

**Vestavia Hills  
City Council Agenda  
June 10, 2019  
6:00 PM**

1. Call to Order
2. Roll Call
3. Invocation – Butch Williams; Vestavia Hills Senior Chaplain And Pastor Of Care And Support Ministries, Vestavia Hills United Methodist Church
4. Pledge Of Allegiance
5. Announcements and Guest Recognition
6. Presentation – Exceptional Foundation; Tricia Kirk, Director
7. Proclamation – Flag Day – June 4, 2019
8. City Manager’s Report
9. Councilors’ Reports
10. Financial Reports – Melvin Turner, III, Finance Director
11. Approval Of Minutes – May 13, 2019 (Regular Meeting); May 20, 2019 (Work Session); May 20, 2019 (Regular Meeting)

**Old Business**

12. Ordinance Number 2847 - Conditional Use Approval For Construction Of A Privacy Fence 9.5’ High (At Highest Point) At 1320 Willoughby Road; Lot 8, Block 3, 4<sup>th</sup> Addition To Vesthaven, 5<sup>th</sup> Sector (*public hearing*)

**New Business**

13. Ordinance Number 2853 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With HdL Companies D/B/A PREMA Corp For Business License Collections

**New Business (Requesting Unanimous Consent)**

14. Resolution Number 5163 – Annexation – 90 Day - Acreage Adjacent To The Former Gresham School; Florence Thompson, Owner (To Be Purchased By The Vestavia Hills Board Of Education For Use Of Satellite Parking) (*public hearing*)
15. Ordinance Number 2854- Annexation – Overnight - Acreage Adjacent To The Former Gresham School; Florence Thompson, Owner (To Be Purchased By The Vestavia Hills Board Of Education For Use Of Satellite Parking) (*public hearing*)

16. Resolution Number 5164 – Accepting A Bid For Cahaba Heights Sports Field Improvement And Authorizing The City Manager To And To Take All Actions Necessary In Order To Secure Said Improvements (*public hearing*)

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

17. Resolution Number 5162 - Vacation Of A Sanitary Sewer Easement On Lots 8 And 9, Overton Cove South; Overton Investments, LLC (*public hearing*)
18. Ordinance Number 2851 – Rezoning – 1109 Winward Lane; Lots 9 & 10, Block 1, TH Payne Subdivision; Rezone From VH R-2 (Medium Density Residential District) To Vestavia Hills R-9 (Planned Residential District); Paul And Gail Ausbeck, Owners (*public hearing*)
19. Ordinance Number 2852 – Rezoning – 3038 Massey Road; A Portion Of Vestavia Terrace, A Condominium; Rezone From VH RC-1 (Condominium Residential District) To Vestavia Hills R09 (Planned Residential District); Overton Investments, LLC, Owners (*public hearing*)
20. Citizen Comments
21. Motion For Adjournment

WHEREAS, by Act of the Continental Congress of the United States dated June 14, 1777, the first official Flag of the United States was adopted; and

WHEREAS, by Act of Congress dated August 3, 1949, June 14 of each year was designated “National Flag Day”; and

WHEREAS, the Congress has requested the President to issue annually a proclamation designating the week in which June 14 occurs as “National Flag Week”; and

WHEREAS, on December 8, 1982 the National Flag Day Foundation was chartered to conduct educational programs and to encourage all Americans to Pause for the Pledge of Allegiance on Flag Day, June 14; and

WHEREAS, Flag Day celebrates our Nation’s symbol of unity, a democracy in a republic, and stands for our Country’s devotion to freedom, to the rule of all, and to equal rights for all;

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 June 14, 2019 as

**FLAG DAY**

and urge all of our residents to observe Flag Day through Independence Day as a time to honor America, to celebrate our heritage in public gatherings and activities, and to publicly recite the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Vestavia Hills to be affixed this the 5th day of June 2019.

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Ashley C. Curry  
Mayor

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**MAY 13, 2019**

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Pro-Tem Weaver called the meeting to order and the City Clerk called the roll with the following:

**MEMBERS PRESENT:**

Rusty Weaver, Mayor Pro-Tem  
Kimberly Cook, Councilor  
Paul Head, Councilor  
George Pierce, Councilor

**MEMBERS ABSENT:**

Mayor Ashley C. Curry

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Patrick H. Boone, City Attorney  
Rebecca Leavings, City Clerk  
Melvin Turner, Finance Director  
George Sawaya, Asst. Finance Director  
Johnny Evans, Police Captain  
Brian Davis, Public Services Director  
Marvin Green, Fire Chief  
Brian Davis, Public Services Director

Jim Cartledge, Vestavia Hills Chaplain, led the invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mr. Pierce recognized Chamber members Ben Chambliss and Mark Macoy.

### **PROCLAMATION – NATIONAL PUBLIC WORKS WEEK**

The Mayor Pro-Tem presented a proclamation designating May 19-25, 2019, as National Public Works Week. Mr. Downes read the proclamation and the Mayor Pro-Tem presented it to Brian Davis, Public Services Director and Tim Thomas, Public Works.

## **PROCLAMATION – NATIONAL POLICE WEEK**

The Mayor Pro-Tem presented a proclamation designating May 12-18, 2019, as National Police Week. And May 15, 2019 as Peach Officers Memorial Day. Mr. Downes read the proclamation and the Mayor Pro-Tem presented it Police Officers Jack McKnight, Austin Rosenow and Phillip Holley along with Captain Jason Hardin.

## **CITY MANAGER'S REPORT**

- Mr. Downes announced the dedication of the Vestavia Hills Police Memorial will be held on May 15, 2019 beginning at 9 AM on the lawn in front of the Police Station.
- Mr. Downes stated that one of this year's legislative goals was to get legislation passed through the State that would allow for employees to opt into Tier I retirement if approved by the City Council. He stated that Act 2019-132 has been enacted and is awaiting the Governor's signature.
- Mr. Downes stated that there have been struggles lately with garbage services. He stated that Gary Stignani, Republic Services, was present tonight to advise the Council on issues at hand.
  - Mr. Stignani stated that they have had personnel issues leaving manpower shortages with employees off on medical leave along with the termination of others. He stated they were missing areas instead of just individual homes. He stated that they are addressing the issues and going back to catch up along with some new employees and a supervisor change.
  - Mrs. Cook stated that she understands that this has happened over a period of time, but that she wants to ensure that actions are taken to monitor the action center and ensure the complaints are consistently received and resolved.
  - Mr. Pierce stated it concerns him that many of the Action Center items had a status of completed, however they were not completed. Mr. Downes explained.

## **COUNCILOR REPORTS**

- Mrs. Cook announced the upcoming Board of Education meeting to be held next Monday at 4 PM.
- Mrs. Cook gave an update on HB41 in the State legislature concerning teen vaping. She explained this will require the ABC Board to enforce the age restriction on sales of vaping supplies. The law currently states you must be 19 years old to purchase these supplies. She indicated that she visited the State House, last week, representing parents. She walked the halls of the State House for two days to speak to the Senators about the importance of this and to counteract the many Tobacco lobbyists who are working down there. She is concerned because so many teens are addicted to nicotine. She thanked Senators Cam Ward and Jabo Waggoner, in particular, for their work in getting this out of committee, with few amendments. She announced this will soon be on the floor for a final vote.

- Mr. Pierce announced that the Chamber's monthly luncheon will be tomorrow at the Vestavia Country Club.
- Mr. Pierce announced that the 38<sup>th</sup> Annual I Love America Night will be held at VHHS, due to construction at Wald Park, on Thursday, June 27<sup>th</sup>.
- Mr. Weaver announced that the Planning and Zoning Commission held its regular meeting with ministerial actions and some rezoning requests that will come to the Council soon.
- Mr. Weaver stated that he attended the Help the Hills Foundation meeting representing the Mayor. He stated that they had a speaker who informed them of the medical marijuana bill. Mr. Weaver urged everyone to educate themselves on that bill which is being considered by the Alabama House of Representatives following approval in the Senate.

### **FINANCIAL REPORTS**

Mr. Turner presented the financial reports for the month ending March 2019. He read and explained the balances.

### **APPROVAL OF MINUTES**

The minutes of the following meeting were presented for approval: April 10 & 16, 2019 (Work Session); April 15, 2019 (Work Session) and April 22, 2019 (Regular Meeting).

**MOTION** Motion to dispense with the reading of the minutes of the April 10 & 16, 2019 (Work Session) and approve them as presented was by Mr. Pierce and second by Mrs. Cook. Roll call vote as follows:

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

Motion carried.

**MOTION** Motion to dispense with the reading of the minutes of the April 15, 2019 (Work Session) and April 22, 2019 (Regular Meeting) and approve them as presented was by Mr. Pierce and second by Mrs. Cook. Roll call vote as follows:

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

Motion carried.

### **OLD BUSINESS**

#### **ORDINANCE NUMBER 2840**

**Ordinance Number 2840 – Conditional Use Approval – 1506-1514 Montgomery Highway; Royal Automotive; Conditional Use Approval To Allow Lamar Advertising To Dismantle Sixteen Billboard Faces On Eight Free Standing Structures Within The City Limit Of The City Of Vestavia Hills And Allow The Erection**

**And Operation Of An Free Standing Billboard Structure With Two Faces –  
One Face Reading To I-65 And The Other Reading To Montgomery Highway  
(public hearing)**

Tom Traylor, Lamar Advertising, was present in regard to this request. He explained how this request has evolved and the parameters of the request, which will be to remove billboards within the City and install a board with newer technology in a better location. He stated that this request will dismantle 7 structures within the City and one additional structure just outside of the City, leaving only 4 structures in the City. This will then allow the construction and operation of a single digital structure with two faces, one reading to I-65 north and Highway 31 south to be located at the Royal dealership adjacent to I-65 north. He explained this request has taken several years to bring to fruition and also follows further negotiations with the Mayor and Pro-Tem.

Mr. Weaver indicated that the previous request, six billboard reductions along with the new structure, was presented to the Planning and Zoning Commission. He stated that the Commission addressed the 10 items required for consideration of a conditional use and had problems recommending approval. He stated that, following Mr. Boone's directions, he and the Mayor met with Lamar and eventually found that, with additional reductions, this is an overall win for the City and meets the conditions for a conditional use.

Mr. Pierce stated that he did attend that Planning and Zoning Commission meeting and has talked to the owner of this subject's property. The owner's attorney has worked on this and has assured that the advertising will be family friendly.

Mr. Traylor indicated he lives in Vestavia Hills, also, and they do carefully screen their advertising.

Mrs. Cook asked about vaping advertisements and other ads that might be inappropriate, so close to a City school.

Mr. Traylor stated that have not had to address that issue locally and he doesn't know how to answer, but would probably consider that unsuitable because of the vicinity of a school.

Mrs. Cook stated that the new Teen Vaping law, if enacted, would limit advertisement in close proximity to schools and she hopes that would be evaluated, if this is approved.

**MOTION** Motion to approve Ordinance Number 2840 was by Mrs. Cook seconded by Mr. Pierce.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to further address the Council, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes

Mr. Head – yes  
Mr. Weaver – yes

Motion carried.

**ORDINANCE NUMBER 2846**

**Ordinance Number 2846 – An Ordinance Changing Polling Places In The City From The Cahaba Heights Senior Center To The Cahaba Heights Baptist Church (public hearing)**

**MOTION** Motion to approve Ordinance Number 2846 was by Mrs. Cook seconded by Mr. Pierce.

Mr. Downes explained that Jefferson County recently changed the Cahaba Heights polling location from New Merkel House to Cahaba Heights Baptist Church because of school and City reconstruction in the area and overcrowding. This Ordinance mirrors the County's action and changes the City polling to the same location.

Mrs. Cook stated that this has been identified as a need within the City because of the traffic congestion near the current location and handicapped accessibility concerns. She stated she thinks this will be a much better polling location for the local residents.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to further address the Council, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes

Mr. Head – yes  
Mr. Weaver – yes

Motion carried.

**NEW BUSINESS**

Patrick Boone, City Attorney, stated that the next item of business will be a request for a discussion involving a personnel matter. He stated, as the City Attorney, he felt it was his duty to provide legal advice prior to the next presentation. He stated that the Council may listen to a citizen complaint on a personnel matter, however, the Council should not make any discussion of a personnel issue. He stated that the City Manager is the Executive Head of the City and handles all personnel issues as mandated both by state and local law. He further explained that the City Council is the legislative branch governing for the City, but cannot participate in personnel issues. Mr. Boone explained the functions of each branch of government pursuant to the State of Alabama Constitution and described the checks and balances of each branch. He also cited case law concerning the issue.

**CITIZEN ADDRESS**

Dennis Hardy explained that he has a friend who was previously employed by the Vestavia Hills Parks and Recreation Department for several years. He stated his friend disclosed that she



was terminated from employment. Mr. Hardy addressed the Council and read a termination letter written to the employee, prior to termination, and explained his feelings concerning her termination.

Mr. Boone further explained that no member of this Council can legally intervene in a personnel matter.

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

Mr. Weaver stated that the next 3 items require unanimous consent for immediate consideration and action by the Council. He opened the floor for a motion.

**MOTION** Motion for unanimous consent for the immediate consideration and action of Ordinance Number 2848, Resolution Number 5157 and Resolution Number 5160 was by Mrs. Cook seconded by Mr. Pierce. Roll call vote as follows:

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

Motion carried.

**ORDINANCE NUMBER 2848**

**Ordinance Number 2848 - A Resolution Authorizing The City Manager To Execute And Deliver All Documents Needed In Order To Acquire Rights-Of-Way And Easements For Improvements Along Crosshaven Drive pursuant to the Infrastructure and Community Spaces Plan (public hearing)**

**MOTION** Motion to approve Ordinance Number 2848 was by Mrs. Cook seconded by Mr. Head.

Mr. Downes explained that one of the major projects in the Infrastructure and Community Spaces Plan includes the widening of Crosshaven Road. To accomplish this, approximately 30 separate tracts of land have to be identified, appraised, negotiated and eventually purchased in order to secure the needed right-of-way and easements. Mr. Downes stated that he and the Mayor need to have the ability to approve these acquisition offers because of the need for negotiations. This Ordinance will give them the authority to move forward and expedite the process.

Mrs. Cook stated she is happy to see this move forward.

The Mayor Pro-Tem opened the floor for a public hearing.

David Harwell, 1803 Catala Road, asked if this is a budgeted item.

Mr. Downes explained there are budgeted funds targeted through the Community Spaces Plan for acquisition of these rights-of-way.

There being no one to further address the Council, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

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

**RESOLUTION NUMBER 5157**

**Resolution Number 5157 – A Resolution authorizing the City Manager to accept proposals for professional services for construction of a road to connect Blue Lake Drive with Timberlake Road (public hearing)**

**MOTION** Motion to approve Resolution Number 5157 was by Mr. Pierce seconded by Mr. Head.

Mr. Downes explained the plans for development in the Blue Lake area identified a need for a connecting roadway between Timberlake Road and Blue Lake Drive. He showed a map depicting the approximate area and the proposal of such a connector road. He stated that this Resolution would allow a design of the roadway, which includes geotechnical, appraisal services, etc., not to exceed \$55,000. This will provide information needed to determine if the road should be constructed at a later date.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to further address the Council, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

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

**RESOLUTION NUMBER 5160**

**Resolution Number 5160 – A Resolution Authorizing The City Manager To Take All Action Necessary To Replace A 2.5 Ton Gas Pack Roof-Top Air Conditioning Unit At James F. Wyatt Fire Station Number 5 (public hearing)**

**MOTION** Motion to approve Resolution Number 5160 was by Mr. Pierce seconded by Mr. Head.

Mr. Downes stated that this expense was not anticipated for budgeting purposes. He stated that the air conditioning unit was declared irreparable by the City's HVAC vendor and is in need of replacement before the weather gets too warm.

The Mayor Pro-Tem opened the floor for a public hearing. There being no one to further address the Council, the Mayor Pro-Tem closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – yes  
Mr. Pierce – yes

Mr. Head – yes  
Mr. Weaver – yes

Motion carried.

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

The Mayor Pro-Tem stated that the following resolutions and/or ordinances will be presented at a public hearing at the Council's next regular meeting on May 20, 2019, at 6:00 PM.

- Resolution Number 5158 – A Resolution Accepting A Bid For Construction Of A Pedestrian Tunnel Under Sicard Hollow Road (*public hearing*)
- Resolution Number 5159 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement For CEI Services For A Pedestrian Tunnel Under Sicard Hollow Road Road (*public hearing*)

**CITIZEN COMMENTS**

Mr. Weaver reminded everyone that the next meeting of the City Council was rescheduled from May 27, 2019 to May 20, 2019 at 6 PM. This moved the regular work session to begin at 5 PM.

At 7:00 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 7:01 PM.

Rusty Weaver  
Mayor Pro-Tem

ATTESTED BY:

Rebecca Leavings  
City Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

### **WORK SESSION**

**MAY 20, 2019**

The City Council of Vestavia Hills met in a regular scheduled work session on this day in the Executive Conference Room at 5:00 PM, following posting/publication as required by Alabama law. The Acting Clerk checked the roll with the following:

**MEMBERS PRESENT:**

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

**OTHER OFFICIALS PRESENT:**

Jeff Downes, City Manager  
Conrad Garrison, Acting Clerk  
Brian Davis, Public Services Director  
Marvin Green, Fire Chief  
Cinnamon McCulley, Communications Specialist  
Christopher Brady, City Engineer

The Mayor called the work session to order.

Mr. Downes gave an update on the status of the Cahaba Heights field construction. He indicated that, to do this project, several small parcels of property needed to be conveyed to the Board of Education. The Board, in turn, would convey some needed parcels to the City so that a final plat could be recorded for the two-lot subdivision. Discussion ensued.

### **PROTOCOLS FOR CITY COUNCIL AGENDA ITEMS**

Mr. Downes and the Council discussed various options for City Council agenda items and placement on the agenda. The Council concurred that items on the agenda should be within the Council's purview and a review of meeting agenda protocols might be in order or, maybe, a revision to the City's organizational ordinance.

### **CITY EVENT PROMOTION**

Mr. Downes, Mrs. McCulley and the Council reviewed the need for a master calendar, for events located within the City, whether sponsored by the City or not. Mrs. Cook indicated that sending calendar requests through the Action Center could be an option. She also stated that the events on the City calendar should be open to the public. Discussion ensued regarding the Launch Vestavia event. The Mayor stated this was a City-sponsored event and not a Trail Life USA event, as the event banner on social media indicated. Mrs. Cook requested the City create and use a different banner to make it clear this was a City and not a Trail Life event.

### **MIRACLE LEAGUE FIELD AT WALD PARK**

Mr. Downes and the Council discussed possible fundraising tactics for Miracle League field to be located at Wald Park. Mr. Head reported the Parks and Recreation Foundation plans to offer park naming rights as an incentive for large donors and asked for approval. Mrs. Cook stated only the Council can approve naming rights for parks, by law, and Mr. Boone concurred. Mrs. Cook said she did not see a problem with the Foundation offering the incentive, but that this would be contingent on Council approval, so it would be in the best interests of all parties for the Foundation to keep the Council informed as they develop their fundraising campaign.

There being no further business, the work session adjourned at 5:00 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Conrad Garrison  
Acting Clerk

## **CITY OF VESTAVIA HILLS**

### **CITY COUNCIL**

### **MINUTES**

**MAY 20, 2019**

The City Council of Vestavia Hills met in regular session on this date at 6:00 PM, following publication and posting pursuant to Alabama law. Mayor Curry called the meeting to order and the Acting 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 H. Boone, City Attorney  
Conrad Garrison, Acting Clerk  
Melvin Turner, Finance Director  
George Sawaya, Asst. Finance Director  
Johnny Evans, Police Captain  
Brian Davis, Public Services Director  
Marvin Green, Fire Chief  
Brian Davis, Public Services Director

Don Richards, Vestavia Hills Chaplain, led the invocation followed by the Pledge of Allegiance.

### **ANNOUNCEMENTS, GUEST RECOGNITION**

- Mrs. Cook stated that HB41 passed the legislature and will soon be sent to the Governor for her signature. She reminded everyone that this new legislation will require the ABC Board to enforce age restrictions for the purchase of vaping products. She stated that this was a big step forward for the Help the Hills Coalition and other groups such as the American Heart Association and the American Lung Association. She stated that the legislation drew a lot of opposition from large tobacco company lobbyists. This shows what strong grassroots efforts and parents can accomplish. She stated that she feels this is a victory for children.
- Mr. Pierce asked everyone to remember VHPD Officer Kimbrel, who lost his life recently, and also three local officers, who were involved in a shooting incident. One of those

officers lost his life. He asked everyone to remember these first responders who risk their lives daily to keep us safe.

- Mr. Pierce recognized Chamber member Taylor Burton.
- Mr. Pierce announced the 38<sup>th</sup> annual I Love America Day, scheduled for June 27, at Vestavia Hills High School because of the work being done at Wald Park.
- Mr. Pierce announced the “Save the Summer Receipts” campaign, which is a project sponsored by the Chamber to encourage spending in the City during the summertime months. He stated that more information will be forthcoming soon.
- The Mayor recognized Boy Scouts from Troop 4 who were attending the meeting.
- Mr. Weaver stated that the high school graduation will be held tomorrow night at Samford University.
- Mr. Head announced the regular meeting of the Vestavia Hills Parks and Recreation Board will be held tomorrow, beginning at 7 AM in the Executive Conference Room.

### **CITY MANAGER’S REPORT**

- No reports.

### **COUNCILOR REPORTS**

- Mrs. Cook stated that she attended the Board of Education meeting just prior to this meeting where the Board approved the conveyance of several parcels of property. She stated that tonight the Council will consider conveyances to the Board, as well, for the eventual division of property at the Vestavia Hills Elementary School Cahaba Heights and the athletic fields, in anticipation of the construction to begin there soon, pursuant to the Infrastructure and Community Spaces Plan.
- Mr. Pierce announced that he attended the Chamber Board meeting where they discussed the following: I Love America Day, Save the Summer Receipts. He stated they are always busy.

### **APPROVAL OF MINUTES**

None.

### **OLD BUSINESS**

### **RESOLUTION NUMBER 5158**

**Resolution Number 5158 – A Resolution Accepting A Bid For Construction Of A Pedestrian Tunnel Under Sicard Hollow Road (*public hearing*)**

The Mayor stated that this Resolution is for construction of a pedestrian tunnel under Sicard Hollow Road and the next Resolution is to fund the additional inspection expenses for the project. The tunnel would provide a way for pedestrians and golf carts to safely cross from one side to the other. He explained that, since these items go hand-in-hand, he will hold one public hearing for both items.

**MOTION** Motion to approve Ordinance Number 2846 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes gave a brief description, which is actually tied to three items on the agenda--this Resolution, the next Resolution and a funding agreement to be considered later in this same agenda. Mr. Downes explained the pedestrian tunnel would cross under Sicard Hollow Road to the SHAC fields and park. He showed the various access points to the tunnel and stated that the project was conceived back in 2014. He reminded everyone that ALDOT projects take years to culminate. When the bids were finally invited, the low bidder's numbers were far larger than the budget along, along with an unanticipated expense for relocation of a water main. He stated the MPO has tentatively agreed to allocate an additional \$200,000 from other TAP funds. BWWB officials have agreed to cover the expense of moving the water line.

BWWB General Manager Michael Johnson stated that their management has discussed the project and said, "We have quite a few internal resources to move this pipe and that is what we intend to do." He expressed BWWB wants to be of service to the City.

Mr. Downes stated they began the conversation with the widening of Crosshaven and, then, discussion turned to this project. He stated the City appreciates the assistance of the BWWB on both of these large projects. He added that, with the assistance of the BWWB, this project is now within budget.

Mr. Downes stated that the lowest bidder was from Gillespie and he recommends approval.

Mrs. Cook asked if any other Councilor had received any comments from the public about this project.

Mr. Pierce stated he was asked why the City would construct this tunnel without fixing the tunnel at the former Berry school. He stated he is not aware of the condition of that tunnel.

Mr. Downes stated that this project was conceived back in 2014. At that time, there was no knowledge that the former Berry School would be purchased by the Board. He stated that the condition of the Columbiana tunnel--the fact that it is not handicapped-accessible and its location conflicts with proposed traffic improvements--might outweigh the benefits of retrofitting and reconditioning the tunnel at a very large expense.

Mayor Curry pointed out that this project requires partial City funding, as opposed to the Columbiana tunnel.



Mr. Pierce asked about the disparity in the bid numbers.

Mr. Brady explained his reasons for the differences in the bid numbers. He stated the low bid provides for different type concrete structures that are pre-cast, which produces a savings in this number.

Mrs. Cook stated she has heard from residents that this tunnel is not needed and the money might be better spent elsewhere. She mentioned the cost to the City, for this project, which could be used for Infrastructure and Community Spaces Plan overruns will be \$144,741.

Discussion ensued as to the expense of the tunnel.

The Mayor opened the floor for a public hearing for this and the following Resolution. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – no	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

### **RESOLUTION NUMBER 5159**

#### **Resolution Number 5159 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement For CEI Services For A Pedestrian Tunnel Under Sicard Hollow Road (*public hearing*)**

The Mayor stated that this covers the construction, engineering and inspection service expenses for the previously approved tunnel.

**MOTION** Motion to approve Ordinance Number 2846 was by Mr. Weaver seconded by Mr. Head.

Mr. Downes stated these services are required for all ALDOT projects.

The Mayor opened the floor for a public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

Mrs. Cook – no	Mr. Head – yes
Mr. Pierce – yes	Mr. Weaver – yes
Mayor Curry – yes	Motion carried.

**NEW BUSINESS**

**ORDINANCE NUMBER 2849**

**Ordinance Number 2849 – An Ordinance Authorizing The Mayor And City Manager To Execute And Deliver An Agreement With Jefferson County And The Rocky Ridge Fire District To Use As A Fire Training Facility For The Vestavia Hills Fire Department And The Rocky Ridge Fire District**

**MOTION** Motion to approve Ordinance Number 2849 was by Mr. Weaver seconded by Mr. Pierce.

Chief Marvin Green explained that the VHFD has not had a training facility located within the City. This will allow the VHFD to join with the RRFD to improve some property owned by Jefferson County that is not being utilized and improve the property to allow some training to occur.

There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

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

**RESOLUTION NUMBER 5161**

**Resolution Number 5161 – A Resolution Authorizing The City Manager To Execute And Deliver An Agreement With ALDOT For Funding Of Sicard Hollow Road Tunnel Safe Route; Project #TPAPP-AT14(931); CPMS Ref #100062997**

**MOTION** Motion to approve Resolution Number 5161 was by Mr. Weaver seconded by Mr. Pierce.

Mr. Downes stated that this Resolution was previously discussed at the beginning of the meeting and allows an additional \$200,000, from federal funds, for the Sicard Hollow tunnel project.

There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

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

**NEW BUSINESS (UNANIMOUS CONSENT REQUESTED)**

Mayor Curry stated that the next item requires unanimous consent for immediate consideration and action by the Council. He opened the floor for a motion.

**MOTION** Motion for unanimous consent for the immediate consideration and action of Ordinance Number 2850 was by Mrs. Cook seconded by Mr. Weaver. Roll call vote as follows:

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

**ORDINANCE NUMBER 2850**

**Ordinance Number 2850 – An Ordinance To Approve An Agreement For Land Swap Between The City Of Vestavia Hills, Alabama And The Board Of Education Of The City Of Vestavia Hills, Alabama; To Authorize And Direct The Mayor And City Manager To Execute And Deliver Said Agreement For And On Behalf Of The City To Complete The Conveyances Described In The Agreement And To Take Any And All Actions Necessary To Comply With The Terms, Provisions And Conditions Of Said Agreement (public hearing)**

Mayor Curry stated that this Ordinance allows the conveyance of certain parcels of property to be exchanged with the Board of Education as discussed by Mrs. Cook earlier in her report.

**MOTION** Motion to approve Ordinance Number 2850 was by Mrs. Cook seconded by Mr. Weaver.

The Mayor opened the floor for a public hearing. There being no one to further address the Council, the Mayor closed the public hearing and called for the question. Roll call vote as follows:

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 June 10, 2019, at 6:00 PM.

- Ordinance Number 2847 - Conditional Use Approval For Construction Of A Privacy Fence 9.5' High (At Highest Point) At 1320 Willoughby Road; Lot 8, Block 3, 4<sup>th</sup> Addition To Vesthaven, 5<sup>th</sup> Sector (*public hearing*)

**CITIZEN COMMENTS**

None.

At 6:27 PM, Mr. Weaver made a motion to adjourn. The meeting adjourned at 6:28 PM.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**ORDINANCE NUMBER 2847**

**AN ORDINANCE GRANTING CONDITIONAL USE APPROVAL  
ON THE PROPERTY LOCATED AT 1320 WILLOUGHBY ROAD  
FOR INSTALLATION OF A PRIVACY FENCE TO BE 9.5' TALL  
AT HIGHEST POINT**

**WHEREAS**, on December 13, 2010, the City Council of the City of Vestavia Hills, Alabama, adopted and approved Ordinance Number 2331, also known as the City of Vestavia Hills Zoning Code; and

**WHEREAS**, Eric Brosch is the owner of the property located at 1320 Willoughby Road, Lot 8, Block 3, 4<sup>th</sup> Addition to Vesthaven, 5<sup>th</sup> Sector zoned Vestavia Hills R-2 (medium density residential district); and

**WHEREAS**, Eric Brosch presented an application for Conditional Use approval for the purpose of erecting a privacy fence at the northeast end of his home which, at the highest point of said fence stands at 9.5 feet; and

**WHEREAS**, a copy of the application for Conditional Use approval by Eric Brosch detailing the location of the structure is marked as Exhibit A, attached to and incorporated into this Ordinance Number 2847 as though written fully therein.

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

1. Conditional Use Approval is hereby granted for Eric Brosch for installation of a privacy fence to be located as detailed in the attached Exhibit A which, at the highest point, shall stand 9.5' tall; and
2. Should the new structure be destroyed or cease to exist on the property for a period of twelve (12) consecutive months, said use shall be considered null and void and said structure shall be immediately removed; and
3. This Ordinance Number 2847 shall become effective immediately upon adoption, approval and publishing/posting pursuant to Alabama law; and

**DONE, ORDERED, ADOPTED and APPROVED** this the 10<sup>th</sup> day of June,  
2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

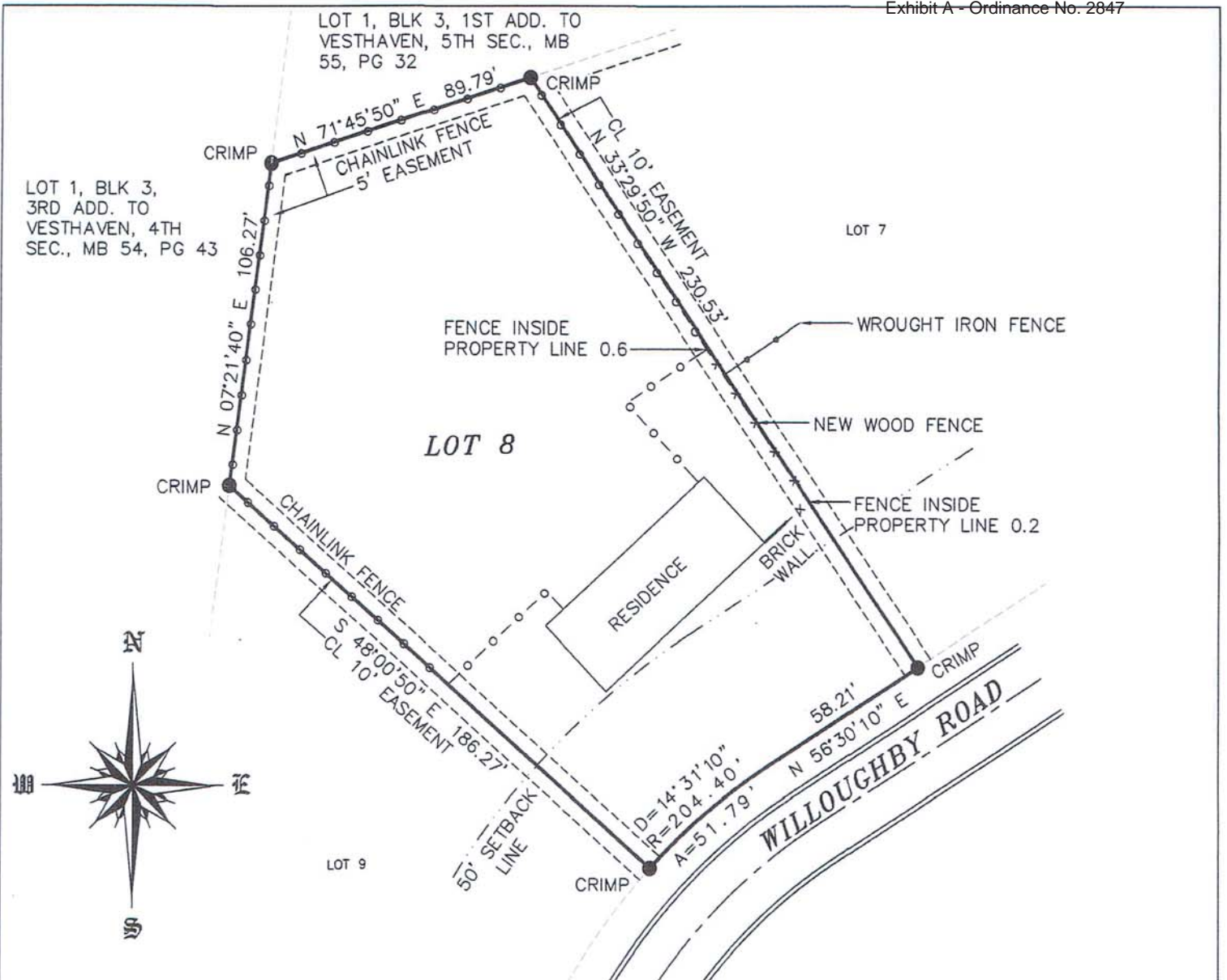
Rebecca Leavings  
City Clerk

**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 # 2847 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 10<sup>th</sup> day of June, 2019 as same appears in the official records of said City.

Posted at Vestavia Hills Municipal Center, Vestavia Library in the Forest, Vestavia Hills New Merkle House and Vestavia Hills Recreational Center this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk



I, Rodney Shiflett, a Registered Professional Land Surveyor in the State of Alabama do hereby certify that this is a true and correct plat of my survey as shown hereon. That there are no visible encroachments of any kind upon the subject lot except as shown hereon, excluding utility service lines, wires or pipes that serve the subject lot only that are within dedicated easements or rights of way. That steel corners have been found or installed at all lot corners. I hereby certify that all parts of this survey and drawing have been completed in accordance with the current requirements of the Standards of Practice for Surveying in the State of Alabama to the best of my knowledge, information and belief, the correct legal description being as follows:

Lot 8, Block 3 of 4th Addition to Vesthaven, 5th Sector, as recorded in Map Book 60, Page 41, in the Office of the Judge of Probate of Jefferson County, Alabama.

*Rodney Shiflett*  
 Rodney Shiflett Al. Reg. #21784

**FENCE LOCATION SURVEY**



LEGEND	
	1/2" REBAR SET
	IRON PIN FOUND
	R.O.W. RIGHT-OF-WAY
	NOT TO SCALE
	UTILITY POLE
	OVERHEAD UTILITIES
	FIELD MEASURED
	PLAT / RECORDED MAP
	COVERED DECK/PORCH
	DECK/PORCH

JOB NO. 18673  
 DATE 12/10/18 DATE OF FIELD SURVEY 12/7/18  
 ADDRESS 1320 Willoughby Road SCALE 1" = 50'  
 DRAWN BY H. LETTS CHECK BY R.Y.S.

**RODNEY SHIFLETT SURVEYING**  
 P.O. BOX 204  
 COLUMBIANA, ALABAMA 35051  
 TEL. 205-669-1205 FAX. 205-669-1298



# CITY OF VESTAVIA HILLS

## APPLICATION

### PLANNING AND ZONING COMMISSION

#### I. INSTRUCTIONS AND INFORMATION:

- (1) The Vestavia Hills Planning and Zoning Commission meets regularly on the second Thursday of each month at 6:00 PM in Council Chambers at the Municipal Center.
- (2) All materials and information relating to a zoning/rezoning request or conditional use approval before the Planning and Zoning Commission must be submitted to the Office of the City Clerk no later than **25 working days prior to the scheduled meeting at which it shall be considered.** All information relating to Preliminary Map approvals must be submitted to the Office of the City Clerk no later than 20 days prior to the scheduled meeting at which is shall be considered. All information relating to Final Map approvals must be submitted to the Office of the City Clerk no later than 15 days prior to the scheduled meeting at which it is to be considered.
- (3) This application must be filled out in its entirety complete with zip codes.
- (4) All applicable fees shall accompany this application prior to its being considered complete. Fees include an application fee of \$100.00 along with applicable postage per property owner to be notified for Commission meeting. Fees may also include notification fees for City Council meeting and publication fees which will be billed to applicant at a later date. *\*\*No permits will be issued until all fees have been paid.*
- (5) Appropriate plats and maps with proper legal description shall accompany this application. **Please refer to attached checklist.**

#### II. APPLICANT INFORMATION: (owner of property)

NAME: Eric T. Brosch

ADDRESS: 1320 Willoughby Rd

Vestavia Hills, AL 35216

MAILING ADDRESS (if different from above) \_\_\_\_\_

PHONE NUMBER: Home 205-567-8722 Office 317-435-5145

NAME OF REPRESENTING ATTORNEY OR OTHER AGENT: \_\_\_\_\_

2019 FEB 20 P 2:42



1320 Willoughby Rd.

P&Z Application

Fence 9.5 ft. high

Page 5

Eric Brosch

**III. ACTION REQUESTED**

Request that the above described property be approved conditional use approval pursuant to Section \_\_\_\_\_ of the Vestavia Hills Zoning Code.

Current Zoning of Property: Vesthaven Lot 8, 5th Sec, Block 3

Requested Conditional use For the intended purpose of: building a privacy fence

9.5 ft. high at the midway point of the fence. See survey for exact location.

*(Example: From "VH R-1" to "VH O-1" for office building)*

*\*\*if additional information is needed, please attached full description of request\*\**

**IV. PROPERTY DESCRIPTION: (address, legal, etc.)**

9.5 ft. high (at highest point) privacy fence at the NE end of house to block the line

of site from our neighbor's house into our backyard, living room and kitchen.

Property size: \_\_\_\_\_ feet X \_\_\_\_\_ feet. Acres: approx. 1 acre

**V. INFORMATION ATTACHED:**



Attached Checklist complete with all required information.



Application fees submitted.

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

Eric Brosch 2-14-19

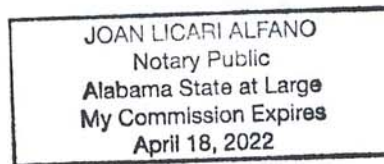
Owner Signature/Date

Representing Agent (if any)/date

Given under my hand and seal  
this 19 day of February, 2019.

Joan Licari Alfano  
Notary Public

My commission expires 18  
day of April, 2022.



Additional Justification:

The height of the privacy fence is necessary in order to block the line of site from our neighbor's kitchen window and back deck (which sit at an elevated position at least 10 ft. above our house) into our house and backyard. From their kitchen window (40+ feet away) our neighbors could see our dog counter surfing on our kitchen countertops 20 ft. into our house. The fence height would also block out intrusive noise and exhaust fumes from our neighbor's vehicles entering and exiting their garages as well as 6 flood lights from their house shining into ours. In summary, we are unable to enjoy any privacy in our own home.

Respectfully Submitted,



Eric T. Brosch

*Joan Licari Alfano* 2/19/19  
JOAN LICARI ALFANO  
Notary Public  
Alabama State at Large  
My Commission Expires  
April 18, 2022

**P0419-15//2800304013021.000**  
**1320 Willoughby Rd.**  
Fence 9.5 ft. high  
Eric Brosch

## Rebecca Leavings

---

**From:** Eric <ericbrosch@hotmail.com>  
**Sent:** Monday, April 22, 2019 12:27 PM  
**To:** Rebecca Leavings  
**Cc:** Traci  
**Subject:** Fw: Privacy Fence Issue

Mrs. Leavings,

We are planning to appeal the recent recommendation from the zoning board to the city council in June. Below is the email I sent to Scott Eason the assistant store manager at the Lowes in Homewood location. He will forward it to Sara at the Lowes Corporate Office in North Carolina for action. We will continue to stay on top of this and keep you informed as to when Lowes will take action.

What is the ruling on the authorized fence height? Is it 8ft or 6ft?

Sincerely,

Eric T. Brosch

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**From:** Eric  
**Sent:** Monday, April 22, 2019 5:16 PM  
**To:** james.s.eason@store.lowes.com  
**Cc:** Traci  
**Subject:** Privacy Fence Issue

Scott,  
Thanks again for taking my call today. Here is the email you requested. Please forward all pictures, the stop work notice and all other documentation we provide you as well.

Dear Sara(sp),

My name is Eric Brosch and I live in Vestavia Hills, AL with my wife Traci. Late last year, we ordered a privacy fence installation from a Lowes store in neighboring Homewood, AL. The material we ordered was to be pressure treated wood (item numbers 494984 and 444958). The work began in early November 2018. The posts were the correct material but the 6in x 12ft boards were non-pressure treated wood (item number 1660) completely unsuitable for outside use on a fence. Because the wood was non-pressure treated we had to pressure wash the mold off of it. This issue was not identified until after the installation. The gate to the fence was also installed incorrectly causing it to sag to one side and not function properly. The contractor also did not use galvanized nails and failed to properly clean up the material laydown area after the work was complete leaving plastic and pallets behind.

Furthermore, the Lowes install contractor conducted the install without first obtaining a building permit from the city of Vestavia Hills. The city found out about this through our next door neighbor and on 20 November



2018 issued a stop work notice pending approval of a work permit request. This came after the fence was 99% complete. Also, because the fence was to exceed the maximum authorized height of 8ft (ours is 9 1/2ft) at its highest point, a variance from the city is required. On April 11th my wife and I sought to obtain the permit with the variance at the city's zoning commission hearing but were denied in large part because of lack of correct materials and overall poor planning by the contractor. We are appealing this decision to the city council in June 2019. Our intent is to have Lowes remove the non-pressure treated 6in x 12ft boards and replace them with the correct pressure treated wood. Pending the city council's approval we will build to the original height of 9 1/2ft at the highest point. If we do not get approval, we will likely only build to the authorized height of 8ft.

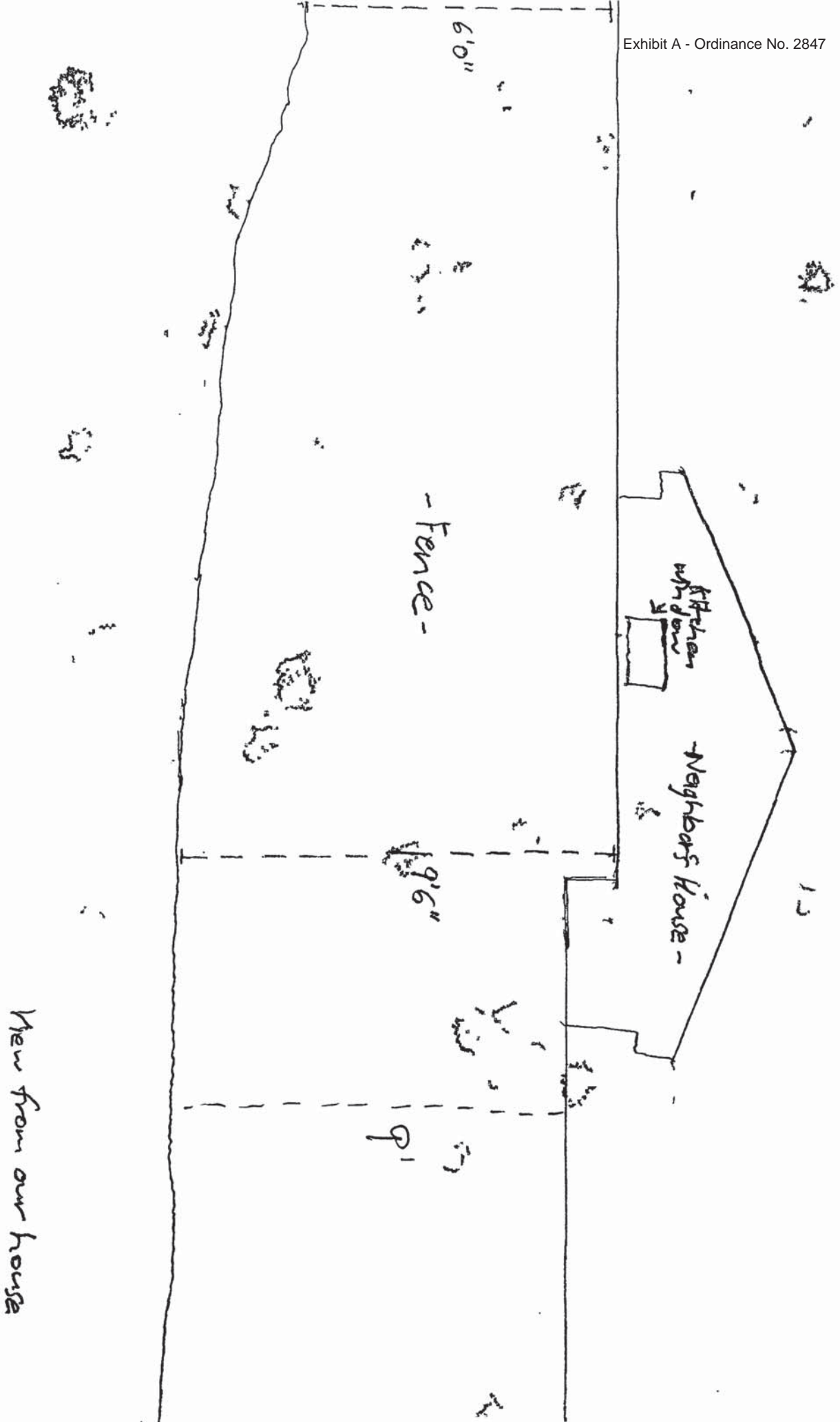
The associated costs for that we have occurred for this project so far are as follows:

- Pressure wash: \$400.00
- Survey to request a permit: \$450.00
- City of Vestavia Hills mailing out notices for zoning commission and city council hearings: \$584.00

We need Lowes to reimburse those expenses and make this right at no additional cost to us.

Sincerely,

Eric T. Brosch



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

Date: APRIL 11, 2019

- **CASE: P-0419-15**
- **REQUESTED ACTION:** Conditional Use Approval For Installation Of Privacy Fence Over 8’
- **ADDRESS/LOCATION:** 1320 Willoughby Road
- **APPLICANT/OWNER:** Eric Brosch
- **GENERAL DISCUSSION:** The fence is currently constructed and used to block the line of sight from neighbor’s house into the backyard, living room, and kitchen. The privacy fence will be 9.5’ (at its peak) at the midway point of the fence. The applicant states that the neighbor’s kitchen window and back deck sit at an elevated position, at least 10’ above the applicant’s house. The applicant contends this would also prevent automobile exhaust and light pollution of the neighboring house from intruding into their backyard. The property is currently zoned R-2.
- **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:** Not recommended over 8’

**MOTION** Mr. Gilchrist made a motion to recommend Conditional Use Approval For Installation Of Privacy Fence Over 8’ for The Property Located At 1320 Willoughby Road. Second was by Mr. Goodwin. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – no

Mr. Sykes – no

Mr. Larson – no

Mr. Gilchrist – no

Mr. House – no

Mrs. Barnes – no

Motion failed due to the application not meeting the requirements stated in Section 13.3.4.1, 4, & 7.









**ORDINANCE NUMBER 2853**

**AN ORDINANCE AUTHORIZING THE MAYOR AND CITY MANAGER TO EXECUTE AND DELIVER AN AGREEMENT WITH HdL COMPANIES D/B/A PREMIA CORP FOR COLLECTION OF BUSINESS LICENSE**

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

1. The Mayor and City Manager are hereby authorized to execute and deliver a revenue enhancement services agreement with HdL Companies d/b/a PREMA Corp; and
2. A copy of said agreement is marked as Exhibit A and is attached to and incorporated into this Ordinance Number 2853 as if written fully therein; and
3. This Ordinance Number 2853 shall become effective immediately upon adoption and approval following posting/publishing pursuant to Alabama law.

**ADOPTED and APPROVED** this the 10<sup>th</sup> day of June, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 1 of 8****SCHEDULE 003 TO CITY/PREMA CORP MASTER AGREEMENT**

This **SCHEDULE NO. 003** (this “Schedule”) to that certain Master Services Agreement effective as of November 15, 2017 (the “Master Agreement”) is entered by and between **HdL COMPANIES dba PREMA Corp** (“PREMA Corp”), and the **CITY OF VESTAVIA HILLS, ALABAMA** (“City” or “Client”) on this \_\_\_\_\_ day of June, 2019 (the “Schedule Date”).

**WITNESSETH:**

**WHEREAS**, Chapter 8 of the City of Vestavia Hills Code of Ordinances (the “City Code”), provides for the levy and assessment of business license fees for the privilege performing or conducting a business, trade or profession or other business activity in the City; and

**WHEREAS**, the City of Vestavia Hills desires to enhance the revenue yield from its Business Licenses and collect all revenue due it for business license fees, from businesses operating in the City; and

**WHEREAS**, PREMA Corp has the qualifications, experience, and expertise to provide Services to discover unlicensed businesses operating in the City (“Non-Compliant Businesses”) and collect business license fees (including unpaid interest and penalties related thereto) from those Non-Compliant Businesses (such fees and unpaid municipal taxes being referenced herein as “Unpaid Revenue”); and

**WHEREAS**, the City utilizes another third party, Avemu Insights & Analytics (Avemu), for the Administration of the Business License Code; and

**WHEREAS**, it is the desire of all parties to work collaboratively to effect a smooth and efficient program that is non-disruptive to the City’s taxpayers and provides a seamless integration and cooperative effort; and

**WHEREAS**, the City and PREMA Corp each desire to enter into an Agreement whereby PREMA Corp provides the Services described herein to discover Non-Compliant Businesses and collect Unpaid Revenue therefrom; and

**WHEREAS**, PREMA Corp and Vestavia Hills desire that, beginning on the Schedule Date, this Schedule be annexed and made a part of the Master Agreement, and that this Schedule continue in effect as provided for in the Master Agreement or in this Schedule.

**NOW THEREFORE**, in consideration of the covenants and promises contained herein, the City and PREMA Corp agree as follows:

**1. Terms of Master Agreement; Capitalized Terms.** Unless otherwise provided in this Schedule, capitalized terms that are not defined herein shall have the same meanings as in the Master Agreement. In the event of a conflict between the terms of the Master Agreement and those in this Schedule, the terms of this Schedule shall control.

**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 2 of 8****2. Scope of Project / Start Date / Schedule / Completion Date.**

(a) Project. PREMA Corp shall provide the City with revenue generation services related to (1) the identification of unlicensed business activity in the City limits by Non-Compliant Businesses that have failed to comply with the licensing requirements in the City Code for the 2014 through 2019 licensing years, and (2) the collection of Unpaid Revenue from Non-Compliant Businesses identified by PREMA Corp on the PREMA Discovery List discussed below (herein collectively the “2019 Revenue Enhancement Project” or the “2019 Project”).

All the parties, including Avenu, recognize that the period in which PREMA Corp performs the 2019 Project will continue beyond the time when businesses operating in the City are required to acquire licenses for the 2020 licensing year. If, in the course of performing the Project, it is determined that a business that PREMA has identified and placed on the PREMA Master List (which may be updated daily) has failed to pay business license fees for the licensing year 2020 (the “2020 Year Delinquencies”), the collection of those 2020 Delinquencies shall also be encompassed in the scope of the 2019 Project and PREMA Corp shall be entitled to receive the Fees (as set forth below) if it collects those 2020 Delinquencies. Non-Compliant Businesses who are discovered after the commencement of the 2020 license year, the eligible period will be changed to license years 2015 through 2020.

(b) Project Start Date. This Project shall commence when (i) this Schedule is fully executed and (ii) the City provides PREMA Corp an authorization to proceed (the “Project Start Date”), and by no later than June 1, 2019.

(c) PREMA Corp will perform the various phases of the Services on the following schedule:

1) Mobilization and Start-up Activities: PREMA Corp will perform its mobilization and startup activities within three (3) months after the Project Start Date. These activities will include software configuration, activation of databases, preparation of business notifications and forms;

2) Creation of PREMA Discovery List: Upon commencement of physical field inventory, PREMA Corp will provide a daily and cumulative list of businesses identified in the field as Non-Compliant Businesses who may have Unpaid Revenue for the 2019 licensing year (the “PREMA Discovery List”), and simultaneously furnish that List to the City and/or Avenu designated representative. Upon completion of the field inventory, the Discovery List may be provided on a weekly or bi-weekly basis, dependent upon notification activity to non-compliant businesses identified through other PREMA proven methods;

3) Field Work and Other Non-Compliance Identification Activities. PREMA will commence field work activities (including contacts with Non-Compliant Businesses) within no later than ninety-five (95) days after Project Start Date, and substantially complete its field work within six (6) months after the Project Start Date. Other methods of identification of businesses with nexus in the City or home



**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 3 of 8**

occupations will continue until sixty (60) days before project end date, or until such time as the City determines an extension of the project end date may be required.

- d) **Project Termination Date.** The 2019 Project shall continue to be in force for three years after Project Start Date. An extension may be granted at such time the City determines it is in the best interests of the City to continue identification of non-compliant businesses.

**3. Cooperation/Suspension of City and Avenu Collection Activities.** The parties understand and agree that the success of the 2019 Project is dependent on cooperation between the City Finance Department revenue staff, **Avenu**, and representatives of PREMA Corp.

The City agrees that its revenue staff **and Avenu**, inspectors or other representatives of its Finance Department **and/or Avenu** will not conduct field inspections, data mining, or any other type of investigation activities for purposes of identifying or discovering Non-Compliant Businesses for the period beginning June 1, 2019 and ending May 31, 2022.

**4. Applicable Fees/Taxes to Be Collected.** The collection Services provided by PREMA Corp. shall be limited to collection from Non-Compliant Businesses of the unpaid license fees (including all applicable interest and penalties) as described in Chapter 8 of the City Code.

**5. Eligibility of Accounts for Discovery and Compensation.** Unless otherwise provided herein, the City and PREMA Corp agree that all Non-Compliant Businesses on the PREMA Discovery List shall be eligible for inclusion and calculation for compensation.

**6. Collection of Applicable Fees.** PREMA Corp may begin collecting the applicable fees and taxes, (including penalties and interest) effective as of the Project Start Date and continue to collect those fees and taxes until such time as this Schedule expires or is terminated. Disbursements, net of PREMA Corp fees, will be made to the City by either wire transfer or by ACH into City's designated account on a not less than bi-monthly basis. Reports of disbursements will be provided to the City as part of the Services.

**7. Provision of Client Data.** The City shall provide PREMA Corp with the most current and active 2019 business licensing year database including, but not limited to, account number, business name, dba name, physical address, mailing address, NAICS Code, 2019 payment amount, and most recent Business License effective data no later than thirty (30) days after the Project Start Date

**8. Scope of Services.** PREMA Corp will provide the following services relative to discovery and collection of business license fees from Non-Compliant Businesses:

- a) **Inventory.** Work by PREMA Corp during the various phases of the Services will include, but not be limited to:
- i) **Physical identification and personal contact with the business as necessary.** Both parties recognize that there may be entities, institutions and industries that are either exempt from licensing under federal, state, or local laws, or are properly licensed but

**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 4 of 8**

- may be engaged in additional lines of business or may have under their “umbrella” individuals who are independent contractors/vendors or who conduct independent activities at a single location in the City that may require a business license. It is agreed that, PREMA Corp will contact management of such entities to seek management's cooperation before contacting individuals or individual independent contractors/vendors. Should PREMA be unable to secure cooperation of management and a list of independent contractors/vendors for which the aforesaid entities conduct business with and are under their "umbrella," then PREMA will notify the City informing them of the lack of cooperation or refusal of the entity to provide a list of such independent contractors/vendors or individuals.
- ii) Identify and confirm businesses that have business presence (nexus) in the City, but who are located outside of the City. The City understands that not all businesses providing services and products in Vestavia Hills but who do not have a physical address in Vestavia Hills, can be identified during the term of the field inventory process.
- iii) Telephone and Internet investigations.
- iv) Comparison of all available databases to listing of businesses currently licensed (e.g. Alabama Secretary of State, Vestavia Hills Chamber of Commerce, City of Vestavia Hills, etc.). Comparison may include licensed retailers to the City's sales tax database to assess completeness and accuracy of both tax and license databases. The City agrees to provide PREMA Corp with full and complete Sales Taxpayer Database for this purpose.
- v) Send written notices of the requirement for license:
- (1) Deliver and/or mail a First Notice
  - (2) Follow up with mailing a Second and a Third/Final Notice of Tax and License requirement
  - (3) PREMA Corp will advise designated City Finance Department staff of license/tax status if no response to Third and Final Notice.
- b) Internet Access. The City will be provided with secure internet access to view and download real-time data from PREMA Corp’s licensing records twenty-four hours a day, seven days a week.
- c) Collections. PREMA Corp will collect the appropriate fees, taxes, and any penalties and interest thereon, on behalf of the City. PREMA Corp will also provide the following assistance to the City in connection with these activities:
- i) Receive completed license applications;
  - ii) Follow up with Business License tax, fee, penalty, and interest calculations for all applicable years and invoicing;

**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 5 of 8**

- iii) Receive all Business License tax payments via PREMA Corp fbo City of Vestavia Hills bank lockbox;
- iv) Provide the City with taxpayer information, payment information, and other documentation provided to PREMA Corp by taxpayer on paid-in-full taxpayer accounts for the City's final review and City's issuance of applicable year's Business License(s);
- v) Deposit, via either ACH or wire transfer, Unpaid Revenues (including license fees and penalties and interest amounts thereon) received on behalf of the City directly into the City's designated bank account during the collection phase of the Project, after deduction of PREMA Corp's fee;
- vi) Provide the City with taxpayer records along with deposit;
- d) Data Entry/License Clerk. PREMA Corp will provide dedicated, trained and knowledgeable staff. Staff assigned to Vestavia Hills shall be an employee of PREMA and not the City for any purpose. Employee may serve as the point of contact for businesses seeking assistance with completing business license application and/or payment of Business License invoices as a result of the Revenue Enhancement project. One or more PREMA employees may be on the City's site at periods of time during the field investigation phase of the project.
- e) Delinquencies. PREMA Corp will provide taxpayer delinquency notification (up to three notices and/or invoices, including final notice/invoice) before turning the account over to the City for further collection action and enforcement. The City reserves the right, in the exercise of its sole discretion, to determine what, if any action, it will take regarding collection of accounts returned by PREMA Corp.
  - (1) Delinquent Closeout. The City shall be advised by PREMA Corp of any amounts outstanding or of non-responsive businesses after the 3rd and Final Invoice and/or third and final notice, respectively, has been provided to taxpayer. Two categories of taxpayers will be identified: (i) businesses who have been invoiced, but have not paid in full; and (ii) businesses who have not responded to Notice(s) of Non-Compliance. The City may, but is not obligated, to take the necessary enforcement action in a timely manner to collect invoiced amounts in full or to achieve compliance with Notice(s) of Non-Compliance.
- f) Call Center. PREMA Corp will provide the City and taxpayer with a call center for customer service during PREMA Corp's normal business hours via a toll-free number.
- g) Documentation. PREMA Corp will provide the City with the following documentation:
  - i) Schedule of current month Business License Tax and Fee remittances by taxpayer and indicating period covered by remittance;

**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 6 of 8**

ii) Summary indicating gross collections, fee for services, and net collections for the period, including the total amount deposited in the City's account on each deposit date.

(1) Deposit of Funds. See Section 8(c) above.

(2) Disputes with Businesses in Collection Process. The parties acknowledge, in the course of PREMA Corp's collection activities with Non-Compliant Businesses, those Businesses may contest whether they are required to have a license from the City or the amounts of Unpaid Revenue (including interest and penalties) that are claimed to be owed (a "Collection Dispute"). Moreover, the parties agree that some circumstances may arise where compromise or settlement of a Collection Dispute would be in the best interests of the parties, the City and the Business. Accordingly, PREMA Corp agrees that, in the event that a Collection Dispute arises, it will advise the City Finance Department of any such Dispute, and the parties thereafter will exercise their good faith efforts to resolve any Dispute with a Non-Compliant Business in a manner that is reasonably acceptable to all interested entities. PREMA will have no authority to compromise or settle a Collection Dispute with a Non-Compliant Business. Requests for abatement of penalty will be directed to PREMA Corp, at which time supporting documentation and any correspondence or communications with taxpayer will be documented and provided to the City along with the Abatement Request for the City's informed determination of Penalty Abatement.

**9. City Assistance.** City shall assist PREMA Corp as follows:

- a) Interpretation of Applicable Provisions in City Code. City staff will provide assistance related to interpretation of the City Code as well as interpretation of the data it provides to PREMA Corp.
- b) PREMA Software Configuration. City staff will provide information required for PREMA's software configuration via a question and answer format and/or data configuration template. PREMA Corp may ask questions throughout the configuration process for accurate and concise information.
- c) Maps and Boundaries. The City will provide boundary address information and maps for the City of Vestavia Hills.
- d) Forms. The City will provide approval of temporarily modified business license application forms to include all applicable and required information from business, including other data as may be required to adequately process application for multiple years and for immediate calculation for invoice. Also, the City will provide approval of other documents and forms as may be required to administer collection of required taxes, fees, penalty, and interest.
- e) The City will provide applicable Codes and other documents relating to its Business License requirements for all applicable years, and approved letters and forms for use in notification of the City's licensing requirements.



**REVENUE ENHANCEMENT SERVICES****SCHEDULE NO. 003****Page 7 of 8**

- f) The City will provide a letter and/or other appropriate documentation (e.g., identification badge) for PREMA Corp to be identified to Non-Compliant Businesses as necessary for its field operations.

**10. Obligations of City.**

- a) City Furnished Data. See Section 6.1 of Master Services Agreement. City will ensure, on behalf of PREMA, the cooperation of Avenu in the timely provision of taxpayer data and records pertinent and necessary to the efficiency and success of the project as described in this Schedule 003.
- b) Unpaid Revenue Calculation. Following the Project Start Date, PREMA Corp and the City will consult on the tax calculation methods employed by PREMA Corp, and used by the City with respect to its business data. The intent of the parties is that Unpaid Revenue be collected in accordance with applicable local and State laws and regulations.
- c) Access to facilities and property. City will make its facilities accessible to PREMA Corp during the City's regular office hours as reasonably required for PREMA Corp to perform the Services, including agreed office space and access to the City's internet service. Access to City computer equipment, system software, and network will be limited to a computer(s) at the Revenue Department with credentials equivalent to those of a business license clerk, with the exception of the cashiering module. City staff will be available on reasonable intervals during the City's regular office hours to assist PREMA Corp representatives with questions related to City records, processes, and data.
- d) Timely Review. If requested, City will examine PREMA Corp's reports, specifications, notices, proposals, and other documents at reasonable intervals. In the event that a decision is required of City in order for PREMA Corp to perform the Services, City shall render such decision in writing in a timely manner.
- e) Litigation Assistance. See Section 6.3 of Master Services Agreement.

**11. Fees.**

- a) City shall pay PREMA Corp the following fees in connection with the performance of the Scheduled Services for the 2017 Project:
- i) A contingent fee of 42% of Unpaid Revenue collected by PREMA Corp during the term of this Schedule. The City agrees that PREMA Corp may continue to collect revenue and receive fees for 90 days after termination of the Schedule with respect to collection activities with a Non-Compliant Business that it initiated within the three-year term of this Schedule.
- ii) A contingent fee of 42% of Unpaid Revenue (i.e. license fees, penalties, and interest due thereon) collected by the City through its own personnel or Avenu.
- iii) In the event that (a) PREMA Corp is unable to collect Unpaid Revenue regarding a Non-Compliant Business and the actions contemplated in

**REVENUE ENHANCEMENT SERVICES**

**SCHEDULE NO. 003**

Paragraphs 8.4 and 8.5 of this Schedule occur, and (b) the City retains the services of a third party who ultimately collects that Revenue, the City will pay PREMA Corp a fee of 42% of the net amount of the Unpaid Revenue for any such account that the City receives after compensating such third party for its services.

iv) PREMA agrees that no Fees are payable to it with respect to payments for business license fees that are made by businesses to the City in the following circumstances:

(1) by any business that is newly established or licensed by the City or Avenu prior to the Project Start Date;

(2) by any business that is newly established, per the City’s Code of Ordinances, and licensed by the City or Avenu after the Project Start Date but is not on the PREMA Discovery List;

**12.** by any business identified in the City business license database as having held a business license from the City for the 2019 licensing year, regardless if any such business does or does not owe the City business license fees for the 2019 licensing year. **Expenses.** The City will not reimburse PREMA Corp for any expenses that it incurs in performing the Services contemplated in this Schedule.

**13. Termination.** This Schedule may be terminated as provided in the Master Agreement or this Schedule, or at any time upon agreement by both parties.

**IN WITNESS WHEREOF**, the parties hereto have executed, sealed, and delivered this Agreement through their duly authorized representatives, as of the day and year first written above.

**PUBLIC RESOURCE MANAGEMENT  
ALLIANCE CORPORATION  
dba PREMA Corp**

**CITY OF VESTAVIA HILLS,  
ALABAMA**

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

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

Its Vice-President

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

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

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

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

City Manager: \_\_\_\_\_

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

**RESOLUTION NUMBER 5163**

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

**WHEREAS**, there has been a petition filed with the City Clerk of the City of Vestavia Hills, Alabama, and herein presented to the City Council of the City of Vestavia Hills, Alabama, dated June 6, 2019, wherein all owners of certain property contiguous to the City Limits of the City of Vestavia Hills, Alabama, ask that their property be annexed to the City of Vestavia Hills, Alabama; and

**WHEREAS**, said Petition has been presented to the City Council of the City of Vestavia Hills, Alabama, on the 10th day of June, 2019; and

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

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

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

1. That the said Petition shall be published one (1) time in *The Birmingham News*, a newspaper of general circulation in Vestavia Hills, Jefferson County, Alabama, on the 19th day of June, 2019.

2. That on the 23rd day of September, 2019, in the Vestavia Hills City Hall, a public hearing will be held to determine the truths of the matter set forth in said petition and to consider any protests or objections filed in writing with the City Clerk prior to such hearing, to determine whether it is in the public interest or not that said property be annexed to the City of Vestavia Hills, Alabama, and to consider adoption of an Ordinance annexing the territory described in said petition to this Municipality.

3. That this Resolution shall become known and referred to as Resolution Number 5163 by the City Council of the City of Vestavia Hills, Alabama, and as annexation of the following described property by the City Council of the City of Vestavia Hills, Alabama:

Acreage Adjacent to the former Gresham School  
Florence Thompson, Owner(s)

More particularly described as follows:

A parcel of land lying in the NE ¼ of the SW ¼ of Section 28, Township 18 south, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at a 2' capped rebar found and locally accepted to be the SW corner of the NE ¼ of the SW ¼ of said Section 28, said point also being a point on the East right-of-way margin of Gresham Drive (50' right-of-way); thence run in a northerly direction along the West line of said 1/4-1/4 section and along said East right-of-way for a distance of 365.04 feet to a ½" rebar found; thence turn right 92 degrees 05 minutes, 00 seconds, leaving the West line of said 1/4-1/4 section and said right-of-way and run in an Easterly direction for a distance of 238.70 feet to an iron pin set; thence turn right 87 degrees 55 minutes 09 seconds and run in a southerly direction for a distance of 365.46 feet to an iron pin set on the South line of said 1/4-1/4 section; thence turn run in a Westerly direction along said South line for a distance of 238.70 feet to the POINT OF BEGINNING. Containing 2.00 acres, more or less.

**APPROVED and ADOPTED** this the 10th day of June, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk



STATE OF ALABAMA

JEFFERSON COUNTY

PETITION FOR ANNEXATION TO THE  
CITY OF VESTAVIA HILLS, ALABAMA

Date of Petition: May 31, 2019

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.



Petitioner respectfully requests that the property situated at 2645 Gresham Drive described in Exhibit A be annexed pursuant to Title 11-42-21, *Code of Alabama, 1975*.

On March 18, 2019, Petitioner, Florence E. Thompson, as “Seller,” and The Board of Education of the City of Vestavia Hills, Alabama, as “Purchaser,” entered into an Agreement for Purchase and Sale of Real Estate (“Agreement”) wherein the Board agreed to purchase the unimproved land described in Exhibit A to be used for public school purposes.

Alabama law, at Title 16-11-9, *Code of Alabama, 1975*, provides that the campuses of public schools owned and operated by a city school board must be located within the corporate boundaries of the municipality. The Agreement provides, among other things, as follows:

Therefore, this Agreement is subject to and contingent upon the following:

**A.** The annexation of the Property to the corporate city boundaries of the City of Vestavia Hills, Alabama by properly enacted ordinance or resolution by the City Council of the City of Vestavia Hills, Alabama pursuant to and in accordance with the requirements of Alabama law; and

**B.** The rezoning of the Property by the City Council of the City of Vestavia Hills, Alabama to an Institutional (“Inst”) zoning classification so as to permit the operation of a city school on the Property.

Purchaser shall have up to sixty (60) days following the Inspection Period to obtain the annexation of the Property to the City of Vestavia Hills, Alabama and the rezoning as described above. The annexation petition and zoning ordinance or resolution by the City Council of the City of Vestavia Hills, Alabama must include an express condition that such annexation and rezoning shall not be effective until the date that title is conveyed to the Purchaser.

If the foregoing conditions are not met as provided hereinabove, this Agreement shall be terminated and cancelled, and all Earnest Money and accrued interest shall be refunded to the Purchaser.

Seller and Purchaser expressly and mutually agree to join together and use their best efforts in taking any and all action necessary to complete the annexation and rezoning as aforesaid.

This Petition for Annexation is made subject to and contingent upon the following:

1. The terms, provisions and conditions of the Agreement as set forth above; and
2. If the property described in Exhibit A is annexed and the sale of the property fails to close, then in such event the said property will be deannexed from the corporate boundaries of the City of Vestavia Hills, Alabama.

Florence E. Thompson hereby authorizes her son, John Stanley Thompson, to represent her and act for and on her behalf regarding any and all matters relative to the annexation and rezoning of the property described in Exhibit A, including specifically but not limited to, the execution and delivery of legal documents and other papers and to represent her in any and all hearings at the City of Vestavia Hills, Alabama.

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

**SIGNATURE(S)**

**DESCRIPTION OF PROPERTY**

\_\_\_\_\_ Lot \_\_\_\_ Block \_\_\_\_ Survey \_\_\_\_\_

\_\_\_\_\_ Lot \_\_\_\_ Block \_\_\_\_ Survey \_\_\_\_\_

\_\_\_\_\_ Lot \_\_\_\_ Block \_\_\_\_ Survey \_\_\_\_\_

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

STATE OF ALABAMA

**JEFFERSON** \_\_\_\_\_ COUNTY

**Florence E. Thompson** \_\_\_\_\_ 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 of Certifier

Subscribed and sworn before me this the 31 day of May, 2019.

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

My commission expires: 7/6/20



**EXHIBIT "A"**

LOT: See metes and bounds legal description below

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

SURVEY: \_\_\_\_\_

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

COUNTY ZONING: E-1 or E-2 (single-family residential)

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

LEGAL DESCRIPTION (METES AND BOUNDS):

**Legal Description:**

A parcel of land lying in the NE ¼ of the SW ¼ of Section 28, Township 18 south, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Begin at a 2' capped rebar found and locally accepted to be the SW corner of the NE ¼ of the SW ¼ of said Section 28, said point also being a point on the East right-of-way margin of Gresham Drive (50' right-of-way); thence run in a northerly direction along the East line of said 1/4-1/4 section and along said East right-of-way for a distance of 365.04 feet to a ½" rebar found; thence turn right 92 degrees 05 minutes, 00 seconds, leaving the West line of said 1/4-1/4 section and said right-of-way and run in an Easterly direction for a distance of 238.70 feet to an iron pin set; thence turn right 87 degrees 55 minutes 09 seconds and run in a southerly direction for a distance of 365.46 feet to an iron pin set on the South line of said 1/4-1/4 section; thence turn run in a Westerly direction along said South line for a distance of 238.70 feet to the POINT OF BEGINNING. Containing 2.00 acres, more or less.

**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): \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

**Information on Children:**

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

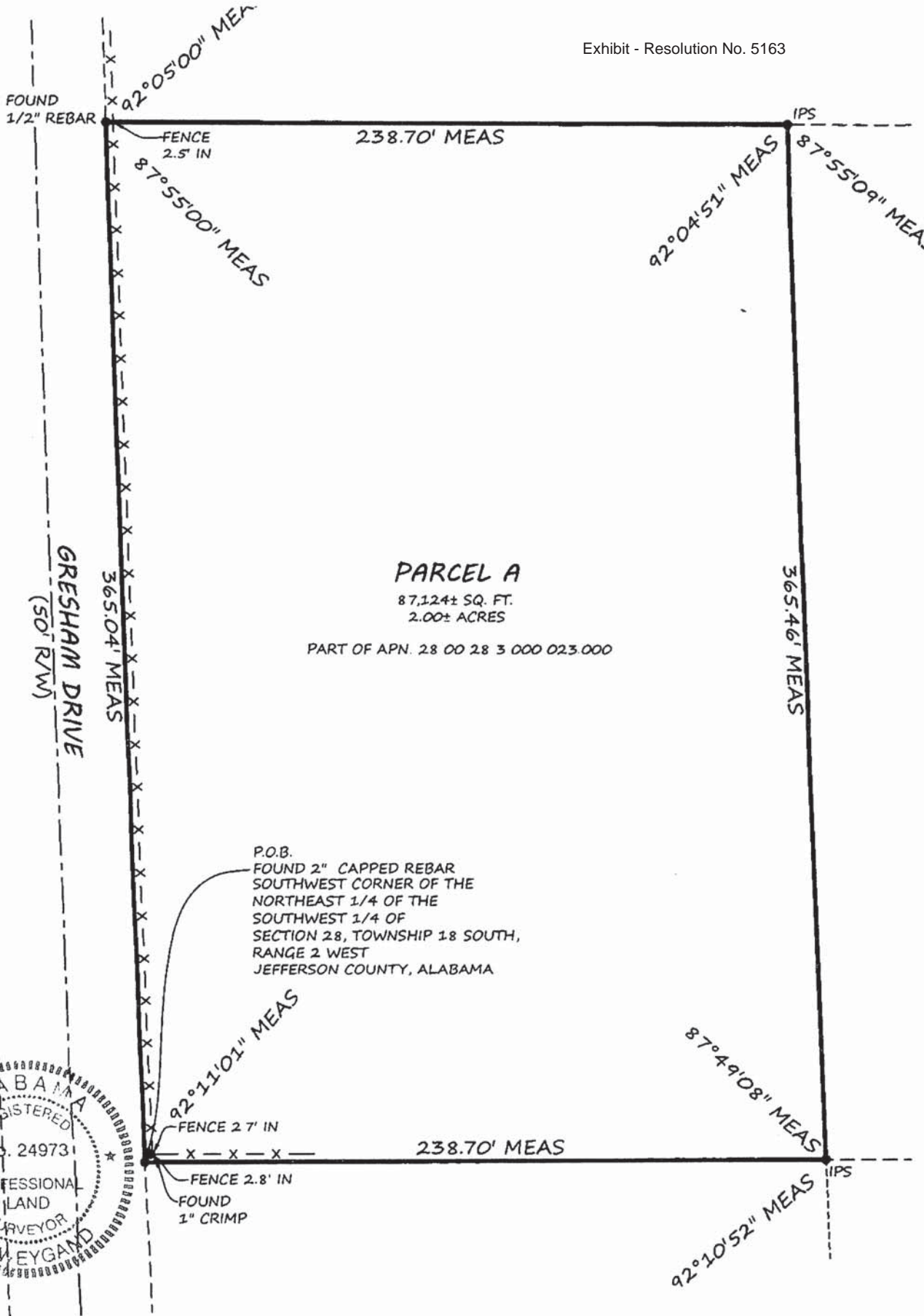
	Name(s)	Age	School Grade	Yes	No
1.	N/A				
2.					
3.					
4.					
5.					
6.					

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



**LEGEND**

- ASP ASPHALT
- BLDG BUILDING
- CALC CALCULATED
- MEAS MEASURED
- CH CHORD
- LNG LONG CHORD
- d DEFLECTION
- Δ DELTA
- ESMT EASEMENT
- HW HEADWALL
- MIN MINIMUM
- MH MANHOLE
- OH OVERHANG
- POR PORCH
- R RADIUS
- R.O.W. RIGHT OF WAY
- IN SANITARY
- JM STORM
- UTIL UTILITY
- AC ACRES
- S.F. SQUARE FEET
- ⊕ CENTERLINE
- A/C AIR CONDITIONER
- POLE
- X— ANCHOR
- X- FENCE
- X—X—X— POWER LINE
- PVMT PAVEMENT
- W/ WITH
- TAN TANGENT
- RES RESIDENCE
- oLGT LIGHT
- COV COVERED
- ▨ DECK
- ⊙ CONCRETE
- ▨ WALL



LEGAL DESCRIPTION:

**ORDINANCE NUMBER 2854**

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

**WHEREAS**, a certain petition signed by Florence Thompson dated June 6, 2019, that the property therein described be annexed to the City of Vestavia Hills, Alabama, together with a map of said territory showing its relationship to the corporate limits of the City, has been filed with the City Clerk of the City of Vestavia Hills; and

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

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

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

Acreage Adjacent to the former Gresham School  
Florence Thompson

A parcel of land lying in the Northeast 1/4 of the Southwest 1/4 of Section 28, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

BEGIN at a 2" capped rebar found and locally accepted to be the Southwest corner of the Northeast 1/4 of the Southwest 1/4 of said Section 28, said point also being a point on the East right of way margin of Gresham Drive (50' right of way); thence run in a Northerly direction along the West line

of said 1/4-1/4 section and along said East right of way for a distance of 365.04 feet to a 1/2" rebar found; thence turn right 92 degrees 05 minutes 00 seconds, leaving the West line of said 1/4-1/4 section and said right of way, and run in an Easterly direction for a distance of 238.70 feet to an iron pin set; thence turn right 87 degrees 55 minutes 09 seconds and run in a southerly direction for a distance of 365.46 feet to an iron pin set on the South line of said 1/4-1/4 section; thence run in a Westerly direction along said South line for a distance of 238.70 feet to the POINT OF BEGINNING. Containing 2.00 acres, more or less.

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

SECTION 3. If, for any reason, the Vestavia Hills Board of Education fails to close on ownership of said property, this Ordinance Number 2854 shall be null and void.

**APPROVED and ADOPTED** this the 10th day of June, 2019.

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 # 2854 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 10th day of June, 2019, 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 \_\_\_\_\_, 2019

Rebecca Leavings  
City Clerk







**RESOLUTION NUMBER 5164**

**A RESOLUTION ACCEPTING A BID FOR CAHABA HEIGHTS SPORTS FIELD IMPROVEMENTS AND AUTHORIZING THE CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO SECURE SAID CONSTRUCTION**

**WHEREAS**, Invitation to Bids were invited and publically read on May 29, 2019 for improvements to Cahaba Heights Sports Fields with four bids received; and

**WHEREAS**, a copy of the official bid tabulation is marked as Exhibit A and is attached to and incorporated into this Resolution Number 5164 as if written fully therein; and

**WHEREAS**, recommendation was made in a letter dated June 5, 2019 from TCU Consulting Services, W. Ken Upchurch, III, to accept the bid package submitted by Stone Building LLC, a copy of which is marked as Exhibit B and is attached to and incorporated into this Resolution Number 5164 as if written fully therein; and

**WHEREAS**, the Mayor and the City Council feel it is in the best interest of the public to accept said bid as recommended.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL AS FOLLOWS:**

1. The bid package submitted by Stone Building LLC is hereby accepted; and
2. The City Manager is hereby authorized to take all actions necessary in order to secure said construction; and
3. This Resolution number 5164 shall become effective immediately upon adoption and approval.

**ADOPTED and APPROVED** this the 10<sup>th</sup> day of June, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**BID TABULATION**

**CAHABA HEIGHTS ATHLETIC FIELDS IMPROVEMENTS - VESTAVIA HILLS**

DATE: Wednesday, 29 May 2019				
TIME: 11:00am CDT				
LOCATION: Vestavia City Hall - Executive Conference Room				
	<b>Duncan &amp; Thompson Construction</b>	<b>Forestry Environmental Services, Inc.</b>	<b>Stone Building, LLC</b>	<b>Taylor Miree Construction</b>
Envelope Sealed	X	X	X	X
GC License No. on Envelope	X	X	X	X
Addenda 1 through 4 Acknowledged	X	X	X	X
Attachment "A" Unit Price and Alternates	X	X	X	X
Attachment "B" Accounting of Sales Tax	X	X	X	X
Attachment "C" Landscape Unit Prices		X	X	X
Bid Bond / Cashiers Check	X	X	X	X
Surety	X	X	X	X
Power of Attorney for Surety	X	X	X	X
License No. on Bid Form	X	X	X	X
Bid Signed	X	X	X	X

<b>BASE BID</b>	<b>\$5,495,900.00</b>	<b>\$7,363,148.00</b>	<b>\$6,000,000.00</b>	<b>\$5,500,000.00</b>
<i>Base Bid Envelope Notations</i>	\$209,850.00		-\$386,000.00	\$447,791.00
<b>BASE BID TOTAL</b>	<b>\$5,705,750.00</b>	<b>\$7,363,148.00</b>	<b>\$5,614,000.00</b>	<b>\$5,947,791.00</b>

<b>ALTERNATE 1. Batting Cage</b>	\$366,097.00	\$651,810.00	\$428,900.00	\$0.00
<i>Envelope Notations</i>	\$29,433.00			\$442,415.00
<b>1. Alternate Total</b>	<b>\$395,530.00</b>	<b>\$651,810.00</b>	<b>\$428,900.00</b>	<b>\$442,415.00</b>
<b>ALTERNATE 2. Lower Parking Lot</b>	\$99,604.00	\$100,474.12	\$89,900.00	\$0.00
<i>Envelope Notations</i>	-\$14,005.00			\$77,184.00
<b>2. Alternate Total</b>	<b>\$85,599.00</b>	<b>\$100,474.12</b>	<b>\$89,900.00</b>	<b>\$77,184.00</b>
<b>ALTERNATE 3. Synthetic Turf All Fields</b>	\$325,000.00	\$244,277.29	\$513,600.00	\$0.00
<i>Envelope Notations</i>	\$91,365.00			\$402,894.00
<b>3. Alternate Total</b>	<b>\$416,365.00</b>	<b>\$244,277.29</b>	<b>\$513,600.00</b>	<b>\$402,894.00</b>
<b>ALTERNATE 4. Dog Parks</b>	\$38,827.00	\$41,270.89	\$39,400.00	\$0.00
<i>Envelope Notations</i>				\$38,138.00
<b>4. Alternate Total</b>	<b>\$38,827.00</b>	<b>\$41,270.89</b>	<b>\$39,400.00</b>	<b>\$38,138.00</b>
<b>ALTERNATE 5. Annual Turf &amp; Landscape</b>	\$69,875.00	\$68,949.39	\$70,300.00	\$0.00
<i>Envelope Notations</i>				\$60,065.00
<b>5. Alternate Total</b>	<b>\$69,875.00</b>	<b>\$68,949.39</b>	<b>\$70,300.00</b>	<b>\$60,065.00</b>
<b>TOTAL BASE BID W/ ALTERNATES (INCLUDING ALL ENVELOPE NOTES)</b>	<b>\$6,711,946.00</b>	<b>\$8,469,929.69</b>	<b>\$6,756,100.00</b>	<b>\$6,968,487.00</b>

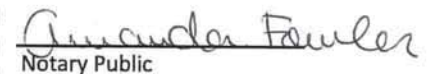
I certify that this is a true and accurate tabulation of the bids received on the captioned project.



Robert Callighan  
Williams Blackstock Architects  
Printed Name

Signature

AMANDA FOWLER  
NOTARY PUBLIC  
STATE OF ALABAMA

  
Notary Public

5/29/2019

June 5, 2019

Mr. Jeff Downes  
City Manager  
City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, Alabama 35216

Re: Cahaba Heights

Dear Mr. Downes:

TCU Consulting Services has reviewed the bid and concur with Williams Blackstock Architects. It is our recommendation that the City of Vestavia Hills proceed with contract award to Stone Building LLC for the Base Bid that was received on May 29, 2019 for the renovation of Cahaba Heights Park.

Sincerely,

A handwritten signature in blue ink, appearing to read "W. Ken Upchurch, III". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

W. Ken Upchurch, III  
Principal

**RESOLUTION NUMBER 5162**

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

**WITNESSETH THESE RECITALS**

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

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

**WHEREAS**, the sanitary sewer easement above referred to is commonly referred to as “sanitary sewer easement” and is more particularly described as follows:

A 20' sanitary sewer easement to be vacated and situated on Lots 8 and 9 of Cove at Overton South as recorded in Map Book 225 Page 57 in the Office of the Judge of Probate in Jefferson County, Alabama, in the SW 1/4 of the NE 1/4 of Section 15, Township 18 South, Range 2 West, Jefferson County, Alabama, being more particularly described as follows:

Commence at the SE corner of Lot 9 of Cove at Overton South as recorded in Map Book 225 Page 57 in the Office of the Judge of Probate in Jefferson County, Alabama; thence westerly along the south line of Lot 9 a distance of 47.31 feet to the POINT OF BEGINNING of the centerline of a 20' sanitary sewer easement to be vacated lying 10' to either side of and parallel to described centerline; thence right 89.01'00" leaving the south line of Lot 9 and run northerly along said centerline a distance of 38.41 feet to a point; thence left 85.00'50" and run westerly along said centerline a distance of 40.43 to a point; thence right 84.36'04" and run northerly along said centerline a distance of 121.67 feet to the southerly right-of-way of Overton Cove, the north line of Lot 8, and the END of said centerline.

**WHEREAS**, it appears to the City Council of the City of Vestavia Hills, Alabama, that convenient and reasonable means of sewer access is afforded to all utilities running through the tract of land embraced in said Survey Plat.

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

**RESOLVED, DONE AND ORDERED**, on this the 24<sup>th</sup> day of June, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

**CERTIFICATION**

I, the undersigned qualified acting Clerk of the City of Vestavia Hills, Alabama, do hereby certify that the above and foregoing is a true copy of a Resolution lawfully passed and adopted by the City Council of the City named therein, at a regular meeting of such Council held on the 24<sup>th</sup> day of June, 2019, and that such Resolution is of record in the Minute Book of the City at page \_\_\_\_\_ thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City on this the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk



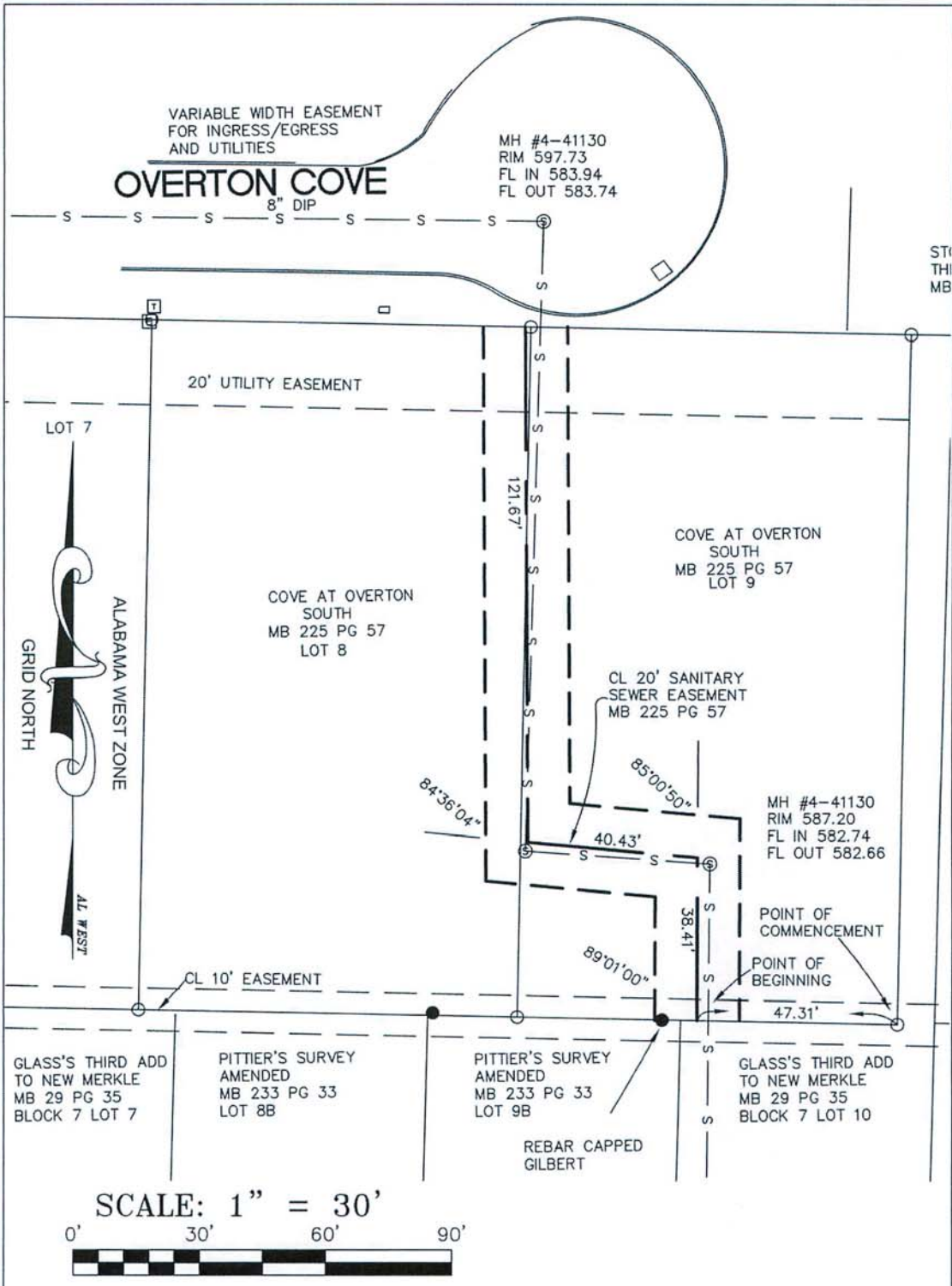


EXHIBIT OF  
THE COVE AT OVERTON  
SOUTH MB 225 PG 57  
20' SANITARY SEWER  
EASEMENT  
TO BE VACATED

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



## JEFFERSON COUNTY COMMISSION



JAMES A. "JIMMIE" STEPHENS – PRESIDENT  
LASHUNDA SCALES  
SHEILA TYSON  
T. JOE KNIGHT  
STEVE AMMONS

## TONY PETELOS

CHIEF EXECUTIVE OFFICER

ENVIRONMENTAL SERVICES DEPARTMENT  
SUITE A300  
716 Richard Arrington Jr. Blvd. N  
Birmingham, Alabama 35203  
Telephone (205) 325-5498  
Fax (205) 325-5981

June 3, 2019

Attention: Rebecca Leavings, City Clerk  
The City of Vestavia Hills  
1032 Montgomery Highway  
Vestavia Hills, AL 35216

RE: Sanitary Sewer Relocation  
The Cove at Overton

Ms. Leavings:

Jefferson County Environmental Services (ESD) has been working with KADCO Homes regarding the relocation of a sanitary sewer main that was installed running through "Lot 9" within "The Cove at Overton Subdivision". At this time, the sewer main has been physically relocated and Jefferson County ESD is awaiting the submittal of an as-built drawing, a television inspection and vacuum testing results from KADCO Homes before final approval will be granted.

All sanitary sewer easements for this development were established by record plat. Therefore, any changes to the recorded easements will need to follow suit with the recording of a new record plat. Jefferson County is agreeable to signing a "new" record plat that vacates the current sewer easement within "Lot 9", while simultaneously establishing the new easement within "Lot 10", once final approval has been granted for the "relocated" sewer main.

Please feel free to contact me at 205-214-8608 if you have any additional questions.

Sincerely,

A handwritten signature in black ink, appearing to read "John A. Crenshaw".

John A. Crenshaw, Senior Engineering Inspector - Impact Division Administrator  
f/s/o Emily Kemp, Chief Civil Engineer - ESD Division Oversight Administrator



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

**June 5, 2019**

To: Rebecca Leavings, City Clerk

Cc: Brian Davis, Director of Public Services  
Christopher Brady, City Engineer

From: Lori Beth Kearley, Senior Civil Engineer

RE: The Cove at Overton – Sanitary Sewer Easement Vacation

---

I have reviewed the request to vacate a Sanitary Sewer Easement originally established on Lot 9 and continued between Lots 8 and 9 in the Cove at Overton subdivision. Per documentation from Jefferson County, the sanitary sewer main has been physically relocated from its original location within this easement to a new location. A new easement will be dedicated by plat based on the new physical location of the main.

Based on the information provided, I do not see any engineering concerns with this request and hereby provide favorable recommendation for approval contingent on establishment of new easement via plat.

If you have questions or need additional information, please let me know.

Sincerely,

  
Lori Beth Kearley

STATE OF ALABAMA  
JEFFERSON COUNTY

DECLARATION OF VACATION

We, the undersigned, constituting all of the owners of all property abutting Jefferson County Sewer easement as same appears on the Plat of Cove at Overton-South which Plat is recorded in Plat Book 225, at Page 57, in the Probate Office of Jefferson County, Alabama, do hereby declare that each of said Plats embraced within the boundaries of said Jefferson County Sewer easement as the same appears of record on the Plat to be vacated, and said Jefferson County Sewer easement is hereby declared vacated. The undersigned do hereby respectfully represent and warrant as follows:

1. This Declaration of Vacation of Jefferson County Sewer easement is prepared, executed, delivered and recorded to and in accordance with the provisions of Section 23-4-20 and Section 35-2-54, Code of Alabama, 1975.

2. It is in the best public interest that Jefferson County Sewer easement be closed and vacated.

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

4. Jefferson County Sewer easement is situated in the City of Vestavia Hills, Jefferson County, Alabama, and appears at Cove at Overton - South Final Plat

\_\_\_\_\_ A copy of the map reflecting the location of Jefferson County Sewer easement is attached hereto and incorporated into this Declaration of Vacation as a part hereof.

5. The street address and legal descriptions of all property abutting Jefferson County Sewer easement and the names and addresses of the owner of said abutting properties are as follows:

A. Street Address: 3183 Overton Cove  
Legal Description: Lot 9 Cove at Overton South  
Owners' Name(s): Overton Investments, LLC

B. Street Address: 3187 Overton Cove  
Legal Description: Lot 9 Cove at Overton South  
Owners' Name(s): Overton Investments, LLC

C. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

D. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

E. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_

F. Street Address: \_\_\_\_\_  
Legal Description: \_\_\_\_\_  
Owners' Name(s): \_\_\_\_\_



STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

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

Given under my hand and official seal, this the 29th day of May, 2019.

Jane B. Richards  
Notary Public  
my commission expires 3/13/2020

STATE OF ALABAMA

GENERAL ACKNOWLEDGMENT

JEFFERSON COUNTY

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

Given under my hand and official seal, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

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



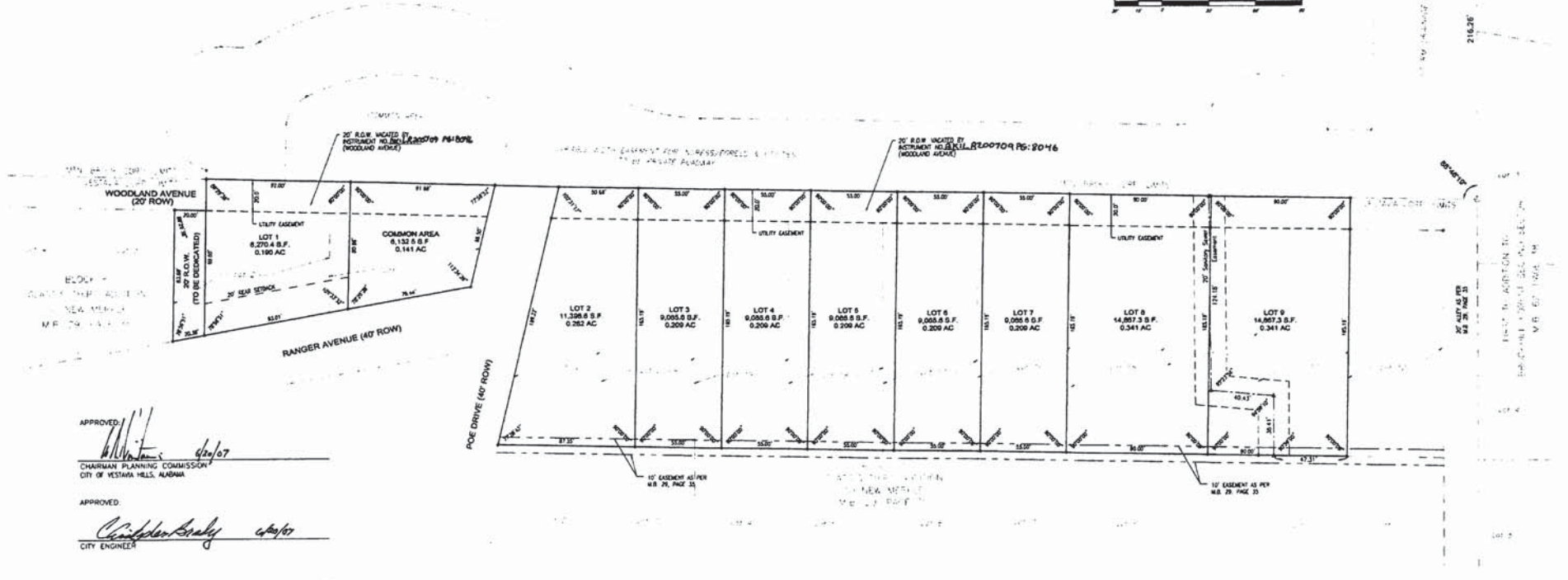


FINAL PLAT FOR

# THE COVE AT OVERTON - SOUTH

BEING A RESURVEY OF LOTS 1 & 2, BLOCK 6, OF GLASS'S THIRD ADDITION TO NEW MERKLE, M.B. 29, PAGE 35  
AND  
BEING A RESURVEY OF LOTS 13 THRU 21, BLOCK 7, OF GLASS'S THIRD ADDITION TO NEW MERKLE, M.B. 29, PAGE 35  
SITUATED IN THE SW 1/4 OF THE NE 1/4, SEC. 15, T 18 S, R 2 W  
CITY OF VESTAVIA HILLS, ALABAMA

Scale: 1"=30'



APPROVED: *[Signature]* 4/20/07  
CHAIRMAN PLANNING COMMISSION  
CITY OF VESTAVIA HILLS, ALABAMA

APPROVED: *[Signature]* 4/20/07  
CITY ENGINEER

APPROVED: *[Signature]* 4/20/07  
CITY CLERK, VESTAVIA HILLS, ALABAMA

### RESERVATION OF SANITARY SEWER EASEMENT

As a condition for approval of these plans, Jefferson County, a political subdivision of the State of Alabama, reserves a sanitary sewer easement within the entirety of the private roadways shown herein to enter upon, keep clear, cross over and under for the purpose of installing, maintaining and repairing a sanitary sewer pipeline, manholes and all the appurtenances thereto within said easement. In the event that the private roadways shown herein shall become public roads in the future, the easement reserved herein shall not be altered, destroyed or revert to the fee owners, but shall remain in full force and effect. This reservation shall not affect any other sanitary sewer easement more specifically described herein nor is it intended to create a public roadway easement in the private roads shown herein or a duty to maintain said private roads by the county or any municipality. The sole purpose of this reservation is to reserve a sanitary sewer easement in the private roadways shown herein.

ENVIRONMENTAL SERVICES DEPARTMENT APPROVAL INDICATES THAT EASEMENTS HAVE BEEN DEDICATED FOR CURRENT AND FUTURE JEFFERSON COUNTY SANITARY SEWERS. HOWEVER THIS DOES NOT MEAN SANITARY SEWERS HAVE BEEN BUILT OR WILL BE BUILT IN THE FUTURE. ANY CHANGES IN THE RIGHT-OF-WAY OR EASEMENT BOUNDARIES AFTER THIS DATE MAY VOID THIS APPROVAL.

DIRECTOR JEFFERSON COUNTY ENVIRONMENTAL SERVICES  
DATE: *[Signature]* 5/10/07

STATE OF ALABAMA  
COUNTY OF JEFFERSON

The undersigned, Karl L. Hager, Surveyor, and ELITE INVESTMENTS, LLC, as Owner, LOTS 1, 2, Block 6, and Lots 13-21, Block 7, and Deborah S. Eshleman, as owner, Lots 13, 14, and 15, Block 7, hereby certify that the plat or map was made pursuant to a survey made by said surveyor and the plat or map was made at the residence of said owner, that the plat or map is a true and correct map of lands shown thereon and known or to be known as The Cove at Overton - South, showing the subdivision into which it is proposed to divide said lands, giving the length and bearings of the boundaries of each lot and its number, among the streets, alleys, and public grounds, giving the bearings, length, width and name of each street, and showing the location of all lot corners and corner points as shown and designated by small iron crosses on said plat or map. Said corner, obsolete streets, alleys and public grounds as shown by said plat or map.

I hereby state that all parts of this survey and showing have been completed in accordance with the current requirements of the practice of Land Surveying in the State of Alabama to the best of my knowledge, information, and belief.

*[Signature]*  
Karl L. Hager, SLS  
Reg. No. 115841

State of Alabama  
Jefferson County

I, Mark S. York, as Notary Public in and for said County and State, do hereby certify that Karl L. Hager, whose name is signed to the foregoing certificate as Surveyor, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such surveyor and with authority thereof.

Given under my hand and seal this 13th day of Feb., 2007.

*[Signature]*  
Mark S. York  
Notary Public  
My Commission Expires March 23, 2007

OWNER, LOTS 13, 14, & 15, Block 7

*[Signature]*  
Elizabeth D. Eshleman

State of Alabama  
Jefferson County

I, Elizabeth D. Eshleman, as Notary Public in and for said County and State, do hereby certify that Elizabeth D. Eshleman, whose name is signed to the foregoing certificate as Owner, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such owner and with authority thereof.

Given under my hand and seal this 13th day of Feb., 2007.

BY: *[Signature]*  
Notary Public  
My Commission Expires 2/11/08

OWNER, LOTS 1 & 2, Block 6  
OWNER, LOTS 13 THRU 21, Block 7

*[Signature]*  
Debra Investments, LLC

State of Alabama  
Jefferson County

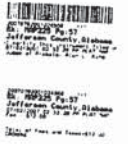
I, Charles G. Kessler, Jr., as Notary Public in and for said County and State, do hereby certify that Charles G. Kessler, Jr., whose name is signed to the foregoing certificate as member of Elite Investments, and who is known to me, acknowledged before me, on this date, that after having been duly informed of the contents of said certificate he executed same voluntarily as such owner and with authority thereof.

Given under my hand and seal this 13th day of Feb., 2007.

BY: *[Signature]*  
Notary Public  
My Commission Expires 2/11/08

### HAGER COMPANY, INC.

LAND SURVEYORS & ENGINEERS  
1823 2nd AVENUE NORTH  
BESSEMER, AL 35020  
PH: (205) 229-1738  
FAX: (205) 425-0330  
HCI JOB NO: 06-046-K





**ORDINANCE NUMBER 2851**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS R-2 TO VESTAVIA HILLS R-9**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills R-2 (medium density residential district) to Vestavia Hills R-9 (planned residential district):

1109 Winward Lane  
Lots 9 & 10, Block 1, TH Payne Subdivision  
Paul and Gail Ausbeck, Owner(s)

**BE IT FURTHER ORDAINED**, that said zoning is conditioned upon the following conditions:

1. Minimum front setback along Winward Lane shall be 35' thereby amending preliminary drawings to 35' in lieu of the drawn 25'.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of June, 2019.

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 # 2851 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 24<sup>th</sup> day of June, 2019, 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 \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk



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

Date: MAY 9, 2019

- **CASE: P-0519-24**
- **REQUESTED ACTION:** Rezoning Vestavia Hills R-2 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 1109 Winward Lane
- **APPLICANT/OWNER:** Paul and Gail Ausbeck
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 1109 Winward Lane from R-2 to R-9. The applicant would like to build 2 new single family detached homes. 1109 Winward Ln. already consists of two platted lots. The property is currently vacant. The setbacks for the two homes would be 35' in the front, 20' in the rear and 5' on the sides. There will be a shared sewer easement parallel to Winward Lane leading to Mission Road and an access easement along the rear of lot 9-A.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for medium density residential.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** No recommendation
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
  4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Weaver made a motion to recommend Rezoning From Vestavia Hills R-2 To Vestavia Hills R-9 for The Property Located At 1109 Winward Lane with the following conditions:

A) Front setback to be set at 35 feet along Winward Ln.  
Second was by Ms. Cobb. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes  
Mr. Romeo – yes  
Ms. Cobb – yes  
Motion carried.

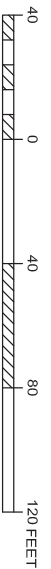
Mr. Sykes – yes  
Mr. Weaver– yes  
Mr. House – yes



Know what's below.  
Call before you dig.

28-00-30-3-006-014.001  
ALAN RODGES  
1912 Mission Road  
Vestavia, AL 35216  
USE: Residential

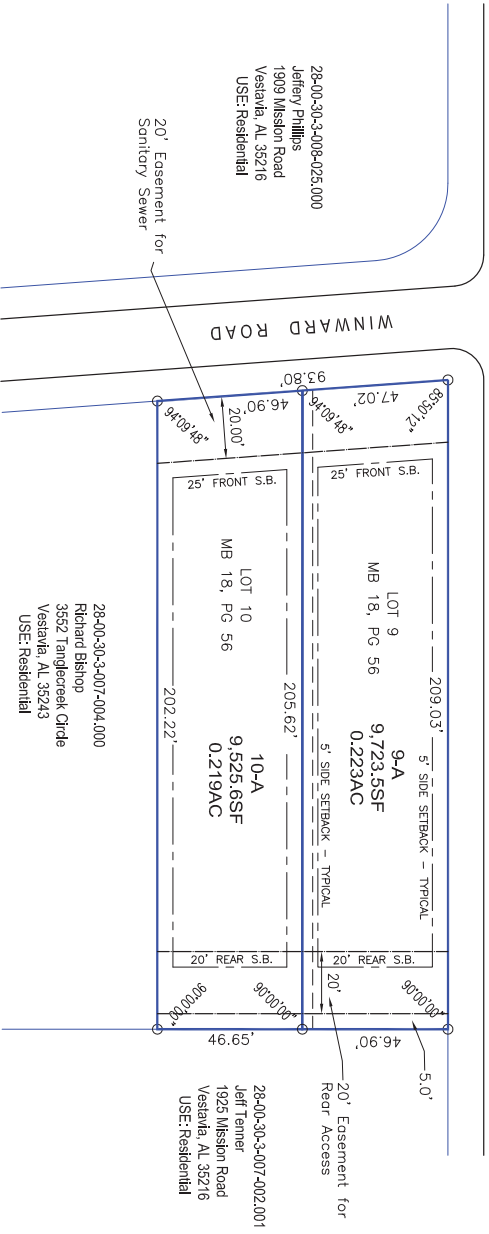
28-00-30-3-006-013.000  
Idefonso Ramirez  
1920 Mission Road  
Vestavia, AL 35216  
USE: Residential



SCALE: 1"=40'



MISSION ROAD  
50' - R/W



KADCO HOMES, OWNER  
1109 WINWARD DRIVE

CURRENT ZONING: R-2

PROPOSED ZONING: R-9

LEGAL DESC: LOT 9 & 10, BLK 1,  
(MB 18, PG 56)

PROPOSED USE: 2 SINGLE  
FAMILY HOUSES

PROPOSED SETBACKS:

FRONT: 25'-0"  
REAR: 20'-0"  
SIDE: 5'-0"

# HagerCo-LLC

keithhager@icloud.com  
Keith L. Hager, PE  
1201 Grayynn Drive  
Birmingham, AL 35216  
Direct: 205.229.1738

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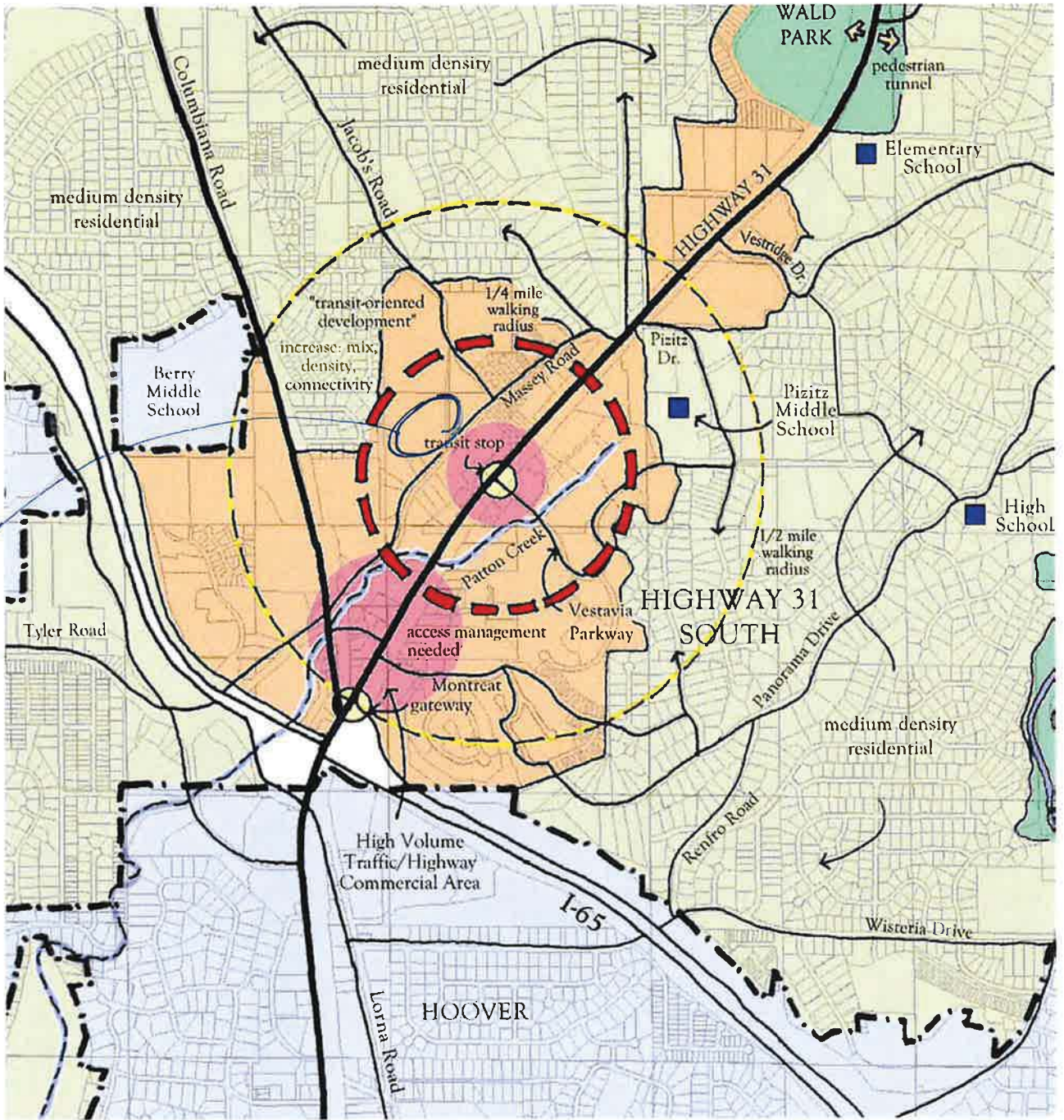


Figure 18: Highway 31 South  
Land Use Analysis

- Neighborhood** - primarily low / medium density single-family residential areas with higher densities near village center(s). Other uses may include schools, places of worship, recreational areas, and open space.
- Village Center** - mixed use centers with highest densities in core areas. Mix of uses should include retail and service businesses, professional offices, high density residential areas, institutions, recreation areas, and public spaces.
- Commercial Core** - primarily high density, retail and service business areas with professional offices and multi-family residences on upper floors or on periphery. Other uses may include institutions and public space.
- Gateways and Nodes** - Gateways are entryways into the community or village enhanced with consistent signage, landscaping, and other elements. Nodes are sites, such as transit stops, where public spaces, signage, and other public design elements should be considered.
- Professional Offices** - primarily professional office uses. Density should vary according to surroundings. Other uses may include retail and services (supporting offices and employees), places of worship, public spaces, and open space.
- Recreation and Open Space** - public and private recreation facilities and preserved natural spaces. Recreation facilities may be active, passive or combined. Open spaces are areas preserved in a natural state and may include passive recreational uses.
- Trailheads** - Trailheads are public sites along a trail, where bike racks, seating, parking, and public amenities are provided for trail users.
- S **Schools** - School facilities administered by the Vestavia Hills School System.



**ORDINANCE NUMBER 2852**

**AN ORDINANCE TO FURTHER AMEND THE ZONING ORDINANCE AND THE ZONING MAP OF THE CITY OF VESTAVIA HILLS, ALABAMA, ADOPTED SEPTEMBER 16, 1985, AND AS LAST AMENDED SO AS TO CHANGE THE CLASS OF DISTRICT ZONING OF PROPERTY FROM VESTAVIA HILLS RC-1 TO VESTAVIA HILLS R-9**

**BE IT ORDAINED** by the City Council of the City of Vestavia Hills, Alabama, as follows: That the Zoning Ordinance and Zoning Map of the City of Vestavia Hills, Alabama, adopted September 16, 1985, and as last amended so as to change the class of district zoning of the following described property from Vestavia Hills RC-1 (condominium residential district) to Vestavia Hills R-9 (planned residential district):

3038 Massey Road  
A portion of Vestavia Terrace, A Condominium  
Overton Investments, LLC, Owner(s)

More particularly described as follows:

A parcel of land being a part of Vestavia Terrace, a Condominium, as recorded in Map Book 240, page 54 in the Office of the Judge of Probate, Jefferson County Alabama, situated in the Southwest quarter of the Southeast quarter and the Southeast quarter of the Southwest quarter, Section 36, Township 18 South, Range 3 West, Jefferson County, Alabama, being more particularly described as follows:

Commence from a found 3" capped pipe marking the Northeast corner of the Southeast quarter of the Southwest quarter of said Section 36 and the Northwest corner of Lot 1, Southbury as recorded in Map Book 83, Page 86 in the Office of the Judge of Probate of said County; thence run South 02 degrees 27 minutes 28 seconds West along the East line of said quarter-quarter section and the West line of said Lot 1, a distance of 325.29 feet to a found capped rebar stamped CA-560-LS and the Point of Beginning; thence continue South 02 Degrees 27 minutes 28 seconds West along said East line and West line for a distance of 78.53 feet to a found capped rebar stamped CA-560-LS; thence leaving said East line run South 41 Degrees 10 minutes 32 seconds East along said West line for a distance of 134.60 feet to a found capped rebar stamped CA-560-LS; thence run South 24 Degrees 44 minutes 32 seconds East along said West line for a distance of 124.90 feet to a found capped rebar stamped CA-560-LS; thence run South 34 Degrees 34 minutes 32 seconds East along said West line for a distance of 9.18 feet to a point; thence leaving said West line run South 42 Degrees 55 minutes 39 seconds West for a distance of 234.85 feet to a point; thence run North 52 Degrees 06 minutes 15 seconds West for a distance of 96.31 feet to a found crimp pipe; thence run North 02 Degrees 32

minutes 24 seconds East for a distance of 415.31 feet to a found capped rebar stamped (LOW) marking the Northeast corner of Lot 9 according to Ridge Park, Addition to Vestavia Hills as recorded in Map Book 69, Page 13 in the Office of the Judge of Probate in said County, said rebar also lying on the South line of Lot 8 of said subdivision; thence run South 88 Degrees 58 minutes 38 seconds East along said South line of Lot 8 for a distance of 74.82 feet to the Point of Beginning, Said parcel contains 66,574 square feet or 1.53 acres more or less.

**APPROVED and ADOPTED** this the 24<sup>th</sup> day of June, 2019.

Ashley C. Curry  
Mayor

ATTESTED BY:

Rebecca Leavings  
City Clerk

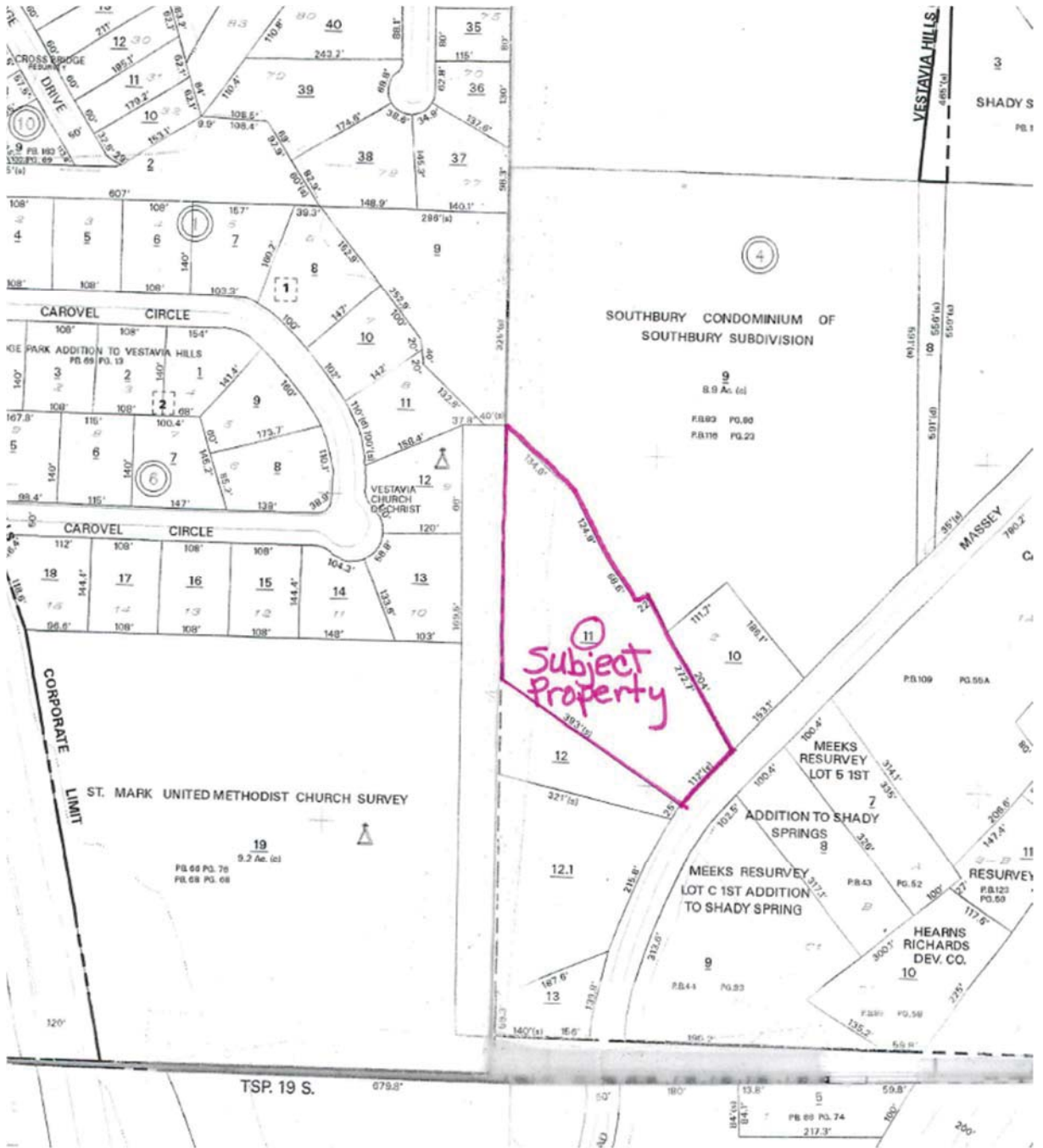
**CERTIFICATION:**

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 # 2852 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 24<sup>th</sup> day of June, 2019, 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 \_\_\_\_\_, 2019.

Rebecca Leavings  
City Clerk





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

Date: MAY 9, 2019

- **CASE:** P-0519-22
- **REQUESTED ACTION:** Rezoning Vestavia Hills RC-1 to Vestavia Hills R-9
- **ADDRESS/LOCATION:** 3038 Massey Road
- **APPLICANT/OWNER:** Overton Investments, LLC
- **GENERAL DISCUSSION:** Applicant is seeking to rezone 3038 Massey Road from RC-1 to R-9. The applicant would like to build 9 townhomes on the property. This is the site previously housed a condo complex, that caught fire and is now currently vacant. There will be an access drive that will connect with the current drive for the condominium in front of the property. There will also be several parking spaces that will be along the access drive. A proposed storm drainage easement will on the side and on the back of the property and a common area will be located on the most northern end of the lot.
- **VESTAVIA HILLS COMPREHENSIVE PLAN:** The request is consistent with the plan for village center.
- **STAFF REVIEW AND RECOMMENDATION:**
  1. **City Planner Review:** I have looked at all of the relevant zoning / subdivision requirements related to this proposal, including application, notification, setbacks, area of lot development, etc. Notification has been sent to property owners pursuant to Alabama law. I have reviewed this request and find it does meet the minimum requirements of the proposed zoning.  
  
**City Planner Recommendation:** No recommendation
  2. **City Engineer Review:** I have reviewed the application and I have no issues with this request.
  3. **City Fire Marshal Review:** I have reviewed the application and I have no issues with this request.
  4. **Building Safety Review:** I have reviewed the application and I have no issues with this request.

**MOTION** Mr. Weaver made a motion to recommend Rezoning From Vestavia Hills RC-1 to Vestavia Hills R-9 for The Property Located At 3038 Massey Road. Second was by Mr. Romeo. Motion was carried on a roll call; vote as follows:

Mr. Goodwin – yes

Mr. Romeo – yes

Ms. Cobb – yes

Motion carried.

Mr. Sykes – yes

Mr. Weaver– yes

Mr. House – yes

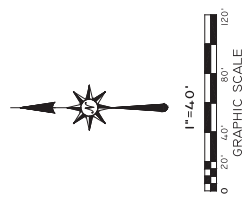


NO.	REVISIONS	DESCRIPTION	DATE

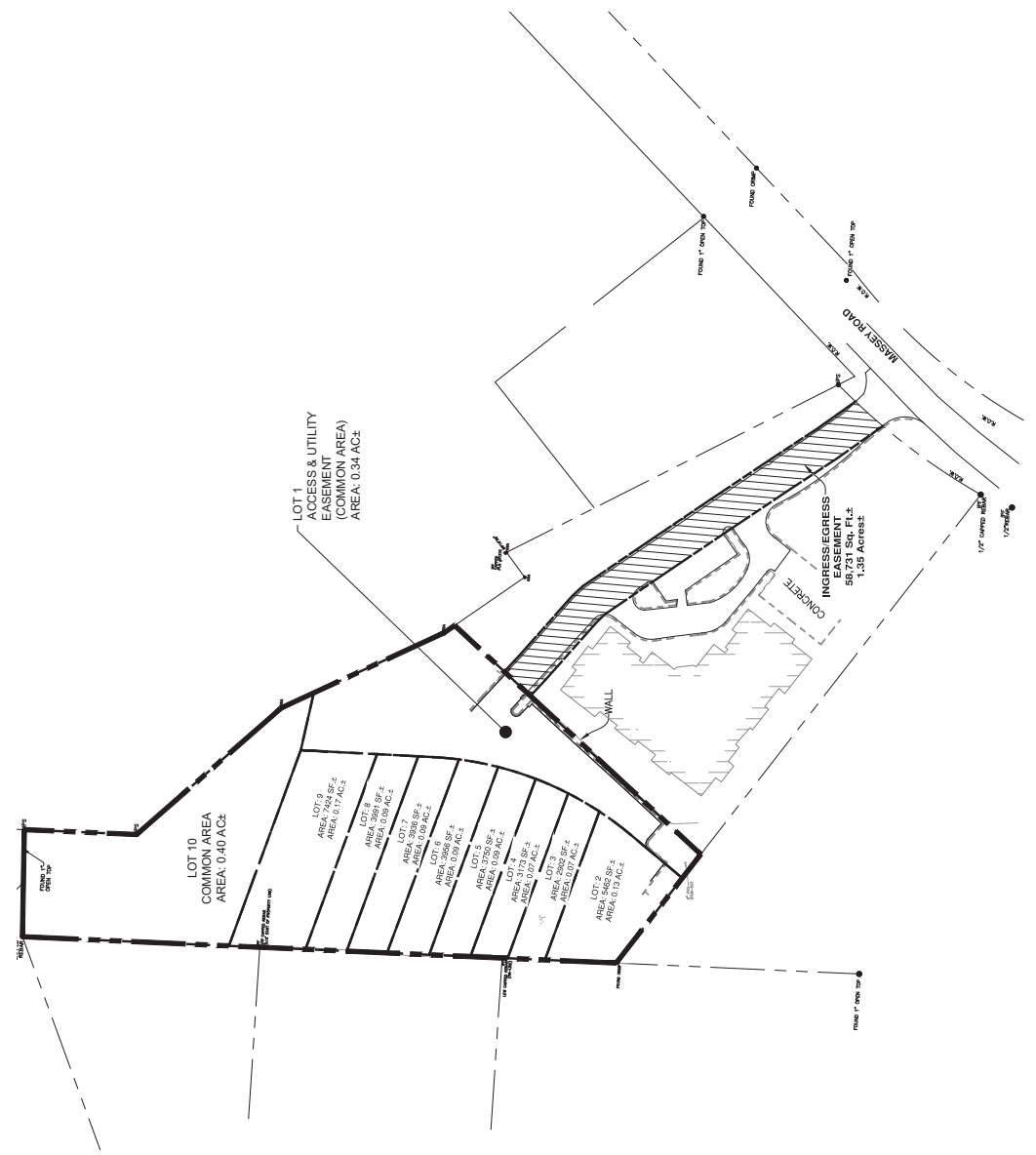
**MASSEY ROAD TOWNHOMES**  
**LOT LAYOUT**  
**KADCO LLC**  
 BIRMINGHAM, ALABAMA  
 11/1/2018  
 DATE  
 SCALE  
 SHEET NO. 18  
 DWN. BY  
 C.D.N. BY  
 L.T.

**GONZALEZ - STRENGTH & ASSOCIATES, INC.**  
 CIVIL ENGINEERING, LAND SURVEYING, PLANNING, TRAFFIC & TRANSPORTATION  
 HOOPER, ALABAMA 35244  
 PHONE: (205) 942-2485  
 FAX: (205) 942-9032  
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 RECORDING  
 PURPOSES OR  
 IMPLEMENTATION**  
 DWG. NO. CT  
 PROJECT 18-0284 C



- GENERAL NOTES:**
- CONTRACTOR SHALL PROVIDE ALL PROPERTY OWNERS AND RECORDS, IF DESTROYED DURING CONSTRUCTION.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE CAUSED TO EXISTING UTILITIES AND RECORDS ON SITE. CONTRACTOR SHALL BE RESPONSIBLE FOR ANY AND ALL DAMAGE CAUSED TO EXISTING UTILITIES AND RECORDS ON SITE.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RECORDS FROM THE LOCAL GOVERNMENT AT THE EARLIEST OPPORTUNITY. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RECORDS FROM THE LOCAL GOVERNMENT AT THE EARLIEST OPPORTUNITY.
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- SHELLAYOUT NOTES:**
- ALL DIMENSIONS ARE TO OUTSIDE FACE OF BUILDING, TO FACE OF CURB, OR TO FACE OF SIDEWALK, UNLESS OTHERWISE NOTED.
  - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RECORDS FROM THE LOCAL GOVERNMENT AT THE EARLIEST OPPORTUNITY.
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Note 20' rear setback min.



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 BIRMINGHAM, ALABAMA

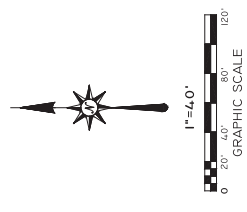
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 CDD BY: [ ]  
 DWN BY: [ ]

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  - OTHER RELATED INFORMATION: ALL DIMENSIONS ARE TO OUTSIDE FACE OF BUILDING, TO FACE OF CURB, OR EDGE OF SIDEWALK, UNLESS OTHERWISE NOTED.
  - SMALLER BLUE LINES LOCAL LOCUS INDICATE CENTERLINE.
  - THE PROPOSED DRIVE TO EXISTING PARKING IS MATCHING GRADE AND ASSUMING SMOOTH TRANSITION.

