

**Vestavia Hills  
City Council Agenda  
Amended  
February 26, 2018  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Jim Cartledge, Shades Mountain Baptist Church Deacon And Chaplain For The City Of Vestavia Hills
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
  - a. Announcement Of Upcoming Vacancy On Vestavia Hills Board Of Education – Kimberly Cook
6. Proclamation – Freedom from Addiction Day – March 13, 2018
7. City Manager’s Report
8. Councilors’ Reports
9. Financial Reports – Melvin Turner, III, Finance Director
10. Approval of Minutes – February 12, 2018 (Regular Meeting)

**Old Business**

11. Resolution Number 5020 - A Resolution Amending Resolution Numbers 3192, 3337 And 3469 Authorizing The City Manager To Offer Continuing Health Insurance Benefits To Employees Electing To Retire (*public hearing*)
12. Ordinance 2743 – Annexation – 90 Day Final – 3533 Squire Lane, Jason and Kathleen Lawrence, Owner(s) (*public hearing*)
13. Ordinance 2744 – Rezoning – 3533 Squire Lane; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Compatible Zoning For Annexation; Jason And Kathleen Lawrence, Owner(s) (*public hearing*)
14. Resolution Number 5021 - A Resolution Approving An Application To Incorporate A Capital Improvement Cooperative District Of The City Of Birmingham, Alabama, Jefferson County, Alabama, And The City Of Vestavia Hills, Alabama, And Authorizing Such Incorporation (*public hearing*)
15. Resolution Number 5022 - A Resolution Approving A Funding Agreement For The Benefit Of The Liberty Park Area Public Road Cooperative District And Related Transactions (*public hearing*)

## **New Business**

16. Resolution Number 5026 – A Resolution Declaring Certain Personal Property As Surplus And Authorizing The City Manager To Sell/Dispose Of Said Property

## **New Business (Unanimous Consent Requested)**

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

17. Resolution Number 5023 – A Resolution Ascertaining, Fixing And Determining The Amount Of Assessment To Be Charged As A Lien On The Property Known As 2535 Ivy Glenn Drive, Vestavia Hills, Alabama 35243; Parcel Id# 28-00-32-4-001-96.000, In The City Of Vestavia Hills As A Result Of The City Of Vestavia Hills Ordering The Abatement Of A Nuisance Pursuant To Ordinance Number 2567 (*public hearing scheduled for March 26, 2018*)
18. Ordinance Number 2745 – An Ordinance Establishing The Division Of Investigations And Inspections Of The City Of Vestavia Hills Fire Department And To Designate Certain Firefighters In Said Division As Law Enforcement Officers (*public hearing*)
19. Ordinance Number 2746 – An Ordinance Amending Ordinance 2132 And Article III; Section 6-41, Vestavia Hills Code Of Ordinances, Republished 2002; Entitled *Fire Districts Established; Boundaries* (*public hearing*)
20. Citizen Comments
21. Motion For Adjournment



*City of*  
**VESTAVIA HILLS**  
**PROCLAMATION**

WHEREAS, prescription opioid painkiller misuse and abuse has been declared a public health emergency by President Trump; and

WHEREAS, in 2016, there were more than 63,000 deaths from drug overdoses with more Americans dying each year from drug overdoses than in car crashes and gunshot wounds combined; and

WHEREAS, Alabama is one of the highest opioid users in the world and is the number one state in the U.S. for opioid prescriptions written per capita; and

WHEREAS, nearly 30,000 Alabamians over the age of 17 are estimated to be dependent upon heroin and prescription painkillers and there were over 5,000 opioid-related deaths from overdoses in Alabama from 2006 through 2014; and

WHEREAS during the year 2017, Vestavia Hills EMS made over 30 medical emergency calls wherein naloxone, an opioid antagonist, was administered; and

WHEREAS the City of Vestavia Hills, along with the cities of Homewood, Hoover, and Mountain Brook have organized the Freedom from Addiction Coalition to bring awareness to their respective communities; and

WHEREAS, the City of Vestavia Hills will host the first Freedom from Addiction Coalition "Community Awareness Breakfast" on March 13, 2018.

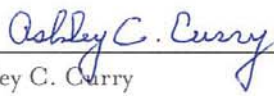
NOW, THEREFORE, I, Ashley C. Curry, by virtue of the authority vested in me as Mayor of the City of Vestavia Hills in the State of Alabama, do hereby proclaim March 13, 2018 as

## **FREEDOM FROM ADDICTION DAY**

in Vestavia Hills and encourage all residents to become informed about this crisis and its prevention.



IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 26th day of February 2018.

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

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **FEBRUARY 12, 2018**

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM. 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  
Patrick Boone, City Attorney  
Rebecca Leavings, City Clerk  
Dan Rary, Police Chief  
Melvin Turner, Finance Director  
George Sawaya, Asst. Treasurer  
Marvin Green, Fire Chief  
Christopher Brady, City Engineer

Melvin Turner, Finance Director, provided the invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mrs. Cook announced that the Vestavia Hills Board of Education has called a special meeting to be held on Friday, February 16, 2018, beginning at 8 AM.
- Mr. Pierce stated that the Chamber of Commerce meeting and luncheon is scheduled for tomorrow at the Vestavia Country Club beginning at 11:30.
- The Mayor announced a "Freedom from Addiction Awareness Breakfast" scheduled for March 13 at the Vestavia Hills United Methodist Church. He explained that the Freedom from Addition Coalition is made up of the Vestavia Hills, Hoover, Mountain Brook and Homewood Mayors. The keynote speaker is a Hoover family who lost their 20-year-old daughter to an opioid overdose. He invited everyone to attend this special event. The Mayor stated that, later in the day, at the Chamber luncheon, there will be a keynote speaker, a young lady named Lauren Sisler, who lost both her parents to an overdose of opioids in the span of one day.

- Mr. Weaver stated that the Leadership Vestavia Hills class is beginning projects and his team's project is the Cahaba Heights tree canopy project. He invited everyone to assist.
- Mr. Head announced that the Parks and Recreation Board will be having their regular work session on February 20, 2018, in Council Chambers beginning at 7:30 AM.

### **CITY MANAGER'S REPORT**

- Mr. Downes stated that the topic of coyotes appears to be the most talked about issue in the City on social media. He stated that opinions differ among citizens as to whether or not the City should take action to address this issue. He stated that they have been meeting with contractors, taking proposals and studying tactics to determine ways to address the problem. He indicated that there were trapping efforts in past administrations, which proved to be unsuccessful. The Council will discuss an action recommendation at the work session next Monday night.
  - Mr. Pierce thanked Mr. Downes for the efforts toward coyotes and asked everyone to be aware of animals whenever they or their pets are outside.
- Mr. Downes stated that they have hired a new engineering technician who will begin employment on February 26. He is highly qualified and will help the engineering department in enforcement efforts as the new storm water permitting process is developed.

### **FINANCIAL REPORTS**

The financial reports for period ending December 2017 were presented by George Sawaya. Mr. Sawaya read and explained the balances.

### **COUNCILOR REPORTS**

- Mr. Pierce welcomed Doug Dean, Chairman of the Chamber Board who was in attendance representing the Chamber Board. He announced that there will be a Chamber Board meeting at 7:30 AM Thursday morning.
- Mr. Weaver stated that the Planning and Zoning Commission met last night to review two requests. One request included a conditional use for a single-family residential property in which five unrelated adults were living. The Commission voted unanimously to give a negative recommendation for that request.

### **APPROVAL OF MINUTES**

The minutes of the January 18 and 19, 2018 (Work Session) and January 22, 2018 (Regular Meeting) were presented for approval.

**MOTION** Motion to dispense with the reading of the minutes of the January 18 and 19, 2018 (Work Session) and approve them as presented was by Mr. Weaver and second by Mr. Pierce. Roll call vote as follows:

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

**MOTION** Motion to dispense with the reading of the minutes of the January 22, 2018 (Regular Meeting) and approve them as presented was by Mr. Weaver and second by Mrs. Cook. 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 2741**

**Ordinance Number 2741 – Rezoning – 2301 Old Columbiana Road, Lot 2 Polhemus Addition to Vestavia Hills; Rezone From Vestavia Hills Inst (Institutional) To Vestavia Hills B-2 (Business District); Russell Polhemus, LLC., Owner(s) (*public hearing*)**

**MOTION** Motion to approve Ordinance Number 2741 was made by Mr. Pierce and second was by Mr. Head.

Mr. Weaver indicated that this request was presented to the Planning and Zoning Commission. The Commission recommended approval with certain exceptions. He read the exceptions which include for following prohibited uses: hotels, animal shelter/kennel/clinic, private club, daycare center, place of assembly, hospital, nursing home, public utility facility, school (public), automotive repair (major and minor), automotive sales, bank of financial services, car wash, convenience store, funeral home, garden center/nursery, gas station, hardware store, home improvement center, laundromat, laundry and dry cleaning establishments (retail and industrial), liquor lounge, maintenance service, produce market, restaurant (fast food, full service, and/or any establishment with a commercial kitchen and/or hood), retail (general, enclosed & unenclosed), retail (neighborhood), services (neighborhood), service station, veterinary hospital, storage (including mini-warehouses), telecommunications facilities, and warehousing (wholesale and distribution).

Mr. Boone explained that a zoning ordinance is not effective until it is posted pursuant to Alabama law following a copy of the recorded covenants being submitted to the City Clerk and attached to the proposed ordinance. The way this ordinance is written, the applicant will have to submit the recorded covenants to the Office of the City Clerk before she will post the ordinance, so it is not effective until the conditions are met.

Mr. Weaver stated that the existing building would be utilized. He indicated that there will be drainage improvements made on the property, subject to the approval of the City Engineer.

Rick Panino, applicant, stated that the restrictions are lengthy and he believes they will not be an issue on the property. He stated that he has no objections to the restricted use of the property.

Mr. Weaver stated there was no opposition to the request expressed at the Planning and Zoning Commission meeting.

Mr. Panino stated that the facility is in disrepair and he hopes to upgrade it. He thinks the neighbors are satisfied with his plans.

Mrs. Cook asked about the maintenance agreement cited in the ordinance. Mr. Brady explained that there was a detention pond on the property that appeared to be in disrepair. The requirements include the improvements to the pond and drainage and are subject to his approval.

Mr. Pierce asked about the covenants when the ownership changes.

Mr. Boone stated that the covenants will follow the land, regardless of ownership.

Mrs. Cook asked about the City's responsibility to maintain the drainage system and the detention pond.

Mr. Brady explained he will ensure the improvements are made and inspected, but the owner is responsible for maintenance.

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 2742**

**Ordinance Number 2742 – Rezoning – 3122, 3128, 3134, and 3136 Sunview Drive; Rezone From Vestavia Hills Inst (Institutional District), Vestavia Hills B-2 (Business District), And Vestavia Hills A (Agricultural District) To Vestavia Hills B-1.2 (Neighborhood Mixed Use District); Thomas Holdings, Owner(s) (*public hearing*)**

*This request was withdrawn by the applicant on 2/07/2018.*

**NEW BUSINESS**

**RESOLUTION NUMBER 5024**

**Resolution Number 5024 – A Resolution Opposing Proposed House Bill 110 And Proposed Senate Bill 130 Of The 2018 Regular Session Of The Alabama Legislature And Requesting That The Local Legislative Delegation Vigorously Oppose Said Bills**

**MOTION** Motion to approve Resolution Number 5024 was made by Mr. Weaver and second was by Mrs. Cook.

The Mayor explained the proposed legislation which establishes a simplified seller's sales and use tax to collect sales taxes for online sales in the State of Alabama. The tax is remitted to the State of Alabama and the State forwards to other jurisdictions. This legislation lowers the amount of sales taxes that the city would normally collect. On advice from the League of Municipalities, this Resolution asks for an amendment to three areas of the legislation: allow for an increased tax rate for municipalities; third party vendors much collect/remmit sales taxes; and any customer transactions that involve a local affiliate must be exempt.

Mrs. Cook asked if the three amendments are included in the legislation, would the League recommend support of the bill. The Mayor stated he believes they would remove their opposition.

The Mayor opened the floor for a public hearing.

Mr. Turner pointed out that the State will still get their taxes regardless of the legislation; however, the cities will get less.

Robert Debuys, Mossbrook Lane, asked who sponsored the bill.

The Mayor stated the bill is sponsored by Senator Pittman, but it appears he is willing to add amendments. Pittman's intent was to secure the state's portion of the internet sales revenues.

Mr. Weaver stated there is an argument that the City can enforce these taxes.

The Mayor stated that Amazon is willing to remit these taxes.

Mrs. Cook stated that the formula used by the State for distribution is by population, and not according to the city or zip code entered when a customer places an order.

Mr. Pierce stated that this legislation is still in committee, and there's a public hearing scheduled for next week. Citizens can go to Montgomery and make their feelings known on the issue.

Mrs. Cook stated that projected impact on the City, based on the current year's budget estimate, would be approximately \$77,000, and that this is a significant amount of revenue for the City.



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

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

### **NEW BUSINESS (REQUESTING UNANIMOUS CONSENT)**

The Mayor opened the floor for unanimous consent for the immediate consideration and action on Resolution Number 5025.

**MOTION** Motion for unanimous consent for the immediate consideration and action on Resolution Number 5025 was by Mrs. Cook. Second was by Mr. Pierce. Voice vote as follows:

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

### **RESOLUTION NUMBER 5025**

#### **Resolution Number 5025 - A Resolution Authorizing The City Manager To Purchase And Equip A Police Department Vehicle (*public hearing*)**

Mr. Downes explained that a police vehicle was totaled in an accident that occurred very recently in efforts to apprehend a felony suspect. He asked Chief Rary to explain the incident.

**MOTION** Motion to approve Resolution Number 5025 was made by Mrs. Cook and second was by Mr. Pierce.

Chief Rary stated that, last Monday, a U.S. Marshal's Southeastern Joint Fugitive Task Force was in pursuit of a suspect with 37 felony warrants. A Vestavia Hills officer, who is a member of the Task Force, assisted in apprehending the suspect and the chase ended with a crash in which the City's vehicle being totaled. He stated that the incident is still under investigation, but the city needs to replace the vehicle. Originally, the Task Force provided this vehicle and had given ownership to the City for this officer's use. Now there is no vehicle for this officer to use in performance of his regular duties and they need a replacement immediately.

Mrs. Cook asked if the Task Force would supply another vehicle.

Chief Rary stated that the program that provided the previous vehicle is no longer in place and that the vehicle which hit the City's car was a stolen vehicle, which means the insurance will probably not pay to replace the City's vehicle.

The Mayor opened the floor for a public hearing.

Joe Brocado, 3525 Squire Lane, asked if the City has insurance on the City vehicles.

Mr. Downes explained that the City is self-insured.

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

Mrs. Cook – yes

Mr. Head – yes

Mr. Pierce – yes

Mr. Weaver – yes

Mayor Curry – yes

Motion carried.

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

The Mayor stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on February 26, 2018, at 6:00 PM.

- Resolution Number 5020 - A Resolution Amending Resolution Numbers 3192, 3337 And 3469 Authorizing The City Manager To Offer Continuing Health Insurance Benefits To Employees Electing To Retire (*public hearing*)
- Ordinance 2743 – Annexation – 90 Day Final – 3533 Squire Lane, Jason and Kathleen Lawrence, Owner(s) (*public hearing*)
- Ordinance 2744 – Rezoning – 3533 Squire Lane; Rezone From Jefferson County E-2 To Vestavia Hills R-1; Compatible Zoning For Annexation; Jason And Kathleen Lawrence, Owner(s) (*public hearing*)
- Resolution Number 5021 - A Resolution Approving An Application To Incorporate A Capital Improvement Cooperative District Of The City Of Birmingham, Alabama, Jefferson County, Alabama, And The City Of Vestavia Hills, Alabama, And Authorizing Such Incorporation (*public hearing*)
- Resolution Number 5022 - A Resolution Approving A Funding Agreement For The Benefit Of The Liberty Park Area Public Road Cooperative District And Related Transactions (*public hearing*)

### **CITIZEN COMMENTS**

Robert Debuys, 3467 Mossbrook Lane, submitted comments relative to the City's B-1.2 and R-9 zoning classifications. He asked that his comments be made a part of the record (see Exhibit A, attached).

**EXECUTIVE SESSION**

The Mayor announced that the Council needed to go into executive session for approximately 20 minutes for the purpose of matters related to Economic Development matters. He opened the floor for a motion.

**MOTION** Motion to move into executive session for an estimated 20 minutes to discuss matters related to Economic Development was by Mrs. Cook and second was by Mr. Weaver. Voice vote as follows:

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

At 7:14 PM the Council exited the Chamber and entered into executive session. At 8:19 PM the Council re-entered the Chamber, exiting Executive Session and the Mayor called the meeting back to order.

At 8:20 PM, Mrs. Cook made a motion to adjourn. The meeting adjourned at 8:21 PM.

Ashley Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

R-5 Zoning is the district designated for multifamily development, aka apartments. It has a residential density cap of 4 units for the first 17,500 square feet and 1 unit for every 3,500 after that. Roughly speaking this translates to a 12 units per acre cap.

Additionally it also limits building to 35% of the lot and requires each unit to be a minimum of 1,000 square feet.

Neither B-1.2 nor R-9 zoning districts have these restrictions. It is my belief they should.

Two years and one council ago I was promised that a committee would be formed to reform B-1.2 zoning. This has not come to pass. Recently, during a work session the zoning was discussed and I would like to take a minute to go through each point that was made during the discussion.

1

"B-1.2 is valuable for infill development"

Agreed.

2

"If you are constrained by setbacks you leave no options for infill development"

Agreed. Nowhere in the city is this more true than Cahaba Heights.

3

"Because the controversial apartment building project used B-1.2 zoning it got a bad name"

We disagree. The ultradense housing project was made possible by the B-1.2 zoning code. Under no other district would it have been possible. Even had the developer used MXD the residential density would have been capped at 12 units per acre.

4

"If you significantly change B-1.2 it will cause development eyesores like Government Street in Downtown Mobile"

Limiting residential density has never forced any developer anywhere on planet earth to put a parking lot in front of a building.

5

"B-1.2 developments are married to their site plans"

This is not true. This must be written individually into each ordinance authorizing the zoning change

6

**“B-1.2 allows for a mixture of uses for flexibility of infill development”**

This is a good thing. Business, office and residential can be co-located without arbitrary setbacks and awkward looking buffers, creating true potential for a “live-work-play” environment.

7

**“If you don’t like what you {the council} see you can reject it. The elected body still controls what happens.**

As Lee Corso would say “not so fast my friend” If the council rejects a zoning change request on grounds that are not based on legal principles it is “arbitrary and capricious”. Tightening up B-1.2 code with a residential density cap gives the council the necessary legal framework to reject ultra dense housing developments.

8

**“Changing B-1.2 is throwing out the baby with the bath water”**

No, changing B-1.2 saves the baby from drowning

9

**“The Overton Road Condominiums is an example of where a developer responded to community pressure and pulled the project”**

No, Durham pulled the project because it was rejected by the Mountain Brook City Council. The portion of the project within the Vestavia Hills city limits would not be possible without the Mountain Brook portion included. In any case the residential density of the project complied with Mountain Brook’s limit of 12 residential units per acre.

10

**“It allows for projects like Cahaba Village that have retail underneath residential”**

For reference sake Cahaba Village is 12 units shared with retail on 7.3 acres of land. The 7.3 acres does not include Whole Foods. The Park Lane mixed use development across from Birmingham Botanical Gardens has 270 apartments on nearly 58 acres of land. Both of these mixed use developments have residential densities of under 5 units per acre.

11

**“We learned that there was no conditional use exemption for 3 stories and 35 feet”**

It’s stunning that despite having less than 300 words in the B-1.2 code and having two lawyers on the Vestavia Hills payroll Cahaba Heights Community Foundation had to hire a third lawyer

to explain it to the city council after the Planning and Zoning board passed a project that included the exemption.

12

"It would have been hard to do Leaf and Petal and impossible to do Martin's Barbeque without B-1.2"

Yes, that is true but the changes we are asking for would not affect either of these projects. Their residential density is exactly zero.

B-1.2 and R-9 zoning ordinances as they are written are a golden invitation for abuse. Why invite ultra high density development that none of our neighborhoods nor the Board of Education are prepared for? I urge you to reform this wonderful, yet tragically flawed ordinance before it is too late.

**RESOLUTION NUMBER 5020**

**A RESOLUTION AMENDING RESOLUTION NUMBERS 3192, 3337 AND 3469 AUTHORIZING THE CITY MANAGER TO OFFER CONTINUING HEALTH INSURANCE BENEFITS TO EMPLOYEES ELECTING TO RETIRE.**

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

**THAT**, the City Manager is authorized to offer to eligible City employees continuing health insurance benefits until they reach age 65 under the following terms, if the eligible employee elects to retire.

1. **ELIGIBILITY**. All currently active City employees (including the Library and Parks and Recreation Department) who meet the service retirement requirements of the Employees Retirement Systems of Alabama, who are age 55 years of age, or older, and who have 25 or more years of service, or who have at least 10 years of service and have reached the age of 60 or older are eligible, provided that such employee gives 30 days written notice of their election to retire prior to their effective date of retirement.
2. **INSURANCE COVERAGE**. The eligible employees electing to retire must be currently enrolled in the City's health plan.

The retiring employee's coverage will continue as if the retiree were an active employee until that retiree reaches age 65 or becomes eligible for Medicare benefits, whichever comes first. The coverage that will be provided by the City to the eligible retiree pursuant to this Resolution is that same coverage which is otherwise available to other active employees of the City. It is agreed and understood that the eligible employee electing to retire will not be treated differently than any other active employee and will

receive the insurance benefits as any other active employee of the City, subject to the maximum premium cost provided in paragraph 3 below.

3. **PREMIUM COST.** Pursuant to this Resolution the City will pay a health insurance benefit beginning at a minimum benefit of at least \$240.00, or an amount equal to the calculation of 2.5% times the number of years of service with the City of Vestavia Hills, whichever is greater. The maximum benefit shall not exceed 87.5% at a maximum of \$1,000.00 for those retiring eligible employees who are presently enrolled under the City's health insurance plan for single or family coverage and those individuals who previously retired under this plan.
4. **RETIREMENT PLAN.** The eligible employees electing to retire pursuant to this Resolution must be at the time of retirement, qualified and eligible to retire under The Employee's Retirement System of Alabama Service Retirement Plan and must be currently enrolled in The Employee's Retirement System of Alabama at the time of notice of such election as required by this Resolution. The City makes no representation as to the eligibility of any employee as relates to service retirement benefits from the Retirement Plan. However, it is a specific condition that the employee electing to retire pursuant to this Resolution must be eligible to service retire pursuant to the laws of the State of Alabama and in particular with the terms and conditions of The Employee's Retirement System of Alabama.
5. **EFFECTIVE DATE:** This resolution shall become effective the 1<sup>st</sup> day of April, 2018.



**APPROVED and ADOPTED** this the 26<sup>th</sup> day of February, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2743**

**ANNEXING CERTAIN TERRITORY TO THE  
CORPORATE LIMITS OF THE CITY OF VESTAVIA  
HILLS, ALABAMA.**

**WHEREAS**, on the 13th day of November, 2017, a petition was presented to the City Council of the City of Vestavia Hills, Alabama, proposing the annexation of certain property to the City of Vestavia Hills, Alabama, under the provisions of Act 32 of the Special Session on the Alabama Legislature of 1964; and

**WHEREAS**, the City Council of the City of Vestavia Hills, at the time and place of its regular meeting on said date, made a determination that the matters contained in the Petition were true and that it was in the public interest that said property be annexed to the City of Vestavia Hills, Alabama.

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

1. That the following property which was described in said petition be annexed to the City of Vestavia Hills, Alabama:

3533 Squire Lane  
Jason and Kathleen Lawrence, Owner(s)

Being more particularly described as follows:

Part of the SE ¼ of the NW ¼ of Section 23, Township 18 South, Range 2 West, more particularly described as follows:

Commence at the southwest corner of the SE ¼ of the NW ¼ of Section 28, Township 18 South, Range 2 West, Jefferson County, Alabama thence east along the south line of said ¼ - ¼ section a distance of 244.49 feet to the point of beginning; thence continue east along said south line a distance of 255 feet; thence at an angle to the left of 92°02' a distance of 266.43 feet; thence at an angle to the left of 88°07' a distance of 255 feet; thence at an angle to the left of 91°53' a distance of 265.76 feet to the point of beginning.

2. That this Annexation shall become effective upon the adoption and approval of this Ordinance in accordance with the provisions of law, after which the heretofore described property shall become a part of the City of Vestavia Hills, Alabama.

3. That the City Clerk be and is hereby directed to publish this Ordinance in accordance with the requirements of the law and to file a copy hereof, together with a duly certified copy of the petition, with the Probate Judge of Jefferson County, Alabama.

**ADOPTING and APPROVED** this the 26th day of February, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

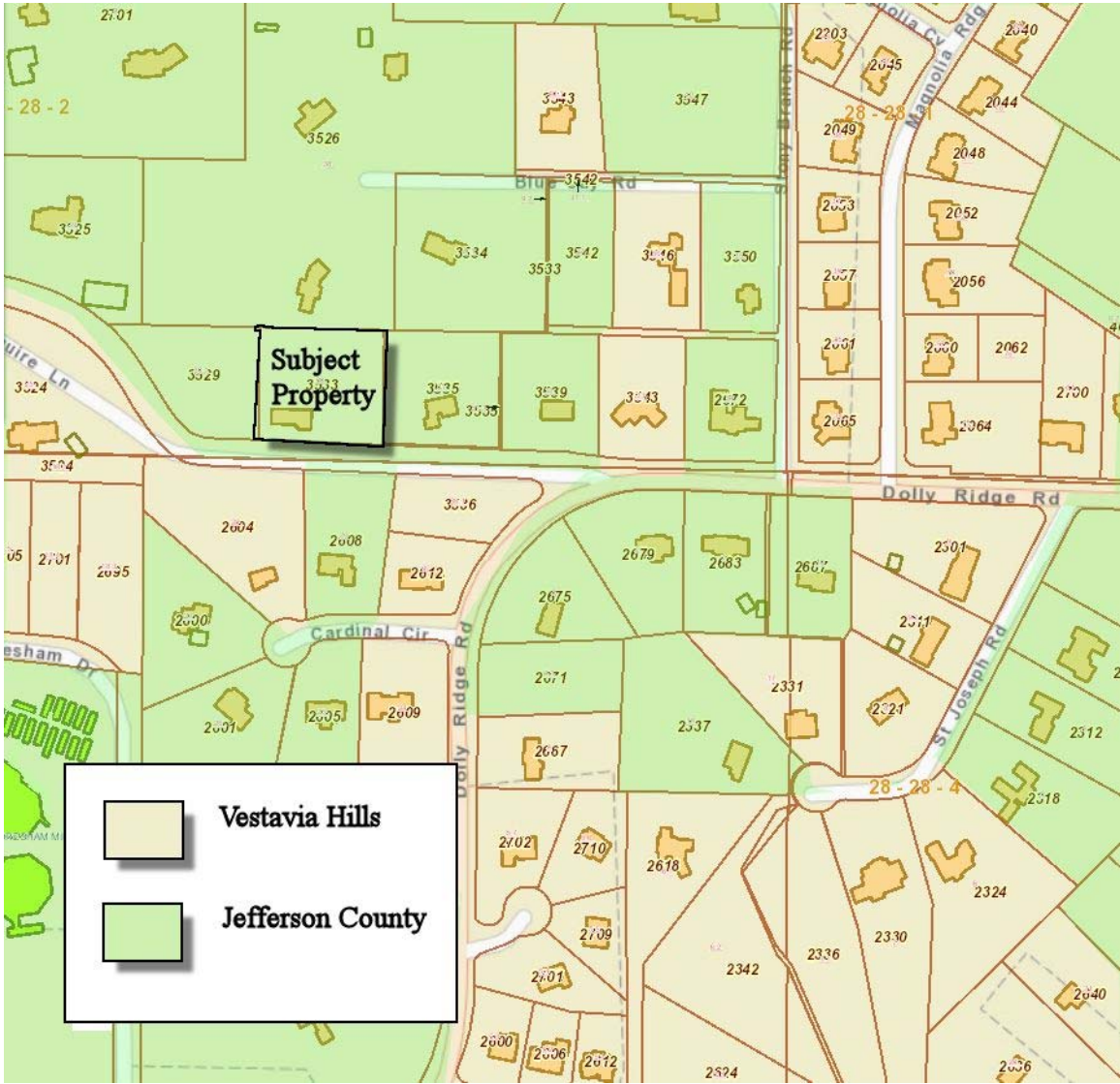
Rebecca Leavings  
City Clerk

**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 # 2743 is a true and correct copy of such Ordinance that was duly adopted by the City Council of the City of Vestavia Hills on the 26th day of February, 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





**3533 Squire Lane  
Jason and Kathleen Lawrence**

**CITY OF VESTAVIA HILLS**  
*Department Review of Proposed Annexation*  
*(To be completed by Official City Reviewers)*

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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: 3533 Squire Lane

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**Engineering; Public Services**

Date: 9/21 Initials: CB

**3533 Squire Lane** -- no significant concerns noted; asphalt is in poor to fair condition; there are no roadside gutter or drainage structures; the roadway is still majority unincorporated Jefferson County so anticipate it will remain on County's maintenance schedule.

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**Police Department:**

Date: 09-25-17 Initials: JW

Comments: N/A

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**Fire Department:**

Date: 9/25/17 Initials: (SD)

Comments: N/A

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**Board of Education:**

Date: \_\_\_\_\_ Initials: \_\_\_\_\_

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

Rebecca, I don't see this affecting the growth projections for the school system, it falls within our projected numbers. Let me know if you require anything else for this.

Thank you,  
Steve

**PARCEL #:** 28 00 28 2 001 030.000  
**OWNER:** SMITH THOMAS O IV & MARGARET B  
**ADDRESS:** 3533 SQUIRE LANE VESTAVIA AL 35243  
**LOCATION:** 3533 SQUIRE LN BHAM AL 35243

[ 111-C+ ] Baths: 3.0 H/C Sqft: 2,464  
 18-012.0 Bed Rooms: 4 Land Sch: A114  
 Land: 143,500 Imp: 190,400 Total: 333,900  
 Acres: 0.000 Sales Info: 11/21/2013 \$10

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

Tax Year : 2017

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

**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% \$143,520  
 CURRENT USE VALUE [DEACTIVATED] \$0  
CLASS 2  
 POOL VINYL 60 29VP60 \$5,600  
 BLDG 001 111 \$184,800

**CLASS USE:**

FOREST ACRES: 0 TAX SALE:  
 PREV YEAR VALUE: \$333,900.00 BOE VALUE: 0

CLASS 3

TOTAL MARKET VALUE [APPR. VALUE: \$333,900]: \$333,920  
 Assesment Override:  
 MARKET VALUE:  
 CU VALUE:  
 PENALTY:  
 ASSESSED VALUE:

**TAX INFO**

	CLASS	MUNCODE	ASSD. VALUE	TAX EXEMPTION	TAX EXEMPTION	TOTAL TAX
STATE	2	1	\$66,780	\$434.07	\$0	\$434.07
COUNTY	2	1	\$66,780	\$901.53	\$0	\$901.53
SCHOOL	2	1	\$66,780	\$547.60	\$0	\$547.60
DIST SCHOOL	2	1	\$66,780	\$0.00	\$0	\$0.00
CITY	2	1	\$66,780	\$0.00	\$0	\$0.00
FOREST	2	1	\$0	\$0.00	\$0	\$0.00
SPC SCHOOL1	2	1	\$66,780	\$340.58	\$0	\$340.58
SPC SCHOOL2	2	1	\$66,780	\$1,121.90	\$0	\$1,121.90

**ASSD. VALUE: \$66,780.00**

**\$3,345.68**

**GRAND TOTAL: \$3,345.68**

Payoff Quote

**DEEDS**

**INSTRUMENT NUMBER**

[2017072178](#)  
[201320-12986](#)  
[2390-1](#)

**PAYMENT INFO**

DATE	PAY DATE	TAX YEAR	PAID BY	AMOUNT
7/14/2017		2017		\$0.00
11/21/2013	1/5/2017	2016	-	\$3,345.68
07/21/1983	12/21/2015	2015		\$3,345.68
	1/6/2015	2014	T. O. SMITH PHONE SOS-SG?-SGOI	\$3,324.61
	1/3/2014	2013	T. O. SMITH	\$3,324.61
	12/28/2012	2012	SMITH T O	\$1,606.81

STATE OF ALABAMA

Jefferson COUNTY

PETITION FOR ANNEXATION TO THE  
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: July 17, 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.

Please mail any bills related to annexation  
to Jason + Kathleen Lawrence  
8401-B Vestavia Villa Court  
Vestavia Hills, AL 35226  
Kathleen-205-515-9779

Firedues: \$2335.92  
@ \$399.32 per year



**EXHIBIT "A"**

LOT: N/A  
BLOCK: N/A  
SURVEY: N/A

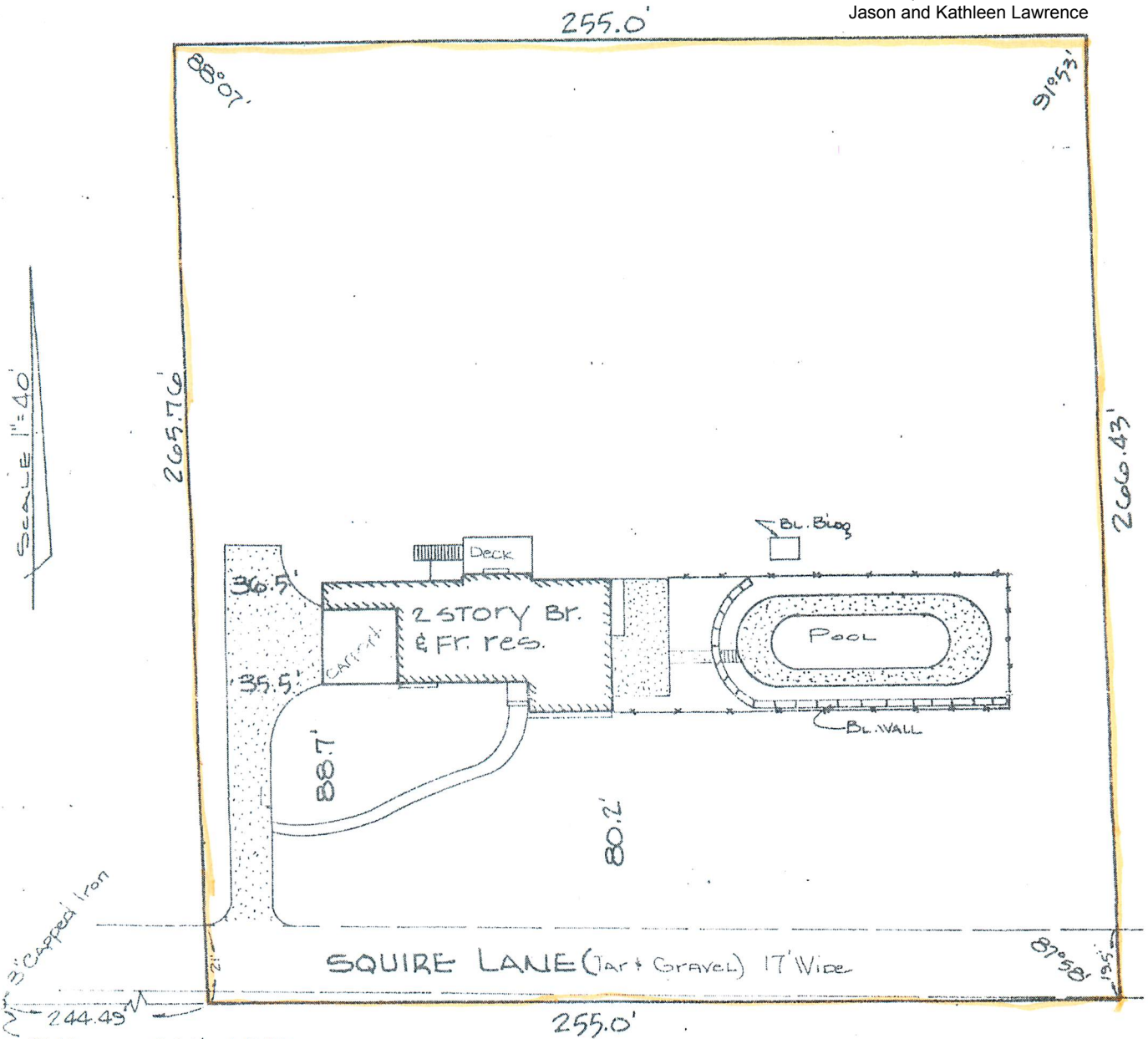
RECORDED IN MAP BOOK N/A, PAGE N/A IN THE  
PROBATE OFFICE OF Jefferson COUNTY, ALABAMA.

COUNTY ZONING E1 estate

COMPATIBLE CITY ZONING: \_\_\_\_\_

LEGAL DESCRIPTION (METES AND BOUNDS):

Part of the SE $\frac{1}{4}$  of the NW $\frac{1}{4}$  of Section 28, Township 18 South, Range 2 West, more particularly described as follows: Commence at the southwest corner of the SE $\frac{1}{4}$  of NW $\frac{1}{4}$  of section 28, Township 18 South, Range 2 West, Jefferson county, Alabama thence east along the south line of said  $\frac{1}{4}$ - $\frac{1}{4}$  section a distance of 244.49 feet to the point of beginning; thence continue east along said south line a distance of 255 feet; thence at an angle to the left of 92°02' a distance of 266.43 feet; thence at an angle to the left of 88°07' a distance of 255 feet; thence at an angle to the left of 91°53' a distance of 265.76 feet to the point of beginning.



SW Cor. of SE 1/4 - NW 1/4  
Sec. 28 - T. 18 - S. ; R. 2 W

# 3533 Squire Lane

STATE OF ALABAMA  
JEFFERSON COUNTY)

I, Lawrence D. Weygand, Engineer-Land Surveyor, certify that I have surveyed the land shown above; that there are no right-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires on or over said premises except as shown; that there are no encroachments on said land except as shown; that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property is not located in a special flood hazard area; that improvements are located as shown above and that the correct description is as follows:

Part of the SE 1/4 of the NW 1/4 of Section 28, Township 18 South, Range 2 West, more particularly described as follows: (Commence) at the southwest corner of the SE 1/4 of NW 1/4 of Section 28, Township 18 South, Range 2 West, Jefferson County, Alabama; thence along the south line of said 1/4-section a distance of 244.45 feet to the point of beginning; thence continue east along said south line a distance of 255 feet; thence at an angle to the left of 92°02' a distance of 266.43 feet; thence at an angle to the left of 88°07' a distance of 255 feet; thence at an angle to the left of 91°53' a distance of 265.76 feet to the point of beginning.

According to my survey of July 8, 1983

*Lawrence D. Weygand*  
Lawrence D. Weygand-Reg./P.E. & L.S.#10373  
PH: 939-0900

Order No: 44089 Fore. Smith

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 _____	Block _____	Survey _____
<u>Kathleen Lawrence</u>	Lot _____	Block _____	Survey _____
_____	Lot _____	Block _____	Survey _____

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

STATE OF ALABAMA

Jefferson COUNTY

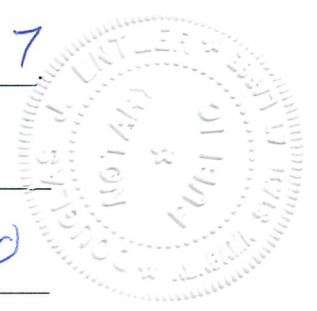
Kathleen Lawrence being duly sworn says: I am one of the persons who signed the above petition, and I certify that said petition contains the signatures of all the owners of the described property.

[Signature]  
Signature of Certifier

Subscribed and sworn before me this the 17 day of July, 2017.

[Signature]  
Notary Public

My commission expires: 9-29-20



**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): Jason & Kathleen Lawrence  
Address: 3533 Squire Lane  
City: Vestavia State: AL Zip: 35243

**Information on Children:**

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

	Name(s)	Age	School Grade	Yes	No
1.	Lindley Lawrence	16	11	X	
2.	Chappell Lawrence	14	9	X	
3.	Laura Kate Lawrence	12	7	X	
4.					
5.					
6.					

Approximate date for enrolling students in Vestavia Hills City Schools if above response is "yes": Currently enrolled - they have attended VHS from preschool

Greg Morton Appraisals, LLC  
P.O. Box 694  
Helena, AL 35080  
2052299274

---

July 10, 2017

TRUSTMARK NATIONAL BANK  
201 COUNTRY PLACE PKWY  
PEARL, MS  
39208

Property - 3533 SQUIRE LN  
VESTAVIA, AL 35243  
Borrower - JASON LAWERENCE  
File No. - G6247717  
Case No. -

Dear :

In accordance with your request, I have prepared an appraisal of the real property located at 3533 SQUIRE LN, VESTAVIA, AL.

The purpose of the appraisal is to provide an opinion of the market value of the property described in the body of this report.

Enclosed, please find the report which describes certain data gathered during our investigation of the property. The methods of approach and reasoning in the valuation of the various physical and economic factors of the subject property are contained in this report.

An inspection of the property and a study of pertinent factors, including valuation trends and an analysis of neighborhood data, led the appraiser to the conclusion that the market value, as of 07/07/2017 is :

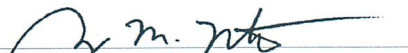
\$375,000

The opinion of value expressed in this report is contingent upon the Limiting Conditions attached to this report.

It has been a pleasure to assist you. If I may be of further service to you in the future, please let me know.

Respectfully submitted,

Greg Morton Appraisals, LLC

  
\_\_\_\_\_  
Gregory M. Morton  
AL Certification #R00723

**ORDINANCE NUMBER 2744**

**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 JEFFERSON COUNTY E-2 TO VESTAVIA HILLS R-1**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Jefferson County E-2 (low-density residential district) to Vestavia Hills R-1 (low-density residential district):

3533 Squire Lane  
Jason and Kathleen Lawrence, Owner(s)

Being more particularly described as follows:

Part of the SE ¼ of the NW ¼ of Section 23, Township 18 South, Range 2 West, more particularly described as follows:  
Commence at the southwest corner of the SE ¼ of the NW ¼ of Section 28, Township 18 South, Range 2 West, Jefferson County, Alabama thence east along the south line of said ¼ - ¼ section a distance of 244.49 feet to the point of beginning; thence continue east along said south line a distance of 255 feet; thence at an angle to the left of 92°02' a distance of 266.43 feet; thence at an angle to the left of 88°07' a distance of 255 feet; thence at an angle to the left of 91°53' a distance of 265.76 feet to the point of beginning.

**APPROVED and ADOPTED** this the 26<sup>th</sup> day of February, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

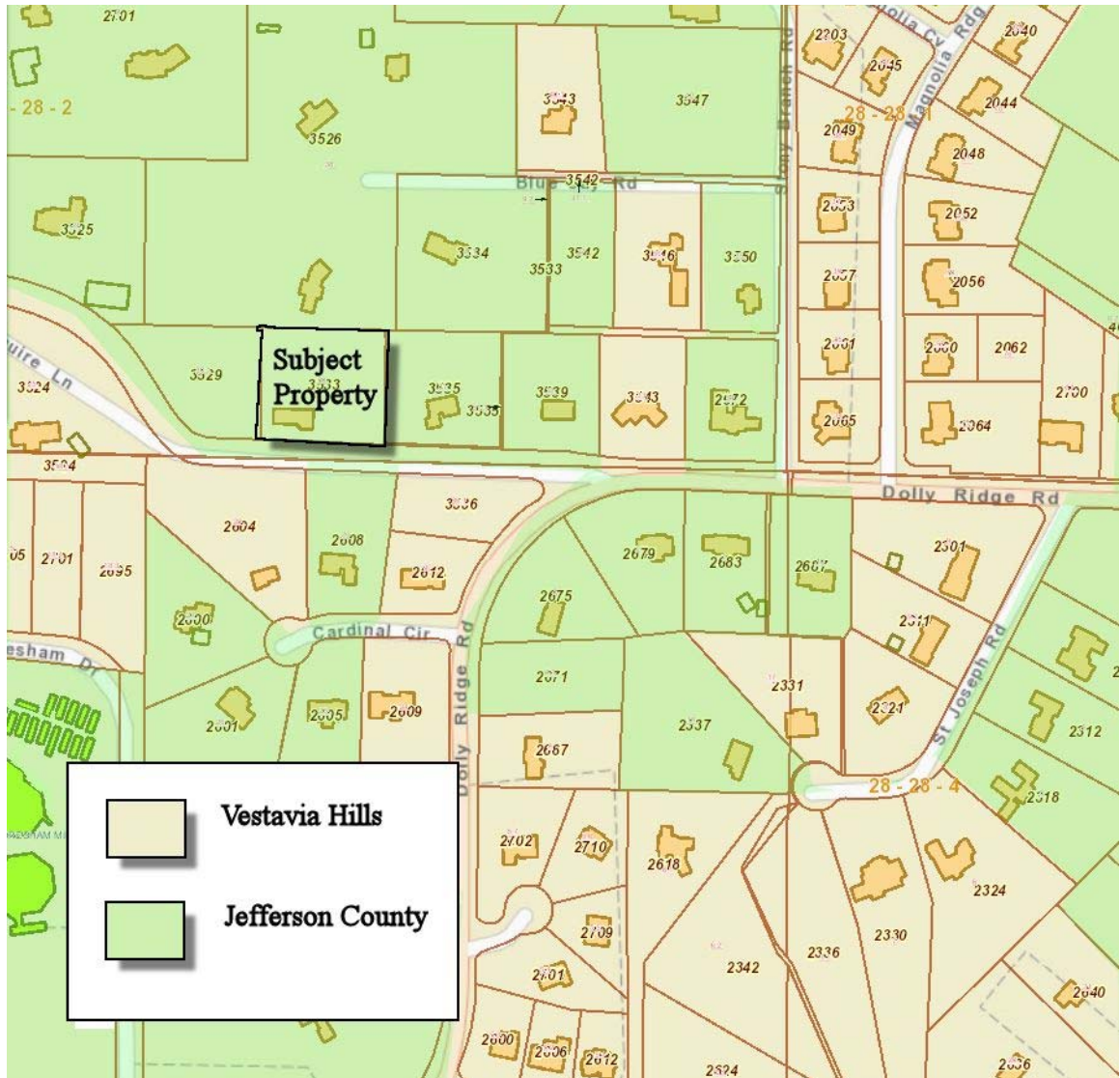
Rebecca Leavings  
City Clerk

**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 # 2744 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 26<sup>th</sup> day of February, 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: JANUARY 11, 2018

- **CASE: P-0118-01**
- **REQUESTED ACTION:** Rezoning from Jefferson County Jefferson County E-2 to Vestavia Hills R-1
- **ADDRESS/LOCATION:** 3533 Squire Ln.
- **APPLICANT/OWNER:** Jason & Kathleen Lawrence
- **GENERAL DISCUSSION:** Property was annexed overnight by City Council on 11/13/17 with the passage of Ordinance 2731. Applicant is requesting the compatible rezoning as part of the annexation process.
- **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** Mrs. Cobb made a motion to recommend rezoning approval for 3533 Squire Ln. from Jefferson County E-2 to Vestavia Hills R-1. Second was by Mr. Weaver. Motion was carried on a roll call; vote as follows:

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

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

255.0'

88°07'

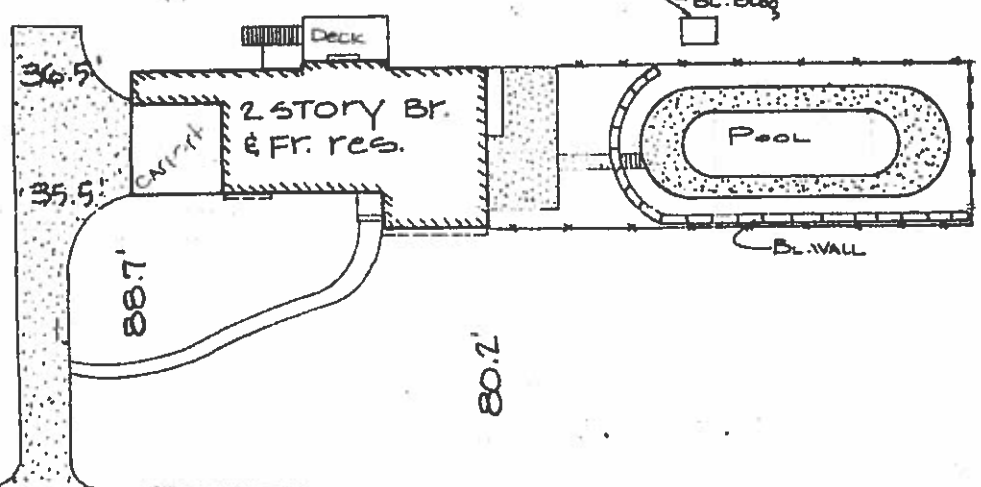
91°53'

SCALE 1"=40'

265.76'

266.43'

3" Capped Iron



SQUIRE LANE (PART GRAVEL) 17' Wide

244.45'

255.0'

87°58'

SW Cor. of SE 1/4 - NW 1/4  
Sec. 28 - T. 18 - S. ; R. 2 W

# 3533 Squire Lane

STATE OF ALABAMA  
JEFFERSON COUNTY

I, Lawrence D. Weyland, Registered Land Surveyor, certify that I have surveyed the land shown above; that there are no right-of-way, easements or joint driveways over or across said land visible on the surface except as shown; that there are no electric or telephone wires (excluding wires which serve the premises only) or structures or supports therefor, including poles, anchors and guy wires on or over said premises except as shown; that there are no encroachments on said land except as shown; that I have consulted the Federal Insurance Administration Flood Hazard Boundary Map and found that this property is not located in a special flood hazard area; that improvements are located as shown above and that the correct description is as follows:

Part of the SE 1/4 of the NW 1/4 of Section 28, Township 18 South, Range 2 West, more particularly described as follows: Commence at the southwest corner of the SE 1/4 of NW 1/4 of Section 28, Township 18 South, Range 2 West, Jefferson County, Alabama; thence east along the south line of said 1/4 section a distance of 244.49 feet to the point of beginning; thence continue east along said south line a distance of 255 feet; thence at an angle to the left of 92°02' a distance of 266.43 feet; thence at an angle to the left of 88°07' a distance of 255 feet; thence at an angle to the left of 91°53' a distance of 265.76 feet to the point of beginning.

According to my survey of July 8, 1983

Order No: 44089 Pure Smith

*Lawrence D. Weyland*  
 Lawrence D. Weyland-Reg./P.E. & L.S. #1037  
 PH: 939-0900

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

---

**Authorization  
of  
The Liberty Park Area Public Road Cooperative District**

---

The City Council of the City of Vestavia Hills, Alabama met in regular public session at City Hall in the City of Vestavia Hills, Alabama, at 6:00 p.m. on the \_\_\_\_ day of \_\_\_\_\_, 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 a quorum was present and that the meeting was open for the transaction of business.

\* \* \*

Thereupon, the following resolution was introduced in writing by the Mayor, and considered by the City Council:

**RESOLUTION NO. 5021**

**A RESOLUTION APPROVING AN APPLICATION TO INCORPORATE A CAPITAL IMPROVEMENT COOPERATIVE DISTRICT OF THE CITY OF BIRMINGHAM, ALABAMA, JEFFERSON COUNTY, ALABAMA, AND THE CITY OF VESTAVIA HILLS, ALABAMA, AND AUTHORIZING SUCH INCORPORATION**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, as follows:**

Section 1. That the City Council, upon evidence duly submitted to and considered by it, hereby finds and determines that the following application has been duly filed with the governing body of the City of Vestavia Hills pursuant to Chapter 99B of Title 11 of the Code of Alabama 1975 (the "Enabling Law"), that such application was signed by not less than three natural persons, and that each of said persons is over the age of 21 years and is a duly qualified elector of Jefferson County, Alabama:

**APPLICATION FOR AUTHORITY TO FORM  
A CAPITAL IMPROVEMENT COOPERATIVE DISTRICT**

TO THE GOVERNING BODIES OF THE CITY OF BIRMINGHAM, ALABAMA, JEFFERSON COUNTY, ALABAMA AND THE CITY OF VESTAVIA HILLS, ALABAMA:

We, the undersigned natural persons, each of whom is over the age of 21 years and is a duly qualified elector of Jefferson County, Alabama, do hereby make application in writing seeking permission to incorporate a capital improvement cooperative district (the "District") under the provisions of Chapter 99B of Title 11 of the Code of Alabama 1975 and file this Application:

1. The District proposes to acquire, construct and install capital improvements including roads, streets, public ways, sidewalks, lighting, landscaping for public roads, and related infrastructure improvements (the "Project").

2. The area in which the District proposes to acquire the Project is set forth on Appendix I attached hereto, all of which area is within Jefferson County, Alabama and portions of which area are within the corporate limits of the City of Birmingham, Alabama and the City of Vestavia Hills, Alabama.

3. The proposed members of the District are the City of Birmingham, Alabama and Jefferson County, Alabama and the City of Vestavia Hills, Alabama.

4. The District shall be governed by a board of directors which shall be comprised of three (3) persons.

The number of directors which the governing body of each authorizing subdivision shall be entitled to elect are as follows:

<u>Authorizing Subdivision</u>	<u>Number of Directors</u>
City of Birmingham, Alabama	1
Jefferson County, Alabama	1
City of Vestavia Hills, Alabama	1

5. The proposed location of the principal office of the District shall be at City Hall, Vestavia Hills, Alabama.

6. Each of the applicants is a duly qualified elector of Jefferson County, Alabama.

7. Upon dissolution of the District as permitted in the Enabling Law, title to all property (real, personal and mixed) of the District shall pass to and be vested in the City of Birmingham, Alabama, Jefferson County, Alabama and the City of Vestavia Hills, Alabama, as provided in Section 11-99B-15 of the Code of Alabama 1975.

8. The undersigned hereby requests that each of the governing bodies of the City of Birmingham, Alabama, Jefferson County, Alabama and the City of Vestavia Hills, Alabama adopt a resolution declaring that it is wise, expedient, and necessary that the proposed District be formed and authorizing the undersigned to proceed to form the proposed District by the filing for record of a certificate of incorporation in accordance with the provisions of Section 11-99B-4 of the Code of Alabama 1975.

9. A copy of the proposed form of certificate of incorporation for such District is attached hereto as Appendix II and made a part hereof.

WITNESS OUR SIGNATURES this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:

**Appendix I**

**Project Area**

**Appendix II**

**Form of Certificate of Incorporation**



**CERTIFICATE OF INCORPORATION  
OF  
THE LIBERTY PARK AREA PUBLIC ROAD COOPERATIVE DISTRICT**

KNOW ALL MEN BY THESE PRESENTS:

That the undersigned, in order to form a public corporation as a cooperative district under and pursuant to the provisions of Chapter 99B of Title 11 of the Code of Alabama 1975 (hereinafter called the "Enabling Law"), do hereby make, sign, execute, acknowledge and file this certificate of incorporation:

**ARTICLE ONE**

The names of the persons forming this public corporation, together with the residence of each of such persons, are:

<u>Name</u>	<u>Residence</u>
_____	_____
_____	_____
_____	_____

Each of the foregoing named persons is over the age of 21 years and is a duly qualified elector of Jefferson County, Alabama.

**ARTICLE TWO**

The period for the duration of the district shall be perpetual, subject to the provisions of the Enabling Law.

### **ARTICLE THREE**

The authorizing subdivisions are the City of Birmingham, Alabama, Jefferson County, Alabama and the City of Vestavia Hills, Alabama.

On the \_\_\_\_ day of \_\_\_\_\_, 2018, the governing body of Jefferson County, Alabama adopted a resolution approving and authorizing the incorporation of the district in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit A and made a part hereof.

On the 26<sup>th</sup> day of February, 2018, the governing body of the City of Vestavia Hills, Alabama adopted a resolution approving and authorizing the incorporation of the district in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit B and made a part hereof.

On the \_\_\_\_ day of \_\_\_\_\_, 2018, the governing body of the City of Birmingham, Alabama adopted a resolution approving and authorizing the incorporation of the district in accordance with the Enabling Law, a certified copy of which is attached hereto as Exhibit C and made a part hereof.

### **ARTICLE FOUR**

The name of the district shall be “The Liberty Park Area Public Road Cooperative District” (hereinafter called the "District").

Attached hereto as Exhibit D and made a part hereof is a certificate by the Secretary of State of the State of Alabama stating that the name proposed for the District is not identical to that of any other corporation organized under the laws of the State of Alabama or so nearly similar thereto as to lead to confusion and uncertainty.

The location of the principal office of the District (and its post office address) shall be City Hall, Vestavia Hills, Alabama.

### **ARTICLE FIVE**

1. The District proposes to acquire, construct and install capital improvements including roads, streets, public ways, sidewalks, lighting, landscaping for public roads, and related infrastructure improvements (the "Project").

2. The area in which the District proposes to acquire the Project is set forth on Exhibit E attached hereto, all of which area is within Jefferson County, Alabama and portions of which area are within the corporate limits of the City of Birmingham, Alabama and the City of Vestavia Hills, Alabama.

## ARTICLE SIX

The District shall be governed by a board of directors which shall be comprised of three (3) persons.

The number of directors which the governing body of each authorizing subdivision shall be entitled to elect are as follows:

<u>Authorizing Subdivision</u>	<u>Number of Directors</u>
City of Birmingham, Alabama	1
Jefferson County, Alabama	1
City of Vestavia Hills, Alabama	1

## ARTICLE SEVEN

The proposed name of the District is "The Liberty Park Area Public Road Cooperative District".

## ARTICLE EIGHT

Upon dissolution of the District as permitted in the Enabling Law, title to all property (real, personal and mixed) of the District shall pass to and be vested in the City of Birmingham, Alabama, Jefferson County, Alabama and the City of Vestavia Hills, Alabama, as provided in Section 11-99B-15 of the Code of Alabama 1975.

## ARTICLE NINE

The application filed with the governing body of each of the authorizing subdivisions in accordance with 11-99B-3 of the Code of Alabama 1975 was identical to the copy thereof attached to this certificate of incorporation as Exhibit F.

## **ARTICLE TEN**

The District shall have all powers conferred on corporations of like nature by the Enabling Law, and any amendment thereof heretofore or hereafter made, and all other powers conferred upon corporations generally by the laws of Alabama not in conflict with the Enabling Law, as heretofore or hereafter amended.

## **ARTICLE ELEVEN**

The District shall be a non-profit corporation and no part of the net earnings thereof shall inure to the benefit of any private person or entity of any nature whatsoever.

IN WITNESS WHEREOF, the undersigned incorporators have signed this certificate of incorporation on this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

/s/ \_\_\_\_\_  
Name:

/s/ \_\_\_\_\_  
Name:

/s/ \_\_\_\_\_  
Name:

STATE OF ALABAMA

JEFFERSON COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Certificate of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Certificate of incorporation, he executed the same voluntarily.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

NOTARIAL SEAL

My commission expires: \_\_\_\_\_

STATE OF ALABAMA

JEFFERSON COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Certificate of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Certificate of incorporation, he executed the same voluntarily.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

NOTARIAL SEAL

My commission expires: \_\_\_\_\_

STATE OF ALABAMA

JEFFERSON COUNTY

The undersigned, a notary public in and for said County in said State, do hereby certify that \_\_\_\_\_, whose name is signed to the foregoing Certificate of Incorporation and who is known to me, acknowledged before me on this day that, being informed of the contents of the foregoing Certificate of incorporation, she executed the same voluntarily.

Given under my hand and official seal, this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

NOTARIAL SEAL

My commission expires: \_\_\_\_\_



Exhibit A

ARTICLE THREE

Authorizing Resolution of Jefferson County, Alabama

Exhibit B

ARTICLE THREE

Authorizing Resolution of the City of Vestavia Hills, Alabama

Exhibit C

ARTICLE THREE

Authorizing Resolution of the City of Birmingham, Alabama

Exhibit D

ARTICLE FOUR

Certificate of Secretary of State of State of Alabama

Exhibit E

ARTICLE FIVE

Project Area

Exhibit F

ARTICLE NINE

Application

Section 2. That the City Council has reviewed and considered the foregoing application and has found and determined and does hereby find and determine as a matter of fact that it is wise, expedient, and necessary that the district be formed.

Section 3. That the City Council does hereby approve the proposed form of certificate of incorporation of the district attached to the foregoing application as hereinabove set forth.

Section 4. That the City Council does hereby grant permission to incorporate the district and does hereby authorize the persons making such application to proceed to form such district pursuant to the Enabling Law.

Section 5. That the City Council does hereby elect and appoint the following named persons as directors of The Liberty Park Area Public Road Cooperative District for the term of office ending on the date set opposite the name thereof or on such date as the respective successor thereof is elected and qualified:

<u>Name</u>	<u>Date of End of Term</u>
Ashley C. Curry	Fourth anniversary of the date of filing for record the certificate of incorporation for the cooperative district

Duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor of the City of Vestavia Hills, Alabama

SEAL

Attest: \_\_\_\_\_  
City Clerk



**CERTIFICATE AS TO PUBLICATION**

I, the undersigned City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing resolution was published by me by publication in *The Birmingham News*, a newspaper published in Jefferson County, Alabama, and of general circulation in the City of Vestavia Hills, Alabama, in the issue thereof published on \_\_\_\_\_, 2018.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City of Vestavia Hills, Alabama.

---

City Clerk

SEAL

It was moved by Councilmember \_\_\_\_\_ that all rules and regulations which, unless suspended, would prevent the immediate consideration and adoption of said resolution be suspended, and that unanimous consent to the immediate consideration of said resolution be given. The motion was seconded by Councilmember \_\_\_\_\_ and was unanimously carried, those voting aye being:

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

Nays: None

The Mayor declared the motion carried.

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 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 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 regular meeting of the City Council of the Municipality duly held on the \_\_\_\_\_, 2018, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the resolution 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; (5) said resolution 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.

\_\_\_\_\_  
Clerk of the City of Vestavia Hills, Alabama

SEAL

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

---

**Approval of Funding Agreement  
for  
The Liberty Park Area Public Road Cooperative District**

---

The City Council of the City of Vestavia Hills, Alabama met in regular public session at City Hall in the City of Vestavia Hills, Alabama, at 6:00 p.m. on \_\_\_\_\_, 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 a quorum was present and that the meeting was open for the transaction of business.

\* \* \*

Thereupon, the following resolution was introduced in writing by the Mayor, and considered by the City Council:

## RESOLUTION NO. 5022

### A RESOLUTION APPROVING A FUNDING AGREEMENT FOR THE BENEFIT OF THE LIBERTY PARK AREA PUBLIC ROAD COOPERATIVE DISTRICT AND RELATED TRANSACTIONS

---

BE IT RESOLVED BY THE CITY COUNCIL OF CITY OF VESTAVIA HILLS, ALABAMA, (the “City”) as follows:

**Section 1. Representations and Definitions of Capitalized Terms.**

The City has heretofore, upon evidence duly presented to and considered by it, found and determined, and does hereby find, determine and declare that:

(a) Pursuant to Chapter 99B of Title 11 of the Code of Alabama 1975 (the “Enabling Law”), the City, the City of Birmingham, Alabama, and Jefferson County, Alabama, have authorized the incorporation of The Liberty Park Area Public Road Cooperative District (the “District”), and the certificate of incorporation of the District is recorded as instrument No. \_\_\_\_\_ in the Office of the Judge of Probate of Jefferson County, Alabama.

(b) (1) The District proposes to issue a revenue bond or note in a maximum principal amount of \$\_\_\_\_\_ (the “Bond”) for the purpose of financing a portion of the costs of the Project (as defined in the certificate of incorporation thereof).

(2) The Bond shall be a limited obligation of the District payable solely from fees levied by the District pursuant to Section 11-99B-11 of the Enabling Law for the use of the Project, payable pursuant to certain project user fee agreements by the District and certain users of the Project, and certain funding agreements delivered by the City, the City of Birmingham, Alabama and Jefferson County, Alabama, for the benefit of the District pursuant to Section 11-99B-12 of the Enabling Law.

(c) There has been prepared for and delivered to the City, and made available for public inspection, the following agreements, contracts, documents and instruments with respect to the foregoing transactions and the undertakings by the City in connection therewith (collectively, the “Financing Documents”):

(1) Financing Agreement, to be dated the date of delivery, by the District and \_\_\_\_\_ (the “Bondholder”) with respect to the Bond;

(2) Funding Agreement, to be dated the first day of the month of delivery, by the City and the District and the Bondholder with respect to the Bond, as attached hereto as Exhibit A.

(3) \_\_\_\_\_.

(d) The expenditure of public funds for the purposes specified in the Financing Documents will serve a valid and sufficient public purpose, notwithstanding any incidental benefit accruing to any private entity or entities.

(e) It is necessary, desirable, and in the best interests of the taxpayers and citizens of the City for the City to deliver and perform the agreements and undertakings of the City set forth in the Financing Documents to which the City is a party.

**Section 2. Approval of Financing Documents.**

(a) The City does hereby approve, adopt, authorize, direct, ratify and confirm the representations, warranties, agreements and covenants of the City set forth in, and the transactions to be undertaken by the City pursuant to, the Financing Documents.

(b) The Financing Documents are approved in substantially the form and of substantially the content as presented to and considered by the City Council, with such changes or additions thereto or deletions therefrom as the officer of the City executing those of the Financing Documents to which the City is a party signatory thereto (herein collectively the "City Documents") shall approve, which approval shall be conclusively evidenced by execution of the City Documents by such officer as hereinafter provided.

(c) The Financing Documents presented to, considered and adopted by the City Council shall be filed in the permanent records of the City.

**Section 3. Authorizations.**

(a) The Mayor of the City is hereby authorized and directed to execute, acknowledge and deliver, simultaneously with the delivery of the Bond, the City Documents (as defined in Section 2(b)) for and on behalf of and in the name of the City. The City Clerk of the City is hereby authorized and directed to attest the same.

(b) Execution and delivery of the City Documents as provided in Section 3(a) shall constitute approval of the final principal amounts, interest rates, sale prices, redemption prices and terms, and costs of issuance of the Bond.

(c) For purposes of the Financing Documents, the Mayor and City Administrator are each authorized and directed to act as an Authorized City Representative under and as defined therein.

(d) The officers of the City, or any one or more of them, are hereby authorized and directed to do and perform or cause to be done or performed in the name and on behalf of the City such other acts, and execute, deliver, file and record such other instruments, documents, certificates, notifications and related documents, all as shall be required by law or necessary or desirable to carry out the provisions and purposes of this Resolution and the Financing Documents.

(e) Any prior actions taken or agreements made or documents executed by any officers of the City in connection with the Financing Documents and the transactions therein authorized and approved are hereby ratified and confirmed.

**Section 4. Reimbursement.**

In the event it becomes necessary for the District or the City to expend any funds for the Project prior to the issuance of the Bond as a tax-exempt obligation therefor, as described above, the City hereby declares its official intent that (i) proceeds of such tax-exempt obligations be used to reimburse the District and the City, as the case may be, for capital expenditures made by the District or the City for the Project in amounts not exceeding the lesser of the amounts spent therefor which are eligible for reimbursement under Treas. Reg. 1.150-2 or the total cost of the Project, and (ii) any such reimbursement be made in accordance with Treas. Reg. 1.150-2.

**Section 5. Approval of Validation.**

(a) The City hereby approves and authorizes the validation of the legality of all the Financing Documents, and all proceedings had or taken in connection therewith, and the validity of the means of payment provided for any financings incurred by the District or the City in connection therewith, in the Circuit Court of Jefferson County, Alabama, in accordance with the applicable laws of the State of Alabama (including without limitation Article 17 of Chapter 6 of Title 6, and Article 7 of Chapter 81 of Title 11, of the Code of Alabama 1975).

(b) To enable the commencement of such validation proceedings, the City hereby approves the form and content of the Funding Agreement attached hereto as Exhibit A, which shall set forth the general obligation of the City to pay the principal of and interest on the Bond to finance the Project, upon final approval by the City of the principal amounts, terms to maturity, offering prices, net interest cost, redemption terms, and use of proceeds of such obligations, and the City hereby approves the filing of this Resolution and such Funding Agreement in such validation proceedings.

(c) The attorneys for the City, and Bond Counsel for the District and the City, are authorized to take such actions as shall be necessary to complete such validation proceedings.

**Section 6. General.**

(a) All ordinances, resolutions, orders, or parts thereof in conflict or inconsistent with any provision herein hereby are, to the extent of such conflict or inconsistency, repealed.

(b) This Resolution shall take effect immediately.



Exhibit A

**FUNDING AGREEMENT**

---

**FUNDING AGREEMENT**

---

**Dated: Dated Date**

---

among

**CITY OF VESTAVIA HILLS, ALABAMA**  
City Hall  
Vestavia Hills, Alabama

and

**THE LIBERTY PARK AREA PUBLIC ROAD COOPERATIVE DISTRICT**  
City Hall  
Vestavia Hills, Alabama

and

**[BONDHOLDER]**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

---

**Capital Improvement Revenue Bond**  
**Series 201Y**  
of  
**The Liberty Park Area Public Road Cooperative District**

---

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**This Funding Agreement was prepared by Heyward C. Hosch of Maynard, Cooper & Gale, P.C.**

---

**FUNDING AGREEMENT**

\_\_\_\_\_  
\_\_\_\_\_, 201Y  
\_\_\_\_\_

This Funding Agreement is made on the above date for the purposes referenced herein by:

**Bondholder:** \_\_\_\_\_, a \_\_\_\_\_ and the successors and assigns thereof.

**City:** The City of Vestavia Hills, Alabama, an Alabama municipal corporation and the successors and assigns thereof.

**District:** The Liberty Park Area Public Road Cooperative District, an Alabama public corporation and the successors and assigns thereof.

---

**Recitals**

This Agreement is delivered by the City for the benefit of the District and the Bondholder pursuant to Section 11-99B-12(a)(1) of the Code of Alabama 1975 simultaneously with, and in consideration of, the acquisition by the Bondholder of the following revenue bond (the "Bond") issued by the District pursuant to that certain Financing Agreement of even date (the "Financing Agreement") by the District and the Bondholder to finance, in part, the "Project " referenced in the Financing Agreement:

\$ \_\_\_\_\_  
**(original principal amount)**  
**Capital Improvement Revenue Bond**  
**Series 201Y**

This Agreement provides for the payment by the City to the Bondholder, for the account of the District, of an amount equal to the within-referenced City Percentage of the principal of and interest on the Bond when and as the same becomes due and payable.

**Agreement**

NOW, THEREFORE, for and in consideration of the premises, and the mutual covenants and agreements herein contained, the City, the District and the Bondholder hereby covenant, agree and bind themselves as follows:

**ARTICLE 1**

**DEFINITIONS**

**SECTION 1.01 Incorporation of Definitions**

Capitalized terms used herein without definition shall have the respective meanings assigned in the Recitals hereto or in the Financing Agreement.

**SECTION 1.02 Definitions of Terms**

Bond shall mean collectively (i) the Capital Improvement Revenue Bond, Series 201Y, issued by the District under the Financing Agreement and (ii) any bond or other obligation of the District at any time issued to refund the indebtedness of the District originally evidenced by the Capital Improvement Revenue Bond, Series 201Y.

City Percentage shall mean thirteen percent (13.00%).

Debt Service shall mean the principal of and interest on the Bond.

Financing Agreement shall mean the Financing Agreement dated the Dated Date by the District and the Bondholder as at any time amended, supplemented or restated.

Funding Agreement Fund shall mean the fund created under Section 4.02 hereof.

Maximum City Commitment shall mean Five Hundred Twenty-Five Thousand Dollars (\$525,000).

**ARTICLE 2**

**DURATION OF AGREEMENT**

The obligations of the City hereunder shall arise on the date of delivery of this Agreement and shall continue in effect until the amounts payable by the City under this Agreement are paid in full and no amount thereof is subject to disgorgement, recession, or repayment under any law or rule of law.

## ARTICLE 3

### REPRESENTATIONS AND WARRANTIES

#### **SECTION 3.01 Representations and Warranties of the District.**

The District makes the following representations and warranties:

(a) The District is duly incorporated under the provisions of Chapter 99B of Title 11 of the Code of Alabama 1975 and has corporate power and authority to enter into this Agreement. The District is not in default under any of the provisions contained in its certificate of incorporation, its by-laws or in the laws of the State of Alabama. By proper corporate action the District has duly authorized the execution, delivery and performance of this Agreement.

(b) Pursuant to the Financing Agreement, the District has issued and sold the Bond, which shall be due and payable as to principal and interest in the fiscal years and in the amounts all as set forth in Exhibit A hereto.

#### **SECTION 3.02 Representations and Warranties of the City.**

The City hereby represents and warrants as follows:

(a) The City has corporate power and authority to enter into this Agreement and to carry out its obligations hereunder and by proper corporate action the City has duly authorized the execution, delivery and performance of this Agreement.

(b) The issuance of the Bond and the application of the proceeds thereof for the purposes set forth in the Financing Agreement and in this Agreement will result in direct financial benefits to the City.

**ARTICLE 4**

**PAYMENT OF PORTION OF BOND BY CITY**

**SECTION 4.01 Payments by the City.**

(a) For the account of the District, the City hereby orders and directs the Finance Director of the City (and any successor to the duties and functions thereof) to pay to the Bondholder, in immediately available funds and solely from the Funding Agreement Fund, the City Percentage of the Debt Service, when and as such Debt Service becomes due and payable as set forth on Exhibit A hereto, provided the aggregate amount payable by the City hereunder shall not exceed the Maximum City Commitment.

(b) The City and the Bondholder agree:

(1) the obligations of and recourse against the City for payment of any amounts pursuant to this Agreement shall be limited to and shall not exceed the amounts determined from time to time as provided in Section 4.01(a);

(2) anything in this Agreement or in the Financing Agreement to the contrary notwithstanding, the City shall have no liability or obligation for the payment of any of the principal of or interest on the Bond upon acceleration thereof upon an event of default under the Financing Agreement, except as specifically undertaken by the City in respect thereof;

(3) all payments hereunder by the City shall be valid and effectual to satisfy and discharge the liability of the City to the extent of the amounts paid and the City shall not be responsible or liable for payment to the Bondholder with respect to such amounts so paid by the City.

**SECTION 4.02 Funding Agreement Fund.**

(a) There is hereby established a special fund designated the "Funding Agreement Fund" which shall be held by the Finance Director of the City and used solely for the payment of the obligations of the City under this Agreement.

(b) The City shall pay or cause to be paid, and the City hereby authorizes, orders and directs the Finance Director of the City to pay, into the Funding Agreement Fund from the taxes, revenues, or funds of the City amounts sufficient to provide for the due and punctual payment of the obligations of the City set forth under Section 4.01(a) of this Agreement.

**SECTION 4.03 Nature of Obligations of the City.**

The obligations of the City to make the payments required under Section 4.01(a) of this Agreement shall constitute a general obligation of the City for which the full faith, credit, and taxing power of the City are hereby irrevocably pledged and shall be absolute and unconditional under any and all circumstances and in no way conditioned or contingent upon any attempt to collect any of such amounts from the District or any other person or to realize upon any property subject to the Financing Agreement or upon any other direct or indirect security for the Bond or resort to any other remedies.

**SECTION 4.04 Consent of City to Prepayment or Refunding of Bond.**

The District shall obtain the prior written consent of the City, expressed by resolution of the governing body thereof, to the prepayment or refunding of the Bond from funds to be derived, in whole or in part, from the City.

**ARTICLE 5**

**OBLIGATIONS OF THE DISTRICT AND THE BONDHOLDER**

**SECTION 5.01 Obligations of the District.**

The District hereby agrees to comply with the provisions of the Financing Agreement with respect to the application and investment of the proceeds of the Bond.

**SECTION 5.02 Obligations of the Bondholder.**

The Bondholder hereby agrees to cause all amounts received from the City to be applied to the payment of the Bond as provided in the Financing Agreement.

**SECTION 5.03 Remedies of the City.**

The City hereby agrees that any failure of the District or the Bondholder to comply with the provisions of Section 5.01 and Section 5.02 of this Agreement shall not constitute an event of default hereunder and shall not relieve or discharge the City from any obligation hereunder. The City may, notwithstanding the foregoing, proceed to enforce the agreements of the District and the Bondholder set forth in Section 5.01 and Section 5.02 of this Agreement by suit in equity, action at law, or other appropriate proceedings.

## **ARTICLE 6**

### **EVENTS OF DEFAULT AND REMEDIES**

#### **SECTION 6.01 General Remedies.**

The City agrees that the Bondholder shall have and may exercise all rights and remedies in equity or at law for the enforcement of this Agreement, the collection of any amounts due under this Agreement, and the conservation and protection of the interests of the Bondholder under this Agreement, upon the occurrence of any of the following events whether such event occurs by voluntary or involuntary action by the City or by operation of law:

- (a) Default by the City in the payment of any amount due under Section 4.01(a) hereof; or
- (b) The commencement of proceedings by or against the City under any bankruptcy, reorganization, arrangement, insolvency, readjustment of debt, dissolution, or liquidation law now or hereafter in effect.

#### **SECTION 6.02 Remedies Subject to Applicable Law.**

All rights, remedies and powers provided by this Article may be exercised only to the extent the exercise thereof does not violate any applicable provision of law in the premises, and all the provisions of this Article are intended to be subject to all applicable mandatory provisions of law which may be controlling in the premises and to be limited to the extent necessary so that the same will not render this Agreement invalid or unenforceable.



## ARTICLE 7

### PROVISIONS OF GENERAL APPLICATION

The City, the District and the Bondholder agree:

- (a) **Governing Law:** This Agreement shall be governed by and construed in accordance with the laws of the State of Alabama without regard to principles of conflict of laws.
- (b) **Binding Effect:** This Agreement shall inure to the benefit and be binding upon the respective successors and assigns the City, the District, and the Bondholder.
- (c) **Counterparts:** This Agreement may be executed in several counterparts each of which shall constitute one and the same agreement.
- (d) **Amendment:** This Agreement may be amended only in writing duly authorized, executed and delivered by each party to this Agreement.
- (e) **Assignment:** This Agreement, and any interest herein or obligation hereunder, is not negotiable and may not be assigned or delegated by any party hereto without the prior written consent of the other parties to this Agreement.
- (f) **Enforceability:** If any provision herein shall be unenforceable, the parties hereto agree the remaining provisions hereof shall not be affected thereby and shall remain in full force and effect.
- (g) **Notices:** Any notice given hereunder by any party shall be delivered simultaneously to all parties hereto at the respective addresses thereof set forth on the cover page hereof.
- (h) **No Jury Trial:** Each party hereto hereby (1) waives, to the extent permitted by law, any right to trial by jury in any action or proceeding under, or related to, this Agreement and (2) agrees that no person has represented (by expression or implication) that a party hereto would not seek to enforce such waiver in the event of litigation.
- (i) **No Joint Venture:** Each party hereto agrees that (1) this Agreement shall not operate or be construed to create a joint venture or partnership among the parties hereto and (2) it shall be solely responsible for the administration of its respective agreements and relationships with the other parties hereto.
- (j) **No Other Beneficiaries:** Each party hereto agrees that the Agreement is solely for the benefit of the parties hereto and the successors and assigns thereof and no other person shall have any benefit, interest or rights under or by virtue of this Agreement.
- (k) **Final and Full Contract:** This Agreement shall constitute the final and full contractual agreement of the parties and shall supersede all prior or other agreements (written or oral) by the parties relating to the subject matter hereof.

IN WITNESS WHEREOF, the District, the City and the Bondholder have each caused this Agreement to be executed in its name, under seal, and the same attested, all by officers thereof duly authorized thereunto, and have caused this Agreement to be dated the date and year first above written.

**THE LIBERTY PARK AREA PUBLIC ROAD  
COOPERATIVE DISTRICT**

SEAL

By \_\_\_\_\_  
Chairman

ATTEST:

\_\_\_\_\_  
Secretary

ATTEST:

**CITY OF VESTAVIA HILLS, ALABAMA**

By: \_\_\_\_\_  
City Clerk

By: \_\_\_\_\_  
Mayor

---

**Registration Certificate**

I hereby certify that the above and foregoing Funding Agreement and the obligations of the District thereunder have been duly registered by me as a claim against the City of Vestavia Hills, Alabama, in the State of Alabama, and the Funding Agreement Fund created therein.

\_\_\_\_\_  
Finance Director of the City of Vestavia Hills, Alabama

---

**[BONDHOLDER]**

SEAL

By \_\_\_\_\_

Its \_\_\_\_\_

ATTEST:

\_\_\_\_\_

Its: \_\_\_\_\_

**EXHIBIT A**

Debt Service on Bond

Duly passed and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
Mayor of the City of Vestavia Hills, Alabama

SEAL

Attest: \_\_\_\_\_  
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 and Waiver of Notice**

Each of the undersigned does hereby approve, and waive notice of, the date, time, place and purposes of the meeting of the City Council of the City of Vestavia Hills, Alabama recorded in the above and foregoing minutes thereof and does hereby approve the form and content of the above and foregoing minutes and the resolution therein.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

\_\_\_\_\_  
Member of Council

SEAL

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 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 regular meeting of the City Council of the Municipality duly held on \_\_\_\_\_, 2018, the original of which is on file and of record in the minute book of the City Council in my custody; (4) the resolution 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; (5) said resolution 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.

\_\_\_\_\_  
Clerk of the City of Vestavia Hills, Alabama

SEAL



**RESOLUTION NUMBER 5026**

**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 5026 shall become effective immediately upon adoption and approval.

**DONE, ORDERED, APPROVED and ADOPTED** on this the 26<sup>th</sup> day of February, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



**VESTAVIA HILLS FIRE DEPARTMENT**

**MEMORANDUM**

TO: Jeff Downes, City Manager  
FROM: Marvin Green, Fire Chief  
DATE: February 20, 2018  
RE: Surplus Equipment

The Fire Department has purchased a fire administrative vehicle which has created a vehicle for disposal. I recommend that the 2005 Ford Crown Victoria, VIN 2FAFP71W45X160916 with the City of Vestavia Hills property tag #10654 be deemed as surplus and donated.

Also, the purchase and installation of the new radio system will create a stockpile of communications equipment that will quickly be obsolete. I recommend the 108 Motorola XTS and 66 Motorola XTL radios be deemed as surplus and donated to other fire and police departments in the area that can make use of the equipment for their limited remaining lifespan.

**ORDINANCE NUMBER 2745**

**AN ORDINANCE ESTABLISHING THE DIVISION OF INVESTIGATIONS AND INSPECTIONS OF THE CITY OF VESTAVIA HILLS FIRE DEPARTMENT AND TO DESIGNATE CERTAIN FIREFIGHTERS IN SAID DIVISION AS LAW ENFORCEMENT OFFICERS**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VESTAVIA HILLS, ALABAMA, IN SESSION DULY ASSEMBLED AND BY AUTHORITY THEREOF AS FOLLOWS:**

1. There is hereby established the Division of Investigations and Inspections of the City of Vestavia Hills Fire Department.

2. Certain firefighters of the City of Vestavia Hills Fire Department assigned to the Division of Investigations and Inspections (“Fire Investigators”) are designated as law enforcement officers as defined by § 11-43-181, Ala. Code 1975, § 36-21-40(4), Ala. Code 1975, and Rule 1.4, Alabama Rules of Criminal Procedure, subject to the conditions and limitations set forth in this Ordinance.

3. Fire Investigators as law enforcement officers shall meet the minimum standards set out in Section 36-21-46, Code of Alabama, 1975 as amended, and complete the Alabama Peace Officers Standards and Training Commission (APOSTC) law enforcement academy and maintain certification as law enforcement officers as required by APOSTC.

4. Fire Investigators shall maintain public order and investigate the commission or suspected commission of offenses related to arson or fire prevention and protection. In connection with their activities, arson investigators shall be authorized to be armed and empowered with the full authority of law enforcement officers to make arrests and to take other such actions as may be legal, proper and necessary for the enforcement of all ordinances of the City of Vestavia Hills and laws of the State of Alabama.

5. As law enforcement officers, Fire Investigators shall meet the minimum standards set out in § 36-21-46, Ala. Code 1975, complete the law enforcement academy, and maintain certification as law enforcement officers by Alabama Peace Officers Standards and Training Commission (APOSTC).

6. A firefighter assigned to the Division of Investigations and Inspections shall not be deemed to have changed a position or classification and the exercise of any law enforcement duties by said employee shall be deemed as a part of and arising out of the essential job functions of his or her existing firefighting position and shall not be supplemental thereto.

7. 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.

8. Repeal of Conflicting Ordinances. Any Ordinance in conflict with this Ordinance shall be and is hereby repealed on the effective date of this Ordinance.

9. Effective Date. This Ordinance shall become effective upon approval and publication as required by law.

**ADOPTED AND APPROVED** this 12<sup>th</sup> day of March, 2018.

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Ashley C. Curry  
Mayor

ATTEST:

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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 Number 2745 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.

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2746**

**AN ORDINANCE AMENDING ORDINANCE 2132 AND ARTICLE III; SECTION 6-41, VESTAVIA HILLS CODE OF ORDINANCES, REPUBLISHED 2002; ENTITLED *FIRE DISTRICTS ESTABLISHED; BOUNDARIES***

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

**1. Ordinance Number 2132 and Article III, Section 6-41 of the Vestavia Hills Code of Ordinances, Republished 2002, entitled “*Fire Districts Established; Boundaries,*” shall be amended to read in its entirety as follows:**

**“ARTICLE III. FIRE DISTRICTS.**

**Sec. 6-41. Fire districts established; boundaries.**

Two (2) fire districts, namely, the First Fire District and the Second Fire District be and the same are hereby established for property located within the city limits of the city as follows:

- 1) First Fire District. Any and all property and buildings situated within the business (B-1, B-1.2, B-2, B-3, MXD, and PUD-PNC, PUD-PB and PUD-PI), professional office building (O-1, O-2, and PUD-PO,) and/or institutional (INST, PUD-PR1 and PUD-PR2) zoning classifications and any existing building whose alterations meet the scope of Level 3 as described by the International Code Council, shall be included in the First Fire District. Type 5 Construction shall be permitted in the First Fire District with the exception that a sprinkler system must be installed in accordance with NFPA-13.
- 2) Second Fire District: Any and all property and buildings situated within residential (E-1, E-2, R-1, R-2, R-3, R-4, R-5, RC-1 R-6, R-7, R-8, R-9, PUD-PR1 and PUD-PR2) zoning classifications shall be included in the Second Fire District as defined under the terms and provisions of “The International Code Council or the International Building Code.”

**DONE, ORDERED, ADOPTED and APPROVED**, this the 12<sup>th</sup> day of March, 2018.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION:**

I, Rebecca Leavings, as Acting City Clerk of the City of Vestavia Hills, Alabama, hereby certify that the above and foregoing copy of 1 (one) Ordinance # 2132 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 12<sup>th</sup> day of March, 2018, as same appears in the official records of said City.

Posted at Vestavia Hills City Hall, Vestavia Hills Library in the Forest, Vestavia Hills New Merkel House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2018.

Rebecca Leavings  
City Clerk



## VESTAVIA HILLS FIRE DEPARTMENT

### MEMORANDUM

TO: Jeff Downes, City Manager

FROM: Scott Key, Fire Marshal

DATE: February 22, 2018

RE: Ordinance 2746 amending Ordinance 2132

During a review of the fire sprinkler ordinance, I found inconsistencies between Ordinance 2132 and our current City of Vestavia Hills Zoning Ordinance. The current ordinance requires fire sprinklers in Type 5 construction (wood framed) based on their zoning district. However, it was not updated with the zoning ordinance. I am requesting that the fire sprinkler ordinance be amended in order to match the zoning districts classified in the zoning ordinance. The amendment will add all of the zoning located within the business and institutional zoning classification. In addition, it will add that existing buildings, of Type 5 construction, that have alterations exceeding 50% of the current space, will be required to follow this amended ordinance.