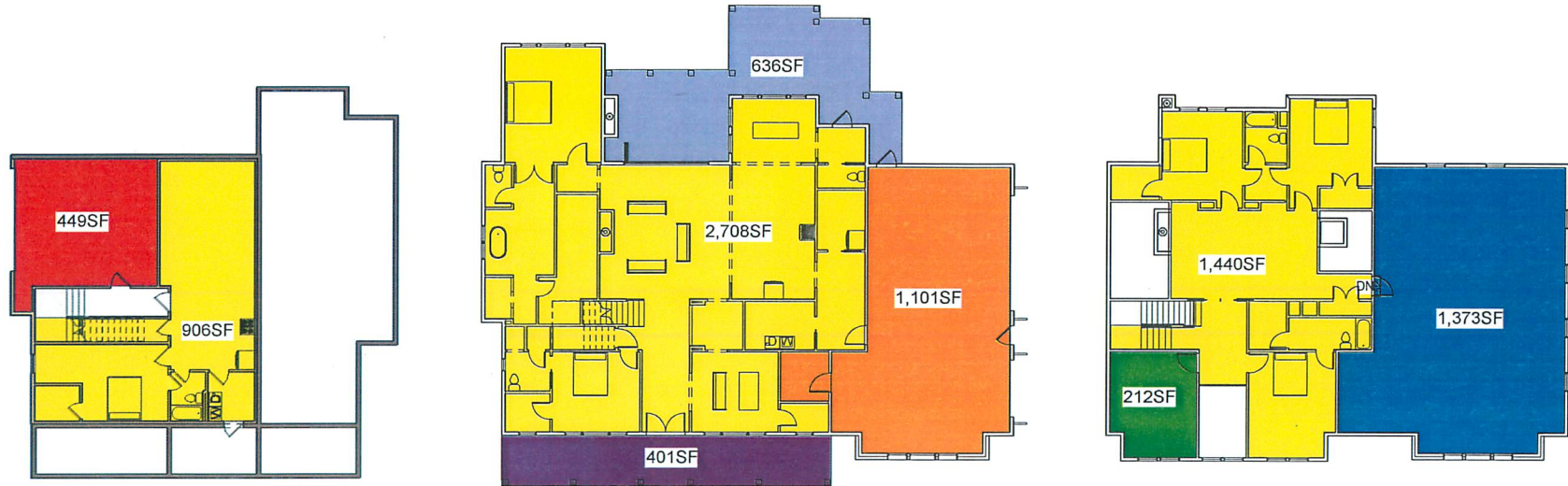
Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

No.	Description	Date

ELEVATIONS

Project number	2018-1006	A11
Date	FEBRUARY 2018	
Drawn by	MICAH KAUFHOLD	
Checked by	HARRIS DOYLE	
Scale		3/32" = 1'-0"



① BASEMENT LEVEL SQUARE FOOTAGES
1/16" = 1'-0"

② LEVEL 1 SQUARE FOOTAGES
1/16" = 1'-0"

③ LEVEL 2 SQUARE FOOTAGES
1/16" = 1'-0"

Kaufhold Design

Kaufholddesign@gmail.com

The Pollard Residence
Jacob & Marjorie Pollard

No.	Description	Date

SQUARE FOOTAGES

Project number	2018-1006	A22
Date	FEBRUARY 2018	
Drawn by	Author	Scale 1/16" = 1'-0"
Checked by	Checker	

ORDINANCE NUMBER 2759

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

WHEREAS, a certain petition signed by Jacob and Marjorie Pollard dated February 19, 2018, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

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

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

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

3332 Misty Lane
Jacob and Marjorie Pollard

More particularly described as follows:

The South $\frac{1}{2}$ of the SE $\frac{1}{4}$ of Section 20, Township 18, Range 2 West,
Described as follows: Begin 210 Feet East of the SW corner of said $\frac{1}{2}$ of $\frac{1}{4}$; thence North 210 feet for a point of beginning, thence North 210 feet;

thence East 210 feet; thence South 210 feet; thence West 210 feet to the point of beginning.

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

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

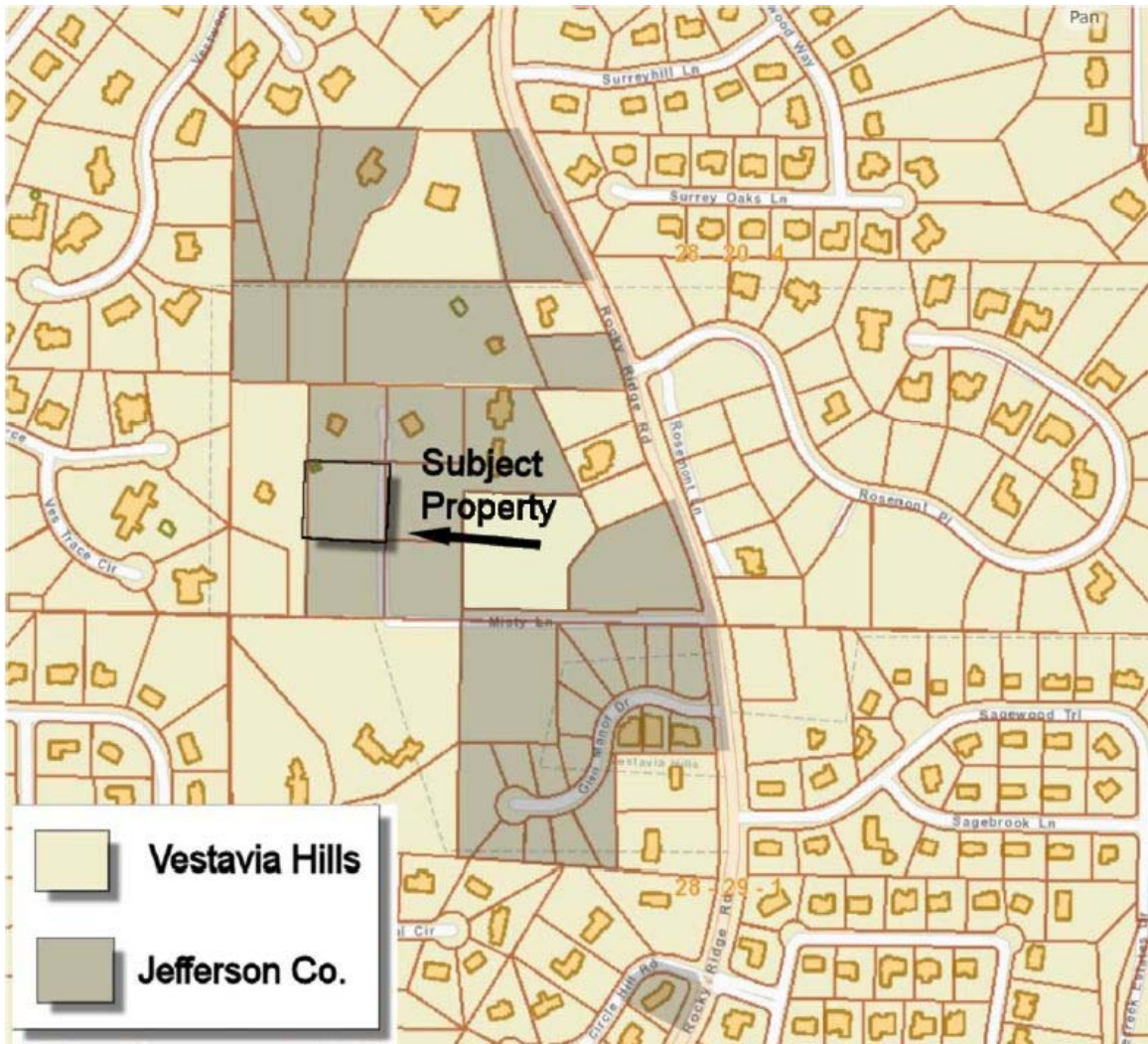
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2759 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 30th day of May, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 5044

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated November 17, 2017, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 30th day of May, 2018; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 6th day of June, 2018.

2. That on the 24th day of September, 2018, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5044 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

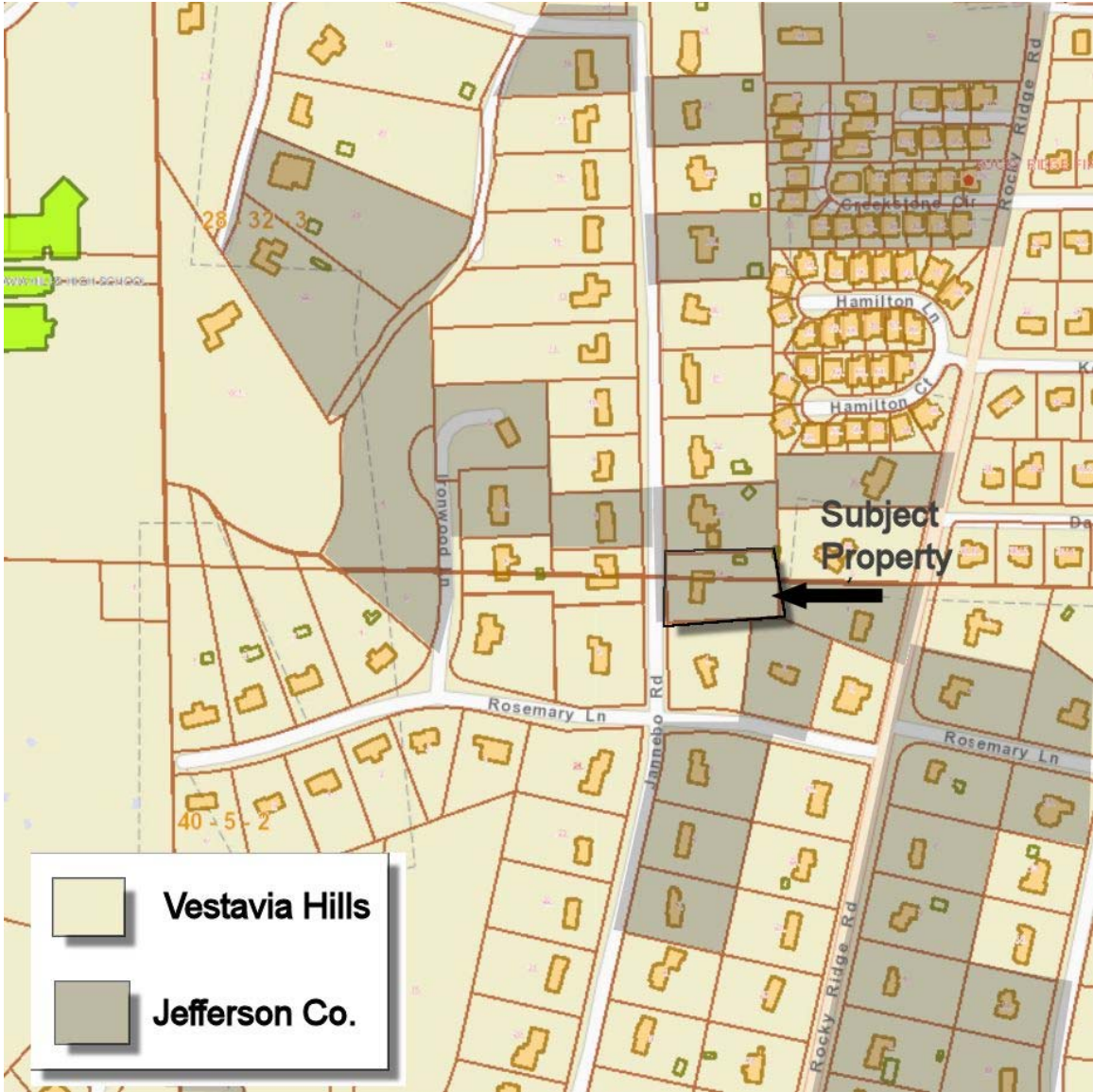
2441 Jannebo Road
Lot 116, Buckhead, 4th Sector
Richard and Samantha Wheeler, Owner(s)

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



ANNEXATION DETAIL SHEET

Address: 2441 Jannebo Road
Parcel ID#: 28-00-32-3-002-034.000
Owner(s): Richard and Samatha Wheeler
Current Use: One Single-Family home
Proposed Use: same
Google Image:



Annexation Committee Petition Review

Property: 2441 Jannebo Road

Owners: Richard & Samantha Wheeler

Date: 4-6-18

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 ROADWAY IS NARROW BUT IN GOOD CONDITION.

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 203,400. Meets city criteria: Yes No
Comment: CITY CRITERIA TO BE DISCUSSED

6. This street has fewer than 100% of the individual properties within the limits of the city
Yes No
Number of total homes 10 Number in city ~~10~~ 6

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: 2441 Jannebo Road


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

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

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

11. Information on children: Number in family 3; Plan to enroll in VH
schools Yes _____ No Comments: _____

Other Comments: _____



George Pierce
Chairman 4-6-18

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 2441 Jannebo Road

Engineering: Date: _____ Initials: _____

Comments: _____

2441 Jannebo Road -- no significant concerns noted; roadway is narrow but in generally good condition and is already on City's maintenance schedule.

Comments: _____

Police Department: Date: _____ Initials: _____

The police department has reviewed the listed properties up for annexation; we have no reason to oppose said annexation on the law enforcement side.
3332 Misty Lane; 2764 Altadena Lake Drive; 2441 Jannebo Road; 2432 Dolly Ridge Road; 2424 Dolly Ridge Road.

Fire Department: Date: 3/15/18 Initials: CEV

Comments: NP

PARCEL #: 28 00 32 3 002 034.000
OWNER: WHEELER RICHARD M. & SAMANTHA H.
ADDRESS: 2441 JANNEBO RD BIRMINGHAM AL 35216
LOCATION: 2441 JANNEBO RD BHAM AL 35216

[111-D+] Baths: 2.0 H/C Sqft: 1,502
 18-015.0 Bed Rooms: 3 Land Sch: L1
 Land: 123,100 Imp: 80,300 Total: 203,400
 Acres: 0.000 Sales Info: 12/19/2014
\$196,500

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

Tax Year : 2017

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE:
 EXEMPT CODE: 2-2 DISABILITY CODE:
 MUN CODE: 02 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: \$194,700.00 BOE VALUE: 0

VALUE

LAND VALUE 10% \$123,100
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
CLASS 3
 UTILITY WOOD H 26WDHOM \$700
 BLDG 001 111 \$79,600
 TOTAL MARKET VALUE [APPR. VALUE: \$203,400]: \$203,400
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$20,340	\$132.21	\$4,000	\$26.00	\$106.21
COUNTY	3	2	\$20,340	\$274.59	\$2,000	\$27.00	\$247.59
SCHOOL	3	2	\$20,340	\$166.79	\$0	\$0.00	\$166.79
DIST SCHOOL	3	2	\$20,340	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$20,340	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$20,340	\$103.73	\$0	\$0.00	\$103.73
SPC SCHOOL2	3	2	\$20,340	\$341.71	\$0	\$0.00	\$341.71

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$20,340.00

\$1,019.03

GRAND TOTAL: \$971.03

FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201419-5142	12/19/2014	1/12/2018	2017	CORELOGIC	\$971.03
201419 5142	12/19/2014	12/31/2016	2016	FRANKLIN AMERICAN MORTGAGE COMPANY	\$927.95
200508-6949	06/09/2005	12/29/2015	2015	CORELOGIC	\$927.95
5335-356	12/21/1951	11/13/2014	2014	RUBY TAYLOR'S LENTS RVOC LIVING TRST	\$959.01
		12/21/2013	2013	RUBY LENTS	\$919.93

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: 11/17/17

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

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

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

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

EXHIBIT "A"

LOT: 034.000

BLOCK: 002

SURVEY: Lot 116 Buckhead 4th Sector

RECORDED IN MAP BOOK 37, PAGE 99 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: E2

COMPATIBLE CITY ZONING: Vestavia R-1

LEGAL DESCRIPTION (METES AND BOUNDS):

LOT 116 BUCKHEAD 4th SECTOR

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.

<u>SIGNATURE(S)</u>	<u>DESCRIPTION OF PROPERTY</u>
<u><i>Richard Michael Wheeler</i></u>	Lot <u>034</u> Block <u>002</u> Survey <u>Lot 116 Buckhead 4th Sector</u>
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Richard Michael Wheeler 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.

Patricia Gachanja
Signature of Certifier

Subscribed and sworn before me this the 20th day of November, 2017.

Patricia Gachanja
Notary Public

My commission expires: 9/15/2021



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): Richard Michael and Samantha Wheeler

Address: 2441 Jannebo Road

City: Birmingham State: AL Zip: 35216

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	Emma Wheeler	16 months		<input checked="" type="checkbox"/>	<input type="checkbox"/>
2.				<input type="checkbox"/>	<input type="checkbox"/>
3.				<input type="checkbox"/>	<input type="checkbox"/>
4.				<input type="checkbox"/>	<input type="checkbox"/>
5.				<input type="checkbox"/>	<input type="checkbox"/>
6.				<input type="checkbox"/>	<input type="checkbox"/>

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

ORDINANCE NUMBER 2760

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

WHEREAS, a certain petition signed by Richard and Samantha Wheeler dated November 17, 2017, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

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

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

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

2441 Jannebo Road
Lot 116, Buckhead, 4th Sector
Richard and Samantha Wheeler

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

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

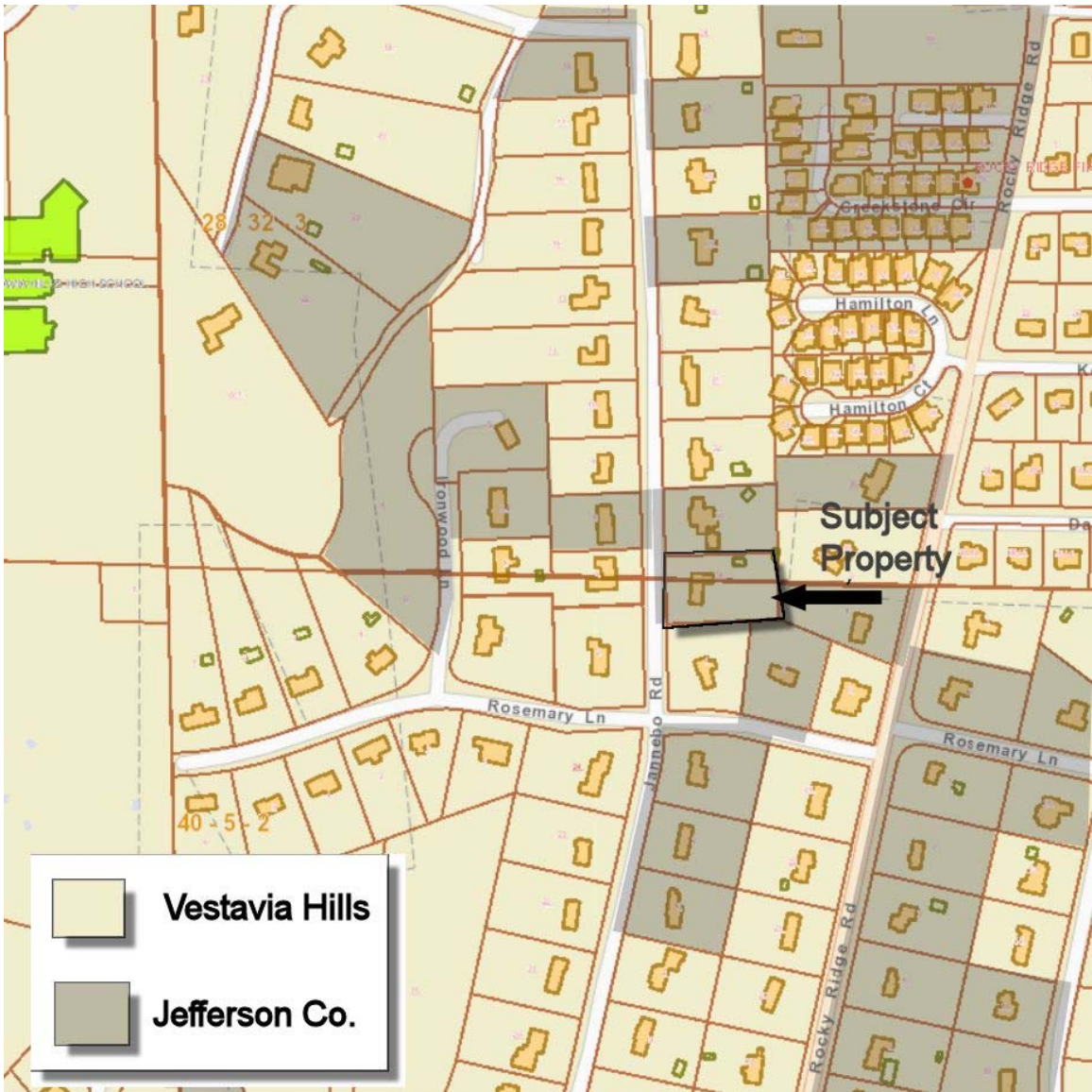
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2760 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 30th day of May, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 5045

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated November 28, 2017, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 30th day of May, 2018; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 6th day of June, 2018.

2. That on the 24th day of September, 2018, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5045 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

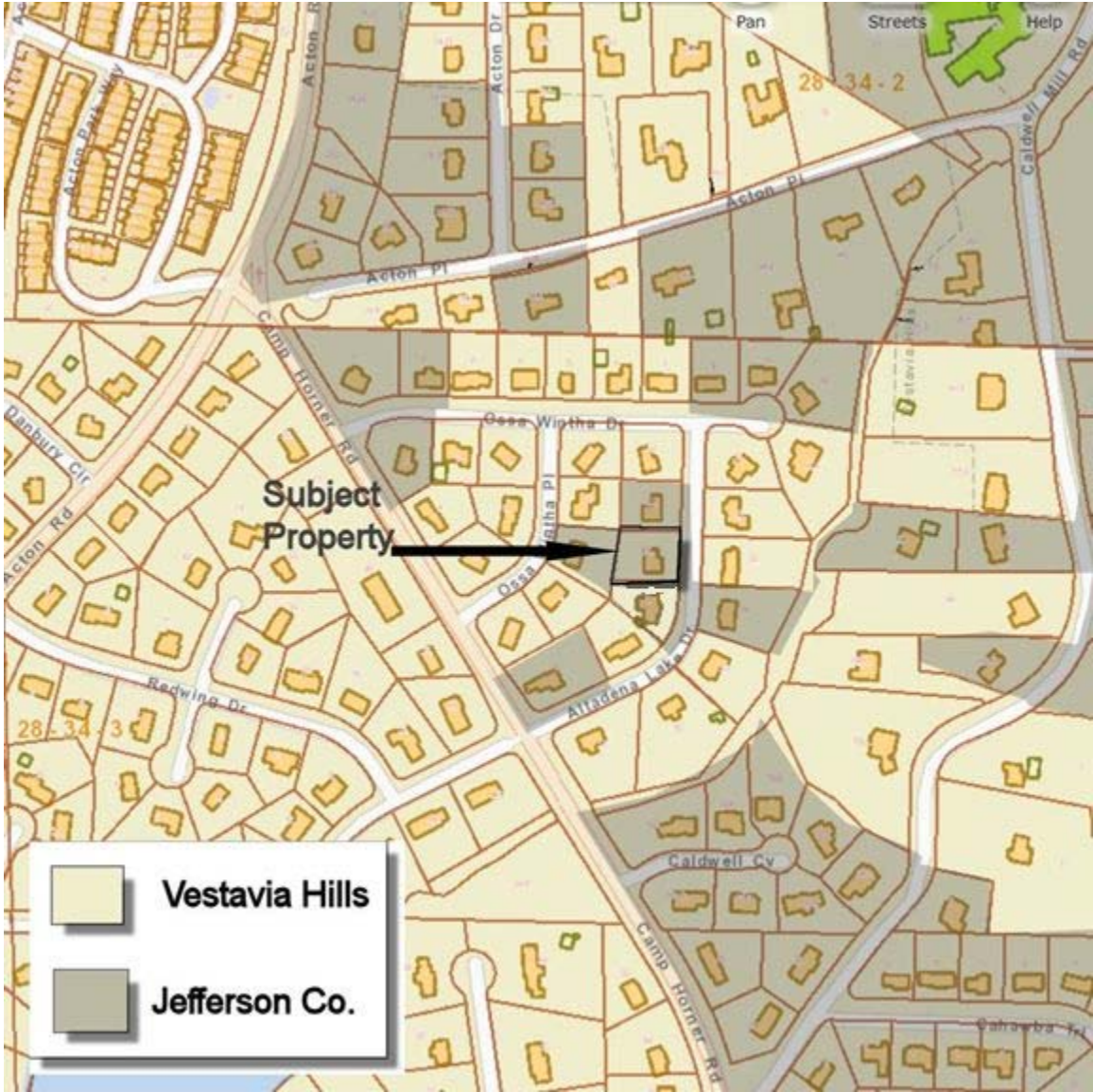
2764 Altadena Lake Drive
Lot 4, Block 5, First Add., Altadena Valley, 4th Sector
Murray and Kelly Statham, Owner(s)

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



ANNEXATION DETAIL SHEET

Address: 2764 Altadena Lake Drive

Parcel ID#: 28-00-34-3-007-010.000

Owner(s): Murray & Kelly Statham

Current Use: One Single-Family home

Proposed Use: same

Google Image:



Annexation Committee Petition Review

Property: 2764 Altadena Lake Drive

Owners: Murray & Kelly Statham

Date: 4-6-18

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 ROADWAY IS IN
Fair to poor condition
5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 234,000. Meets city criteria: Yes No
 Comment: city criteria to be discussed
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes 6 Number in city 2
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: 2764 Altadena Lake Drive


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: ROADWAY IS IN FAIR
TV POOR CONDITION

11. Information on children: Number in family 2; Plan to enroll in VH schools Yes _____ No Comments: _____

Other Comments: _____



George Pierce
Chairman 4-6-18

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 2764 Altadena Lake Drive

Engineering: Date: _____ Initials: _____

Comments: _____

2764 Altadena Lake Drive -- no concerns noted; roadway is in fair to poor condition and will be evaluated to add to City's maintenance schedule.

Comments: _____

Police Department: Date: _____ Initials: _____

The police department has reviewed the listed properties up for annexation; we have no reason to oppose said annexation on the law enforcement side.

3332 Misty Lane; 2764 Altadena Lake Drive; 2441 Jannebo Road; 2432 Dolly Ridge Road; 2424 Dolly Ridge Road.

Fire Department: Date: 3/15/18 Initials: CV

Comments: NP

PARCEL #: 28 00 34 3 007 010.000
OWNER: STATHAM STEPHEN M JR
ADDRESS: 2764 ALTADENA LAKE DR VESTAVIA AL 35243-3005
LOCATION: 2764 ALTADENA LAKE DR BHAM AL 35243

[111-B-] Baths: 2.0 H/C Sqft: 1,974
 18-036.0 Bed Rooms: 3 Land Sch: L1
 Land: 65,300 Imp: 148,700 Total: 214,000
 Acres: 0.000 Sales Info: 09/01/2011
\$214,900

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

Tax Year : 2017

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE:
 EXEMPT CODE: 2-2 DISABILITY CODE:
 MUN CODE: 02 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE AMT: \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1

VALUE

LAND VALUE 10% \$65,340
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
CLASS 3
 BLDG 001 111 \$148,700

CLASS USE:
 FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$214,000.00 BOE VALUE: 0

TOTAL MARKET VALUE [APPR. VALUE: \$214,000]: \$214,040
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$21,400	\$139.10	\$4,000	\$26.00	\$113.10
COUNTY	3	2	\$21,400	\$288.90	\$2,000	\$27.00	\$261.90
SCHOOL	3	2	\$21,400	\$175.48	\$0	\$0.00	\$175.48
DIST SCHOOL	3	2	\$21,400	\$0.00	\$0	\$0.00	\$0.00
CITY	3	2	\$21,400	\$0.00	\$0	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$21,400	\$109.14	\$0	\$0.00	\$109.14
SPC SCHOOL2	3	2	\$21,400	\$359.52	\$0	\$0.00	\$359.52

TOTAL FEE & INTEREST: (Detail) \$5.00

ASSD. VALUE: \$21,400.00 **\$1,072.14** **GRAND TOTAL: \$1,024.14**
FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201108-9036	09/09/2011	11/17/2017	2017	CORE LOGIC INC	\$1,024.14
385-366	12/16/1967	11/21/2016	2016	CORELOGIC	\$1,024.14
		12/1/2015	2015	CORELOGIC INC	\$1,024.14
		12/2/2014	2014	CORELOGIC INC	\$949.99
		11/19/2013	2013	CORELOGIC INC	\$1,406.79
		11/21/2012	2012	CORELOGIC INC	\$1,000.09
		20111021	2011	***	\$2,138.24

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: November 28th, 2017

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

We, the undersigned owners of the properties set out in red outline in Exhibit "A" attached hereto, which properties are contiguous to the City limits of the City of Vestavia Hills, Alabama, under the authority of Act No. 32 of the Special Session of the Alabama Legislature of 1964, do hereby petition the City of Vestavia Hills, Alabama, that the properties set out in red outline in Exhibit "A" attached, situated in Jefferson County, Alabama, be annexed to the City of Vestavia Hills, Alabama. The metes and bounds description of the boundary of the property of the undersigned proposed to be annexed is also set out on said Exhibit "A" and a map showing in red the property proposed for annexation by this petition is also attached and made a part hereof.

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

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

CAR TAG #'s

(A) WDB112

(B) VSM208

EXHIBIT "A"

LOT: 4

BLOCK: 5

SURVEY: First Addition, Altadena Valley, Fifth sector

RECORDED IN MAP BOOK 79, PAGE 8 IN THE

PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: Jefferson

COMPATIBLE CITY ZONING: Birmingham

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 4 Blk 5 1st Addl Altadena Valley 5th Sector

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

<u>S. Murray Statham Jr.</u>	Lot <u>4</u> Block <u>5</u> Survey <u>First Addition, Altadena Valley, Fifth Sector</u>
<u>Kelly C. Statham</u>	Lot <u>4</u> Block <u>5</u> Survey <u>First Addition, Altadena Valley, Fifth Sector</u>
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

Stephen Murray Statham Jr 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.

S. Murray Statham Jr.
Signature of Certifier

Subscribed and sworn before me this the 28 day of November, 2017.

[Signature]
Notary Public
My commission expires: MY COMMISSION EXPIRES MARCH 2, 2021



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): Stephen Murray Statham Jr and Kelly Coleman Statham
(previously Catherine Kelly Coleman)

Address: 2764 Altadena Lake Drive

City: Birmingham State: AL Zip: 35243

Information on Children:

No children yet.

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 2761

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

WHEREAS, a certain petition signed by Murray and Kelly Statham dated November 28, 2017, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

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

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

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

2764 Altadena Lake Drive
Lot 4, Block 5, First Add., Altadena Valley, 4th Sector
Murray and Kelly Statham

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

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

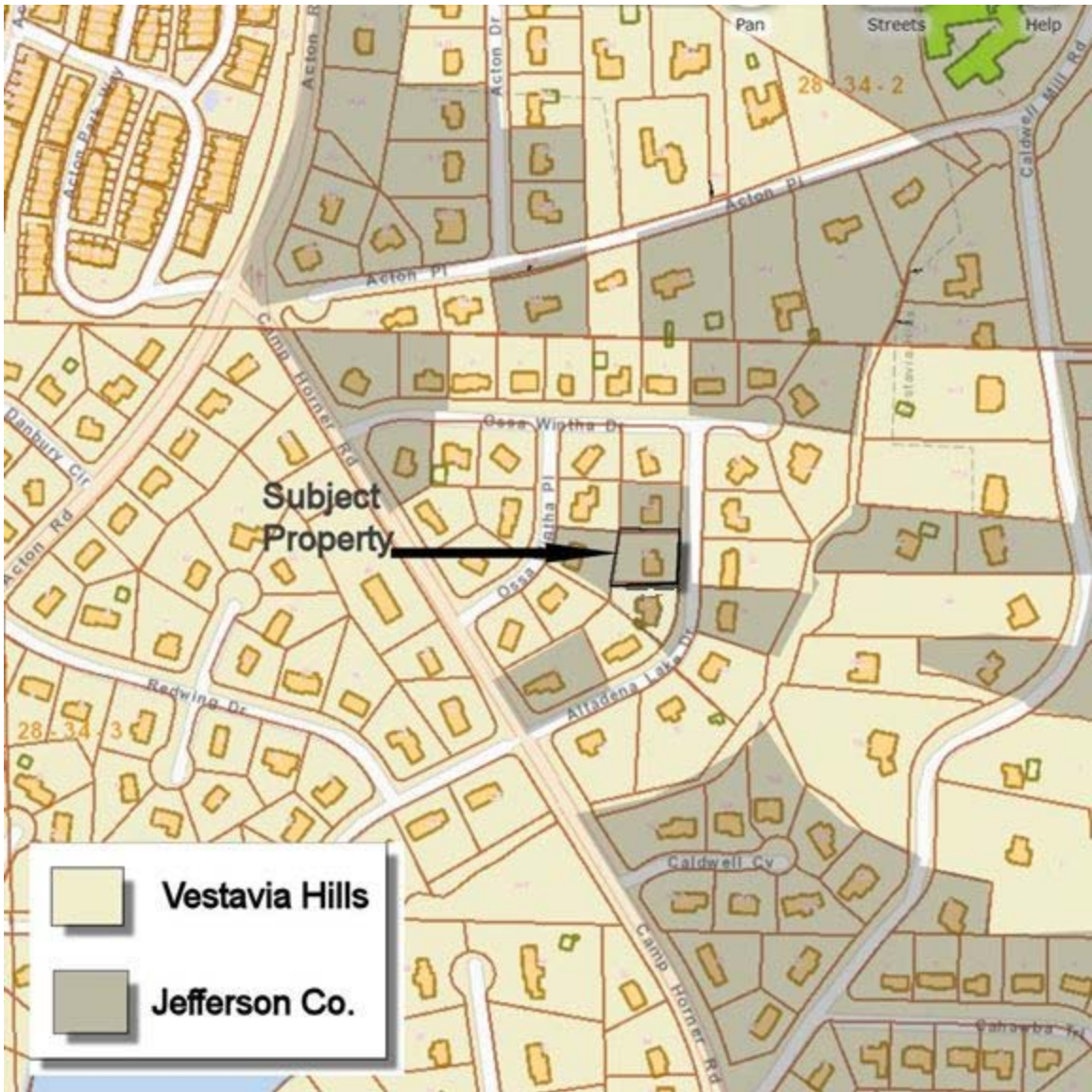
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2761 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 30th day of May, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk



RESOLUTION NUMBER 5046

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 1, 2018, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 30th day of May, 2018; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 6th day of June, 2018.

2. That on the 10th day of September, 2018, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5046 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

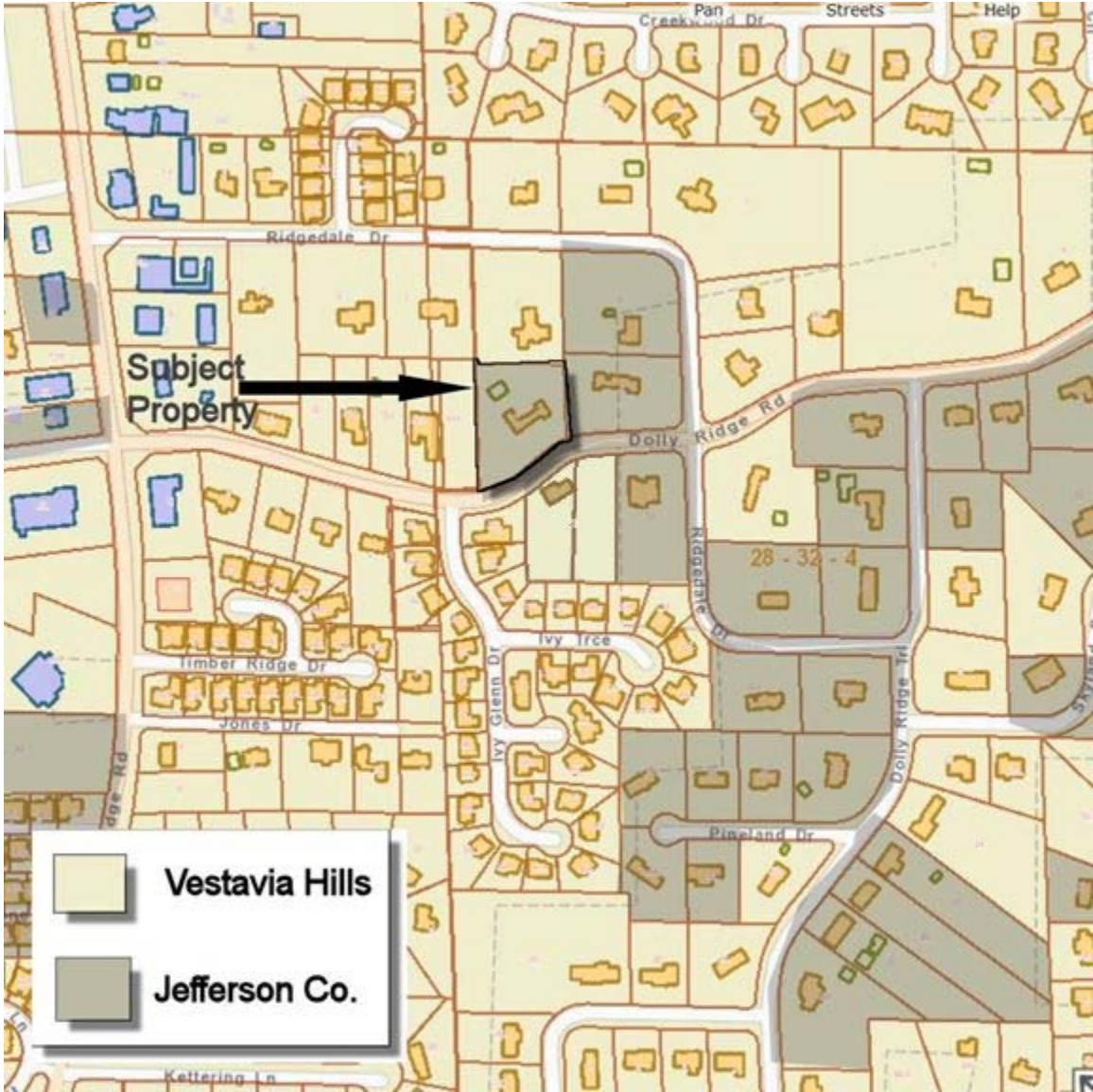
2424 Dolly Ridge Road
Lot 15, Rocky Ridge Estates
Jim Thornton Construction, Owner(s)

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



ANNEXATION DETAIL SHEET

Address: 2424 Dolly Ridge Road

Parcel ID#: 28-32-4-003-003.000

Owner(s): Jim Thornton, Thornton Const Company

Current Use: One Single-Family home

Proposed Use: Combine with 2432 Dolly Ridge Road (next request) and subdivide the two properties to 4 lots for construction of 4 single family residences.

Google Image:



Annexation Committee Petition Review

Property: 2424 Dolly Ridge Road

Owners: Jim Thornton Construction

Date: 4-6-18

1. The property in question is contiguous to the city limits.

Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.

Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.

Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.

Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 218,960. Meets city criteria: Yes No

Comment: developer plans to demolish current home, divide lot and build 2 homes - \$600,000. +

6. This street has fewer than 100% of the individual properties within the limits of the city

Yes No

Number of total homes _____ Number in city majority of homes are in VM

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: 2424 Dolly Ridge Road

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

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

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

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

Other Comments: + the committee discussed many issues with the proposed development such as density and possible student impact on VHCS



George Pierce
Chairman 4-6-18

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 2424 Dolly Ridge Road

Engineering: Date: _____ Initials: _____

Comments: _____

2424 Dolly Ridge Road -- no significant concerns noted; see comments for 2432 Dolly Ridge Road.

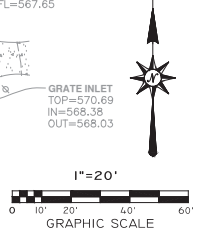
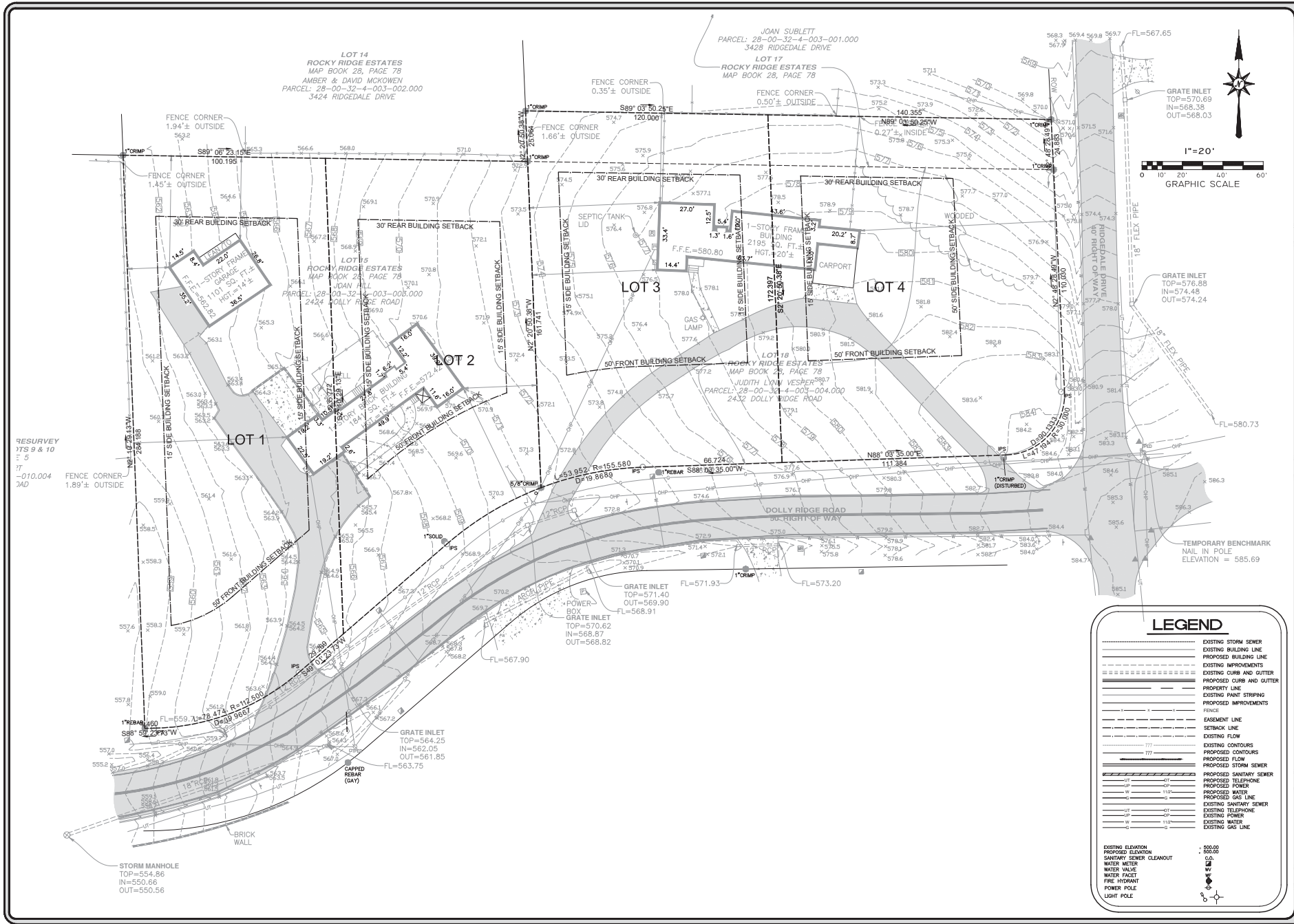
Comments: _____

Police Department: Date: _____ Initials: _____

The police department has reviewed the listed properties up for annexation; we have no reason to oppose said annexation on the law enforcement side.
3332 Misty Lane; 2764 Altadena Lake Drive; 2441 Jannebo Road; 2432 Dolly Ridge Road; 2424 Dolly Ridge Road.

Fire Department: Date: 3/15/18 Initials: CV

Comments: NP



DATE	REVISIONS

TITLE SITE LAYOUT PLAN
DOLLY RIDGE ESTATES
 DOLLY RIDGE ROAD
 2424 DOLLY RIDGE ROAD
 THORNTON CONSTRUCTION
 DOLLY RIDGE, ALABAMA 36524
 SCALE 1"=20'
 DATE 02/20/17
 DRAWN BY L. WILSON, P.E.
 CHECKED BY M. WILSON, P.E.

GONZALEZ - STRENGTH & ASSOCIATES, INC.
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION
 2 HOOPER, ALABAMA 36524
 PHONE: (205) 942-2033
 FAX: (205) 942-2033
 www.gonzalez-strength.com
 © Copyright 2018

PRELIMINARY NOT FOR CONSTRUCTION, RECORDING PURPOSES OR IMPLEMENTATION

DWG NO. CT-170
 PROJECT 177HC02

LEGEND

	EXISTING STORM SEWER
	EXISTING BUILDING LINE
	PROPOSED BUILDING LINE
	EXISTING IMPROVEMENTS
	EXISTING CURB AND GUTTER
	PROPOSED CURB AND GUTTER
	PROPERTY LINE
	EXISTING PAINT STRIPING
	PROPOSED IMPROVEMENTS
	FENCE
	EASEMENT LINE
	SETBACK LINE
	EXISTING FLOW
	EXISTING CONTOURS
	PROPOSED CONTOURS
	PROPOSED FLOW
	PROPOSED STORM SEWER
	PROPOSED SANITARY SEWER
	PROPOSED TELEPHONE
	PROPOSED POWER
	PROPOSED WATER
	PROPOSED GAS LINE
	EXISTING SANITARY SEWER
	EXISTING TELEPHONE
	EXISTING POWER
	EXISTING WATER
	EXISTING GAS LINE

	EXISTING ELEVATION	500.00
	PROPOSED ELEVATION	500.00
	SANITARY SEWER CLEANOUT	50.00
	WATER METER	50.00
	WATER VALVE	50.00
	WATER FAUCET	50.00
	FIRE HYDRANT	50.00
	POWER POLE	50.00
	LIGHT POLE	50.00

X:\2017\Projects\177HC02\177HC02.dwg Plot Date: 02/20/17 10:00 AM

PARCEL #: 28 00 32 4 003 003.000
OWNER: HILL JOAN
ADDRESS: 3424 KETTERING LANE VESTAVIA AL 35243
LOCATION: 2424 DOLLY RIDGE RD BHAM AL 35243

[111-C-] Baths: 2.0 H/C Sqft: 1,907
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 100,000 Imp: 137,500 Total: 237,500
 Acres: 0.000 Sales Info: \$0

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

Tax Year : 2017

SUMMARY LAND BUILDINGS SALES PHOTOGRAPHS MAPS

SUMMARY

ASSESSMENT

PROPERTY CLASS: 3 OVER 65 CODE: X
 EXEMPT CODE: 5-5 DISABILITY CODE:
 MUN CODE: 02 COUNTY HS YEAR: 0
 SCHOOL DIST: EXM OVERRIDE \$0.00
 OVR ASD VALUE: \$0.00 TOTAL MILLAGE: 50.1
 CLASS USE:
 FOREST ACRES: 0 TAX SALE:
 PREV YEAR VALUE: \$223,600.00 BOE VALUE: 0

VALUE

LAND VALUE 10% \$99,960
 LAND VALUE 20% \$0
 CURRENT USE VALUE [DEACTIVATED] \$0
CLASS 2
CLASS 3
 GARAGE WOOD OR 24WCBFA \$7,400
 BLDG 001 111 \$130,100
 TOTAL MARKET VALUE [APPR. VALUE: \$237,500]: \$237,460
 Assesment Override:
 MARKET VALUE:
 CU VALUE:
 PENALTY:
 ASSESSED VALUE:

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	3	2	\$23,760	\$154.44	\$23,760	\$154.44	\$0.00
COUNTY	3	2	\$23,760	\$320.76	\$23,760	\$320.76	\$0.00
SCHOOL	3	2	\$23,760	\$194.83	\$23,760	\$194.83	\$0.00
DIST SCHOOL	3	2	\$23,760	\$0.00	\$23,760	\$0.00	\$0.00
CITY	3	2	\$23,760	\$0.00	\$23,760	\$0.00	\$0.00
FOREST	3	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	3	2	\$23,760	\$121.18	\$23,760	\$121.18	\$0.00
SPC SCHOOL2	3	2	\$23,760	\$399.17	\$23,760	\$399.17	\$0.00

ASSD. VALUE: \$23,760.00 **\$1,190.38** **GRAND TOTAL: \$0.00**
FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
2017131811	12/19/2017		2017		\$0.00
0-0	01/10/2001		2016		\$0.00
			2015		\$0.00
			2014		\$0.00
			2013		\$0.00
			2012		\$0.00

STATE OF ALABAMA

Jefferson COUNTY

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

Date of Petition: February 1, 2018

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.

Jim Thornton
Thornton Construction Company, Inc.
5300 Cahaba River Road, Suite 200
Birmingham, AL 35243
jmt@thorntonconstruction.com
Office:205-870-5498
Cell:205-305-2561

Larry W. Ingram, P.E.
Gonzalez-Strength & Associates, Inc.
2176 Parkway Lake Drive
205-942-2486
lingram@gonzalez-strength.com

EXHIBIT "A"

LOT: 15

BLOCK: _____

SURVEY: Rocky Ridge Estates

RECORDED IN MAP BOOK 28, PAGE 78 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: E-2 (Estate 2)

COMPATIBLE CITY ZONING: R-2 (Medium Density Residential)

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 15 Rocky Ridge Estates

(2424 Dolly Ridge Road)

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

<u>James M. Thornton</u>	Lot <u>15</u> Block _____ Survey <u>Rocky Ridge Estates</u>
<u>President - Thornton Construction Co. LLC</u>	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

James M. Thornton 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.

James M. Thornton
Signature of Certifier

Subscribed and sworn before me this the 2nd day of February, 2018.

Lauren Elizabeth Thornton
Notary Public

My commission expires: April 27, 2019

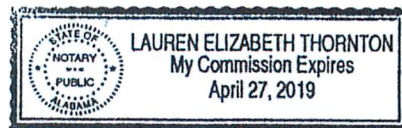


EXHIBIT "B"

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): THORNTON Construction Co. LLC.

Address: 2424 Dolly Ridge Road

City: Birmingham State: AL Zip: 35243

Information on Children:

Plan to Enroll In
Vestavia Hills School?

	Name(s)	Age	School Grade	Yes	No
1.	0				
2.					
3.					
4.					
5.					
6.					

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

RESOLUTION NUMBER 5047

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

WHEREAS, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated February 1, 2018, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

WHEREAS, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 30th day of May, 2018; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 6th day of June, 2018.

2. That on the 10th day of September, 2018, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5047 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

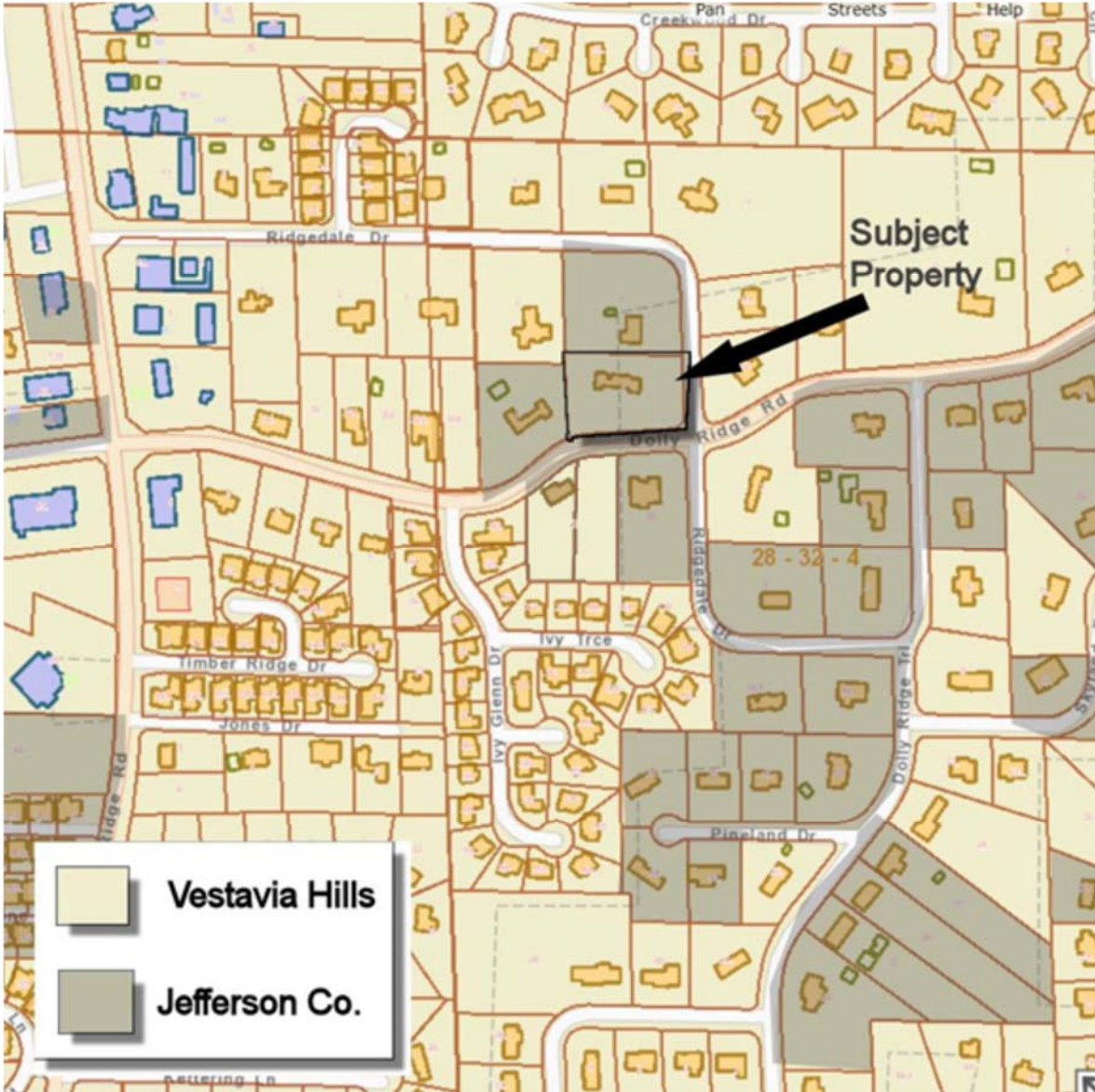
2432 Dolly Ridge Road
Lot 18 & S 25' Lot 17, Rocky Ridge Estates
Jim Thornton Construction, Owner(s)

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



ANNEXATION DETAIL SHEET

Address: 2432 Dolly Ridge Road

Parcel ID#: 28-32-4-003-004.000

Owner(s): Judith Lynn Vesper; represented by Jim Thornton, Thornton Const Company

Current Use: One Single-Family home

Proposed Use: Combine with 2424 Dolly Ridge Road (previous request) and subdivide the two properties to 4 lots for construction of 4 single family residences.

Google Image:



Annexation Committee Petition Review

Property: 2432 Dolly Ridge Road

Owners: Judith Vesper

Date: 4-6-18

1. The property in question is contiguous to the city limits.
 Yes No Comments: _____

2. The land use of the petitioned property is compatible with land use in the area.
 Yes No Comments: _____

3. The property being petitioned is noted in the September 2006 Annexation Policy Task Force Report as an area of interest to the city for annexation.
 Yes No Comments _____

4. Streets and drainage structures are in substantial compliance with city regulations and building codes, and in good condition at the time of the annexation.
 Yes No Comments _____

5. Individual household has a Jefferson or Shelby County Tax Assessor minimum market value of 237,460. Meets city criteria: Yes No
 Comment: Developer plans to demolish Home. Split lot and build 2 Homes: \$1,650,000 +
6. This street has fewer than 100% of the individual properties within the limits of the city
 Yes No
 Number of total homes _____ Number in city majority of Homes
are in V.H.
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: 2432 Dolly Ridge Road

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

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

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

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

Other Comments: The committee discussed this project extensively. Areas of concern were density and possible future impact on VPCS

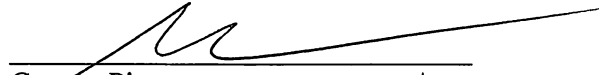

George Pierce
Chairman 4-6-18

EXHIBIT "C"

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

The following properties have requested to be annexed into the City. Please review this request and then forward your comments to the City Clerk as soon as is reasonably possible.

Location: 2432 Dolly Ridge Road

Engineering: Date: _____ Initials: _____

Comments:
2432 Dolly Ridge Road -- no significant concerns noted; Dolly Ridge Road is on "through road" agreement to be maintained by Jefferson County; this property is on corner of Ridgedale Drive, which is in fair condition and on City's maintenance schedule; preliminary plans for new development are being reviewed by engineering and comments will include new driveway permits to be coordinated with Jefferson County Roads and Transportation; sidewalk to conform to City Walkway Masterplan is requested along Dolly Ridge Road frontage.

Police Department: Date: _____ Initials: _____

The police department has reviewed the listed properties up for annexation; we have no reason to oppose said annexation on the law enforcement side.
3332 Misty Lane; 2764 Altadena Lake Drive; 2441 Jannebo Road; 2432 Dolly Ridge Road; 2424 Dolly Ridge Road.

Fire Department: Date: 03/15/18 Initials: CV

Comments: NP

PARCEL #: 28 00 32 4 003 004.000
OWNER: VESPER JUDITH LYNN
ADDRESS: 26323 CARONDELETTE DR ORANGE BEACH AL 36561
LOCATION: 2432 DOLLY RIDGE RD BHAM AL 35243

[111-C-] Baths: 1.5 H/C Sqft: 1,692
 18-034.0 Bed Rooms: 3 Land Sch: L1
 Land: 98,000 Imp: 121,000 Total: 219,000
 Acres: 0.000 Sales Info: 02/04/2015 \$10

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

Tax Year : 2017

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

SUMMARY

ASSESSMENT		VALUE	
PROPERTY CLASS: 2	OVER 65 CODE:	LAND VALUE 10%	\$0
EXEMPT CODE:	DISABILITY CODE:	LAND VALUE 20%	\$97,960
MUN CODE: 02 COUNTY	HS YEAR: 0	CURRENT USE VALUE [DEACTIVATED]	\$0
SCHOOL DIST:	EXM OVERRIDE AMT: \$0.00	<u>CLASS 2</u>	
OVR ASD VALUE: \$0.00	TOTAL MILLAGE: 50.1	BLDG 001 111	\$121,000
		<u>CLASS 3</u>	
CLASS USE:		TOTAL MARKET VALUE [APPR. VALUE: \$219,000]:	\$218,960
FOREST ACRES: 0	TAX SALE:	Assesment Override:	
PREV YEAR VALUE: \$206,000.00	BOE VALUE: 0	MARKET VALUE:	
		CU VALUE:	
		PENALTY:	
		ASSESSED VALUE:	

TAX INFO

	CLASS	MUNCODE	ASSD. VALUE	TAX	EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	2	\$43,800	\$284.70	\$0	\$0.00	\$284.70
COUNTY	2	2	\$43,800	\$591.30	\$0	\$0.00	\$591.30
SCHOOL	2	2	\$43,800	\$359.16	\$0	\$0.00	\$359.16
DIST SCHOOL	2	2	\$43,800	\$0.00	\$0	\$0.00	\$0.00
CITY	2	2	\$43,800	\$0.00	\$0	\$0.00	\$0.00
FOREST	2	2	\$0	\$0.00	\$0	\$0.00	\$0.00
SPC SCHOOL1	2	2	\$43,800	\$223.38	\$0	\$0.00	\$223.38
SPC SCHOOL2	2	2	\$43,800	\$735.84	\$0	\$0.00	\$735.84

ASSD. VALUE: \$43,800.00 **\$2,194.38** **GRAND TOTAL: \$2,194.38**

FULLY PAID

DEEDS

PAYMENT INFO

INSTRUMENT NUMBER	DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
201511-4327	2/4/2015	12/18/2017	2017	VESPER JUDITH	\$2,194.38
503-326	10/31/1988	12/12/2016	2016	VESPER JUDITH	\$2,064.12
		1/8/2016	2015	JUDITH M VESFER	\$2,482.33
		1/14/2015	2014		\$2,452.36
		1/10/2014	2013	JUDITH M VESPER	\$2,446.06
		1/14/2013	2012	VESPER JUDITH AGT FOR HEIRS OF	\$3,227.93
		20111231	2011	***	\$2,130.22

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: May 1, 2018

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.

Jim Thornton
Thornton Construction Company, Inc.
5300 Cahaba River Road, Suite 200
Birmingham, AL 35243
jmt@thorntonconstruction.com
Office: 205-870-5498
Cell: 205-305-2561

Larry W. Ingram, P.E., LEED AP BD+C, ENV SP
Gonzalez-Strength & Associates, Inc.
2176 Parkway Lake Drive
Hoover, AL 35244
205-942-2486
lingram@gonzalez-strength.com

EXHIBIT "A"

LOT: Lot 18 & South 25 ft of Lot 17

BLOCK: _____

SURVEY: Rocky Ridge Estates

RECORDED IN MAP BOOK 28, PAGE 78 IN THE
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING: E-2 (Estate 2)

COMPATIBLE CITY ZONING: R-2 (Medium Density Residential)

LEGAL DESCRIPTION (METES AND BOUNDS):

Lot 18 & South 25 ft of Lot 17 , Rocky Ridge Estates
(2432 Dolly Ridge Road)

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

<u>James M. Thornton</u>	Lot <u>18</u> Block _____ Survey <u>Rocky Ridge Estates</u>
_____	Lot _____ Block _____ Survey _____
_____	Lot _____ Block _____ Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

James M. Thornton 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.

James M. Thornton
Signature of Certifier

Subscribed and sworn before me this the 1st day of May, 2018.

Lauren Elizabeth Thornton
Notary Public

My commission expires: April 27, 2019



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): Thornton Construction Company

Address: 2432 Dolly Ridge Road

City: Birmingham State: AL Zip: 35243

Information on Children:

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

	Name(s)	Age	School Grade	Yes	No
1.	<u>none</u>				
2.					
3.					
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": _____

ORDINANCE NUMBER 2764

AN ORDINANCE PROHIBITING DRIVERS TO OPERATE A VEHICLE THROUGH PRIVATE OR PUBLIC PROPERTY IN ORDER TO AVOID TRAFFIC CONTROL DEVICES

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

1. It shall be unlawful for any person to operate or drive any vehicle upon the streets or highways of the city, or within the city's police jurisdiction, at any intersection where gasoline filling stations or other business or public property is located, so as to cause such vehicle to cut the corners of any such intersection by passing over the space used in the operation of such filling station or other business or public property, and thereby avoid the traffic light or traffic signal at any such intersection, or so as to avoid stopping at any such intersection as is required by the laws of the city, or so as to avoid traveling at any such intersection over the usual lanes of traffic; and
2. Owners of said filling station or other business or public property shall post signage in a conspicuous area of the ingress/egress areas of said property which states, "This Property Is For Parking Of Patrons Only; Vehicular 'Cut Through' Is Prohibited By Ordinance 2764 Of The City Of Vestavia Hills;" and
3. Said sign shall be no smaller than 6.5 square feet and shall be clearly legible from all areas of ingress/egress of said filling station or business or public property; and
4. Driving a motor vehicle through any private or public property located at the intersection of any two (2) streets of the city without stopping such vehicle on such property for the transaction of business shall be prima facie evidence of a violation of this ordinance; and
5. Any law enforcement officer of the City of Vestavia Hills, Alabama, may issue an "Uniform Non-Traffic Citation and Complaint (For Scheduled Non-Traffic Violations or Misdemeanors)" to any person committing the offense of operating a vehicle through private or public property in order to avoid traffic control devices, in violation of this Ordinance Number 2764 of the City of Vestavia Hills, Alabama, and release such person from custody upon his or her written promise to appear in Vestavia Hills Municipal Court at the designated time and place as evidenced by his or her signature on the Uniform Non-Traffic Citation and Complaint; and

6. A copy of said “Uniform Non-Traffic Citation and Complaint (For Scheduled Non-Traffic Violations or Misdemeanors)” adopted by the State of Alabama Unified Judicial System, Form Number ARJA-20, as amended, is marked as “Exhibit A” attached to and incorporated into this Ordinance Number 2764; and
7. Anyone charged with this offense may elect to appear before the municipal court magistrate within the time specified in the summons and complaint and, upon entering a plea of guilty and executing a notice and waiver of rights form, pay a minimum fine of \$100.00 plus court costs or may come to court and be punished in accordance with Alabama law; and
8. Said “Plea of Guilty – Waiver or Rights” is located on the reverse side of the Uniform Non-Traffic Citation and Compliant, a copy of which is marked as Exhibit B and is attached to and incorporated into this Ordinance Number 2764; and
9. If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and
10. This Ordinance Number 2764 shall become effective immediately following publishing and/or posting in accordance with Alabama law.

DONE, ORDERED, ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance Number 2764 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2018 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

Sample Form ARJA -20 (back)	PLEA OF GUILTY/WAIVER OF RIGHTS Plea Received by or Entered Before Magistrate (Non-Traffic or Misdemeanor Offenses)
NOTICE TO DEFENDANT:	
You are charged with the offense of _____ as described on the front page. In accordance with Rule 20(d) of the Alabama Rules of Judicial Administration, if the offense charged is included in an approved fine schedule, then instead of appearing in court, you may elect to plead guilty by appearing in person before a magistrate and paying the fine and costs or you may return this form, either by mail or in person, along with the fine and costs and any applicable victim compensation assessment to the court clerk within seven (7) days of receiving this citation, or, if you are notified, not later than 72 hours prior to the court appearance date shown on the front of this form. The amount due, should you choose to plead guilty, is \$ _____ (fine), plus court costs of \$ _____, plus a victim's compensation assessment of _____, for a total of \$ _____.	
PLEA OF GUILTY – WAIVER OF RIGHTS <i>YOU ARE HEREBY ADVISED OF YOUR RIGHTS AS A DEFENDANT IN THIS CRIMINAL CASE</i> Please Read Carefully	
I, the undersigned, do hereby enter my appearance on the citation and complaint for the offense stated above. I understand that I have certain constitutional rights, which I will waive if I plead guilty, namely: the right to a trial before the court; the right to an attorney of my choice, or one appointed by the court at no charge if I cannot afford one; the right at trial to subpoena witnesses on my behalf, to confront and cross examine witnesses against me, and to argue and make objections; and the right to testify in my own behalf. I also understand that I cannot be forced to testify against myself, that I am presumed innocent and that this presumption can be overcome only if the prosecution convinces the judge of my guilt beyond a reasonable doubt.	
I understand my constitutional rights set out above and the punishment that will be imposed if I elect to plead guilty before a magistrate. I also understand that my plea of guilty will have the same force and effect as a judgment of conviction by the court, which may result in enhanced penalties for subsequent convictions and from which I have the right to appeal. I further understand that the judgment of conviction will be noted on the court's records, which are open to public inspection. I understand my rights and the matters set out above and hereby voluntarily and knowingly waive those rights by pleading guilty, as evidenced by my signature below.	
_____ Defendant's Signature	_____ Date
_____ Defendant's Name (<i>print or type</i>)	

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

May 23, 2018

By Electronic Mail

City Manager Jeffrey D. Downes
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: "Rat Running" Ordinance

Dear Mr. Downes:

On May 7, 2018, you provided me with a proposed draft of a "Rat Running" Ordinance with a request that I review the same and provide you with my comments. I revised the ordinance by adding paragraph 4. A copy is enclosed.

It is my legal opinion that the City of Vestavia Hills may legally enact the enclosed ordinance. I base my legal opinion upon the following Alabama legal authorities:

I. STATUTORY LAW

Title 11-45-1, *Code of Alabama, 1975*, provides as follows:

"§11-45-1. Authorized. Municipal corporations may from time to time adopt ordinances and resolutions not inconsistent with the laws of the state to carry into effect or discharge the powers and duties conferred by the applicable provisions of this title and any other applicable provisions of law and to provide for the safety, preserve the health, promote the prosperity and improve the morals, order, comfort and convenience of the inhabitants of the municipality, and may enforce obedience to such ordinances."

II. CONSTITUTION OF ALABAMA

Section 89 of the *Alabama Constitution* provides as follows:

"Sec. 89. Municipalities not to pass laws in conflict with general laws of state. The legislature shall not have power to authorize any municipal corporation to pass any laws inconsistent with the general laws of this state."

III. SUPREME COURT OF ALABAMA AND COURT OF CRIMINAL APPEALS OF ALABAMA

A. The legislature may authorize a municipal corporation to pass laws and ordinances applicable to its government so long as they are not inconsistent with state laws or other constitutional provisions (*Personnel Bd. v. City of Mobile*, 264 Ala. 56, 84 So.2d 365, 1955 Ala. LEXIS 733 (1955)).

B. Whether an ordinance is inconsistent with the general law of the State is to be determined by whether the local law prohibits anything which the State law permits (*Atkins v. City of Tarrant City*, 369 So.2d 322, 1979 Ala.Crim.App. LEXIS 1268 (Ala.Crim.App.1979)).

C. Municipal ordinances are presumed to be constitutional and that they are not to be struck down unless the challenging party clearly establishes their invalidity (*Atkins v. City of Tarrant City*, 369 So.2d 322, 1979 Ala.Crim.App. LEXIS 1268 (Ala.Crim.App.1979)).

Please call me if you have any questions regarding this legal opinion.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

Enclosure

cc: City Clerk Rebecca Leavings (by e-mail)

RESOLUTION NUMBER 5053

**A RESOLUTION APPROVING AND ASSENTING TO A
DECLARATION OF VACATION**

WITNESSETH THESE RECITALS

WHEREAS, a Declaration signed by the owners of all the lands abutting the following described drainage easement situated in the City of Vestavia Hills, Jefferson County, Alabama, vacating said drainage easement, has been duly presented to the City Council of the City of Vestavia Hills, Alabama, for assent and approval of said governing body; and

WHEREAS, a copy of said Declaration with map attached is marked as “Exhibit A”, attached hereto and incorporated into this Resolution by reference as though set out fully herein; and

WHEREAS, the above-referenced drainage easement is commonly referred to as “a drainage easement” and is more particularly described as follows:

A 10.0 foot wide Storm Water Easement, said easement being 5 foot wide on both sides of a centerline and being situated in the southeast 1/4 of Section 6, Township 19 South, Range 2 west, Jefferson County, Alabama, being more particularly described as follows:

Commence at easterly most corner of lot 16, according to the map of South Bend Subdivision as recorded in Map Book 245 Page 40, in the Probate Office of Jefferson County, Alabama. Said point lying on the westerly right-of-way line of South Bend Circle; thence run south 11° 31'47” west along said right of way line for 63.24 feet to the point of beginning of a 10-foot wide storm water easement lying 5-feet each side of and parallel to and abutting the following described line; thence run the following courses to a point on the westerly boundary of said Lot 16 and the end of said easement centerline North 81°05'14' west for 58.16 feet; south 83°57'53” west for 13.86 feet; south 56°26'17” west for 11.26 feet; south 76°13'52” west for 13.94 feet; south 62°03'50” west for 16.18 feet; south 81°18'57” west for 3.51 feet. Containing 1167 sf more or less.

WHEREAS, it appears to the City Council of the City of Vestavia Hills, Alabama, that said vacated easement shall be relocated to allow for a drainage easement and for

convenient and reasonable means of access as well as sewer access to be afforded to all utilities running through the tract of land or eventually located in said tract of land; and

WHEREAS, an instrument detailing said tract of land and dedicating the use of said property as a relocated drainage easement for the location of utilities and sewer facilities shall be filed in the Office of the Judge of Probate.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, that the vacation of the hereinabove described drainage easement is assented to and approved and the same is hereby vacated pursuant to the provision of Section 23-4-20 of the Code of Alabama, 1975.

RESOLVED, DONE AND ORDERED, on this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION

I, the undersigned qualified Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 30th day of May, 2018, and that such Resolution is of record in the Minute Book of the City at page _____ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

**STATE OF ALABAMA
JEFFERSON COUNTY**

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting Lot 16 Southbend as same appears on the Plat of Southbend Development which Plat is recorded in Plat Book 245, at Page 40, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said Lot 16 Southbend as the same appears of record on the Plat to be vacated, and said Drainage Easement Lot 16 Southbend is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of Drainage Easement Lot 16 Southbend is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that Drainage Easement Lot 16 Southbend be closed and vacated.

3. Such vacation will not deprive other property owners of a convenient and reasonable means of ingress and egress to their property.

4. Lot 16 Southbend is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at 801 Southbend Lane Vestavia AL 35216

_____ . A copy of the map reflecting the location of Drainage Easement Lot 16 Southbend is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting Lot 16 Southbend and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 805 Southbend Lane Vestavia AL

Legal Description: Lot 17 According to the Survey of Southbend Subdivision, as recorded in Map Book 245, Page 40

Owners' Name(s): BC South - 3239 Lorna Road Birmingham AL LLC

B. Street Address: 3307 Southbend Circle Vestavia AL

Legal Description: Lot 15 According to the Survey of Southbend Subdivision, as recorded in Mapbook 245, Page 40

Owners' Name(s): BC South - 3239 Lorna Road Birmingham AL LLC

C. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

D. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

E. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

F. Street Address: _____

Legal Description: _____

Owners' Name(s): _____

6. All of the undersigned do hereby declare Drainage Easement Lot 16 Southbend to be vacated and respectfully request the assent of the City Council of the City of Vestavia Hills, Alabama, to said vacation of Drainage Easement Lot 16 - Southbend and its approval of the same.

IN WITNESS THEREOF, the undersigned have hereunto set our hands and seals on this the 10th day of May, 20 18.

SIGNATURES OF ABUTTING PROPERTY OWNERS:

(notary on following pages)

Bleah Pittman

member BC Smith, LLC.

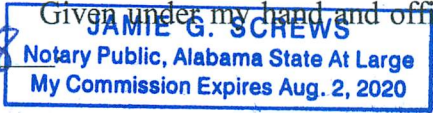
STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that Blake Pittman and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

Given under my hand and official seal, this the 10 day of May, 2018.



Jamie G. Screws

Notary Public

STATE OF ALABAMA

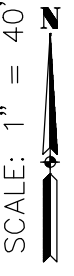
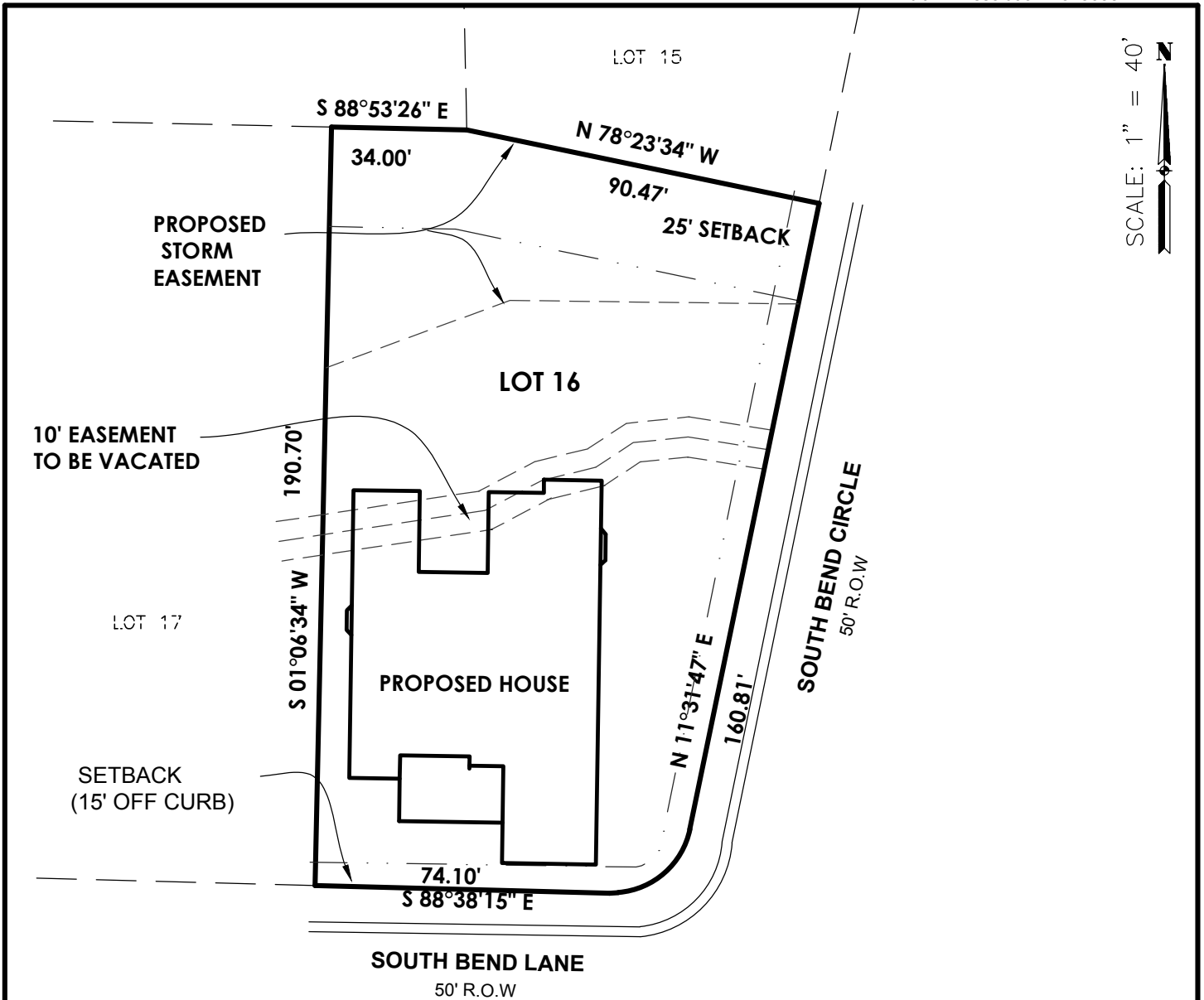
GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

I, the undersigned authority, a Notary Public, in and for said County, in said State, hereby certify that _____ and _____, whose names are signed to the foregoing Declaration of Vacation, and who are known to me, acknowledged before me on this day that being informed of the contents of the instrument, they executed the same voluntarily on the day the same bears date.

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

Notary Public



PLOT PLAN

LOT 16 OF
 SOUTH BEND SUBDIVISION
 MAP BOOK 245 PAGE 40
 JEFFERSON COUNTY, ALABAMA
 PREPARED FOR: MURPHY BUILDERS
 PREPARED 11/10/17
 PROJECT #66788

NOTE TO PROSPECTIVE HOME OWNER:
 THE DRIVEWAY LOCATION SHOWN ON THIS PLOT PLAN IS
 SUBJECT TO CHANGE TO BEST MATCH THE LOT GRADE
 AND/OR EXISTING UTILITY APPURTENANCES.

BUILDING SETBACKS
 FRONT- 15' OFF CURB
 REAR- 25'
 SIDE- 0' (15' BETWEEN HOUSES)

ARRINGTON ENGINEERING AND LAND SURVEYING INC. PERFORMED NO SURVEYING, TITLE SEARCH, OR FLOOD ZONE DETERMINATION IN CONNECTION WITH THE PREPARATION OF THIS PLOT PLAN. WE MAKE NO GUARANTEE THAT THIS PROPERTY IS NOT SUBJECT TO ANY ADDITIONAL EASEMENTS, SETBACKS, RESTRICTIONS OR COVENANTS, OTHER THAN THOSE SHOWN ON THIS PLOT PLAN. THE BUILDER IS RESPONSIBLE FOR VERIFYING ALL LOT RESTRICTIONS PRIOR TO CONSTRUCTION.

APPROVED TO STAKE BY:

ARRINGTON ENGINEERING
 Civil Engineers - Surveyors - Land Planners
 Office: (205) 985-9315 Fax: (205) 985-9385
 2032 Valleydale Road Birmingham AL 35244

CITY OF VESTAVIA HILLS
DEPARTMENT OF PUBLIC SERVICES
OFFICE OF CITY ENGINEER
INTER-DEPARTMENT MEMO

May 9, 2018

To: Rebecca Leavings, City Clerk

CC: Brian Davis, Director of Public Services

From: Christopher Brady, City Engineer

RE: vacation of drainage easement, Southbend Lot 16

I have reviewed the request for vacation and relocation of this drainage easement. There is an existing drainage pipe, inlet and swale that is proposed to be relocated approximately 50-feet further north on this lot to make room for the proposed home. There will be a need to coordinate transition of the existing drainage swale with Lot 17, which is currently undeveloped and also owned by Murphy Builders.

I hereby provide favorable recommendation for approval contingent on final documentation to record a new drainage easement for the relocated drainage swale and pipe.

Please let me know if questions,

Sincerely,
-Christopher



ORDINANCE NUMBER 2766

AN ORDINANCE TO AMEND ORDINANCE 2653 PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF.

WITNESSETH THESE HISTORICAL RECITALS:

WHEREAS, prior to November 15, 1982, the ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Eight and 21/100 Dollars (\$8.21), which consisted of the following amounts:

1.	<u>State of Alabama:</u> Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property.	\$	0.65
2.	<u>Jefferson County:</u> One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		1.35
3.	<u>Jefferson County Schools:</u> Eighty-two cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.82
4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.		0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.		3.88
			<hr/>
		TOTAL	\$ 8.21

and;

WHEREAS, prior to November 15, 1982, the aggregate locally approved millage for general municipal purposes and local school taxes of 38.8 mills (being at the rate of \$3.88 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	10.275
Garbage Collection	10.275
West Elementary - Warrants	3.150
High School and Operations	<u>15.100</u>

TOTAL 38.800 and;

WHEREAS, all real property in the City of Vestavia Hills, Alabama, has been reappraised; and

WHEREAS, the Tax Assessor of Jefferson County in 1982 certified to the City of Vestavia Hills that total assessed value increased from \$42,983,320.00 in 1981 to \$63,427,627.00 in 1982; and

WHEREAS, the City of Vestavia Hills, Alabama, pursuant to the authority granted by Constitutional Amendment Number 373 (Lid Bill) of the Constitution of Alabama 1901, adopted Ordinance Number 633 on November 15, 1982, which reduced the ad valorem tax rate by 7.8 mills (\$0.78 per \$100.00 of assessed value). Following the enactment of Ordinance Number 633, the total millage rate consisted of the following separate taxes:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35
3. Jefferson County Schools: Eighty-two cents on each One Hundred Dollars (\$100.00) of the assess value of such property. 0.82

4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96	
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55	
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 10/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.10	
TOTAL		\$ 7.43	

After the adoption of Ordinance Number 633, the aggregate locally approved millage for general municipal purposes and local school district taxes of 31.0 mills (being at the rate of \$3.10 per \$100.00 of assessed value) consisted of the following:

General Municipal Purposes	0.821
Garbage Collection	0.821
West Elementary - Warrants	0.252
High School and Operations	<u>1.206</u>

TOTAL 3.100 and;

WHEREAS, the Vestavia Hills Board of Education unanimously adopted a resolution requesting that the ad valorem tax millage for education purposes be returned to the pre-November 15, 1982, rates by reinstating the 3.7 mills (.37 per \$100.00 of assessed value) as follows:

West Elementary Warrants from	2.52	to	3.15
High School & Operations from	12.06	to	15.10; and

WHEREAS, said resolution was presented to the City Council on February 4, 1985; and

WHEREAS, a public hearing was held on February 11, 1985, on the issue of whether or not to reinstate the 3.7 mills for the benefit of the Vestavia Hills Board of Education; and

WHEREAS, the Vestavia Hills Board of Education has requested the City Council to return the ad valorem millage tax rates that affect the Vestavia Hills School System to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating Thirty-Seven Cents (\$0.37) on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 12.06 High School mills (\$1.206 on each \$100.00 of assessed value) be adjusted to 15.1 mills (\$1.51 on each \$100.00 of assessed value).
2. The 2.52 West Elementary mills (\$0.252 on each \$100.00 of assessed value) be adjusted to 3.15 mills (\$0.315 on each \$100.00 of assessed value); and

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, agreed to approve the request of the Board of Education by reinstating the 3.7 mills (\$0.37 per \$100.00 of assessed value). The City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 744 on February 18, 1985, which said Ordinance provided, among other things, as follows:

1. Reinstatement of 3.7 mills (0.37 on each One Hundred dollars of assessed value).
2. Established that the aggregate local millage for general municipal purposes and local school district tax rates are Three and 47/100 Dollars (\$3.47) per One Hundred Dollars (\$100.00) of the assessed value of said property.
3. That the \$3.47 local millage consists of the following:

(a)	General Municipal Purposes	0.823
(b)	Garbage Collection	0.823
(c)	West Elementary - Warrants	0.315
(d)	High School and Operations	<u>1.510</u>
	TOTAL	3.470 and;

4. The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Alabama, shall amount to Seven and 80/100 Dollars (\$7.80) and shall consist of the following:

State of Alabama	\$	0.65
Jefferson County		1.35
Jefferson County Schools		0.82
Special School District Tax		0.96
Special School District Tax		0.55
General Municipal Purpose Tax		1.96
Special Municipal School Tax		<u>1.51</u>
TOTAL	\$	7.80

WHEREAS, the City Council of the City of Vestavia Hills subsequently desired to return the millage tax rates that affect the General Fund to those rates in force and effective immediately prior to the adoption of Ordinance Number 633 on November 15, 1982, by reinstating (4.1 mills) forty-one cents on each One Hundred Dollars (\$100.00) of the assessed value of property so that the rates when adjusted will be as follows:

1. The 8.23 General Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).
2. The 8.23 Garbage Collection Fund Mills (0.823 on each \$100.00 of assessed value) be adjusted to 10.275 mills (1.0275 on each \$100.00 of assessed value).

The total ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value property in the City of Vestavia Hills, Alabama, shall amount to Eight Dollars and 21 Cents (\$8.21) and shall consist of the following:

1. State of Alabama: Sixty-five cents on each One Hundred dollars (\$100.00) of assessed value of such property. \$ 0.65
2. Jefferson County: One and 35/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property. 1.35
3. Jefferson County Schools: Eighty-two cents on each One Hundred Dollars (\$100.00) of 0.82

the assess value of such property.

4.	<u>Special School District Tax:</u> Ninety-six cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.96
5.	<u>Special District Tax:</u> Fifty-five cents on each One Hundred Dollars (\$100.00) of the assessed value of such property.	0.55
6.	<u>Local General Municipal and Special Municipal School Taxes:</u> Three and 88/100 Dollars on each One Hundred Dollars (\$100.00) of the assessed value of such property.	3.88
	TOTAL	\$ 8.21

WHEREAS, on May 4, 1987, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 901, which established the ad valorem tax rate of Eight and 21/100 Dollars (\$8.21) per One Hundred Dollars (\$100.00) of assessed value as shown in the schedule immediately above; and

WHEREAS, a referendum was held in the City of Vestavia Hills, Alabama, on Tuesday, May 8, 1990, at which election the qualified electors of the city voted on the following issue:

**TEN AND ONE-HALF MILL TAX INCREASE
IN VESTAVIA HILLS, ALABAMA,
FOR PUBLIC SCHOOL PURPOSES**

Shall the ad valorem tax presently being levied in the City of Vestavia Hills, Alabama, pursuant to provisions of the Constitution and the laws of the State of Alabama, including the election held in the City on April 28, 1970, at the rate of One Dollar and Fifty-one Cents on each One Hundred Dollars worth of taxable property in the City be increased to the rate of Two Dollars and Fifty-six Cents on each One Hundred Dollars worth of taxable property in the City (an increase of One Dollar and Five Cents on each One Hundred Dollars worth of taxable property, or ten and one-half mills); such additional ten and one-half mill tax to be levied and collected for each year beginning with the levy for the tax year October 1, 1989, to September, 1990 (the tax

for which year will be due and payable October 1, 1990) and ending with the levy for the tax October 1, 2016, to September 30, 2017 (the tax for which year will be due and payable October 1, 2017) and to be used by the City Board of Education of the City of Vestavia Hills for public schools purposes?

_____ For Proposed Taxation
_____ Against Proposed Taxation

The majority of the qualified electors voted "For Proposed Taxation". The specific totals were:

For Proposed Taxation	3,097
Against Proposed Taxation	3,065

Following the referendum vote on May 8, 1990, the aggregate ad valorem tax rate on each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, amounted to Nine and 26/100 Dollars (\$9.26) and consisted of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		0.960
5.	Special School District Tax		0.550
6.	Local General Municipal Purpose Tax		2.055
7.	Special Municipal School Tax		2.560
8.	West Elementary		0.315

TOTAL \$ 9.260

On August 27, 1991, the voters of the City of Vestavia Hills, Alabama, elected to renew the 8.2 mill Jefferson County School ad valorem tax.

On April 28, 1992, the voters of the City of Vestavia Hills, Alabama, elected to renew the 5.5 mill Special School District ad valorem tax.

On May 3, 1993, the City Council of the City of Vestavia Hills, Alabama, approved and adopted Ordinance Number 1353, levying ad valorem taxes at the rate of \$9.26 per \$100.00 of assessed value on real and personal property located within the City for the period beginning October 1, 1993, and ending September 30, 1994.

On October 26, 1993, the voters of the City of Vestavia Hills, Alabama, voted in favor of a 9.6 mill increase of the 5.5 mill ad valorem tax (under Section 2 of Amendment 3, sometimes referred to as Amendment Number 3, Three Mill District Tax) to 15.1 mills.

Because of the 9.6 mill increase of the 5.5 mill ad valorem tax to 15.1 mills, the 9.6 mill ad valorem tax authorized by Amendment Number 82 of the Constitution of the State of Alabama was not renewed.

On March 11, 2014, the voters of the City of Vestavia Hills, Alabama, voted in favor of renewing the levy of the said 10.5 mill tax commencing with the tax year for which taxes will become due and payable on October 1, 2018 and for each consecutive tax year thereafter without limit as to time.

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

SECTION ONE - TAX LEVY: Taxes are hereby levied for the City tax year commencing on the first (1st) day of October 2018, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2019, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of the assessed value of such property.

- B. A tax for public school purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of the assessed value of such property.
- C. In summary, the aggregate local millage for general municipal purposes and local school district tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property.
- D. The local millage, for City accounting purposes, shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary - Warrants	.3150
High School and Board Operations	<u>2.5600</u>

TOTAL 4.9300

SECTION TWO - SPECIAL DISTRICT TAXES: In addition to the taxes levied in SECTION ONE above, taxes are hereby levied for the City tax year commencing on the 1st day of October, 2018, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2019, as follows:

- A. A further tax of One Dollar and Fifty-one Cents (\$1.51) of each One Hundred Dollars (\$100.00) of the assessed value of such property, in addition to the above mentioned taxes to be applied exclusively to public school purposes pursuant to the authority conferred by the Constitution and the election held on February 11, 1969; renewed on April 28, 1992, and increased to 15.1 mills on October 26, 1993.
- B. A further tax of Eighty-two Cents (\$0.82) of each One Hundred Dollars (\$100.00) of the assessed value of such property, to be used solely and only for public school purposes pursuant to the Constitution of the State of Alabama.

Should the City Council of Vestavia Hills, Alabama, have no legal authority to provide for the levy, assessment and collection of the said Special School District Taxes as

described in this SECTION TWO, then in such event, this SECTION TWO shall be considered as the City's support of the Vestavia Hills Board of Education.

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2018, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2018, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Jefferson County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2766, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SECTION SEVEN - SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

SECTION EIGHT - INTENT: It is the intent of the City of Vestavia Hills, Alabama, with the passage of this Ordinance Number 2766, that the aggregate local millage for general municipal purposes and local school district tax rates be Four and 93/100 Dollars (\$4.93) per One Hundred Dollars (\$100.00) of the assessed value of such property and consist of the following:

Special High School Tax and Operations	\$	2.560
General Municipal Including Garbage		2.055
West Elementary		<u>.315</u>
TOTAL	\$	4.930

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Jefferson County, Alabama, shall amount to Nine and 26/100 Dollars (\$9.26), which shall consist of the following millages:

1.	State of Alabama	\$	0.650
2.	Jefferson County		1.350
3.	Jefferson County Schools		0.820
4.	Special School District Tax		1.510
5.	Local General Municipal Purpose Tax		2.055
6.	Special Municipal School Tax		2.560
7.	West Elementary		<u>0.315</u>
	TOTAL	\$	9.260

SECTION NINE - TAX ABATEMENT: Whereas, the City of Vestavia Hills has annexed no parcels of land with tax abatements.

SECTION 10 - EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval and is adopted and approved all in accordance with Title 11-51-40, et seq., Code of Alabama, 1975.

ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2766 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 30th day of May, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2767

AN ORDINANCE PROVIDING FOR LEVYING OF MUNICIPAL TAXES FOR THE CITY OF VESTAVIA HILLS, ALABAMA, AND FOR ASSESSMENT AND COLLECTION THEREOF IN SHELBY COUNTY.

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

SECTION ONE - TAX LEVY: Taxes are levied for the City tax year commencing on the first (1st) day of October, 2018, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for State taxation as shown by the books of assessment for the State and County tax year ending during the preceding year, as follows:

- A. A tax for general municipal purposes of Two and 37/100 Dollars (\$2.37) on each One Hundred Dollars (\$100.00) of value of such property;
- B. A tax for Public School purposes of Two and 56/100 Dollars (\$2.56) on each One Hundred Dollars (\$100.00) of value of such property;
- C. In summary, the aggregate local millage for general Municipal purposes and Municipal School tax rates are Four and 93/100 Dollars (\$4.93) per One Hundred (\$100.00) of the value of such property;
- D. The local millage for the City's accounting purposes shall be allocated as follows:

General Municipal Purposes	1.0275
Garbage Collection	1.0275
West Elementary Warrants	0.3150
High School and Board Operations	<u>2.5600</u>
Total	4.9300

SECTION TWO - SHELBY TAX LEVY: Taxes are hereby levied by the Shelby County Commission §40-7-42, Code of Alabama, 1975 for the City tax year commencing on the first day of October, 2018, on all real and personal property and other properties and franchises in the City of Vestavia Hills, Alabama, subject to taxation by the laws of the State of Alabama, based on the valuation of said property as assessed for County taxation, as shown by the books of assessment for the State and County tax year ending on the 30th day of September, 2019, as follows:

- A. A tax of Fifty Cents (\$0.50) on each One Hundred Dollars (\$100.00) of the value of such property for general fund purposes;
- B. A tax of One Dollar and Sixty Cents (\$1.60) on each One Hundred Dollars (\$100.00) of the value of such property for school districts;
- C. A tax of Twenty-five Cents (\$0.25) for each One Hundred Dollars (\$100.00) of the value of such property for roads and bridges;
- D. In summary, the aggregate County millage for general purposes, countywide school taxes, and road and bridges is Two and 35/100 Dollars (\$2.35) per One Hundred Dollars (\$100.00) of the value of such property.

It is the further intent that the aggregate ad valorem tax rate of each One Hundred Dollars (\$100.00) of assessed value of property in the City of Vestavia Hills, Shelby County, Alabama, should amount to Seven and 93/100 Dollars (\$7.93) which shall consist of the following millages:

State of Alabama	0.650
Shelby County	0.500
Shelby County School Countywide	1.600
Shelby County Road and Bridge	0.250
General Municipal Purpose Tax	2.055
Special Municipal School Tax	2.560

West Elementary Warrants	<u>0.315</u>
Total	7.930

SECTION THREE - TAX BASIS AND WHEN DUE: On and after the 1st day of October, 2018, all municipal taxes due the City of Vestavia Hills, Alabama, shall be based and due on all County assessments of the property within the limits of said County for the preceding year, and shall be due and delinquent at the time when State and County taxes for the preceding year are due and delinquent.

SECTION FOUR - EFFECTIVE DATE AND LIEN: The levy of taxes made herein shall go into force and effect as of October 1, 2018, and shall on said date become a lien on the property subject thereto.

SECTION FIVE - TAX ASSESSOR AND TAX COLLECTOR, AND THEIR COMPENSATION: The Tax Assessor and Tax Collector of Shelby County, Alabama, shall be considered to be the Tax Assessor and Tax Collector respectively for the City of Vestavia Hills, Alabama, and shall each receive as compensation for this service in assessing and collecting respectively the taxes herein levied, as fee equivalent to one-half of one per centum (1/2 of 1%) of the taxes collected and then remitted to the City of Vestavia Hills, Alabama.

SECTION SIX - CONFLICTS: That all Ordinances, or parts of Ordinances, including Ordinance Number 2767, heretofore, adopted by the City Council of the City of Vestavia Hills, Alabama, in conflict with the provisions hereof are hereby expressly repealed.

SEVERABILITY: The provisions of this Ordinance are hereby declared severable. Should any provision of this Ordinance be held invalid, the invalidity thereof shall not affect the remaining provisions of this Ordinance.

EFFECTIVE DATE: This Ordinance shall become effective immediately upon its adoption and approval.

ADOPTED AND APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2767 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 30th day of May, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

RESOLUTION NUMBER 5056

A RESOLUTION AUTHORIZING PRELIMINARY ACTION FOR, AND REIMBURSEMENT OF QUALIFIED EXPENDITURES FROM, GENERAL OBLIGATION WARRANTS, SERIES 2018

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

Section 1. Representations and Definitions of Capitalized Terms

The City Council (the “Council”) of the City of Vestavia Hills, Alabama (the “City”) has found and determined, and does hereby find, determine and declare:

- (a) It is necessary and desirable and in the public interest of the City to provide for:
 - (1) the refunding of certain long-term indebtedness of the City to produce interest costs savings with respect thereto; and
 - (2) the acquisition and construction of the capital improvements described on Appendix A hereto (the “Proposed Capital Improvement Projects”).
- (b) For the foregoing purposes, it is necessary and desirable for the City to authorize the development of proposed terms for of general obligation warrants (the “Proposed Warrants”) to be issued by the City in a primary offering by an underwriter on behalf of the City.
- (c) It is necessary and desirable for the City to engage an underwriter and bond counsel for the Proposed Warrants.

Section 2. Authorization of Engagement of Professional Services Regarding Proposed Warrants

The City does hereby adopt, approve, authorize, confirm, direct, and ratify:

- (a) the engagement of Citigroup Global Markets Inc., (the “Underwriter”) to act as underwriter of the Proposed Warrants and to determine, for review and approval by the City, the proposed structure and terms of the Proposed Warrants; and
- (b) the engagement of Maynard, Cooper & Gale, PC to act as Bond Counsel to the City, and to prepare, for review and approval by the City, the financing documents, a preliminary official statement, and a final official statement, with respect to the Proposed Warrants.

Section 3. Authorization of Parameters and Structure of Proposed Warrants

(a) The City does hereby adopt, approve, authorize, confirm, direct, and ratify, subject to Section 3(b) hereof, the structure for the primary offering and sale, by the Underwriter, of the Proposed Warrants on the following terms:

(1) the maximum principal amount of the Proposed Warrants shall not exceed \$59,900,000;

(2) the Proposed Warrants shall be general obligation warrants additionally secured by a pledge of the sales and use taxes levied by the City pursuant to Ordinance No. 2747;

(3) the Proposed Warrants shall be issued as “tax-exempt bonds” within the meaning of Section 150(a)(6) of the Internal Revenue Code of 1986, as amended.

(b) Anything in this Resolution to the contrary notwithstanding, the Proposed Warrants shall be issued only upon:

(1) the final approval and authorization of the Proposed Warrants by the City, including without limitation the aggregate principal amount, terms of maturity and payment dates, interest rates, offering prices, redemption prices and terms, costs of issuance and credit enhancement (if any), and uses of proceeds; and

(2) the approving legal opinion of Bond Counsel to the City.

Section 4. Authorization of Officers of the City

(a) The City does hereby authorize and direct the officers of the City to take such action as shall be necessary or desirable:

(1) to cause the City to be in compliance with all written agreements and undertakings of the City in effect under 17 CFR Section 240.15c2-12; and

(2) to cause to be prepared, for review on behalf of the City, a preliminary official statement of the City with respect to the Proposed Warrants.

(b) The officers of the City are hereby authorized and directed to take all such actions, and execute and deliver such agreements, documents, instruments and notices, as shall be necessary or desirable to effect the purposes and transactions approved by this Resolution.

Section 5. Authorization of Reimbursement

In accordance with Treas. Reg. Section 1.150-2, the City does hereby declare its official intent that:

(a) proceeds of the Proposed Warrants shall be used to reimburse the City for capital expenditures made with respect to the Proposed Capital Improvements, prior to the issuance of the Proposed Warrants, in amounts not exceeding the lesser of the amounts spent therefor which are eligible for reimbursement under Treas. Reg. Section 1.150-2 or the total cost of the Proposed Capital Improvements; and

(b) any such reimbursement be made in accordance with Treas. Reg. Section 1-150-2.

Section 6. Ratification of Actions

The City does hereby adopt, approve, authorize, confirm, direct, and ratify all actions taken, and all agreements, documents, instruments, and notices made or delivered, by any officer of the City in connection with the purposes and transactions approved by this Resolution.

Section 7. General

(a) All resolutions or parts thereof in conflict or inconsistent with this Resolution are hereby, to the extent of such conflict or inconsistency, repealed.

(b) This Resolution shall take effect immediately.

Appendix A

Proposed Capital Improvements

The Proposed Capital Improvements consist of:

- Capital improvements to community spaces in the City, including without limitation Wald Park, community spaces in Cahaba Heights, and other community buildings;
- Capital improvements to the New Merkel House;
- Extensive construction, reconstruction, repair and rehabilitation of roads and streets throughout the City;
- Capital improvements to stormwater infrastructure;
- Construction of and improvements to public sidewalks in the City;
- Road capacity improvements, including without limitation capital improvements to Crosshaven Drive.

* * * * *

Duly Passed and Adopted this 30th day of May, 2018.

Mayor

SEAL

City Clerk

After said resolution had been discussed and considered in full by the Council, it was moved by Councilmember _____ that said resolution be now placed upon its final passage and adopted. The motion was seconded by Councilmember _____. The question being put as to the adoption of said motion and the final passage and adoption of said resolution, the roll was called with the following results:

Ayes: Ashley C. Curry, Mayor
Kimberly Cook
Paul J. Head
George Pierce
Rusty Weaver

Nays: None

The Mayor thereupon declared said motion carried and the resolution passed and adopted as introduced and read.

* * *

There being no further business to come before the meeting, it was moved and seconded that the meeting be adjourned. Motion carried.

Approval of Minutes:

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purpose of the meeting of the City Council of Vestavia Hills recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and Resolution No. _____ therein.

Mayor

Member of Council

Member of Council

Member of Council

Member of Council

S E A L

Attest: _____
City Clerk

STATE OF ALABAMA

JEFFERSON COUNTY

CERTIFICATE OF CITY CLERK

I, the undersigned, do hereby certify that (1) I am the duly elected, qualified and acting City Clerk of the City of Vestavia Hills, Alabama (the "Municipality"); (2) as Clerk of the Municipality I have access to all original records of the Municipality and I am duly authorized to make certified copies of its records on its behalf; (3) the above and foregoing pages constitute a complete, verbatim and compared copy of excerpts from the minutes of a special meeting of the City Council of the Municipality duly held on May 30, 2018, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the minutes of the meeting of the City Council of the Municipality held on May 30, 2018 show that (a) notice of such meeting had been given as provided by law, and (b) a quorum of the members of the City Council was present and acting for the entire duration of such meeting; (5) Resolution No. _____ set forth in such excerpts is a complete, verbatim and compared copy of such resolution as introduced and adopted by the City Council on such date; and (6) Resolution No. _____ is in full force and effect and has not been repealed, amended or changed.

IN WITNESS WHEREOF, I have hereunto set my hand as Clerk of the Municipality and have affixed the official seal of the Municipality, this _____ day of _____, 2018.

City Clerk of the City of Vestavia Hills, Alabama

SEAL

**EXCERPTS FROM THE MINUTES OF A MEETING OF
THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA**

The City Council of the City of Vestavia Hills, Alabama met in public session at City Hall in the City of Vestavia Hills, Alabama, at 6:00 p.m. on the 30th day of May, 2018.

The meeting was called to order by the Mayor, and the roll was called with the following results:

Present: Ashley C. Curry, Mayor
 Kimberly Cook
 Paul J. Head
 George Pierce
 Rusty Weaver

Absent: None

* * *

The Mayor stated that due notice of the date, time, place and purpose of this meeting had been (a) given in the manner provided by law and (b) delivered to all members of the City Council.

The Mayor stated that a quorum was present and that the meeting was open for the transaction of business.

* * *

Thereupon, the following resolution was presented at length by the Mayor in writing, and considered by the City Council:

RESOLUTION NO. 5057

A RESOLUTION AUTHORIZING AN AMENDMENT TO SPECIAL ECONOMIC DEVELOPMENT AGREEMENT BY THE CITY OF VESTAVIA HILLS AND SCP at LIBERTY PARK, LLC

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA (the "Council"), as the governing body of the City of Vestavia Hills, Alabama (the "City"), as follows:

Section 1. The Council does hereby approve, adopt, authorize, direct, ratify and confirm:

- (a) The amendment of the defined term "Annual Economic Development Payments" in that certain Special Economic Development Agreement approved through Resolution 4808 of the Vestavia Hills City Council at its regular meeting dated March 14, 2016 (the "Agreement") and SCP at Liberty Park, LLC (the "Owner") by deletion of such defined term in the entirety thereof and substitution of the following therefor:

"Annual Economic Development Payments" shall mean an amount equal to:

- (i) seventy-five percent (75%) of the Municipality Net Sales Tax Proceeds actually received by the Municipality from the Owner during the annual period for which such Annual Economic Development Payment is determined for the period beginning on April 1, 2017 and ending March 31, 2022; and
 - (ii) fifty percent (50%) of the Municipality Net Sales Tax Proceeds actually received by the Municipality from the Owner during the period for which such Annual Economic Development Payment is determined for the period beginning April 1, 2022 and ending March 31, 2027."
- (b) The payment by the City to the Owner of the Annual Economic Development Payments in the amounts set forth in Section 1(a) hereof in the manner and upon the terms provided in the Agreement.

Section 2. The Agreement, as hereby amended, is ratified and confirmed in all respects.

Section 3. The Mayor and City Manager are hereby authorized and directed to take such actions, and execute and deliver such agreements, documents and instruments, as shall be necessary or desirable, or as advised by counsel to the City, to effect the amendments to the Agreement approved by this Resolution.

Section 4. All prior actions taken by any officer or the City Manager in connection with the amendment of the Agreement as provide herein are hereby ratified and confirmed.

Section 5. This Resolution shall take effect immediately and all resolutions, ordinances, or parts thereof, inconsistent or in conflict with this Resolution hereby are, to the extent of such inconsistency or conflict, repealed.

ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

February 11, 2016

Mr. Jeff Downes
 City Manager for Vestavia Hills
 1032 Montgomery Hwy.
 Vestavia Hills, AL 35216

Re: Tax Incentive Request for new development in Liberty Park

Dear Jeff:

Please accept this letter as our formal request for sales tax incentives related to our planned retail-oriented development in Liberty Park. SCP at Liberty Park, LLC ("SCP") is an affiliate of The Sanders Trust and is the current owner of the roughly one acre development site/outparcel adjacent to the Prominence Shops in Liberty Park. The individual owners/investors in SCP paid cash for the land site in late 2014 and have a cost basis of \$400,000 today. SCP's owners include Steve Christian 20% (Liberty Park resident and Partner in CPA firm, Christian & Denaburg), Steve Hewett 20% (Liberty Park resident and SVP with The Sanders Trust), Rance Sanders 40% (CEO of The Sanders Trust, with corporate office in Urban Center in Liberty Park), and Brooks Sanders 20% (Principal with Sanders Capital Partners, Birmingham-based real estate acquisition and development firm).

SCP has already received the requisite design/architectural review board approvals in Liberty Park and Vestavia Hills and we are anxious to begin development. However, we have determined that without the incentives requested herein that the SCP site is literally undevelopable (from an adequate return perspective for any prudent developer). This is due to project costs estimated by Williams Blackstock Architects, Walter Schoel Engineering and general contractor Stewart Perry Company; all chosen specifically for this project given their unique knowledge of site and roles in constructing the existing Prominence Shops. The civil budget alone is approximately \$515,000 for site. Examples of some site premiums/issues include:

- 1) The site is relatively small to begin with making costs per square foot a challenge.
- 2) Architectural standards needed for ARC approval in Liberty Park and by Vestavia Hills require cost premiums over similar projects located elsewhere. SCP applauds these standards, but they do tend to make projects such as this more difficult to justify.
- 3) Due to the private roads in Liberty Park (light-load requirements), we will have \$13,000 in premiums for building materials delivered to site (asphalt and concrete).
- 4) Development of site requires the relocation of an existing storm water line that alone will cost more than \$90,000. Without relocation of storm water line, the project could not be done given existing line runs directly under building pad.

The architectural elevations and site plan are attached as Exhibits A and B respectively, which illustrate the planned 9,015 rentable square foot building. Our plans are intended to reflect the same high-quality design as the existing Prominence Shops. In fact, we have worked closely with the owners of the Prominence Shops regarding our plans and all parties feel an obvious need to cooperate (it is mutually beneficial to have cross-easements and shared parking, and to discuss targeted tenants that will provide for a win-win for all; that includes owners, tenants, area workers, and Liberty Park residents/office tenants).

SCP has one signed lease with Your Pie (owned by Liberty Park resident, Lloyd Peoples) for approximately 2,500 RSF with one other active prospect being O'Henry's Coffee Shop for roughly 1,800 to 2,000 RSF. Hopefully by the time of our Monday meeting, we will be able to update you on the probability of landing this tenant. It is worth noting that HealthSouth's announcement that they will be relocating their corporate headquarters to Liberty Park has generated some renewed interest from prospects (that includes O'Henry's that passed on site before).

Key exhibits attached for your review include:

- 1) Exhibit A- Architectural Elevations
- 2) Exhibit B- Site Plan
- 3) Exhibit C- Detailed Project Budget
- 4) Exhibit D- Project proforma with zero sales tax incentive dollars assumed.
- 5) Exhibit E- Project proforma illustrating need for \$433,822 present value in sales tax incentives for SCP to justify development (total project costs of \$2,924,822-\$400,000 cash equity from owners= \$2,524,822 less "A Note" maximum of \$2,091,000= "B Note" need of \$433,822). Note that the proformas identify an "A Note" and a "B Note". This terminology was attached by our project lender, Service1st Bank. The "A Note" effectively funds a maximum of the lower of 85% of appraisal (stabilized value by appraiser was \$2,460,000) and 80% of total project costs; the maximum loan therefore on the "A Note" will be \$2,091,000. Both illustrate that the "B Note" is financed by Service1st over a fully amortizing 10 year term at a 4.25% fixed rate. Under all scenarios, the A and B Notes will be personally guaranteed by the SCP owners. The resulting project IRR assuming no sales tax incentive dollars provides for an unacceptably low 3.70% IRR, while the requested sales tax incentive model provides acceptable returns and makes project feasible. Estimated IRR for project with requested incentives is 14.83%.
- 6) Exhibit F- Outlines assumed sales tax receipts over the next 10 years and the flow of funds necessary to fully amortize the "B Note" over 10 years at 4.25% fixed rate quoted by Service1st. In order to fully amortize this note over said time period, SCP is requesting to receive 75% of sales tax revenues in years 1-5 and 50% in years 6-10.

Thank you for the opportunity to present our tax incentive request to you. We will be pleased to answer any of your questions in advance of meeting on Monday and will be present to answer any questions in person on Monday (our CFO, Donna Albright, and I will be at meeting).

In closing, we are excited about bringing this development to Liberty Park. Our project should provide a material benefit to area residents in particular from a lifestyle and convenience perspective. The project should also greatly benefit area workers given the limited restaurant and retail shopping options in the immediate area today. We are also pleased that our project will be a new tax revenue source for Vestavia Hills in the form of higher property taxes on our development (to benefit our schools in particular) and sales taxes to support the City's other operating needs.

Looking forward to seeing you at meeting on Monday.

Respectfully yours,



Steve B. Hewett
Senior Vice President
The Sanders Trust, LLC
and
Authorized Representative
SCP at Liberty Park, LLC

RESOLUTION NUMBER 5058

**A RESOLUTION APPROVING ALCOHOL LICENSE
FOR SLICE LLC D/B/A WING DING 2018; JEFFREY
SAIED BAJALIEH, CHRISTOPHER SALEH
BAJALIEH, AND JASON BRIAN BAJALIEH,
EXECUTIVES**

WHEREAS, the City Council of the City of Vestavia Hills, Alabama, approves the alcohol license for Slice LLC d/b/a Wing Ding 2018, located at 1032 Montgomery Highway parking lot, Vestavia Hills, Alabama, for the on-premise sale of 140 – Special Events Retail; Jeffrey Saied Bajalieh, Christopher Saleh Bajalieh, and Jason Brian Bajalieh, executives.

APPROVED and ADOPTED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



STATE OF ALABAMA ALCOHOLIC BEVERAGE CONTROL BOARD ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180516101610698

Type License: 140 - SPECIAL EVENTS RETAIL

State: \$150.00 **County:** \$150.00

Type License:

State: **County:**

Trade Name: WING DING 2018

Filing Fee: \$50.00

Applicant: SLICE LLC

Transfer Fee:

Location Address: PARKING LOT OF 1032 MONTGOMERY HWY VESTAVIA HILLS, AL 35216

Mailing Address: 5428 11TH AVE S BIRMINGHAM, AL 35222

County: JEFFERSON **Tobacco sales:** NO

Tobacco Vending Machines:

Type Ownership: LLC

Book, Page, or Document info: LR201007 1962

Date Incorporated: 08/20/2010 **State incorporated:** AL

County Incorporated: JEFFERSON

Date of Authority: 08/20/2010

Alabama State Sales Tax ID: R0097854065

Federal Tax ID: 36-4687505

Name:	Title:	Date and Place of Birth:	Residence Address:
JEFFREY SAIED BAJALIEH 5919245 - AL	MEMBER	09/05/1974 BIRMINGHAM, AL	5428 11TH AVE S BIRMINGHAM , AL 35222
CHRISTOPHER SALEH BAJALIEH 6073771 - AL	MEMBER	08/30/1976 BIRMINGHAM, AL	5016 10TH CT S BIRMINGHAM, AL 35222
JASON BRIAN BAJALIEH 9327356 - AL	MEMBER	06/29/1980 BIRMINGHAM, AL	4342 CLAIRMONT AVE S BIRMINGHAM, AL 35222

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

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

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

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

Are the applicant(s) named above, the only person(s), in any manner interested in the business sought to be licensed? YES

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

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

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

Contact Person: DENISE KOCH

Home Phone: 205-410-8776

Business Phone: 205-994-2317

Cell Phone: 205-410-8776

Fax:

E-mail: DLOVOYKOCH@GMAIL.COM

PREVIOUS LICENSE INFORMATION:

Previous License Number(s)

Trade Name:

License 1:

Applicant:

License 2:



STATE OF ALABAMA

ALCOHOLIC BEVERAGE CONTROL BOARD

ALCOHOL LICENSE APPLICATION



Confirmation Number: 20180516101610698

If applicant is leasing the property, is a copy of the lease agreement attached?
 Name of Property owner/lessor and phone number: CITY OF VESTAVIA 205-978-0195
 What is lessors primary business? MUNICIPAL GOVERNMENT
 Is lessor involved in any way with the alcoholic beverage business? N/A
 Is there any further interest, or connection with, the licensee's business by the lessor? N/A

Does the premise have a fully equipped kitchen? NO
 Is the business used to habitually and principally provide food to the public? NO
 Does the establishment have restroom facilities? NO
 Is the premise equipped with services and facilities for on premises consumption of alcoholic beverages? YES

Will the business be operated primarily as a package store? NO
 Building Dimensions Square Footage: 99999 Display Square Footage:
 Building seating capacity: 99999 Does Licensed premises include a patio area? NO
 License Structure: SINGLE STRUCTURE License covers: OTHER
 Location is within: CITY LIMITS Police protection: CITY

Has any person(s) with any interest, including manager, whether as sole applicant, officer, member, or partner been charged (whether convicted or not) of any law violation(s)?

Name:	Violation & Date:	Arresting Agency:	Disposition:
CHRISTOPHER BAJALIEH	DANGEROUS DRUGS-POSS CONT SUBST 08/04/2005	BIRMINGHAM PD	DRUG COURT
CHRISTOPHER BAJALIEH	POSSESSION OF MARIJUANA- OWN USE 10/23/1997	JEFFERSON CO SO	DISMISSED
JASON BAJALIEH	POSSESSION OF MARIJUANA 2ND DEGREE 03/01/2008	VESTAVIA HILLS PD	DISMISSED



STATE OF ALABAMA
ALCOHOLIC BEVERAGE CONTROL BOARD
ALCOHOL LICENSE APPLICATION

Confirmation Number: 20180516101610698

Private Clubs / Special Retail / or Special Events licenses ONLY

Private Club

Does the club charge and collect dues from elected members?
Number of paid up members:
Are meetings regularly held?
How often?
Is business conducted through officers regularly elected?
Are members admitted by written application, investigation, and ballot?
Has Agent verified membership applications for each member listed?
Has at least 10% of members listed been confirmed and highlighted?
For what purpose is the club organized?
Does the property used, as well as the advantages, belong to all the members?
Do the operations of the club benefit any individual member(s), officer(s), director(s), agent(s), or employee(s) of the club rather than to benefit of the entire membership?

Agent's Initials:

Special Retail

Is it for 30 days or less?
More than 30 days?
Franchisee or Concessionaire of above?
Other valid responsible organization:
Explanation:

Special Events / Special Retail (7 days or less)

Starting Date: 06/02/2018 Ending Date: 06/02/2018
Special terms and conditions for special event/special retail:
NO TO GO SALES ALLOWED. ALL ALCOHOL IS TO STAY WITHIN THE LICENSED PREMISES.

Other Explanations

License Covers: PARKING LOT
Are there any special restrictions, instructions, and/or conditions for this license?: NO TO GO SALES ALLOWED. ALL ALCOHOL IS TO REMAIN IN THE LICENSED AREA.
Additional Violations:
Name: JASON BAJALIEH | Violation & Date: POSSESSION OF MARIJUANA 1ST DEGREE
06/06/2000
Arresting Agency: TUSCALOOSA CO SO | Disposition: PARDONED
Name: CHRISTOPHER BAJALIEH | Violation & Date: POSSESSION OF CONTROLLED SUBSTANCE
03/03/2006
Arresting Agency: BIRMINGHAM PD | Disposition: THROWN OUT
Name: CHRISTOPHER BAJALIEH | Violation & Date: WEAPON OFFENSE-PISTOL W/O PERMIT
08/04/2005
Arresting Agency: BIRMINGHAM PD | Disposition: THROWN OUT/DISMISSED

INTEROFFICE MEMORANDUM

DATE: May 23, 2018
TO: Dan Rary, Police Chief
FROM: Rebecca Leavings, City Clerk
RE: Alcohol License Request –

Please find attached information submitted by Jeffrey Saied Bajaleih, Christopher Saleh Bajalieh, and Jason Brian Bajalieh who request an alcohol license to sell on-premise at the Slice LLC d/b/a Wing Ding 2018, 1032 Montgomery Highway parking lot, Vestavia Hills, Alabama.

I am scheduling this case to be heard by the City Council on 30th day of May, 2018 at 6:00 PM (Monday). Please advise me of your recommendation for this license. If you have any questions, please contact me.

Reply

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

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

Reviewed: _____



RESOLUTION NUMBER 5059

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

WITNESSETH THESE RECITALS

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

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

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

1. The City Manager is hereby authorized to sell or dispose of the above-referenced surplus personal property; and
2. This Resolution Number 5059 shall become effective immediately upon adoption and approval.

DONE, ORDERED, APPROVED and ADOPTED on this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

5/15/18

To: Rebecca Leavings

From: Sgt. Gaston, Officer Wilson

Re: Surplus City Property

Please request that the City Council deem the following property surplus at the next meeting:

- 2005 Dodge Durango 4x4 VIN: 1D4HB38N55F622213 Tag # 44711MU

Please contact me with any questions or concerns.

Thanks, Sgt. Gaston ext.#1137

Officer Wilson ext.#1110

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

INTEROFFICE MEMO

Date: May 24, 2018

TO: Jeff Downes
City Manager

From: Brian Davis
Public Service Director

RE: Surplus Property

The future sale of the garage has prompted many vendors to make offers for equipment at the garage that the city will no longer need. Below is a list of equipment that I would ask the council to declare as surplus property in order to sell the equipment.

- Vehicle Lift 10K/2 Post
- Compressor; 80 Gallon Vertical Shop
- Heaters - Ceiling Mounted
- Lift System; StertilKoni 4 Column; 64K LB
- Cooling Units; Portable Evaporative
- Brake Lathe and Adapters
- Welder Equipment
- 2 Tire Changers
- Tire Balance Machine
- 4 Jack Stands, Stertil Koni
- Stertil Koni Tire Dolly
- 2 A/C Service Machines
- 3 Welders
- Oil Filter Crusher
- 3 Transmission Jacks
- 25 Ton Press
- Miscellaneous Vises, Lifts, Hand Tools, Tool Boxes, Shelving, Storage Containers

Mark is also working with vendors to buy back inventory. Please let me know if you have any questions.

CC: Mark Salter

RESOLUTION NUMBER 5060

**A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER
TO EXECUTE AND DELIVER AN AGREEMENT WITH INGENUITY
FOR NEW VEHICLE AND BOAT REGISTRATION**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver a Statement of Work – 03; Registration and License Application; Amendment 1, a copy of which is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5060 as though written fully therein; and
2. This Resolution Number 5060 shall be effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



**Statement of Work – 03
Registration and License Application
Amendment 1**

This Amendment (“Amendment 1”), dated June 1, 2018, revises Statement of Work – 03 between the City of Vestavia Hills, Alabama (“Vestavia Hills”) and Ingenuity, Inc. (“Ingenuity”) dated March 1, 2014 related to Alabama Act 2014-7 (“SOW – 03”). SOW – 01 is incorporated within the Master Agreement (“Agreement”) between Vestavia Hills and Ingenuity dated February 7, 2005.

Vestavia Hills and Ingenuity agree to amend SOW – 03 as follows:

The reference to Act 2014-7 is hereby updated to Act 2016-324, which amended Act 2014-7 and Act 2015-241. Act 2016-324 enables Vestavia Hills to complete new automobile registrations and process related changes in ownership, as well as complete boat registrations, for its residents. These additional options are all now included in the Application functionality and are part of the Services included in SOW – 03.

The End Date is changed to 5/31/2021. After 5/31/2021, the End Date of SOW – 01 will be automatically extended in two-year increments unless terminated in writing by either party at least six months in advance of the revised End Date.

All of the terms included in SOW – 03 not specifically amended hereby shall remain in full force and effect. In the event of any conflict between the terms of this Amendment 1 and SOW – 03, the terms of this Amendment 1 shall govern.

IN WITNESS WHEREOF, the parties have entered into this Amendment 1 as of the day and year first above written.

City of Vestavia Hills

Ingenuity, Inc.

Signature: _____

Signature: _____

By: Ashley C. Curry

By: Rick A. Hayes

Title: Mayor

Title: President

City of Vestavia Hills

Signature: _____

By: Jeff Downes

Title: City Manager

Ingenuity

Statement of Work – 03 Registration and License Application

This Statement of Work (“SOW”) dated March 1, 2014 references and is incorporated within the Master Agreement (“Agreement”) between The City of Vestavia Hills (“Vestavia Hills”) and Ingenuity, Inc. (“Ingenuity”) dated February 7, 2005.

Services: Ingenuity will provide, implement and maintain its Registration and Licensing Application (the “Application”) for Vestavia Hills. The Application will include functionality for processing registration renewals for automobiles. The Application will also include integrated functionality that will provide an option for customers to renew their automobile registrations via the Internet. Ingenuity and Vestavia Hills have agreed to work together toward the common goal of Vestavia Hills beginning to use the Application in production starting April 1, 2014.

Vestavia Hills shall not provide (and shall not allow any of its employees, contractors or agents to provide) the Application, any related object or source code, or any related documentation to any other person or entity. Ingenuity shall retain all intellectual property rights and interests in the Application on a worldwide basis, including (1) all ideas, designs, concepts, techniques, inventions, discoveries, and improvements, regardless of patentability, but including patents, patent applications, trade secrets, and know-how; (2) all works of authorship regardless of copyright ability but including copyrights and any moral rights recognized by law; and (3) all other similar rights.

These Services are further described in Attachment 1 - Scope Document.

Application Cost: Vestavia Hills will pay Ingenuity 50% of the fees and commissions retained by Vestavia Hills as a result of the end of month remittance processing in accordance with Alabama Act 2014-7. There will be no additional charge to Vestavia Hills for help desk contacts made by Vestavia Hills’ employees. These help desk contacts will include phone calls, instant message chats and emails that Vestavia Hills makes/sends to Ingenuity.

In the event Vestavia Hills elects to offer customers the ability to renew their motor vehicles online, in addition to Ingenuity’s share of the fees, commissions and mail fees mentioned above, Vestavia Hills will remit to Ingenuity any convenience fees assessed by the Application as part of the online renewal process.

Term Start Date: 3/1/2014 - the Application will be implemented as soon as possible after the appropriate testing and training are completed and the Application is approved by Vestavia Hills.

Term End Date: 2/28/2017

Termination for Convenience: Either party may terminate this agreement by providing advanced notice 180 days prior to the anniversary date in any given year of this agreement.

Payment Schedule: Vestavia Hills will pay Ingenuity their share of the fees and commissions within 30 days of receipt of the applicable invoice from Ingenuity. Vestavia Hills will pay all Ingenuity invoices in accordance with the terms of the Agreement.

Vestavia Hills Representatives: Alberto C. Zaragoza, Jr. and Jeff Downes

City of Vestavia Hills

Signature: _____

By: Alberto C. Zaragoza, Jr.


Title: Mayor

Signature: _____

By: Jeff Downes

Title: City Manager

Ingenuity, Inc.

Signature:  _____

By: Rick A. Hayes

Title: President

RESOLUTION NUMBER 5063

**A RESOLUTION TO RE-APPOINT A MEMBER TO THE
BIRMINGHAM-JEFFERSON COUNTY TRANSIT AUTHORITY**

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

1. Donald A. Harwell is hereby re-appointed as a member of the Birmingham-Jefferson County Transit Authority to represent the City of Vestavia Hills; and
2. Said appointment shall begin immediately and continue until May 30, 2024;
3. This Resolution Number 5063 shall become effective immediately upon adoption and approval.

DONE, ORDERED, ADOPTED and APPROVED this the 30th day of May, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk



VESTAVIA HILLS

MEMORANDUM

TO: Rebecca Leavings, City Clerk

FROM: Mayor Ashley C. Curry *acc*

DATE: May 14, 2018

RE: Birmingham - Jefferson County Transit Authority Appointment

Donald Harwell's term on the Birmingham - Jefferson County Transit Authority Board expires May 14, 2018. Donald has done an excellent job in this capacity, and it is my recommendation that Donald be reappointed to represent the City of Vestavia Hills for a new term that will expire May 14, 2024.

Please include this on the May 28, 2018 City Council agenda for consideration:

Birmingham-Jefferson County Transit Authority
Donald Harwell

RESOLUTION NUMBER 5061

A RESOLUTION AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER A CONTRACT WITH SOUTHERN SOFTWARE, INC., FOR A RECORDS MANAGEMENT SYSTEM FOR THE CITY OF VESTAVIA HILLS POLICE DEPARTMENT

WHEREAS, the Vestavia Hills Police Department currently utilizes software produced by New World, a product of Tyler Technologies, for Records Management System (RMS) which began as a joint operation between the cities of Vestavia Hills, Mountain Brook and Homewood Police Departments and was funded primarily through grant funding; and

WHEREAS, contractual obligations with New World will end in fiscal year 2019; and

WHEREAS, the Police Chief has analyzed costs and the efficiency of the current system and has recommended a change to a newer system through Southern Software, Inc., pursuant to a contract dated March 29, 2018, a copy of which is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5061 as though written fully therein; and

WHEREAS, the City Manager has concurred with the Police Chief's recommendation and has also recommended that the software be funded evenly between the City's FY2018 and FY2019 General Fund Budgets; and

WHEREAS, the City Attorney, in an opinion letter dated April 3, 2018, has reviewed the attached contract and indicated that the software offered by Southern Software, Inc., is not subject to the Alabama Competitive Bid Law pursuant to §41-16-51(a)(11) of the *Code of Alabama, 1975*, a copy of said opinion is marked as Exhibit B, attached to and incorporated into this Resolution Number 5061; and

WHEREAS, Mayor and City Council feel it is in the best public interest to accept the Police Chief and City Manager's recommendation and accept the contract from Southern Software to be funded evenly by the FY2018 and FY2019 General Fund Budgets.

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

1. The Mayor and City Manager are hereby authorized to execute and deliver a contract with Southern Software, Inc. as detailed in the attached Exhibit A; and
2. Funding totaling \$114,225 shall be evenly split between the City of Vestavia Hills General Fund Budgets of FY2018 and FY2019; and

3. This Resolution Number 5061 shall become effectively immediately upon adoption and approval.

APPROVED and ADOPTED this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

New World Summary

May 17, 2018

New World, a product of Tyler Technologies, has served as the Records Management System (RMS) for the Vestavia Hills Police Department since approximately 2008. The New World project began as a joint operation between Vestavia Hills, Mountain Brook and Homewood PD's as was funded in large part with grant money.

One of the original selling points of NW was the ability to share and exchange law enforcement information with the other neighboring agencies.

The City of Vestavia Hills will no longer be under contract with NW in FY 2019. Based on historical data, NW costs approximately \$90,000 per year to maintain and operate. Historically, there has been an average of 3% rate increases per year over the duration of the contract with NW.

Operational problems with the NW product include:

- Not user friendly – common names, locations etc. have to be completely entered and re-entered each time a report is made and across the spectrum of reports such as IO and arrest reports.
- Repetitive and redundant entry of information – names, addresses and biographical data must be entered repeatedly in IO and arrest reports.
- Lack of support from customer service – In 2018, the ability to search recent reports was activated for the first time for end users.
- Non-responsive customer support – problems with operation are not addressed in a timely fashion. End users do not have access to customer support.
- Inability to share/access information from other surrounding agencies – VHPD has never had access to reports from Homewood and other NW users like we were promised many years ago.
- High cost to operate and maintain – The annual maintenance cost of NW is very high compared to other vendors such as Southern Software.
- Lack of training related materials for new employees
- Overall difficulty to operate

CONTRACT

This contract (the "Contract") made and entered into this ____ day of _____, 2018 by and between SOUTHERN SOFTWARE, a North Carolina Based Corporation with its principal place of business at 150 Perry Drive, Southern Pines, North Carolina 28387 (the "Seller"), and **City of Vestavia Hills**, 1032 Montgomery Highway, Vestavia Hills, AL 35316 (the "Buyer").

WITNESSETH

WHEREAS, the Seller is in the business of producing computer software and providing the hardware and installation incident to the use of such software;

AND WHEREAS, the Buyer has contracted to buy and the Seller has agreed to sell software licenses together with the hardware and installation hereinafter described.

NOW THEREFORE, in consideration of the terms and conditions hereinafter provided the parties hereto, intending to be legally bound, agree as follows:

- 1. DESCRIPTION OF GOODS AND SERVICES.** The Buyer has contracted to purchase from the Seller and the Seller has agreed to sell, and does hereby sell to the Buyer a non-exclusive, perpetual license, with installation, for the computer software more particularly described in Schedule 1 attached hereto and herein incorporated by reference
- 2. PURCHASE PRICE.** The purchase price of the computer software licenses, hardware (if any) and related installation being acquired as described in Section 1 above is attached hereto on Schedule 2. Terms of payment are set forth on Schedule 6 also attached hereto. Schedule 2 and Schedule 6 are herein incorporated by reference.
- 3. INSTALLATION.** The commencement and completion date for the installation of the software licenses, hardware and related installation described in Section 1 above is more particularly described on Schedule 3 attached hereto and herein incorporated by reference.
- 4. WARRANTIES.** The warranties being provided to Buyer by Seller or by third parties through the Seller regarding the software licenses, hardware and related installation are more particularly described on Schedule 4 attached hereto and herein incorporated by reference. Buyer acknowledges that except for the warranties set forth on Schedule 4, the Seller makes no warranties expressed or implied regarding the computer hardware or software licenses described herein as same relates to its fitness for the intended uses or for the intended service. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CONTRACT (INCLUDING, BUT NOT LIMITED TO THE INDEMNITIES SET FORTH IN THIS CONTRACT), Seller's liability to Buyer or any party claiming damages or losses through Buyer, to the extent that Seller shall be liable to Buyer for damages or losses pursuant to this Contract, such damages or losses shall be the aggregate amount of fees and charges actually collected and received by Southern Software for services provided in the twelve-(12)-month period immediately preceding the date on which Southern Software is notified of any claim of liability. Seller, however, agrees to maintain general liability insurance with limits of not less than \$1,000,000.00 and to take action to notify buyer of change in said coverage and to provide proof of said coverage upon renewal of each policy term.

5. **TRAINING SESSIONS.** The Seller's obligation, if any, to provide training to the Buyer's designated personnel and the times for such training sessions, if any, are set forth on Schedule 5 attached hereto and herein incorporated by reference.
6. **SUPPORT.** Attached hereto and made a part hereof is Schedule 7, Commencement of Support (please review support agreements for information regarding support coverage)
7. **FORCE MAJEURE.** The Seller shall not be required to perform any term, condition or covenant of this Contract so long as such performance is delayed or prevented by force majeure, which shall mean act of God, strikes, lockouts, material or labor restrictions by any government authority, civil riot or floods.
8. **CAPTIONS.** The underscored captions to the sections contained in this Contract are in no way to be used in construing, interpreting, expanding or limiting any provisions contained herein.
9. **NOTICES AND ADDRESSES.** Any notice, approval or other communication required or permitted hereunder shall be in writing and (1) delivered personally with receipt acknowledged, or (2) sent by certified mail or overnight delivery, return receipt requested, postage prepaid and addressed as shown below.

All notices personally delivered shall be deemed delivered on the date of delivery. All notices forwarded by mail or overnight delivery shall be deemed received on a date seven (7) days (excluding Sundays and holidays) immediately following the date of deposit in the U.S. Mail or delivery to the overnight courier with receipt acknowledged provided, however, the return receipt, indicating the date upon which all notices were received, shall be prima facie evidence that such notices were received on the date on the return receipt.

If to Seller: Southern Software, Inc
150 Perry Drive
Southern Pines, NC 28387

If to Buyer: City of Vestavia Hills
Attn: Chief Dan Rary
1032 Montgomery Highway
Vestavia Hills, AL 35316

Phone: (205) 978-0140
Phone: (205) 978-0138
Chief's Office: (205) 978-0109
E-mail: Drary@vhal.org

The addresses may be changed by giving notice of such change in the manner provided herein for giving notice. Unless and until such written notice is received, the last address and the last addressee given shall be deemed to continue in effect for all purposes.

- 10. MISCELLANEOUS.** Words of gender or singular/plural shall be construed to fit the context. This Contract shall be binding upon and inure to the benefit of the parties hereto and their respective successors and permitted assigns. The Contract shall be construed under and in accordance with the laws of the State of Alabama. In case any one or more of the provisions contained in this Contract shall be held to be illegal, such illegality shall not effect any other provisions thereof and this Contract shall be construed as if such illegal provision had never been contained herein. This Contract constitutes the sole and only agreement of the parties hereto and supersedes any prior understandings, or written or oral contracts between the parties regarding the subject matter. This Contract may not be amended except in writing executed by all parties.
- 11. THIRD PARTY ACQUISITION OF SOFTWARE.** The Seller shall notify the procuring agency in writing should the intellectual property, associated business, or all of its assets be acquired by a third party. The Seller further agrees that the contract's terms and conditions, including any and all license rights and related services, shall not be affected by the acquisition.
- 12. LIMITATION OF LIABILITY.** Buyer agrees and acknowledges that, under no circumstances, shall Seller or its subcontractors be liable for (a) third party claims against Buyer for damages, (b) special, punitive, indirect, lost profits or savings, lost or corrupted data or software, incidental or consequential damages of any type including, but not limited to, products or systems being unavailable for use, whether direct, indirect or otherwise, arising out of or in connection with this Agreement, the Licensed Products, the Purchased Hardware or the Technical Supported Service or arising out of the results or operation of any system resulting from implementation of any recommended plan or design, even if Seller or its subcontractors have been advised of the possibility of the damage and even if Buyer asserts or establishes a failure of essential purpose of any limited remedy provided in this Agreement. Further, under no circumstances, will Seller be liable to Buyer for any amount in excess of the fees and charges actually collected and received by Seller for services provided in the twelve-(12)-month period immediately preceding the date on which Seller is notified of any claim of liability. This limitation of liability applies to all types of legal theories including, but not limited to, contract, tort (including negligence), professional liability, product liability, and warranty.
- 13. INDEMNIFICATION.** Seller shall indemnify, defend and hold Buyer harmless from and against all damages and costs finally awarded for any infringement of a valid United States patent, trademark, trade secret, copyright or other intellectual property right of a third party in any suit based upon the proper use by Buyer of the System under the license by Seller granted hereunder. In such event, Buyer shall promptly notify Seller of any alleged infringement of which Buyer becomes aware and shall provide to Seller reasonable assistance in the defense of such any alleged infringement.

In the event of an infringement claim against Buyer with respect to the System or in the event Seller believes such claim is likely, Seller shall have the option at its expense to (i) modify or replace the System so that it is non-infringing or (ii) obtain for Buyer a right to continue accessing the System at no additional cost to Buyer. If neither of the foregoing alternatives is commercially practicable, Seller shall have the right to require the Buyer to

return the System and any portions thereof that are the subject of the alleged infringement and the license granted to Buyer shall terminate with no continuing obligation or liability of Seller except that Buyer shall be entitled to a prompt refund of any fees paid to Seller for any such System or parts thereof including hardware and software licenses.

IN WITNESS WHEREOF, the parties have executed this contract in their appropriate capacities the day and year first above written.

(COMPANY SEAL)

SOUTHERN SOFTWARE, INC

By: _____
CEO

ATTEST:

President

NORTH CAROLINA
MOORE COUNTY

I, a Notary Public of the County and State aforesaid, certify that John Roscoe, personally came before me this day and acknowledged that he is President of **SOUTHERN SOFTWARE**, a North Carolina, Based Corporation and that by authority duly given and as the act of the company, the foregoing instrument was signed in its name and sealed with its company seal by its CEO and attested by John Roscoe as its President.

Witness my hand and official stamp or seal, this ____ day of _____, 2018.

Notary Public

My Commission Expires:

CITY OF VESTAVIA HILLS

By: _____

Title: _____

CITY OF VESTAVIA HILLS

By: _____

Title: _____

ALABAMA

_____ COUNTY

The foregoing instrument was acknowledged before me this ___ day of _____, 2018, by _____, as _____, on behalf of the _____ and _____

Notary Public

My Commission Expires: _____

SCHEDULE 1 DESCRIPTION OF GOODS AND SERVICES

- Records Management System (RMS) 1
 - Incident/Investigation
 - Arrest
 - Citation
 - Case Management
 - Accident
 - Evidence/Stored Property
 - Ordinance
 - Criminal Papers (Warrants)
 - Civil Papers
 - Officer Activity Log
 - Victim Assistance

- RMS additional Licenses (Concurrent) 25

Additional Deliverable for RMS - Provide email notifications for supervisors when something is added to their inbox.

Note: Delivery of this will take place no sooner than the 4th Quarter of 2018 and no later than the end of the 1st Quarter of 2019

- Interface 1
 - Data Import to RMS of Shelby County Interact CAD Data
- Interface - Municipal Software Group 1
 - One-way Interface
- Bar Coding Equipment 1
- HandHeld for Inventory of Evidence 1
- Signature Pad 1
- Data Sharing Network 1
- Quartermaster with Three Licenses 1
- RMS Data Conversion 1

To convert data from one vendor to another has inherent limitations. Data fields may not always match or be in compatible formats, Data may or may not be readable or in a format that can be read (i.e. compressed or encrypted). It is our standard procedure to deliver a complete conversion when attempting this task. We will explore all ways in attempting this conversion, however we cannot guarantee a 100% conversion.

*****RMS Data to be converted (if available in data provided):**

Master Name	Evidence/Stored Property	Sex Offender
Accident	Incident	Warning Tickets
Civil papers	Ordinance	Warrants
Citation	Pawn	Gun/Property Registration
Criminal Papers	Property	User Information (<i>Permissions cannot be converted</i>)
Employee Information	Arrest (including Mugshots if available)	

IBR/UCR Statutes – Can be manually entered or imported/converted from old data

NOTE: Other modules/additional fields will need to be evaluated by Southern Software for conversion compatibility and may require an updated proposal

- **Project management and Training**
 - Installation of Software (and Listed Hardware)
 - Manage all aspects of project
 - Administrative training sessions for all applications
 - User training
 - Onsite management at go live

- **Support, Maintenance & Subscriptions** 3 Years
 - RMS Support 8:30-5, M- F
 - QuarterMaster Support 8:30-5. M-F

PATRICK H. BOONE
ATTORNEY AND COUNSELOR AT LAW
NEW SOUTH FEDERAL SAVINGS BUILDING, SUITE 705
215 RICHARD ARRINGTON, JR. BOULEVARD NORTH
BIRMINGHAM, ALABAMA 35203-3720

TELEPHONE (205) 324-2018
FACSIMILE (205) 324-2295

April 3, 2018

By Electronic Mail

Police Chief Dan R. Rary
Vestavia Hills Police Department
Vestavia Hills Municipal Center
1032 Montgomery Highway
Vestavia Hills, Alabama 35216

In Re: Southern Software, Inc. Proposal for Records Management System (RMS) for Vestavia Hills Police Department

Dear Chief Rary:

On April 2, 2018, you furnished me with a copy of a Proposal by and between Southern Software, Inc. and the Vestavia Hills Police Department with a request that I review the same and provide you with my written legal opinion. A copy of the Proposal is attached hereto. The purpose of this letter is to comply with your request.

I. FACTS

Southern Software, Inc. has presented a Proposal, dated March 29, 2018, to the Vestavia Hills Police Department wherein it offers to provide certain services for its Records Management System for and in consideration of One Hundred Fourteen Thousand Two Hundred Twenty-five Dollars (\$114,225.00). These services include:

Total Software	\$ 46,065.00
Total Conversion	16,000.00
Total Interface	10,350.00
Total Project Management	22,010.00
Total Support	<u>19,800.00</u>
Total	\$114,225.00.

Based upon my conversation with Chief Rary, these software services provide the Vestavia Hills Police Department with exactly what it needs and wants.

II. LEGAL ISSUE ONE

A. LEGAL ISSUE ONE: Is the Proposal by Southern Software, Inc. subject to the Alabama Competitive Bid Law?

B. LEGAL OPINION: It is my legal opinion that the Proposal is not subject to the Alabama Competitive Bid Law.

C. BASIS FOR LEGAL OPINION: I base my legal opinion upon the Alabama Competitive Bid Law, which states in pertinent parts as follows:

(1) The Alabama Competitive Bid Law applicable to municipalities set forth at Title 41-16-50(a), *Code of Alabama, 1975*, provides in pertinent parts as follows:

"(a) With the exception of contracts for public works whose competitive bidding requirements are governed exclusively by Title 39, all expenditure of funds of whatever nature for labor, services, work, or for the purchase of materials, equipment, supplies, or other personal property involving fifteen thousand dollars (\$15,000) or more, and the lease of materials, equipment, supplies, or other personal property where the lessee is, or becomes legally and contractually, bound under the terms of the lease, to pay a total amount of fifteen thousand dollars (\$15,000) or more, by or on behalf of any...governing bodies of the municipalities of the state ...shall be made under contractual agreement entered into by free and open competitive bidding, on sealed bids, to the lowest responsible bidder."

(2) Title 41-16-51(a)(11), *Code of Alabama, 1975*, provides as follows:

“§41-16-51. Exemptions—Void Contracts—Criminal Penalties.

(a) Competitive bids shall not be required for utility services, the rates for which are fixed by law, regulation, or ordinance, and the competitive bidding requirements of this article shall not apply to:

(11) Purchases of computer and word processing hardware when the hardware is the only type that is compatible with hardware already owned by the entity taking bids **and custom software.** (*emphasis added*)”

III. LEGAL ISSUE TWO

A. LEGAL ISSUE TWO: Is the City required to pay sales taxes?

B. LEGAL OPINION: It is my legal opinion that the City is not required to pay sales taxes.

April 3, 2018
Page 3

C. **BASIS FOR LEGAL OPINION:** I base my legal opinion upon Title 40-23-4(a), *Code of Alabama, 1975*.

IV. **LEGAL ISSUE THREE**

A. **LEGAL ISSUE THREE:** Does the Proposal with Southern Software, Inc. meet the requirements of Alabama law?

B. **LEGAL OPINION:** It is my legal opinion that the Proposal meets the requirements of Alabama law; provided the recommendations below are made.

V. **RECOMMENDATIONS**

A. **DELETION OF STATE TAX:** I recommend that the language “state tax” on page 2 of the Proposal be deleted.

B. **CONTRACTING PARTY:** I recommend that the Proposal shall be between Southern Software, Inc. and the City of Vestavia Hills, Alabama, a municipal corporation. If Southern Software, Inc. expects or requires further legal documents to be executed and delivered in order to consummate this transaction, then in such event such documentation must be approved by the City Council after the customary legal review.

C. **EXECUTION AND DELIVERY OF PROPOSAL:**

1. **Approval:** All contracts must be approved by a resolution or ordinance enacted by the City Council (*Van Antwerp, et al v. Board of Commissioners of City of Mobile, et al*, 217 AL 201, 115 So. 239 (1928); *Town of Boligee v. Greene County Water and Sewer Authority*, 77 So.3d 1166 (2011)).

2. **Signature:**

- (a) By the Mayor (Title 11-43-83, *Code of Alabama, 1975*).
- (b) By the City Manager (Title 11-43-21(7), *Code of Alabama, 1975*).

Please call me if you have any questions regarding any matters set forth in this legal opinion. Thank you.

Sincerely,



Patrick H. Boone
Vestavia Hills City Attorney

PHB:gp

cc: City Manager Jeffrey D. Downes (by e-mail)
City Clerk Rebecca Leavings (by e-mail)



SOUTHERN SOFTWARE, INC.
an employee-owned company

Agency: Vestavia Hills Police Department, AL
Contact: Chief Dan Rary
Date: 3/29/2018

RECORDS MANAGEMENT SYSTEM (RMS) FOR POLICE DEPARTMENTS

		Qty
RMS Base - Includes one License	POLICE RECORDS MANAGEMENT SOFTWARE INCLUDES: INCIDENT AND ARREST REPORTING IN ACCORDANCE WITH STATE SPECIFICATIONS.	1
RMS Additional Licenses	ADDITIONAL RMS LICENSE(S) (CONCURRENT LICENSING - FOR WORKSTATIONS OR LAPTOPS ON NETWORK EITHER HARDWIRED OR THROUGH VPN CONNECTION)	25
Additional Deliverable for RMS - Provide email notifications for supervisors when something is added to their inbox. <i>Note: Delivery of this will take place no sooner than the 4th Quarter of 2018 and no later than the end of the 1st Quarter of 2019</i>		
Bar Coding Equipment	BARCODE PRINTER, LASER SCANNER, CASE OF BAR CODE LABELS, CASE OF BARCODE THERMAL TRANSFER RIBBON, PRINTER CABLE.	1
HandHeld Unit for Evidence	DOLPHIN 6110 HANDHELD UNIT FOR INVENTORY/EVIDENCE WITH CONNECTION CABLE	1
Signature Pad	TOPAZ SIGNATURE GEM 1X5	1
* Data Sharing Network	DATA SHARING NETWORK (WEB BASED)	FREE

QUARTERMASTER

		Qty	
Quartermaster - Includes three Licenses	STAND ALONE QUARTERMASTER (CONCURRENT LICENSES)	1	
		Total Software:	\$46,065.00

RMS DATA CONVERSION

		Qty	
RMS Data Conversion	CONVERSION OF RMS DATA. PLEASE SEE NOTES BELOW REGARDING FIELDS TO BE CONVERTED.	1	
		Total Conversion:	\$16,000.00

INTERFACES

		Qty	
Data Import (to RMS)	IMPORT OF SHELBY COUNTY INTERACT CAD DATA	1	
Interface	ONE-WAY INTERFACE FROM MUNICIPAL SOFTWARE GROUP TO SOUTHERN SOFTWARE RMS CRIMINAL PAPERS.	1	

NOTE: Dataworks Plus Livescan interface is not necessary because Dataworks Plus pulls the data from a SQL login. If an additional interface is needed there may be additional charges.

Total Interface: \$10,350.00

PROJECT MANAGEMENT

Project Management Fee INSTALLATION, TRAINING AND A PROJECT MANAGER.
TRAINING INCLUDES 2 SESSIONS OF SETUP & MAINTENANCE TRAINING (UP TO 5 PEOPLE) AND 9 SESSIONS OF USER TRAINING (UP TO 10 PEOPLE PER SESSION). IF ADDITIONAL SESSIONS OF TRAINING ARE REQUIRED PLEASE REQUEST AN UPDATED PROPOSAL.

Total Project Management: \$22,010.00

YEARLY SUPPORT

RMS Support	8:30-5, M-F RMS ANNUAL SUPPORT FEE COVERS TELEPHONE AND MODEM SUPPORT. THIS INCLUDES REGULAR PROGRAM UPDATES.	3 YEARS
Additional Licenses	SUPPORT FOR ADDITIONAL RMS LICENSE(S)	3 YEARS
Quartermaster	8:30-5, M-F SUPPORT FOR QUARTERMASTER	3 YEARS
Additional Licenses	SUPPORT FOR ADDITIONAL QUARTERMASTER LICENSE(S)	3 YEARS
		Total Support: \$19,800.00

TOTAL INVESTMENT (STATE TAX AND SHIPPING NOT INCLUDED) \$114,225.00

PROPOSED PAYMENT TERMS: 50% DUE UPON SIGNING OF CONTRACT; 50% DUE ON OR BEFORE NOV. 30, 2018. TO BE INVOICED OCT. 1ST.

NOTE: MICROSOFT® SQL SERVER 2008™ R2 OR HIGHER IS REQUIRED (2012 OR HIGHER IS PREFERRED).

To convert data from one vendor to another has inherent limitations. Data fields may not always match or be in compatible formats, Data may or may not be readable or in a format that can be read (i.e. compressed or encrypted). It is our standard procedure to deliver a complete conversion when attempting this task. We will explore all ways in attempting this conversion, however we cannot guarantee a 100% conversion.

***RMS Data to be converted (if available in data provided) :		
Master Name	Evidence/Stored Property	Sex Offender
Accident	Incident	Warning Tickets
Civil papers	Ordinance	Warrants
Citation	Pawn	Gun/Property Registration
Criminal Papers	Property	User Information (<i>Permissions cannot be converted</i>)
Employee Information	Arrest (including Mugshots if available)	
IBR/UCR Statutes – Can be manually entered or imported/converted from old data		
NOTE: Other modules/additional fields will need to be evaluated by Southern Software for conversion compatibility and may require an updated proposal		

Proposal of software is valid for (60) days from date of proposal.

Proposal of hardware is valid for (30) days from date of proposal.

Southern Software's RMS includes (30) days of free support, including all updates.

Management fees include training, installation, and project management.

Southern Software will install its software products only on computer configurations compatible with these products. Hardware specifications are available upon request.

Contact information for Public Safety Representative:

**Danny McKinley
Southern Software
150 Perry Drive
Southern Pines, NC 28387**

**Business: 800.842.8190
Mobile: 251.359.3657
Fax: 910.695.0251
E-Mail: dmckinley@southernsoftware.com**

RESOLUTION NUMBER 5062

A RESOLUTION APPROVING ADDITIONAL FUNDING FOR A FILTERING SYSTEM FOR THE SWIMMING POOL AT WALD PARK

WHEREAS, the swimming pool filter failed within the last two weeks in the public swimming pool located at Wald Park; and

WHEREAS, the swimming facilities are soon to be in season and in great demand in the City of Vestavia Hills; and

WHEREAS, the Public Services Director, in a memorandum to the City Manager dated May 22, 2018, indicated that repair and/or replacement of the filtering system would be expensive and would cause a closing of the pool for most of the season. In the memorandum, the Director recommended the use of a portable rental filtering system at a cost of \$21,000 which could be utilized for the season until the decision of repair and/or replace of the filtering system can be analyzed; and

WHEREAS, a copy of said memorandum is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5062 as though written fully therein; and

WHEREAS, the cost of the rental filtration system is an unbudgeted item in the FY2018 City of Vestavia Hills General Funds budget; and

WHEREAS, the Mayor and City Council feel it is in best public interest to accept the recommendation of the Public Services Director in the rental of filtration equipment as described in the attached Exhibit A.

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

1. The City Manager is hereby authorized to expend an amount not to exceed \$21,000 for rental of a pool filtration system for the swimming pool at Wald Park; and
2. This Resolution Number 5062 shall become effective immediately upon adoption and approval.

ADOPTED and APPROVED this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

City of Vestavia Hills

Public Services Department
1032 Montgomery Highway
Vestavia Hills, AL 35216
205-978-0166

INTEROFFICE MEMO

Date: May 22, 2018

TO: Jeff Downes
City Manager

From: Brian C. Davis
Public Services Director

RE: Pool Filter appropriation

As you are aware the swimming pool filter failed within the last 2 weeks. This failure caused the temporary shutdown of the pool. In order to open as scheduled on Memorial Day Weekend, we were able to rent a temporary filter for the summer.

The estimated cost to replace the failed filter was at least \$40,000, and would not have been ready until mid-July. The estimated cost to repair the failed filter was between \$15,000 and \$20,000, and would not have been ready until mid-July. The Park Board found the rental unit that could be installed and ready prior to opening day. The total estimated cost for the rental unit is \$21,000 for the installation, removal and rental.

The Finance Department let me know that due to the cost falling outside of the budgeted funds for the current budget, council approval is necessary. I am requesting a budget adjustment to cover these costs at the next council meeting. Please let me know if you have any questions.

CC: Earl Lawson, President of the Parks and Recreation Board
Jason Burnett, Parks and Recreation Superintendent

ORDINANCE NUMBER 2762

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 VESTAVIA HILLS R-5 TO VESTAVIA HILLS R-2

BE IT ORDAINED by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-5 (multi-family residential district) to Vestavia Hills R-2 (medium density single-family district):

3293 Overton Trail
Ben and Susanne Webb, Owner(s)

More particularly described as follows:

Commence at the NE corner of the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 15, Township 18 South, Range 2 West; thence in the Southerly direction along the East boundary of said 1/4-1/4 Section, 337.7 feet to point of beginning; thence in a Southerly direction along the East boundary of said 1/4-1/4 section, 105.8 feet; thence an angle to the right of 98 degrees 21' in a northwesterly direction, 348.3 feet to the intersection of the East boundary of Old Overton Road, a distance of 144.5 feet to the intersection of a straight line through the point of beginning and making an acute angle of intersection with the Eastern boundary of said 1/4-1/4 section of 77 degrees 49'; thence in a Southeasterly direction of 348.1 feet to the point of beginning. Situated in Jefferson County, Alabama, Birmingham District.

APPROVED and ADOPTED this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

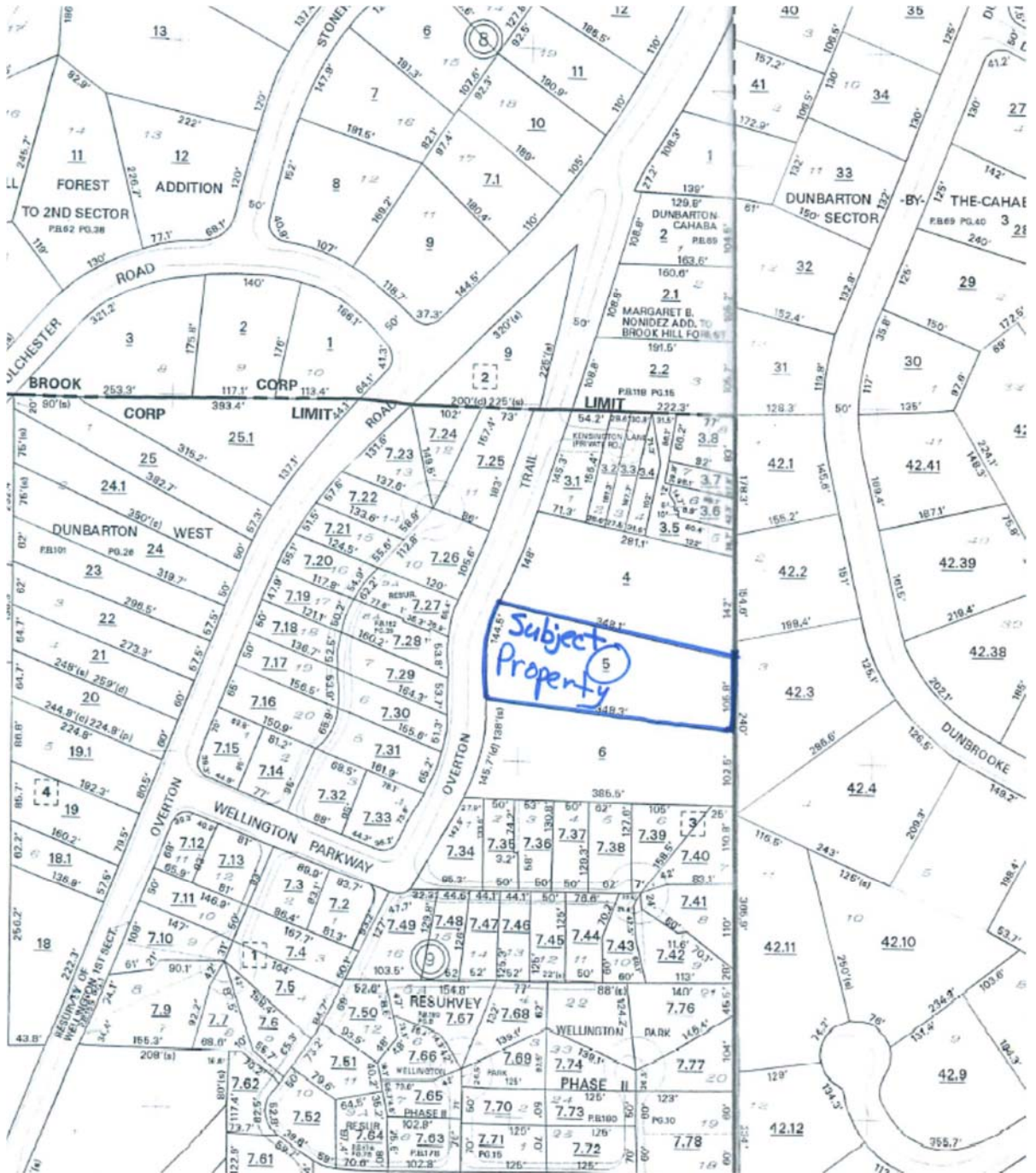
Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2762 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 11th day of June, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk



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

Date: APRIL 12, 2018

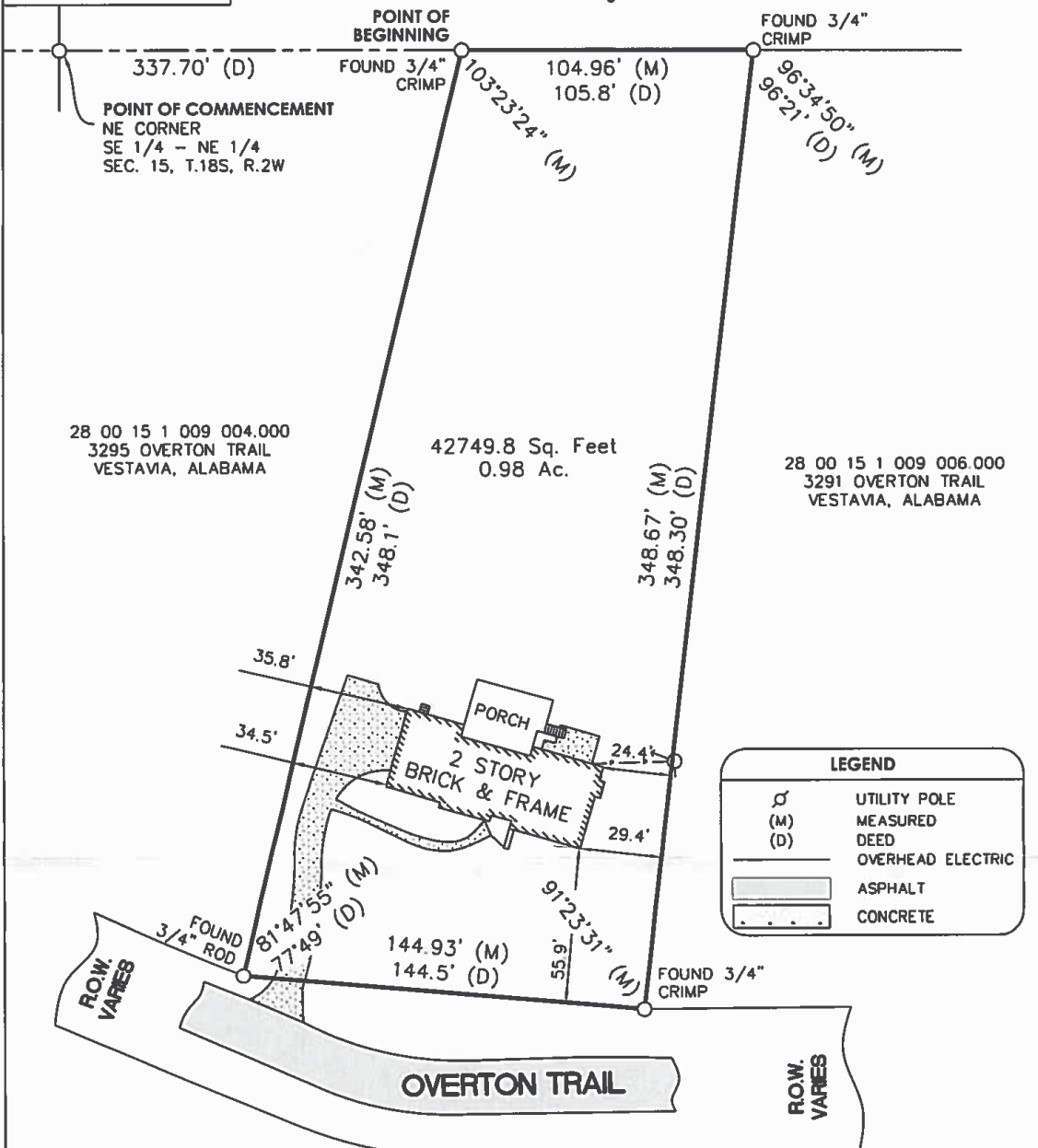
- **CASE: P-0418-14**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-5 to Vestavia Hills R-2
- **ADDRESS/LOCATION:** 3293 Overton Trail
- **APPLICANT/OWNER:** Benjamin L. & Susanne G. Webb
- **GENERAL DISCUSSION:** Property was zoned multi-family pre-annexation and maintained that compatible zoning (R-5) after the Cahaba Heights annexation. It's our understanding that a single family home has always been on this lot, regardless of zoning. Applicant is requesting the single family rezoning to tear down the current structure and rebuild a single family home.
- **CAHABA HEIGHTS COMMUNITY PLAN:** The request is not necessarily consistent with the Cahaba Heights Community Plan for high density residential. However, the surrounding properties are medium density single family.
- **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. Gilchrist made a motion to recommend rezoning approval for 3293 Overton Trail from Vestavia Hills R-5 to Vestavia Hills R-2. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes
Mr. Weaver – yes
Mr. Gilchrist – yes
Motion carried.

Mr. Brooks – yes
Mrs. Cobb – yes
Mr. Larson – yes



LEGEND	
⊙	UTILITY POLE
(M)	MEASURED
(D)	DEED
—	OVERHEAD ELECTRIC
▨	ASPHALT
▤	CONCRETE

RESURVEY OF LOTS 8 AND 9 BLOCK 2 OF
A RESURVEY OF WELLINGTON
FIRST SECTOR
MB. 162, PG. 39

SCALE: 1" = 50'



DESCRIPTION: DB. 200602, PG. 3640

A parcel of land located in the SE 1/4 of the NE 1/4 of Section 15, Township 18 South, Range 2 West, more particularly described as follows: Commence at the NE corner of the SE 1/4 of the NE 1/4 of Section 15, Township 18 South, Range 2 West; thence in a southerly direction along the east boundary of said 1/4 - 1/4 section, 337.7 feet to the POINT OF BEGINNING; thence in a southerly direction along the east boundary of said 1/4 - 1/4 section, 105.8 feet; thence an angle to the right of 96 degrees 21 minutes, in a northwesterly direction, 348.3 feet to the intersection of the east boundary of Old Overton Road; thence in a northeasterly direction along the east boundary of Old Overton Road, a distance of 144.5 feet to the intersection of a straight line through the Point of Beginning and making an acute angle of intersection with the eastern boundary of said 1/4 - 1/4 section of 77 degrees 49 minutes; thence in a southeasterly direction, 348.1 feet to the POINT OF BEGINNING.

I 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 Surveying in the State of Alabama to the best of my knowledge, information, and belief.

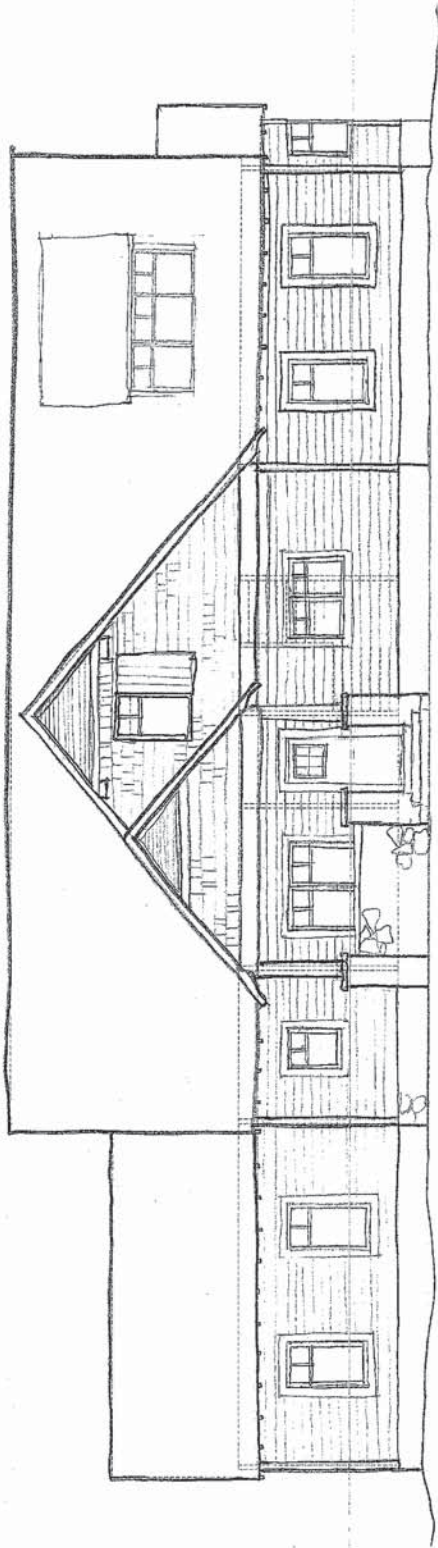
Surveyor's Signature: *[Signature]*
Alabama License Number 26013 Date: February 5, 2018



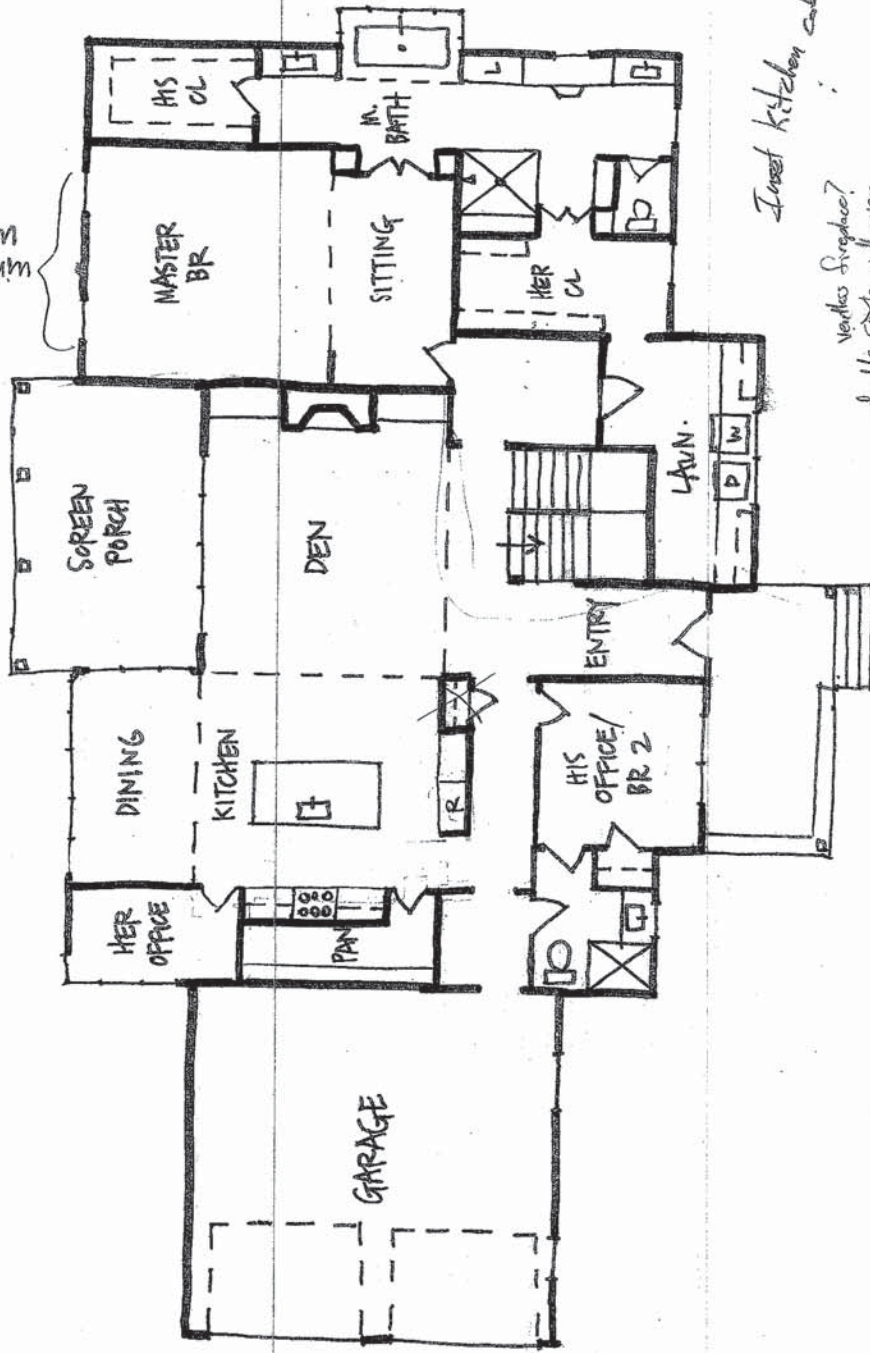
120 BISHOP CIRCLE, SUITE 300
PELHAM, AL 35124
TEL - (205) 403-9158
FAX - (205) 403-9175



- NOTE:
1. North arrow based on Deed.
 2. Date of field work: January 11, 2018.
 3. Type of survey Mortgage Survey.
 4. Survey for: Ben Webb
 5. Address: 3293 Overton Trail, Vestavia, Alabama.
 6. Survey not valid without original signature.



Window

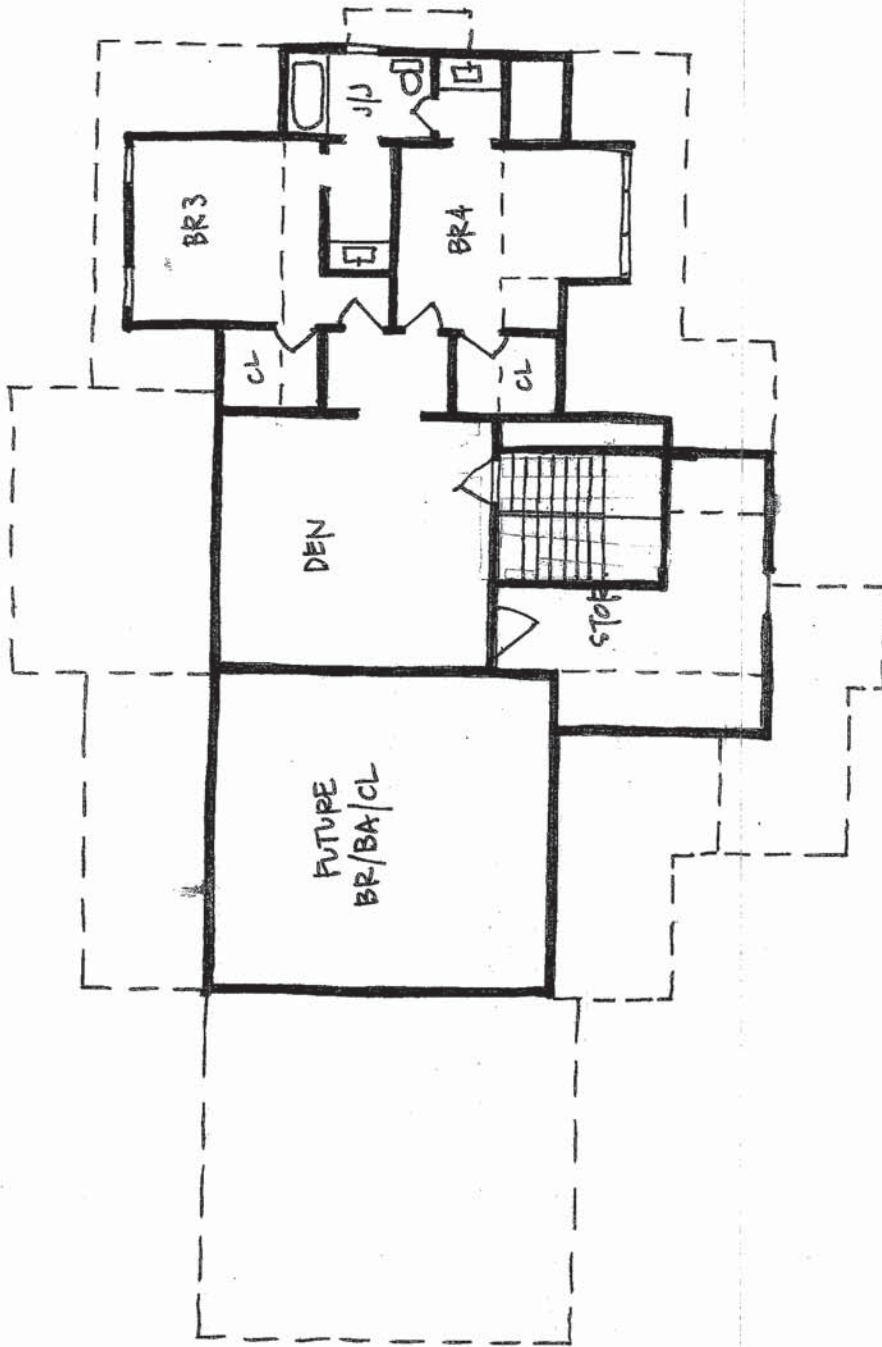


Insert kitchen cabinets

Vertical fireplace?
double side wall oven
wall microwave
range top

White plank floors

Can demo coat closed
Add 2' to Den + kitchen
Pantry can be smaller
3 car garage
Revised Kitchen, Den, DR
taller Den Ceilings
Master floor, 1, 2

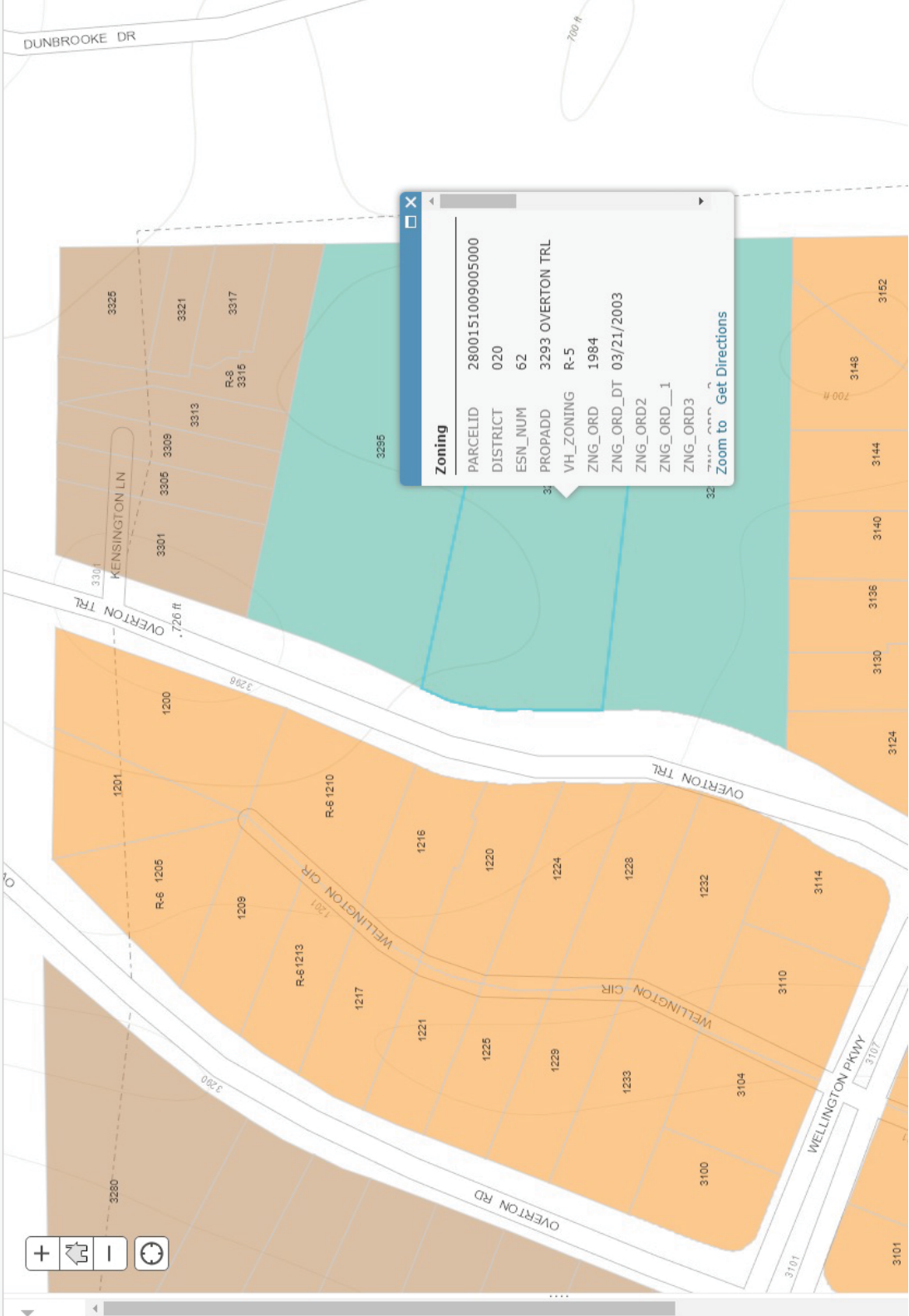


Legend

Address_Points

Zoning

- R-2
- PUD-PR-1
- R-1
- R-4
- R-6
- R-9
- R-3
- R-8
- R-5
- R-9*
- B-3
- RC-1
- A
- E-2
- B-2
- Inst-1
- R-1*
- O-1
- PUD-PB
- R-8*
- R-6*
- B-1



Subject Parcel

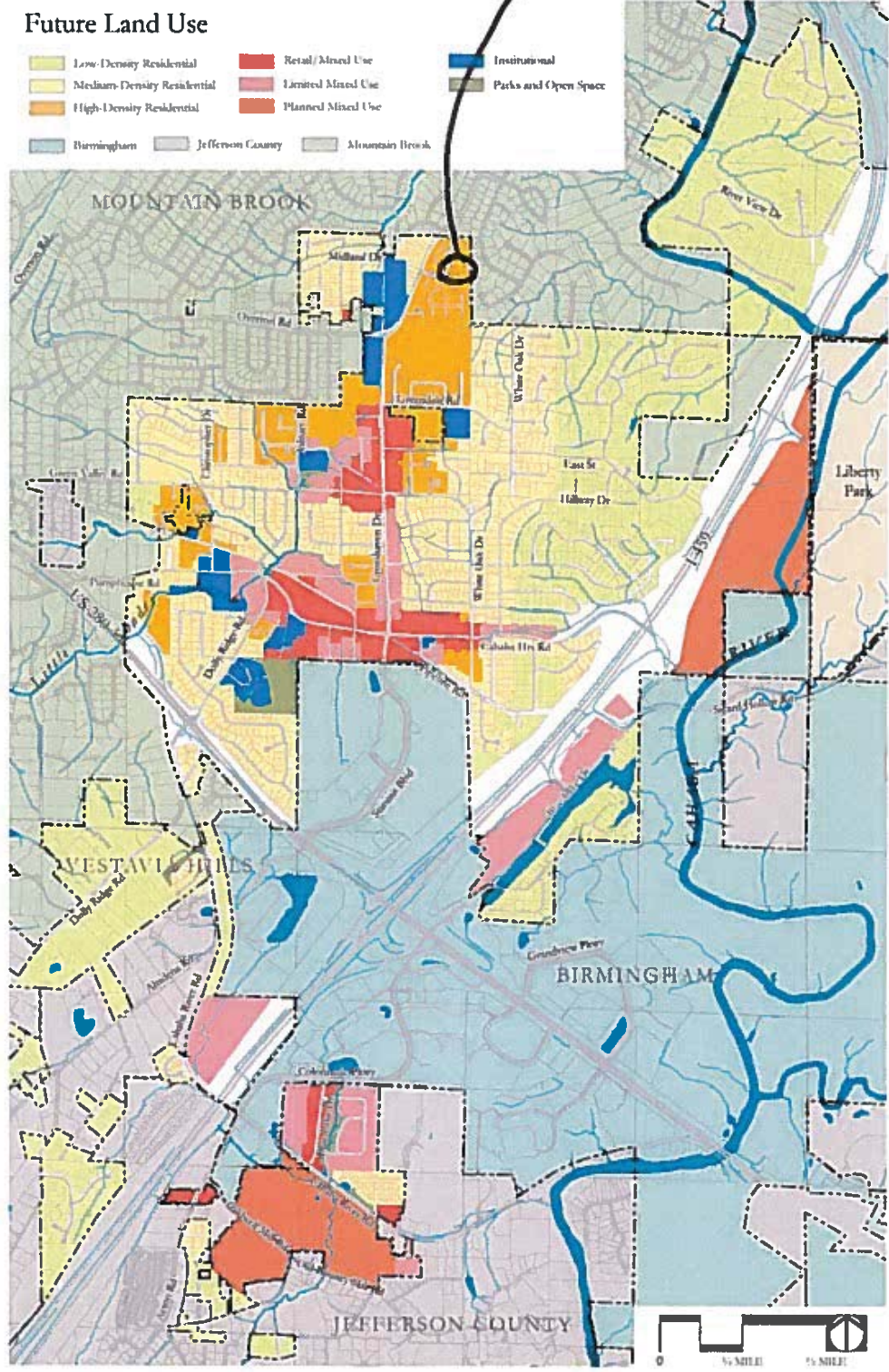


Figure 4: Future Land Use Map

ORDINANCE NUMBER 2763

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 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 single-family residential district) to Vestavia Hills O-1 (office park district):

3107 Timberlake Road
Estate of Ivorene Norris, Owner(s)

Legal Description of Property located at 3107 Timberlake Drive:

That part of the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 27, Township 18 South, Range 2 West, more particularly described as follows:
Begin at the Southwest corner of said $\frac{1}{4}$ - $\frac{1}{4}$ section and run thence Northerly along the West line for a distance of 594.5 feet; thence turn an angle of 90° to the right for a distance of 15.0 feet to the Point of Beginning of the tract herein described; thence Eastwardly along the same course last named for a distance of 200.00 feet; thence turn an angle of 90° to the right and run Southwardly a distance of 112.20 feet; thence turn an angle of 92°03' to the right and run Westwardly a distance of 200.13 feet; thence turn an angle of 87°57' to the right and run Northwardly a distance of 105.0 feet to the Point of Beginning.

BE IT FURTHER ORDAINED that said zoning shall be conditioned upon the following:

1. The proposed building shall be constructed substantially as presented (see attached drawings); and
2. The property shall be platted, approved and recorded in the Office of the Judge of Probate, Jefferson County.

APPROVED and ADOPTED this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2763 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 11th day of June, 2018, 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 _____, 2018.

Rebecca Leavings
City Clerk

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

Date: APRIL 12, 2018

- **CASE:** P-0418-15
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-1 Vestavia Hills O-1
- **ADDRESS/LOCATION:** 3107 Timberlake Rd.
- **APPLICANT/OWNER:** Estate of Ivorene Norris
- **REPRESENTING AGENT:** Chad Bryant, Russ Doyle
- **GENERAL DISCUSSION:** Property is on Timberlake Dr., and immediately adjacent to the rear of the Harris Doyle office building. Applicant is seeking rezoning to build an additional office building. The building would be two stories and 8,000 square feet. A preliminary site is attached.

The lot and building will be under the same ownership as the Harris Doyle building and will share parking and access from Blue Lake Dr. An additional access to Timberlake Dr. is proposed. All lots will be resurveyed into 1 lot at the completion of zoning.

- **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 approved and recorded and buildings be residentially styled, consistent with the neighborhood.
 2. **City Engineer Review:** No problems noted.
 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 for 3107 Timberlake Rd. from Vestavia Hills R-1 Vestavia Hills O-1 with the following conditions:

1. Building be designed as presented;
2. Rezoning will be contingent on resurvey.

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

Mr. Goodwin – yes

Mr. Weaver – yes

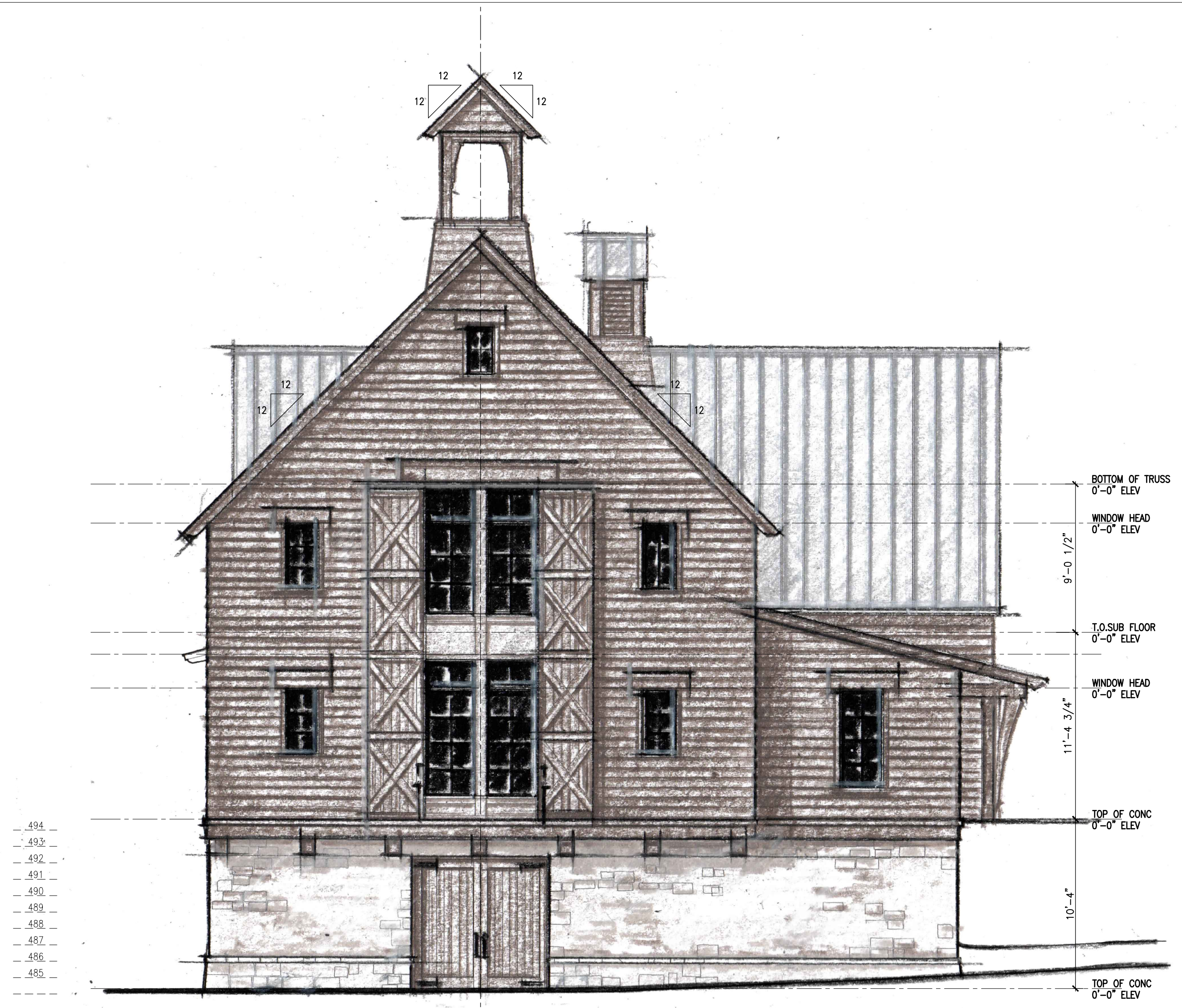
Mr. Gilchrist – yes

Motion carried.

Mr. Brooks – yes

Mrs. Cobb – yes

Mr. Larson – yes



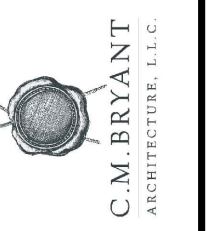
02 REAR ELEVATION
 SCALE: 3/16"=1'-0"



01 LEFT SIDE ELEVATION
 SCALE: 3/16"=1'-0"

DATE: 08/08/2018
 DRAWN BY: CHAD M. BRYANT
 CHECKED BY: JAMES H. STAFF
 REVIEWED BY:

NEW OFFICE BUILDINGS FOR:
HARRIS DOYLE HOMES
 3107 TIMBERLAKE DRIVE, VESTAVIA HILLS, ALABAMA, 35243

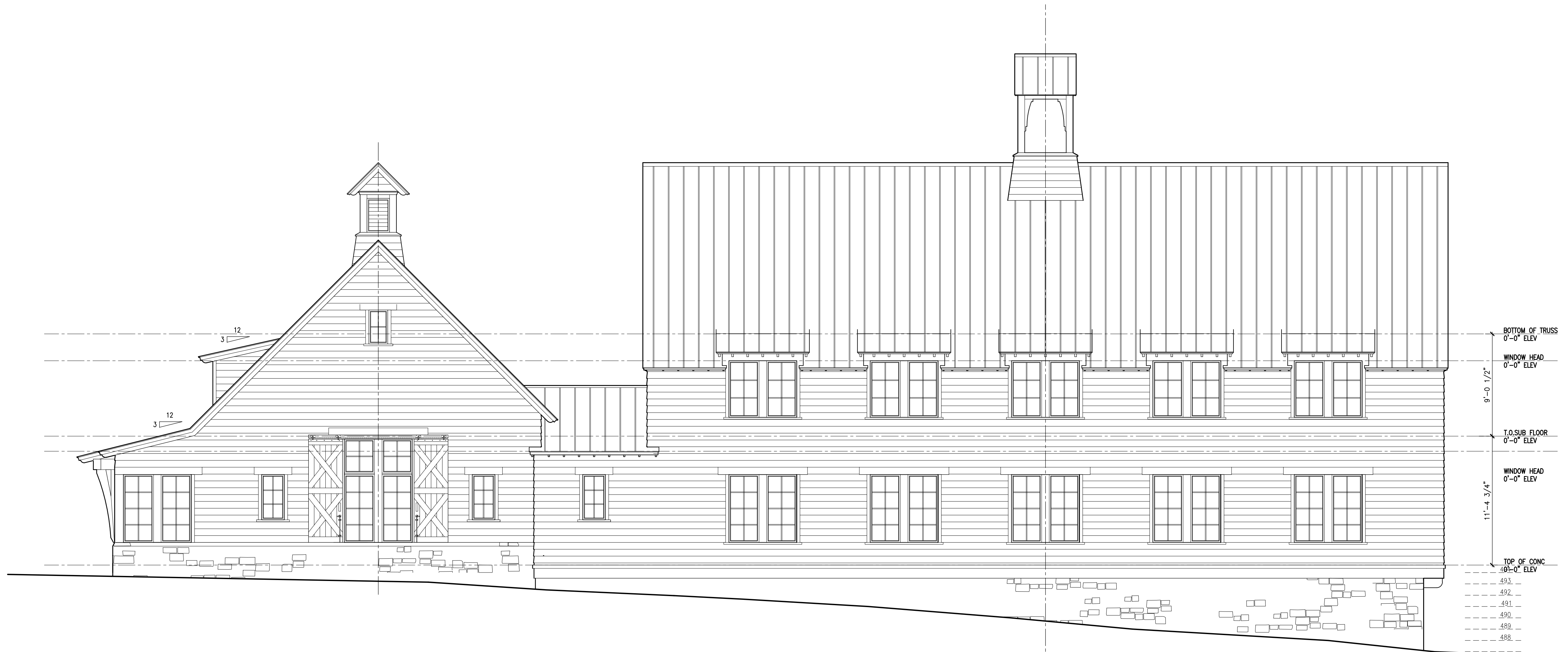


C.M. BRYANT
 ARCHITECTURAL, L.L.C.

SHEET
A301
 DRAWING
 EXTERIOR ELEVATIONS



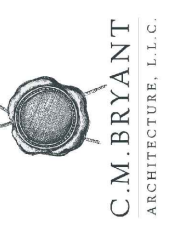
02 FRONT ELEVATION
 SCALE: 3/16"=1'-0"



01 RIGHT SIDE ELEVATION
 SCALE: 3/16"=1'-0"

DATE: 08/08/23
 DESIGNED BY: CHAD M. BRYANT
 CHECKED BY: CHAD M. BRYANT
 DRAWN BY: CHAD M. BRYANT

NEW OFFICE BUILDINGS FOR:
HARRIS DOYLE HOMES
 3107 TIMBERLAKE DRIVE, VESTAVIA HILLS, ALABAMA, 35243



C.M. BRYANT
 ARCHITECTURAL, L.L.C.

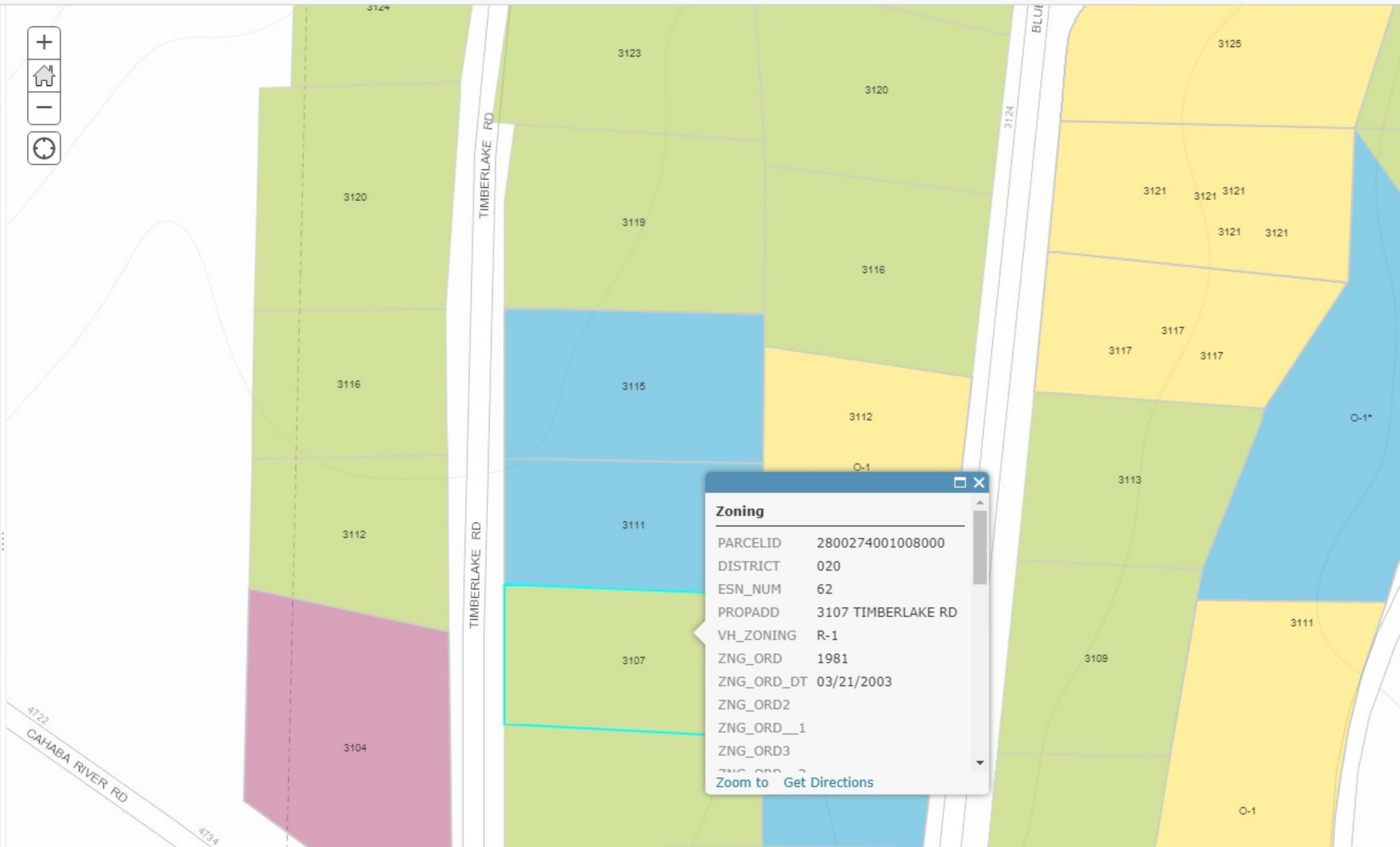
SHEET
A302
 DRAWING
 EXTERIOR ELEVATIONS

Legend

Address_Points

Zoning

- R-2
- PUD-PR-1
- R-1
- R-4
- R-6
- R-9
- R-3
- R-8
- R-5
- R-9*
- B-3
- RC-1
- A
- E-2
- B-2
- Inst-1
- R-1*
- O-1
- PUD-PB
- R-8*
- R-6*



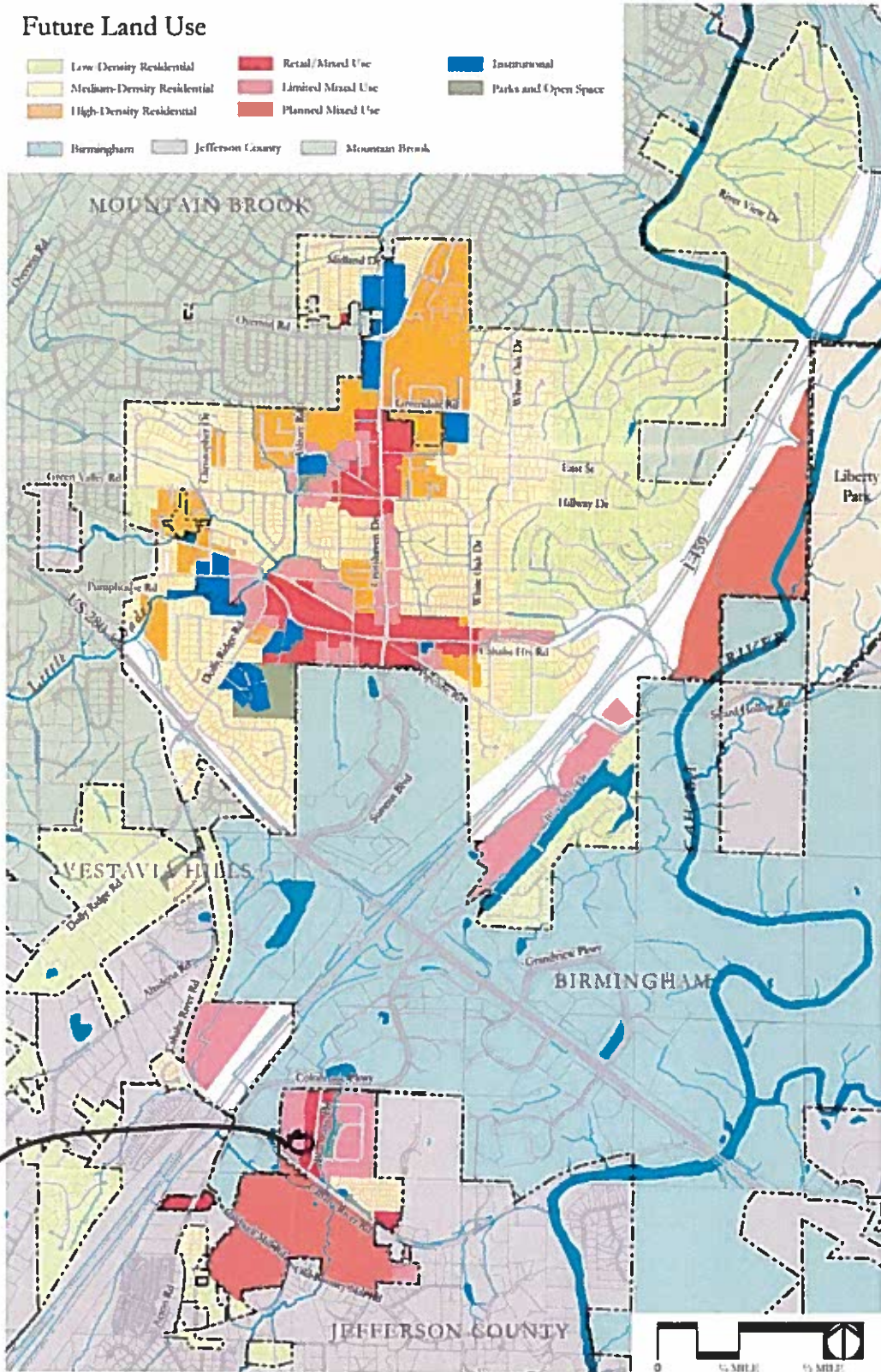
Zoning

PARCELID	2800274001008000
DISTRICT	020
ESN_NUM	62
PROPADD	3107 TIMBERLAKE RD
VH_ZONING	R-1
ZNG_ORD	1981
ZNG_ORD_DT	03/21/2003
ZNG_ORD2	
ZNG_ORD__1	
ZNG_ORD3	
ZNG_ORD_2	

[Zoom to](#) [Get Directions](#)

Future Land Use

- Low Density Residential
- Medium-Density Residential
- High-Density Residential
- Retail/Mixed Use
- Limited Mixed Use
- Planned Mixed Use
- Institutional
- Parks and Open Space
- Birmingham
- Jefferson County
- Mountain Brook



Subject
Parcels

Figure 4: Future Land Use Map

ORDINANCE NUMBER 2768

AN ORDINANCE PERTAINING TO THE START TIME FOR ON- PREMISES ALCOHOL SALES ON SUNDAYS.

WHEREAS, on May 26, 2017, the Legislature of the State of Alabama enacted Act Number 2017-444 now set forth as Title 28-3-24(a), *Code of Alabama, 1975*, which provides as follows:

“§28-3-24. Sunday sale of alcoholic beverages.

(a) In any county or municipality where the Sunday sale of alcoholic beverages is otherwise authorized by law, including the sale for on-premises consumption at a time after 10:00 a.m., the sale of alcoholic beverages on Sunday may be authorized for on-premises consumption commencing on Sunday at 10:00 a.m., and thereafter, by the county commission outside of the corporate limits of any municipality or the municipal governing body within the corporate limits of a municipality by ordinance or by resolution of the appropriate governing body.”; and

WHEREAS, Vestavia Hills restaurant owners have requested and support the allowance of such sale of alcoholic beverages to encourage economic growth and to encourage “brunch” business.

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

Section 1. ALCOHOLIC BEVERAGE OPERATIONS WITHIN THE CITY

Sales, Etc. After Hours For Persons Licensed For On-Premises Sales.

Any restaurant, including, but not limited to, full service restaurants, limited service restaurants, and restaurants that are accessory to hotels, country clubs, bowling alleys, and similar establishments holding an on-premises license issued by the State Alcoholic Beverage Control Board may begin serving alcohol at 10:00 a.m. on Sundays and

Section 2. SEVERABILITY.

If any part, section, or provision of this Ordinance shall hereafter be declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of any other section or provision of this Ordinance, which shall continue in full force and effect notwithstanding such holding; and

Section 3. EFFECTIVE DATE.

This Ordinance Number 2768 shall become effective immediately following publishing and/or posting in accordance with Alabama law.

ADOPTED AND APPROVED by the City Council of the City of Vestavia Hills, Alabama, this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # //// is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2769

AN ORDINANCE RESCINDING ORDINANCE NUMBER 1782 AND AMENDING CHAPTER 5.5; ARTICLE II, ENTITLED “EROSION AND SEDIMENT CONTROL” OF THE VESTAVIA HILLS CODE OF ORDINANCES

RECITALS

WHEREAS, the sedimentation of streams, lakes and other waters of this state constitutes a major pollution problem; and

WHEREAS, sedimentation occurs from the erosion or depositing of soil and other materials into the waters, and control of erosion and sedimentation is deemed vital to the public interest and is necessary to the public health and welfare, and expenditures of funds for an erosion and sedimentation control program shall be deemed to benefit the public health and welfare; and

WHEREAS, the purpose of this ordinance is to provide for the creation, administration, control and enforcement of a program to reduce erosion and sedimentation problems pursuant to the National Pollutant Discharge Elimination System ("NPDES") permit **ALS000017** from Alabama Department of Environmental Management ("ADEM") for storm water discharges from the Municipal Separate Storm Sewer System of the City of Vestavia Hills ("MS4"), which will permit the development in the City of Vestavia Hills, ("City") to continue with the least detrimental effects from pollution by sedimentation: and

WHEREAS, ADEM, pursuant to the authority delegated to it under the Clean Water Act, 33 U.S.C. Section 1251, *et seq.*, has required City to obtain a NPDES permit for storm water discharges from the MS4, effective March 1, 1995 and, therefore, City is subject to the federal storm water laws and regulations contained in 33 U.S.C. ¶ 1342 (P) and 40 C.F.R. 122.26, and is required to adopt a local erosion control ordinance. Act No. 95-775 of the Alabama State Legislature (Code of Alabama 1975, § 11-89C 1-14) and other provisions of the Code of Alabama 1975 grant the authority to adopt such ordinances to the governing bodies of all Class 1 municipalities within the State of Alabama, to the governing bodies of counties in which Class 1 municipalities are located and to the governing bodies of all other municipalities located within such counties, and where any such other municipality is also located partially within an adjoining county, then the governing body of such adjoining county and which governing bodies are specifically designated in 40 C.F.R.

part 122, Appendices F, G, H or I or by ADEM pursuant to the authority delegated to it under the Clean Water Act, 33 U.S.C. Section 1251, *et seq.*; and

WHEREAS, it is the purpose of this ordinance to protect and maintain the environment of the City and the short-term and long-term public health, safety and general welfare of the citizens of the City by controlling discharges of pollutants to the City's MS4, thereby, maintaining and improving the quality of the community waters into which the storm water outfalls flow, including, without limitation, the lakes, streams, ponds, wetlands, sinkholes and groundwater of the City; and

WHEREAS, this ordinance controls the discharge of certain non-storm water to the MS4 from land on which land-disturbing activities are conducted, to the maximum extent practicable, and provides enforcement procedures and penalties to ensure compliance with such controls; and

WHEREAS, it is further the purpose of this ordinance to enable the City to comply with the NPDES permit and applicable regulations (40 C.F.R. ¶ 122.26) for storm water discharges; and

WHEREAS, the objectives of this ordinance are to:

- a) Control:
 - i. the contribution of pollutants to the MS4 by storm water discharges associated with land-disturbing activities and
 - ii. the quality of storm water discharged to the MS4 from sites of land-disturbing activity;
- b) Prohibit illicit discharges to the MS4;
- c) Control the discharge to the MS4 of any spills, dumping or disposal of materials other than storm water from sites of land-disturbing activity; and
- d) Carry out all inspections, surveillance and monitoring procedures necessary to determine compliance and noncompliance with land-disturbing activity permits (singular, "Permit" and plural, "Permits").

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA ("CITY COUNCIL") that Ordinance Number 1782 hereby rescinded and that Chapter 5.5, Article II entitled "Erosion and Sediment Control" is amended in its entirety, as follows:

“Article 1 DEFINITIONS

Section 1.01 Definitions.

For the purposes of this ordinance, the following words and terms shall have the meaning assigned to them in this section.

Accidental Discharge - a discharge prohibited by this Article into the MS4 or community water which occurs by chance and without planning or consideration prior to occurrence.

Adverse Impact - any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property or to biological productivity, diversity or stability, or which would unreasonably interfere with the enjoyment of life or property.

Agriculture - activities undertaken on land for the production of plants, crops, and animals which are useful to man.

Alabama Department of Environmental Management (herein abbreviated as "ADEM") - the State of Alabama regulatory agency, created under Code of Alabama 1975, §22-22A-1, et seq., responsible for administering and enforcing the storm water laws of the United States of America and the State of Alabama.

Applicant - any person, firm, corporation or governmental agency who executes the necessary forms to procure approval of Best Management Practices Plans from the Official.

Best Management Practices (herein abbreviated as "BMP") - activities, prohibitions of practices, maintenance procedures and management practices designed to prevent or reduce the pollution of waters to the MS4. Best Management Practices also include treatment requirements, operating procedures and practices to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

Best Management Practices Plan - (herein abbreviated as "BMP Plan") - a set of drawings and/or other documents submitted by a person as a prerequisite to obtaining a Permit, which contain all of the information and specifications pertaining to BMP.

Clean Water Act - (herein abbreviated as "CWA") - the federal act (33 U.S.C. § 1251 through § 1387) which was formerly referred to as the Federal Water Pollution Control Act and Federal Water Pollution Control Act Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 6-483 and Public Law 97-117, 33 U.S.C. § 1251-1387.

Clearing - the removal of trees and brush from the land, not including the ordinary mowing of grass or the maintenance of previously cleared areas.

Community Waters - any or all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wetlands, wells and other bodies of natural or artificial surface or subsurface water into which the MS4 outfalls flow.

Contour - a line of equal elevation above a specified datum, usually mean sea level.

Contour Line - a line joining points having or representing equal elevations.

Discharge - the passing of water or other liquid through an opening or along a pipe,

- conduit or channel; the rate of flow of water, silt, or other mobile substance which emerges from a pipe, conduit or channel, usually expressed as cubic feet per second, gallons per minute or million gallons per day.
- Drainage* - the removal of surface water from a given area either by gravity or by pumping; commonly applied to surface water and groundwater.
- Drainage Area* - that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line; the area of a drainage basin or watershed, expressed in acres, square miles or other unit of area.
- Engineer* - a person currently licensed by the Alabama State Board of Registration for Professional Engineers and Land Surveyors to provide engineering services.
- Erosion* - wearing away of lands by running water.
- Erosion Control* - the application of measures to reduce erosion of land surfaces.
- Grading* - any act by which soil is cleared, stripped, stockpiled, excavated, scarified or filled, or any combination thereof.
- Illicit Connection* - any man-made conveyance connecting an illicit discharge directly to the MS4.
- Illicit Discharge* - any discharge that is not composed entirely of storm water, except discharges pursuant to a NPDES permit (other than NPDES Permit ALS000001) and discharges which are specifically excepted from this ordinance.
- Minor Extension* - an addition to an existing utility pipeline or other utility line in which the land disturbed consists of fewer than 7,500 linear feet.
- Municipal Separate Storm Sewer (herein abbreviated as "MS3")* - a conveyance or conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels and storm drains), owned or operated by a city, town or county or other public body (created by, or pursuant to, State law) having jurisdiction over storm water.
- Municipal Separate Storm Sewer System (herein abbreviated as "MS4")* - a system of municipal separate storm sewers, as defined hereinbefore.
- NPDES* - National Pollutant Discharge Elimination System.
- Outfall* - a point source (meaning any discernible, confined and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged, but not including return flows from irrigated agriculture or agricultural water runoff) at the point of a discharge to waters of the United States of America.
- Permit* - any permit issued pursuant to this ordinance.
- Permittee* - a person, party, government entity and all others who receive a permit to discharge under the NPDES.
- Pollutant* - includes, but is not limited to, the pollutants specified in Code of Alabama 1975, § 22-22-1(b) (3) and any other effluent characteristics specified in a Permit.
- Pollutant Loading* - the amount of a pollutant entering the MS4.
- Qualified Credentialed Professional* - a Certified Professional in Erosion and Sediment Control ("CPESC") as determined by the Soil and Water Conservation Society ("SWCS") or the International Erosion Control Association ("IECA"). Other registered or certified professionals such as a professional engineer or a landscape architect, registered land surveyor, registered architect, registered geologist,

registered forester, Registered Environmental Manager as determined by the National Registry of Environmental Professionals ("NREP"), Certified Professional Soil Scientist ("CPSS") as determined by the American Registry of Certified Professionals in Agronomy, Crops and Soils ("ARCPACS"), who can document the necessary education, training, and professional certification, registration, or credentials acceptable to the Official and can demonstrate proven experience in the field of erosion and sediment control shall be considered a qualified credentialed professional. The qualified credentialed professional must be in good standing with the authority granting the registration. The qualified credentialed professional must be familiar, and have expertise, with current industry standards for erosion and sediment controls and must be able to inspect and assure that nonstructural BMPs or other pollution control devices (silt fences, erosion control fabric, rock check devices, etc.) and erosion control efforts, such as grading, mulching, seeding and growth management, or management strategies have been properly implemented and regularly maintained according to good engineering practices and the requirements of this permit. A professional engineer ("PE") registered in the state of Alabama must certify the design and construction of structural practices such as spill prevention control and counter measures ("SPCC") plan containment structures, dam construction, etc.

Sediment - solid material settled from suspension in a liquid that has been transported and deposited from its site of origin by air, water, ice or gravity as a product of erosion and has come to rest on the earth's surface either above or below a water surface, usually, inorganic or organic particles originating from weathering, chemical precipitation, or biological activity.

Silviculture - the care and cultivation of forest trees, including site preparation, planting, pruning, thinning and harvesting.

Site - any tract, lot or parcel of land or combination of contiguous tracts, lots or parcels of land which are in one ownership, and any combination of tracts, lots and parcels which are contiguous, are owned by two or more parties and are to be developed as a unit, subdivision or project.

Stabilization - the prevention of soil movement by any of various vegetative and/or structural means.

Storm Water - the excess water running off from the surface of a drainage area during and immediately after a period of rain. It is that portion of the rainfall and resulting surface flow that is in excess of that which can be absorbed through the infiltration capacity of the surface of the basin.

Storm Water Management - the incorporation of a variety of activities and equipment into a plan to address concerns associated with Storm Water for the purpose of preventing pollution, improving water quality, keeping pollutants out of runoff, and the implementation of Best Management Practices.

Storm Water Management Program - (herein referred to as "the Management Program" or "the Program") - a program which covers the duration of the permit. It shall include a comprehensive planning process which involves public participation and, where necessary, intergovernmental coordination, to reduce the discharge of pollutants, to the maximum extent practicable, using management practices control techniques and system design and engineering methods and such other provisions which are appropriate.

Storm Water Permit - a permit which grants permission to the holder to discharge storm water to the MS4 under the NPDES.

Stream - a course of running water usually flowing in a particular direction in a definite channel and discharging into some other course of running water or body of water.

Structural Controls - measures incorporated into existing Storm Water drainage systems or newly constructed systems to prevent or minimize the discharge of pollutants for the purpose of maintaining and/or improving water quantity and quality management; quantitative control by a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; qualitative control by a system of vegetative, structural and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

Turbidity - a condition in water or wastewater caused by the presence of suspended matter, resulting in the scattering and absorption of light rays. A measure of fine suspended matter in liquids.

Utility - a business or service which is engaged in regularly supplying the public with some commodity or service which is of public consequence and need, such as electricity, gas, water, telephone service and telegraph service.

Variance - the modification of the minimum storm water management requirements in situations in which exceptional circumstances, applicable to the site with respect to which the variance is requested, exist so that strict adherence to the provisions of this ordinance would result in unnecessary hardship and the granting of such modification would not result in a condition contrary to the intent of this ordinance.

Article 2
ADMINISTRATION

Section 2.01

The municipal engineer for the City, the municipal official or employee who is a qualified credentialed professional, such other municipal official or municipal employee who has had sufficient experience dealing with BMP design to enable them to enforce the provisions of this ordinance, an individual or agency contracted to provide such service, shall be responsible, on behalf of the City (“Official”), to enforce the provisions of this ordinance (whenever the word "Official" is used in this ordinance, it shall include the authorized agent of the Official).

Article 3 APPLICATION AND FEES

Section 3.01 Application.

- a. Before the commencement of any land-disturbing activity that is not exempted from obtaining a Permit under this ordinance, the owner of the land on which such activity shall be conducted, or his duly authorized agent, must file with the Department of Building Safety an application for the approval of the owner's BMP Plan. The Official must either approve or disapprove the BMP Plan within fourteen (14) days of the day it is filed with the Official. If the BMP Plan is disapproved, the Official must inform the Applicant, in writing, of the reasons for its disapproval. If the Applicant, on one or more occasions, revises the BMP Plan or submits to the Official additional documents or information in connection with the BMP Plan, the Official must make a written response to the Applicant with respect to whether such revised BMP Plan and/or additional documents and information have been approved or disapproved by the Official. All such additional responses must be made by the Official to the Applicant within fourteen (14) days of the day such revised BMP Plan or additional documents or information are submitted to the Official. The land-disturbing activity may not be commenced prior to the issuance of the Permit by the Official. The issuance of the Permit shall not excuse the owner from the need to obtain other required state and local permits or licenses.
- b. The minimum standards for the issuance of a Permit must meet the requirements of this ordinance
- c. Facilities that are covered under an ADEM NPDES permit for storm water discharge associated with construction activities ("ADEM NPDES permit") shall submit an ADEM Notice of Registration (NOR) with their application. The Notice of Intent (NOI) may be provided until the NOR is received from ADEM. Copies of all monitoring data and reports shall be submitted to the City in the same manner as they are submitted to ADEM and in the frequency specified by the City.

Section 3.02 Permit Application Fee.

Each application for the issuance of a Permit shall be accompanied by a non-refundable fee of four hundred dollars (\$400), for individual single family residences and one thousand dollars (\$1000), for all other types of land disturbing activities, to help defray the City's cost of processing and reviewing the application and the inspections associated with the application. Sites that are required to have Post-Construction controls as stated in Ordinance Number 2769 will have an additional fee of two thousand dollars (\$2000) to defray the City's cost of processing and reviewing the structure's design and the associated inspection and maintenance BMPs. The applicant must submit three sets of its BMP Plan with its application and fee to the Official.

Section 3.03 Post Construction Annual Issuance Fee.

An annual issuance fee of \$50.00 will be paid to the City to defray the administrative cost of inspecting Post-Construction controls and maintaining inspection records.

Section 3.04 Data Required on the Application for a Permit.

- a. All applications for a Permit must include the following information:

1. name of Applicant;
 2. telephone number of applicant, telecopier number, if any, of applicant, and e-mail address, if any, of Applicant;
 3. address where Applicant, or other person who can furnish information about the land-disturbing activity can be reached;
 4. name, address, telephone number, telecopier number, if any, and e-mail address, if any, of the owner of the project, the owner of the property on which the project is to be located and the ground lessee of the property, if any, on which the land-disturbing activity is to be conducted if the applicant is not the owner of the project and such property;
 5. legal description and address, if any, of the property upon which the land-disturbing activity is to be conducted;
 6. names, addresses, telephone numbers, telecopier numbers, if any, and e-mail addresses, if any, of all contractors and subcontractors who shall implement any BMP Plan; provided, however, that if the contractor and the subcontractors have not been selected when the application for a permit is filed, the Applicant shall furnish such information to the Official within five (5) days of the day or days on which the contractor and/or subcontractors are selected;
 7. name, address, telephone number, telecopier number, if any, and e-mail address, if any, of the qualified credentialed professional who has approved the BMP Plan application (this is required for all land-disturbing activities except those related to the construction of individual single-family residences);
 8. each application for a Permit must be accompanied by a map or a plot of the land on which the land-disturbing activity will be conducted and any other information that is required under the provisions of Article 5.
- b. The detail of the BMP Plan must be commensurate with the size of the project, severity of the site condition and potential for off-site damage, as provided in Article 5

Section 3.05 Maintenance of Records.

Records of compliance with the provisions of the Permit shall be maintained in the office of the owner or the applicant, shall be available to the Contact Person and shall be made available at any time for review by the Official; provided, that if such records are maintained without the State of Alabama and, because of their size, cannot be transmitted to the Official by telecopier, such records must be delivered to the Official (at no expense to the City or the Official) within forty-eight (48) hours of the earliest of the receipt by the owner, applicant or Contact Person of a request by the Official for such records.

Section 3.06 Amended Application; Transfer of Permit.

- a. A Permit may be amended, without the payment of an additional fee, upon the filing with the Official of an amended or restated Permit application, containing all changes from the original application; provided, that the holder of the Permit shows to the reasonable satisfaction of the Official that there are no proposed changes which may affect the quantity and/or quality of storm water runoff. If an amended or restated application is filed with the Official with respect to land-disturbing activities

for which a Permit has been issued, such existing Permit shall continue in effect, and the holder of the Permit may continue to operate under it unless and until an amended Permit is issued in response to the amended or restated application ("Amended Permit") at which time the original Permit shall expire and all land-disturbing activities must be conducted in accordance with the Amended Permit.

- b. A Permit may be transferred, without the payment of an additional fee, upon the filing with the Official of an application for transfer; provided, that the holder and proposed transferee of the Permit show to the reasonable satisfaction of the Official that, upon or following the transfer, there will be no proposed changes which may affect the quantity and/or quality of storm water runoff. If there is a request for the transfer of a Permit and there are to be one or more changes in the operation of the project which is the source of the land-disturbing activity which may affect the quantity and/or quality of storm water runoff, the new owner or operator of such project must apply to the City for a new Permit prior to his involvement with the operation of such project.

Section 3.07 Signatory Requirements.

- a) All applications and correspondence required by this ordinance to be submitted to the Official shall be signed as follows:
 1. If an application or correspondence is submitted by a corporation, it must be signed by the president of the corporation or by a vice-president of the corporation who is in charge of a principal business function of the corporation, or any other person who performs similar policy-making or decision-making functions for the corporation, or who has been authorized to sign such applications and/or correspondence by a resolution adopted by the board of directors of the corporation. Proof of the authority of the signatory shall be provided to the Official, upon his request.
 2. If an application or correspondence is submitted by a limited liability company, it must be signed by a manager or other person who serves the same or similar function as the president of a corporation.
 3. If an application or correspondence is submitted by a partnership, it must be signed by a general partner of the partnership.
 4. If an application or correspondence is submitted by a sole proprietorship, it must be signed by the proprietor.
 5. If an application or correspondence is submitted by a municipality, the State or the federal government or by any municipal, state or federal agency, it must be signed by either the chief executive officer or a principal executive officer of any such government or by either the chief executive officer, a principal executive officer or a senior executive officer having responsibility for the overall operations of a principal geographic unit of any such governmental agency.
- b) Any person signing any application or correspondence required by this ordinance shall make the following certification: "I certify, under penalty of law, that this document and all attachments were prepared under my direction or supervision and that I have personally examined, and I am familiar with, the information in this document and such attachments. Based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the

submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and civil penalty.

Article 4 EXCLUSION

Section 4.01

No person may conduct any land-disturbing activity without having obtained a Permit from the Official.

Section 4.02

Land-disturbing activities shall include any land change which may result in soil erosion from water or wind and the movement of sediment to the MS4, including, but not limited to, the clearing, dredging, grading, excavating, transporting and filling of land, except that the term shall not include the following:

- a) Any land change on property about which the owner of the property has submitted information to the Authority proving, to the satisfaction of the Authority, that such property does not drain to the MS4. Such information may be submitted to the Official, who shall promptly deliver it to the Authority, and the determination as to whether such property drains to the MS4 shall be made by the Authority.
- b) Agriculture.
- c) Silviculture.
- d) Such minor land-disturbing activities as home gardens, landscaping on individual residential lots (excluding landscaping performed by, or on behalf of, a developer or builder, who builds a house on any such lot), home repairs, home maintenance work, minor additions to houses, the construction, maintenance or repair of accessory structures and other related activities which result in minor soil erosion.
- e) Minor land-disturbing activities such as individual connections for utility services and sewer services for single or two-family residences, minor grading for driveways, yard areas and sidewalks, excluding any grading done by, or on behalf of, a developer or builder in connection with the construction of a house.
- f) Minor maintenance, minor repair, and the minor extension of any existing underground public utility lines, except sewer lines; provided, that the utility company which owns such lines has received approval of a general BMP Plan from the Authority for such maintenance, repair, and extension; and provided further, that any utility company making a minor extension in connection with which the land disturbed consists of more than 1,000 linear feet must give the Official written notice of such extension prior to the commencement of such minor extension.
- g) The construction, repair or rebuilding of railroad tracks.
- h) Minor subsurface exploratory excavations under the direction of soils engineers or engineering geologists.
- i) The opening of individual burial sites in property which has been approved for such use by all necessary governmental authorities.
- j) Digging of water wells or environmental monitoring wells.

The activities referred to in items (b) through (i) above may be undertaken without a Permit; however, the persons conducting these excluded activities shall remain responsible for otherwise conducting such activities in accordance with the provisions of this ordinance and any other applicable law, including the proper control of

sedimentation and runoff to the MS4. This ordinance shall apply to such land-disturbing activities that drain to the MS4 if a storm water pollution problem is shown to be caused by such activity following monitoring procedures and complaints.

Article 5 BMP APPROVAL REQUIREMENTS

Section 5.01 General Requirements.

No land-disturbing activity shall be conducted within the City until a Permit has been issued by the Official allowing such activity pursuant to the provisions of this ordinance. The following are BMP approval requirements:

- (a) Persons conducting land-disturbing activities shall take all reasonable measures referred to, or provided for, in this ordinance to protect all public and private property from damage caused by such activities and to reduce storm water pollution to the maximum extent practicable.

No land-disturbing activities subject to this ordinance shall be undertaken

- (b) except in accordance with the following requirements:
 1. The person(s) proposing to conduct any land-disturbing activity or an agent, contractor or other representative of such person must contact the Official at least five (5) business days before commencement of the land-disturbing activity to advise the Official of the commencement of such land-disturbing activity, unless, for good cause shown, the Official permits such person, contractor, agent or other representative to contact him nearer to the date of the commencement of such land-disturbing activity.
 2. Other than land-clearing activities required to install the appropriate BMP in accordance with BMP Plans, any down slope erosion and sediment control measures, on-site stream channel protection and upslope diversion of drainage required by the BMP Plan shall be in place and functional before any clearing or earth- moving operations begin, and shall be constructed and maintained throughout the construction period. Temporary measures may be removed at the beginning of the workday, but shall be replaced at the end of the workday.
 3. The angle for graded slopes and fills shall be no greater than the angle, which can be retained by vegetative cover or other adequate erosion control devices or structures. Any slope or fill which has been graded shall, within fourteen (14) days of the completion of such grading or the completion of any phase of grading, be planted or otherwise provided with ground cover, materials, devices or structures sufficient to restrain erosion. The BMPs shall remain in place in accordance with the BMP Plan until the graded slope or fill is stabilized.
 4. Adequate protective measures shall be provided for the containment of hazardous substances and any other materials which may pollute the MS4, including petroleum products, lubricants and paint.
 5. All control measures shall be checked, and repaired as necessary, monthly in dry periods and within twenty-four (24) hours after any rainfall at the site of 0.75 inch within a twenty-four (24)-hour period. During prolonged rainfalls, daily checking and, if necessary, repairing shall be done. The Permittee shall maintain written records of such checks and repairs, which records shall be subject to the inspection of the Official at any reasonable time.
 6. The BMP Plan shall show the size of disturbed area and a schedule of the projected starting and completion dates of the land- disturbing activity.

7. A site plan, accompanied by a written description of BMPs which are shown on the site plan and a schedule of implementation during land-disturbing activities and construction shall be furnished to the Official prior to the commencement of any land-disturbing activities.
8. A description of, and procedures for, proper storage, handling and disposal of construction materials stored on-site which could contribute to the pollutant loading to the MS4, shall be furnished to the Official prior to the commencement of any land-disturbing activities.

Section 5.02 Design and Performance Standards.

The following are required for all land-disturbing activities except those related to the construction of individual single-family residences.

All applications for a Permit must contain, or be accompanied by, the materials and information necessary to satisfy the requirements of Sections 5.01 and 5.02 and must be accompanied by a soil erosion and sediment control plan ("Control Plan"). The Control Plan shall be prepared by a Qualified Credentialed Professional and shall include the following:

- (a) The Control Plan shall be accompanied by a map or plot of the property upon which land-disturbing activities are to be conducted, prepared by a registered land surveyor, showing the present contour lines of such property, and the present contour lines of at least the nearest twenty-five (25) feet of the properties immediately adjacent to such property and the existing grades and elevations of all streets which abut such property. Such map or plot shall show all existing drainage facilities and all natural drainage on such property and on such adjacent property.
- (b) All proposed contours, the proposed temporary and permanent disposition of surface water and the proposed drainage structures; provided, however, the Control Plans for utility projects, except sewer projects, shall not be required to show the proposed contours.
- (c) The proposed contours in the map or plot shall be depicted in contour intervals of two (2) or fewer feet; provided, however, the Control Plans for utility projects, except sewer projects, shall not be required to show the proposed contours. All maps, plots and plans submitted shall be on a sheet of paper at least twenty-four (24) inches by thirty-six (36) inches and drawn to a scale of not less than one inch equals 100 feet. Contour intervals of more than two (2) feet and maps, plots or plans which are smaller than the required size may be approved by the Official, upon written request and for good cause shown.
- (d) The Control Plan shall contain a description of the existing site conditions, a description of adjacent topographical features, the information necessary to determine the erosion qualities of the soil on the site, potential problem areas of soil and erosion and sedimentation, soil stabilization specifications, storm water management considerations, a projected time schedule for the commencement and completion of the land-disturbing activity, specifications for BMP Plan maintenance during the project and after the completion of the project, clearing and grading limits, and all other information needed to depict accurately the solutions to potential soil erosion and sedimentation problems to the MS4. The Control Plan shall include the series of BMPs and shall be reviewed by, and subject to the approval of,

- the Official prior to the issuance of the Permit.
- (e) Where appropriate, in the opinion of the qualified credentialed professional who prepares the Control Plan, to the maximum extent practicable, the Control Plan shall include measures to reduce erosion and other adverse impact to MS4 drainage which would result from an increase in the volume of water and the rate of runoff of water during the conduct of land-disturbing activities.
 - (f) Whenever the Official determines that a Control Plan does not comply with this ordinance, he shall notify the applicant in writing of the ways in which the Control Plan does not comply with this ordinance.
 - (g) To the maximum extent practicable, sediment in runoff water must be minimized by using appropriate BMPs.
 - (h) Structural controls shall be designed and maintained as required to minimize erosion and pollution to the maximum extent practicable. All surface water flowing toward the construction area shall, to the maximum extent practicable, either be passed through the site in a protected channel or diverted by using berms, channels or sediment traps, as necessary. Erosion and sediment control measures shall be designed, according to the size and slope of the disturbed areas or drainage areas, to minimize erosion and to control sediment, to the maximum extent practicable. Discharges from sediment basins and traps must be conducted in a manner consistent with good engineering practices. Sediment-laden, or otherwise polluted, water discharged to MS4 must be addressed in a manner consistent with good engineering practices and the requirements of this ordinance.
 - (i) Control measures shall be maintained as an effective barrier to sedimentation and erosion in accordance with the provisions of this ordinance.
 - (j) There shall be no distinctly visible floating scum, oil or other matter contained in the storm water discharge. The storm water discharge to an MS4 must not cause an unnatural color (except dyes or other substances discharged to an MS4 for the purpose of environmental studies and which do not have a harmful effect on the bodies of water within the MS4) or odor in the community waters. The storm water discharge to the MS4 must result in no materials in concentrations sufficient to be hazardous or otherwise detrimental to humans, livestock, wildlife, plant life or fish and aquatic life in the community waters.
 - (k) When the land-disturbing activity is finished and stable vegetation or other permanent controls have been established on all remaining exposed soil, the owner of the land where the land- disturbing activity was conducted, or his authorized agent, shall notify the Official of these facts, and request a final inspection. The Official shall then inspect the site within five (5) working days after receipt of the notice, and may require additional measures to stabilize the soil and control erosion and sedimentation. If additional measures are required by the Official, written notice of such additional measures shall be delivered to the owner, and the owner shall continue to be covered by the Permit issued with respect to the land-disturbing activity until a final and complete inspection is made and the Official approves the project as having been satisfactorily completed and delivers to the owner, within ten (10) days of the date of such approval, a certification of completion showing that the requirements of the Permit have been fulfilled. At that time the site and/or the project constructed thereon may come under the operation of other ordinances of the City.

- (l) The Control Plan must be accompanied by a letter of credit, a surety bond or a cash bond, with the City having the right to determine which type of security shall be furnished. A letter of credit, a surety bond or a cash bond (a letter of credit, a surety bond and a cash bond shall be herein collectively referred to as "Security") shall be furnished to the City in accordance with the following provisions:
 1. The Official shall require a letter of credit, a surety bond or a cash bond in such amount as specified herein to assure that the work, if not completed or if not in accordance with the permitted plans and specifications will be corrected to eliminate hazardous conditions, erosion and/or drainage problems. In lieu of a letter of credit or a surety bond required by the City, the owner may file a cash bond with the City in an amount equal to that which would be required in the letter of credit or the surety bond.
 2. The Security shall contain, or have attached to it as an exhibit, a legal description of the site. The Security shall remain in effect for such reasonable period of time as may be required by the Official.
 3. The Security for clearing operations only shall be in the amount of \$2,000 per acre for each acre, or fraction of an acre, disturbed or affected by such operations.
 4. The Security for earthwork or clearing and earthwork operations shall be in the amount of \$5,000 per acre for each acre, or fraction of an acre, disturbed or affected by such operations.
 5. The Security for earthwork or clearing and earthwork operations for an individual single family residence may be reduced to \$3,000 with proof of completion of either the Jefferson County Erosion Workshop or the Qualified Credentialed Inspector (QCI) certification.
 6. Security equal to double the amounts required in subsections (3) and (4) herein, shall be required where clearing or earthwork is performed in areas designated as floodways, floodplains or areas susceptible to landslides.
 7. Each letter of credit must be issued by a bank which has its principal office in Jefferson County, Alabama.
 8. Each letter of credit must be issued by a bank which is reasonably satisfactory to the City and each surety bond must be issued by a surety company which is qualified to do business in Alabama and which is otherwise reasonably satisfactory to the City.

Article 6

MONITORING AND INSPECTION

Section 6.01

The Official may periodically monitor the quality of storm water and the concentration of pollutants in storm water discharges from land-disturbing activities permitted to the MS4 pursuant to this ordinance.

Section 6.02 Inspections.

- (a) The Official, bearing proper identification, may enter and inspect all land-disturbing activities for regular periodic inspections, investigations, monitoring, observations, measurements, enforcement, sampling and testing to verify compliance with the provisions of this ordinance and the specific BMP Plans and Control Plans for such land-disturbing activities. The Official shall notify the owner of such property, his Contact Person or his representative on the construction site prior to inspection, and the inspections shall be conducted at reasonable times. The owner or operator of a construction site with respect to which an NPDES permit has been issued shall provide the Official with the information required in Section 3.01(c) prior to the commencement of the work on the construction site. The Official shall inspect the construction site to confirm the implementation and the maintenance of BMP Plans, otherwise, such site shall be inspected when the Official believes, as a result of complaints or monitoring activity, that land-disturbing activities on the site are causing a substantial pollutant loading which threatens the MS4.
- (b) Upon the refusal by any property owner to allow the Official to enter, or to continue an inspection on, a site on which land-disturbing activities or construction work is being done, the Official shall terminate the inspection or confine the inspection to areas to which no objection is raised. If an agent of the Official was making, or attempting to make, such inspection, the agent shall promptly report to the Official the refusal and the reasons for the refusal, if the reasons are known by the agent. The Official may seek appropriate legal remedies to enable him to make or complete such Inspection, including seeking appropriate legal remedies from any court having jurisdiction over the matter. If the court grants a remedy to the Official, the property owner must reimburse the City all of the costs and expenses incurred by the City in obtaining such remedy, including court costs and reasonable attorneys' fees.
- (c) If the Official has reasonable cause to believe that discharges from the land-disturbing activities to the MS4 may cause an imminent threat to human health or the environment, an inspection of the site may take place at any time and without notice to the owner of the property or a representative on site. The Official shall present proper credentials upon request of the owner or his representative.
- (d) At any time during the conduct of an inspection, or at such other times as the Official may request information from an owner or his representative, the owner or representative may identify areas of its business, material or processes which contain a trade secret and an inspection of which might reveal such trade secret. If the Official has no clear and convincing reason to question such assertion of the owner or his representative, the inspection report shall note that trade secret

information has been omitted. To the extent practicable, the Official shall protect all information which is designated as a trade secret by the owner or his representative.

Article 7 ENFORCEMENT AND ABATEMENT

Section 7.01 NPDES Permits for Storm Water Discharge Associated with Construction Activities.

- a. No enforcement action shall be taken by the City for a violation of the terms of this ordinance if any of the following has occurred:
 1. ADEM has issued a notice of violation with respect to the same alleged violation and is proceeding with an enforcement action with respect to such alleged violation;
ADEM has issued an administrative order with respect to the same
 2. alleged violation and is proceeding with an enforcement action with respect to such violation; or
 3. ADEM has commenced, and is proceeding with, an enforcement action, or has completed any other type of administrative or civil action, with respect to such alleged violation.
- b. Any determination or resolution made by ADEM with respect to an alleged violation shall be final, and the alleged violation shall not be made the subject of any additional enforcement action by the City; provided, however, that an enforcement action may be pursued by the City for continued or continuing substantial violations, subject to the provisions of Section 7.03(b) and pursuant to the following:
 1. ADEM will provide the Official with access to the ADEM NPDES permits issued with respect to each property within its jurisdiction, including inspections and notification of any enforcement actions taken by ADEM.
 2. The Official will notify ADEM and the permit holder, in writing, when the Official demonstrates that an NPDES permit holder is causing a substantial pollutant loading to the MS4.
 3. The Official may rely on ADEM to regulate, and to take enforcement actions against Permittees until such time as a Permittee is in continuing substantial violation of its NPDES permit and ADEM has failed to respond in a timely manner in accordance with Code of Alabama 1975, § 11-89C-1 et seq. If there is a continuing substantial violation of an ADEM NPDES permit and ADEM fails to respond as stated above, the Permittee shall be subject to this ordinance for that violation.

Section 7.02 Immediate Threats to Public Health or Welfare.

Notwithstanding any other provision in this ordinance to the contrary, in the event of an immediate threat to the public health or welfare, the Official may take all appropriate measures to remove or alleviate such threat.

Section 7.03 Notification; Enforcement Remedies.

- a. Verbal Warning: Whenever the Official finds that any person is in violation of any provision of this ordinance, or any order issued hereunder, the Official or his agent may serve upon such person a verbal warning of violation.
- b. Notification of Violation: Whenever the Official finds that any person is in violation of any provision of this ordinance, or any order issued hereunder, the Official or his agent may serve upon such person written notice of the violation. Within ten (10)

calendar days of the date of such notice, an explanation of the violation and a plan for the satisfactory correction and future prevention thereof, including specific required actions, shall be submitted to the Official. Submission of such plan shall in no way relieve such person in violation of this ordinance of liability for any violations occurring before or after receipt of the notice of violation.

- c. Compliance Order: When the Official finds that any person has violated, or continues to violate, this ordinance, he may issue a compliance order to the violator, directing that, within a specified time period, adequate structures and devices be installed, or procedures implemented, and properly operated, or other action be taken, to remedy such violation. Compliance orders may also contain such other requirements as may be reasonably necessary and appropriate to address such violation, including the construction of appropriate structures, installation of devices and self-monitoring and management practices.
- d. Cease and Desist Orders: When the Official finds that any person has violated, or continues to violate, this ordinance or any order issued under this ordinance; the Official may issue an order to such person to cease and desist all such violations immediately, and direct such person in violation of this ordinance to:
 1. comply with this ordinance forthwith; or
 2. take such appropriate remedial or preventive action as may be required to address properly a continuing or threatened violation of this ordinance, including halting operations and terminating the discharge.

Section 7.04 Unlawful Acts, Misdemeanor.

It shall be unlawful for any person to:

- a. violate any provision of this ordinance;
- b. violate the provisions of any Permit issued pursuant to this ordinance; Such person shall be guilty of a misdemeanor; and each day of such violation, failure or refusal to comply with this ordinance shall be deemed a separate offense and punishable accordingly. Any person found to be in violation of any of the provisions of this ordinance shall be punished by a fine of not less than \$100.00 and not more than \$500.00 and/or up to 180 days in jail.

Section 7.05 Judicial Proceedings and Relief.

- a. The Official may initiate proceedings in any court of competent jurisdiction against any person who has, or who, the Official has reason to believe, is about to:
 1. violate any provision of this ordinance;
 2. violate any provision of a Permit;
 3. fail or refuse to comply with any lawful order issued by the Official.
- b. The Official, with the consent of the City Council, may also initiate civil proceedings in any court of competent jurisdiction seeking monetary damages for any damages caused to public storm water facilities by any person, and may seek injunctive or other equitable relief to enforce compliance with the provisions of this ordinance or to force compliance with any lawful orders of the Official or the Board.

**Article 8
MISCELLANEOUS**

Section 8.01 Notices.

Whenever the City is required or permitted to:

- a. give a notice to any party, such notice must be in writing; or
- b. deliver a document to any party; such notice or document may be delivered by personal delivery, certified mail (return receipt requested), registered mail (return receipt requested) or a generally recognized overnight carrier, to the address of such party which is in the records of the City or is otherwise known to the City.

Section 8.02 References.

Whenever an Article or Section is referred to in this ordinance, unless the context clearly indicates the contrary, such reference shall be to an article or section of this ordinance.

Section 8.03 Severability.

The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of law to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

Section 8.04 Captions.

The captions of articles and sections are for the purpose of reference only, and such captions shall not affect the meaning of any provision of this ordinance.

Section 8.05 Effective Date.

This ordinance shall be published as required by law and shall become effective on the _____ day of _____, 2018.

DONE, ORDERED, ADOPTED and APPROVED this the _____ day of _____, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2769 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2770

AN ORDINANCE ESTABLISHING METHODS FOR CONTROLLING THE INTRODUCTION OF POLLUTANTS INTO MUNICIPAL SEPARATE STORM SEWER SYSTEM IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT PROCESS

STORM WATER MANAGEMENT ILLICIT DISCHARGE

RECITALS

WHEREAS, the purpose of this ordinance is to provide for the health, safety, and general welfare of the citizens of the City of Vestavia Hills through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law.

WHEREAS, this ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the National Pollutant Discharge Elimination System (NPDES) permit process.

WHEREAS, this ordinance provides the minimum content for implementing and enforcing a STORM WATER management consistent with the Alabama Department of Environmental Management (ADEM) permit currently issued to the City of Vestavia Hills.

WHEREAS, the objectives of this ordinance are:

1. To regulate the contribution of pollutants to the municipal separate storm sewer system (MS4) by STORM WATER discharges by any user
2. To prohibit Illicit Connections and Discharges to the municipal separate storm sewer system
3. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this ordinance

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

Section 1 DEFINITIONS

For the purposes of this ordinance, the following words and terms shall have the meaning assigned to them in this section.

Authorized enforcement agency - employees or designees of the director of the municipal agency designated to enforce this ordinance.

Best Management Practices (BMPs) - schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to STORM WATER, receiving waters, or STORM WATER conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Clean Water Act. - The federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity - Activities subject to NPDES Construction Permits. Currently these include construction projects resulting in land disturbance of 1 acre or more. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Hazardous Materials - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Illegal Discharge - Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section X of this ordinance.

Illicit Connections. - An illicit connection is defined as either of the following:

1. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the City of Vestavia Hills or,
2. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or

equivalent records and approved by the City of Vestavia Hills.

Industrial Activity - Activities subject to NPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit - means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge - Any discharge to the storm drain system that is not composed entirely of storm water.

Person - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.

Pollutant - Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Premises Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Storm Drainage System - Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water - Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm Water Pollution Prevention Plan - A document which describes the Best Management Practices and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to STORM WATER, STORM WATER Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater - means any water or other liquid, other than uncontaminated storm water, discharged from a facility.

Section 2
ADMINISTRATION

The City of Vestavia Hills shall administer, implement, and enforce the provisions of this ordinance. Any powers granted or duties imposed upon the City of Vestavia Hills may be enforced by the City Engineer or delegated in writing by an official of the City of Vestavia Hills to persons or entities acting in the beneficial interest of or in the employ of the agency.

Section 3

ILLICIT DISCHARGE PROHIBITIONS

Section 3.1 Prohibition of Illegal Discharges.

No person shall discharge or cause to be discharged into the municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than storm water.

Section 3.2 Illegal Discharges Exemptions.

The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

The following discharges are exempt from discharge prohibitions established by this ordinance provided that they have been determined not to be substantial contributor of pollutants by the City or Alabama Department of Environmental Management (ADEM):

- a) Water line flushing;
- b) Landscape irrigation or lawn watering (not consisting of treated, or untreated wastewater unless otherwise authorized);
- c) Diverted stream flows;
- d) Uncontaminated ground water infiltration
- e) Uncontaminated pumped groundwater;
- f) Discharges from potable water sources;
- g) Foundation or footing drains (not including active groundwater dewatering systems);
- h) Air conditioning condensation or drains;
- i) Irrigation water (not consisting of treated, or untreated wastewater unless otherwise authorized);
- j) Rising ground water;
- k) Springs;
- l) Water from crawl space pumps;
- m) Lawn watering runoff;
- n) Individual residential car washing, to include charitable carwashes;
- o) Residential street wash water;
- p) Discharges or flows from firefighting activities (including fire hydrant flushing);
- q) Flows from natural riparian habitat or wetlands;
- r) Dechlorinated swimming pool discharges;
- s) Dye testing is an allowable discharge, but requires a verbal notification to the City of Vestavia Hills prior to the time of the test.

Section 3.3 Prohibition of Illicit Connections.

- a) The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.
- b) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- c) A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

Section 4
SUSPENSION OF MS4 ACCESS

Section 4.1 Suspension Due to Illicit Discharges in Emergency Situations.

The City of Vestavia Hills may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or Waters of the United States. If the violator fails to comply with a suspension order issued in an emergency, the City of Vestavia Hills may take such steps as deemed necessary to prevent or minimize damage to the MS4 or Waters of the United States, or to minimize danger to persons.

Section 4.2 Suspension Due to the Detection of Illicit Discharge.

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City of Vestavia Hills will notify a violator of the proposed termination of its MS4 access. The violator may petition the City of Vestavia Hills for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the City of Vestavia Hills.

Section 5
INDUSTRIAL, COMMERCIAL OR CONSTRUCTION ACTIVITY DISCHARGES

Any person subject to an industrial, commercial or construction activity NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the City of Vestavia Hills prior to the allowing of discharges to the MS4.

Section 6 MONITORING OF DISCHARGES

Section 6.1 Applicability.

This section applies to all facilities that have storm water discharges associated with industrial, commercial, and construction activity.

Section 6.2 Access to Facilities.

- a) The City of Vestavia Hills shall be permitted to enter and inspect facilities subject to regulation under this ordinance as often as may be necessary to determine compliance with this ordinance. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the City of Vestavia Hills.
- b) Facility operators shall allow the City of Vestavia Hills ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c) The City of Vestavia Hills shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the City of Vestavia Hills to conduct monitoring and/or sampling of the facility's storm water discharge.
- d) The City of Vestavia Hills has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure STORM WATER flow and quality shall be calibrated to ensure their accuracy.
- e) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the City of Vestavia Hills and shall not be replaced. The costs of clearing such access shall be borne by the operator.
- f) Unreasonable delays in allowing the City of Vestavia Hills access to a permitted facility is a violation of a storm water discharge permit and of this ordinance. A person who is the operator of a facility with a NPDES permit to discharge storm water associated with industrial activity commits an offense if the person denies the City of Vestavia Hills reasonable access to the permitted facility for the purpose of conducting any activity authorized or required by this ordinance.
- g) If the City of Vestavia Hills has been refused access to any part of the premises from which STORM WATER is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this ordinance, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this ordinance or any order issued hereunder, or to protect the overall public health, safety, and welfare of the community, then the City of Vestavia Hills may seek issuance of a search warrant from any court of competent jurisdiction.

Section 7
**REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER
POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The City of Vestavia Hills will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the U.S. The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and non-structural BMPs. Further, any person responsible for a property or premise, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the municipal separate storm sewer system. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section. These BMPs shall be part of a STORM WATER pollution prevention plan (SWPP) as necessary for compliance with requirements of the NPDES permit.

Section 8
WATERCOURSE PROTECTION

Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

Section 9
NOTIFICATION OF SPILLS

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or water of the U.S. said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of non- hazardous materials, said person shall notify the City of Vestavia Hills in person or by phone or facsimile no later than the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City of Vestavia Hills within three business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Section 10

ENFORCEMENT AND ABATEMENT

Whenever the City of Vestavia Hills finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the City of Vestavia Hills may enforce the ordinance with escalating procedures.

Section 10.1 Notification; Enforcement Remedies.

- a) Warning Notice: A warning notice of violation is the lowest level of formal response to a violation. It is a verbal or written response presented to the violator shortly after a violation has been identified and is intended for minor violations that would not cause significant harm to the environment.
- b) Notification of Violation: Whenever the Official finds that any person is in violation of any provision of this ordinance, or any order issued hereunder, the Official or his agent may serve upon such person written notice of the violation requiring the removal of illicit discharges and immediate cessation improper disposal practices within ten (10) calendar days of the date of such notice. Compliance by written notice of violation to the responsible person may require without limitation:
 1. The performance of monitoring, analyses, and reporting;
 2. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property; and
 3. Payment of a fine to cover administrative and remediation costs; and
 4. The implementation of source control or treatment BMPs.
- c) Compliance Order: Whenever abatement of a violation and/or restoration of affected property is not possible within ten (10) days, a compliance order may be issued to the violator. The order shall set forth a deadline within which such remediation or restoration must be completed. Said order shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

Section 10.2 Appeal of Violation.

Any person receiving a Notice of Violation or Compliance Order may appeal the determination of the City of Vestavia Hills. The notice of appeal must be received within ten (10) days from the date of the Notice of Violation/Compliance Order. Hearing on the appeal before the appropriate authority or his/her designee shall take place within fifteen (15) days from the date of receipt of the notice of appeal. The decision of the municipal authority or their designee shall be final.

Section 10.3 Enforcement Measures After Appeal.

If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within thirty (30) days of the decision of the municipal authority upholding the decision of the City of Vestavia Hills, then representatives of the City of Vestavia Hills shall enter upon the subject private property and are authorized to take any and all measures necessary to abate the violation and/or restore the property. It shall be unlawful for any person, owner, agent or person in possession of any premises to refuse to allow the government agency or designated contractor to enter upon the premises for the purposes set forth above.

Section 10.4 Cost of Abatement of the Violation.

Within 30 days after abatement of the violation, the owner of the property will be notified of the cost of abatement, including administrative costs. The property owner may file a written protest objecting to the amount of the assessment within 10 days. If the amount due is not paid within a timely manner as determined by the decision of the municipal authority or by the expiration of the time in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment.

Any person violating any of the provisions of this ordinance shall become liable to the city by reason of such violation. The liability shall be paid in not more than 12 equal payments. Interest at the rate of twelve (12) percent per annum shall be assessed on the balance beginning on the 1st day following discovery of the violation.

Section 10.5 Injunctive Relief.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Ordinance. If a person has violated or continues to violate the provisions of this ordinance, the City of Vestavia Hills may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

Section 10.6 Compensatory Action.

In lieu of enforcement proceedings, penalties, and remedies authorized by this Ordinance, the City of Vestavia Hills may impose upon a violator alternative compensatory actions, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

Section 10.7 Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this Ordinance is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

Section 10.8 Criminal Prosecution.

Any person that has violated or continues to violate this ordinance shall be liable to criminal prosecution to the fullest extent of the law, and shall be subject to a criminal penalty of \$500 dollars per violation per day and/or imprisonment for a period of time not to exceed one hundred and eighty (180) days.

The City of Vestavia Hills may recover all attorney's fees court costs and other expenses associated with enforcement of this ordinance, including sampling and monitoring expenses.

Section 10.9 Remedies Not Exclusive.

The remedies listed in this ordinance are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the City of Vestavia Hills to seek cumulative remedies.

Section 11
MISCELLANEOUS

Section 11.1 Applicability.

This ordinance shall apply to all water entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City of Vestavia Hills.

Section 11.2 Severability.

The provisions of this ordinance are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Ordinance.

Section 11.3 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 11.4 Effective Date.

This ordinance shall be published as required by law and shall become effective at _____ on _____.

DONE, ORDERED, ADOPTED and APPROVED this the _____ day of _____, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2770 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the _____ day of _____, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

ORDINANCE NUMBER 2771

**AN ORDINANCE ESTABLISHING POST-CONSTRUCTION BEST
MANAGEMENT PRACTICES FOR PERMANENT STORMWATER
CONTROL STRUCTURES**

STORMWATER MANAGEMENT POST-CONSTRUCTION ORDINANCE

RECITALS

WHEREAS, the City of Vestavia Hills operates under the requirements of the Alabama Department of Environmental Management (ADEM) National Pollutant Discharge Elimination System (NPDES) Permit; and

WHEREAS, this permit authorizes stormwater discharges from regulated small municipal separate storm sewer systems (MS4); and

WHEREAS, the City of Vestavia Hills must be compliant with the ADEM NPDES Permit by developing, implementing, and enforcing a program to address post-construction stormwater management; and

WHEREAS, the City of Vestavia Hills finds it necessary to enact an ordinance to address and enforce post-construction stormwater management standards on Qualifying Sites to prevent or minimize water quality impacts and ensure that the volume and velocity of pre-construction stormwater runoff is not significantly exceeded for the life of the property's use to the maximum extent practical (MEP).

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

Section 1 DEFINITIONS

For the purposes of this ordinance, the following words and terms shall have the meaning assigned to them in this section.

Best Management Practices - (herein abbreviated as "BMP") - activities, prohibitions of practices, maintenance procedures and management practices designed to prevent or reduce the pollution of waters to the MS4. Best Management Practices also include treatment requirements, operating procedures and practices to control facility site runoff, spillage or leaks, sludge or waste disposal or drainage from raw material storage and construction sites.

Green Infrastructure – a strategically planned network of natural and semi-natural areas with other environmental features designed and managed to deliver a wide range of ecosystem services.

Hydrology – Hydrology refers to the physical characteristics of storm water discharge, including the magnitude, duration, frequency, rate of change, and timing of discharge.

Low Impact Development – Low Impact Development (LID) emphasizes conservation and use of on-site natural features to protect water quality. This approach minimizes the project's impervious surface and loss of natural open space and implements engineered, small-scale hydrologic controls aiming to replicate the pre-development hydrologic regime of watersheds through infiltration, filtering, storing, evaporating, and detaining stormwater runoff close to its source.

Non-structural BMPs - Non-structural BMPs may include but not be limited to the following: preservation of open spaces and vegetation, establishment of conservation easements, establishment of buffers along streams and other waters, maintenance of vegetation, BMP inspection and maintenance, planning for future development or redevelopment.

Qualifying Site - Qualifying Site is any new development site or re-development site that results in a total land disturbance of one or more acres and sites that disturb less than one acre but are a part of a larger common development or sale that would disturb one or more acres.

Structural BMPs - Structural BMPs may include, but not be limited to the following: detention/ retention devices, check dams, drainage swales, lined ditches, infiltration basins, porous pavement, outlet protection, velocity dissipation devices, slope protection, constructed wetlands, rain gardens, catch basin inserts, vegetated filter strips, and rain barrels.

Section 2
ADMINISTRATION

The municipal engineer for the City, the municipal official or employee who is a qualified credentialed professional, such other municipal official or municipal employee who has had sufficient experience dealing with BMP design to enable them to enforce the provisions of this ordinance, an individual or agency contracted to provide such service, shall be responsible, on behalf of the City, to enforce the provisions of this ordinance.

Section 3

POST-CONSTRUCTION BMP DESIGN Section 3.1 Design Standards.

The post-construction BMPs for qualifying sites, which may include a combination of structural BMPs and/or non-structural BMPs, must be designed to ensure that the volume and velocity of pre-construction stormwater runoff, to the maximum extent practicable, is not significantly exceeded.

Landowners and developers must develop and maintain best management practices to ensure, to the maximum extent practicable, that post-construction runoff mimics pre-construction hydrology of the site. A 1.1 inch rainfall over a 24-hour period preceded by a 72-hour antecedent dry period shall be the basis for the design and implementation of post-construction BMPs.

The current Post Construction Stormwater Management Technical Memorandum (Addendum A) details acceptable design criteria meeting the requirement of the current NPDES Permit No. ALS000017 and shall be the basis for the design and implementation of post-construction BMPs. This document may be amended and re-adopted by the StormWater Management Authority, Inc. A copy of said amended Memorandum may be obtained from the Municipal Engineer or from the City's website. The latest adopted shall prevail in all stormwater designs.

Section 3.2 Design References.

By reference in this Section, the City adopts the following as design references to meet the design standards:

- a) The latest version of the "Alabama Handbook for Erosion Control, Sedimentation Control and Stormwater Management on Construction Sites and Urban Areas", Volumes 1 and 2.
- b) The latest version of the "Low Impact Development Handbook for the State of Alabama".
- c) Any storm water design manual approved by the city that meets the design requirement of this ordinance.

a)

Section 4

APPLICATION REQUIREMENTS

As part of the Land Disturbance Application, all Qualifying Sites shall include the following components:

Section 4.1 Post-Construction BMP Design Description.

Procedures and strategies of the structural BMPs and/or non-structural BMPs that meet the design standards for Qualifying Sites found in Section 3.1 of this ordinance will be submitted to the City for review and approval. Submittal to the City of a post-construction BMP plan for approval by the City must be included as an integral part of the site-plan approval process.

Submittal to the City of a certified as-built of the BMPs and a letter of substantial compliance from the design engineer are required within 120 days of construction completion.

Section 4.2 Post-Construction BMP Inspection Plan Description.

Procedures and strategies that will address inspections of the BMPs to confirm proper function, require corrective actions to poorly functioning or inadequately maintained BMPs, and require record keeping of maintenance activities, inspections, and corrective actions. The City shall perform or require the performance of an inspection by the developer/owner/operator at least once per year. Records of these inspections shall be made available to ADEM upon request and copies shall be provided to the City on an annual basis. The minimum documentation requirements for inspections are as follows:

- a) Facility type;
- b) Inspection date;
- c) Name and signature of qualified inspector;
- d) Site location;
- e) Owner information (name, address, phone number, fax, and email);
- f) Checklist of BMP's that must be inspected and required condition of BMP's to ensure proper functioning. Description of the existing storm water BMP condition that may include the quality of: vegetation and soils, inlet and outlet channels and structures, embankments, slopes, and safety benches; permeable paving; spillways, weirs, and other control structures; and sediment and debris accumulation in storage and forebay areas as well as in and around inlet and outlet structures;
- g) Photographic documentation of all critical storm water BMP components;
- h) Determination of whether the BMP operations and maintenance has adhered to the BMP Operation and Maintenance Plan and any specific maintenance items or violations that need to be corrected by the owner/operator of the storm water control or BMP; and
- i) Maintenance agreements for long-term BMP operations and maintenance.

Section 4.3 Post-Construction BMP Operation and Maintenance Plan Description.

Procedures and strategies that will address adequate long-term operation and maintenance of the BMPs. A BMP Operation and Maintenance Plan shall be a part of the As-Built Evaluation and Certification Form submittal and approval process. The plan shall identify the necessary reoccurring maintenance and operational activities and schedule of

those activities necessary to ensure that the BMPs continue to meet the original design intent and standards of this ordinance. The Operation and Maintenance Plan shall also designate the party that is responsible and funding mechanism necessary to the out the Plan.

One or more of the following shall be applicable (as determined by the City) to establish the responsible party for long-term operation and maintenance. The document(s) shall be provided to the City for review. Upon approval, an executed copy shall be put on file in the Department of Public Services:

- a) The developer's signed statement accepting responsibility for maintenance until the maintenance responsibility is legally transferred to another party.
- b) Written conditions in the sales or lease agreement that require the recipient to assume responsibility for maintenance.
- c) Written conditions in project conditions, covenants, and restrictions for residential properties assigning maintenance responsibilities to a home owner's association or other appropriate group for maintenance of structural and treatment control management practices.
- d) Any other legally enforceable agreement that assigns permanent responsibility for maintenance.

Section 5
ENFORCEMENT AND ABATEMENT

If a responsible party fails or refuses to meet the design, operation, or maintenance standards required by this ordinance, the City, after reasonable notice, may correct a violation of the design standards, operation, or maintenance needs by performing all necessary work to place the measures in proper working condition. In the event that the BMPs become a danger to public safety or public health, which includes water quality, the City shall notify in writing the responsible party for changes to design, operation, maintenance, and repairs of the BMP. Upon receipt of that notice, the responsible party shall have 14 calendar days, or such additional time as the City shall determine to be reasonably necessary to complete the action, to make changes to design, operation, maintenance, and repairs of the measures in an approved manner. In the event that corrective action is not undertaken within that time, the City may take necessary corrective action. The cost of any action by the City under this Section shall be billed to the responsible party. If the responsible party refuses to pay the bill, the City is entitled to bring an action against the responsible party to pay, file a lien against the property, or both. Costs shall include interest, collection fees, and reasonable attorney fees.

The City shall also have the authority to issue a Stop Work Order on any other components of the development to ensure that the BMPs are properly installed and maintained.

**Section 6
MISCELLANEOUS**

Section 6.1 Notices.

Whenever the City is required or permitted to:

- a) give a notice to any party, such notice must be in writing; or
- b) deliver a document to any party; such notice or document may be delivered by personal delivery, certified mail (return receipt requested), registered mail (return receipt requested) or a generally recognized overnight carrier, to the address of such party which is in the records of the City or is otherwise known to the City.

Section 6.2 References.

Whenever a Section is referred to in this ordinance, unless the context clearly indicates the contrary, such reference shall be to a section of this ordinance.

Section 6.3 Severability.

The provisions of this ordinance are severable. If any part of this ordinance is determined by a court of law to be invalid, unenforceable or unconstitutional, such determination shall not affect any other part of this ordinance.

Section 6.4 Captions.

The captions of Sections and sections are for the purpose of reference only, and such captions shall not affect the meaning of any provision of this ordinance.

Section 6.5 Ultimate Responsibility.

The standards set forth herein and promulgated pursuant to this ordinance are minimum standards; therefore, this ordinance does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants.

Section 6.6 Effective Date.

This Ordinance Number 2771 shall be published/posted as required by Alabama Law and shall become effective on July 1, 2018.

DONE, ORDERED, ADOPTED and APPROVED this the 11th day of June, 2018.

Ashley C. Curry
Mayor

ATTESTED BY:

Rebecca Leavings
City Clerk

CERTIFICATION:

I, Rebecca H. Leavings, as City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2771 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 11th day of June, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Hills Library in the Forest, and Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the _____ day of _____, 2018.

Rebecca Leavings
City Clerk

ADDENDUM A



SWMA MS4 Program

Post-Construction Stormwater Management Technical Memorandum

Overview

In 1990, the U.S. Environmental Protection Agency (EPA) promulgated regulations establishing Phase I of the National Pollutant Discharge Elimination Systems (NPDES) stormwater program. The Phase I program for municipal separate storm sewer systems (MS4s) require operators of “medium” and “large” MS4s that generally serve populations of 100,000 or greater to implement a stormwater management program as a means to control to the maximum extent practicable (MEP) polluted discharges from certain municipal, industrial and construction activities into the MS4.

The Alabama Department of Environmental Management (ADEM) presently has primary jurisdiction over permitting and enforcement of the Stormwater Program for Alabama. The City of Vestavia Hills (City) was issued NPDES Permit Number ALS000017 on June 7, 2017. This NPDES Permit became effective on July 1, 2017 and will expire on June 30, 2022. The City is required to develop and implement a Stormwater Management Program (SWMP) in accordance with the NPDES Permit requirements.

In accordance with the NPDES Permit, the City is required to develop and implement a Post Construction Stormwater Program to address stormwater runoff from qualifying new development and re-development projects by July 1, 2018. This memorandum provides technical guidance regarding the City’s updated post construction stormwater management requirements in accordance with the City’s NPDES Permit.

Applicable Developments

The City’s updated post construction stormwater management requirements are only applicable to “Qualifying New Development or Redevelopment” projects as defined below:

“Qualifying New Development and Redevelopment” means any site that results from the disturbance of one acre or more of land or the disturbance of less than one acre of land if part of a larger common plan of development or sale that is greater than one acre. Qualifying new development and redevelopment does not include land disturbances conducted by entities under the jurisdiction and supervision of the Alabama Public Service Commission.

Since stormwater detention and retention facilities are the primary Best Management Practices (BMPs) that have historically been used for post-construction stormwater management, this technical memorandum has been developed to primarily addresses stormwater detention and retention facilities. While these engineering practices are not precluded, such practices alone may not achieve the level of post-construction stormwater control required. The intent of this technical memorandum is to evaluate options to manage stormwater runoff and best protect water quality for the community.

Implementation

Effective **July 1, 2018**, all qualifying new development and redevelopment projects shall be designed in accordance with this technical memorandum.

Waiver Request

The City recognizes that there are existing project sites that have been constructed or previously approved, prior to the effective date of this technical memorandum, that may qualify for a waiver from the updated post construction stormwater management requirements. As a result, the City has developed an Existing Development, Post Construction Stormwater Management Waiver Request Form (Figure 1) to address existing project sites. In order for an existing project site to be considered for a waiver, the waiver request form shall be completed and submitted to the City for review and approval. If a waiver has been submitted for a development that has not been completed and the density of the development is increased and/or modified, the developer shall resubmit a waiver request for this development.

The minimum requirements for stormwater management may be waived in whole or in part upon written request of the applicants, provided that at least one of the following conditions applies:

1. It can be demonstrated that the proposed development is not likely to impair attainment of the objectives of this ordinance.
2. Alternative minimum requirements for on-site management of stormwater discharges have been established in a stormwater

management plan that has been approved by the City Engineer and the implementation of the plan is required by local ordinance.

3. Provisions are made to manage stormwater by an off-site facility. The off-site facility is required to be in place, to be designed and adequately sized to provide a level of stormwater control that is equal to or greater than that which would be afforded by on-site practices and there is a legally obligated entity responsible for long-term operation and maintenance of the stormwater practice.
4. The City Engineer finds that meeting the minimum on-site management requirements is not feasible due to the natural or existing physical characteristics of a site.

In instances where one of the conditions above applies, the City Engineer may grant a waiver from the strict compliance with these stormwater management provisions, as long as acceptable mitigation measures are provided. However, to be eligible for a variance, the applicant must demonstrate to the satisfaction of the City Engineer that the variance will not result in the following impacts to downstream waterways:

- Deterioration of existing culverts, bridges, dams, and other structures;
- Degradation of biological functions or habitats;
- Accelerated streambank or streambed erosion or siltation;
- Increased threat of flood damage to public health, life, or property.

Water Quality Requirements

Post-construction stormwater runoff quality is an important component of the City's SWMP. In order to meet the requirements of the City's NPDES Permit, a Water Quality Volume (WQ_v) must be accounted for on each project site and BMPs must be utilized to store and treat the WQ_v . The required WQ_v is based upon the first 1.1 inches of rainfall that occurs on the project site. The WQ_v can be estimated as described below.

$WQ_v = 1.1$ inches / acre of additional impervious area.

For example: An existing 12.5 acre site planned for re-development contains 3 acres of existing impervious area. The proposed development will contain 7 total acres of impervious area in the post-development condition. The required WQ_v shall be calculated as follows:

$$\begin{aligned} WQ_v &= 1.1 \text{ inches} * 4 \text{ acres of additional impervious area} \\ &= 1.1 \text{ inches} * (1 \text{ foot} / 12 \text{ inches}) * 4 \text{ acres} * (43,560 \text{ sq.ft.} / 1 \text{ acre}) \\ &= 15,972 \text{ cubic feet of storage required} \end{aligned}$$

The WQ_v that is required for each project site may be provided in multiple ways to allow greater flexibility during design. There are a number of post-construction BMPs such as detention ponds, retention ponds, bioretention swales, rain gardens/bioretention features, permeable paving, proprietary stormwater quality treatment devices, sand filters, etc. that may be utilized by the Owner and their Engineer-of-Record to meet the water quality requirements.

Low Impact Development (LID) and Green Infrastructure (GI)

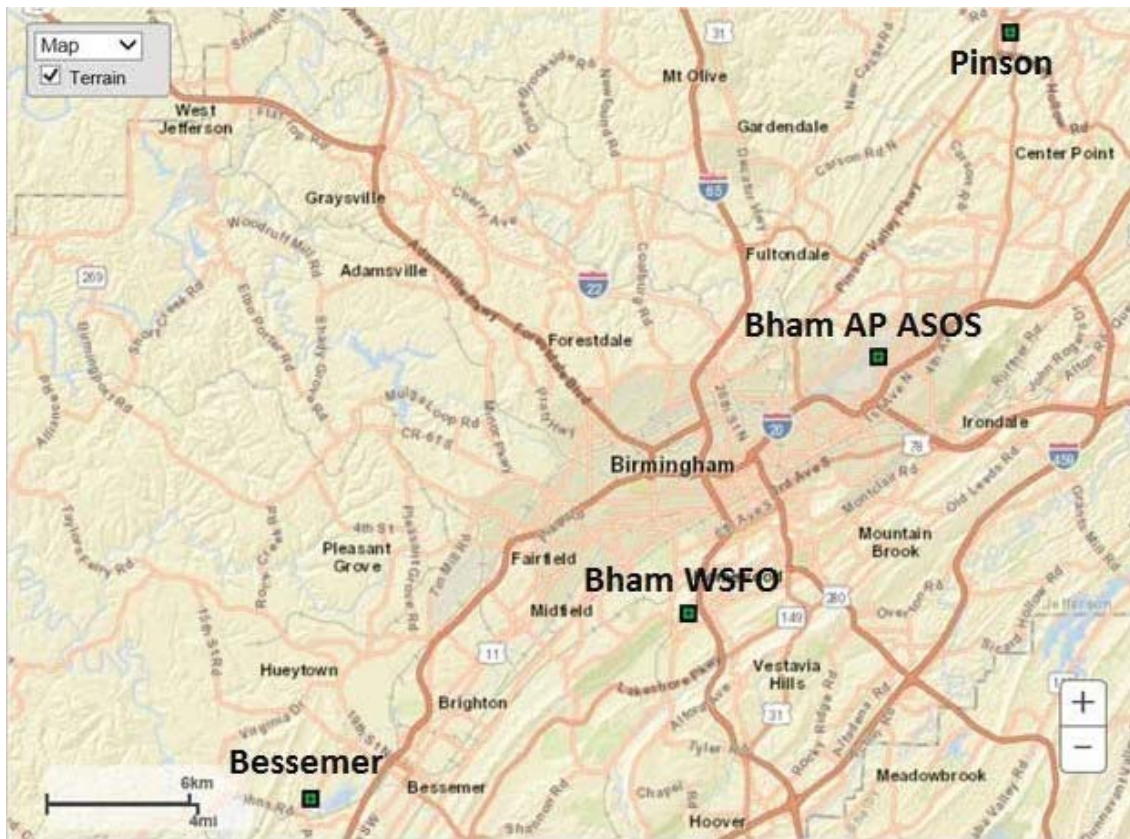
As an option for meeting the updated post-construction stormwater management requirements, the City encourages Owners and Developers to incorporate the use of low impact development (LID) and green infrastructure (GI) practices into qualifying development and redevelopment projects. The latest version of the Alabama Low Impact Development Handbook is incorporated into this technical memorandum by reference.

Design Standards

For detention and retention ponds, the calculation methodology shall utilize the National Resource Conservation Resources (NRCS) Urban Hydrology for Small Watersheds Technical Release 55 (TR-55) or equivalent. For the determination of pre-construction and post-construction stormwater runoff hydrology, the 24-hour rainfall depths from National Oceanic and Atmospheric Administration (NOAA) Atlas14, Volume 9, Version 2 included in Table 1 shall be used:

Table 1. Design Storms

Storm Event (24 hour)	Rainfall (inches) (Bessemer)	Rainfall (inches) (Bham WSFO)	Rainfall (inches) (Bham AP ASOS)	Rainfall (inches) (Pinson)
2-year	4.09	4.1	4.12	4.11
5-year	4.97	4.99	5.02	4.99
10-Year	5.82	5.83	5.85	5.8
25-Year	7.18	7.15	7.13	7.02
100-Year	9.71	9.56	9.39	9.15



As a part of the City's requirements for post-construction stormwater runoff management, all project sites shall be responsible for ensuring, to the MEP, that post-development runoff mimics pre-development hydrology for the 2-year, 5-year, 10-year, and 25-year rainfall depths listed in Table 1. All stormwater detention or retention facilities must be able to convey the peak flow rate associated with a 100-year, 24-hour storm event. The Owner and/or Developer shall ensure, to the MEP, that installation of post-construction BMPs shall not adversely impact and/or cause flooding of properties and/or stream channel erosion located upstream and downstream of post-construction BMPs.

Detention and Retention Ponds

As a part of this technical memorandum, two structural BMPs (detention and retention ponds) have been highlighted as design options to assist in meeting the post-construction stormwater management requirements of the City's NPDES permit. Both detention ponds and retention ponds are fairly simple to design, construct and maintain. However, other structural BMPs may be selected by the Owner and Engineer-of-Record for review and approval by the City and are welcomed to be incorporated into the overall stormwater management plan for each project site.

A Design Form, Detention / Retention Ponds (Figure 2) has been developed by the City to aid in the design, review, and approval of detention and retention facilities. The design form provides a standard format for the Engineer-of-Record to provide information concerning pre-development conditions, post-development conditions, pond outlet configurations, pond storage, and pond peak flow discharges. For a project that contains multiple detention facilities, the Engineer-of-Record may simply provide a Design Form for each facility. While a detention pond can be utilized to meet the stormwater management requirements, some type of filtration system is also needed for a detention pond to meet the stormwater quality requirements. The filtration system must allow the volume of water associated with the WQ_v to drain slowly out of the pond, but should drain within a forty-eight (48) hour period. Figure 3 provides some basic examples of filtering systems that may be applicable to detention ponds.

The Engineer-of-Record is encouraged to utilize Low Impact Development (LID) and/or Green Infrastructure (GI) practices as cost-effective options to meet both the water rate/volume and water quality requirements.

As-Built Certification

As a part of the NPDES permit, the City must insure the BMPs that have been designed and approved are constructed and operated in accordance with their original design and intent. In an effort to confirm that the constructed BMPs meet the designer's intent, an As-Built Evaluation and Certification form (Figure

4) has been developed. It shall be the Owner's responsibility to have as-built information, such as pond volume, embankment size and elevations, invert size and elevations, and spillway elevations, field surveyed by a Professional LandSurveyor. It shall be the Engineer-of-Record's responsibility to utilize the field surveyed information to fill out the As-Built Evaluation and Certification Form. The Owner has two options for completing the As-Built Evaluation and Certification:

Option 1 The As-Built Evaluation and Certification form shall be submitted and approved by the City prior to the issuance of a Certificate of Occupancy (CO) and/or prior to the recording of the final subdivision plat.

Option 2 If the Owner would like to obtain a CO and/or record the final subdivision plat prior to the City's approval of the As-Built Evaluation and Certification form, the Owner may post a bond or other forms of surety acceptable to the City in the amount of 100% of the construction cost associated with post-construction stormwater management BMPs and the cost associated with the effort required to complete the As-Built Evaluation and Certification. The As-Built Evaluation and Certification form shall be submitted to the City within 120 days of receipt of a CO and/or recording of the final subdivision plat.

Annual Inspections

In order for post-construction BMPs to continue to function in accordance with their original design and installation, annual inspections are required by the City's NPDES permit. The Owner of the project is required to have these annual inspections performed and must then submit the required Annual Inspection Form (Figure 5) to the City. The Annual Inspection Form shall provide documentation concerning adherence to the BMP Operation and Maintenance Plan and the condition of each facility in terms of vegetative cover, erosion that may be occurring, the condition of inlets into the pond and the pond outlet, embankment conditions and any maintenance required and/or performed. The City shall evaluate the documentation submitted to confirm that the stormwater management facilities are continuing to function as designed.

The Annual Inspection Form shall be submitted to the City each year by 30 September.

Operation and Maintenance

It is the responsibility of the Owner to operate and maintain the stormwater management facility and/or BMPs in accordance with the original design intent and approval. A long-term Operation and Maintenance Plan shall be part of the As-Built Evaluation and Certification Form submittal and approval process. The plan shall identify the necessary reoccurring maintenance and operation activities and schedule of those activities necessary to ensure that the BMPs continue to meet the standards of the ordinance. The Operation and Maintenance Plan shall also designate the entity that is responsible and funding mechanism necessary to carry out the Plan.

If the original Owner or Developer has sold the project or passed ownership on to a Homeowner's Association, then it is the new Owner or HOA's responsibility to maintain the facility in accordance with the Operation and Maintenance Plan and provide any required inspection and maintenance.

Should maintenance be needed at a facility as a result of the Annual Inspection, the Owner shall provide the City documentation of the maintenance required and a schedule for completing all maintenance activities. Once all maintenance activities are completed, the Owner shall provide documentation to the City of the maintenance performed and that the BMP operates as it was designed.

A summary of maintenance activities shall be submitted to the City each year by 30 September. The summary shall cover the previous fiscal year beginning 1 October through 30 September.

List of Figures

Figure 1 – Existing Development Post Construction Stormwater Management Waiver Request Form

Figure 2 – Design Form, Detention / Retention Ponds

Figure 3 – Detention Pond Outlet Structure Example

Figure 4 – As-Built Evaluation and Certification Form

Figure 5 – Annual Inspection Form